

# APPENDIX A

## INSTRUCTIONS TO GRANTEE FOR COMPLYING WITH THE FEDERALLY FUNDED GRANT AGREEMENTS

The Grantee must comply with all federal regulations in accordance with Attachment A-1 through A-3. These provisions are being provided to the Grantee in Appendix A and will also be part of all executed **federally funded** grant agreements.

In order to comply with these requirements Grantees must complete the following forms:

Attachment A-1, Pages 3, 4 and 5 of 7 - Certification Regarding Lobbying  
Attachment A-2, Page 2 of 2 - FFATA Request Form.

**GRANT AGREEMENT  
BETWEEN**

**(Name of Grantee)  
AND  
THE STATE OF NEW JERSEY  
BY AND FOR  
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**GRANT IDENTIFIER:**

**ADDITIONAL FEDERAL FUNDED AGREEMENT PROVISIONS**

***I. Debarment and Suspension***

The Grantee (Loan Recipient or Contractor) shall fully comply with Executive Order 12549 as implemented in federal regulation entitled *GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)*, 2 CFR Part 180, Subpart C - *Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)* and the applicable Federal agency Common Rule regulations found in <http://www.whitehouse.gov/omb/grants/chart.aspx>. The Grantee (Loan Recipient or Contractor) is responsible for ensuring that any lower tier covered transaction as described in Subpart B of 2 CFR Part 180 and the applicable Federal agency Common Rule regulations, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. The Grantee (Loan Recipient or Contractor) is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. The Grantee (Loan Recipient or Contractor) acknowledges that failing to disclose the information as required at 2 CFR 180.355 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

The Grantee (Loan Recipient or Contractor) may access the Excluded Parties List System at [www.epls.gov](http://www.epls.gov).

***II. Restrictions on Lobbying***

A. The Grantee (Loan Recipient or Contractor) agrees to fully comply with Common Rule regulations for federal agencies, *NEW RESTRICTIONS ON LOBBYING* found in <http://www.whitehouse.gov/omb/grants/chart.aspx>. The Grantee (Loan Recipient or Contractor) shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.

(1) No federal appropriated funds may be expended by the Grantee (Loan Recipient or Contractor) to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) The Grantee (Loan Recipient or Contractor) shall file with the Department a certification, set forth in Appendix A-1-A, that the Grantee (Loan Recipient or Contractor) has not made, and will not make, any payment prohibited by paragraph (1) of this section.

(3) The Grantee (Loan Recipient or Contractor) shall file with the Department a disclosure form, set forth in Appendix A-1-B, following instructions contained in the Common Rule regulations for federal agencies, *NEW RESTRICTIONS ON LOBBYING* found in <http://www.whitehouse.gov/omb/grants/chart.aspx>, if the Grantee (Loan Recipient or Contractor) has made or has agreed to make any payment using non-federal funds which would be prohibited under paragraph (1) of this section if paid for with federal funds.

B. In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under the *NEW RESTRICTIONS ON LOBBYING* Common Rule regulations or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

III. Compliance with the Civil Rights Act of 1964

- A. The Grantee (Loan Recipient or Contractor) must comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and a variety of program-specific statutes with non-discrimination requirements.
- B. Other civil rights laws may impose additional requirements on the Grantee (Loan Recipient or Contractor). These laws include, but are not limited to, Title VII of the Civil Rights Act of 1964 (prohibiting race, color, national origin, religion, and sex discrimination in employment), the Americans with Disabilities Act (prohibiting disability discrimination in employment and in services provided by State and local governments, businesses, and nonprofit agencies), and the Fair Housing Act (prohibiting race, color, national origin, age, family status, and disability discrimination in housing), as well as any other applicable civil rights laws.

IV. Trafficking Victim Protection Prohibition Statement

- A. To implement requirements of Section 106 of the Trafficking Victims Protection Act of 2000, as amended, and the requirements contained in federal regulation 40 CFR Part 175, *TRAFFICKING IN PERSONS*, the Department may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity fails to comply with these requirements. The Grantee (Loan Recipient or Contractor) must inform the Department immediately of any information received from any source alleging a violation of a prohibition in the Prohibition Statement below.
- B. The Grantee (Loan Recipient or Contractor) must include the requirements of the Prohibition Statement below in any subaward you make to a private entity.

