

AWARD INSTRUMENT DETERMINATION

1. Title and description of proposed project:

Indicate the title and description of the project. The description should include information on the principle purpose of the project and the public purpose of support or stimulation that will be accomplished.

2. Statutory Authority:

a. Statute or Public Law Number:

b. Provide information on which section(s) of the statute authorize financial assistance.

Indicate the sections which provide information on (1) legislative intent/purpose, (2) what types of projects are authorized, (3) what type of funding instruments are authorized (grant, cooperative agreement, contract, etc.), (4) what types of recipients are eligible for assistance, (5) cost share or matching requirements, (6) any mandatory requirements for competition, (7) any other restrictions such as geographical limitations, program regulations, or regulatory requirements such as Davis-Bacon Act applicability, (8) type of assistance authorized (funding, technical, property), and (9) any limitations on the length of time or total amount of appropriations that are available.

c. CFDA Number or Pseudo Code:

Provide the appropriate CFDA Number or Pseudo Code as listed in Appendix A of the Reclamation Financial Assistance Handbook.

3. Authorization of appropriations:

Identify the public law that provides an authorization of appropriations for the funding required for this project and the amount of funding which has been authorized.

4. Proposed recipient:

a. Competitive award: This agreement will be awarded on a competitive basis. Eligible recipients include the following categories of organizations:

Select from: State, county, municipality, township, or special district government; independent school district; state controlled institution of higher education; Indian tribe; nonprofit agency; private higher education institution; individual; profit organization; small business

b. Noncompetitive award: This award will be made on a noncompetitive basis to:

(1) Name of recipient:

(2) Type of organization:

Designate type of recipient based on categories listed under 4.a. above.

5. Indicate the type of business instrument proposed for award of this action:

a. Type of instrument:

Indicate type of business instrument. See *Appendix B* of the Reclamation Financial Assistance Handbook for definitions of contracts, grants and cooperative agreements.

A **grant** is the appropriate financial assistance instrument if the recipient can expect to perform the project without Federal collaboration, participation, or intervention in the agreement (as long as there is compliance with the terms and conditions of award).

A **cooperative agreement** is the appropriate financial assistance instrument if the recipient can expect Federal collaboration or participation in the management of the project, i.e., substantial involvement. Guidance for determining what types of actions are considered substantial involvement can be found in *Appendix C* of the Reclamation Financial Assistance Handbook.

b. If the award instrument will be a cooperative agreement, include an explicit statement of the anticipated nature, character, and extent of Federal programmatic involvement.

6. Estimate the amount of funding and any other type of assistance that will be provided to the recipient during the term of the agreement:

Provide an estimate of the funding amount for the base year and any option years of the agreement. Indicate any other type of assistance (e.g., technical services or assistance, government furnished property, information, consultation) that will be provided to the recipient and the estimated value of the assistance.

7. Estimate the amount of cost share or matching and other types of contributions that will be provided by the recipient during the term of the agreement:

If this contribution is mandated by the statutory authority identified in 2.a., above, demonstrate that the contribution meets the requirements in the statute.

8. Based on the foregoing information, discuss how the proposed project will assist the recipient in carrying out the public purpose of support or stimulation authorized by the above law.

Discuss how the project will assist the recipient in accomplishing its public purpose (needs) which are authorized by the above-stated law. Demonstrate that the project is not primarily for the direct benefit of Reclamation or other Federal government agencies, i.e., the Federal government will not be receiving any form of a deliverable product or service, unless otherwise authorized by the statute.

DETERMINATION:

Based on the foregoing information, I hereby determine that there is legislative authority to enter into this transaction which is for a public purpose of support or stimulation, and that in accordance with the statutory criteria at 31 U.S.C. 6301 et seq., the proper award instrument for the proposed action is a [grant or cooperative] agreement.

Prepared by: _____
Name Date

Title

Approved by: _____
Name Date

Title

REVIEW:

In accordance with 505 DM 2.6.E(1)(a), a review of the determination of award instrument shall be made at an organizational level separate from the level where the determination was made to insure objectivity in the decision-making process and to ensure that financial assistance instruments are not being used to circumvent applicable Federal procurement laws or regulations. Accordingly, I have reviewed the above award instrument determination pursuant to 505 DM 2.6.E(1)(a) and concur in this determination.

Reviewed by: _____
Name Date

Title