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***FY 2016 Federal-State Marketing Improvement  
Program  
General Award Terms and Conditions***

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## 1.0 OVERVIEW OF AWARD TERMS AND CONDITIONS

Award terms and conditions are determined by statutory, regulatory, and agency requirements, as well as the administrative policies of the grant program. Terms and conditions dictate important requirements related to your grant, including payments, reporting frequency and content, and prior approval requests.

References to the terms and condition of your award are located on the AMS-33 Grant Award Face Sheet. All related documents including appendices and these terms and conditions are housed on the AMS web site: <https://www.ams.usda.gov/services/grants>.

Grant recipients work in partnership with the Agricultural Marketing Service (AMS) to ensure proper stewardship of federal funds. This includes submitting timely and accurate payment requests, monitoring project activities for compliance with grant program requirements, and submitting all required reports on time.

### 1.1 Common Terms and Acronyms

| Term/Acronym     | Meaning   |
|------------------|---|
| AMS              | Agricultural Marketing Service  |
| Award Phase      | Award phase includes: the Agency makes funding decisions and notifies recipients of the decisions.  |
| CMIA             | Cash Management Improvement Act   |
| CFDA             | Catalog of Federal Domestic Assistance  |
| Close-Out Phase  | Close-out phase includes: the submission, review, and approval of all final reports as required by specific grant program policies and federal regulations.                               |
| EFT              | Electronic Fund Transfer  |
| FAIN             | Federal Award Identification Number; also known as the Grant Agreement Number   |
| GAGAS            | Generally Accepted Government Auditing Standards  |
| OMB              | Office of Management and Budget   |
| PII              | Protected Personally Identifiable Information   |
| Pre-Award Phase  | Pre-Award phase includes: the announcement of funding opportunities and encompasses the preparation, submission, and review of proposals.   |
| Post-Award Phase | Post-Award phase includes: establishing accounts in the financial payment system, monitoring for compliance with applicable laws, regulations, policies, and submitting required reports. |
| SAM.gov          | System for Award Management (.gov)  |
| USDA             | United States Department of Agriculture   |

## 2.0 FINANCIAL MANAGEMENT

You and your subrecipients are required to meet the standards and requirements for financial management systems set forth or referenced in [2 CFR §200.302](#).

The adequacy of your financial management system is integral to your ability to account for grant expenditures and track matching resources. You must use Federal funds in a responsible manner and apply adequate internal controls and cash management practices consistent with the requirements outlined in [2 CFR §200.303](#).

States must expend and account for funds under this award in accordance with their own State laws and procedures. Financial management systems and related records, of the State and any other entity involved in the grant must be sufficiently detailed to be able to prepare reports, trace funds and demonstrate that funds are managed in compliance with Federal statutes, regulations, and these general and other program-specific terms and conditions.

Your financial management system must provide:

- 1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. This identification must include, as applicable:

- a. The Catalog of Federal Domestic Assistance (CFDA) title and number,
  - b. Grant Agreement Number/Federal award identification number (FAIN) and Federal fiscal year awarded,
  - c. Name of the Federal agency, and
  - d. Name of the pass-through entity, if any.
- 2) Accurate, current, and complete disclosure of the financial accounting of each Federal award or program.
  - 3) Records that adequately identify the source and application of funds for federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest. Accounting records must be supported by source documentation such as canceled checks, paid bills, payrolls, time and attendance records, contracts, and subaward documents.
  - 4) Effective control over, and accountability for, all funds, property, and other assets. You must adequately safeguard all assets and assure that they are used solely for authorized purposes.
  - 5) Comparison of expenditures with budget amounts for each Federal award.
  - 6) Written procedures to implement the requirements of [2 CFR §200.305 Payment](#), which minimize the time elapsing between the transfer of Federal funds to any non-Federal entity and the disbursement of the funds for direct program costs and the proportionate share of any allowable indirect or facilities and administrative costs.
  - 7) Written procedures for determining the allowability of costs in accordance with [2 CFR §200 Subpart E—Cost Principles](#) and the terms and conditions of this award.

You must notify your AMS point of contact when financial management problems are discovered. Deficiencies in your financial management system, whether you report them or if they are identified by AMS may result in the imposition of special award conditions, such as a high risk designation, or other requirements for increased monitoring.

## 2.1 Cost Sharing or Matching

Cost sharing or matching refers to the portion of project costs not paid by Federal funds. Cost sharing or matching in the form of cash and/or in-kind non-Federal resources must be directly related to the project's objectives, and be properly documented. If the amount of the approved cost-sharing or matching provided by you or by a project partner or subrecipient changes, you must request prior written approval from to AMS (see [10.10 Cost Share-Changes in the Amount](#)).

You are required to provide a dollar-for-dollar match in the form of cash and/or in-kind non-Federal resources.

## 2.2 Required Documentation

You must ensure that cost-sharing or matching documentation complies with the applicable Federal administrative provisions found in [2 CFR §200.306](#). You must maintain documentation identifying:

- 1) The specific costs or contributions that constitute the cost- sharing or matching,
- 2) The funding source or contribution, and
- 3) How the appropriate amount of the contribution was determined for reporting purposes.

You should refer to [2 CFR §200.306](#) for guidance on how to allocate the cost sharing or matching; however, if you need further guidance, consult AMS about properly documenting the contribution.

Documentation does not need to be provided to AMS, but it must be retained in your project file and made available upon request. Cost sharing or matching must be reported on the Federal Financial Report ([SF-425](#)) and the Request for Advance or Reimbursement ([SF-270](#)).

## 2.3 Sources and Restrictions

You may use funds or other resources contributed by community organizations, as well as trade associations and other project participants to satisfy the cost sharing or matching requirement upon providing the appropriate documentation.

A recipient may also use unrecovered indirect costs as part of cost sharing or matching. Unrecovered indirect cost means the difference between the amount charged to the Federal award and the amount that could have been charged to the Federal award under the potential recipient's approved negotiated indirect cost rate.

You cannot use Federal funds or program income to meet cost sharing or matching requirements.

## 3.0 SUBRECIPIENT MONITORING & MANAGEMENT

A subaward is an award provided by a pass-through entity to a subrecipient to carry out all or part of a grant project. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

You must enter into a formal written agreement with each subrecipient that addresses the arrangements for meeting the programmatic, administrative, financial, and reporting requirements of the grant, including those necessary to ensure compliance with all applicable Federal regulations and policies. Specifically, you are responsible for including the requirements of the applicable AMS award terms and conditions in your subaward agreements as well as the provisions required under [2 CFR §200.331](#) REQUIREMENTS FOR PASS-THROUGH ENTITIES.

Please see [Appendix A to 2 CFR §170 – Award Term](#) for additional reporting requirements concerning subawards.

### 3.1 Accountability to the Federal Award

You are accountable to AMS for the performance of subawarded projects and the appropriate expenditure of Federal funds by all parties under this agreement. This includes maintaining the necessary documentation on all subawards and making it available to AMS upon request. You must include subaward activities in all performance and financial reports. In general, the requirements that apply to you as the recipient of the award also apply to your subrecipients.

If a subrecipient fails to comply with the terms and conditions of this award, you may impose special award conditions,, including one or more of the corrective actions outlined in [2 CFR §200.338](#) REMEDIES FOR NONCOMPLIANCE.

## 4.0 PAYMENTS

### 4.1 Types of Payments

#### 4.1.1 Advances

An advance payment is a payment that AMS or a pass-through entity makes before funds are disbursed for program purposes. Requests for advance payments must be limited to amounts needed to meet actual and immediate cash needs.

#### 4.1.2 Reimbursements

Reimbursements are transfers of Federal funds to you, after you pay out funds for approved project activities.

### 4.2 How to Request Payments

Email a scanned copy of the [SF-270](#), a Request for Advance or Reimbursement to the appropriate AMS grant program representative as indicated in your award letter. Your authorized organizational representative must sign the SF-270. Instructions for completing the SF-270 and a sample SF-270 Request for Advance/Reimbursement can be found on the FSMIP websites at <https://www.ams.usda.gov/services/grants/fsmip/administration>.

Your final payment request must be received no later than 90 calendar days after the end date of your grant agreement. The final payment request must cover expenses that were incurred within the grant period of performance.