Prohibition Statement - You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award.

V. National Environmental Policy Act (NEPA)

The Grantee (Loan Recipient or Contractor) shall not begin any implementation work under this Agreement until the required environmental review process, if applicable, is completed in compliance with the National Environmental Policy Act (NEPA), 42 United States Code 4321, et seq., its implementing regulations 40 CFR Part 1500-1508, and other applicable federal agency NEPA requirements.

**GRANT AGREEMENT  
BETWEEN**

**(Name of Grantee)  
AND  
THE STATE OF NEW JERSEY  
BY AND FOR  
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GRANT IDENTIFIER:**

**CERTIFICATION REGARDING LOBBYING**

**CERTIFICATION FOR CONTRACTS, GRANTS,  
LOANS, AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions. (Appendix A-1-B)
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\_\_\_\_\_  
Typed Name & Title of Authorized Representative

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

**DISCLOSURE OF LOBBYING ACTIVITIES**

Approved by 0348-00

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure.)

<p>1. Type of Federal Action:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> a. contract</li> <li><input type="checkbox"/> b. grant</li> <li><input type="checkbox"/> c. cooperative agreement</li> <li><input type="checkbox"/> d. loan</li> <li><input type="checkbox"/> e. loan guarantee</li> <li><input type="checkbox"/> f. loan insurance</li> </ul>	<p>2. Status of Federal Action:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> a. bid/offer/acceptance</li> <li><input type="checkbox"/> b. initial award</li> <li><input type="checkbox"/> c. post-award</li> </ul>	<p>3. Report Type:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> a. initial filing</li> <li><input type="checkbox"/> b. material change</li> </ul> <p>For Material Change Only: Year _____ quarter _____ Date of last report _____</p>
--	---	--

<p>4. Name and Address of Reporting Entity:</p> <p><input type="checkbox"/> Prime      <input type="checkbox"/> Subawardee Tier _____, if known:</p> <p>Congressional District, if known: _____</p>	<p>5. If reporting Entity in No. 4 is Subawardee. Enter Name and Address of Prime:</p> <p>Congressional District, if known: _____</p>
---	---

<p>6. Federal Department/Agency:</p>	<p>7. Federal Program Name/Description:</p> <p>CFDA Number, if applicable: _____</p>
--------------------------------------	--

<p>8. Federal Action Number, if known:</p>	<p>9. Award Amount, if known: \$ _____</p>
--	--

<p>10. a. Name and Address of Lobbying Entity (If individual last name, first name, MI):</p> <p style="text-align: center;">(attach Continuation Sheet(s))</p>	<p>b. Individuals Performing Services (including address, if different from No. 10a) (Last name, first name, MI):</p> <p>SF-LLL-A, if Necessary)</p>
--	--

<p>11. Amount of Payment (check all that apply):</p> <p>\$ _____      <input type="checkbox"/> actual      <input type="checkbox"/> planned</p>	<p>13. Type of Payment (check all that apply):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> a. retainer</li> <li><input type="checkbox"/> b. one-time fee</li> <li><input type="checkbox"/> c. commission</li> <li><input type="checkbox"/> d. contingent fee</li> <li><input type="checkbox"/> e. deferred</li> <li><input type="checkbox"/> f. other, specify: _____</li> </ul>
<p>12. Form of Payment (check all that apply):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> a. cash</li> <li><input type="checkbox"/> b. in-kind: specify: nature _____ value _____</li> </ul>	

<p>14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s),</p>	<p>Employee(s), or Member(s) contacted, for Payment Indicated in Item 11:</p>
<p>(attach Continuation Sheet(s) SF-LLL-A, if necessary)</p>	

<p>15. Continuation Sheet(s) SF-LLL-A attached:      <input type="checkbox"/> Yes      <input type="checkbox"/> No</p>
--

<p><b>16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b></p>	<p>Signature _____</p> <p>Print Name _____</p> <p>Title _____</p> <p>Telephone No. _____ Date _____</p>
--	---

**DISCLOSURE OF LOBBYING ACTIVITIES  
CONTINUATION SHEET**

Approved by OMB  
0348-0046

Reporting Entity: \_\_\_\_\_ Page \_\_\_\_\_ of \_\_\_\_\_

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a).  
Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLLA Continuation Sheet(s) is attached,
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

