



**NOTICE OF GRANT AND AGREEMENT AWARD**

|  |   |  |   |
|--|---|--|---|
| 1. Award Identifying Number<br>NR230325XXXXC003  | 2. Amendment Number<br>0002   | 3. Award /Project Period<br>04/05/2023 - 07/13/2024  | 4. Type of award instrument:<br>Cooperative Agreement   |
| 5. Agency (Name and Address)<br><br>Natural Resources Conservation Service<br>10 East Babock Street, Room 443<br>Bozeman, MT 59715-4704                                    |   | 6. Recipient Organization (Name and Address)<br><br>YELLOWSTONE COUNTY<br>PO BOX 35003<br>BILLINGS MT 59107-5015<br><br>UEI Number / DUNS Number: FNVKTJD3B7C1 / 071404941<br>EIN: |   |
| 7. NRCS Program Contact<br><br>Name: Rob Molacek<br>Phone: (720) 544-2816<br>Email:<br>robert.molacek@usda.gov   | 8. NRCS Administrative Contact<br><br>Name: MOIRA SANFORD<br>Phone: (614) 255-2495<br>Email:<br>moira.sanford@usda.gov  | 9. Recipient Program Contact<br><br>Name: KC Williams<br>Phone: (406) 256-2776 Email:<br>kwilliams@yellowstonecountymt.gov   | 10. Recipient Administrative Contact<br><br>Name: Jennifer Jones<br>Phone: (406) 256-2816<br>Email:<br>jjones@yellowstonecountymt.gov |
| 11. CFDA<br>10.923   | 12. Authority<br>33 U.S.C. 701b-1<br>16 U.S.C 2203<br>33 U.S.C 701B-1<br>Agricultural Credit Act of 1978<br>FedAg Improvement and Reform Act of 1999<br>Public Law 104-127, 110 Stat. 1016<br>Sec 216 of the Flood Control Act of 1950<br>Section 216, Public Law 81-516, 33 U.S.C<br>Section 403, Public Law 95-334<br>Title III, Part Subtitle H, Section 382 | 13. Type of Action<br>Amendment/Revision   | 14. Program Director<br><br>Name: KC Williams<br>Phone: (406) 256-2776 Email:<br>kwilliams@yellowstonecountymt.gov                    |
| 15. Project Title/ Description: EWP Project 5044, MT, Yellowstone County, DSR 30-02-22-5044-400 YCC DSR 01, flood recovery measures due to MT Flooding Jun2022, 6000026308 |   |  |   |
| 16. Entity Type: B = County Government   |   |  |   |
| 17. Select Funding Type  |   |  |   |
| Select funding type:   | <input checked="" type="checkbox"/> Federal   | <input checked="" type="checkbox"/> Non-Federal  |   |
| Original funds total   | \$644,045.00  | \$189,425.00   |   |
| Additional funds total   | \$94688.00  | \$31563.00   |   |

|                     |              |                             |              |
|---------------------|--------------|-----------------------------|--------------|
| Grand total         |              | \$738,733.00                | \$220,988.00 |
| 18. Approved Budget |              |                             |              |
| Personnel           | \$0.00       | Fringe Benefits             | \$0.00       |
| Travel              | \$0.00       | Equipment                   | \$0.00       |
| Supplies            | \$0.00       | Contractual                 | \$0.00       |
| Construction        | \$662,963.00 | Other                       | \$75,770.00  |
| Total Direct Cost   | \$738,733.00 | Total Indirect Cost         | \$0.00       |
|                     |              | Total Non-Federal Funds     | \$220,988.00 |
|                     |              | Total Federal Funds Awarded | \$738,733.00 |
|                     |              | Total Approved Budget       | \$959,721.00 |

This agreement is subject to applicable USDA NRCS statutory provisions and Financial Assistance Regulations. In accepting this award or amendment and any payments made pursuant thereto, the undersigned represents that he or she is duly authorized to act on behalf of the awardee organization, agrees that the award is subject to the applicable provisions of this agreement (and all attachments), and agrees that acceptance of any payments constitutes an agreement by the payee that the amounts, if any, found by NRCS to have been overpaid, will be refunded or credited in full to NRCS.

|  |           |      |
|--|-----------|------|
| Name and Title of Authorized Government Representative<br>Thomas Watson<br>State Conservationist | Signature | Date |
| Name and Title of Authorized Recipient Representative<br>John Ostlund<br>Chairman                | Signature | Date |

### NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

### PRIVACY ACT STATEMENT

The above statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. Section 522a).

