



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

P.O. Box 1306  
Albuquerque, New Mexico 87103

March 20, 2020



In Reply Refer To:  
FWS/RD-WSFR

Scott Thompson, Executive Director  
Oklahoma Department of Environmental Quality  
P.O. Box 1677  
Oklahoma City, Oklahoma 73101-1677  
DUNS: 933601569

Attn: Cheryl Dirck, PPCTA

Subject: Notice of Grant Award F19AP00437, Amendment No. 2

Dear Mr. Thompson:

The Oklahoma Department of Environmental Quality's (Department) application for Federal financial assistance, Amendment No. 2, titled OK V-20-D-1 CVA Pump-outs submitted to the U.S. Fish and Wildlife Service's (Service) CFDA Program number 15.616, is approved for an extension of the grant period (Delays at two marinas. Newberry Marina: delay due to unexpected required dock repairs. Evergreen Marina: manufacturer delay in production and delivery pump out boat.). This award is made under the authority of the Clean Vessel Act Grant Program and is based on the Service's approval of the Department's application, hereby incorporated by reference into this award. For a complete list of this program's authorizing legislation, go to <https://beta.sam.gov/> and search by the CFDA Program number. Funds under this award are to be used to install five CVA pump-out facilities at the Strayhorn Marina, Newberry Creek Resort & Marina, Redbud Marina & RV Park, and Evergreen Marina; and purchase a pump-out boat at the Evergreen Marina.

The grant period of this award is June 18, 2019 through August 31, 2020. The effective date for this amendment is March 13, 2020. Only allowable costs resulting from obligations incurred during the grant period and any authorized pre-award costs may be charged to the award. All obligations incurred under the award must be liquidated no later than 90 calendar days after the end of the grant period, unless the Service approves a final financial reporting period extension.

The Department has completed enrollment in U.S. Treasury's Automated Standard Application for Payment (ASAP) system. When requesting payment in ASAP, your Payment Requestor will be required to enter an Account ID. When entering the Account ID in ASAP, the Payment Requestor should enter the Grant Award number identified in the subject line on letter followed by a percent sign (%). Refer to the ASAP.gov Help menu for detailed instructions on requesting payments in ASAP.

The Department is eligible to request Federal obligated funds up to but not in excess of an amount equal to **75** percent of the total project expenditures.

Awards are based on the application and supporting documents submitted to and approved by the Service. Acceptance of this grant award carries with it the responsibility to be aware of and comply with Program legislation, Federal regulations, special award terms, conditions, and provisions, including those assurances submitted annually by the Department. Acceptance is defined as the start of work, drawing down funds, or accepting the award via electronic means. The Federal regulations applicable to Service awards are listed by recipient type in the **Service Financial Assistance Award Terms and Conditions** posted at <http://www.fws.gov/grants/>. The “Department of the Interior (DOI) Award Provisions” attached to this Notice of Award also apply (Attachment A). If you do not have access to the Internet and require a printed copy of the award terms and conditions, contact the Service Project Officer identified in the Project Contacts section.

This following Terms, Conditions and Provisions are applicable to this award:

1. Reporting requirements are as follows:

<b>Report Title</b>	<b>Report Period</b>	<b>Due Date</b>
Interim Federal Financial Report (SF-425)	June 18, 2019 – June 30, 2020	September 28, 2020
Interim Performance Report	June 18, 2019 – June 30, 2020	September 28, 2020
Final Federal Financial Report (SF-425)	June 18, 2019 – August 31, 2020	November 29, 2021
Final Performance Report	June 18, 2019 – August 31, 2020	November 29, 2021

- a) All required reports must be sent to [fw2fa@fws.gov](mailto:fw2fa@fws.gov). Cost accounting is required at the subaccount level. The Standard Form (SF) 425, Federal Financial Report must be used for all financial reporting and is available at [http://www.whitehouse.gov/omb/grants\\_forms](http://www.whitehouse.gov/omb/grants_forms). For additional information regarding financial reporting requirements, including sanctions for noncompliance, please reference <http://www.fws.gov/policy/516fw1.html>.
- b) Performance reports must contain: a) the Service award number identified in the subject line of this letter; b) a comparison of actual accomplishments with the goals and objectives of the award as detailed in the approved scope of work outline in the proposal; c) a description of reasons why established goals were not met, if appropriate; and d) any other pertinent information relevant to the project results. For additional information regarding performance reporting requirements, including sanctions for noncompliance, please reference <http://www.fws.gov/policy/516fw2.html>.
- c) Financial and performance reporting due dates may be extended by the Service upon receipt of a written request addressed to the Service at [fw2fa@fws.gov](mailto:fw2fa@fws.gov) identifying the type of report to be extended, the requested revised due date, and a justification for the extension. Requests for reporting due date extensions must be received by the Service no later than **1 day before** the original reporting due date.