**According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.**

**GRANT AGREEMENT  
BETWEEN**

**(Name of Grantee)  
AND  
THE STATE OF NEW JERSEY  
BY AND FOR  
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**GRANT IDENTIFIER:**

**ADDITIONAL FEDERAL FUNDED AGREEMENT PROVISIONS  
FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)  
FEDERAL FUNDED AGREEMENTS OF \$25,000 OR GREATER**

*I. Federal Funding Accountability and Transparency Act (FFATA)*

- A. The Grantee (Loan Recipient or Contractor) agrees to obtain a Data Universal Numbering System (DUNS) number that will represent a universal identifier for all federal funding assistance. DUNS numbers can be obtained from Dun and Bradstreet <http://fedgov.dnb.com/webform/>.
- B. The Grantee (Loan Recipient or Contractor) agrees to register with the Central Contractor Registration (CCR) and to maintain current registration at all times during which this agreement is active or under consideration by the Department. Register at <http://www.ccr.gov/>.
- C. The Grantee (Loan Recipient or Contractor) agrees to submit a signed FFATA Request Form set forth in Appendix A-2 as a condition of this Agreement.

## Federal Funding Accountability and Transparency Act (FFATA) Request Form

New Jersey Department of Environmental Protection (NJDEP)

The NJDEP is required under the Federal Funding Accountability and Transparency Act (FFATA) to collect subrecipient information for transactions of \$25,000 or greater.

<b>Legal Name of Entity Receiving Subaward</b>			
<b>DUNS Number</b>		<b>Parent Entity DUNS Number (if applicable)</b>	
Federal Agency (see pg. 2)	CFDA No. (see pg. 2)	Program Source (to be completed by NJDEP)	
Subaward Amount	Transaction Type (Grant/ Loan/Contract)	Current registration in Central Contractor Registration ( <a href="http://www.ccr.gov">www.ccr.gov</a> )?  <input type="checkbox"/> Yes <input type="checkbox"/> No	
Project Title (if applicable)		Agree to maintain current CCR registration at all times during which a federal subaward is active or under consideration by the NJ Dept. of Environmental Protection?  <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Location of Entity Receiving Award</b>			
City	State	County	Congressional District
<b>Primary Location of Performance</b>			
City	State	County	Congressional District
SIGNATURE OF AUTHORIZED REPRESENTATIVE		DATE	

**By signing this document, the Authorized Representative attests to the information.  
The NJDEP will not endorse the subaward until this form is completed and included in the agreement.**

**GRANT AGREEMENT  
BETWEEN**

**(Name of Grantee)  
AND  
THE STATE OF NEW JERSEY  
BY AND FOR  
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**GRANT IDENTIFIER:**

**ADDITIONAL FEDERAL FUNDED AGREEMENT PROVISIONS**

**FEDERAL USEPA FUNDED AGREEMENTS**

**I. Debarment and Suspension**

In addition to the requirements set forth in 2 CFR Part 180 entitled *GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)*, the Grantee (Loan Recipient or Contractor) shall fully comply with the requirements of 2 CFR Part 1532 applicable to awards from the U.S. Environmental Protection Agency.

**II. Utilization of Disadvantaged Business Enterprises (DBE)**

The Grantee (Loan Recipient or Contractor) shall fully comply with the requirements of 40 CFR Part 33 entitled *PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN U.S. ENVIRONMENTAL PROTECTION AGENCY PROGRAMS*. See also the USEPA Office of Small Business Program at <http://www.epa.gov/osbp/grants.htm> for more information and required forms.

A. Pursuant to 40 CFR, Section 33.301, the Grantee (Loan Recipient or Contractor) agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to ensure that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (1) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (2) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (3) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (4) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- (5) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- (6) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (1) through (5) of this section.

- B. The Grantee (Loan Recipient or Contractor) agrees to complete and submit EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year reporting period the recipient receives the award and continuing until the project is completed. Only procurements with certified MBE/WBEs are counted toward a recipient's MBE/WBE accomplishments. The reporting period is semiannual, with reporting periods ending March 31st and September 30th. The reports must be submitted within 30 days of the end of the semiannual reporting periods, April 30th and October 30th.