For States, payments are governed by Treasury-State Cash Management Improvement Act (CMIA) agreements and default procedures codified at [31 CFR §205](#) Rules and Procedures for Efficient Federal-State Funds Transfers and [TFM 4A-2000](#) Overall Disbursing Rules for All Federal Agencies. All other non-Federal entities must meet the payment requirements in [2 CFR §200.305](#).

AMS will confirm receipt of the request for payment via email, review the request, and communicate with the recipient project coordinator (the individual indicated in block 14 of the AMS-33 Agreement Face Sheet) if there are questions or concerns. The recipient project coordinator will revise the request for payment to address the questions and concerns.

Upon approval, AMS will make payments via Electronic Fund Transfer (EFT) to the bank account specified by you in the System for Award Management at [www.sam.gov](http://www.sam.gov). If your banking information is incorrect or changes anytime during the grant period, please update your registration at [www.sam.gov](http://www.sam.gov) and notify AMS as soon as possible to ensure proper and timely deposit of funds.

#### 4.2.1 Payment Source Documentation and Other Requirements

In addition to the [SF-270](#), you must submit an *AMS Grant Programs Worksheet*. The worksheet must be submitted at the same time as the SF-270. You can find an acceptable example of this worksheet at [SF-270 Worksheet](#).

At any point during the grant period, AMS will determine, based on a combination of factors (initial financial capability statement, review of the SF-270 worksheet, timely submission of first and subsequent performance reports, and accuracy of SF-270 requests) whether the recipient will be required to submit original source documentation. You will be notified by AMS prior to implementing this decision. In any event, recipients must continue to collect and maintain their source documentation so it may be made available upon request by AMS at any time during the grant period. This documentation is vital to proper management of the grant, and is one element of the grant file that, in accordance with federal regulations, must be retained for 3 years after the grant is complete.

Source documentation includes but is not limited to receipts, canceled checks, paid bills, payrolls, time and attendance records, contracts, invoices, and subaward documents. If you have a receipt or other source document that pays for a portion of the total amount indicated on the document, you must modify it to appropriately specify the expenses and total amount charged to the grant program.

The *SF-270 Worksheet* must provide the following:

##### Overall Agreement Information

- Grant Agreement Number
- Recipient Organization
- Recipient Contact
- Time Period of the Request

##### Individual Expense Information

- Payee name
- Date of Expense
- Amount
- Assigned Budget category
- Any Notes to explain the expense
- If the original receipt is available

#### 4.2.2. Requests for Advance Payment

To request an advance payment, submit an SF-270 and an *AMS Grant Programs Worksheet to Accompany the SF-270 Request for Advance/Reimbursement*. Requests for advance payment must meet the requirements outlined in [4.1.1 Advances](#), and if requested by AMS, source documentation to substantiate your payment request.

#### 4.3 Payments to Subrecipients

If you subaward or subcontract AMS grant funds, as the pass-through entity, you must provide your subrecipients with written procedures for requesting funds from you, including dollar amount, method and schedule of payment, type of supporting documentation required, and procedures for review and approval of expenditures of grant funds.

You must minimize the time elapsing between the transfer of cash advances and the actual disbursement of funds by your subrecipients. If you or your subrecipients cannot meet these requirements, payments should be requested on a reimbursement basis.

#### 4.4 Timely Drawdown and Use of Grant Funds

AMS may reduce your grant award funds without further cause if you do not drawdown funds in the first year of the grant period, and at reasonable intervals thereafter. Schedule your payment requests so that all grant funds are obligated (encumbered) by the end date of the grant agreement and liquidated within 90 calendar days after that date. If you have received funds and have not obligated them by the end date of the grant agreement, you must immediately refund to AMS any unobligated (unencumbered) balance of cash.

### 5.0 FINANCIAL REPORTING

You must submit a Federal Financial Report ([SF-425](#)) with your interim and final performance reports as directed in [11.0 Performance and Financial Reports](#). The SF-425 should reflect the cumulative financial activity, including both grant and matching funds through the grant period covered in the report. The final SF-425 should reflect cumulative financial activity for the entire grant period.

The authorized organization representative must sign the SF-425 and submit the form via email to AMS. The original form should be retained in your program file.

When you submit a revised final SF-425 that results in additional monetary claims, AMS will determine approval based on whether the revised costs are allowable and necessary, and if there are funds remaining. You must also explain what internal controls you are implementing that will preclude similar occurrences in the future.

### 6.0 INTEREST EARNED ON ADVANCES OF GRANT FUNDS

For states, payments are governed by Treasury-State CMIA agreements and default procedures codified at 31 CFR Part 205 “Rules and Procedures for Efficient Federal-State Funds Transfers” and TFM 4A-2000 Overall Disbursing Rules for All Federal Agencies.

For your non-federal entities other than states, if you accrue interest on an advance of grant funds that amounts up to \$500 per year, you may retain it for administrative expenses. You must remit any additional interest earned on Federal advance payments deposited in interest-bearing accounts annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment. Remittances must include pertinent information of the payee and nature of payment in the memo area (often referred to as “addenda records” by Financial Institutions) as that will assist in the timely posting of interest earned on federal funds. Since the payment does not originate from PMS, you must include pertinent AMS information. The remittance must be submitted as outlined in the following examples:

#### ACH Returns Example:

Routing Number: 051036706  
Account Number: 303000  
Bank Name and Location: Credit Gateway—ACH Receiver St. Paul, MN

**Fedwire Returns Example:** (Please note organization initiating payment is likely to incur a charge from your Financial Institution for this type of payment)

Routing Number: 021030004  
Account Number: 75010501  
Bank Name and Location: Federal Reserve Bank Treas NYC/Funds Transfer Division New York, NY

If you do not have the ability to remit funds electronically, please make your check payable to: [The Department of Health and Human Services](#).

Mail Check to Treasury approved lockbox:

Please allow 4-6 weeks for processing of a payment by check to be applied to the appropriate PMS account.

Any additional information/instructions may be found on the PMS Website at <http://www.dpm.psc.gov/>.

## 7.0 PROGRAM INCOME

Program income is gross income earned during the grant period by you or your subrecipients resulting from activities supported by a Federal award. Program income includes, but is not limited to, income from fees for services performed; the sale of commodities or items fabricated under an award (this includes items sold at cost if the cost of producing the item was funded in whole or partially with grant funds); registration fees for conferences, workshops, etc. Royalties or equivalent income earned from patents, inventions, trademarks, and copyrighted works is not subject to this section.

Any program income generated during the grant period must be used to further the objectives of the grant project.

All program income must be recorded on the Federal Financial Report ([SF-425](#)) for the period in which it was earned. You are not accountable for program income earned after the grant period.

### 7.1 Use of Program Income by Pass-Throughs/Subrecipients

If you award funds to subrecipients, you as the pass-through entity are responsible for determining how your subrecipients use program income. Uses of program income in accordance with [2 CFR §200.307\(e\)](#) must be included in your program announcement or award terms and conditions. If you do not specify how your subrecipients must use program income, the program income is added to funds committed to the total project costs and should be used to further eligible project or program activities.

## 8.0 PROCUREMENTS

You and your subrecipients may acquire commercially available goods or services in connection with a grant project. In doing so, you must use your own documented procurement procedures which may reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards [2 CFR §200.318](#) GENERAL PROCUREMENT STANDARDS through [§ 200.326](#) CONTRACT PROVISIONS.

- **State recipients** must follow the same policies and procedures the State uses for procurements from non-Federal funds. The State will comply with [2 CFR §200.322](#) PROCUREMENT OF RECOVERED MATERIALS and ensure that every purchase order or other contract includes any applicable provisions described in [Appendix II of 2 CFR §200](#).
- **All other non-Federal recipients and subrecipients**, including subrecipients of a state must follow [2 CFR §200.318](#) GENERAL PROCUREMENT STANDARDS through [§200.326](#) CONTRACT PROVISIONS.
- The requirements of the Federal award also apply to any subcontract. You are responsible for ensuring that all of your contracts made in connection with the AMS project contain the applicable provisions described in [Appendix II of 2 CFR §200](#).

