

RECORD OF ORDINANCES

Ordinance No. 08-59-24

Passed 8-20, 2024

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN INFLATION REDUCTION ACT OHIO THE GREEN CIRCLEVILLE INITIATIVE GRANT AGREEMENT WITH THE USDA, FOREST SERVICE EASTERN REGION, STATE, PRIVATE AND TRIBAL FORESTRY TO PROVIDE GRANT FUNDS TO CREATE TREE EQUITY AND IMPROVE LOCAL ENVIRONMENT FOR THE CITY OF CIRCLEVILLE AND DECLARING AN EMERGENCY.

WHEREAS, the USDA, Forest Service Eastern Region, State, Private and tribal Forestry has awarded funds in the amount of One Million Dollars (\$1,000,000.00) to assist in the project; and

WHEREAS, in order to receive these funds, it is necessary for the City to enter into an Inflation Reduction Act Ohio the Green Circleville Initiative Grant Agreement with the USDA, Forest Service Eastern Region, State, Private and Tribal Forestry; and

WHEREAS, Council desires to obtain these grant funds and to authorize the Director of Public Service to enter into an agreement for this purpose.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CIRCLEVILLE, COUNTY OF PICKAWAY, OHIO AS FOLLOWS:

SECTION I. That the Director of Public Service is hereby authorized and directed to enter into an Inflation Reduction Act Ohio the Green Circleville Initiative Grant Agreement with the USDA, Forest Service Eastern Region, State, Private and Tribal Forestry to provide grant funds to be utilized for the creation of tree equity and improve local environment, the terms of which shall be in accordance with the agreement set forth in the attached Exhibit "A", incorporated herein by reference.

SECTION II. That all funds received from the grant shall be deposited into the General Fund 101 in order to properly account for the grant expenditures.

SECTION III. That the City of Circleville agrees to complete this project in compliance with all of the terms and conditions of this Inflation Reduction Act Ohio the Green Circleville Initiative Grant Agreement.

SECTION IV. That this ordinance is hereby declared to be an emergency measure, necessary for the preservation of the health, safety and welfare of the citizens of the City of Circleville, such an emergency arising out of the immediate need for the execution of this agreement to receive the grant funds and complete this project within the time parameters permitted under this grant so this ordinance shall take effect and be in force immediately from and after its passed and approved by the Mayor.

PASSED: 8-20-24
DATE

Bryan J. Keller
PRESIDENT OF COUNCIL

ATTEST: Melissa Brown
CLERK OF COUNCIL

APPROVED: 8-20-24
DATE

Walter Y. Blanton
MAYOR

APPROVED AS FORM:
Kendra C. Kinney
KENDRA C. KINNEY - LAW DIRECTOR

Federal Assistance Identification Number: 24-DG-11094200-120

Grant Narrative for
Inflation Reduction Act Ohio the Green Circleville Initiative
City of Circleville
FY2024

Funding Amount: \$1,000,000

Grant Period:

April 1, 2024 – ~~March 31, 2029~~ July 18, 2029

Lead Contact(s):

Project Contact: Jim Stanley, Director of Public Service stanley@circlevilleoh.gov, (740) 477-8224, 108 East Franklin Street, Circleville, OH 43113

Financial Contact: Mark Bidwell, City Auditor, mbidwell@circlevilleoh.gov, (740) 477-8251, 133 South Court Street, Circleville, OH 43113

Proposal Abstract:

The Green Circleville Initiative's goal is to create tree equity and improve the local environment. The proposal includes hiring a part-time Arborist, completing a tree inventory, planting 800 trees over the next five years, and planting 30 downtown Main Street trees. Key partners are the Mayor's office, Public Service Director, City Council, Tree Commission, ODNR Forester, and Rhoads Landscaping.

The return on investment in community forests is demonstrably high. The Initiative will provide economic, environmental, social, and psychological benefits to a disadvantaged community. It aims to create a bright green future for Circleville.

Project Partners:

1. **Balser, Mr. Daniel R.**
ODNR Division of Forestry
Chief and State Forester
2045 Morse Road
Building H-1
Columbus, OH 43229
Phone: (614) 265-6694
Email: tyler.stevenson@dnr.ohio.gov

PARTNER INVOLVEMENT:

The ODNR Division of Forestry has Urban Foresters to assist communities in managing trees and land. They will work closely to ensure the City of Circleville sustainably manages our urban forest resource and encourage species diversity.

PARTNER COMMITMENT LETTER INCLUDED: YES (see appendix)

2. **Michelle Blanton**
City of Circleville
Mayor
104 E Franklin St
Circleville, OH 43113

Federal Assistance Identification Number: 24-DG-11094200-120

Phone: (740) 477-8224

Email: mblanton@circlevilleoh.gov

PARTNER INVOLVEMENT:

Mayor Blanton is the Chief Executive of the City of Circleville. She will support the project in all ways possible.

PARTNER COMMITMENT LETTER INCLUDED: YES (see appendix)

3. Neff, Mr. Jeremy

Rhoads Landscaping

Owner

1051 State Route 56 East

Circleville, OH 43113

Phone: (740) 474-2028

Email: neffcj@yahoo.com

PARTNER INVOLVEMENT:

Rhoads Landscaping will be a local partner in the Green Circleville Initiative. This company from Pickaway county has served the city on projects for several years, including tree removal, planting and installing the water permeable brick.

PARTNER COMMITMENT LETTER INCLUDED: YES (see appendix)

4. Stanley, Mr. James

City of Circleville

Director of Public Service

104 East Franklin Street

Circleville, OH 43113

Phone: (740) 477-8224

Email: jstanley@circlevilleoh.gov

PARTNER INVOLVEMENT:

Mr. Stanley will be overseeing the implementation of the Green Circleville Initiative. He has many years of experience in managing projects that run into millions of dollars, working with government departments and private contractors.

PARTNER COMMITMENT LETTER INCLUDED: YES (see appendix)

Scope of Work:

1. Project Scope Alignment:

The Green Circleville Initiative's goal is the implementation of a tree planting program to complement community tree maintenance and improve our open green spaces. This is in line with congressional goals to reduce carbon dioxide emissions, conserve energy, and improve air quality in addition to providing other environmental benefits. The Circleville Tree Commission has developed a Comprehensive Tree Plan for the city, now the city requires the leadership of a Certified Arborist to provide education on maintaining the existing natural resource of individual trees and expand the community's forest cover. The addition of shade trees will improve the quality of life for our residents.

The Green Circleville Initiative also seeks to address the issues of climate change, legacy pollution and underinvestment in the tree canopy in Circleville, Ohio. The resources that this grant would provide will be devoted to improving the climate in our mostly disadvantaged community of 14,000 people. The Adaptation Strategies and Approaches to Urban Forest Health Workbook from the Northern Institute of Applied Climate Science will be used as a resource in achieving these climate resilience goals. An increased tree canopy will help to mitigate climate change and improve the city's air

quality. As a small city whose economic infrastructure has been centered on manufacturing for decades, Circleville has dealt with environmental hazards and is still working toward remediation of abandoned properties. Trees act as natural filters, trapping particulate matter from the air. This project aligns with the Congressional Findings and Purposes as described in 16 USC 2105 and Justice40 goals in that 100% of the funding will directly benefit the disadvantaged in our community, combating environmental injustice.

The goals of Ohio's Forest Action plan include improving the quality of urban life through proper urban forest resource management, increasing the number of municipalities sustainably managing their urban forest resources, and promoting long-range planting designs to encourage urban forest species diversity. This initiative meets all of these goals. The forest coverage map within the plan shows that Pickaway County, of which Circleville is the county seat, is primarily agricultural with negligible forested land.