Entities receiving financial assistance agreements to capitalize a revolving loan fund are required to submit their MBE/WBE participation reports on a semiannual basis to the State of New Jersey Department of Environmental Protection, rather than to the U.S Environmental Protection Agency (USEPA).

- C. The Grantee (Loan Recipient or Contractor) agrees to comply with the contract administration provisions of 40 CFR 33.302.
- D. The Grantee (Loan Recipient or Contractor), receiving a total of more than \$250,000 in USEPA financial assistance in any given fiscal year, agree to create and maintain a bidders list. Entities receiving financial assistance agreements to capitalize a revolving loan fund are required to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. See 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

**III. Payment to Consultants**

- A. USEPA participation in the salary rate (excluding overhead) paid to individual consultants retained by the Grantee, (Loan Recipient, Contractor or Subcontractors) shall be limited to the maximum daily rate for a Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually (<http://www.opm.gov/oca/09tables/index.asp>). This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2009, the limit is \$587.28 per day and \$73.41 per hour. This rate does not include transportation and subsistence costs for travel performed (the Grantee, Contactor, or Subcontractor will pay these in accordance with their normal reimbursement practices).
- B. Subagreements with firms for services which are awarded using the procurement requirements of 40 CFR 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provide the Grantee, Loan Recipient, Contactor, or Subcontractor with the responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR 31.36(j) or 30.27 (b).

**IV. Recycling and Waste Prevention – Political Subdivisions**

In accordance with Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962) any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth. Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

**V. Management Fees**

Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

**VI. Foreign Entities or Location**

Obtain NJDEP and EPA consent before making a subaward to a foreign or international organization, or a subaward to be performed in a foreign country.

# APPENDIX B

## INSTRUCTIONS TO GRANTEE FOR COMPLETING GRANT APPLICATION QUESTIONNAIRE AND DISCLOSURE FORM

1. The information requested in Appendix B includes the following:
  - A. Name of Grantee and Address
  - B. Vendor ID Number (i.e. Federal Tax ID)
  - C. Grantee Contact Person
  - D. The Chief Fiscal Officer and associated title.
  - E. The manner in which the Grantee retains the required types/levels of Insurance.
  - F. The fiscal year in which the Grantee operates.
  - G. The method by which the Grantee maintains their Accounting System.
  - H. Completion of Attachment G, Statement of Adequacy of Accounting System, by Grantee's Chief Fiscal Officer. (Please Note: If the completed Attachment is on file with the Division as a result of the applicant having previously received a grant from the Division, the applicant does not again have to complete the Attachment. A statement to the effect the Attachment is on file with the Division is required).
  - I. Grantee's assessment based on Single Audit Requirements, as to whether it exceeds the threshold, which shall subject it to the Single Audit.
2. If the Grantee requires assistance in completing the attached documents, please call Karen Ward at (609) 777-0594.

# GRANT APPLICATION QUESTIONNAIRE AND DISCLOSURE FORM

## INFORMATION TO BE SUPPLIED BY GRANT APPLICANT

---

**Name of Applicant:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

**Vendor I.D. #:** \_\_\_\_\_

**Applicant Contact Person:** \_\_\_\_\_

**Telephone #:** \_\_\_\_\_

### Financial Officer's

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

---

## Standard Grant Agreement - Attachment A Information

In order for us to prepare an agreement for award of this grant, it is necessary that the applicant supply information that will be included within the grant agreement. The sections that follow correspond to Attachment A of the Department's Standard Grant Agreement (DEP-069G).

### **I. Insurance** (Per Standard Grant Agreement, Attachment A)

*The Grantee shall maintain in force for the term of this agreement liability insurance as provided herein. These coverages shall be maintained either through insurance policies from insurance companies licensed to do business in the State of New Jersey or through formal, fully funded self-insurance programs authorized by law and acceptable to the Department. Unless current documentation is already on file, the Grantee must, within thirty (30) days after the effective date of this agreement, provide to the Department current certificates of insurance, documentation of self-insurance, or both, for all coverages and renewals thereof, naming the Department and its employees as Additional Insureds. Each certificate shall contain the provision that the insurance provided in the certificate shall not be canceled for any reason except after thirty (30) days written notice to the*