## 9.0 ALLOWABLE COSTS AND ACTIVITIES

### 9.1 Indirect Costs

*Indirect costs* (also known as “facilities and administrative costs”—defined at [2 CFR §200.56](#)) represent the expenses of doing business that are not readily identified with a particular grant, contract, project function or activity, but are necessary for the general operation of the organization and the conduct of activities it performs. Refer to [2 CFR §200.413](#) and [414](#) for additional information on determining if costs charged to the award are direct or indirect.

Direct charging of these costs may be appropriate where the following conditions are met:

1. Administrative or clerical services are integral to a project or activity;

2. Individuals involved can be specifically identified with the project or activity;
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency; and
4. The costs are not also recovered as indirect costs.

Indirect costs are no longer restricted to only the match. Indirect cost may be charged to the grant and/or brought as a match. The maximum allowed indirect costs (10 percent) may be claimed under the Federal portion of the award budget or, alternatively, the maximum allowed indirect costs may be offered as a matching contribution (if no indirect costs are requested on the Federal portion of the budget). A recipient may split the allocation between the Federal and non-Federal portions of the budget only if the total percentage of indirect costs under the project does not exceed the maximum allowed indirect costs of ten percent. Alternatively, the recipient may request any other, similar percentage combination that, when combined, does not exceed the maximum indirect cost rate of ten percent. Refer to [2 CFR §200.413](#) and [414](#) for additional information on determining if costs charged to the award are direct or indirect.

**Applicant Indirect Cost** - If an applicant has a negotiated indirect cost rate greater than 10 percent of total direct costs, the applicant must submit a copy of their approved *Indirect Cost Rate Proposal* to substantiate its request for the establishment of an indirect cost rate above 10 percent as described in [Appendix III to Part 200](#)—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs) through [Appendix VII to Part 200](#)—States and Local Government and Indian Tribe Indirect Cost Proposals of this part, and [Appendix IX to Part 200](#)—Hospital Cost Principles.

**Subrecipient Indirect Cost** - If subrecipient indirect cost will be charged to the grant and/or brought as a match, the subrecipient’s negotiated rate may be used. If the subrecipient does not have a negotiated rate, the maximum rate allowed is 10%. Note that the total indirect cost for the project must not exceed the percentage of the applicant’s negotiated rate.

## 9.2 Allowable and Unallowable Costs and Activities

The following table summarizes allowable and unallowable costs in common categories of AMS project budgets. This section is not intended to be all-inclusive. Reference [Subpart E-Cost Principles of 2 CFR part 200](#) for a complete explanation of the allowability of costs. If you have questions concerning the allowability of costs after reviewing this section, contact your AMS representative.

**Note that the allowable costs listed below may also be cost-shared or brought as part of the required match. Unallowable costs cannot be brought as a match.**

| Item                                     | Description   |
|--|---|
| <b>Advisory Councils</b>                 | <i>Unallowable</i> for costs incurred by advisory councils or committees.   |
| <b>Buildings and Land - Construction</b> | <p><i>Unallowable</i> for the acquisition of buildings, facilities, or land or to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations of an existing building or facility (including site grading and improvement, and architecture fees). This also includes construction and construction-related materials, which may include, but are not limited to the purchase of building materials such as wood, nails, concrete, asphalt, roofing, gravel, sand, paint, insulation, drywall, or plumbing.</p> <p><i>Allowable</i> for rental costs of land with prior approval (see <a href="#">10.8 Specific Allowable Costs Prior Approvals</a>). However, lease agreements to own (i.e., lease-to-own or rent-to-own) are not allowable. The lease or rental agreement must terminate at the end of the grant cycle.</p> <p>A <i>building</i> is any permanent structure designed or intended for support, enclosure, shelter or protection of people, animals or property having a permanent roof supported by columns or walls.</p> |

| Item                                     | Description  |
|--|--|
| <p><b>Conferences</b></p>                | <p><i>Unallowable</i> if the project solely consists of conference or workshop. A conference as defined in <a href="#">2 CFR 200.432</a>.</p> <p><i>Allowable</i> if a conference or workshop is part of a larger project. The applicant must clearly indicate the purpose and target audience for the conference or workshop, and explain how the activity will be paid for. Also indicate if registration fees will be collected and if applicable, show the fees as program income on the Budget spreadsheet and provide an explanation in the Budget Narrative. If funds are requested to pay for food or refreshments, provide an estimate</p> <p><i>Allowable</i> to rent a building or room for training, however, where appropriate, AMS encourages the use of technologies such as webinars, teleconferencing, or videoconferencing as an alternative to renting a building or a room. If renting a building or a room is necessary, the most cost-effective facilities such as State government conference rooms should be utilized.</p> <p><i>Unallowable</i> for meal costs (breakfast, lunch and dinner) unless the applicant justifies that to do so would otherwise impose arduous conditions on the continuity of a meeting and its participants. Breakfasts for conference attendees are usually considered unallowable as it is expected that individuals will have sufficient time to dine on their own before the conference begins.</p> <p><i>Allowable</i> for meals consumed while in official travel status. They are considered per diem expenses and should be reimbursed in accordance with the organization’s established written travel policies.</p> |
| <p><b>Contributions or Donations</b></p> | <p><i>Unallowable</i> for contributions or donations, including cash, property, and services, made by the recipient, regardless of the recipient (also referred to as “re-granting of funds”).</p> <p><i>Allowable</i> for products or samples purchased with AMS funds or brought as a match if they are used in a study that assesses acceptance by the target audience, or has a similar evaluative objective.</p>  |
| <p><b>Entertainment Costs</b></p>        | <p><i>Unallowable</i> for entertainment costs, including amusement, diversion, and social activities and any costs directly associated with such costs such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities, regardless of their apparent relationship to project objectives.</p>  |
| <p><b>Equipment</b></p>                  | <p><i>Unallowable</i> for acquisition costs of general purpose equipment.</p> <p><i>Allowable</i> for rental costs of general purpose equipment. Vehicles may be leased, but not purchased. The lease or rental agreement must terminate at the end of the grant cycle.</p> <p><i>Unallowable</i> for equipment lease agreements to own (i.e., lease-to-own or rent-to-own).</p> <p>For equipment leases or rentals with an acquisition cost that equals or exceeds \$5,000, rates should be in light of such factors as rental costs of comparable vehicles and equipment, if any; market conditions in the area; alternatives available; and the type, life expectancy, condition, and value of equipment leased.</p>  |

| Item   | Description   |
|--|---|
|  | <p><i>Allowable</i> with prior approval (see <a href="#">10.8 Specific Allowable Costs Prior Approvals</a>) for acquisition costs and rental costs of special purpose equipment provided the following criterion is met:</p> <ol style="list-style-type: none"> <li>1) Necessary for the research, scientific, or other technical activities of the grant award;</li> <li>2) Not otherwise reasonably available and accessible;</li> <li>3) The type of equipment is normally charged as a direct cost by the organization;</li> <li>4) Acquired in accordance with organizational practices;</li> <li>5) Must only be used to solely meet the legislative purpose of the grant program and objectives of the grant award;</li> <li>6) More than one single commercial organization, commercial product, or individual must benefit from the use of the equipment;</li> <li>7) Must not use special purpose equipment acquired with grant funds to provide services for a fee to compete unfairly with private companies that provide equivalent services; and</li> <li>8) Equipment is subject to the full range of acquisition, use, management, and disposition requirements under <a href="#">2 CFR part 200.313</a> as applicable.</li> </ol> <p><b>Equipment</b> is defined as tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000.</p> <p><b>Acquisition cost</b> means the cost of the asset including the cost to ready the asset for its intended use. Acquisition cost for equipment, for example, means the net invoice price of the equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired.</p> <p><b>General Purpose Equipment</b> means equipment that is not limited to technical activities. Examples include office equipment and furnishings, modular offices, telephone networks, information technology equipment and systems, air conditioning equipment, reproduction and printing equipment, and motor vehicles.</p> <p><b>Special Purpose Equipment</b> is equipment used only for research or technical activities.</p> |
| <b>Fines, Penalties, Damages and Other Settlements</b> | <i>Unallowable</i> for costs resulting from violations of, alleged violations of, or failure to comply with, Federal, state, tribal, local or foreign laws and regulations.   |
| <b>Fixed Amount Subawards</b>                          | <i>Unallowable.</i>   |
| <b>Fund Raising and Investment Management Costs</b>    | <i>Unallowable</i> for organized fundraising, including financial campaigns, solicitation of gifts and bequests, and similar expenses incurred to raise capital or obtain contributions, regardless of the purpose for which the funds will be used. This includes salaries of personnel involved in activities to raise capital.   |
| <b>Goods or Services for Personal Use</b>              | <i>Unallowable</i> for costs of goods or services for personal use of employees regardless of whether the cost is reported as taxable income to the employees.  |

