

# Grant and Cooperative Agreement

CHOOSE ONE:  
 COOPERATIVE AGREEMENT  
 GRANT

CHOOSE ONE:     EDUCATION     FACILITIES     RESEARCH     SDCR     TRAINING

|   |                 |                      |               |   |  |                                  |  |
|---|-----------------|----------------------|---------------|---|--|----------------------------------|--|
| 1. GRANT/COOPERATIVE AGREEMENT NUMBER<br>S15AF20022   |                 | 2. SUPPLEMENT NUMBER |               | 3. EFFECTIVE DATE<br>03/01/2015   |  | 4. COMPLETION DATE<br>02/28/2018 |  |
| 5. ISSUED TO<br>NAME/ADDRESS OF RECIPIENT (No., Street, City/County, State, Zip)<br>PUBLIC SERVICE COMMISSION, NORTH DAKOTA<br>Attn: ATTN GOVERNMENT POC<br>600 E BOULEVARD AVE FLR12 DEPT 408<br>BISMARCK ND 58505-0660    |                 |                      |               | 6. ISSUED BY    OSM FA Western Region Denver, CO<br><b>Mailing Address:</b> 1951 Constitution Ave. N.W.<br>Washington DC 20240-0001   |  |                                  |  |
| 7. TAXPAYER IDENTIFICATION NO. (TIN)  |                 |                      |               | 9. PRINCIPAL INVESTIGATOR/ORGANIZATION'S PROJECT OR PROGRAM MGR. (Name & Phone)<br>Jim Deutsch<br>701.328.2251  |  |                                  |  |
| 8. COMMERCIAL & GOVERNMENT ENTITY (CAGE) NO.  |                 |                      |               |   |  |                                  |  |
| 10. RESEARCH, PROJECT OR PROGRAM TITLE<br>Abandoned Mine Land Reclamation   |                 |                      |               |   |  |                                  |  |
| 11. PURPOSE<br>Abandoned Mine Land Reclamation  |                 |                      |               |   |  |                                  |  |
| 12. PERIOD OF PERFORMANCE (Approximately)<br>03/01/2015 through 02/28/2018  |                 |                      |               |   |  |                                  |  |
| 13A. AWARD HISTORY  |                 | 13B. FUNDING HISTORY |               | PREVIOUS  |  | PREVIOUS                         |  |
| PREVIOUS  |                 | \$0.00               |               | PREVIOUS  |  | \$0.00                           |  |
| THIS ACTION   |                 | \$2,781,000.00       |               | THIS ACTION   |  | \$2,781,000.00                   |  |
| CASH SHARE  |                 | \$0.00               |               | <b>TOTAL</b>  |  | \$2,781,000.00                   |  |
| NON-CASH SHARE  |                 | \$0.00               |               |   |  |                                  |  |
| RECIPIENT SHARE   |                 | \$0.00               |               |   |  |                                  |  |
| <b>TOTAL</b>  |                 | \$2,781,000.00       |               |   |  |                                  |  |
| 14. ACCOUNTING AND APPROPRIATION DATA<br>See Schedule   |                 |                      |               |   |  |                                  |  |
| PURCHASE REQUEST NO.  |                 | JOB ORDER NO.        |               | AMOUNT  |  | STATUS                           |  |
| 0020068006  |                 |                      |               |   |  |                                  |  |
| 15. POINTS OF CONTACT   |                 |                      |               |   |  |                                  |  |
|   | NAME            | MAIL STOP            | TELEPHONE     | E-MAIL ADDRESS  |  |                                  |  |
| TECHNICAL OFFICER   | Steven Trujillo |                      | 505.-761-8983 | strujillo@osmre.gov   |  |                                  |  |
| NEGOTIATOR  |                 |                      |               |   |  |                                  |  |
| ADMINISTRATOR   | Steven Trujillo |                      | 303-844-1400  | strujillo@osmre.gov   |  |                                  |  |
| PAYMENTS  |                 |                      |               |   |  |                                  |  |
| 16. THIS AWARD IS MADE UNDER THE AUTHORITY OF:<br>The Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) as amended  |                 |                      |               |   |  |                                  |  |
| 17. APPLICABLE STATEMENT(S), IF CHECKED:<br><input type="checkbox"/> NO CHANGE IS MADE TO EXISTING PROVISIONS<br><input type="checkbox"/> FDP TERMS AND CONDITIONS AND THE AGENCY-SPECIFIC REQUIREMENTS APPLY TO THIS GRANT |                 |                      |               | 18. APPLICABLE ENCLOSURE(S), IF CHECKED:<br><input type="checkbox"/> PROVISIONS <input type="checkbox"/> SPECIAL CONDITIONS<br><input type="checkbox"/> REQUIRED PUBLICATIONS AND REPORTS |  |                                  |  |
| <b>UNITED STATES OF AMERICA</b>   |                 |                      |               | <b>COOPERATIVE AGREEMENT RECIPIENT</b>  |  |                                  |  |
| CONTRACTING/GRANT OFFICER<br>Patrick Dege   |                 | DATE<br>03/02/2015   |               | AUTHORIZED REPRESENTATIVE   |  | DATE                             |  |