*Department. No payments may be made under this agreement until acceptable documentation of insurance coverage is received. The minimum required coverages are:*

*A. Commercial General Liability Insurance: The minimum limit of liability shall be \$1,000,000 per occurrence as a combined single limit for bodily injury and property damage. The policy shall include an endorsement for contractual liability and shall name the State of New Jersey as an additional insured. The policy shall also include an endorsement for products liability. The coverage to be provided under these policies shall be at least as broad as that provided by the standard basic, unamended, and unendorsed occurrence coverage forms currently in use in the State of New Jersey which shall not be circumscribed by any endorsements limiting the breadth of the coverage.*

*B. Automobile Liability Insurance which shall be written to cover any vehicle used by the insured. Limits of liability for bodily injury and property damage shall not be less than \$1,000,000 per occurrence as a combined single limit.*

*C. Worker's Compensation Insurance applicable to the laws of the State of New Jersey and Employer's Liability Insurance with limits not less than:*

*\$1,000,000 Bodily Injury, Each Occurrence*

*\$1,000,000 Disease Each Employee*

*\$1,000,000 Disease Aggregate Limit*

A. The Grant Applicant maintains and must continue to maintain the required insurance coverage as follows:

---

**Place an X on Appropriate Line**

---

1. comprehensive general liability

\_\_\_\_\_ insurance policy

\_\_\_\_\_ self-insurance

\_\_\_\_\_ not required

2. automobile insurance

\_\_\_\_\_ insurance policy

\_\_\_\_\_ self-insurance

\_\_\_\_\_ not required

3. worker's compensation

\_\_\_\_\_ insurance

\_\_\_\_\_ self-insurance

\_\_\_\_\_ not required

4. employer's liability

\_\_\_\_\_ insurance

\_\_\_\_\_ self-insurance

\_\_\_\_\_ not required

**VI. Certification of Adequacy of Accounting System** (Per Standard Grant Agreement, Attachment A)

*The Grant Applicant's Chief Financial Officer will be responsible for maintaining an adequate financial management system. Once an agreement is executed, the Chief Financial Officer must notify the Department when the Grantee cannot comply with the requirements established in the agreement.*

- B. Financial reports shall be prepared in a manner consistent with the Grantee's normal accounting records, which are kept on

---

**Place an X on Appropriate Line**

---

- \_\_\_\_\_ a cash basis.  
\_\_\_\_\_ an accrual basis.  
\_\_\_\_\_ modified accrual basis.  
\_\_\_\_\_ other (specify) \_\_\_\_\_.

**VIII. Audit Requirements** (Per Standard Grant Agreement, Attachment A)

*Pursuant to the federal Single Audit Act of 1984, P.L. 98-502 (the "Audit Act"), and the Single Audit Act Amendments of 1996, P.L. 104-156, federal OMB Circulars A-133 Revised, and A-102 or A-110, and the appropriate federal common rule, whichever would be applicable under federal law, any grant to a local government funded by the federal government is subject to the single-audit provisions of the Audit Act. Pursuant to State Circular Letter 04-04-OMB, the State of New Jersey has adopted by reference the standards and provisions of the Audit Act and the federal OMB Circulars. If the Grantee expends a total of \$500,000 or more in federal financial assistance or State financial assistance in the Grantee's fiscal year, the Grantee must have a single audit performed.*

*Grantees that expend less than \$500,000 in federal or State financial assistance within their fiscal year, but expend \$100,000 or more in State and/or federal financial assistance within their fiscal year, must have either a financial statement audit performed in accordance with Government Auditing Standards (Yellow Book) or a program-specific audit performed in accordance with the Act, Amendments, OMB Circular No. A-133 Revised and State policy.*

Under the federal Single Audit Act, if the Grant Applicant is a local governmental agency, does the applicant receive \$500,000 or more in federal and State assistance in a fiscal year?

- A. Under the federal Single Audit Act or the State Circular Letter 04-04-OMB,

---

**Place an X on Appropriate Line**

---

- \_\_\_\_\_ this agreement **is** subject to a single audit and will be audited as such on Grantee's fiscal year.  
\_\_\_\_\_ this agreement **is not** subject to a single audit.

