

**FEDERAL FINANCIAL ASSISTANCE
AWARD OF DOMESTIC GRANT
Between the
VIRGINIA DEPARTMENT OF FORESTRY
And the
Town of Vienna**

Program Title: Urban Tree Canopy Assessment #21UCF19

Research: NO (Yes or No)

Upon execution of this document, an award to Town of Vienna, Federal Identification Number (FEIN 54-6001654, DUNS #) hereinafter referred to as “Sub-recipient” in the amount of \$7,500.00, is made under the authority of Cooperative Forestry Assistance Act of 1978, P.L. 95-313, as amended. 16 U.S.C. 2101 et. seq.

This award should promote, support and participate in the federal grant program, sponsored by USDA, U.S. Forest Service. The Federal Assistance Listing Number (ALN) (formerly Catalog of Federal Domestic Assistance-CFDA) and name are 10.664, Cooperative Forestry Assistance. Your application for federal assistance, dated 8/18/2021 and the attached provisions by the Virginia Department of Forestry are incorporated into this letter and made part of this award.

The Virginia Department of Forestry and Sub-recipient share the same goal of sustaining the health, diversity and productivity of the Nation and the Commonwealth’s forest and grasslands.

Virginia Department of Forestry, referred to as VDOF, is a state government agency in the governor’s cabinet by the Secretary of Agriculture and Forestry. As such:

- VDOF has an operational budget of approximately \$25 million and employs 240 salaried staff.
- Virginia has 26 state forests that include 71,972 acres (of which 96% are certified sustainable) and are managed for timber, recreation, water, research, wildlife habitat, and biodiversity protection.
- Forestry is the third leading economic engine in Virginia. The forest industry generates more than 108,000 related jobs and contributes \$21 billion annually to Virginia’s economy.
- The state forests of Virginia are self-supporting and receive no taxpayer funds for operation. Operating funds are generated from the sale of forest products.
- Up to 25% of revenue received from forest products sales is returned to the counties where the forests are located.

A. **Legal Authority:** Sub-recipient shall have the legal authority to enter into this award and the institutional, managerial, and financial capability to ensure proper planning, management and completion of the project, which includes funds sufficient to pay the nonfederal share of project costs, when applicable.

B. **Principal Contacts:** Individuals listed below are authorized to act in their respective areas for matters related to this award:

Virginia Department of Forestry

Program Contact		Administrative Contact	
Name	Lara Johnson	Name	Jackie Newton, Grant Accountant
Address	900 Natural Resources Dr., #800	Address	900 Natural Resources Dr., #800
City, State, Zip	Charlottesville, VA 22903	City, State, Zip	Charlottesville, VA 22903
Phone	434-220-9185	Phone	434-220-9050
Fax	434-220-9155	Fax	434-220-9155
Email	Lara.Johnson@dof.virginia.gov	Email	Jackie.Newton@dof.virginia.gov

Sub-recipient:

	Program Contact		Administrative Contact
Name	Leslie Herman	Name	Same as program contact
Address	127 Center St S	Address	
City, State, Zip	Vienna, VA 22180	City, State, Zip	
Phone	703-255-6360	Phone	
Fax		Fax	
Email	Leslie.herman@viennava.gov	Email	

- C. **Plan of Work:** See attachment B {List required specifications of work or include an Attachment B}
- D. **Availability of Funds:** Virginia Department of Forestry funds in the amount of \$7,500.00 are currently available for performance of this award through May 20, 2022. The Virginia Department of Forestry's obligation for performance beyond this date is contingent upon the availability of appropriated funds from which payment can be made. The funding listed above will require a 50/50 cost share requirement. Prime and sub-recipients to this award are subject to the OMB guidance in subparts A through F of 2 CFR Part 400. Adoption by USDA of the OMB guidance in 2 CFR 400 gives regulatory effect to the OMB guidance in 2 CFR 200 where full text may be found. Electronic copies of the CFRs can be obtained at the following internet site: www.ecfr.gov. If you are unable to retrieve these regulations electronically, please contact your Administrative Contact.
- E. **Reimbursable Payments- Financial Assistance:** See provision K in the attachment, "Virginia Department of Forestry Award Provisions".
- F. **Pre-Award Costs for State, Local and Indian Tribal:** No pre-award costs are authorized under this award.
- G. **Indirect Cost Rates-Provisional:** Indirect Charges are not approved as a reimbursable item. Therefore it is policy not allow grant funds to be used as indirect overhead; however it does qualify as a match requirement. All Federal and recipient cost-share contributions are subject to all relevant OMB Circulars and Code of Federal Regulations.
- H. **Programmatic Changes:** Sub-recipient shall obtain prior approval for any change to the scope objectives of the approved project, key personnel, or transfer of substantive programmatic work to another party.
- I. **Modifications:** Modifications within the scope of this award shall be made by mutual consent of the parties, by the issuance of the written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modifications should be made, in writing, at least 30 days prior to implementation of the requested change. The Virginia Department of Forestry is not obligated to fund any changes not properly approved in advanced.
- J. **Commencement/Expiration Date:** This award is executed as of the date of the last signature and is effective through _____ at which time it will expire, unless extended by an executed modification, signed and dated by all of the properly authorized, signatory officials.
- K. **Authorized Individuals:** By Signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this award. In witness whereof, the parties hereto have executed this award as of the last date written below.