The Green Circleville Initiative plans to create an equitable community forest that is supported by the Public Service Department and tree professionals who will work with the local citizens of the all-volunteer Circleville Tree Commission. Their efforts, led by a Certified Arborist, will be in collaboration with local government leaders and stakeholders. Funding will be used to develop strategies for the specific purposes of tree equity and climate resilience. This good stewardship will ensure that Circleville's urban forest makes our community sustainable and resilient.

The collaborative partnerships that this funding creates will improve the environment in which our citizens live, in turn benefiting their health and well-being. Humans are connected to their natural surroundings. Through this synergy, an improvement in the community forest will naturally enhance the wellness of its inhabitants.

This proposal aligns well with the Ten-Year Urban and Community Forestry Action Plan. The overall mission of the Green Circleville Initiative is to plant and maintain trees in greater numbers so that our community will have cleaner air and water, more energy savings, a stronger downtown business district, and quieter neighborhoods and streets. Maintenance is a key component. The Initiative creates a better environment for all Circleville citizens for years to come.

The first step of the process is to hire a Certified Arborist on a part-time basis. With this professional on the city staff, the project will have a leader whose focus is on improving our community forest. The Green Circleville Initiative envisions including trees in all planning efforts and development. The Arborist, in conjunction with the Tree Commission volunteers, will include a public education campaign with opportunities for community involvement to help citizens recognize the benefits of a healthy tree canopy as a part of community sustainability. The leadership of a professional Arborist will bring an official voice and technical knowledge of community forestry to Circleville, allowing for an increase in the health and resilience of the local tree canopy.

The second step of the initiative is to fund a professional tree inventory to provide data to improve our community forest management and maintenance. This will be greatly beneficial to Circleville, as tree planting initiatives in the past have failed because the wrong trees were chosen, and planting methods were used that proved to be suboptimal. Having an Arborist on staff, armed with the important information about Circleville's tree inventory, will improve arboricultural practices and facilitate planning that will enhance the community forest.

Once the first two steps have been implemented, the focus will be on planting 800 trees over the next five years in the disadvantaged areas of the city. These trees will provide an important buffer to the stressors of life, including natural, social and economic challenges. Circleville lies along a major railroad. One major stressor that affects a large portion of the city is the noise pollution. The railroads run through the most disadvantaged sections of our town. Some of the new trees will be planted to help mitigate the noise as the many trains blow their horns at a dozen crossings. These trees will also lower heating and cooling costs, increase property values, and create a sense of community.

The Green Circleville Initiative will not only provide environmental benefits, but also social and economic enhancements. The grant will enable Circleville to develop strategies to manage our local

ecosystem, improve our quality of life, and strengthen our local economy. Studies show that neighborhoods with trees promote neighbor interactions and reduce crime. In short, the proposed community forestry plan will be a cost-effective tool, allowing for civic engagement to maximize sustainability.

2. Implementation Strategy/Methodology/Timeline:

The first priority of the Green Circleville Initiative is to hire a part-time Certified Arborist to serve the city. The Human Resources Director will develop a job description and City Council will create the position by ordinance. Once this is complete, the job opening will be posted with the goal of hiring an Arborist within three months of receiving the executed grant. This professional will collaborate with the Director of Public Service, the ODNR Urban Forester, the Circleville Tree Commission and community volunteers and spearhead the mission of the Green Circleville Initiative. The Arborist will report to the Director of Public Service, who serves the Mayor of Circleville.

The Arborist will devote 100% of their time to implementing the Green Circleville Initiative. They will work closely with the City Auditor to track the grant funding and provide all necessary reports and documentation to the Division of Forestry. The Arborist will focus on activities that facilitate the planting, care, improvement and maintenance of our community forest.

Within the first three months of work, , the Arborist will hire a company to do a professional inventory of the trees in the disadvantaged communities of Circleville. The inventory will be done using the GIS tree inventory system to identify species, locations and conditions of trees along streets and in parks, excluding natural wooded areas. This assessment, which will be completed by October 31, 2024, will provide necessary data to allow for proper maintenance and care for the existing canopy.

A schedule will be developed by the Arborist for pruning, watering, and other care and maintenance of the city trees. The main portion of this work will be performed by the Service Department personnel. Supervision and education will be a major part of this work, teaching the city personnel proper techniques and care for the trees.

The next major component of the Green Circleville Initiative will be to plant trees in all the disadvantaged areas of the city, thus maximizing the benefits of the urban forest to the people who need it the most. Each year for the next five years an Arbor Day celebration will be held by the city, with a proclamation by the Mayor. The celebration will center around the planting of 40 trees by the volunteers of the Tree Commission and the community, with the assistance of Service Department personnel. This will result in the addition of 200 trees.

In past years students from Circleville High School's Outdoor Science classes have participated, as well as the local Future Farmers of America chapter. The Pickaway County Board of Developmental Disabilities has recently expressed interest in volunteer opportunities for their students in the future. The hope is that planting trees will foster in the youth a life-long appreciation for the beauty and benefits of a healthy tree canopy and a sense of ownership of "their" trees.

Community engagement and opportunities for input will be continually provided throughout the grant funding period. The goal is to gain sufficient support for planting trees in the community, address citizens' concerns, and avoid backlash by residents. Notices will be mailed to property owners if a tree is planned for the right-of-way in front of their property. Owners have the option to decline the tree if they wish. The public will be invited to attend the monthly Tree Commission meetings and provide ideas for areas where trees can be planted, as well as any other input they want. The city's website and Facebook page will be used to publicize the project and invite locals to get involved, in addition to the local newspaper and social media new site.

The plan also includes hiring local landscaping professionals to plant 200 trees each year for the first three years of the grant duration. This will add 600 trees to the city's tree canopy. The professionals will install root barriers when planting in tree lawns along city sidewalks to prevent future

damage to the infrastructure. The new trees will help to counter the loss of approximately one hundred Ash trees at another of Circleville's parks, Mary Virginia Crites Hannan, to the Emerald Ash Borer. Those destructive insects caused a significant loss to the city's urban canopy.

The different species of trees to be planted will be selected by the Arborist to add variety and mitigate the effects of disease or damage by insects. One of the goals of the project is to introduce as many native and near native species as possible and stagger the planting sites in order to prevent a monoculture. Tree selection will be made in accordance with specifications in the Circleville Comprehensive Tree Plan, which details the appropriate species for different locations.

The vast majority of trees will be planted on public property. If a planting is planned for private property, an agreement will be signed that states the private property owner grants permission and access for work on the property, including maintenance, monitoring, and other on-site work. The agreement will take further steps to maximize the likelihood of tree establishment and long-term survival.

The sum total of the volunteer and professional plantings will result in 800 new trees to serve the disadvantaged citizens of Circleville. All planting work will be done under the direction of the ODNR Urban Forester and the city's Certified Arborist, according to ISA standards. All trees that are planted will be staked when needed and mulched. The city Service Department will install watering bags and fill weekly as needed for the first two years that the trees are planted. If a project tree dies outside of the guarantee period, the tree will be replaced with a tree of similar size and species in the next year's planting project. The Circleville Tree Commission (CTC) and the Service Department are committed to maintaining trees at the designated sites.

Each year the Arborist will work with the Tree Commission, the Service Director and the citizens to determine the ideal locations for the trees along city streets, in parks, and on private land in the disadvantaged areas. This will restore the deteriorated landscape to a more healthy state. The new trees will also help mitigate stormwater in these areas. When determining if a selected species is appropriate for a particular site, the CTC considers maximum canopy height and width, clearance and visibility of traffic and signs, distance from alley ways, streets, sidewalks, and buildings. Light, water availability and drainage are also considered as specified in the city's Comprehensive Tree Plan.

For planting projects, species lists will be developed by a technical expert knowledgeable of local climate, site characteristics, and tree species. Planting projects will not install any state-listed invasive species, including invasive species listed as "restricted," "pending further review," or "non-restricted," or that are on a watch list.

