

BAA ANNOUNCEMENT NO. N40080-19-2-0003

BROAD AGENCY ANNOUNCEMENT (BAA)

Naval Support Activity (NSA) Bethesda

at

Naval District Washington (NDW)

This publication constitutes a Broad Agency Announcement as contemplated in the DoD Grants and Agreement Regulations (DODGARS) 22.315. Additional information regarding this announcement will not be issued.

The issuing office will not issue paper copies of this announcement. The Naval Facilities Engineering Command Washington reserves the right to select and fund for award one proposal in response to this announcement. No funding shall be provided for direct reimbursement of proposal development costs. Technical and cost proposals (or any other material) submitted in response to this BAA will not be returned. All proposals will be treated as sensitive information. Their contents will only be disclosed for the purposes of evaluation.

It is anticipated that awards will take the form of a Cooperative Agreement. Therefore, all proposals submitted as a result of this announcement will fall under the purview of (a) the Federal statute authorizing this award, or any other Federal statutes directly affecting the performance of this Grant and (b) Department of Defense Grants and Agreements Regulations (DODGARS).

General Information

1. Agency Name

Technical:

Naval Facilities Engineering Command, Washington
1314 Harwood Street, SE
Building 212, Washington Navy Yard
Washington, DC 20374-5018

Issuing Grants Office:

Naval Facilities Engineering Command, Washington
1314 Harwood Street, SE
Building 212, Washington Navy Yard
Washington, DC 20374-5018

2. Program Name

Natural Resources Management

3. Opportunity Title

Naval Support Activity (NSA) Bethesda

4. BAA Number

N40080-19-2-0003

5. Response Dates

Full proposals are due no later than **2:00PM EST on 05 August 2019.**

6. Opportunity Description

a. Background / Program Purpose and Plan

Stoney Creek is approximately 4,700 feet in length and flows in a northeasterly direction from the intersection of Jones Bridge Road and Wisconsin Avenue, to the property boundary where it crosses beneath the Capital Beltway. Mature trees are present as part of the landscaped buffers between the campus facilities and the Creek. These trees species are ecologically valuable in the urban canopy and include sycamore, white oak, red oak, tulip poplar, red maple, silver maple, and hemlock, as well as horticultural specimen trees such as Colorado spruce and Japanese maple. Furthermore, vegetated buffers on the banks of Stoney Creek provide a variety of wildlife habitat. From an environmental perspective, the Creek and its surroundings are considered a highly valuable resource.

As a result of increased impervious surface on the installation, Stoney Creek has experienced storm water flows of increased volume and intensity from drainage outfalls that discharge directly in to the creek. These storm water flows have contributed to the observed erosion and widening of the natural creek bed, erosion and undermining of adjacent embankment slopes, damage to several earlier repair or stabilization efforts of the stream channel, and encroachment upon the soils underlying the foundations of pedestrian bridges that currently cross the creek. Stabilization and restoration of Stoney Creek is essential to preserving the surrounding natural resources as well as maintaining the structural stability of adjacent infrastructure. The purpose of this project will be to carry out construction in order to stabilize/restore Stoney Creek based on previously generated restoration design plans.

The Scope of Work is provided as Attachment A-Stoney Creek Construction.

b. Sources of Funding

Operations & Maintenance (O&M).

7. Point of Contact

Questions shall be directed to the individual, as specified below, who will direct technical questions to the appropriate technical representative.

Contract Specialist

Olisha Costa

NAVFAC Washington

1314 Harwood Street, SE Bldg. 212
Washington Navy Yard, DC 20374
Telephone: (202) 685-1257
Email: olisha.costa@navy.mil

Technical Point of Contact (TPOC)

Mr. Adrian Dascalu
NAVFAC Washington
1314 Harwood Street, SE Bldg. 212
Washington Navy Yard, DC 20374
Telephone: (202) 433-2495
Email: adrian.dascalu@navy.mil

Station Point of Contact (SPOC)

The Station Point of Contact for this Cooperative Agreement will be named by the TPOC after Cooperative Agreement Award (CAA).

