

NOTICE OF AWARD (Continuation Sheet)

PAGE 2 of 2	DATE ISSUED 09/19/2024
GRANT NO. D24AP00425-00	

Federal Financial Report Cycle			
Reporting Period Start Date	Reporting Period End Date	Reporting Type	Reporting Period Due Date
10/01/2024	12/31/2024	Semi-Annual	01/30/2025
01/01/2025	06/30/2025	Semi-Annual	07/30/2025
07/01/2025	12/31/2025	Semi-Annual	01/30/2026
01/01/2026	06/30/2026	Semi-Annual	07/30/2026
07/01/2026	09/30/2026	Final	01/28/2027

AWARD ATTACHMENTS

VIRGIN ISLANDS WATER & POWER AUTHORITY

D24AP00425-00

1. OIA Terms and Conditions 09.11.2024

U.S. Department of the Interior – Office of Insular Affairs

GRANT TERMS AND CONDITIONS

Acceptance of a Federal grant award (hereafter referred to as “grants”, “agreements”, or “awards”) from the Department of the Interior (DOI) carries with it the responsibility to be aware of and comply with the Code of Federal Regulations, 2 CFR 200, and all standard and special terms and conditions placed on the award. Acceptance is defined as the start of work, the drawing down of funds, or accepting the award via electronic means. Awards are based on the application submitted to, and as approved by DOI. All OIA Grants are subject to DOI’s Standard Terms and Conditions which can be found at the following link: <https://www.doi.gov/sites/doi.gov/files/doi-award-terms-and-conditions-version-3-effective-june-1-2023.pdf>

Special Terms and Conditions for this Agreement are detailed below:

1. Recipient Responsibilities

You as the recipient are responsible for compliance with the provisions of all laws and regulations governing the use of Federal grant funds, as applicable. In those instances, in which you are not in compliance with applicable laws or regulations, or do not believe you can comply, you should immediately notify the Office of Insular Affairs (OIA). If feasible, the OIA will provide assistance to help correct the deficient area(s). **Failure of a recipient to comply with any applicable laws and regulations may be the basis for withholding payments and/or for grant termination.**

2. Limitations on the Use of Grant Funds

Grant funds are not to be used for any purpose other than that for which they are offered without prior approval from the OIA. Any change in the approved scope of work or project budget must be submitted to the grant manager for approval. See Section “Scope of Work Requirements” for further details.

3. National Environmental Policy Act (NEPA)

Prior to the start of any activity, the grantee will prepare documentation necessary to comply with the National Environmental Policy Act (NEPA) and all applicable environmental laws and regulations and submit them to OIA for review and approval. If an Environmental Assessment (EA) is required, the grantee and/or its agent will prepare a proposed EA for independent review by OIA. If it is determined that an Environmental Impact Statement (EIS) is required, the grantee shall prepare an EIS in accordance with 40 CFR 1506.2 and 1506.5.

- a. **Costs may not be incurred, and work may not commence on the project until OIA has issued an Authorization to Proceed (ATP).** The grantee may, however, incur costs associated with obtaining all the required environmental documentation.
- b. Upon project completion, an assessment should be conducted to report on significant impacts or findings which were or were not anticipated by the NEPA approval. This

assessment should be appended to the final performance report, which is due in <https://www.GrantSolutions.gov> 120 days after expiration or termination of the agreement.

4. OIA Seal

The OIA seal, accompanied by the following language, "Funding provided by the U.S. Department of the Interior, Office of Insular Affairs", should be displayed on all construction signage that is intended to identify the project and funders, as appropriate. All programs, projects, assistance, activities, and public communications, partially or fully funded by OIA, should be marked appropriately in a size and prominence equal to (or greater than) any other logo or identity. The seal must remain intact and unchanged and may only be displayed using either the standard color scheme or a single color that complements the background where it appears. The OIA seal and aforementioned language should be publicly displayed on the final product. This requirement applies to but is not limited to buildings and vehicles. The OIA grant manager should be contacted for an electronic version of the OIA seal if needed. Exemptions from this requirement may be allowable but must be agreed to in writing by the grant manager.

5. Scope of Work Requirements

Prior to the commencement of the funded project(s), the grantee shall submit to OIA a narrative scope of work that shall include a description of the work to be performed, a project schedule and a detailed project budget. If a construction activity is proposed, the scope of work shall include a description of the work to be performed, a proposed planning, engineering, design and construction schedule, and a detailed project budget, including a breakdown of costs (in-house, contracts, and indirect costs) for planning, engineering and design, real estate costs, supervision and administration, construction, and construction management and inspection. The scope of work should be submitted in conjunction with the required environmental documentation. **Costs may not be incurred until an ATP has been received from OIA.**

- a. For construction activities, the scope of work and project budget presented to OIA must bear the signature of a licensed or registered architect or engineer.
- b. For construction activities, the grantee shall present evidence to OIA that the grantee has clear title, a leasehold agreement, or other legal authority for use of the land upon which new capital improvement projects are to be constructed.
- c. Any substantial change in the scope of work or project budget (beyond ten percent of current approved budget categories) must be submitted to OIA as a "change in scope" amendment request through <https://www.GrantSolutions.gov>. The project revisions shall not be implemented until the OIA Grant Manager provides approval documentation to the grantee. OIA will determine whether supplemental environmental documentation must be prepared to comply with NEPA and all other environmental laws and regulations. This determination must be made prior to OIA approval of any project revisions.
- d. The OIA Grant Manager must be informed in writing of any changes to the proposed planning, engineering, design and construction schedule that are likely to cause

substantial delays to the project's completion.