- d) Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, notify the Service Project Officer in writing as soon as the following types of conditions become known: 1) Problems, delays, or adverse conditions that will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of any corrective action(s) taken or contemplated, and any assistance needed to resolve the situation and/or; 2) favorable developments that enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.
  - e) Recipients are responsible for notifying the Service Project Officer in writing of any conflicts of interest that arise during the life of this award, including those reported to them by any subrecipient under the award. Conflicts of interest include any relationship or matter that might place the recipient, including their employees and subrecipients, in a position of conflict, real or apparent, between their responsibilities under the award and any other outside interests. Conflicts of interest include direct or indirect financial interests; close personal relationships; positions of trust in outside organizations; consideration of future employment arrangements with a different organization; and decision-making authority related to the proposed project. Conflicts of interest are those circumstances real or perceived that would cause a reasonable person with knowledge of the relevant facts to question the impartiality of the recipient, or the recipient's employees or subrecipients, in matters pertaining to the award. Recipients must notify the Service in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee within the Federal program issuing this award. The term employee means any individual engaged in the performance of work under the Federal award. Recipients may not have a former Federal employee as a key project official, or in any other substantial role related to their award, whose participation put them out of compliance with the legal authorities addressing post-Government employment restrictions. The Service will examine each conflict of interest disclose based on its particular facts and nature of the project and will determine if a significant potential conflict exists. If it does, the Service will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies the Service may result in any of the remedies described in 2 CFR 200.338 Remedies for Noncompliance, including termination of this award.
2. Indirect costs under this award are approved on the condition that the Department will submit an indirect cost rate proposal to their cognizant agency immediately after the award is made and no later than 90 calendar days past the award project period start date. The Department is not authorized to charge indirect costs under this award until the Department has received, and provided a copy to the Grants Fiscal Officer at fw2fa@fws.gov, an approved Negotiated Indirect Cost Rate Agreement (NICRA) from the Federal government. In the event the Recipient fails to establish an approved rate before the end of the award project period, the Service may either: 1) deobligate the Federal amount budgeted for indirect costs and, if not otherwise prohibited by legislation

or regulation, allow the Department to use costs otherwise allocable as indirect costs to satisfy cost-sharing or matching requirements; or 2) allow the Department to transfer the amount otherwise allocable as indirect costs to direct costs. Service approval of such budget changes will depend on the particular award circumstance. Indirect costs otherwise allocable to this award may not be shifted to another Federal award unless specifically authorized by legislation.

If the Department has submitted an indirect cost rate proposal to the cognizant agency within the required timeframe but the cognizant agency has delayed approval of the proposal, the Recipient must provide to the Service at [fw2fa@fws.gov](mailto:fw2fa@fws.gov) a letter containing the submitted rate, the name of the cognizant agency, and evidence of the proposal submission date in the form of either a copy of an emailed submission or written confirmation of the proposal receipt date from the cognizant agency. The Service may, upon review of the documentation and consultation with the cognizant agency, give written approval to the Department to charge indirect costs at their proposed rate until their proposal is approved. Service approval to charge indirect costs based on a proposed rate will depend on the circumstance; the Service will not approve a Department to charge indirect costs based on a proposed rate if rate approval delays are due to the Department having submitted a late, incomplete or inaccurate proposal. The Department must receive prior written approval from the Service before charging indirect costs based on a proposed rate. The award may be subject to further revision if the approved rate is higher or lower than the proposed rate.

3. Under the terms and conditions of this award, your organization must maintain an active SAM registration at <https://www.sam.gov/portal/public/SAM/> until the final financial report is submitted or final payment is received, whichever is later. If your organization's SAM registration expires during the required period, the Service will suspend payment under this and all other Service awards to your organization until you update your organization's SAM registration.
4. The Department is permitted to re-budget within the approved direct cost budget to meet unanticipated requirements and may make limited program changes to the approved project. However, certain types of post-award changes in budgets and projects shall require the prior written approval of the Service. Refer to **2 CFR 200.308 (c)(1-7)** for additional information on the types of changes that require prior written approval.
5. If additional time is needed to complete the approved project, you must send a SF-424 and written notice to the Service. The SF-424 and written notice must be received by the Service at least **10 calendar days** before the authorized project period end date, and must include supporting reasons and revised end date. Extensions for time cannot be authorized for the purpose of spending an unused balance of funds that remains after the approved project activities have been completed.
6. During the grant period, an SF-424 and written notice must be sent to the Service at [fw2fa@fws.gov](mailto:fw2fa@fws.gov) to add or delete a project, increase or decrease the Federal funds, and increase the rate of Federal participation.

