



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Wildlife and Sport Fish Restoration Program
Financial Assistance Support and Oversight
Operations Branch
Falls Church, VA 22041



In Reply Refer To:
FWS/WSFR/FASO/FAO

April 8, 2020

Mr. Patrick Brown
Town of Edisto Beach
2414 Murray Street
Edisto Beach, S.C. 29438-3425

DUNS: 094998424

Subject: Notice of Cooperative Agreement Award F20AC00027

Dear Mr. Brown:

Your organization's application for Federal financial assistance titled "Edisto Beach Sea Turtle Lighting Project" submitted to the U.S. Fish and Wildlife Service (Service)'s CFDA Program 15.630 is approved. This award is made under the authority of the Fish and Wildlife Act of 1956, 16 U.S.C. 742a-c, 747e-742j; Fish and Wildlife Coordination Act of 1958, 16 U.S.C. 661 667(e). For a complete list of this program's authorizing legislation, go to <https://beta.sam.gov/> and search by the CFDA Program number. This award is made based on approval of your organization's proposal submitted on August 10, 2018, hereby incorporated by reference into this award. Funds under this award are to be used to replacing existing convention street lights in the Town of Edisto Beach with new fixtures with the intent of reducing disturbance to sea turtles.

For the period as set forth by this agreement, the Recipient must provide the necessary personnel, material, and services needed to carry out the activities as specifically identified in the scope of work below.

A. Specifically, the Recipient will:

1. Replace conventional street lights in the Town of Edisto Beach with wildlife-friendly LED lights and maintain said fixtures for the duration of the agreement.
2. Coordinate all efforts with Dominion Energy South Carolina as necessary.

3. Ensure appropriate Federal, State and local permits and authorizations are obtained prior to beginning work, and that the project is in compliance with all applicable Federal, State, and local laws.
4. Coordinate closely with the Service's Project Manager during the development and implementation of proposed activities. Receive written concurrence from the Service for any deviation of planned milestone activities.
5. Document each milestone activity related to this project and provide the Service with periodic progress reports of accomplishments (photos, written report etc.).

B. The Service will:

1. Work with the Recipient and with the South Carolina Department of Natural Resources to monitor sea turtle nesting success to ensure that the project is adequately reducing disturbance to nesting sea turtles.
2. Provide technical assistance as needed to ensure overall project success.
3. Work with the recipient to determine roles in the project as documented in the agreement.
4. Assign a Service Project Officer to maintain contact with the Recipient's Project Officer to oversee accomplishments, review interim and final reports, and discuss any problems in meeting the Agreement's purpose.

Terms of Acceptance:

Service grant and cooperative agreement awards are made based on the application submitted to and approved by the Service, and are subject to the terms and conditions incorporated into the Notice of Award either by direct citation or by reference to Federal regulations; program legislation or regulation; and special award terms and conditions. Recipients indicate their acceptance of an award by starting work, drawing down funds, or accepting the award via electronic means. Recipient acceptance of an award from the Service carries with it the responsibility to be aware of and comply with all terms and conditions applicable to the award. The Federal regulations applicable to Service recipients and their sub-recipients and contractors are listed by recipient type in the Service's [Financial Assistance Award Terms and Conditions](#). 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.

The recipient can initiate termination of award by sending written notice to the Service Project Officer stating the reasons for termination, the effective date, and in the case of partial termination, the portion to be terminated. For applicable award termination regulations and procedures, see [2 CFR 200.339](#).

The performance period of this is April 8, 2020 through August 31, 2023. Only allowable costs resulting from obligations incurred during the performance period may be charged to this award. If you need more time to complete project activities, you must submit a written request to the Service Project Officer identified in the Project Contacts section below before the end of the stated performance period (See the Period of Performance Extensions section below).

This award is funded as follows:

	<u>SERVICE</u>
THIS OBLIGATION:	\$50,000
AWARD TOTAL:	\$50,000

System for Award Management (SAM) Registration:

Please be advised that your SAM Registration will expire on January 1, 2021. Under the terms and conditions of this award, your organization must maintain an active SAM registration at www.SAM.gov 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.