8. Instrument Type

It is anticipated that the award resulting from this announcement will be a cooperative agreement.

9. Additional Information

This BAA is soliciting proposals for Fiscal Year 2019.

SITE VISIT

Details regarding the site visit are provided as follows:

(a) An organized site visit has been scheduled for:

Tuesday, 16 July 2019 at 10:00 AM EST.

(b) Participants will be meeting at building 27 (highlighted red) and available parking for contractors is at the NEX (highlighted green) See Attachment B-NSA Bethesda Site Visit Meeting Location and Parking for further details.

Site Visit/Base Access Instructions: If you do not have a contractor CAC or DBIDS access specifically for Dahlgren, then you will need to be vetted for the site visit via Attachment C-Base Access Pass Registration form SECNAV 5512/1 (APR 2014). If applicable, form must be completed and returned by 10AM EST, Tuesday, 09 July 2019 to Olisha Costa: olisha.costa@navy.mil and Jennifer Galgano: jennifer.galgano@navy.mil.

All visitors must bring two (2) acceptable identification documents to enter the base (i.e. State ID/Driver's License, Passport, Social Security card etc.). Vehicles must have current registration and proof of insurance.

WAGE DETERMINATION

Construction Wage Rate Requirements (formerly known as the Davon Bacon Act) # MD20190043 6/28/19 is applicable for this work and is provided as Attachment D-WD-MD20190043 06-28-2019.

Award Information

1. Anticipated Award Information

Fiscal Year 2019.

2. Number of Awards

Approximately one (1).

3. Award Type

Cooperative Agreement.

4. Anticipated Period of Performance

The period covered by this scope of work is eighteen (18) months from date of award of the Agreement. See the following schedule for details.

Fiscal Year	Period of Performance
FY2019 (Initial)	CAA + 18 months

5. Range of Approval/Disapproval Time

Form proposals are reviewed and selected within six months from submission. Subsequent awards are usually made within three months from notification. This information is only an approximate estimate and does not obligate the US Government in any way. Estimated funding amounts may increase or decrease at any time based on current and future appropriations.

Eligibility Information

All responsible sources from academia, industry, and non-governmental organization may submit proposal under this BAA. This includes all non-profits, universities, state and local governments.

Application and Submission Information

1. Application and Submission Process

Full Proposal shall consist of three sections: (I) Technical Approach, (II) Past Performance and (III) Non-Cost/Price. The details for each section are described below. The due date for receipt of proposals is 2:00pm EST on 05 August 2019. It is anticipated that final selection will be made on or before the end of Fiscal Year 2019. As soon as the final proposal evaluation process is completed, the respondent will be notified via e-mail of its selection or non-selection for award.

Respondents shall state that their full proposal is valid for 120 days from the submission deadline.

2. Submission of Full Proposals

Respondents to this solicitation must provide one electronic copy of the application Full Proposal. All applications shall be submitted via Grants.gov (see instructions below) with a copy emailed to the Contract Specialist, Olisha Costa at olisha.costa@navy.mil

How to Register to Apply through Grants.gov

a. *Instructions:* Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information.

The registration process can take up to four weeks to complete. Therefore, registration should be done in sufficient time to ensure it does not impact your ability to meet required application submission deadlines.

If individual applicants are eligible to apply for this grant funding opportunity, refer to:

<https://www.grants.gov/web/grants/applicants/individual-registration.html>

Organization applicants can find complete instructions here:

<https://www.grants.gov/web/grants/applicants/organization-registration.html>

(1) *Obtain a DUNS Number:* All entities applying for funding, including renewal funding, must have a Data Universal Numbering System (DUNS) number from Dun & Bradstreet (D&B). Applicants must enter the DUNS number in the data entry field labeled "Organizational DUNS" on the SF-424 form.