- D. The Grantee's fiscal year ends on \_\_\_\_\_.

Month/Date/Year

**GRANT AGREEMENT  
BETWEEN**

\_\_\_\_\_  
**(Name of Grantee)**  
**AND**  
**THE STATE OF NEW JERSEY**  
**BY AND FOR**  
**THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**GRANT IDENTIFIER:**  
**STATEMENT OF ADEQUACY OF ACCOUNTING SYSTEM\***

If Grantee is a governmental agency, complete Section A. If Grantee is a non-governmental agency, complete Section B.

=====  
**Section A: Governmental Agency**

I am the \_\_\_\_\_ (Print title of Chief Financial Officer ) of \_\_\_\_\_  
and, in this capacity, I will be responsible for establishing and maintaining the financial statements for the project

The accounting system that will be established and maintained for the purpose of this agreement will be adequate to:

1. provide for accurate identification of the receipts and expenditures of funds by approved budget cost categories;
2. provide for documentation supporting each book entry, filed in such a way that it can be easily located;
3. provide accurate and current financial reporting information;
4. be integrated with a strong system of internal controls; and
5. conform to any and all requirements or guidelines that the Department may issue.

Date: \_\_\_\_\_  
\_\_\_\_\_ (signature)

\_\_\_\_\_  
(print name)

=====  
**Section B: Non-governmental Agency**

I am a [ ] certified public accountant [ ] duly licensed public accountant and have been engaged to examine the financial statements of  
\_\_\_\_\_ which will be maintained for the project \_\_\_\_\_.

In my opinion, the accounting system and internal controls [ ] in use [ ] to be established on \_\_\_\_\_  
for this agreement [ ] are [ ] will be adequate to:

1. provide for accurate identification of the receipts and expenditures of funds by approved budget cost categories;
2. provide for documentation supporting each book entry, filed in such a way that it can be easily located;
3. provide accurate and current financial reporting information; and
4. conform to any and all requirements or guidelines that the Department may issue.

Date: \_\_\_\_\_  
\_\_\_\_\_ (signature)

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(print title)

\* This form must be completed as part of the agreement if required by Section VI.A of Attachment A, Additional Provisions and Special Modifications

# APPENDIX C

## INSTRUCTIONS TO GRANTEE IN STRUCTURING APPROVED PROJECT BUDGET

1. Appendix C serves to establish to the Grantee, the format for structuring the Approved Project Budget.
2. Regardless of the manner in which the Grantee has initially developed their Cost Proposal in support of the Grant Application, the Grantee must provide a budget consistent with the format of the Budget included in the NJDEP Standard Grant Agreement.
3. The Standard Budget included as Appendix B, is to be used only as a guide in enabling the Grantee to structure their budget properly for assimilation into the Standard Budget. Be apprised, the Standard Budget is not to stand-alone, it is a bottom/up tool, through which the detailed itemized budget provided in support of a Project Proposal is inserted into the Standard Budget.
4. Therefore, important in a Project Budget is the following:
  - a. That the budget clearly delineates Personnel Costs attributed directly to the Grantee, from those funds allocated to the budget category entitled “Consultants and Subcontractors”.
  - b. The budget must then also itemize “Other Direct Costs”. These are defined as purchases to be coordinated directly by the Grantee in support of the Grant Agreement Scope of Work. Be apprised, if “Other Direct Costs” will be coordinated directly by a Subcontractor, then billed by the Subcontractor to the Grantee, these costs are considered part of the “Consultant and Subcontractor” budget category.
  - c. Please note, that the budget as originally formatted by the Grantee may remain part of the Project Proposal. However, it must be augmented with a budget that clearly provides a breakdown, by budget category, as described above.
  - d. The Project Budget must clearly separate costs, which are to be reimbursed from the NJDEP Share of the Approved Project Budget from those costs being contributed by the Grantee and its Partners/Cooperators.
  - e. Costs attributed by the Grantee/Partners must be structured consistent with the budget supporting the State Share of the Approved Project Budget (i.e. Grantee Salaries, Subcontractor and Consultants, Other Direct Costs).
5. If the Grantee requires assistance in developing the budget in accordance with the above instructions, please call Karen Ward at (609) 777-0594.