| Item   | Description  |
|--|--|
| <b>Indirect Costs - Unrecovered</b>                                | <i>Allowable</i> to use unrecovered indirect costs as part of cost sharing or matching. Unrecovered indirect cost means the difference between the amount charged to the Federal award and the amount that could have been charged to the Federal award under the potential recipient's approved negotiated indirect cost rate.  |
| <b>Insurance and Indemnification</b>                               | <i>Allowable</i> as indirect costs for insurance and indemnification.  |
| <b>Memberships, Subscriptions, and Professional Activity Costs</b> | <i>Unallowable</i> for costs of membership in any civic or community organization.   |
| <b>Organization Costs</b>  | <i>Allowable</i> with prior approval for organization costs per <a href="#">2 CFR 200.455</a> (see <a href="#">10.8 Specific Allowable Costs Prior Approvals</a> ).<br><br><i>Unallowable</i> for costs of investment counsel and staff and similar expenses incurred to enhance income from investments.  |
| <b>Participant Support Costs</b>                                   | Incentives for Study Participants and Survey Respondents:<br><br><i>Allowable</i> to provide cash, coupons, vouchers or other appropriate incentives to recruit target entities to participate in a research project such as to complete a survey or participate in a focus group. All other uses of coupons and vouchers are not allowed. The amount and type of the incentive must be reasonable and appropriate, and is subject to approval by AMS.<br><br><i>Allowable</i> with prior approval, for participant support costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences, or training projects (see <a href="#">10.8 Specific Allowable Costs Prior Approvals</a> ). |
| <b>Pre-Award Costs</b>   | <i>Allowable</i> , if such costs are necessary to conduct the project or program, and would be allowable under the grant, if awarded.<br><br>A recipient may incur pre-award costs 90 calendar days before AMS makes the award without prior approval from AMS. Expenses more than 90 calendar days pre-award require AMS prior approval (see <a href="#">10.6 Pre-Award Costs</a> ).<br><br>All costs incurred before AMS makes the award are at the recipient's risk. The incurrence of pre-award costs in anticipation of an award imposes no obligation on AMS to award funds for such costs.  |
| <b>Printing and Publications</b>                                   | <i>Allowable</i> to pay the cost of preparing informational leaflets, reports, manuals, and publications relating to the project; however the printing of hard copies is discouraged.  |
| <b>Program Income</b>  | Program income is gross income earned by a recipient resulting from activities supported by a federal award. It includes income in the form of fees for services performed during the award performance period, real property, usage or rental fees, or patent or copyright royalties. Program income cannot be used to meet the matching requirement.   |

| Item  | Description  |
|---|--|
| <b>Rearrangement and Reconversion Costs</b> | <i>Allowable</i> only as indirect costs incurred for ordinary and normal rearrangement and alteration of facilities.   |
| <b>Selling and Marketing Costs</b>          | <p><i>Unallowable</i> selling and marketing costs include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Advertising media costs to promote a producer-to-consumer direct marketing effort. <i>Advertising media</i> includes newspaper; radio; television; direct mail; bus, signs, or other advertisement wraps; and other electronic and computer transmittals.</li> <li>▪ Promotional items such as point-of-sale materials, promotional kits, billboard space, signs or streamers, automobile stickers, table tents, and place mats, swag, souvenirs, memorabilia, or promotional items of a personal nature.</li> <li>▪ Public relations activities utilizing advertising media to promote a direct producer-to-consumer marketing to the public or a specific and AMS approved audience.</li> <li>• Product advertising through any media, either directly or indirectly, through an advertising agency or other firm.</li> <li>• General publicity or information programs designed to build the image of the State’s agriculture, State Department of Agriculture, or other State Agency.</li> <li>• Costs associated with County and State fair exhibits, or promotion of commodity months or weeks.</li> <li>• Costs associated with sponsorships. A sponsorship is a form of advertising in which an organization uses grant funds to have its name and/or logo associated with certain events and where the organization does not necessarily know how the funds associated with the sponsorship costs will be used. These costs are considered a contribution or donation and only benefit the organization offering the funding.</li> <li>• Purchase of products or samples of products to give away to the public. However, products or samples may be purchased with AMS funds or brought as a match if they are used in a study that assesses acceptance by the target audience, or has a similar evaluative objective.</li> <li>• Expenses relating to domestic or foreign trade shows except educational programs or technical seminars conducted to educate potential buyers about the properties, characteristics or uses of an agricultural commodity or product.</li> </ul> <p><i>Unallowable</i> for the purchase of food-relative incentives, including any types of bonuses, coupons, and vouchers.</p> <p><i>Unallowable</i> for the purchase of food for displays, incentives or cooking demonstrations.</p> |

| Item                | Description   |
|---------------------|---|
|                     | <i>Allowable</i> with prior approval for products or samples may be purchased with AMS funds or brought as a match if they are used in a study that assesses acceptance by the target audience, or has a similar evaluative objective.  |
| <b>Travel Costs</b> | <p><i>Unallowable</i> for travel costs of government officials per <a href="#">2 CFR 200.474</a></p> <p><i>Unallowable</i> for travel costs of producers or processors simply to gain marketing experience, to network and/or to sell their products.</p> <p><i>Allowable</i> for domestic and international travel of individuals for activities directly related to activities directly related to the project objectives. Examples of personnel whose travel may be covered: state agency personnel working directly on the project, technical experts, producer representatives who have unique knowledge about a commodity or market, and individuals whose presence on an international trip will make a direct contribution to the goals of the project.</p> <p>All travel expenses associated with grant projects must follow Federal travel regulations (<a href="#">41 CFR Chapters 300 through 304</a>) if recipients do not have formal travel policies in place. If alternative technologies such as teleconferencing or videoconferencing are available, appropriate for the project, and less costly, they must be utilized as an alternative to travel.</p> |

## 10.0 CHANGES REQUIRING PRIOR WRITTEN APPROVAL

AMS anticipates that as you progress through your project, you may require modifications to accomplish the project objectives. You have some degree of latitude to re-budget within and between budget categories to meet unanticipated needs, and to make other types of post-award changes. However, in some cases, you are required to request prior written approval from AMS in advance of a change or obligation of funds. If applicable, you must include procedures for your subrecipients to follow when submitting a request to you for a change that requires prior written approval. Requests for prior written approval must be submitted via email to your AMS representative. AMS is in the process of implementing a grants management system. Once the system is implemented, AMS will notify you of any changes to how prior approval requests are submitted and approved.

Every request for a prior written approval must include the following information:

1. Grant agreement number;
2. Project title;
3. Name of the recipient organization;
4. Project contact; and
5. Email from the recipient project coordinator.

There may be some instances in which multiple prior approvals occur at one time. For example, a change in scope or objective may prompt a change in the budget or specific costs that require prior approval. If this occurs, it is acceptable to combine several prior approval requests into one request. The requests must contain the required information listed in the applicable sections below.

Upon receipt of the prior approval request, AMS will confirm receipt of the request, review the request, and communicate with the recipient project coordinator if there are any questions or concerns. The recipient project coordinator will have the opportunity to revise the prior approval request to address the questions and concerns. Once approved, AMS will email the recipient project coordinator with the approval of the request.

If you have a question concerning prior written approval, contact the appropriate AMS grant program representative identified in your award letter.

## 10.1 Change in Key Personnel

You must request prior written approval if there is a change in key personnel (such as the recipient project coordinator listed in box 14, of the AMS-33, Grant Agreement Face Sheet, the authorized recipient representative listed in box 18 and 19 of the AMS-33, Grant Agreement Face Sheet, and other key project contributors). The request must contain:

1. The name of the individual being replaced and the new individual name and contact information;
2. The qualifications of the new individual;
3. The capacity in which the new individual will serve;
4. Written notification from the new individual signifying his/her willingness to serve on the project; and
5. The effective date.

