

SELECTED PROVISIONS FROM BPA GRANT 83118

UNIT 1 – GENERAL CLAUSES

REGULATIONS APPLICABLE TO BPA FINANCIAL ASSISTANCE (C-1) (JUL 2017)

The Bonneville Power Administration's financial assistance function is managed and executed solely in accordance with the Bonneville Financial Assistance Instructions (BFAI). The BFAI is available on the Internet at: [Financial Assistance Instructions Manual - Bonneville Power Administration](#).

FEDERAL STEWARDSHIP (C-10) (OCT 2018)

BPA will exercise Federal stewardship in overseeing the project activities performed under this financial assistance award. Stewardship activities include, but are not limited to, conducting site visits, reviewing performance and financial reports, providing technical assistance and/or temporary intervention in unusual circumstances to correct deficiencies which develop during the project, assuring compliance with terms and conditions of the financial assistance award, and reviewing technical performance during and after project completion to ensure that the financial assistance award objectives are being/have been accomplished.

- (a) Review Meetings. The Recipient, including but not limited to the Principal Investigator (or, if applicable, co-Principal Investigators), is required to participate in periodic review meetings with BPA. Review meetings enable BPA to assess the work performed under this financial assistance award and determine whether the Recipient has timely achieved the technical milestones and deliverables stated in this financial assistance award.

BPA shall determine the frequency of review meetings and select the day, time, and location of each review meeting.

For each review meeting, the Recipient is required to provide a comprehensive overview of the project, including:

- (1) The Recipient's technical progress compared to the schedule of technical milestones and deliverables stated in Attachment 8 to this financial assistance award;
 - (2) The Recipient's actual expenditures compared to the approved budget in this financial assistance award; and
 - (3) Other subject matter specified by BPA.
- (b) Site Visits. BPA's authorized representatives have the right to make site visits at reasonable times to review project accomplishments and management control systems; inspect property and records relating to this financial assistance award; and to provide technical assistance, if required. The Recipient must provide, and must require its subrecipients to provide, reasonable access to facilities, office space, resources, and assistance for the safety and convenience of BPA's representatives in the performance of

their duties. To the maximum extent practicable, BPA will perform site visits and evaluations in a manner that does not unduly interfere with or delay project work.

**NONDISCLOSURE AND CONFIDENTIALITY AGREEMENTS ASSURANCES (C-12)
(JUL 2017)**

By entering into this financial assistance award, the Recipient attests that it does not require its employees or contractors to sign nondisclosure or confidentiality agreements which prohibit or otherwise restrict signatories from reporting the following to the DOE Inspector General:

- (a) A violation of law, rule, or regulation;
- (b) Mismanagement, waste, fraud, abuse; or
- (c) A substantial and specific danger to public health or safety.

PUBLICATIONS (C-17M) (JUL 2017)

BPA encourages the Recipient to publish or otherwise make publicly available the results of work performed under this Award. The Recipient is required to include the following acknowledgement on Recipient's websites where publications can be accessed arising out of or relating to work performed under this Award:

Acknowledgment: "The information, data, or work presented herein was funded in part by the Bonneville Power Administration under Award Number 83118. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof."

**LOBBYING RESTRICTIONS (C-15)
(JUL 2017)**

By accepting funds under this award, the Recipient agrees that none of the funds obligated on the award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. § 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.

**RECORD RETENTION (C-23)
(JUL 2017)**

Consistent with BFAI 4.333, the Recipient is required to retain records relating to this Award for three years after the end of the project period, unless one of the following exceptions applies:

- (a) If any litigation, claim, or audit is started before the expiration of the three-year period, the Recipient is required to retain the records until all litigation, claims, or audit findings involving the records have been resolved and final action taken;
- (b) The Recipient is required to retain records for any real property or equipment acquired with Federal funds for three years after final disposition of the real property or equipment; or
- (c) The Recipient is not required to retain records after the end of the project period if BPA agrees to maintain the records.

Copies of records may be substituted for originals.

**AUDITS (C-24)
(OCT 2018)**

- (a) Audits Generally. The Recipient is required to provide any information, documents, site access, or other assistance requested by BPA or Federal auditing agencies (e.g., DOE Inspector General, Government Accountability Office) for the purpose of audits and investigations. Such assistance may include, but is not limited to, reasonable access to the Recipient's records relating to this financial assistance award. BPA will provide reasonable advance notice of audits and will minimize interference with ongoing work, to the maximum extent practicable.
- (b) Government Audits. Consistent with BFAI 6.503(b), BPA may audit the Recipient's financial records or administrative records relating to this financial assistance award at any time.

BPA may conduct a final audit at the end of the project period (or the termination of the financial assistance award, if applicable). Upon completion of the audit, the Recipient is required to refund to BPA any payments for costs that were determined to be unallowable.

- (c) Compliance Audits for For-Profit Recipients. For-profit Recipients are required to comply with the annual compliance audit requirements in BFAI Part 6. An audit conducted in accordance with this part must be in lieu of any financial audit of BPA awards which a for-profit entity is required to undergo under any other Federal statute or regulation.
- (d) Single Audits for Entities Other than For-Profit Recipients. Recipients other than for-profits are required to comply with the single audit requirements in BFAI Part 6. An audit conducted in accordance with this part must be in lieu of any financial audit of financial assistance awards the Recipient is required to undergo under any other Federal statute or regulation.
- (e) If an audit is required, a copy of the audit report shall be submitted to the Federal Audit Clearinghouse.