All tree-related work completed under this grant will follow the latest relevant ANSI standards (e.g., ANSI Z60.1 Nursery Stock Standards, A300 Standards for Tree Care Operations) and International Society of Arboriculture Best Management Practices or equivalent.

One special project that this grant will fund is the replacement of trees on Main Street, part of Circleville's downtown business and historic district. More than twenty years ago, 24 thornless Honey Locusts were planted in small sidewalk cutouts. These trees have been topped at least twice and are in bad condition. They have overgrown their space and are now heaving up the sidewalks, posing trip hazards, and endangering our citizens.

This grant will fund planting 30 trees in the downtown area to replace the Honey Locusts. Trees in a variety of species from the approved list for Downtown Trees in the Comprehensive Tree Plan will be planted. This project will be completed by September 30, 2024.

By September 30 in each of the next five years the Arborist will present a report to City Council and the Administration detailing the accomplishments of the previous year, the budget details, and an assessment of the methodology. The report will also list the strategies and timeline to be implemented in the next year of the Green Circleville Initiative, with a final report at the end of the grant period.

3. Capability and Capacity:

The Green Circleville Initiative will be under the supervision of Jim Stanley, Director of Public Service and Utilities for the city of Circleville. Mr. Stanley is a Civil Engineer, who oversees a dedicated staff that is committed to creating and maintaining a healthy canopy. The Service Director has been responsible for many city projects that run into millions of dollars, including working with the Ohio Department of Transportation to rebuild city bridges and major reconfiguring of the infrastructure connecting the U.S. Route 23 with the city. Currently the Service Director is overseeing a 34 million dollar rebuild of the wastewater treatment facility.

The Certified Arborist will be in charge of the initiative on a daily basis. They will oversee the hiring of a company to perform the city's tree inventory. The Arborist will collaborate with Chris Cupp, Service Superintendent, to perform the work directly with the city trees. The Circleville Public Service Department is legally responsible for the care and maintenance of city property, including trees. Several Service Department personnel have taken an online webinar entitled "Ohio Virtual Pruning Class," and have trained under the supervision of the Tree Commission's volunteer Certified Arborist, Alan Gribler. They have assumed responsibility for pruning city trees, removing dead or diseased trees, and filling watering bags on newly planted trees on a weekly basis throughout the warmer, dry months.

Circleville's ongoing urban forestry program is funded at over \$4.00 per capita with a population under 14,000. In 2021 the Service Department estimates that \$50,949 was spent on all things tree-related, not including the \$7,000 budgeted separately for the Circleville Tree Commission. Circleville also maintains a fall leaf collection program.

One Circleville City Council member, Sheri Theis, serves as a liaison between the Tree Commission, the Council and City Administration. The Council Liaison attends meetings, coordinates necessary legislation, secures funding, researches grant opportunities and also helps plant trees. In 2015 members of City Council recruited a committee to explore the establishment of a City Tree Commission.

Two years later an ordinance was passed establishing the Circleville Tree Commission, which began meeting in 2018 and writing a Tree Plan. In 2019 a grant from DuPont was shared with Green Columbus and the first planting of 26 trees in Mary Virginia Crites Hannan Park took place. In August of 2020 the Comprehensive Tree Plan for the City of Circleville was passed by ordinance, and a budget was established for the Tree Commission. The next year, 24 trees were planted along Main Street with volunteers and City workers. As of 2023, over 200 trees have been planted along city streets and in city parks by Tree Commission members, community volunteers and City workers.

As the official tree plan of the city, the Comprehensive Tree Plan addresses the organization of the Tree Commission, planting specifications, general placement criteria, species selection, pruning and maintenance standards, street and sidewalk clearances, tree protection and sidewalk repair, prohibited tree species, enforcement, appeals, and penalties. Permitting requirements are also included. Copies of the CTP are available to citizens online and in the Service Department office. The Tree Commission and its Certified Arborist are available to citizens for assessment of tree conditions and recommendations.

Current Circleville Tree Commission members include Roman Cline, Chairman; Laura Schweitzer, Vice Chairman, Outreach Coordinator; Alan Gribler, Certified Arborist, Ahlum and Arbor; Lisa Wiseman, Master Gardener; Mark Fouch, Master Gardener Emeritus; Lori Pritchard, B.A. in Biology, Juris Doctor; and Loribeth Kowalski, Juris Doctor, Pickaway County Park Board member. The Tree Commission holds an open meeting monthly to plan and implement the many phases of the yearly planting projects. They are a diverse group of people with a passion for trees working to increase Circleville's tree canopy.

Rhoads Landscaping will be a local partner in the Green Circleville Initiative. This company from Pickaway County has served the city on projects for several years, including tree removal, planting and installing the water permeable brick. The owner has written a letter of support for the initiative.

The Circleville Tree Commission has procured trees from Split Rail Nursery in Pickaway County, Acorn Farms in Galena, Ohio, and Natorp Landscape supply in Mason, Ohio, in past years and will continue to partner with Ohio nurseries as their stock selection is available.

4. Communications Plan:

The Green Circleville Initiative will be well publicized. Signs will be erected at the main project sites acknowledging the source of the funding as the USDA Forest Service Urban and Community Forestry Grant made possible by the Inflation Reduction Act. Specific wording may be dictated by the U.S. Forest Service as needed. Street signs with funding information will also be installed along city streets where trees are being planted.

Press releases will be sent out to the local newspaper, the Circleville Herald, and the online local news source, the Scioto Press, detailing the scope of the Green Circleville Initiative and the source of all funding. This will be done when the Arborist is hired, each year for the Arbor Day Celebration and the contracted planting of trees, and also upon completion of the Main Street planting. The project and funding details will also be publicized on the city's website and social media sites. The communication will be ongoing over the five years.

Tags will be placed on some newly planted trees stating that the project was made possible by the USDA FS UCF grant. The tags shall also list tree species and a QR code for more information about the tree initiative and the benefits to the community.

5. Evidence of Disadvantaged Community Status for projects requesting Match Waiver (if applicable):

The Climate and Economic Justice Screening Tool divides Circleville into four disadvantaged census tracts comprising the vast majority of the city's corporation limits and containing 87% of the city's population. All four of these census tracts identify a low income status of residents that ranges from the 69th to the 91st percentile. In addition, two of the tracts report a low median income of 95th and 96th percentiles and one tract reports a poverty rate in the 93rd percentile.

As might be expected, the census tracts also report health issues. Three of the tracts score in the 94th to the 97th percentile for heart disease. Two of the tracts show asthma rates in the 91st to the 94th percentiles. One tract reports diabetes rates in the 90th percentile and two tracts report low life expectancy ranging from the 91st to the 97th percentile.

One hundred percent of the Green Circleville Initiative will happen in the disadvantaged areas identified in the CEJST. The shaded areas in the map represent the four census tracts that are disadvantaged. Only the northernmost part of the city is not considered disadvantaged according to the CEJST.

Federal Assistance Identification Number: 24-DG-11094200-120

1. Number: 39129020310, Pickaway County, Ohio, Population: 5,160
2. Number: 39129020200, Pickaway County, Ohio, Population: 2,678
3. Number: 39129020100, Pickaway County, Ohio, Population: 1,767
4. Number: 39129020400, Pickaway County, Ohio, Population: 2,673

If changes occur to work locations during grant implementation, an updated list will be provided to the U.S. Forest Service grant monitor for review.

Reporting and Acknowledgment:

Semi-annual progress reports for periods ending June 30 and December 31 will be submitted to SM.FS.R9SPFgrants@usda.gov and the U.S. Forest Service (USFS) grant monitor no later than July 31 and January 31 each year. Project updates outside of these reporting timeframes will be provided upon request.