For more detailed instructions for obtaining a DUNS number, refer to:

<https://www.grants.gov/web/grants/applicants/organization-registration/step-1- obtain-duns-number.html>

(2) *Register with SAM:* In addition to having a DUNS number, organizations applying online through Grants.gov must register with the System for Award Management (SAM). All organizations must register with SAM in order to apply online. Failure to register with SAM will prevent your organization from applying through Grants.gov.

For more detailed instructions for registering with SAM, refer to:

<https://www.grants.gov/web/grants/applicants/organization-registration/step-2- register-with-sam.html>

(3) *Create a Grants.gov Account:* The next step in the registration process is to create an account with Grants.gov. Applicants must know their organization's DUNS number to complete this process. Completing this process automatically triggers an email request for applicant roles to the organization's E-Business Point of Contact (EBiz POC) for review. The EBiz POC is a representative from your organization who is the contact listed for SAM. To apply for grants on behalf of your organization, you will need the Authorized Organizational Representative (AOR) role.

For more detailed instructions about creating a profile on Grants.gov, refer to:

<https://www.grants.gov/web/grants/applicants/organization-registration/step-3- username-password.html>

(4) *Authorize Grants.gov Roles:* After creating an account on Grants.gov, the EBiz POC receives an email notifying them of your registration and request for roles. The EBiz POC will then log in to Grants.gov and authorize the appropriate roles, which may include the AOR role, thereby giving you permission to complete and submit applications on behalf of the organization. You will be able to submit your application online any time after you have been approved as an AOR.

For more detailed instructions about creating a profile on Grants.gov, refer to:
<https://www.grants.gov/web/grants/applicants/organization-registration/step-4-aor-authorization.html>

5) *Track Role Status*: To track your role request, refer to:
<https://www.grants.gov/web/grants/applicants/organization-registration/step-5-track-aor-status.html>

b. *Electronic Signature*: When applications are submitted through Grants.gov, the name of the organization's AOR that submitted the application is inserted into the signature line of the application, serving as the electronic signature. The EBiz POC **must** specifically authorize the AOR to make legally binding commitments on behalf of the organization; **this step is often missed and it is crucial for valid and timely submissions.**

How to Submit an Application to NAVEAC Washington via Grants.gov

Grants.gov applicants can apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different web forms within an application. For each funding opportunity announcement (FOA), you can create individual instances of a workspace.

Below is an overview of applying on Grants.gov. For access to complete instructions on how to apply for opportunities, refer to: <https://www.grants.gov/web/grants/applicants/apply-for-grants.html>

- a. *Create a Workspace*: Creating a workspace allows you to complete it online and route it through your organization for review before submitting.
- b. *Complete a Workspace*: Add participants to the workspace, complete all the required forms, and check for errors before submission.
 1. *Adobe Reader*: If you decide not to apply by filling out web forms you can download individual PDF forms in Workspace so that they will appear similar to other Standard or ONR forms. The individual PDF forms can be downloaded and saved to your local device storage, network drive(s), or external drives, then accessed through Adobe Reader.

NOTE: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at: <https://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html>

2. *Mandatory Fields in Forms*: In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.

3. *Complete SF-424 Fields First*: The forms are designed to fill in common required fields across other forms, such as the applicant name, address, and DUNS number. To trigger this feature, an applicant must complete the SF-424 information first. Once it is completed, the information will transfer to the other forms.

c. *Submit a Workspace*: An application may be submitted through workspace by clicking the Sign and Submit button on the Manage Workspace page, under the Forms tab. Grants.gov recommends submitting your application package at least 24-48 hours prior to the close date to provide you with time to correct any potential technical issues that may disrupt the application submission.

d. *Track a Workspace Submission*: After successfully submitting a workspace package, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the package. The number will be

listed on the Confirmation page that is generated after submission. Using the tracking number, access the Track My Application page under the Applicants tab or the Details tab in the submitted workspace.

For additional training resources, including video tutorials, refer to:

<https://www.grants.gov/web/grants/applicants/applicant-training.html>

Applicant Support: Grants.gov provides applicants 24/7 support via the toll-free number 1- 800-518-4726 and email at support@grants.gov. For questions related to the specific grant opportunity, contact the number listed in the application package of the grant you are applying for.