Virginia Department of Forestry

Authorized signer-Award Recipient

Date

Date

Attachment A: Virginia Department of Forestry Award Provisions

- A. **Collaborative Arrangements:** Where permitted by terms of the award, Sub-recipient may enter into collaborative arrangements with other organizations to jointly carry out activities with grant funds.
- B. **Non-Liability:** The Virginia Department of Forestry does not assume liability for any third party damages arising out of this award.
- C. **Notices:** Any notice given by the U.S. Forest Service or Virginia Department of Forestry will sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows: The Virginia Department of Forestry, at Virginia Department of Forestry's address shown in the grant or such other address designated within the grant. Notices will be effective when delivered in accordance with this provision or on the effective date of the notice, whichever is later.
- D. **Federal Cost and Administrative Regulations:**
This is an award of Federal financial assistance. **Prime and sub-recipients to this award are subject to the OMB guidance in subparts A through F of 2 CFR Part 200 as adopted and supplemented by the USDA in 2 CFR Part 400.** Adoption by USDA of the OMB guidance in 2 CFR 400 gives regulatory effect to the OMB guidance in 2 CFR 200 where full text may be found. Electronic copies of the CFRs can be obtained at the following internet site: www.ecfr.gov. If you are unable to retrieve these regulations electronically, please contact your Administrative Contact at 434-220-9050.
- E. **Use of U.S. Forest Service or Virginia Department of Forestry Insignia:** In order for Sub-recipient to use either insignia's on any published media, such as webpage, printed publication, or audiovisual production, permission must be granted from the Virginia Department of Forestry. A written request must be submitted and approval granted in writing prior to use of the insignia.
- F. **Metric System of Measurement:** Wherever measurements are required or authorized, they shall be made, computed and recorded U.S. Standard Units of Measurements applicable during administration of current and future Forest Service grants. If the metric system is utilized you must seek authorization from the Virginia Department of Forestry Program Manager in writing when it has found such usage is impractical or is likely to cause U.S. firms to experience significant inefficiencies or the loss of markets. When the U.S. Standard Units of Measurement is not the predominant standard for a particular application, measurements can be expressed in both U.S. Standard Units of the Metric System, provided by the U.S. Standard Units are listed.
- G. **Members of Congress:** Pursuant to 41 U.S.C. 22, no United States member of, or United States delegate to, Congress shall be admitted to any share or part of this award, or benefits that may arise therefrom, either directly or indirectly.
- H. **Trafficking in Persons:** Human Trafficking is prohibited; additional information can be found under the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104 (g)).
- I. **Drug- Free Workplace:**
1. Sub-recipient agree(s) that it will publish a drug-free workplace statement and provide a copy of any project/program that receives federal funding. The statement must:
a. Tell the employees that the unlawful manufacture, distribution, dispensing, possession, or use of the controlled substance is prohibited in its workplace.
b. Specify the actions Sub-recipient will take against employees for violating that prohibition; and let each employee know that, as a condition of employment under any instrument, he or she must abide by the terms of the statement, and must notify you in writing if he or she is convicted for a violation of a criminal drug statute occurring in the workplace, and must do so no more than five calendar days after the conviction.