## 10.2 Change in Key Personnel – Time Devoted to the Project

You must request prior written approval if key personnel (such as the recipient project coordinator listed in box 14, of the AMS-33, Grant Agreement Face Sheet, the authorized recipient representative listed in box 18 and 19 of the AMS-33, Grant Agreement Face Sheet, and other key project contributors) disengages from the project for a period of more than 3 months; reduces the time devoted to managing the project by 25 percent (25%) or more; or severs his/her connection to the activities of the grant agreement. The request must include:

1. The name of the individual being replaced and the new individual name and contact information;
2. The qualifications of the new individual;
3. The capacity in which the new individual will serve;
4. Written notification from the new individual signifying his/her willingness to serve on the project; and
5. If applicable, any change in the project narrative, budget and/or timeline due to the change; and
6. The effective dates.

## 10.3 Change in Scope or Objectives

You must request prior written approval when it is necessary to modify the Project Background and Justification, Expected Outcomes, or Source of Match of the approved project, even if there is no associated budget revision that would require prior written approval. You must use the same format to present this information that was used in the approved application with the changes noted. The request must include:

1. A description of the change in the scope or objective including what activities the new work replaces;
2. A revised narrative for the relevant portion of the approved project;
3. If applicable, a description of any changes to the expected measureable outcomes;
4. If applicable, a revised budget and narrative;
5. If applicable, any change to the approved timeline;
6. A change in matching fund source
7. The proposed dates of implementation (MM/YYYY – MM/YYYY).

## 10.4 One-Time Extension

If the project cannot be completed within the time frame established in the grant agreement, you may request prior written approval to extend the ending date of the grant agreement (no-cost extension of time). The request must be submitted no later than 10 days prior to the ending date of the grant agreement. The request must include the following:

1. The length of additional time requested, and the new ending date requested;
2. A justification for the extension;
3. A summary of progress to date in terms of the project timeline and objectives. The summary may reference the most recent Performance Report and indicate how circumstances have changed since then;
4. An estimate of the amount of remaining funds, and if applicable, the amount of matching resources yet to be expended, and a description of how they will be used in the remaining time; and

5. A new timetable for completing the project.

The fact that funds are expected to remain unutilized or unobligated at the end of the award is not in itself sufficient justification to receive a no cost extension of time. Decisions will be made on a case-by-case basis by AMS based on the written justification provided.

All awards are limited to 2 calendar years in duration from the start date of the grant agreement.

## 10.5 Budget Change

You must request prior approval for a budget change if the Federal share of your award exceeds the Simplified Acquisition Threshold, currently \$150,000 (see box 16 on the AMS-33 Grant Agreement Face Sheet for your Federal award amount) and the cumulative amount of a transfer among budgeted direct cost categories exceeds or is expected to exceed 10 percent of the total budget as last approved by AMS. If the Federal share of your award is \$150,000 or less, you do not need to request prior approval for budget changes.

The request for a budget change must include:

1. A justification for the change; and
2. A description of the requested change that includes:
  - a. The proposed budget change,
  - b. Last approved budget, and
  - c. An updated budget of the affected cost categories.

You must use the same format for presenting the budget information that was used in the approved application with changes noted.

## 10.6 Pre-Award Costs

Pre-award costs are costs 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 prior written approval from AMS.

A recipient may incur pre-award costs 90 calendar days before AMS makes the award without prior written approval. Expenses incurred more than 90 calendar days pre-award require written prior approval from AMS. Allowable expenses and any applicable matching resources contained in the original approved budget, (not in addition to it) are eligible for prior written approval.

The request for prior written approval for allowable pre-award costs must include the following information:

1. A brief description of the pre-award activities completed; and
2. An updated budget, using the same format for presenting the budget information that was used in the approved application, clearly indicating the associated dollar amount of award funds and/or the value of any matching resources expended during the pre-award period.

Note that AMS is under no obligation to reimburse such costs if the award is less than anticipated and inadequate to cover such costs. If a recipient has incurred expenses or expended matching contributions during the pre-award period that are not covered in the approved budget, AMS does not have any obligation to reimburse recipients for such expenses or count the matching resources toward the match requirement.

## 10.7 Contracting Out or Otherwise Obtaining the Services of a Third Party to Perform Activities that are Central to the Purposes of the Award

You must request prior written approval for a change that involves subawarding, transferring or contracting out of any work under a Federal award. This provision does not apply to the acquisition of supplies, material, equipment or general support services. The following information must be included in the request:

1. A brief description of the change;
2. A brief explanation as to why the change is being requested;
3. If a budget change is required:

- a. A description of the proposed budget change,
  - b. The last approved budget, and
  - c. An updated budget of the affected cost categories. You must use the same format for presenting the budget information that was used in the approved application with changes noted; and
4. If the third party was not identified in the original application, a description of the third party's qualifications, how their work will fulfill the project goals, and an itemized budget showing cost categories with appropriate justification.

## 10.8. Specific Allowable Costs Prior Approvals

You must request prior written approval for the following allowable costs that were not included in the approved project and/or the latest budget. See [9.0 Allowable Costs and Activities](#) for more information on these costs.

- Rental of Land
- Special Purpose Equipment
- Organization Costs
- Rearrangement and Reconversion Costs
- Selling and Marketing Costs
- Participant Support Costs

The request must include the following:

1. A description of and justification for the cost including how it furthers the objectives of the project; and
2. If applicable, a comparison between the most recent budget and the proposed budget as well as an updated budget narrative of the affected cost categories. You must use the same format for presenting the budget information that was used in the approved application with changes noted.

## 10.9 Changes to Recipient Name or Address

You must request prior written approval if the name of the recipient organization name or address changes. This is a change to the recipient organization in box 12, "Recipient" on the fully executed AMS-33 Agreement Face Sheet. In this case, the DUNS number would remain the same, while only the organization name or address would change. Recipients are responsible for properly updating their registration within both the DUNS and SAM.gov electronic systems.

The request must include the new name or address of the recipient organization and the effective date of change.

## 10.10 Cost Share - Changes in the Amount

You must request prior written approval to change the amount of your approved cost-share or match or to change the amount of approved cost-sharing or match provided by a project partner or by a subrecipient. The following information must be included in the request:

1. A justification for the change;
2. A description of how the required match will be met including the source of the match, the amount of the match to be provided, and the composition of the match. You must use the same format for presenting the match verification that was used in the approved application; and
3. A description of the change that includes a comparison between the latest budget and the proposed budget as well as an updated budget narrative of the affected cost categories to demonstrate that the overall required match will be met. You must use the same form/ format for presenting the budget information that was used in the approved application.

## 11.0 PERFORMANCE AND FINANCIAL REPORTS

AMS requires both interim and final performance reports to illustrate the progress made toward the completion of each projects, goals, objectives, and outcomes. These reports are an important vehicle for sharing award findings and success with the public.

Performance Reports should correspond with the activities and outcomes outlined in the proposal, and should be formatted and submitted using the approved templates or guidance found at <https://www.ams.usda.gov/services/grants/fsmip/administration>.

AMS also requires recipients to submit an interim [SF-425 Federal Financial Report](#) with each interim performance report to report and account for their financial expenditures during the reporting period.

If due to extenuating circumstances, a project must be extended beyond the performance period stated on the AMS-33, recipients should see section [10.4 One-Time Extension](#). Additional performance and financial reports may be necessary depending on the length of the time extension.

If performance or financial reports are prepared by a third party and/or subrecipient, it is your responsibility as the grant recipient to review and approve the report before forwarding it to AMS.

AMS is in the process of implementing a grants management system. Once the system is implemented, AMS will notify you of any changes to how performance and financial reports must be submitted and approved.

## 11.1 Interim Performance and Financial Reports

Interim Performance Reports track the progress of an award throughout the performance period.

The six-month performance and interim SF-425 report are due within 30 calendar days after each six-month performance period. Your interim performance report due date schedule is:

| Interim Report          | Period of Performance  | Report Due Date |
|-------------------------|------------------------|-----------------|
| 1 <sup>st</sup> Interim | 9/30/2016 to 3/31/2017 | 4/30/2017       |
| 2 <sup>nd</sup> Interim | 4/1/2017 to 9/30/2017  | 10/30/2017      |
| 3 <sup>rd</sup> Interim | 9/30/2017 to 3/31/2018 | 4/30/2018       |

Interim Performance Reports should briefly:

- Summarize activities performed and milestones achieved for each objective or sub-element of the narrative;
- Note unexpected delays or impediments as well as favorable or unusual developments;
- Outline work to be performed during the succeeding period; and
- Comment on the level of grant funds and matching contributions expended to date on the project.

