

# Appendix A

## Administrative Term and Condition for Sub-awards

- a. The recipient agrees to:
  - (1) Establish all sub-award agreements in writing;
  - (2) Maintain primary responsibility for ensuring successful completion of the EPA-approved project (this responsibility cannot be delegated or transferred to a sub-recipient);
  - (3) Ensure that any sub-awards comply with the standards in Section 210(a)-(d) of OMB Circular A-133 and are not used to acquire commercial goods or services for the recipient;
  - (4) Ensure that any sub-awards are awarded to eligible sub-recipients and that proposed sub-award costs are necessary, reasonable, and allocable;
  - (5) Ensure that any sub-awards to 501(c)(4) organizations do not involve lobbying activities;
  - (6) Monitor the performance of their recipients and ensure that they comply with all applicable regulations, statutes, and terms and conditions which flow down in the sub-award;
  - (7) Obtain EPA's consent before making a sub-award to a foreign or international organization, or a sub-award to be performed in a foreign country; and
  - (8) Obtain approval from EPA for any new sub-award work that is not outlined in the approved work plan in accordance with 40 CFR Parts 30.25 and 31.30, as applicable.
- b. Any questions about sub-recipient eligibility or other issues pertaining to sub-awards should be addressed to the recipient's EPA Project Officer. Additional information regarding sub-awards may be found at <http://www.epa.gov/ogd/guide/subaward-policy-part-2.pdf>. Guidance for distinguishing between vendor and sub-recipient relationships and ensuring compliance with Section 210(a)-(d) of OMB Circular A-133 can be found at <http://www.epa.gov/ogd/guide/subawards-appendix-b.pdf> and <http://www.whitehouse.gov/omb/circulars/a133/a133.html>.
- c. The recipient is responsible for selecting its sub-recipients and, if applicable, for conducting sub-award competitions.