2. Sub-recipient agree(s) that it will establish an ongoing drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, internal policies, assistance programs and the penalties that may be imposed with drug abuse violations occurring in the workplace.
 3. Without the Virginia Department's expressed written approval, the policy statement and program must be in place as soon as possible, no later than 30 days after the effective date of this award, or completion date of this award, whichever occurs first.
 4. Sub-recipient agree(s) to immediately notify the Virginia Department of Forestry if an employee is convicted of a drug violation in the workplace. The notification must be in writing, identify the employee's position title, the award number of each award on which the employee worked. The notification must be sent to the Virginia Department of Forestry within ten calendar days after Sub-recipient learn(s) of the conviction.
 5. Within 30 calendar days of learning about an employee's conviction, Sub-recipient must either, take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 (29 USC 794) as amended or require the employee to participate satisfactorily in a drug assistance or rehabilitation program approved for these purposes by Federal, State or Local health, law enforcement, or other appropriate agency.
- J. **Eligible Workers:** Sub-recipient shall ensure that all employees complete the I-9 form to certify that they are eligible for lawful employment under the Immigration and Nationality Act (8 U.C.S. 1324a). Sub-recipient shall comply with regulations regarding certification and retention of the completed forms. These requirements also apply to any contract or supplemental instruments awarded under this award.
- K. **Advance/Reimbursable Payments:** Only costs for those project activities approved in (1) the initial award, or (2) modifications thereto, are allowable. Requests for advance and/or reimbursement of eligible grant expenditures is based on the availability of funds awarded or appropriated for that purpose. Payment requests should be submitted to Program Managers for review to ensure requests are in compliance with all programmatic and administrative policies and procedures. If Sub-recipient receive(s) an advance payment and subsequently request(s) an advance or reimbursement payment, then the request must clearly demonstrate that the previously advanced funds have been fully expended before the Virginia Department of Forestry can approve the request for payment. Any funds, advanced, but not spent, upon expiration of this award shall be returned to the Virginia Department of Forestry.
- L. **Award Closeout:** Award will be closed out either on the expiration date or with the notice of termination. Any unobligated funding at that time will be reverted to the Department of Forestry.
- M. **Program Performance Reports:** Sub-recipient shall monitor the performance of the grant activities to ensure that performance goals are being achieved. Performance Reports will include: A comparison of actual accomplishments to the goals achieved for the period; reason(s) for delay if established goals were not met; additional pertinent information pertaining to the grant. Performance Reports shall be submitted to the Program Manager(s) Lara Johnson.
- N. **Notification:** Sub-recipient should immediately notify the Virginia Department of Forestry of developments that have a significant impact on the activities supported under this grant. Also, notification shall be given in the case of problems, delays or adverse conditions that materially impair the ability to meet the objectives of the award. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.
- O. **Changes in Key Positions and Personnel:** Any revisions to key positions and personnel identified in the application for this award require prior, written approval from the Department of Forestry. Failure to obtain prior, written approval when required may result in the disallowance of costs.

- P. **Freedom of Information Act (FOIA):** Public access to grant or agreement records shall not be limited, except when such records must be kept confidential and would have exempted from disclosure pursuant to “Freedom of Information” regulations (5 U.S.C. 552).
- Q. **Text Messaging while driving:** In accordance with Executive Order (EO) 13513, “Federal Leadership on Reducing Text Messaging while driving” any and all text messaging by Federal Employees is banned. All sub recipients are encouraged to adopt and enforce policies that ban text messaging while driving while on government business.
- R. **Public Notices/Acknowledgement:** It is the U.S. Forest Service’s policy to inform the public as fully as possible of its programs and activities. It is encouraged to give public notice of the receipt of this award from time to time, to announce progress and accomplishments. Acknowledge the U.S. Forest Service as well as the Virginia Department of Forestry support in publications, audiovisuals and electronic media developed as a result of this award. A mandatory provision if development of publications or production of audiovisuals, or if information is shared via electronic format (including websites).
- S. **Acknowledgment in Publications, Audiovisuals and Electronic Media:** Sub-recipient shall acknowledge the Virginia Department of Forestry and U.S. Forest Service’s support in any publications, audiovisuals, and electronic media developed as a result of this award.
- T. **Nondiscrimination Statement-Printed, Electronic or Audiovisual Materials:** Sub-recipient shall include the following statement, in full, in any printed audiovisual material or electronic media for public distribution developed or printed with any federal funding.
“In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability.”
If the material is too small to permit the full statement to be included, the material must, at a minimum, include the following statement, in print size no smaller than the text:
“This institution is an equal opportunity provider.”
To file a Complaint of Discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202)720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.
- U. **Termination by Mutual Agreement:** This award may be terminated, in whole or part, as follows: when Sub-recipient and the Virginia Department of Forestry agree upon termination conditions, By 30 days written notification from the Virginia Department of Forestry and in the case of partial termination when the U.S. Forest Service determines that the remaining portion of the award will not accomplish the purposes for which the award was made, the U.S. Forest may terminate the award at its entirety.
Upon termination of an award, Sub-recipient shall not incur any new obligations for the terminated portion of the award after the effective date, and shall cancel as many outstanding obligations as possible. The Virginia Department of Forestry shall allow full credit to Sub-recipient for the United States Federal share of the non-cancelable obligations properly incurred by Sub-recipient on the effective date of termination.
- V. **Disputes:** Any disputes under this award shall be decided by the Program Manager. The Program Manager shall furnish Sub-recipient a written copy of the decision. Decisions of the Program Manager shall be final unless, within 30 days of receipt of the decision of the Program Manager, Sub-recipient appeal(s) the decision to the Virginia Department of Forestry. Any appeal made under this provision shall be in writing. In order to facilitate review, Sub-recipient shall be given an opportunity to submit written evidence in support of its appeal. No hearing will be provided.
- W. **Debarment and Suspension:** Sub-recipient shall immediately inform the Virginia Department of Forestry if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2CFR Part180. Additionally, should Sub-recipient or any of their principals receive a transmittal letter or other official federal notice of debarment or