## Statement of Work

Please note that any narrative below should be considered in addition to the original Statement of Work, as well as any prior amendments.

### Purpose

The purpose of this amendment is to increase the amount of funding as shown on NOA and the updated Budget Narrative section, and replace the General Terms and Conditions.

Except as provided herein, all other terms and conditions of the original agreement and any previous amendments remain unchanged and in full force and effect.

### Objectives

There are no changes to this section from the original Statement of Work.

### Budget Narrative

The below Budget Narrative replaces the Budget Narrative in the original agreement:

The official budget described in this Budget Narrative will be considered the total budget as last approved by the Federal awarding agency for this award.

Amounts included in this budget narrative are estimates. Reimbursement or advance liquidations will be based on actual expenditures, not to exceed the amount obligated.

TOTAL ESTIMATED PROJECT BUDGET \$959,721.00 (increase of \$126,251.00)

The budget includes:

#### Financial Assistance (FA) Costs

75% NRCS of construction cost \$662,963.00 (increase of \$94,688.00)

25% Sponsor of construction cost \$ 220,988.00 (increase of \$31,563.00)

Technical Assistance (TA) Costs \$ 75,770.00 (no change)

1. NRCS pays up to 75 percent of eligible construction costs and Sponsor pays 25 percent of construction costs. NRCS will contribute up to \$ 75,770.00 for contract administration, engineering, and construction management costs. It is possible that technical and administrative costs will exceed this amount, requiring the Sponsor to contribute resources to complete technical and administrative work.

2. NRCS funding for this project is provided to the Sponsor in two separate NRCS funding accounts, one for financial assistance (FA) and one for technical assistance (TA). FA costs are associated with construction activities; TA costs are associated with services. These expenditures shall be accounted for separately in order for expenses to be eligible for reimbursement.

3. NRCS will provide FA for actual costs as reimbursement to the Sponsor for approved on-the-ground construction costs, subject to above limits. If costs are reduced, reimbursement will be reduced accordingly. Construction costs are associated with the installation of the project measures including labor, equipment and materials.

4. NRCS will provide TA reimbursement to the Sponsor for technical and administrative costs directly charged to the project, subject to the above limits. If costs are reduced, reimbursement will be reduced accordingly. These costs include:

a. engineering costs include, but not limited to, developing a project design that includes construction drawings and specifications, an operation and maintenance plan, a quality assurance/inspection plan and an engineer's estimate of the project installation costs in addition to providing necessary quality assurance during construction.

b. contract administration costs include, but not limited to, soliciting, evaluating, awarding and administering contracts for construction and engineering services, including project management, verifying invoices and record keeping.

5. The Sponsor will contribute funds toward the total construction costs in either direct cash expenditures, the value of non-cash materials or services, or in-kind contributions. The value of any in-kind contribution shall be agreed to in writing prior to implementation.

**Responsibility of the Parties**

There are no changes to this section from the original Statement of Work.

**Expected Accomplishments and Deliverables**

There are no changes to this section from the original Statement of Work.

**Resources Required**

There are no changes to this section from the original Statement of Work.

**Milestone**

There are no changes to this section from the original Statement of Work.

## **GENERAL TERMS AND CONDITIONS**

Please reference the below link(s) for the General Terms and Conditions pertaining to this award:  
<https://www.fpacbc.usda.gov/about/grants-and-agreements/award-terms-and-conditions/index.html>