

# Grant and Cooperative Agreement

CHOOSE ONE:

- COOPERATIVE AGREEMENT  
 GRANT

CHOOSE ONE:  EDUCATION  FACILITIES  RESEARCH  SDCR  TRAINING

1. GRANT/COOPERATIVE AGREEMENT NUMBER S15AF20022		2. SUPPLEMENT NUMBFR 0002		3. EFFECTIVE DATE 03/01/2015		4. COMPLETION DATE 02/28/2018			
5. ISSUED TO NAME/ADDRESS OF RECIPIENT (No. Street, City/County, State, Zip) PUBLIC SERVICE COMMISSION, NORTH DAKOTA Attn: ATTN GOVERNMENT POC 600 E BOULEVARD AVE FLR12 DEPT 408 BISMARCK ND 58505-0660				6. ISSUED BY OSM FA Western Region Denver, CO Mailing Address: 1951 Constitution Ave. N.W. Washington DC 20240-0001					
7. TAXPAYER IDENTIFICATION NO. (TIN)				9. PRINCIPAL INVESTIGATOR/ORGANIZATION'S PROJECT OR PROGRAM MGR. (Name & Phone) Jim Deutsch 701.328.2251					
8. COMMERCIAL & GOVERNMENT ENTITY (CAGE) NO.									
10. RESEARCH, PROJECT OR PROGRAM TITLE Abandoned Mine Land Reclamation									
11. PURPOSE Abandoned Mine Land Reclamation 15.252 De-ob \$95K from SS01 move to SS03									
12. PERIOD OF PERFORMANCE (Approximately) 03/01/2015 through 02/28/2018									
13A.		AWARD HISTORY			13B.		FUNDING HISTORY		
PREVIOUS		\$2,781,000.01			PREVIOUS		\$2,781,000.01		
THIS ACTION		(\$95,003.05)			THIS ACTION		(\$95,003.05)		
CASH SHARE		\$0.00			<b>TOTAL</b>		\$2,685,996.96		
NON-CASH SHARE		\$0.00							
RECIPIENT SHARE		\$0.00							
<b>TOTAL</b>		\$2,685,996.96							
14. ACCOUNTING AND APPROPRIATION DATA 01									
PURCHASE REQUEST NO.		JOB ORDER NO.		AMOUNT		STATUS			
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			(505) 761-8983		strujillo@osmre.gov			
PAYMENTS									
16. THIS AWARD IS MADE UNDER THE AUTHORITY OF: The Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) as amended									
17. APPLICABLE STATEMENT(S), IF CHECKED: <input type="checkbox"/> NO CHANGE IS MADE TO EXISTING PROVISIONS <input type="checkbox"/> FDP TERMS AND CONDITIONS AND THE AGENCY-SPECIFIC REQUIREMENTS APPLY TO THIS GRANT				18. APPLICABLE ENCLOSURE(S), IF CHECKED: <input type="checkbox"/> PROVISIONS <input type="checkbox"/> SPECIAL CONDITIONS <input type="checkbox"/> REQUIRED PUBLICATIONS AND REPORTS					
<b>UNITED STATES OF AMERICA</b>				<b>COOPERATIVE AGREEMENT RECIPIENT</b>					
CONTRACTING/GRANT OFFICER Dawn Benavides		DATE 06/07/2016		AUTHORIZED REPRESENTATIVE		DATE			

## Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	<p>CFDA Number: 15.252  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:  <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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ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
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	<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 101.52.203-17 (as referenced in 42 CFR 101.3.908-9).</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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ITEM NO (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
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	<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>LIST OF CHANGES:                      Total Amount for this Modification: -\$95,003.05                      New Total Amount for this Version: \$299,582.95                      New Total Amount for this Award: \$2,685,996.96                      Obligated Amount for this Modification: -\$95,003.05                      New Total Obligated Amount for this Award: \$2,685,996.96                      Agreement Officer changed from Patrick Dege to Dawn Benavides</p> <p>Continued ...</p>				