The U.S. Forest Service and Inflation Reduction Act will be acknowledged as a funding source for work performed under this grant, including any future signage requirements. The USDA non-discrimination statement will be present on products resulting from this grant (including online content). Use of the USFS logo will be pre-approved through the USFS grant monitor.

The Forest Service grant monitor will be included when sharing communication products, announcements, and other significant communication and outreach efforts regarding this grant.

Non-Federal Funds Match Waiver:

A match waiver has been authorized for this grant, requiring that 100% of work takes place in or benefits disadvantaged communities. Match waiver will be passed on to any sub-awardees.

Budget:

Green Circleville Initiative Budget						
	Funds Requested:					Total
	2024	2025	2026	2027	2028	
Personnel						\$387,500
Certified Arborist	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000	\$200,000
Service Department Personnel	\$37,500	\$37,500	\$37,500	\$37,500	\$37,500	\$187,500
Fringe Benefits						
Service Department Personnel	\$13,125	\$13,125	\$13,125	\$13,125	\$13,125	\$65,625
Travel	\$0					\$0
Equipment	\$0					\$0
Supplies						
200 Trees for Arbor Day (40 trees/year @ \$250)	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$50,000
Contractual						\$496,875
Tree Inventory	\$55,875					\$55,875
Planting 600 Community Trees (200 trees/year @ \$700)	\$140,000	\$140,000	\$140,000			\$420,000
Main Street Project (30 trees @ \$700)	\$21,000					\$21,000
Other (sub-grants only)	\$0					\$0
Indirect Costs	\$0					\$0
Total Project Cost:	\$317,500	\$240,625	\$240,625	\$100,625	\$100,625	\$1,000,000

Budget Narrative:

USDA FS Community Forestry Grant Budget Narrative

The Green Circleville Initiative is requesting a waiver of matching funds. Circleville is disadvantaged, with 26% of our residents living below the poverty level. The budget narrative is as follows:

Personnel:

Personnel required to implement the project is a part-time Certified Arborist, who will devote 100% of their time to the planting, care, improvement and maintenance of our community forest. The Arborist will also work closely with the City Auditor to track the grant funding and provide all the necessary reports and documentation.

- Certified Arborist: -
Part-time, \$40,000/year x 5 years = \$200,000

The Service Department personnel will perform much of the tree maintenance schedule, including pruning, watering, and planting.

- Service Department personnel:
1500 hours @ \$25 per hour = \$37,500/year x 5 years = \$187,500

Fringe Benefits:

Service Department personnel benefits:

- 1500 hours @ \$8.75 per hour = \$13,125/year x 5 years = \$65,625

Travel: None

Equipment: None

Supplies:

Trees to be planted by Tree Commission and community volunteers at Arbor Day Celebration, with assistance from Service Department personnel.

- 40 trees of 2" caliper/year @ =
@ \$250 = \$10,000 x 5 years = \$50,000

Contractual:

1. Direct contract with an Urban Forestry Consulting Firm to provide a professional tree inventory covering disadvantaged communities in Circleville. This will be done using the GIS tree inventory system to identify species, locations and condition of trees along streets and in parks, excluding natural wooded areas. Cost estimate includes travel and report writing.

- 225 hours @ \$200 per hour = \$45,000
- 24% to cover bid requirements, contract administration= \$10,875 (24.17% NP)
- Total contract = \$55,875

2. Direct contract with local provider/landscaper to plant trees along streets, in parks and other spaces around the underserved areas, including root guards along sidewalks, to create tree equity.

- 200 trees of 2" caliper/year @ \$700 = \$140,000 x 3 years = \$420,000

3. Direct contract with local provider/landscaper for downtown Main Street to install root guards, and plant new trees.

Federal Assistance Identification Number: 24-DG-11094200-120

- 30 trees of 2" caliper @ \$700 = \$21,000

Other (sub-grants only): None

Indirect Costs: None

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):

* Other (Specify):

* 3. Date Received:

04/09/2024

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

24-DG-11094200-120

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

City of Circleville

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

31-6400222

* c. UEI:

CQPEKELG9VN3

d. Address:

Per SAM.gov registration:

* Street1:

~~104 East Franklin Street~~ 127 S Court ST

Street2:

* City:

Circleville

County/Parish:

* State:

OH: Ohio

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

43113-1706 1611

e. Organizational Unit:

Department Name:

Division Name:

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

Prefix:

Mr.

* First Name:

James

Middle Name:

* Last Name:

Stanley

Suffix:

Title:

Director of Public Service

Organizational Affiliation:

City of Circleville

* Telephone Number:

740-477-8224

Fax Number:

* Email:

jstanley@circlevilleoh.gov

Application for Federal Assistance SF-424

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

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

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

United States Department of Agriculture Forest Service

11. Catalog of Federal Domestic Assistance Number:

10.727

CFDA Title:

Inflation Reduction Act Urban and Community Forestry

*** 12. Funding Opportunity Number:**

USDA-FS-2023-UCF-IRA-01

* Title:

Inflation Reduction Act - Urban and Community Forestry

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:**

Inflation Reduction Act Ohio

The Green Circleville Initiative

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:

07/18/2029 per USFS regional guidance. NP

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="1,000,000.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* 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="1,000,000.00"/>

*** 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 18, 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.

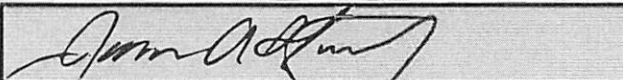
Authorized Representative:

Prefix: * First Name:
Middle Name:
* Last Name:
Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: 

* Date Signed:

BUDGET INFORMATION - Non-Construction Programs

OMB Number: 4040-0006
Expiration Date: 02/28/2025

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Inflation Reduction Act - Urban & Community Forestry	10.727	\$	\$	\$ 1,000,000.00	\$	\$ 1,000,000.00
2.						
3.						
4.						
5. Totals		\$	\$	\$ 1,000,000.00	\$	\$ 1,000,000.00

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
	Inflation Reduction Act - Urban & Community Forestry				
a. Personnel	\$ 387,500.00	\$	\$	\$	\$ 387,500.00
b. Fringe Benefits	65,625.00				65,625.00
c. Travel	0.00				0.00
d. Equipment	0.00				0.00
e. Supplies	50,000.00				50,000.00
f. Contractual	496,875.00				496,875.00
g. Construction	0.00				0.00
h. Other	0.00				0.00
i. Total Direct Charges (sum of 6a-6h)	1,000,000.00				\$ 1,000,000.00
j. Indirect Charges	0.00				\$ 0.00
k. TOTALS (sum of 6i and 6j)	\$ 1,000,000.00	\$	\$	\$	\$ 1,000,000.00
7. Program Income	\$ 0.00	\$	\$	\$	\$ 0.00

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Standard Form 424A (Rev. 7-97)
Prescribed by OMB (Circular A -102) Page 1A

SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8. Inflation Reduction Act - Urban & Community Forestry	\$	\$	\$	\$	
9.					
10.					
11.					
12. TOTAL (sum of lines 8-11)	\$	\$	\$	\$	
SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$	\$
14. Non-Federal	\$				
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$	\$
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)				
	(b) First	(c) Second	(d) Third	(e) Fourth	
16. Inflation Reduction Act - Urban & Community Forestry	\$	\$	\$	\$	
17.					
18.					
19.					
20. TOTAL (sum of lines 16 - 19)	\$	\$	\$	\$	
SECTION F - OTHER BUDGET INFORMATION					
21. Direct Charges: \$1,000,000.00 Federal		22. Indirect Charges: Partner has elected not to assess indirect on this award. NP.			
23. Remarks:					

**FEDERAL FINANCIAL ASSISTANCE
AWARD OF DOMESTIC GRANT 24-DG-11094200-120
Between
CITY OF CIRCLEVILLE
And The
USDA, FOREST SERVICE
EASTERN REGION, STATE, PRIVATE AND TRIBAL FORESTRY**

Project Title: Inflation Reduction Act Ohio the Green Circleville Initiative

Upon execution of this document, an award to City of Circleville, hereinafter referred to as "City of Circleville," in the amount of **\$1,000,000.00**, is made under the authority of Cooperative Forestry Assistance Act, P.L. 95-313 as amended, 16 USC 2105 and Public Law 117-169, Subtitle D, Section 23003(a). The Federal Assistance Listing (formerly Catalog of Federal Domestic Assistance - CFDA) number and name are 10.727, Inflation Reduction Act Urban & Community Forestry Program. City of Circleville accepts this award for the purpose described in the application narrative. Your application for Federal financial assistance, dated 04/29/2024, and the attached Forest Service provisions, 'Forest Service Award Provisions,' are incorporated into this letter and made a part of this award.