6. Procurement of Goods and Services with Grant Funds and Record Retention

All grant awards and sub-awards must fully comply with the procurement regulations as detailed in the applicable subparts of 2 CFR 200, Subpart D, "Post Federal Award Requirements", including updates to the NDAA Micro-Purchases and Simplified Acquisition Thresholds policy, (<https://www.whitehouse.gov/wp-content/uploads/2018/06/M-18-18.pdf>); and all other Congressional directives and guidance for the use or reprogramming of appropriated funds. Records related to this award, including procurement records, must be retained and made accessible per the requirements of the applicable retention and access requirements as detailed in 2 CFR 200, Subpart D, .333-.337, "Record Retention and Access.". The OIA shall have the right to access any pertinent books, documents, papers, or other records of grantees and sub-grantees which are pertinent to the grant, including but not limited to procurement records, to determine compliance with the applicable laws and regulations.

7. Buy America Domestic Procurement Preference:

Buy America Preference. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for an infrastructure project unless:

- (1) All iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- (2) All manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and
- (3) All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The construction material standards are listed below.

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

that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. 4

Categorization of articles, materials, and supplies. An article, material, or supply should only be classified into one of the following categories: (i) Iron or steel products; (ii) 15 Manufactured products; (iii) Construction materials; or (iv) Section 70917(c) materials. An article, material, or supply should not be considered to fall into multiple categories. In some cases, an article, material, or supply may not fall under any of the categories listed in this paragraph. The classification of an article, material, or supply as falling into one of the categories listed in this paragraph must be made based on its status at the time it is brought to the work site for incorporation into an infrastructure project. In general, the work site is the location of the infrastructure project at which the iron, steel, manufactured products, and construction materials will be incorporated.

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

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

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

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

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

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

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

(3) Glass. All manufacturing processes, from initial batching and melting of raw

materials through annealing, cooling, and cutting, occurred in the United States. 5

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

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

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

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

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

Waivers

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements can be found at <https://www.doi.gov/grants/buyamerica>.

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

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

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

There may be instances where an award qualifies, in whole or in part, for an existing waiver described at the Approved DOI General Applicability Waivers website located at <https://www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers>. 6

Definitions

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

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

(1) The listed items are:

- (i) Non-ferrous metals;
- (ii) Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- (iii) Glass (including optic glass);
- (iv) Fiber optic cable (including drop cable);
- (v) Optical fiber;
- (vi) Lumber;
- (vii) Engineered wood; and
- (viii) Drywall.

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

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

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

“Iron or steel products” means articles, materials, or supplies that consist wholly or predominantly of iron or steel or a combination of both. 7

“Manufactured products” means:

- (1) Articles, materials, or supplies that have been:
 - (i) Processed into a specific form and shape; or
 - (ii) Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.
- (2) If an item is classified as an iron or steel product, a construction material, or a Section 70917(c) material under 2 CFR 184.4(e) and the definitions set forth in 2 CFR 184.3, then it is not a manufactured product. However, an article, material, or supply classified as a manufactured product under 2 CFR 184.4(e) and paragraph (1) of this definition may include components that are construction materials, iron or steel products, or Section 70917(c) materials.

“Predominantly of iron or steel or a combination of both” means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components.

“Section 70917(c) materials” means cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives. See Section 70917(c) of the Build America, Buy America Act.

8. Capital Assets: Land, Buildings, Equipment

- a. Capital assets, equipment and disposition, 2 CFR 200.11 to 200.13 and 2 CFR 200.311, and Depreciation, 2 CFR 200.436 and 2 CFR 200, Appendices III through IX. Capital assets means tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with Generally Accepted Accounting Principles, Capital assets include: (a) Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and (b) Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance).
- b. When tangible personal property (equipment and supplies) is present, a SF-428, Tangible Personal Property Report is required to be completed and submitted to OIA through <https://www.GrantSolutions.gov>. The SF-428 is a standard form used to collect information related to tangible personal property (equipment and supplies). The form

consists of the cover sheet, SF-428, and three attachments to be used as required: Annual Report, SF-428A; Final (Award Closeout) Report, SF-428B; and a Disposition Request/Report, SF-428C. A Supplemental Sheet, SF-428S, may be used to provide detailed individual item information. As of January 2021, all reports must be submitted through GrantSolutions (see “Reporting Requirements” section below).