If you are experiencing difficulties with your submission, it is best to call the Grants.gov Support Center and get a ticket number. The Support Center ticket number will assist NAVFAC Washington with tracking your issue and understanding background information on the issue.

Timely Receipt Requirements and Proof of Timely Submission

a. *Online Submission.* All applications must be received by **2:00pm Eastern time on 05 August 2019**. Proof of timely submission is automatically recorded by Grants.gov. An electronic date/time stamp is generated within the system when the application is successfully received by Grants.gov. The applicant AOR will receive an acknowledgement of receipt and a tracking number (GRANTXXXXXXXX) from Grants.gov with the successful transmission of their application. Applicant AORs will also receive the official date/time stamp and Grants.gov Tracking number in an email serving as proof of their timely submission.

When NAVFAC Washington successfully retrieves the application from Grants.gov, and acknowledges the download of submissions, Grants.gov will provide an electronic acknowledgment of receipt of the application to the email address of the applicant with the AOR role. Again, proof of timely submission shall be the official date and time that Grants.gov receives your application. Applications received by Grants.gov after the established due date for the program will be considered late and will not be considered for funding by NAVFAC Washington.

Applicants using slow internet, such as dial-up connections, should be aware that transmission can take some time before Grants.gov receives your application. Again, Grants.gov will provide either an error or a successfully received transmission in the form of an email sent to the applicant with the AOR role. The Grants.gov Support Center reports that some applicants end the transmission because they think that nothing is occurring during the transmission process. Please be patient and give the system time to process the application.

3. Format and Content of Full proposals

Proposal submissions will be protected from unauthorized disclosure in accordance with application law, and DoD/DoN regulations. Respondents are expected to appropriately mark each page of their submission that contains proprietary information. Proposals shall be submitted electronically within the following guidelines:

a. Full Proposal Format

- i. Paper size – 8.5 x 11 inch paper
- ii. Font size - no less than 10 point font
- iii. Margins – 1 inch
- iv. Spacing – single or double-spaced
- v. Copies – one (1) electronic copy containing all of the required sections
- vi. Number of pages – Sections I and II are limited to no more than 20 pages single sided. Section III has no page limit. The cover page and table of contents are excluded from the page limitations.

b. Full Proposal Content

i. Cover Page

1. BAA Number
2. Title of Proposal
3. Identify of Prime Respondent and complete list of subcontractors if applicable.
4. Technical Contact (name, address phone, fax and e-mail)
5. Administrative/Business Contact (name, address phone, fax and e-mail)

ii. Table of Contents

1. Section
2. Title
3. Page numbers

Signed Standard Form 424, 424A and 424b as applicable. Form can be found at <http://www.gsa.gov/Portal/gsa/ep/formslibrary.do?formType-SF>.

A. EVALUATION CRITERIA

1. Government reserves the right to eliminate from consideration for award any or all offers at any time prior to award of the contract; to negotiate with Offerors in the competitive range; and to award the contract to the Offeror submitting the lowest price technically acceptable proposal.

2. The Government intends to evaluate proposals and award a contract without discussions with Offerors (except clarifications as described in FAR 15.306(a)). The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary IAW FAR 15.306. In addition, if the Contracting Officer determines that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted, the Contracting Officer may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals.

- b. The Lowest Price Technically Acceptable (LPTA) process is selected as appropriate for this acquisition because the best value is expected to result from selection of the technically acceptable proposal with the lowest evaluated price.
- c. An overall non-price factor rating must be at least “ACCEPTABLE” in order to be eligible for award. An “UNACCEPTABLE” rating in any factor results in the overall non-price factors proposal being rated “UNACCEPTABLE” unless corrected through discussions. An overall non-price factors rating of “UNACCEPTABLE” makes a proposal ineligible for award.