Email the interim performance report to the appropriate AMS grant program representative as indicated in your award letter. Upon receipt of the interim report, AMS will confirm receipt, review it, and communicate any questions or concerns. The recipient's authorized representative may revise the report to address the questions and concerns. Accepted Interim Reports will become part of the official grant file.

If you complete your grant project early, you may submit a Final Performance Report in lieu of an Interim Performance Report. See [11.2 Final Performance Reports](#).

The required Interim Performance Report format and the SF-425 Federal Financial Report, along with instructions and a sample financial report, can be found at <https://www.ams.usda.gov/services/grants/fsmip/administration>.

## 11.2 Final Performance and Financial Reports

A Final Performance Report and final SF-425 Federal Financial Report are required no later than 90 calendar days after the performance period expiration date. Your final performance report is due by **December 30, 2018** unless AMS approves a no-cost extension. Information from your Final Performance Report will be posted on the AMS website.

Final reports are required to fulfill the terms of the grant agreement, and they represent an important vehicle for sharing research findings with Federal and State agencies and the public. Although a subrecipient or another third party may prepare the final report, it is nevertheless the recipient's responsibility to review and approve the report before forwarding it to the grant contact person. The final report will be posted on the AMS website. It must include:

- Title of the Project:
- Grant Period: <<Start date>> through <<Ending date>>
- An outline of the issue or problem. Provide enough background information for the reader to understand the importance of the project. This section may draw from the background and justification contained in the approved project proposal.
- A description of how the issue or problem was approached via the project. Reference the project objectives and work plan.
- A description of the contribution of public or private agency partners in terms of the work performed.
- A summary of results, conclusions, and lessons learned. Lessons learned should cover both positive and negative aspects. Include a discussion of how the project was evaluated and whether or not it met project objectives. To the extent possible, include measurable results. At least one quantifiable metric must be included that indicates the change in status of the project from initiation to completion.
- A discussion of current or future benefits to be derived from the project.
- Recommendations for future research and, if applicable, an outline of next steps or additional research that might advance the project goals.
- A description of the project beneficiaries including the number, type and scale of producers, processors, and other businesses.
- Additional information generated by the grant project such as publications, presentations, and websites.
- A contact person for the project with telephone number and email address.

Sometimes, a project will result in a large study completed by a subrecipient or third party. If the report completed by the subrecipient or third party does not address the points listed above, the recipient is responsible for providing a document that discusses each point.

The final performance and financial report should be sent via email to the appropriate AMS grant representative as indicated in your award letter. Upon receipt of each performance report, AMS will confirm receipt of the report, review it, and communicate with you regarding any questions or concerns. The recipient project coordinator may revise the report to address the questions and concerns.

The required Final Performance Report format and the SF-425 Federal Financial Report, along with instructions and a sample financial report, can be found at <https://www.ams.usda.gov/services/grants/fsmip/administration>.

### **11.3 Review of Performance and Financial Reports**

AMS will review performance and financial reports to ensure completeness and substantial progress toward meeting the project goals and measurable outcomes. AMS will notify the recipient project coordinator if additional information is required. The recipient project coordinator is responsible for adequately addressing all AMS comments and questions prior to sending the revised performance or financial report. If you are a pass-through entity, ensure that subrecipients are aware that after AMS reviews their performance report, additional information may be required.

### **11.4 Public Access to Performance Reports and Information on Report Content**

Accomplishments, procedures, and other benefits resulting from the Federally-funded project may be made available publicly through online posting, as well as through Freedom of Information Act (FOIA) requests. The AMS website is the primary means to distribute final results of each Federally-funded grant project, although additional proposal/project information, within the regulations, will be released under the FOIA.

Since the information will be made public, particularly the information contained in the Final Performance Reports, AMS encourages you to eliminate as many grammatical and spelling errors as possible in your submitted forms and materials. AMS will not edit the reports beyond checking to ensure that the content is complete, including inclusion of activities and outcomes associated with each project. Should AMS find that the report is incomplete, you will have the opportunity to revise the report and to address questions and concerns prior to the information being made available through the AMS website.

## 11.5 Disparaging Language and Protected Personally Identifiable Information (PII)

Grant recipients are prohibited from using federal funds to conduct any activity that is false, misleading, or disparaging to agricultural commodities, nor are you allowed to disparage the mission, goals, and/or actions of another organization or individual in performance reports or through other means.

The term “PII,” as defined in [OMB Memorandum M-07-16](#) refers to information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Non-PII can become PII whenever additional information is made publicly available — in any medium and from any source — that, when combined with other available information, could be used to identify an individual.

Reports submitted to AMS must avoid use of Protected PII, including use of an individual's first name or first initial and last name in combination with any one or more of types of information, including, but not limited to, social security number, passport number, credit card numbers, clearances, bank numbers, biometrics, date and place of birth, mother's maiden name, criminal, medical and financial records, educational transcripts, etc. Personal contact information included in the Final Report should be limited to the recipient project coordinator name, e-mail address, as well as organization name, physical address, and telephone number.

## 11.6 Overdue Reports

Events may occur between the scheduled performance reporting dates that have significant impact upon the project. In such cases, you must inform AMS or, if you are a subrecipient, the pass-through entity, as soon as you are aware of problems, delays, or adverse conditions, preferably no less than 14 calendar days from the due date. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation. If AMS detects a recurring issue of late report submissions, enforcement actions as described in section [17.0 Remedies for Noncompliance](#) may be taken.

## 12.0 ACKNOWLEDGEMENT OF SUPPORT

You and/or your subrecipients are not required to acknowledge USDA, AMS support through oral or written presentation; however, if you or your subrecipients choose to add an acknowledgement of support, it must read as follows:

- Funding for this [project] was made possible by the U.S. Department of Agriculture’s (USDA) Agricultural Marketing Service through grant [Insert Agreement Number] in addition to matching funds from [Name Any Matching Fund Organizations]. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the USDA.

Note that USDA symbols or logos are only intended for [the official use of the USDA](#). They are expressly excluded from use to imply endorsement of a commercial product or service. The symbol or logo may not be used by anyone outside of USDA without permission.

## 13.0 PROPERTY MANAGEMENT

A title to special purpose equipment and supplies acquired by you or your subrecipient will vest, upon acquisition, in you or your subrecipient, respectively. You and your non-Federal subrecipients must provide the equivalent insurance coverage for equipment acquired with Federal funds.

State recipients will use, manage, and dispose of special purpose equipment acquired under a grant in accordance with State laws and procedures and supplies in accordance with [2 CFR §200.314 \(b\)](#).

You and your subrecipients are subject to the full range of acquisition, use, management, and disposition requirements of [2 CFR §§200.313 \(c\) through \(e\)](#) and [200.314 \(b\)](#). You and your subrecipients must meet the following property management standards for equipment acquired in whole or in part under a grant:

- Use the equipment for the authorized purposes of the project until funding for the project ceases or until no longer needed for the purposes of the project
- Must not encumber the equipment without prior AMS approval
- When the equipment is no longer needed for the original program or project, the equipment may be used in other activities supported by a Federal agency, in the following order of priority: (i) activities under a Federal award from the Federal awarding agency that funded the original projects; then (ii) activities under Federal awards from other Federal awarding agencies. [SF-428-C](#) may be used at any time during the grant award, except at close out, to request disposition instructions
- Must make the equipment available for use on other projects or programs currently or previously supported by the Federal government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired
- Must not use equipment or supplies acquired with grant funds to provide services for a fee that is less than private companies charge for equivalent services and use fees in accordance with program income requirements
- May use the equipment to be replaced as a trade-in or sell the equipment and use the proceeds to offset the cost of replacement equipment
- Maintain property records that include a description of the property, a serial number or other identification number, the source of funding for the property, who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property
- Take a physical inventory of the equipment, at least once every two years, and reconcile the results with the property records
- Develop control procedures and safeguards to prevent loss, damage, and theft
- Develop adequate maintenance procedures to keep the equipment in good condition
- Establish proper sales procedures when the subrecipient is authorized to sell the equipment to ensure highest rate of return

You and your subrecipients must obtain prior written approval from AMS to acquire special purpose equipment (see [10.8 Specific Allowable Cost Prior Approvals](#)).