The Urban & Community authority requires a 1:1 match, however match has been waived under the provision of Public Law 117-169 (Inflation Reduction Act) and based on assurance from the Cooperator that 100% of the work and funding will benefit disadvantaged communities.

All required reports and official correspondence must be sent to SM.FS.R9SPFgrants@usda.gov and the assigned U.S. Forest Service Program Manager for internal record-keeping and processing.

This is an award of Federal financial assistance. Prime and sub-recipients to this award are subject to the OMB guidance in subparts A through F of 2 CFR Part 200 as adopted and supplemented by the USDA in 2 CFR Part 400. Adoption by USDA of the OMB guidance in 2 CFR 400 gives regulatory effect to the OMB guidance in 2 CFR 200 where full text may be found.

Electronic copies of the CFRs can be obtained at the following internet site: www.ecfr.gov. If you are unable to retrieve these regulations electronically, please contact your Grants and Agreements Office at SM.FS.R9SPFgrants@usda.gov.

The following administrative provisions apply to this award:

- A. **LEGAL AUTHORITY**. City of Circleville shall have the legal authority to enter into this award, and the institutional, managerial, and financial capability to ensure proper planning, management, and completion of the project, which includes funds sufficient to pay the non-Federal share of project costs, when applicable.



- B. **PRINCIPAL CONTACTS.** Individuals listed below are authorized to act in their respective areas for matters related to this award.

Principal Cooperator Contacts:

Cooperator Program Contact	Cooperator Administrative Contact
Jim Stanley Director of Public Service 108 East Franklin Street Circleville, OH 43113 740-477-8224 jstanley@circlevilleoh.gov	Mark Bidwell City Auditor 133 South Court Street Circleville, OH 43113 740-477-8251 mbidwell@circlevilleoh.gov

Principal Forest Service Contacts:

Forest Service Program Manager Contact	Forest Service Administrative Contact
Sally Ross Urban and Community Forestry Specialist 180 Canfield Street Morgantown, WV 26505 225-803-9621 sally.ross@usda.gov	Nicole Peltier Grants Management Specialist 626 East Wisconsin Ave Milwaukee, WI 53202 715-218-1412 nicole.peltier@usda.gov

- C. **SYSTEM FOR AWARD MANAGEMENT REGISTRATION REQUIREMENT (SAM).** City of Circleville shall maintain current organizational information and the original Unique Entity Identifier (UEI) provided for this agreement in the System for Award Management (SAM) until receipt of final payment. This requires annual review and updates, when needed, of organizational information after the initial registration. More frequent review and updates may be required for changes in organizational information or agreement term(s). Any change to the original UEI provided in this agreement will result in termination of this agreement and de-obligation of any remaining funds. For purposes of this agreement, System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a Cooperative. Additional information about registration procedures may be found at the SAM Internet site at www.sam.gov.
- D. **ADVANCED AND REIMBURSABLE PAYMENTS – FINANCIAL ASSISTANCE.** Advanced and reimbursable payments are approved under this award. Only costs for those project activities approved in (1) the initial award, or (2) modifications thereto, are allowable. Requests for payment must be submitted on Standard Form 270 (SF-270), Request for Advance or Reimbursement, and must be submitted no more than monthly. In order to approve a Request for Advance Payment or Reimbursement, the Forest Service shall review such requests to ensure advances or payments for

reimbursement are in compliance and otherwise consistent with OMB, USDA, and Forest Service regulations.

Advance payments must not exceed the minimum amount needed or no more than is needed for a 30-day period, whichever is less. If the Recipient receives an advance payment and subsequently requests an advance or reimbursement payment, then the request must clearly demonstrate that the previously advanced funds have been fully expended before the Forest Service can approve the request for payment. Any funds advanced, but not spent, upon expiration of this award must be returned to the Forest Service.

To expedite payment, please attach a list of expenses that match the approved project budget when submitting each SF-270. Each SF-270 shall include the award number (24-DG-11094200-120) in Block 4. If this award has multiple projects, each project must be identified in separate columns for tracking purposes in Block 11.

A final SF-270 must have a final performance report submitted prior to its approval.

The Program Manager reserves the right to request additional information prior to approving a payment.

The invoice must be sent by one of three methods: EMAIL (preferred): SM.FS.asc_ga@usda.gov FAX: 877-687-4894 POSTAL: USDA Forester Service Budget & Finance - Grants and Agreements 4000 Masthead St, NE Albuquerque, NM 87109

- E. **ELECTION OF DE MINIMIS INDIRECT RATE.** City of Circleville has elected to use the *de minimis* indirect cost rate of 10% of modified total direct costs (MTDC) as allowed under 2 CFR 200.414 (f). This rate must be used consistently for all Federal awards until such time as City of Circleville chooses to negotiate for a rate, which they may apply to do at any time. If a new rate is negotiated and utilized the *de minimis* rate can no longer be utilized.

The City of Circleville has elected not to assess indirect charges on this award.

- F. **PRIOR WRITTEN APPROVAL.** City of Circleville shall obtain prior written approval pursuant to conditions set forth in 2 CFR 200.407.
- G. **MODIFICATIONS.** Modifications within the scope of this award must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized signatory officials, prior to any changes being

performed. Requests for modification should be made, in writing, at least 90 days prior to implementation of the requested change. The Forest Service is not obligated to fund any changes not properly approved in advance.

- H. PERIOD OF PERFORMANCE. This agreement is executed as of the date of the Forest Service signatory official signature. Pre-award costs are authorized as of 04/01/2024 pursuant to 2 CFR 200.458.

The end date, or expiration date is **07/18/2029**. This instrument may be extended by a properly executed modification. *See Modification Provision above.*

- I. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this award. In witness whereof the parties hereto have executed this award.

JAMES STANLEY, Director of Public Services
City of Circleville

Date

ROBERT LUECKEL, Deputy Regional Director
Eastern Region, State, Private and Tribal Forestry

Date

The authority and the format of this award have been reviewed and approved for signature. NICOLE

PELTIER

Digitally signed by
NICOLE PELTIER
Date: 2024.07.19
13:12:57 -05'00'

NICOLE PELTIER
Forest Service Grants Management Specialist

Date

ATTACHMENT A: FOREST SERVICE AWARD PROVISIONS

- A. **COLLABORATIVE ARRANGEMENTS**. Where permitted by terms of the award and Federal law, City of Circleville a may enter into collaborative arrangements with other organizations to jointly carry out activities with Forest Service funds available under this award.
- B. **FOREST SERVICE LIABILITY TO THE RECIPIENT**. The United States shall not be liable to City of Circleville for any costs, damages, claims, liabilities, and judgments that arise in connection with the performance of work under this award, including damage to any property owned by City of Circleville or any third party.
- C. **NOTICES**. Any notice given by the Forest Service or the City of Circleville will be sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the Forest Service Program Manager, at the address specified in the award.