To make a determination using Lowest Price Technically Acceptable (LPTA), the Government shall evaluate each applicant using the following criteria:

FACTOR 1: Technical approach

FACTOR 2: Past performance

FACTOR 3: Nob-Cost/Price

B. DESCRIPTION OF EVALUATION FACTORS

FACTOR 1 – TECHNICAL APPROACH

1. Solicitation Submittal Requirements: Submit a narrative that is a minimum of two (2), maximum of six (6) single-sided pages, describing the applicant's proposed technical approach for accomplishing each task described in the project and a project schedule. The narrative should expand upon what is already described in the BAA, indicating detailed knowledge specialized to successfully complete the requirements in the scope of work, in the particular setting described therein.

2. Basis of Evaluation: The Government will evaluate whether the Applicant's technical approach for project (1) demonstrates an understanding of the scope of work, and (2) is a realistic approach for successful completion of the project within the required time frame. Proposals that demonstrate an understanding of the technical and logistical complexities of the work that address the potential for impacts and risk mitigation to achieve schedule and price goals in the best interest of the government will be considered acceptable. Applicants failing to provide clarifying descriptions/details on how they intend to implement each task (beyond what is described in the BAA) will be deemed to have failed to demonstrate an understanding of the work and will be considered unacceptable.

FACTOR 2: PAST PERFORMANCE

d. Solicitation Submittal Requirements: The applicant is responsible for identifying recent and relevant work accomplished (submit a minimum of two (2), maximum of five (5) projects) and for providing references so that the Government may obtain information regarding customer satisfaction. Limit the number of pages to ten (10) single-sided pages. Applicants may also address any adverse past performance issues under the identified projects. Explanations shall not exceed four (4) single-sided pages in total.

e. Basis of Evaluation: This evaluation focuses on how well the applicant performed on recent and relevant projects identified. The Government reserves the right to obtain information for use in the evaluation of past performance from any and all sources including sources outside of the Government. Other sources may include, but are not limited to, past performance information retrieved through the Past Performance Information Retrieval System (PPIRS), inquiries of owner representative(s), Federal Awardee Performance and Integrity Information System (FAPIIS), Electronic Subcontract Reporting System (eSRS), and any other known sources not provided by the applicant.

The Government will consider the currency and relevance of the information, the source of the information, context of the data, and general trends in the applicant's performance. This evaluation is separate and distinct from the Contracting Officer's responsibility determination. The assessment of the Applicant's past performance will be used as a means of evaluating the Applicant's ability to successfully meet the requirements of the project.

In order to be considered Acceptable for this factor, the Government must conclude that based on the applicant's performance record, the Government has a reasonable expectation that the applicant will successfully perform the required effort.

The lack of recent and relevant past performance information will result in the assignment of a neutral rating (i.e. neither favorable nor unfavorable) for this factor.

FACTOR 3: NON-COST/PRICE

1. Solicitation Submittal Requirements: Offeror shall submit a narrative cost estimate assumptions and basis of estimate and corresponding excel spreadsheet (see Attachment E-Price Schedule worksheet). Format of the price schedule worksheet may be modified.

Prime recipient shall solicit a minimum of two (2) quotes for subcontracting effort and submit copies with its price proposal.

2. Basis of Evaluation: The Government will evaluate price based on the total price. Prices will be evaluated in terms of reasonableness based on a comparison of the Government Estimate and other prices received. Total price consists of the basic requirement and any options. Analysis will be performed by one or more of the following techniques to ensure a fair and reasonable price:

1. Comparison of proposed prices received in response to the RFP.
2. Comparison of proposed prices with the IGCE.
3. Comparison of proposed prices with available historical information.
4. Comparison of market survey results.

Relative Importance of Evaluation Factors: The factors technical approach and past performance are of equal importance and when combined are of equal importance to price.

