

GENERAL TERMS AND CONDITIONS

Non-Federal Recipients of funds received under the Interagency Agreement shall be subject to the following OMB circulars/regulations and/or Federal Acquisition Regulation, as applicable, which are incorporated herein by reference (copies of these Circulars can be obtained directly from the Internet at: www.whitehouse.gov/OMB, click on “Circulars”):

1. Educational Institutions

A. OMB Circular A-21, Cost Principles for Educational Institutions;

B. OMB Circular A-110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations; and,

C. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

2. State and Local Governments

A. OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments;

B. OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments; and,

C. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

3. Nonprofit Organizations

A. OMB Circular A-110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations;

B. OMB Circular A-122, Cost Principles for Non-Profit Organizations; and,

C. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

4. Organizations for Profit

A. General administrative requirements will be in accordance with the Federal Acquisition Regulation (FAR), subchapter E, parts 29, 30 and 31; including,

B. Principles for determining the allowableness of cost will be in accordance with the FAR, subchapter E, part 31.2.

5. Patents--Small Business and Nonprofit Organizations

Subject to the provisions set forth in 37 CFR 401, 35 U.S.C. 203 and 35 U.S.C. 205, a Recipient may retain the entire right, title, and interest throughout the world to each subject invention. With respect to any subject invention in which the Recipient retains title, the Federal Government will have a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States the subject invention throughout the world.

6. Buy American Act

Pursuant to Sec. 307(b) of the Department of Interior and Related Agencies Appropriations Act, FY 2000, Public Law 106-113, please be advised of the following:

In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

7. Contracting With Small and Minority Firms, Women's Business Enterprises and Labor Surplus Area Firms

It is a national policy to award a fair share of contracts to small and minority business firms. The Department of the Interior is strongly committed to the objectives of this policy and encourages all recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness.

(1) The grantee and subgrantee shall take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

(2) Affirmative steps shall include:

(i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce as appropriate; and,

(vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in (2)(i) through (v) above.

8. **Metric Conversion.** All progress and final reports, other reports, or publications produced under this award shall employ the metric system of measurements to the maximum extent practicable. Both metric and inch-pound units (dual units) may be used if necessary during any transition period(s). However, the recipient may use non-metric measurements to the extent the recipient has supporting documentation that the use of metric measurements is impracticable or is likely to cause significant inefficiencies or loss of markets to the recipient, such as when foreign competitors are producing competing products in non-metric units.

9. **Resource Conservation and Recovery Act (RCRA).** Any State agency or agency of a political subdivision of a State which is using appropriated Federal funds must comply with Section 6002 of RCRA, (Pub. L. 94-580 codified at 42 U.S.C. 6962).

10. **Anti-Lobbying**

The Recipient shall not use any part of the Department of Interior provided hereunder for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete.

11. **Grant/Cooperative Agreement Provision**

Recipient shall not publicize or otherwise circulate, promotional material (such as advertisements, sales brochures, press releases, speeches, still and motion pictures, articles, manuscripts or other publications) which states or implies governmental, Departmental, bureau, or government employee endorsement of a product, service, or position which the recipient represents. No release of information relating to this award may state or imply that the Government approves of the recipient's work products, or considers the recipient's work product to be superior to other products or services.

All information submitted for publication or other public releases of information regarding this project shall carry the following disclaimer:

“The views and conclusions contained in this document are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government.”

Recipient must obtain prior Government approval for any public information releases concerning this award which refer to the Department of the Interior or any bureau or employee (by name or title). The specific text, layout photographs, etc. of the proposed release must be submitted with the request for approval.

A Recipient further agrees to include this provision in a subaward to any subrecipient, except for a subaward to a State government, a local government, or to a federally-recognized Indian tribal government.

12. Common Rule

43 U.S.C. Part 12 is incorporated by reference. This is where DOI has published the Common Rule implementing various OMB Circulars covering administrative, audit, and cost principles for Federal Assistance.

--End of Attachment B--