suspension, then they shall notify the Virginia Department of Forestry without undue delay. This applies, whether the exclusion, debarment or suspension is voluntary or involuntary.

- X. **International Travel:** When Virginia Department of Forestry funds are used and no Federal, statutory exceptions apply, Sub-recipient shall ensure that any air transportation of passengers and property is provided by a carrier holding a United States government issued certificate in compliance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. 40118 (Fly American Act).
- Y. **Copyrighting:** Virginia Department of Forestry is granted sole and exclusive right to copyright any publications developed as a result of this award. This includes the right to publish and vend throughout the world in any language and in all media and forms, in whole or in part, for the full term of copyright and all renewals thereof in accordance with this award. No original text or graphics produced and submitted by the US Forest Service shall be copyrighted. The U.S. Forest Service reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish or otherwise use and to authorize others to use the work for federal government purposes. This right shall be transferred to any sub-awards, sub-agreements or sub-contracts. This provision includes: The copyright in any work developed by Virginia Department of Forestry under this award and any rights to copyright which Virginia Department of Forestry purchase(s) ownership with federal contributions.
- Z. **Program Income:** If any program income is generated as a result of this award, it must be deducted from the gross expenditures that are being charged to the award in accordance with the applicable Cost Principles.
- A. **Central Contractor Registration and Universal Identifier Requirements:**
 - 1. Requirements for Central Contractor Registration (CCR)

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration and more frequently if required by changes in your information or another award term.
 - 2. Requirement for Data Universal Numbering System (DUNS) Numbers
 - 3. **Definitions:** For the purposes of this award term:
 - a. *Central Contractor Registration (CCR)* means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about the registration procedures may be found at the CCR Internet site (currently at <http://www.ccr.gov>).
 - b. *Data Universal Numbering System (DUNS) number:* means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (Currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).
 - c. *Entity*, as it is used in this award term, means all of the following as defined at 2 CFR part 25, subpart C: A governmental organization, which is a state, local government or Indian Tribe; A foreign public entity; A domestic or foreign nonprofit organization; A domestic or foreign for-profit organization; and A Federal agency, but only as a sub recipient under and award or sub award to a nonfederal entity.

- B. Federal Funding Accountability and Transparency Act (Sub-award Reporting System):** Effective October 1, 2010 all sub-awards that receives \$25,000 or more from a federal award will need to be reported. The sub-award is responsible for providing the Department of Forestry with the following information for timely reporting: Name, Address, Federal Tax Identification Number, DUNS Number, Principal place of performance and names of Highly Compensated Officers.

Attachment B: Virginia Department of Forestry Plan of Work

1. Title of Grant: Urban Tree Canopy Assessment
2. Amount: \$7,500.00
3. Program Contact: Lara Johnson, VA Department of Forestry, 900 Natural Resources Drive Charlottesville VA 22903
4. Purpose and Scope of Work: Complete an urban tree canopy analysis for the Town of Vienna.
5. Timing: For reporting purposes during the grant period:
 - a. The period covered is from the data of the award letter to May 20, 2022. Submittal of all paperwork including reimbursement form final report with narrative and photographs are due June 3, 2022.