7. All Grant conditions identified in previous award letter(s) remain in effect.

<b>The Service Grant Manager for this award is:</b>	<b>The Federal Aid Coordinator for this award is:</b>
Kelly Oliver-Amy WSFR – USFWS P.O. Box 1306 500 Gold Ave. SW., Room 8518 Albuquerque, NM 87102 505-248-7457 Kelly_Oliver-Amy@fws.gov	Cheryl Dirck Oklahoma Department of Environmental Quality P.O. Box 1677 707 N. Robinson Oklahoma City, OK 73101-1677 405-702-8179 Cheryl.Dirck@deq.ok.gov

Please contact the Service Grant Manager with any questions or concerns about the terms of this award.

Sincerely,



Cliff Schleusner, Chief  
Wildlife and Sport Fish Restoration Program

Enclosures

**Application for Federal Assistance SF-424**

\* 1. Type of Submission:

- Preapplication  
 Application  
 Changed/Corrected Application

\* 2. Type of Application:

- New  
 Continuation  
 Revision

\* If Revision, select appropriate letter(s):

E: Other (specify)

\* Other (Specify):

Modify End Date

\* 3. Date Received:

Completed by Grants.gov upon submission.

4. Applicant Identifier:

OK V-20-D-1 Amd #2

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

F19AP00437

**State Use Only:**

6. Date Received by State:

7. State Application Identifier:

**8. APPLICANT INFORMATION:**

\* a. Legal Name:

Oklahoma Department of Environmental Quality

\* b. Employer/Taxpayer Identification Number (EIN/TIN):

736017987

\* c. Organizational DUNS:

9336015690000

**d. Address:**

\* Street1:

707 North Robinson

Street2:

\* City:

Oklahoma City

County/Parish:

OK

\* State:

OK: Oklahoma

Province:

\* Country:

USA: UNITED STATES

\* Zip / Postal Code:

73101.1677

**e. Organizational Unit:**

Department Name:

Division Name:

**f. Name and contact information of person to be contacted on matters involving this application:**

Prefix:

Ms.

\* First Name:

Cheryl

Middle Name:

\* Last Name:

Dirck

Suffix:

Title:

Environmental Program Specialist

Organizational Affiliation:

\* Telephone Number:

405.702.8179

Fax Number:

405.702.8100

\* Email:

Cheryl.Dirck@deq.ok.gov

**Application for Federal Assistance SF-424**

**\* 9. Type of Applicant 1: Select Applicant Type:**

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

**\* 10. Name of Federal Agency:**

Fish and Wildlife Service

**11. Catalog of Federal Domestic Assistance Number:**

15.616

CFDA Title:

Clean Vessel Act

**\* 12. Funding Opportunity Number:**

F18AS00250

\* Title:

Clean Vessel Act

**13. Competition Identification Number:**

Title:

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

Add Attachment

Delete Attachment

View Attachment

**\* 15. Descriptive Title of Applicant's Project:**

Oklahoma Marina with mobile pump out boat and pump out station

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

**Application for Federal Assistance SF-424**

**16. Congressional Districts Of:**

\* a. Applicant

\* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

**17. Proposed Project:**

\* a. Start Date:

\* b. End Date:

**18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="489,703.50"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="163,234.50"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="652,938.00"/>

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on  .

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes  No

If "Yes", provide explanation and attach

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

\*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:

Middle Name:

\* Last Name:

Suffix:

\* Title:

\* Telephone Number:  Fax Number:

\* Email:

\* Signature of Authorized Representative:

\* Date Signed:



## **Attachment A: DOI Award Provisions**

### **I. Conflicts of Interest**

#### **(a) Applicability.**

(1) This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.

(2) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR 200.318 apply.

#### **(b) Requirements.**

(1) Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.

(2) In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or subrecipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last one (1) year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or subrecipient or in development of the requirement leading to the funding announcement.

(3) No actual or prospective recipient or subrecipient may solicit, obtain, or use non-public information regarding the evaluation, award, or administration of an award to that recipient or subrecipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or subrecipient.

#### **(c) Notification.**

(1) Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of Interest.

(2) Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

(d) Restrictions on Lobbying. Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR Part 18 and 31 USC 1352.

(e) Review Procedures. The Financial Assistance Officer will examine each conflict of interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement, and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

(f) Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for Noncompliance, including suspension or debarment (see also 2 CFR Part 180).

## **II. Data Availability**

(a) **Applicability.** The Department of the Interior is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.

(b) **Use of Data.** The regulations at 2 CFR 200.315 apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

(c) **Availability of Data.** The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third party evaluation and reproduction of the following:

- (1) The scientific data relied upon;
- (2) The analysis relied upon; and
- (3) The methodology, including models, used to gather and analyze data.