### 13.1 Final Disposition of Equipment and Supplies upon Close-out

If the special purpose equipment has a per-unit fair market value of less than \$5,000, and the equipment is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, you or your subrecipient may retain, sell, or dispose of equipment with no further obligation to AMS.

If the special purpose equipment or supplies have a per-unit fair market value of \$5,000 or more, and the equipment or supplies are no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, you or your subrecipient may retain the equipment and supplies or they may be sold. In this case, you as the recipient or as the pass-through entity must complete a Tangible Personal Property Report Final Request ([SF-428-B](#)) and submit it to AMS as a written disposition request/report. A sample Tangible Personal Property Final Report can be found at <https://www.ams.usda.gov/services/grants/fsmip/administration>.

AMS will review the request and provide you with disposition instructions for the special purpose equipment and/or supplies. The disposition instructions will notify you that AMS is entitled to an amount calculated as follows:

$$\text{AMS Amount} = \frac{\text{Current market value or proceeds from sale of the equipment/supplies}}{\text{Percentage of AMS participation in the cost of the original purchase}}$$

If the equipment and/or supplies are sold, you or your subrecipient are permitted to deduct and retain from the Federal share \$500 or 10 percent of the proceeds, whichever is less, for its sale and handling expenses. You are responsible for ensuring that your subrecipient disposes the equipment and/or supplies in accordance with AMS disposition instructions.

## 14.0 ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

Several federal statutes and regulations apply to grant applications considered for review and to project grants awarded under this program. These include, but are not limited to the ones listed below.

Federal statutes and regulations found on the SF-424B “Assurances –Non-Construction Programs” (this form was submitted through Grants.gov with your application package)

[2 CFR §25](#) – *System for Award Management and Universal Identifier Requirements*. See [Appendix A to §25 – Award Term](#) for Central Contractor Registration and Universal Identifier Requirements.

You must notify your potential subrecipients, with the exception of individuals, that they may not receive a subaward unless the entity has provided its DUNS number. You must not make a subaward to an entity unless the entity has provided its DUNS number.

[2 CFR §170](#) – *Reporting Subaward and Executive Compensation Information*. See [Appendix A to §170 – Award Term](#) for Reporting Subawards and Executive Compensation requirements.

[2 CFR §175](#) – *Award Term for Trafficking in Persons*, which is the implementation of the *Trafficking Victims Protection Act of 2000*, as amended ([22 U.S.C. 7104\(g\)](#))

[2 CFR §180](#) and [§417](#) – *OMB Guidelines to Agencies on Government-Wide Debarment and Suspension (Nonprocurement)* and *USDA Nonprocurement Debarment and Suspension*

[2 CFR §200](#) – *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*

[2 CFR §400](#) – *USDA implementation of 2 CFR §200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*

[2 CFR §415](#) – *USDA General Program Administrative Regulations*

[2 CFR §416](#) – *USDA General Program Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*

[2 CFR §418](#) – *USDA implementation of Restrictions on Lobbying* - Imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of federal contracts, grants, cooperative agreements, and loans.

[2 CFR §421](#) – *USDA Implementation of Government-wide Requirements for Drug-Free Workplace (Financial Assistance)*

[7 CFR §1, subpart A](#) – *USDA implementation of the Freedom of Information Act*

[7 CFR §1b](#) – *USDA procedures to implement the National Environmental Policy Act of 1969*, as amended

[7 CFR §3](#) – *USDA implementation of OMB Circular No. A-129 regarding debt collection*

[7 CFR §15, subpart A](#) – *USDA implementation of Title VI of the Civil Rights Act of 1964*, as amended, which prohibits you from discriminating on the basis of race, color, or national origin (42 U.S.C. 2000d et seq.)

[7 CFR §331](#) and [9 CFR §121](#) – *USDA implementation of the Agricultural Bioterrorism Protection Act of 2002*

[35 U.S.C. 200 et seq.](#) – *Bayh Dole Act*, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in federally-assisted programs (implementing regulations are contained in [37 CFR §401](#)).

[41 CFR §§301-10.131 to 301-10.143](#) – *Use of United States Flag Air Carriers*, which implements the *Fly America Act* ([49 U.S.C. 40118](#)). For more information see <http://www.gsa.gov/portal/content/103191>.

[48 CFR §25](#) – *Foreign Acquisition*, which implements the *Buy American Act* ([41 U.S.C. Ch. 83](#))

[48 CFR subpart 31.2](#) – *Contracts with Commercial Organizations*

[44 U.S.C. 3541 et seq. \(Pub. L. 107-347\)](#) – *Federal Information System Security Management Act of 2002 (FISMA)*

An Act designed to improve computer and network security within the Federal Government. Applies to recipients if it will collect, store, process, transmit, or use information on behalf of AMS.

Motor Vehicle Safety – *Highway Safety Act of 1966*, as amended ([23 U.S.C. 402 & 403](#)); *Government Organization and Employees Act*, as amended ([5 U.S.C. 7902 \(c\)](#)); *Occupational Safety and Health Act of 1970*, as amended ([29 U.S.C. 668](#)); *Federal Property and Administrative Services Act of 1949*, as amended ([40 U.S.C. 101, et seq.](#)); *Increasing Seat Belt Use in the United States* ([EO 13043](#)); *Federal Leadership on Reducing Text Messaging While Driving* ([EO 13513](#))

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012, [P.L. No. 112-55](#), Division A, Sections 738 and 739 regarding corporate felony convictions and corporate federal tax delinquencies

[2 CFR §422](#) – *Research Institutions Conducting USDA-Funded Extramural Research; Research Misconduct*

[Appendix XII to 2 CFR Part 200](#) – Award Term and Condition for Recipient Integrity and Performance Matters. Applicable if the Federal share of any Federal award may include more than \$500,000 over the period of performance

*Prohibition Against Using Funds under Grants and Cooperative Agreements with Entities that Require Certain Internal Confidentiality Agreements*

(a) The recipient may not require its employees, contractors, or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(b) The recipient must notify its employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (a) of this award provision are no longer in effect.

(c) The prohibition in paragraph (a) of this award provision does not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information.

(d) If the Government determines that the recipient is not in compliance with this award provision, it:

(1) Will prohibit the recipient's use of funds under this award, in accordance with sections 743, 744 of Division E of the Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law; and

(2) May pursue other remedies available for the recipient's material failure to comply with award terms and conditions.

## 15.0 CLOSEOUT

You and AMS will close out the Federal award when all applicable administrative actions and required work are completed, as provided in [2 CFR §200.343](#). When an award is terminated or partially terminated, you *and your subrecipients* are responsible for compliance with the requirements in [2 CFR §200.344 Post-Close Out Adjustments and Continuing Responsibilities](#).

You must submit, no later than 90 calendar days after the grant ending date, all financial, performance, and other reports as required by these award terms and conditions.

### 15.1 Closeout Checklist

The following documents must be submitted to and approved by AMS to successfully close out a grant:

- 1) Final Performance Report (see [Section 11.2](#)) and any project deliverables (e.g., photos, brochures, other print materials from the project). Project deliverables must be submitted electronically. If, for example the deliverable is an object that cannot easily be shared electronically (e.g. non-electronic promotional items), the recipient should take a picture of the object and send it to grant staff as part of the report.
- 2) *Final* Federal Financial Report (SF-425) (see [Section 5.0 and 11.0 and subsections](#))
- 3) Request for *Final* Advance Payment or Reimbursement (SF-270) (see [Section 4.2](#) and subsections)
- 4) If applicable, a refund check, made out to the *Agricultural Marketing Service*, for any unused funds (see [Section 15.2](#))
- 5) Tangible property report ([SF-428 B](#)) (if applicable) (see [Section 13.1](#))

### *Requirements for Reapplication*

Upon receiving and accepting all closeout documents, AMS will issue a closeout letter. Failure to submit acceptable closeout materials for an existing grant within 90 calendar days following the grant ending date may result in exclusion from future AMS grant consideration.