To the City of Circleville, at the address shown in the award or such other address designated within the award.

Notices will be effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

- D. **SUBAWARDS**. Prior approval is required to issue subawards under this grant. The intent to subaward must be identified in the approved budget and scope of work and approved in the initial award or through subsequent modifications. Approval of each individual subaward is not required, however the cooperator must document that each sub-recipient does NOT have active exclusions in the System for Award Management (sam.gov).

The Cooperator must also ensure that they have evaluated each subrecipient's risk in accordance with 2 CFR 200.332 (b).

Any subrecipient under this award must be notified that they are subject to the OMB guidance in subparts A through F of 2 CFR Part 200, as adopted and supplemented by the USDA in 2 CFR Part 400. Any sub-award must follow the regulations found in 2 CFR 200.331 through .333.

All subawards \$30,000 or more must be reported at fsrs.gov in compliance with 2 CFR 170. See Attachment B for full text.

- E. **FINANCIAL STATUS REPORTING**. A Federal Financial Report, Standard Form SF-425 (and Federal Financial Report Attachment, SF-425A, if required for reporting multiple awards), must be submitted semi-annually. These reports are due 30 days after the reporting period ending June 30 and December 31. The final SF-425 (and SF-425A,

if applicable) must be submitted either with the final payment request or no later than 120 days from the expiration date of the award. These forms may be found at grants.gov/forms/forms-repository/post-award-reporting-forms

- F. **PROGRAM PERFORMANCE REPORTS.** The recipient shall perform all actions identified and funded in application/modification narratives within the performance period identified in award.

In accordance with 2 CFR 200.301, reports must relate financial data to performance accomplishments of the federal award.

City of Circleville shall submit semi-annual performance reports. These reports are due 30 days after the reporting period ending June 30 and December 31. The final performance report shall be submitted either with the City of Circleville's final payment request, or separately, but not later than 120 days from the expiration date of the award.

Additional pertinent information:

- To support consistent and transparent public access to project outcomes funded through the Inflation Reduction Act, grantees are required to report quantitative and qualitative project accomplishments for reporting periods ending June 30 and December 31 to a public-facing Impact Reporting Platform. Grantees will be provided instructions for project impact reporting.
- To prevent payment delays, all reports should be emailed to SM.FS.R9SPFgrants@usda.gov and the U.S. Forest Service Program Manager prior to their respective due dates.
- Please ensure the subject line of the email contains the award number (24-DG-11094200-120) and the name of report being submitted.
- The final performance report must be submitted and approved prior to approval of the final SF-270 payment request.

- G. **NOTIFICATION.** City of Circleville shall immediately notify the Forest Service of developments that have a significant impact on the activities supported under this award. Also, notification must be given in case of problems, delays or adverse conditions that materially impair the ability to meet the objectives of the award. This notification must include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.
- H. **CHANGES IN KEY PERSONNEL.** Any revision to key personnel identified in this award requires notification of the Forest Service Program Manager by email or letter.
- I. **USE OF FOREST SERVICE INSIGNIA.** In order for City of Circleville to use the Forest Service insignia on any published media, such as a Web page, printed publication,

or audiovisual production, permission must be granted by the Forest Service's Office of Communications (Washington Office). A written request will be submitted by Forest Service, Program Manager, to the Office of Communications Assistant Director, Visual Information and Publishing Services prior to use of the insignia. The Forest Service Program Manager will notify City of Circleville when permission is granted.

- J. FUNDING EQUIPMENT. Federal funding under this award is not available for reimbursement of the City of Circleville's purchase of equipment. Equipment is defined as having a fair market value of \$5,000 or more per unit and a useful life of over one year. Supplies are those items that are not equipment.
- K. PUBLIC NOTICES. It is Forest Service's policy to inform the public as fully as possible of its programs and activities. City of Circleville is encouraged to give public notice of the receipt of this award and, from time to time, to announce progress and accomplishments.

City of Circleville may call on Forest Service's Office of Communication for advice regarding public notices. City of Circleville is requested to provide copies of notices or announcements to the Forest Service Program Manager and to Forest Service's Office Communications as far in advance of release as possible.

- L. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS, AND ELECTRONIC MEDIA. City of Circleville shall acknowledge Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this award. Follow direction in USDA Supplemental 2 CFR 415.2.
- M. COPYRIGHTING. City of Circleville is/are granted sole and exclusive right to copyright any publications developed as a result of this award. This includes the right to publish and vend throughout the world in any language and in all media and forms, in whole or in part, for the full term of copyright and all renewals thereof in accordance with this award.

No original text or graphics produced and submitted by the Forest Service shall be copyrighted. The Forest Service reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use the work for federal government purposes.

This right shall be transferred to any sub-awards or subcontracts.

This provision includes:

- The copyright in any work developed by the City of Circleville under this award.
- Any right of copyright to which the City of Circleville purchase(s) ownership with any federal contributions.

- N. **NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL.** City of Circleville shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at <https://www.ocio.usda.gov/document/ad-3027>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

- (1) Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, D.C. 20250-9410; o*
- (2) Fax: (833) 256-1665 or (202) 690-7442; or*
- (3) Email: program.intake@usda.gov.*

If the material is too small to permit the full Non-Discrimination Statement to be included, the material will, at a minimum, include the alternative statement:
“This institution is an equal opportunity provider.”

- O. **DISPUTES.** In the event of any issue of controversy under this agreement, the parties may pursue Alternate Dispute Resolution (ADR) procedures to voluntarily resolve those issues. These procedures may include, but are not limited to conciliation, facilitation, mediation, and fact finding.

Should the parties be unable to resolve the issue of controversy through ADR, then the Signatory Official will make the decision. A written copy of the decision will be provided to the Cooperator.

Decisions of the Signatory Official shall be final unless, within 30 days of receipt of the decision of the Signatory Official, the Cooperator appeals the decision to the Forest

Service's Deputy Chief, State, Private, and Tribal Forestry (SPTF). Any appeal made under this provision shall be in writing and addressed to the Deputy Chief, SPTF, USDA, Forest Service, Washington, DC 20024. A copy of the appeal shall be concurrently furnished to the Signatory Official.

A decision under this provision by the Deputy Chief, SPTF, is final. The final decision by the Deputy Chief, SPTF, does not preclude the Cooperator from pursuing remedies available under the law.

- P. **AWARD CLOSEOUT.** City of Circleville must submit, no later than 120 calendar days after the end date of the period of performance, all financial, performance, and other reports as required by the terms and conditions of the Federal award.

Any unobligated balance of cash advanced to City of Circleville must be immediately refunded to the Forest Service, including any interest earned in accordance with 2 CFR 200.344(d).

If this award is closed without audit, the Forest Service reserves the right to disallow and recover an appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted later.

- Q. **TERMINATION.** This award may be terminated, in whole or part pursuant to 2 CFR 200.340.

- R. **DEBARMENT AND SUSPENSION.** City of Circleville shall immediately inform the Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should the City of Circleville or any of their principals receive a transmittal letter or other official federal notice of debarment or suspension, then they shall notify the Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary. The Recipient shall adhere to 2 CFR Part 180 Subpart C in regards to review of sub-recipients or contracts for debarment and suspension.

All subrecipients and contractors must complete the form AD-1048, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, Lower Tier Covered Transactions. Blank forms are available electronically. Completed forms must be kept on file with the primary recipient.

- S. **MEMBERS OF CONGRESS.** Pursuant to 41 U.S.C. 22, no member of, or delegate to, Congress shall be admitted to any share or part of this award, or benefits that may arise therefrom, either directly or indirectly.