**GRANT AGREEMENT  
BETWEEN**

\_\_\_\_\_  
(Name of Grantee)

AND

**THE STATE OF NEW JERSEY  
BY AND FOR**

**THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**GRANT IDENTIFIER:**

**APPROVED PROJECT BUDGET**

ACCOUNT DESCRIPTION	TOTAL BUDGET	FEDERAL	STATE	GRANTEE	OTHER
A. Personnel Costs	0.00	0.00	0.00	0.00	0.00
Salaries					
Fringe Benefits	0.00	0.00	0.00	0.00	0.00
B. Consultants and Subcontractors	0.00	0.00	0.00	0.00	0.00
C. Other Costs Specify:					
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
D. Audit	0.00	0.00	0.00	0.00	0.00
Subtotal Direct Costs	0.00	0.00	0.00	0.00	0.00
Less Program Income	0.00	0.00	0.00	0.00	0.00
Total Direct Costs	0.00	0.00	0.00	0.00	0.00
Indirect Costs	0.00	0.00	0.00	0.00	0.00
<b>TOTAL PROJECT AMOUNT</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

TOTAL GRANT AMOUNT is  the sum of "Federal" and "State" column totals \$0.00

the sum of "Federal" "State" and "Other" column totals \$0.00

The sums identified in the "Total Budget" column are itemized and justified in (check one or more as appropriate)

Attachment D, Scope of Services, on page(s) \_\_\_\_\_.

Attachment D-2, Grantee's Proposal, on page(s) \_\_\_\_\_.

Attachment B-1, Itemization and Justification of Budget, comprising \_\_\_\_ pages.

# APPENDIX D

## **INSTRUCTIONS TO GRANTEE REGARDING FORMAL ADOPTION OF GOVERNING BODY RESOLUTION OR CORPORATE RESOLUTION**

1. The Standard Contracts utilized by NJDEP include both a Governing Body Resolution and a Corporate Resolution. The Grantee must coordinate formal adoption of the appropriate Resolution. Though the Division does not mandate use of the Standard Resolution, language included in the Standard Resolution must be incorporated into that adopted by the Grantee.
2. The Resolution serves to legally authorize an individual on behalf of the Grantee to execute the Grant Agreement on behalf of the Grantee. The two (2) types of Resolutions used in connection with Grant Agreements are: 1) Governing Body Resolution (i.e. Counties, Municipalities, SCD's, Political Subdivisions); and 2) Corporate Resolution (Non-Profit Organizations).
3. In the event there is a Non-State Share associated with a Project Proposal, the amount of the Non-State Share must be incorporated into the appropriate Resolution. Legally, this serves to assert on behalf of the Grantee, that they have committed the resources necessary to satisfy the Non-State Share of the Approved Project Budget.
4. If the Grantee requires assistance in developing the appropriate language to address the Non-State Share in addition to incorporating the language into the Standard Resolution, please call Karen Ward at (609) 777-0594.

**GRANT AGREEMENT  
BETWEEN**

\_\_\_\_\_  
**(Name of Grantee)**  
**AND**  
**THE STATE OF NEW JERSEY**  
**BY AND FOR**  
**THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**GRANT IDENTIFIER:**

**CORPORATE RESOLUTION**

It is in the best interest of \_\_\_\_\_, a corporation  
(print Grantee's name including corporate designation, e.g., inc., corp., etc.)

of the State of \_\_\_\_\_, to obtain a grant from the State of New Jersey in the amount of approximately  
\$ \_\_\_\_\_ to fund the following project: \_\_\_\_\_

Therefore, the \_\_\_\_\_ resolves  
(print name of Grantee's governing body, e.g., board of directors, board of trustees, etc.)

that \_\_\_\_\_ or the successor to the office of \_\_\_\_\_  
(print name) (print title of authorized officer)

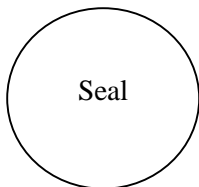
is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$ \_\_\_\_\_ and not more than \$ \_\_\_\_\_, and (c) to execute [ ] any amendments thereto [ ] any amendments thereto which do not increase the Grantee's obligations.