## 15.2 Unused and Returned Funds

Before submitting an SF-425 for a grant that has been completed or terminated, you must liquidate all obligations not later than 90 calendar days after the grant ending date. If you have a balance of funds that AMS disbursed to you previously that you did not obligate by the grant ending date, you must return these funds to AMS. AMS's request to return an unobligated balance following expiration or termination of a grant is not considered an adverse action and is not subject to appeal.

Return the funds payable by check to the "Agricultural Marketing Service." Because packages sent to AMS through the United States Postal Service may be damaged or delayed due to security procedures at USDA Washington, D.C. headquarters, the use of express mail or courier services is required.

Send payments by Express mail or courier submission to:

Federal State Marketing Improvement Program  
Attn: FSMIP Program Manager  
USDA, Agricultural Marketing Service  
1400 Independence Avenue, SW  
Room 4543– South Building  
Stop 0264  
Washington, DC 20250-0264

AMS will notify you when we receive the check.

## 15.3 Record Retention

In accordance with Federal regulations, you must retain all records relating to the grant for a period of 3 years after the final Federal Financial Report (SF-425) is received by AMS or until final resolution of any audit finding or litigation. See [2 CFR §200.333](#) for exceptions and qualifications to the 3-year retention requirement and the retention period for other types of grant-related records, including property records.

In accordance with the [May 2013 Executive Order on Making Open and Machine Readable the New Default for Government Information](#), you and your subrecipients should, whenever practicable, collect, transmit, and store Federal award-related information in electronic formats rather than on paper. However, you must always provide or accept paper versions of award-related information to and from any subrecipients upon request.

## 16.0 ACCESS TO RECORDS

AMS, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, shall have the right of access to any pertinent documents, papers, or other records of recipients and subrecipients which are pertinent to the award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the recipient's and subrecipient's personnel for the purpose of interview and discussion related to such documents.

## 17.0 REMEDIES FOR NONCOMPLIANCE

AMS may take one or more of the following remedies for your failure to comply with the award terms and conditions, including reporting requirements, depending on the severity and duration of the non-compliance, according to applicable statutes, regulations, and policies. You may have an opportunity to correct the deficiencies before AMS takes enforcement action; however, AMS may take proactive steps to protect the Federal government's interests, including placing special conditions on awards in

accordance with [2 CFR §200.338](#) such as requiring more frequent reporting or requiring the recipient to obtain technical or management assistance.

### ***Disallow Costs***

AMS may disallow (deny use of funds) for all or part of the cost of the activity or action not in compliance. You may appeal this decision by submitting a written request to AMS per section [18.0 Appeals](#) of this document.

### ***Withdrawal of Authorized Personnel Approval***

AMS may withdraw its approval of the Authorized Representative and/or other project representatives if the Agency concludes that they are no longer qualified or competent to perform. If this occurs, AMS may request that you designate a new Authorized Representative or other key personnel. The decision to impose special conditions by withdrawing approval of the Recipient Authorized Representative or other key personnel, or otherwise is discretionary on the part of AMS and not subject to appeal.

### ***Withholding of Payments***

AMS may temporarily withhold cash payments pending correction of the deficiency by the recipient, in accordance with [2 CFR §200.205](#). This decision is discretionary on the part of AMS and not subject to appeal.

### ***Withholding of Support***

AMS may decide not to make an award within the current award cycle if a recipient failed to meet the terms and conditions of a previous award or if continued funding would not be in the best interests of the Federal government. If an award is withheld (denied) because a recipient failed to comply with the terms and conditions of a previous award, the recipient may appeal that determination by submitting a written request to AMS per section [18.0 Appeals](#) of this document.

### ***Suspension or Termination***

AMS generally will suspend (rather than immediately terminate) a grant and allow the recipient an opportunity to take appropriate corrective action before terminating a project. AMS may terminate the grant if the recipient does not take appropriate corrective action during the period of suspension. AMS may terminate the grant —without first suspending— if the deficiency is so serious as to warrant immediate termination or if public health or welfare concerns require immediate action. AMS will provide the recipient a notice of termination that will include the reason(s) for the termination and if the decision will be considered in evaluating future applications. You may appeal the termination for cause decision as described in section [18.0 Appeals](#) of this document.

AMS or the recipient may mutually terminate a grant award, partially or totally, if the two parties agree upon the termination conditions, including the effective date and the portion to be terminated. If the recipient decides to terminate a portion of a grant award, AMS may determine that the remaining portion of the grant award will not accomplish the purposes for which the grant award was originally awarded. Contact the grant program manager should you decide to terminate all or part of your award.

When an award is terminated or partially terminated, the recipient is responsible for compliance with section [15.0 CloseOut](#) requirements.

Other options available to AMS include suspension or debarment under [2 CFR §180](#).

## **17.1 Special Conditions for High-Risk Recipients**

This evaluation may incorporate results of the evaluation of the applicant's eligibility or the quality of its application. If AMS determines that a Federal award will be made, special conditions that correspond to the degree of risk assessed may be applied to the Federal award.

AMS may impose additional award conditions per [2 CFR §200.205\(b\)](#) on the recipient that correspond to the degree of risk assessed under the following circumstances:

1. Based on a review of risk set forth in the criteria in [2 CFR §200.205](#); or
2. When a recipient has a history of failure to comply with the terms and conditions of the award; or

3. Failure to meet expected performance goals as described in [2 CFR §200.210](#); or
4. Is not otherwise responsible.

These specific award conditions are specified in [2 CFR §200.207](#). Note that AMS will promptly remove any special conditions once the conditions that prompted them have been corrected.

## 18.0 APPEALS

The first step to appeal a decision to remedy non-compliance as described in [17.0 Remedies for Noncompliance](#) is to submit a written request for review to the AMS grant program manager, as indicated in Box 13 of the AMS-33, Agreement Face Sheet, unless directed otherwise. The appeal letter must explain the decision or action you are appealing, describe what happened, and provide any documents that support your appeal. AMS will review the notification and respond within 30 calendar days.

AMS encourages all recipients to try to resolve disputes by using [alternative dispute resolution \(ADR\) techniques](#). ADR often is effective in reducing the cost, delay, and contentiousness involved in appeals and other traditional ways of handling disputes. ADR techniques include mediation, neutral evaluation, and other consensual methods.

## 19.0 LIMIT OF FEDERAL LIABILITY

The maximum obligation of AMS to the recipient is the amount indicated in the award as obligated by AMS. Nothing in these award terms and conditions or in the other requirements of this award requires AMS to make any additional award of funds or limits its discretion with respect to the amount of funding provided for the same or any other purpose. However, in the event that an erroneous amount is stated in the award, the approved budget, or any supporting documentation relating to the award, AMS must have unilateral right to make the correction and to make an appropriate adjustment in the AMS share of the award to align with the Federal amount authorized.

## 20.0 FRAUD, WASTE, AND ABUSE

Anyone who becomes aware of the existence (or apparent existence) of fraud, waste, or abuse related to AMS grants or use of grant funds should report this information to USDA. The USDA Office of the Inspector General (OIG) provides several means, including toll-free numbers, for this purpose. You may reach the OIG hotline by:

Office of the Inspector General, United States Department of Agriculture,  
Attn: HOTLINE  
PO Box 23399  
Washington, DC 20026-3399

**Telephone:** 1-800-424-9121 (toll free) or 202-690-1202 (TDD);

**Fax:** 202-690-2474

**E-mail:** [usda.hotline@oig.usda.gov](mailto:usda.hotline@oig.usda.gov)

**Internet:** <http://www.usda.gov/oig/hotline.htm>

Fraud, waste, and abuse includes, but is not limited to, embezzlement, misuse, or misappropriation of grant funds or property, and false statements and misrepresentation, whether by organizations or individuals. Examples are theft of grant funds for personal use; using funds for non-grant-related purposes; theft of Federally owned property or property acquired or leased under a grant; charging inflated building rental fees for a building owned by the recipient; submitting false financial reports; and submitting false financial data in bids submitted to the recipient (for eventual payment under the grant). Callers are not required to give their names and, if they do, OIG keeps their identities confidential.

The Federal government may pursue administrative, civil, or criminal action under a variety of statutes that relate to fraud and false statements or claims. Even if the Federal government does not award a grant, the applicant may be subject to penalties if the information contained in or submitted as part of an application, including its certifications and assurances, is found to be false, fictitious, or fraudulent.