

**FISH AND WILDLIFE SERVICE
FEDERAL FINANCIAL ASSISTANCE**

Federal Financial Assistance Part 516 FWS Financial Assistance – Award Administration

Chapter 6 Issuing Discretionary Grant and Cooperative Agreement Awards without Competition 516 FW 6

6.1 What is the purpose of this chapter? This policy provides the information necessary for employees working with grant and cooperative agreement awards to justify and document issuing discretionary awards without engaging in competition (i.e., single source awards) in accordance with Department of the Interior (Department) policy.

6.2 What are the objective and scope of this chapter?

A. Objective: Our objective is for employees who administer and manage grant and cooperative agreement awards to be aware of and follow the documentation and public notice requirements for issuing discretionary awards without engaging in competition (i.e., single source awards).

B. Scope: This chapter:

(1) Covers all Service programs that administer and manage discretionary grant and cooperative agreement awards. A discretionary award is a grant or cooperative agreement for which we may:

- (a)** Select the award recipient from among all eligible applicants,
- (b)** Decide to make or not to make an award based on the content of an application, and
- (c)** Decide the amount of funding to be awarded.

(2) Does not apply to awards made under mandatory programs. Under a mandatory program, the authorizing statute requires us to make an award to each eligible entity under the conditions and in the amount or based on the formula specified in the statute. Table 6-1 lists the Service’s mandatory programs by Catalog of Federal Domestic Assistance (CFDA) number.

Table 6-1: The Service’s Mandatory Financial Assistance Programs		
CFDA Number	Program Title	Award Type
15.605	Sport Fish Restoration Program	Formula Grants
15.611	Wildlife Restoration and Basic Hunter Education	Formula Grants
15.625	Wildlife Conservation and Restoration	Formula Grants
15.626	Enhanced Hunter Education and Safety Program	Formula Grants
15.634	State Wildlife Grants (this program also has a discretionary portion, to which this policy applies)	Formula Grants
15.659	National Wildlife Refuge Fund (Refuge Revenue Sharing)	Direct Payments with Unrestricted Use
15.663	National Fish and Wildlife Foundation	Project Grants
15.668	Coastal Impact Assistance Program	Formula Grants

6.3 What is a single source award? A single source award is a discretionary award we give to a known entity without engaging in competition because it is appropriate based on the entity or the project meeting at least one of the criteria in Table 6-3.

6.4 What is the Service’s policy on single source awards? In general, we must give members of the public who meet the eligibility requirements the opportunity to compete for discretionary awards. We may issue single source awards only when at least one of the criteria in Table 6-3 is met.

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6.5 What are the authorities for this chapter?

- A. [505 Departmental Manual \(DM\) 2](#), Procurement Contracts, Grant and Cooperative Agreements.
- B. Privacy Act of 1974 ([5 U.S.C .552a](#)).

6.6 Who is responsible for decisions related to issuing single source awards? See Table 6-2.

Table 6-2: Responsibilities for Single Source Awards	
These employees . . .	Are responsible for . . .
A. The Director	Making sure the Service has effective policy in place for issuing discretionary grants and cooperative agreements without competition.
B. The Assistant Director – Wildlife and Sport Fish Restoration Program (AD - WSFR), through the Division of Administration and Information Management, Branch of Financial Assistance Policy and Oversight (FAPO)	(1) Developing policy to maximize transparency when issuing discretionary grants and cooperative agreements without competition, and (2) Overseeing Service implementation of the policy.
C. Directorate members in Headquarters and the Regions	(1) Making sure the programs for which they are responsible consistently follow the requirements in this policy, and (2) Requesting a Solicitor’s review when necessary because of complexity, novelty, intellectual property issues, potential conflicts of interest, or other such concerns.

6.7 What criteria must programs use to determine if they can make a single source award?

A. We must encourage competition when making grant and cooperative agreement awards, but we may issue single source awards when at least one of the criteria in Table 6-3 is met (also see 505 DM 2):

Table 6-3: Criteria for Issuing a Single Source Award (from 505 DM 2)	
Criterion	Description
Unsolicited proposal	The proposed award is the result of an unsolicited assistance application that represents a unique or innovative idea, method, or approach that is not the subject of a current or planned contract or assistance award, but is found to be advantageous to the program objectives.
Continuation	The activity to be funded is necessary for the satisfactory completion of, or is a continuation of, an activity presently being funded, and holding a competition would have a significant adverse effect on continuing or completing the activity.
Legislative intent	The language in the applicable authorizing legislation or legislative history clearly indicates the intent of Congress to restrict award to a particular recipient or purpose.
Unique qualifications	The applicant is uniquely qualified to perform the activity based on a variety of demonstrable factors such as location; property ownership; voluntary support capacity; cost-sharing ability, if applicable; technical expertise; or other such unique qualifications.

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Table 6-3: Criteria for Issuing a Single Source Award (from 505 DM 2)

Criterion	Description
Emergencies	Because of a compelling and unusual urgency, or substantial danger to health or safety, there is not enough time to follow adequate competitive procedures.

B. Decisions to award discretionary funds to a single source without engaging in competition:

- (1) Must withstand scrutiny,
- (2) Should protect the public interest, and
- (3) Should be in line with management priorities, objectives, and statutory requirements.

6.8 What are the requirements when the Service issues a single source award? For every single source award, regardless of the amount, we must:

A. Complete FWS Form [3-2452](#), *Determination for Issuing a Single Source Financial Assistance Award*. The form must be signed by both a program representative and the employee with signature authority for the award to be issued (see [516 FW 3](#), *Signature Authority for Grant and Cooperative Agreement Awards* to determine if you have signature authority); and

B. Maintain the signed form in the official award file.

6.9 Do programs have to post information about single source awards on Grants.gov?

A. Yes, depending on the amount of the award. If a single source award is for \$25,000 or more, we must post a funding opportunity on Grants.gov. The posting must be on Grants.gov for at least 5 business days before we issue the award.

B. The funding opportunity notification must include:

- (1) A synopsis,
- (2) The full text of the announcement in the form of a “Notice of Funding Availability” document attached to the synopsis (see the Office of Management and Budget (OMB)’s [Policy Directive on Financial Assistance Program Announcements](#), Vol. 68, No. 120, June 23, 2003), and
- (3) An application package containing the required and optional Governmentwide standard application forms that the program requires the applicant to complete.

C. In the Contract/Financial Assistance Management System Funding Opportunity “Program Description” field, include, in addition to a description of the program or project to be funded, brief but descriptive text that:

- (1) Identifies the intended recipient,
- (2) Indicates the intent to award to that recipient without competition,
- (3) Cites one or more of the criteria the recipient met for the program to justify issuing a single source award (see Table 6-3 or 505 DM 2), and

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(4) Explains why competition for the award is not practical.

D. The funding opportunity posting must not contain any Personally Identifiable Information (PII). PII is information that directly identifies an individual (e.g., full name, phone number, social security number, email address, fingerprints). PII may also consist of a combination of indirect data elements, such as gender, race, birth date, geographic location (e.g., zip code), that someone could use to identify specific individuals. Putting PII on a public Web site is a violation of the [Privacy Act of 1974](#).

6.10 What must programs do if they receive an application in response to a single source funding opportunity from an entity that is not the intended single source recipient? It is possible that we would receive an application from other applicants qualified to perform the anticipated project. We must:

A. Evaluate all applications received, and

B. For each application not selected for funding, send the applicant a written response explaining why the application was not selected.

/sgd/ Stephen Guertin
DEPUTY DIRECTOR

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