COOPERATIVE AGREEMENT TERMS AND CONDITIONS (SEPT 2006 Rev 2) 5 June 2008

DoDGARs Part 22:

http://www.dtic.mil/whs/directives/corres/pdf/32106r_041398/part22.pdf

DoDGARs Part 33:

http://www.dtic.mil/whs/directives/corres/pdf/32106r_041398/part33.pdf

DoDGARs Part 32:

http://www.dtic.mil/whs/directives/corres/pdf/32106r_041398/part32.pdf

OMB Circulars:

<http://www.whitehouse.gov/omb/circulars>

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* Refer to DoDGARS, Part 22, appendices A-C for applicable modifications and requirements.

1. Order of Precedence

This Cooperative Agreement is subject to the laws and regulations of the United States. Any inconsistency or conflict in the terms and conditions specified in this Cooperative Agreement shall be resolved according to the following order of precedence:

- (a) The Federal statute authorizing this award, or any other Federal statutes directly affecting performance of this Cooperative Agreement.
- (b) Department of Defense Grant and Assistance Regulations (DoDGARs) 32 CFR Part 32, Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

- (c) These General Terms and Conditions.
- (d) Other terms and conditions contained within this Cooperative Agreement and any attached schedules.

2. Statutes and Regulations

This Cooperative Agreement is subject to the laws and regulations of the United States that apply to assistance instruments including Chapter 63 of U.S. Code Title 31. DoDGARS Part 32 is hereby incorporated into this Cooperative Agreement by reference. The following OMB circulars, as appropriate, are also incorporated by reference into this Cooperative Agreement:

- (a) A-21, “Cost Principles for Educational Institutions”
- (b) A-110, “Grants and Cooperative Agreements for Institutions of Higher Learning”
- (c) A-133, “Audits of State, Local Governments, and Non-Profit Organizations”

3. Cost Principles and Audit

DoDGARS Part 32, Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and the OMB Circulars below apply specifically to the Cooperator. The Cooperative Agreement shall be consistent with these authorities:

- (a) A-21, “Cost Principles for Educational Institutions”
- (b) A-133 “Audits of States, Local Governments, and Non-Profit Organizations”

Cooperator shall submit a copy of OMB Circular A-133 audit reports to the agency Inspector General (IG) and to DoD (IG).

4. Record Retention and Access Requirements

All financial and programmatic records, supporting documents, statistical records, and other records of cooperators or sub-cooperators which are:

- (a) Required to be maintained by the terms of this part. program regulations or the cooperative agreement, or
- (b) Otherwise reasonably considered as pertinent to program regulations or the cooperative agreement.

5. Modification of Cooperative Agreement

The only method by which this Cooperative Agreement can be modified is by a formal, written and signed modification. Administrative modification(s) to the Cooperative Agreement may be accomplished unilaterally by the signature of designated Cooperative Agreement Administrative Representative or Awarding Officer. Changes to the express clauses or terms of the Cooperative Agreement affecting price, quality, quantity

or delivery of the Cooperator's duties shall be the subject of a bilaterally executed modification. No other communications, whether oral or in writing, shall modify this Cooperative Agreement.

6. Prior Approvals and Changes

Any program changes to the approved project must comply with DoDGARS Subpart 32.25, Revision of Budget and Program Plans, for Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

7. Allowable Costs

Cooperative agreement funds may be applied only to those costs allowed under DoDGARS Subpart 32.27, Allowable Costs, for Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and, for Institutions of Higher Education only, OMB Circular A-21.

8. Unexpended Balance

In the absence of any specific notice to the contrary, cooperators are authorized to carry forward unexpended balances of funds received to subsequent funding periods.

9. Overpayment and Earned Interest

Overpayment. Within ninety (90) days after the end date of the Cooperative Agreement, any overpayment of funds shall be remitted to the Administrative Grants Officer (AGO) at the Administrative Office on the Award/Modification document, by check made payable to the Naval Facilities Engineering Command. An overpayment represents the difference between allowable actual expenditures and total disbursements received by the Cooperator.

Advances and Earned Interest. Interest earned on any account holding funds advanced under this Cooperative Agreement shall be remitted at least quarterly to the Naval Facilities Engineering Command, by check made payable to the Treasury of the United States.