# Grant and Cooperative Agreement

| ITEM NO.<br>(A) | ITEM OR SERVICE (Include Specifications and Special Instructions)<br>(B)   | QUANTITY<br>(C) | UNIT<br>(D) | ESTIMATED COST    |               |
|-----------------|--|-----------------|-------------|-------------------|---------------|
|                 |  |                 |             | UNIT PRICE<br>(E) | AMOUNT<br>(F) |
|                 | <p>CFDA Number: 15.252</p> <p>DUNS Number: 802744946+0000</p> <p>The following are incorporated into this agreement by reference:</p> <ol style="list-style-type: none"> <li>1. Your complete application for this assistance agreement, including amendments to the application</li> <li>2. The Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) as amended</li> <li>3. OSM grant regulations (Code of Federal Regulations: 30 CFR Chapter VII, Parts 725, 735, 795, 870-887)</li> <li>4. Your approved regulatory and/or reclamation program as listed in 30 CFR Chapter VII, Subchapter T.</li> <li>5. OSM's Federal Assistance Manual, directive GMT-10</li> <li>6. The standard Department of Interior Financial Assistance terms and conditions for this award are incorporated herein by reference with the same force and effect as if in full text. The full text can be found at:<br/><a href="http://www.doi.gov/pam/programs/financial_assistance/TermsandConditions.cfm">http://www.doi.gov/pam/programs/financial_assistance/TermsandConditions.cfm</a> or can be obtained by contacting the Financial Assistance Administrator.</li> <li>7. Recipient Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights (Sep 2013)</li> </ol> <p>(a) This award and employees working on this financial assistance agreement will be subject to the whistleblower rights and remedies in the pilot program on Award Recipient employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239).</p> <p>(b) The Award Recipient shall inform its employees in writing, in the predominant language</p> <p>Continued ...</p> |                 |             |                   |               |

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|-----------------|---|-----------------|-------------|-------------------|---------------|
|                 |   |                 |             | UNIT PRICE<br>(E) | AMOUNT<br>(F) |
|                 | <p>of the workforce, of the employee whistleblower rights and protections under 41 U.S.C. 4712.</p> <p>(c) The Award Recipient shall insert the substance of this clause, including this paragraph (c), in all subawards or subcontracts over the simplified acquisition threshold. 42 CFR § 52.203-17 (as referenced in 42 CFR § 3.908-9).</p> <p>8. In accordance with Chapter 3-120 of the Federal Assistance Manual, you must obtain our approval before you provide financial assistance to a third party by subgrant or other means. Once we have given our approval, you must update the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS), accordingly.</p> <p>9. The Recipient must establish safeguards to prohibit its employees and Subrecipients from using their positions for purposes that constitute or present the appearance of a personal or organizational conflict of interest. The Recipient is responsible for notifying the grants officer in writing of any actual or potential conflicts of interest that may arise during the life of this award. Conflicts of interest include any relationship or matter which might place the Recipient or its employees in a position of conflict, real or apparent, between their responsibilities under the agreement and any other outside interests. Conflicts of interest may also include, but are not limited to, direct or indirect financial interests, close personal relationship, positions of trust in outside organizations, consideration of future employment arrangements with a different organization, or making a decision affecting the award that a reasonable person with knowledge of the relevant facts would question the Recipient</p> <p>Continued ...</p> |                 |             |                   |               |

