

# Special Award Conditions

**Award Number:** NT10BIX5570060

**Amendment Number:** 1

## 1) Project-Specific Special Award Conditions - Revised 06/04/2010

### Project-Specific Special Award Conditions

#### A. Accounting System Verification

The recipient shall submit a signed statement from a licensed public accountant, certifying the ability of the recipient's financial management system to appropriately track and account for federal grants funds and expenditures associated with the funded project. This statement must be received within 60 days of the award start date and the recipient is not allowed to obligate, expend, or draw down any funds until this statement is received and accepted by the Grants Officer.

#### B. Construction-related requirements

**Maintenance.** The recipient agrees that, for the estimated useful life of the facility funded with this award, the project will be properly and efficiently administered, operated, and maintained for the purpose authorized by this award and in accordance with the terms, conditions, requirements, and provisions of the award. If the NTIA determines at any time during the estimated useful life of the project, that the project and any project property is not being properly and efficiently administered, operated, and maintained, the NTIA shall have the right to terminate this award for cause and pursue any other remedies allowed by law.

**Compliance.** The recipient shall comply, and must require each contractor or subcontractor to comply, with all applicable Federal, state, and local laws and regulations.

**Energy Efficiency.** The recipient shall apply, where feasible, sustainable, and energy efficient, design principles for the purpose of reducing pollution and energy costs and optimizing lifecycle costs associated with the construction.

**Signs.** The recipient is responsible for constructing, erecting, and maintaining in good condition throughout the construction period a sign(s) satisfactory to the NTIA that identifies the project and indicates that the project is Federally funded. The NTIA also may require that the recipient maintain a permanent plaque or sign at the project site with the same or similar information.

**Land, Easements, and Rights of Way.** The recipient must disclose all encumbrances to the operating unit. The operating unit will not accept any encumbrance that interferes with the construction, intended use, operation, or maintenance of the project during its estimated useful life. Unless otherwise provided for in the award, prior to grant of the award and commencement of construction, or when requested by the operating unit, the recipient must furnish evidence, satisfactory in form and substance to the operating unit, that title to real property is vested in the recipient, and that it has obtained any rights-of-way, easements, State and local government permits, long-term leases, or other property interests.

**Relocation Assistance.** The provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (Pub. L. No. 91-646; 42 U.S.C. - 4601 et seq.), are applicable to each recipient of assistance from an operating unit. This Act provides assistance to persons, businesses, or farm operations affected by the acquisition, rehabilitation or demolition of real property acquired for a project financed wholly or in part with Federal assistance funds. It also requires compliance with specific guidelines pertaining to reimbursable costs incidental to such land acquisition.

**Tribal Employment Rights Ordinances.** In accordance with Departmental policy, all operating units must recognize Tribal Employment Rights Ordinances ("TEROs"), which may provide for preferences in contracting and employment, in connection with its financial assistance awards. Tribal ordinances requiring preference in contracting, hiring, and firing and the payment of a TERO fee are allowable provisions under Federal awards and should be incorporated by the operating unit under its grants and contracts with American Indian and Alaska Native tribal governments. The payment of

the TERO fee, which supports the tribal employment rights office to administer the preferences, should generally be allowable as an expense that is "necessary and reasonable for proper and efficient performance and administration" of an award, as provided under the applicable cost principles set out in 2 C.F.R. part 225.

**Satisfied Date: 06/11/2010**

## **2) For-Profit Recipient Audit Requirement - Revised 06/04/2010**

### C. For-Profit Recipient Audit Requirement

A for-profit organization or receiving a BTOP award exceeding \$100,000 shall have a program-specific audit performed. The auditor should follow generally accepted government auditing standards and the requirements for a program-specific audit as described in OMB Circular A-133 Section 235. A copy of the program-specific audit shall be submitted to the Grants Officer and to the DOC OIG at the following address:

Office of Inspector General

U. S. Department of Commerce

Atlanta Regional Office of Audits

401 West Peachtree Street, N.W., Suite 2742

Atlanta, Georgia 30308

An audit is required within 90 days after the end of the first year and within 90 days from the project expiration date including the close-out period for the award.

**Due Date: 06/29/2011**

## **3) Post Award Reporting Requirements - Revised 06/04/2010**

### G. Post Award Reporting Requirements:

The recipient shall submit a "Financial Status Report" (SF-425) on a quarterly basis for the periods ending March 31, June 30, September 30, and December 31 or any portion thereof. Reports are due no later than 30 days following the end of each reporting period. A final SF-425 shall be submitted within 90 days after the expiration date of the award.

The recipient shall submit program-specific quarterly performance reports electronically to the Federal Program Officer in the same frequency as the Financial Status Report (SF- 425) unless otherwise authorized by the Grants Officer. The Federal Program Officer will provide updated instructions for accurate report completion at least 30 days prior to reporting period end date. Recipients shall submit baseline project plans and details regarding key outputs and outcomes from their projects with their first quarterly performance (technical) report. Federal Program Officers will provide guidance on the format and content of these baseline plans and details for this one-time data gathering activity.

**Due Date: 07/30/2010**