10. Future Funding

The Government's legal funding obligation is limited to the amount shown as the "Total Obligated on Award," section of the Cooperative Agreement document.

11. Subagreements

Cooperator shall comply with DoDGARS Subpart 32.5, Subawards, for Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

12. Officials Not to Benefit

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this Cooperative Agreement, or to any benefit arising from it, in accordance with 41 U.S.C. 22.

13. Hatch Act

The cooperator, Research Faculty and Graduate Research Assistance within the Department of Environmental Science and Policy agree to comply with the Hatch Act (5 U.S.C. 1501-1508 and 7324 -7328), as implemented by the Office of Personnel Management at 5 CFR part 151, which limits political activity of employees or officers of State or local governments whose employment is connected to an activity financed in whole or part with Federal funds.

14. Lobbying

By signing and submitting this proposal, the cooperator is providing the certification at Appendix A to 32 CFR Part 28 regarding lobbying.

15. Environmental Standards

By accepting funds under this Cooperative Agreement, the cooperator assures that it will:

- (a) 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] and Environmental Protection Agency (EPA) rules at Subpart J of 40 CFR Part 32.
- (b) Identify to the cooperator agency any impact that this agreement may have on:
 - (1) 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 cooperator 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.
 - (2) Coastal barriers, and provide help the agency may need to comply with the Coastal Barriers Resource Act (16 U.S.C. 3501, et seq.), concerning preservation of barrier resources.
 - (3) Any existing or proposed component of the National Wild and Scenic Rivers system, and provide help the agency may need to comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271, et seq.).

16. Nondiscrimination

By accepting funds under this Cooperative Agreement, the cooperator assures that it will comply with applicable provisions of the following national policies prohibiting discrimination:

- (a) 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 DoD regulations at 32 CFR Part 195
- (b) On the basis of race, color, religion, sex, or national origin, in Executive Order 11246 [3 CFR, 1964-1%5 Comp., p.339], as implemented by Department of Labor regulations at 41 CFR part 60.

- (c) On the basis of sex or blindness, in Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.).
- (d) 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.
- (e) On the basis of handicap, in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by Department of Justice regulations at 28 CFR Part 41 and DoD regulations at 32 CFR Part 56.

17. Cargo Preference

The cooperator agrees that it will comply with the Cargo Preference Act of 1954 (46 U.S.C. 1241), as implemented by Department of Transportation regulations at 46 CFR 381.7, which require that at least 50 percent of equipment, materials or commodities procured or otherwise obtained with U.S. Government funds under this cooperative agreement, and which may be transported by ocean vessel, shall be transported on privately owned U.S.-flag commercial vessels, if available.

18. Preference for U. S. Flag Air Carriers

Travel supported by U.S. Government funds under this cooperative agreement shall use U.S.-flag air carriers (air carriers holding certificates under 49 U.S.C. 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision BI38942.

19. Profit or Fee

In accordance with 32 CFR 22.205(b), no fee or profit may be charged to this cooperative agreement.

20. Claims, Disputes, and Appeals

(a) Cooperator Claims.

Per 32 CFR 22.815, any claims arising out of this agreement must be:

- (1) Submitted in writing to the Grants Officer;
- (2) Specify the nature and basis for the relief requested, and;
- (3) Include all data and relevant facts in support of the claim.

(b) DOD Component Claims.

Claims by a DOD Component shall be the subject of a written decision by the Grants Officer.

(c) Alternative Dispute Resolution (ADR).

The Parties shall use ADR to the maximum extent practicable, and comply with 32 CFR 22.815 ADR policies and procedures. It is hereby noted, however, that this particular Cooperator, has expressed that its business policy is not to enter into arbitration as the selected ADR method.

(d) Grants Officer Decisions.

(1) Within 60 calendar days after receipt of a written claim, the Grants Officer shall:

(a) Prepare a written decision, which shall include: the reasons for the decision; the relevant facts on which the decision is based; and the identity and mailing address of the cognizant Appeal Authority, and; shall be included in the award file, or

(b) Notify the Cooperator of a date when the written decision will be rendered. The notice shall address why additional time is needed.