Payments:

Your organization 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. The number assigned to this award is the partial Account ID in ASAP. When entering the Account ID in ASAP, the Payment Requestor should enter the 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.

Reporting Requirements:

Financial and Performance Reporting Requirements:

Annual interim financial and performance reports and final financial and performance reports are required under this award. The report periods and due dates are:

Report:	Report Period Start Date:	Report Period End Date:	Report Due Date:
Interim financial & performance	04/08/2020	04/07/2021	05/07/2021
Interim financial & performance	04/08/2021	04/07/2022	05/07/2022
Interim financial & performance	04/08/2022	04/07/2023	05/07/2023
Interim financial & performance	04/08/2023	08/31/2023	09/30/2023
Final financial	04/08/2020	08/31/2023	11/31/2023
Final performance	04/08/2020	08/31/2023	11/31/2023

Recipients must use the Standard Form (SF) 425, *Federal Financial Report* form for all financial reporting. A final SF 425, *Federal Financial Report* is required within 90 calendar days of the end date of the award. This form is available at online at <https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html>. For assistance completing the SF-425, watch the instructional video, [Completing the Federal Financial Report \(SF-425\)](#) available on the [Service's Financial Assistance Wiki](#).

Performance reports must contain: 1) a comparison of actual accomplishments with the goals and objectives of the award as detailed in the approved scope of work; 2) a description of reasons why established goals were not met, if appropriate; and 3) any other pertinent information relevant to the project results. Please include the award number provided in the subject line of this letter on all reports.

Financial and performance reporting due dates may be extended by upon receipt of a written request addressed to the Service Project Officer identifying the type of report to be extended, the requested revised due date, and a justification for the extension. The Service Project Officer may approve an additional extension if justified by a catastrophe that significantly impairs the Recipient's operations. Requests for reporting due date extensions must be received by the Service Project Officer before the original reporting due date.

For additional information regarding financial and performance reporting requirements and sanctions for noncompliance, see Service Policy [516 FW 1, Monitoring Financial and Performance Reporting for Financial Assistance](#).

Significant Developments Reports (see 2 CFR 200.328(d)):

Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, recipients are required to notify the Service in writing as soon as the recipient becomes aware of any 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. The recipient should also notify the Service in writing of any 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.

Conflict of Interest Disclosures:

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. See the U.S. Office of Government Ethics website at <https://oge.gov/> for more information on these restrictions. The Service will examine each conflict of interest disclosure based on its particular facts and the 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.

Other Mandatory Disclosures:

Recipients of Federal awards must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the term and condition outlined in [2 CFR 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters](#) are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in [2 CFR 200.338 Remedies for Noncompliance](#), including suspension or debarment.

Project/Program Plan and Budget Revisions:

Recipients are required to report deviations from budget or project scope or objective, and request prior approvals for budget and program plan revisions in accordance with 2 CFR 200.308 unless otherwise specifically waived in this award.

Period of Performance Extensions:

If additional time is needed to complete the approved project, you must send written notice to the Service Project Officer. This notice must be received by the Service Project Officer at least 30 calendar days before the authorized performance 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.

Project Contacts:

The Service Project Officer for this award is:	The Recipient Project Officer for this award is:
Christopher Hernandez US Fish and Wildlife Service South Carolina Field Office 176 Croghan Spur Rd, Suite 200 Charleston, SC 29407 Phone: 843-727-4707 x 213 Email: Christopher_hernandez@fws.gov	Mr. Patrick Brown Building Code Administrator Town of Edisto Beach 2414 Murray Street Edisto Beach, SC 29438-3425 Phone: 843-869-2505 x 205 Email: Pbrown@townofedistobeach.com

Please contact Mr. Christopher Hernandez with any questions. Please include the Service award number provided in the subject line of this letter in all written communications.

Sincerely,

Grant Management Specialist
U.S. Fish and Wildlife Service
Contracting & Grant Services Division
Phone: (404) 679-4066
Fax: (404) 679-4057
E-mail: kerri_heywood@fws.gov

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.