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ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
00010	<p>Date Application Received changed to : 06/06/2016</p> <p>CHANGES FOR LINE ITEM NUMBER: 10</p> <p>Total Amount changed from \$394,586.00 to \$299,582.95</p> <p>Obligated Amount for this modification: -\$95,003.05</p> <p>CHANGES FOR DELIVERY LOCATION: 0003820475 Amount changed from \$394,586.00 to \$299,582.95</p> <p>CHANGES FOR ACCOUNTING CODE: 01 Amount changed from \$394,586.00 to \$299,582.95</p> <p>Delivery: 02/28/2018 Delivery Location Code: 0003820475 OSM, Headquarters 1951 Constitution Ave, NW Washington DC 20240 US</p> <p>Account Assignment: K G/L Account: 6100.411G0 Business Area: S000 Commitment Item: 411G00 Cost Center: SS063300ND Functional Area: S2R2M0000.2M2100 Fund: 15XS501524 Fund Center: SS063300ND Project/WBS: SG.210.SS.01 PR Acct Assign Line: 01 Period of Performance: 03/01/2015 to 02/28/2018</p> <p>Change Item 00010 to read as follows (amount shown is the obligated amount):</p> <p>SS01 Mandatory Non Emerg Admi Obligated Amount: -\$95,003.05</p> <p>action De-ob \$95K from 01 move to 03</p>				-95,003.05

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1. GRANT/COOPERATIVE AGREEMENT NUMBER S15AF20022	2. SUPPLEMENT NUMBER 0003	3. EFFECTIVE DATE 03/01/2015	4. COMPLETION DATE 02/28/2018	
5. ISSUED TO NAME/ADDRESS OF RECIPIENT (No. Street, City/County, State, Zip) PUBLIC SERVICE COMMISSION, NORTH DAKOTA Attn: ATTN GOVERNMENT POC 600 E BOULEVARD AVE FLR12 DEPT 408 BISMARCK ND 58505-0660		6. ISSUED BY OSM FA Western Region Denver, CO Mailing Address: 1951 Constitution Ave. N.W. Washington DC 20240-0001		
7. TAXPAYER IDENTIFICATION NO. (TIN)		9. PRINCIPAL INVESTIGATOR/ORGANIZATION'S PROJECT OR PROGRAM MGR. (Name & Phone) Jim Deutsch 701.328.2251		
8. COMMERCIAL & GOVERNMENT ENTITY (CAGE) NO.				
10. RESEARCH, PROJECT OR PROGRAM TITLE Abandoned Mine Land Reclamation				
11. PURPOSE Abandoned Mine Land Reclamation 15.252 De-ob \$95K from SS01 move to SS03				
12. PERIOD OF PERFORMANCE (Approximately) 03/01/2015 through 02/28/2018				
13A. AWARD HISTORY		13B. FUNDING HISTORY		
PREVIOUS	\$2,685,996.96	PREVIOUS	\$2,685,996.96	
THIS ACTION	\$95,003.05	THIS ACTION	\$95,003.05	
CASH SHARE	\$0.00	<b>TOTAL</b>	\$2,781,000.01	
NON-CASH SHARE	\$0.00			
RECIPIENT SHARE	\$0.00			
<b>TOTAL</b>	<b>\$2,781,000.01</b>			
14. ACCOUNTING AND APPROPRIATION DATA 01				
PURCHASE REQUEST NO.	JOB ORDER NO.	AMOUNT	STATUS	
0020102260				
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		(505) 761-8983	strujillo@osmre.gov
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<b>UNITED STATES OF AMERICA</b>		<b>COOPERATIVE AGREEMENT RECIPIENT</b>		
CONTRACTING/GRANT OFFICER Dawn Benavides	DATE	AUTHORIZED REPRESENTATIVE	DATE	

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	<p>CFDA Number: 15.252  DUNS Number: 802744946+0000  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:  <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) <ol style="list-style-type: none"> <li>(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).</li> <li>(b) The Award Recipient shall inform its employees in writing, in the predominant language</li> </ol> </li> </ol> <p>Continued ...</p>				



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				UNIT PRICE (E)	AMOUNT (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 and/or Recipients employees and Subrecipients</p> <p>Continued ...</p>				

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ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	<p>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>With certain exceptions found in Chapter 2-260 of the Federal Assistance Manual, 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>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>LIST OF CHANGES:            Total Amount for this Modification: \$0.00            New Total Amount for this Version: \$0.00            New Total Amount for this Award: \$2,685,996.96            Delivery: 02/28/2018            Delivery Location Code: 0003820475            OSM, Headquarters            1951 Constitution Ave, NW            Washington DC 20240 US</p> <p>Account Assignment: K G/L Account: 6100.411G0            Business Area: S000 Commitment Item: 411G00 Cost Center: SS063300ND Functional Area:            Continued ...</p>				

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ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
00060	S2R2M0000.2M2100 Fund: 15XS501524 Fund Center: SS063300ND Project/WBS: SG.210.SS.03 PR Acct Assign Line: 01 Period of Performance: 03/01/2015 to 02/28/2018  Add Item 00060 as follows:  SS03 Mandatory Nonwater Proj Obligated Amount: \$95,003.05  re-award funds from amend 2				95,003.05