- T. **SCIENTIFIC INTEGRITY:** USDA is committed to the highest levels of integrity in all of our scientific activities and decision making. This includes to performing, recording and

reporting the results of scientific activities with honesty, objectivity, and transparency. All persons performing under this agreement shall adhere to the principles of scientific integrity described in Departmental Regulation (DR) 1074-001.

- U. GEOSPATIAL DATA. All data collected will meet the requirements of the Geospatial Data Act of 2018 where applicable. This will always include the documentation of all relevant metadata standards, use of standard data formats; description of quantitative measures of uncertainty and source of uncertainty and sources of uncertainty associated with the data. Additionally, the data must meet specific standards specified elsewhere to ensure the data is useful to support the USDA's mission. The recipient/cooperator agrees to comply with USDA's Department-wide enterprise geospatial data management policy implemented in Departmental Regulation 3465-001 which establishes the USDA policy for defining the strategic direction necessary to optimize the management of the USDA geospatial data and geospatial infrastructure, including all geospatial data created for, by, and enhanced by USDA.

- V. PUBLIC ACCESS TO SCHOLARLY PUBLICATIONS AND DIGITAL SCIENTIFIC RESEARCH DATA. The recipient agrees to comply with USDA's Department-wide public access policy implemented in Departmental Regulation 1020-006 which establishes the USDA policy for public access to scholarly publications and digital scientific research data assets. The USDA will make all peer-reviewed, scholarly publications and digital scientific research data assets arising from unclassified scientific research supported wholly or in part by the USDA accessible to the public, to the extent practicable.

- W. BUY AMERICA BUILD AMERICA. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for an infrastructure project unless:

(1) All iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) All manufactured products used in the project are produced in the United States— this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and

(3) All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The construction material standards are listed below.

Incorporation into an infrastructure project. The Buy America Preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America Preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

Categorization of articles, materials, and supplies. An article, material, or supply should only be classified into one of the following categories: (i) Iron or steel products; (ii) Manufactured products; (iii) Construction materials; or (iv) Section 70917(c) materials. An article, material, or supply should not be considered to fall into multiple categories. In some cases, an article, material, or supply may not fall under any of the categories listed in this paragraph. The classification of an article, material, or supply as falling into one of the categories listed in this paragraph must be made based on its status at the time it is brought to the work site for incorporation into an infrastructure project. In general, the work site is the location of the infrastructure project at which the iron, steel, manufactured products, and construction materials will be incorporated.

Application of the Buy America Preference by category. An article, material, or supply incorporated into an infrastructure project must meet the Buy America Preference for only the single category in which it is classified.

Determining the cost of components for manufactured products. In determining whether the cost of components for manufactured products is greater than 55 percent of the total cost of all components, use the following instructions:

(a) For components purchased by the manufacturer, the acquisition cost, including transportation costs to the place of incorporation into the manufactured product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or

(b) For components manufactured by the manufacturer, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (a), plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the manufactured product.

Construction material standards. The Buy America Preference applies to the following

construction materials incorporated into infrastructure projects. Each construction material is followed by a standard for the material to be considered “produced in the United States.” Except as specifically provided, only a single standard should be applied to a single construction material.

(1) Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.

(2) Plastic and polymer-based products. All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.

(3) Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.

(4) Fiber optic cable (including drop cable). All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.

(5) Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.

(6) Lumber. All manufacturing processes, from initial debarking through treatment and planning, occurred in the United States.

(7) Drywall. All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.

(8) Engineered wood. All manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

Waivers. When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. The agency should notify the recipient for information on the process for requesting a waiver from these requirements.

When the Federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the Buy America Preference in any case in which the agency determines that:

- (1) applying the Buy America Preference would be inconsistent with the public interest;
- (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the Buy America Preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described at [USDA Buy America Waivers for Federal Financial Assistance | USDA](#).

Definitions

“Buy America Preference” means the “domestic content procurement preference” set forth in section 70914 of the Build America, Buy America Act, which requires the head of each Federal agency to ensure that none of the funds made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.

“Construction materials” means articles, materials, or supplies that consist of only one of the items listed in paragraph (1) of this definition, except as provided in paragraph (2) of this definition. To the extent one of the items listed in paragraph (1) contains as inputs other items listed in paragraph (1), it is nonetheless a construction material.

- (1) The listed items are:
 - (i) Non-ferrous metals;
 - (ii) Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
 - (iii) Glass (including optic glass);

- (iv) Fiber optic cable (including drop cable);
- (v) Optical fiber;
- (vi) Lumber;
- (vii) Engineered wood; and
- (viii) Drywall.

(2) Minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization of the construction material.

“Infrastructure” means public infrastructure projects in the United States, which includes, at a minimum, the structures, facilities, and equipment for roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and structures, facilities, and equipment that generate, transport, and distribute energy including electric vehicle (EV) charging.

“Infrastructure project” means any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States regardless of whether infrastructure is the primary purpose of the project. See also paragraphs (c) and (d) of 2 CFR 184.4.

“Iron or steel products” means articles, materials, or supplies that consist wholly or predominantly of iron or steel or a combination of both.

X. TRAFFICKING IN PERSONS.

1. Provisions applicable to a Recipient that is a private entity.

- a. You as the Recipient, your employees, Subrecipients under this award, and Subrecipients' employees may not:
 - (1) Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procure a commercial sex act during the period of time that the award is in effect; or
 - (3) Use forced labor in the performance of the award or subawards under the award.
- b. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a Subrecipient that is a private entity:
 - (1) Is determined to have violated a prohibition in paragraph a.1 of this award

- term; or
- (2) Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either:
 - i. Associated with performance under this award; or
 - ii. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement),”.
2. Provision applicable to a Recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity:
 - a. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
 - b. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—
 - (1) Associated with performance under this award; or
 - (2) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),”
 3. Provisions applicable to any recipient.
 - a. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
 - b. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
 - (1) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - (2) Is in addition to all other remedies for noncompliance that are available to us under this award.
 - c. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.
 4. Definitions. For purposes of this award term:
 - a. “Employee” means either:
 - (1) An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
 - (2) Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
 - b. “Forced labor” means labor obtained by any of the following methods: the

recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

- c. "Private entity":
 - (1) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
 - (2) Includes:
 - i. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
 - ii. A for-profit organization.
- d. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

Y. DRUG-FREE WORKPLACE.

- 1. City of Circleville agree(s) that it will publish a drug-free workplace statement and provide a copy to each employee who will be engaged in the performance of any project/program that receives federal funding. The statement must
 - a. Tell the employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace;
 - b. Specify the actions the City of Circleville will take against employees for violating that prohibition; and
 - c. Let each employee know that, as a condition of employment under any award, the employee:
 - (1) Shall abide by the terms of the statement, and
 - (2) Shall notify City of Circleville in writing if they are convicted for a violation of a criminal drug statute occurring in the workplace, and shall do so no more than 5 calendar days after the conviction.
- 2. City of Circleville agree(s) that it will establish an ongoing drug-free awareness program to inform employees about
 - a. The dangers of drug abuse in the workplace;
 - b. The established policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation and employee assistance programs; and
 - d. The penalties that you may impose upon them for drug abuse violations occurring in the workplace.
- 3. Without the Program Manager's expressed written approval, the policy statement and program must be in place as soon as possible, no later than the 30 days after the effective date of this instrument, or the completion date of this award, whichever occurs first.