\*The \_\_\_\_\_ authorizes and hereby agrees to match \$ \_\_\_\_\_ of the  
(print name of Grantee's governing body)

Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. \$ \_\_\_\_\_ of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).\*

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Introduced and passed \_\_\_\_\_, \_\_\_\_\_.



\*The portion of this form between the asterisks should only be completed if matching funds are required under the terms of the agreement. Where in-kind services are allowed and are stipulated by the Grantee, an attachment must be provided and appended hereto, breaking out the in-kind services to be provided by the Grantee.

**CERTIFICATION\***

I, \_\_\_\_\_, \_\_\_\_\_, of  
(print name) (print title)  
\_\_\_\_\_ certify that this resolution was duly adopted by  
(print Grantee's name)  
\_\_\_\_\_ at a meeting duly held on the \_\_\_\_\_ day of \_\_\_\_\_,  
(Print name of Grantee's governing body)  
\_\_\_\_\_; that this resolution has not been amended or repealed; and that it remains in full force and effect on the date I have  
subscribed my signature. \*\*

\_\_\_\_\_  
(signature of corporate secretary or equivalent) \*

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(print title)

Date: \_\_\_\_\_ \*\*

\* Certification must be signed by officer other than the individual authorized to execute the agreement.

\*\* This date must be no more than sixty (60) days prior to the Grantee's execution of the agreement. If the original certification expires prior to the Grantee's execution, the Grantee must submit a currently certified copy of this Attachment E when it returns the executed agreement to the Department.

**GRANT AGREEMENT  
BETWEEN**

\_\_\_\_\_  
(Name of Grantee)  
**AND**  
**THE STATE OF NEW JERSEY**  
**BY AND FOR**  
**THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**GRANT IDENTIFIER:**

**GOVERNING BODY RESOLUTION**

The governing body of \_\_\_\_\_  
(print Grantee's name)  
desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$ \_\_\_\_\_  
to fund the following project:  
\_\_\_\_\_  
\_\_\_\_\_.

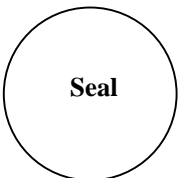
Therefore, the governing body resolves that \_\_\_\_\_ or the successor to the office of  
(print name)  
\_\_\_\_\_ is authorized (a) to make application for such a grant, (b) if awarded, to execute  
(print title of authorized official)  
a grant agreement with the State for a grant in an amount not less than \$ \_\_\_\_\_ and not more than \$ \_\_\_\_\_,  
and (c) to execute [ ] any amendments thereto [ ] any amendments thereto which do not increase the Grantee's obligations.

\*The \_\_\_\_\_ authorizes and hereby agrees to  
(print name of Grantee's governing body, e.g., board of chosen freeholders)  
match \$ \_\_\_\_\_ of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the  
match for such purposes, whether cash, services, or property, is hereby certified. \$ \_\_\_\_\_ of the match will be made up of in-kind  
services (if allowed by grant program requirements and the agreement).\*

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant  
to the agreement.

Introduced and passed \_\_\_\_\_, \_\_\_\_\_.

Ayes: \_\_\_\_\_  
Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_



\* The portion of this form between the asterisks should only be completed if matching funds are required under the terms of the agreement. Where in-kind services are allowed and are stipulated by the Grantee, an attachment must be provided and appended hereto, breaking out the in-kind services to be provided by the Grantee.

**CERTIFICATION\***

I, \_\_\_\_\_, [ ]municipal clerk [ ]county clerk [ ]utilities Authority Clerk  
(print name)  
[ ] (other, specify) \_\_\_\_\_ of \_\_\_\_\_  
(print Grantee's name)  
certify that this resolution was duly adopted by \_\_\_\_\_ at a  
(print name of Grantee's governing body)  
meeting duly held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_; that this resolution has not been amended or repealed; and that it  
remains in full force and effect on the date I have subscribed my signature. \*\*

\_\_\_\_\_  
(signature) \*

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(print title)

Date: \_\_\_\_\_ \*\*

\* Certification must be signed by an official other than the individual authorized to execute the agreement.

\*\*This date must be no more than sixty (60) days prior to the Grantee's execution of the agreement. If the original certification expires prior to the Grantee's execution, Grantee must submit a currently certified copy of this Attachment E when it returns the executed agreement to the Department.