UNIT 3 – OTHER CLAUSES

**NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS (C-35)
(JUL 2017)**

The recipient shall comply with 10 CFR 1040 which provides that "...no person shall, on the ground of race, color, national origin, sex (when covered by section 16 and section 401), handicap, or age, be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment, where a primary purpose of the Federal financial assistance is to provide employment or when the delivery of services is affected by the recipient's employment practices (under section 504, all grantee and subgrantee employment practices are covered regardless of the purpose of the program), in connection with any program or activity receiving Federal financial assistance from the Bonneville Power Administration)."

ENVIRONMENTAL PROTECTION (C-36)
(JUL 2017)

The recipient agrees to comply with all applicable Federal environmental protection laws and executive orders.

In addition, the recipient shall ensure that the facilities under its ownership, lease or supervision which will be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violation Facilities and that it will notify BPA of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

DRUG-FREE WORKPLACE REQUIREMENTS FOR FEDERAL GRANT RECIPIENTS (C-40)
(JUL 2017)

(a) Drug-free workplace requirement

- (1) Persons other than individuals. No person, other than an individual, shall receive a grant from any Federal agency unless such person agrees to provide a drug-free workplace by—
 - (i) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
 - (ii) Making a good faith effort to continue to maintain a drug-free workplace through implementation and maintenance of a drug awareness program).
- (2) Individuals. BPA shall not make a grant to any individual unless such individual agrees as a condition of such grant that the individual will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in conducting any activity with such grant.

(b) Suspension, termination, or debarment of grantee. Grounds for suspension, termination, or debarment. Each grant awarded by BPA shall be subject to suspension of payments under the grant or termination of the grant, or both, and the grantee thereunder shall be subject to suspension or debarment, if the agency head of the granting agency or his official designee determines, in writing, that the grantee violates the requirements of the drug free policy.

(c) Employee sanctions and remedies. A grantee shall, within 30 days after receiving notice from an employee of a conviction of a drug related offense—

- (1) Take appropriate personnel action against such employee up to and including termination; or
- (2) Require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.

**RIGHTS IN DATA (C-42)
(OCT 2018)**

- (a) Except as otherwise provided herein, the Recipient grants to Bonneville a fully paid-up, non-exclusive, irrevocable, worldwide, perpetual license to copy, prepare derivative works and perform or display publicly, by or on behalf of Bonneville, for all the material or subject matter produced under this financial assistance agreement, hereinafter referred to as Work Product. Work Product means recorded information, regardless of form or the media on which it is stored, including any other copyrightable products or materials arising from performance under this contract.

**ENVIRONMENTAL, SAFETY, AND HEALTH (C-44)
(OCT 2018)**

- (a) With respect to the performance of any portion of the work under this financial assistance agreement, the recipient agrees to comply with all State and Federal Environmental, Safety and Health regulations.
- (b) The recipient shall apply this term to its sub-recipients and Recipients.

UNIT 4 – STATUTORY AND NATIONAL POLICY REQUIREMENTS

Financial assistance awards are subject to the following statutory and national policy requirements below. By signing or accepting the funds under the financial assistance award, the recipient agrees that it will comply with applicable provisions below.

Description	Type of Award	Type of Recipient	Specific Situation	Requirement(s) that should be noted by the recipient
NONDISCRIMINATION				
On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, et seq.), as implemented by: DOE at 10 CFR Part 1040	All	All	All	Requirements flow down to subrecipients.
On the basis of age, in the Age Discrimination Act of 1975 (42 U.S.C. 6101, et seq.), as implemented by Department of Health and Human Services regulations at 45 CFR part 90. DOE at 10 CFR Part 1040	Grants, cooperative agreements, and other awards defined at 45 CFR 90.4 as "Federal financial assistance"	All	All	Requirements flow down to subrecipients.

<p>On the basis of handicap, in:</p> <p>1. Section 504 of the Rehabilitation Act of 1973 (29 USC 794), as implemented by Department of Justice regulations at 28 CFR Part 41 and DOE at 10 CFR Part 1040.</p>	<p>Grants, cooperative agreements, and other awards included in "Federal financial assistance"</p>	<p>All</p>	<p>All</p>	<p>Requirements flow down to subrecipients.</p>
<p>ENVIRONMENTAL STANDARDS</p>				
<p>Comply with applicable provisions of the Clean Air Act (42 U.S.C. 7401, et. Seq.) and Clean Water Act (33 U.S.C. 1251, et. seq.), as implemented by Executive Order 11738 [3 CFR, 1971-1975 Comp., p. 799].</p> <p>EPA at 40 CFR Part 6 The quality of the human environment, and provide help the agency may need to comply with the National Environmental Policy Act (NEPA, at 42 U.S.C. 4321, et. seq.) and to prepare Environmental Impact Statements or other required environmental documentation. In such cases, the recipient agrees to take no action that will have an adverse environmental impact (e.g., physical disturbance of a site such as breaking of ground) until the agency provides written notification of compliance with the environmental impact analysis process.</p> <p>DOE at 10 CFR Part 1021</p>	<p>All</p>	<p>All</p>	<p>All, for Clean Air Act, Clean Water Act, and Executive Order 11738.</p>	<p>Requirements flow down to subrecipients.</p>