4. City of Circleville agrees to immediately notify the Program Manager if an employee is convicted of a drug violation in the workplace. The notification must be in writing, identify the employee's position title, the award number of each award on which the employee worked. The notification must be sent to the Program Manager within 10 calendar days after City of Circleville learns of the conviction.
5. Within 30 calendar days of learning about an employee's conviction, the City of Circleville must either
 - a. Take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 (29 USC 794), as amended, or
 - b. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

Z. PROHIBITION AGAINST USING FUNDS WITH ENTITIES THAT REQUIRE CERTAIN INTERNAL CONFIDENTIALITY AGREEMENTS.

1. 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.
2. The recipient must notify its employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (1) of this award provision are no longer in effect.
3. The prohibition in paragraph (1) 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.
4. If the Government determines that the recipient is not in compliance with this award provision, it;
 - a. 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
 - b. May pursue other remedies available for the recipient's material failure to comply with award terms and conditions.

AA. ELIGIBLE WORKERS. City of Circleville shall ensure that all employees complete the I-9 form to certify that they are eligible for lawful employment under the Immigration and Nationality Act (8 U.S.C. 1324(a)). City of Circleville shall comply with regulations regarding certification and retention of the completed forms. These requirements also apply to any contract or supplemental instruments awarded under this award.

BB. FREEDOM OF INFORMATION ACT (FOIA). Public access to award or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552). Requests for research data are subject to 2 CFR 315(e).

Public access to culturally sensitive data and information of Federally-recognized Tribes may also be explicitly limited by P.L. 110-234, Title VIII Subtitle B §8106 (2009 Farm Bill).

CC. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, “Federal Leadership on Reducing Text Messaging While Driving,” any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All Cooperators, their Employees, Volunteers, and Contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.

DD. PROMOTING FREE SPEECH AND RELIGIOUS FREEDOM. As a recipient of USDA financial assistance, you will comply with the following:

1. Do not discriminate against applicants for sub-grants on the basis of their religious character.
2. 7 Code of Federal Regulations (CFR) part 16.3(a), Rights of Religious Organizations.
3. Statutory and National policy requirements, including those prohibiting discrimination and those described in Executive Order 13798 promoting free speech and religious freedom, 2 CFR 200.300.

EE. PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT. The cooperator (including subrecipients) is responsible for compliance with the prohibition on certain telecommunications and video surveillance services or equipment identified in 2 CFR 200.216. See Public Law 115-232, Section 889 for additional information.

In accordance with 2 CFR 200.216, the grantee (including subrecipients) is prohibited from obligating or expending loan or grant funds for covered telecommunications equipment or services to:

- (1) procure or obtain, extend or renew a contract to procure or obtain;
- (2) enter into a contract (or extend or renew a contract) to procure; or
- (3) obtain the equipment, services or systems.

FF. DAVIS BACON WAGES FOR CONSTRUCTION. Following the requirement in Section 41101 of the Bipartisan Infrastructure Law, P.L. 117-58, Davis-Bacon wage rates must be applied for all laborers and mechanics employed by contractors or subcontractors

in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under this Act. Laborers and mechanics shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the “Davis-Bacon Act”).

ATTACHMENT B: 2 CFR PART 170

Appendix A to Part 170—Award Term

I. Reporting Subawards and Executive Compensation

a. *Reporting of first-tier subawards.*

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).
2. *Where and when to report.*
 - i. The non-Federal entity or Federal agency must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.
 - ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. *Reporting total compensation of recipient executives for non-Federal entities.*

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—
 - i. The total Federal funding authorized to date under this Federal award equals or exceeds \$30,000 as defined in 2 CFR 170.320;
 - ii. in the preceding fiscal year, you received—
 - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards), and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and,
 - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:
 - i. As part of your registration profile at <https://www.sam.gov>.
 - ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. *Reporting of Total Compensation of Subrecipient Executives.*

1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first-tier non-Federal entity subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most

highly compensated executives for the subrecipient's preceding completed fiscal year, if—

- i. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards) and,
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:
- i. To the recipient.
 - ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.
- d. *Exemptions.*
If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:
- i. Subawards, and
 - ii. The total compensation of the five most highly compensated executives of any subrecipient.
- e. *Definitions.* For purposes of this award term:
1. Federal Agency means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).
 2. Non-Federal *entity* means all of the following, as defined in 2 CFR part 25:
 - i. A Governmental organization, which is a State, local government, or Indian tribe;
 - ii. A foreign public entity;
 - iii. A domestic or foreign nonprofit organization; and,
 - iv. A domestic or foreign for-profit organization
 3. *Executive* means officers, managing partners, or any other employees in management positions.
 4. *Subaward:*
 - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.331).
 - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

5. *Subrecipient* means a non-Federal entity or Federal agency that:
 - i. Receives a subaward from you (the recipient) under this award; and
 - ii. Is accountable to you for the use of the Federal funds provided by the subaward.
6. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)).

END OF ATTACHMENT B: 2 CFR PART 170

ATTACHMENT C: WHISTLEBLOWER NOTICE

Whistleblowers perform an important service to USDA and the public when they come forward with what they reasonably believe to be evidence of wrongdoing. They should never be subject to reprisal for doing so. Federal law protects federal employees as well as personal services contractors and employees of Federal contractors, subcontractors, grantees, and subgrantees against reprisal for whistleblowing. USDA bears the responsibility to ensure that nothing in a non-disclosure agreement which a contractor, subcontractor, grantee, or subgrantee requires their employees to sign should be interpreted as limiting their ability to provide information to the Office of Inspector General (OIG).

41 U.S.C. § 4712 requires the head of each executive agency to ensure that its contractors inform their workers in writing of the rights and remedies under the statute. Accordingly, it is illegal for a personal services contractor or an employee of a Federal contractor, subcontractor, grantee, or subgrantee to be discharged, demoted, or otherwise discriminated against for making a protected whistleblower disclosure. In this context, these categories of individuals are whistleblowers who disclose information that the individual reasonably believes is evidence of one of the following:

- Gross mismanagement of a Federal contract or grant;
- A gross waste of Federal funds;
- An abuse of authority relating to a Federal contract or grant;
- A substantial and specific danger to public health or safety; or
- A violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

To be protected under 41 U.S.C. § 4712, the disclosure must be made to one of the following:

- A Member of Congress, or a representative of a committee of Congress;
- The OIG;
- The Government Accountability Office (GAO);
- A Federal employee responsible for contract or grant oversight or management at USDA;
- An otherwise authorized official at USDA or other law enforcement agency;
- A court or grand jury; or
- A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

Under 41 U.S.C. § 4712, personal services contractors as well as employees of contractors, subcontractors, grantees, or subgrantees may file a complaint with OIG, who will investigate the matter unless they determine that the complaint is frivolous, fails to allege a violation of the prohibition against whistleblower reprisal, or has been addressed in another proceeding. OIG's investigation is then presented to the head of the executive agency who evaluates the facts of the investigation and can order the contractor, subcontractor, grantee, or subgrantee

to take remedial action, such as reinstatement or back pay.

Federal Acquisition Regulation (FAR) Subpart 3.903, *Whistleblower Protections for Contractor Employees, Policy*, prohibits government contractors from retaliating against a contract worker for making a protected disclosure related to the contract. FAR Subpart 3.909-1 prohibits the Government from using funds for a contract with an entity that requires its employees or subcontractors to sign internal confidentiality statements prohibiting or restricting disclosures of fraud, waste, or abuse to designated persons. This prohibition does not contravene agreements pertaining to classified information. The regulation also requires contracting officers to insert FAR clause 52.203-17, *Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights*, in all solicitations and contracts that exceed the Simplified Acquisition Threshold as defined in FAR Subpart 3.908. This clause requires notification to contractor employees that they are subject to the whistleblower rights and remedies referenced in 41 U.S.C. § 4712.

In order to make a complaint alleging any of the violations mentioned above, one should complete the OIG Hotline form located at: <https://www.usda.gov/oig/hotline>. For additional information, they may also visit the WPC's webpage at: <https://www.usda.gov/oig/wpc> or they may directly contact the WPC at OIGWPC@oig.usda.gov.