(2) The Grants Officer's decision is final, unless appealed. In the event of an appeal, the Parties shall endeavor to use ADR procedures to the maximum extent practicable.

(e) Formal Administrative Appeals.

All formal administrative appeals shall comply with the applicable provisions of 32 CFR 22.815(e), Claims, disputes, and appeals.

(1) Appeal Authority. The Assistant Commander for Acquisition is the Appeal Authority to decide formal, administrative appeals under this Grant.

(f) Non-exclusivity of remedies.

Nothing in this section is intended to limit a cooperator's right to any remedy under the law.

21. Controlled Unclassified Information

The parties understand that information and materials provided pursuant to or resulting from this cooperative agreement may be export controlled, sensitive, for official use only, or otherwise protected by law, executive order or regulation. The cooperator is responsible for compliance with all applicable laws and regulations. Nothing in this cooperative agreement shall be construed to permit any disclosure in violation of those restrictions.

22. Debarment and Suspension

Cooperators shall comply with the requirements of DoDGARs Part 25, Subpart C, "Government-Wide Suspension and Debarment (Nonprocurement)", 32 CFR Part 25, Subpart C. The cooperator shall also include a similar term or condition in any lower-tier covered transactions, as required by DoDGARs Part 25, Subpart B, 32 CFR Part 25 (2004).

23. Drug Free Workplace

By accepting funds under this Cooperative Agreement, the cooperator agrees to comply with the “Government -Wide Drug-Free Workplace (Grants)” requirements specified by DoDGARS Part 26, Subpart B (or Subpart C, if the cooperator is an individual) of 32 CFR Part 26 (2004), which implements Secs. 5151-5160 of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701, et. seq.).

24. Standards for Financial Management Systems

By accepting funds under this cooperative agreement, the cooperator agrees to maintain a financial management system that complies with DoDGARS Subpart 32.21, for Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

25. Payment

Cooperator shall submit any request for payment in accordance with 32 CFR 32.22, Payment, for Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations. Payment will be made in accordance with 32 CFR 32.22 for Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

For any advance payment the cooperator must maintain or demonstrate the willingness to maintain the conditions set forth at 33 CFR 33.21 (c). Cooperator is authorized to be paid in advance under the conditions set forth at 33CFR 32.22(b)-(d), for Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

Reimbursement is the preferred method when the requirements in 32 CFR 33.22(d) cannot be met. The Cooperator is authorized reimbursements under the conditions set forth at 22 CFR. 33.32.22(e)-(j) for Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

The Government shall pay the Cooperator the price as provided in this agreement. The Government shall make progress payments monthly as the work proceeds, or at more frequent intervals as determined by the Agreements Officer, on estimates of work accomplished which meets the standard of quality established under the agreement, as approved by the Agreements Officer.

The Cooperator’s request for progress payments shall include the following substantiation:

- (a) An itemization of the amounts requested, related to the various elements of work required by the agreement covered by the payment requested.
- (b) Additional supporting data in a form and detail required by the Agreements Officer.

26. Procurement

Cooperator’s system for acquiring goods and services under this Cooperative Agreement shall comply with 32 CFR 32.40-32.48, for Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

27. Property

Title shall vest in, and cooperator shall manage, property under this cooperative agreement in accordance with 32 CFR 32.2, and 32.30-32.37, for Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

28. Reports

Cooperator shall maintain and submit reports in accordance with 32 CFR 32.50-32.53, for Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

29. Termination and Enforcement

This award is subject to 32 CFR 32.61, Termination, and 32.62, Enforcement, for Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

30. After-Award Requirements

Closeouts, subsequent adjustments, continuing responsibilities, and collection of amounts due are subject to the requirements in CFR 32.71 -32.73, for Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

31. Cost Share or Match

Any cost share or cost match agreements shall comply with 32.23, for Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

32. Resource Recovery and Conservation Act

Cooperator shall comply with the requirements contained in 32 CFR 32.49.

[End of Items]