

### § 3430.3

*Third party in-kind contributions* means the value of non-cash contributions of property or services provided by non-Federal third parties, including real property, equipment, supplies and other expendable property, directly benefiting and specifically identifiable to a funded project or program.

*Under Secretary* means the Under Secretary for Research, Education, and Economics.

*United States* means the several States, the District of Columbia, and the insular areas.

*Units of State government* means all State institutions, including the formal divisions of State government (*i.e.*, the official State agencies such as departments of transportation and education), local government agencies (*e.g.*, a county human services office), and including State educational institutions (*e.g.*, public colleges and universities).

#### § 3430.3 Deviations.

Any request by the applicant or awardee for a waiver of or deviation from any provision of this part shall be submitted to the ADO identified in the agency specific requirements. CSREES shall review the request and notify the applicant/awardee, within 30 calendar days from the date of receipt of the deviation request, whether the request to deviate has been approved. If the deviation request is still under consideration at the end of 30 calendar days, CSREES shall inform the applicant/awardee in writing of the date when the applicant/awardee may expect the decision.

#### § 3430.4 Other applicable statutes and regulations.

Several Federal statutes and regulations apply to Federal assistance applications considered for review and to project grants and cooperative agreements awarded under CSREES Federal assistance programs. These include, but are not limited to:

7 CFR Part 1, subpart A—USDA implementation of the Freedom of Information Act.

7 CFR Part 3—USDA implementation of OMB Circular No. A-129, regarding debt management.

### 7 CFR Ch. XXXIV (1-1-10 Edition)

7 CFR Part 15, subpart A—USDA implementation of Title VI of the Civil Rights Act of 1964, as amended.

7 CFR Part 331 and 9 CFR Part 121—USDA implementation of the Agricultural Bioterrorism Protection Act of 2002.

7 CFR Part 3015—USDA Uniform Federal Assistance Regulations, implementing OMB directives (*i.e.*, OMB Circular Nos. A-21, A-87, and A-122, now relocated at 2 CFR Parts 220, 225, and 230) and incorporating provisions of 31 U.S.C. 6301-6308 (formerly the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95-224), as well as general policy requirements applicable to recipients of Departmental financial assistance.

7 CFR Part 3016—USDA implementation of Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

7 CFR Part 3017—USDA implementation of Governmentwide Debarment and Suspension (Nonprocurement).

7 CFR Part 3018—USDA implementation of Restrictions on Lobbying. Imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans.

7 CFR Part 3019—USDA implementation of OMB Circular No. A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (now relocated at 2 CFR part 215).

7 CFR Part 3021—USDA implementation of Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).

7 CFR Part 3052—USDA implementation of OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.

7 CFR Part 3407—CSREES procedures to implement the National Environmental Policy Act of 1969, as amended.

29 U.S.C. 794 (section 504, Rehabilitation Act of 1973) and 7 CFR Part 15b (USDA implementation of statute)—prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.

35 U.S.C. 200 *et seq.*—Bayh-Dole Act, promoting the utilization of inventions

arising from federally supported research or development; encouraging maximum participation of small business firms in federally supported research and development efforts; and promoting collaboration between commercial concerns and nonprofit organizations, including universities, while ensuring that the Government obtains sufficient rights in federally supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions (implementing regulations are contained in 37 CFR Part 401).

### Subpart B—Pre-award: Solicitation and Application

#### § 3430.11 Competition.

(a) *Standards for competition.* Except as provided in paragraph (b) of this section, CSREES will enter into grants and cooperative agreements, unless restricted by statute, only after competition.

(b) *Exception.* The CSREES ADO and the designated Agency approving official may make a determination in writing that competition is not deemed appropriate for a particular transaction. Such determination shall be limited to transactions where it can be adequately justified that a non-competitive award is in the best interest of the Federal Government and necessary to the goals of the program.

#### § 3430.12 Requests for applications.

(a) *General.* For each competitive and noncompetitive non-formula program, CSREES will prepare a program solicitation (also called a request for applications (RFA)), in accordance with the Office of Management and Budget (OMB) policy directive, 68 FR 37370–37379 (June 23, 2003), establishing a standard format for Federal agency announcements (*i.e.*, program solicitations or RFAs) of funding opportunities under programs that award discretionary grants or cooperative agreements. This policy directive requires the content of the RFA to be organized in a sequential manner beginning with overview information followed by the full text of the announcement and will apply unless superseded by statute or another OMB policy directive. The

RFA may include all or a portion of the following items:

- (1) Contact information.
  - (2) Directions for interested stakeholders or beneficiaries to submit written comments in a published program solicitation or RFA.
  - (3) Catalog of Federal Domestic Assistance (CFDA) number.
  - (4) Legislative authority and background information.
  - (5) Purpose, priorities, and fund availability.
  - (6) Program-specific eligibility requirements.
  - (7) Program-specific restrictions on the use of funds, if Applicable.
  - (8) Matching requirements, if applicable.
  - (9) Acceptable types of applications.
  - (10) Types of projects to be given priority consideration, including maximum anticipated awards and maximum project lengths, if applicable.
  - (11) Program areas, if applicable.
  - (12) Funding restrictions, if applicable.
  - (13) Directions for obtaining additional requests for applications and application forms.
  - (14) Information about how to obtain application forms and the instructions for completing such forms.
  - (15) Instructions and requirements for submitting applications, including submission deadline(s).
  - (16) Explanation of the application evaluation Process.
  - (17) Specific evaluation criteria used in the review Process.
  - (18) Type of Federal assistance awards (*i.e.*, grants and/or cooperative agreements).
- (b) *RFA variations.* Where program-specific requirements differ from the requirements established in this part, program solicitations will also address any such variation(s). Variations may occur in the following:
- (1) Award management guidelines.
  - (2) Restrictions on the delegation of fiscal responsibility.
  - (3) Required approval for changes to project plans.
  - (4) Expected program outputs and reporting requirements, if applicable.
  - (5) Applicable Federal statutes and regulations.