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|-----------------|--|-----------------|-------------|-------------------|---------------|
|                 |  |                 |             | UNIT PRICE<br>(E) | AMOUNT<br>(F) |
| 00010           | <p>and/or Recipient's employees and Subrecipients; impartiality in the matter.</p> <p>The grants officer and the servicing ethics counselor will determine if a conflict of interest exists. If a conflict of interest exists, the grants officer will determine whether a mitigation plan is feasible. Mitigation plans must be approved by the grants officer in writing. Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award.</p> <p>This agreement takes effect at the time of approval by the Director of OSM or his authorized delegate. The recipient accepts the agreement including the terms and conditions by starting work or making its first request for Federal funds approved under this agreement.</p> <p>You must keep these records for three years starting on the day you send us your final expenditure report to close the assistance agreement</p> <p>Delivery: 02/28/2018</p> <p>Delivery Location Code: 0003820475</p> <p>OSM, Headquarters<br/>1951 Constitution Ave, NW<br/>Washington DC 20240 US</p> <p>Period of Performance: 03/01/2015 to 02/28/2018</p> <p>SS01 Mandatory Non Emerg Admi<br/>Obligated Amount: \$394,586.00</p> <p>Accounting Info:<br/>Continued ...</p> |                 |             |                   | 394,586.00    |

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|-----------------|--|-----------------|-------------|-------------------|---------------|
|                 |  |                 |             | UNIT PRICE<br>(E) | AMOUNT<br>(F) |
| 00020           | 01 Account Assignment: K G/L Account: 6100.411G0<br>Business Area: S000 Commitment Item: 411G00 Cost<br>Center: SS063300ND Functional Area:<br>S2R2M0000.2M2100 Fund: 15XS501524 Fund Center:<br>SS063300ND Project/WBS: SG.210.SS.01 PR Acct<br>Assign Line: 01<br>Funded: \$394,586.00<br><br>SS03 Mandatory Nonwater Proj<br>Obligated Amount: \$658,617.00<br><br>Accounting Info:<br>01 Account Assignment: K G/L Account: 6100.411G0<br>Business Area: S000 Commitment Item: 411G00 Cost<br>Center: SS063300ND Functional Area:<br>S2R2M0000.2M2100 Fund: 15XS501524 Fund Center:<br>SS063300ND Project/WBS: SG.210.SS.03 PR Acct<br>Assign Line: 01<br>Funded: \$658,617.00 |                 |             |                   | 658,617.00    |
| 00030           | HC03 Mandatory Nonwater Spply<br>Obligated Amount: \$507,309.00<br><br>Accounting Info:<br>01 Account Assignment: K G/L Account: 6100.411G0<br>Business Area: S000 Commitment Item: 411G00 Cost<br>Center: SS063300ND Functional Area:<br>S2R2M0000.2M2100 Fund: 15XS501524 Fund Center:<br>SS063300ND Project/WBS: SG.210.HC.03 PR Acct<br>Assign Line: 01<br>Funded: \$507,309.00  |                 |             |                   | 507,309.00    |
|                 | Continued ...  |                 |             |                   |               |

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|-----------------|--|-----------------|-------------|-------------------|---------------|
|                 |  |                 |             | UNIT PRICE<br>(E) | AMOUNT<br>(F) |
| 00040           | <p>FE03 Mandatory Nonwater Spplly</p> <p>Obligated Amount: \$1,220,488.00</p> <p>Accounting Info:</p> <p>01 Account Assignment: K G/L Account: 6100.411G0</p> <p>Business Area: S000 Commitment Item: 411G00 Cost Center: SS063300ND Functional Area: S2R2M0000.2M2100 Fund: 15XS501524 Fund Center: SS063300ND Project/WBS: SG.210.FE.03 PR Acct Assign Line: 01</p> <p>Funded: \$1,220,488.00</p> <p>Initial Award.</p> <p>The total amount of award: \$2,781,000.00. The obligation for this award is \$2,781,000.00.</p> |                 |             |                   | 1,220,488.00  |