- c. When real property is present, a SF-429, Real Property Status Report is required to be completed and submitted to OIA through <https://www.GrantSolutions.gov>. The SF-429 is a standard report used to report real property status, SF-429A, or to request agency instructions on real property, SF-429B and C, that was/will be provided as Government Furnished Property (GFP) or acquired (i.e., purchased or constructed) in whole or in part under the agreement. This includes real property that was improved using Federal funds and real property that was donated to a Federal project in the form of a match or cost share donation. This report is to be used for awards that establish a Federal Interest on real property. This report should be used to report on or request instructions for single/individual and/or multiple parcels of real property (land, buildings, etc.). The report elements are contained in SF-429A, and the request elements are contained in SF-429B and C. As of January 2021, all reports must be submitted through GrantSolutions (see “Reporting Requirements” section below).

9. Drawdown Requirements

- a. Grant recipients located in the U.S. Territories must enroll with, and utilize, the U.S. Treasury's Automated Standard for Payment Applications (ASAP) system to request payments under a grant. Please contact the OIA grant manager for the enrollment forms and guidance, as necessary, or follow the steps on how to enroll in ASAP, found here: <https://fiscal.treasury.gov/asap/getting-started.html>.
- b. For construction agreements, a completed SF-271, Outlay Report and Request for Reimbursement for Construction Programs form must be submitted to the OIA grant manager prior to the payment request being approved in ASAP. For non-construction agreements, a completed SF-270, Request for Advance or Reimbursement form must be submitted to the OIA grant manager prior to the payment request being approved in ASAP. Both forms shall specify the OIA Grant Number, bank account numbers, and American Banking Association (ABA) routing numbers for the electronic transfer of funds.

10. Reporting Requirements

- a. As of January 2021, all reports must be submitted to OIA in the GrantSolutions portal, <https://www.GrantSolutions.gov>. A SF-425 Federal Financial Report and a narrative project status report must be submitted semi-annually in the portal, according to the following schedule to be considered received:

Reporting Period	Semiannual Report Due Date
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January 1 – June 30	July 31
July 1 – December 31	January 31

- b. Reports are due in the GrantSolutions portal within 30 days of the end of the period. Final reports are due 120 days after the expiration or termination of the award.
 - i. Upon project completion, an assessment should be conducted to report on significant impacts or findings which were or were not anticipated prior to project commencement. This assessment should be appended to the final performance report. A template may be provided at the recipient's request.
- c. For additional requirements on sub-awards and executive compensation, refer to 2 CFR 170.

11. No-cost extension requests

- a. If the recipient determines additional time is required to complete the project's original scope with the funds already made available, an authorized official of the recipient institution may submit a request to the awarding officer to extend the award for up to one year. Extension requests must be made at least ten calendar days before the original period of the performance ending date and explain the reason for the request. Extensions are not automatic and not merely to use unobligated balances. The awarding official will inform the recipient in writing as to whether an extension request has been granted.
- b. The request must contain, at a minimum, the following information:
 - i. The length of additional time required to complete project objectives and a justification for the extension.
 - ii. A summary of progress to date (a copy of the most recent report progress report is acceptable provided the information is current).
 - iii. An estimate of funds expected to remain unobligated on the scheduled period of performance end date.
 - iv. A projected timetable to complete the portion(s) of the project.
- c. More than one no-cost extension is unallowable except when there are exceptional circumstances. The grantee's Authorized Representative must submit the requirements identified through an "extenuating circumstance" justification and provide the minimum information listed above.
- d. OIA may consider and approve requests for no-cost extensions for a period of up to 120 days following the award's period of performance end date. These will be approved only for extenuating circumstances, as determined by the awarding official.

12. Conflicts of Interest

- a. Applicability: Per section 2 CFR 200.318, this section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal grant agreements. This includes procurement of supplies, equipment, construction, and services by recipients and by sub-

recipients.

- b. Restrictions on Lobbying. Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR Part 18 and 31 USC 1352.

13. Data Availability

Use of Data. Under 2 CFR 200.315, the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

14. Grant Close Out

The following items are due within 120 days of the end of the grant period of performance:

- a. Final Technical and Performance Reports (PPR) (submitted in Grant Solutions);
- b. Final Federal Financial Report, SF-425 (submitted in Grant Solutions) or Outlay Report and Request for Reimbursement for Construction Programs (SF-271);
- c. Final Request for Payment, if applicable;
- d. Final Invention Statement and certification, if applicable;
- e. Federally Owned Tangible Personal Property Report (SF-428) or Real Property Status Report (SF-429), if applicable;
- f. Disposition or recovery of federally owned assets;
- g. Data sharing; or
- h. Publications and other documents required by the award terms and conditions.

15. Contact Information

a. **OIA Grant Manager**

Name: Krystina Alfano

Title: Grants Management Specialist

Office: Office of Insular Affairs

Phone: 202-507-0361

E-mail: Krystina_alfano@ios.doi.gov

16. Terms and Conditions Reminder

This Agreement is subject to both DOI's Standard Terms and Conditions which are incorporated by weblink, and the above-listed Special Terms and Conditions. Failure to comply with program objectives, terms and conditions of the grant award, and reporting requirements may result in the withholding of funds and/or termination of the grant.