

MISSOURI DEPARTMENT OF NATURAL RESOURCES
Waste Management Program
General Terms and Conditions

I. Administrative Requirements

These General Terms and Conditions include requirements that are especially pertinent to solid waste management district grant awards made by the Missouri Department of Natural Resources (Department), Waste Management Program (WMP) to Missouri's Solid Waste Management Districts (districts). These General Terms and Conditions do not set out all of the provisions of the applicable laws and regulations, nor do they represent an exhaustive list of all requirements applicable to this award. A certain number of these requirements are emphasized here because they are frequently invoked and their violation is of serious concern. Definitions of terminology used within these General Terms and Conditions are set forth in Section III of this document.

These General Terms and Conditions apply to district grant applications approved and signed by the District's Executive Board for use of Solid Waste Management Funds (SWMF). In addition to these terms and conditions, the district and district subgrantee must comply with all governing requirements of the district's subgrant award.

A. Use and Award of Solid Waste Management Funds

1. The district shall address the recycling, reuse and handling of aluminum containers, glass containers, newspapers, textiles, whole tires, plastic beverage containers and steel containers in its solid waste management plan consistent with 260.250 to 260.345 RSMo.
2. All district funds shall be used for implementation of a solid waste management plan, district operations, solid waste management projects, such as, solid waste management, waste reduction, recycling and related services as approved by the District's Executive Board and the WMP.
3. District grant or subgrant funds shall be awarded by the district for projects that will implement the district's approved solid waste management plan. These funds shall be used for solid waste management projects as finally approved for funding by the WMP. However, no district grant or subgrant funds shall be made available for incineration without energy recovery and in no case shall a District's Executive Board perform solid waste management projects that compete with a qualified private enterprise.
4. District grant or subgrant award priorities may be established by the district using the following criteria:
 - a. Grants to facilities of organizations employing individuals with disabilities under 178.900 to 178.960 RSMo or 205.968 to 205.972 RSMo;
 - b. Grants for proposals that will promote and maximize the sharing of district resources;
 - c. Grants for proposals which provide methods of recycling and solid waste reduction; and
 - d. All other grants.
5. A district may elect to use more than one fiscal year's allocation of funds to finance a project.
 - a. Prior to the WMP encumbering funds for this project, the district shall submit a request to the WMP for approval that provides justification for the project and shall include financial supporting documentation.

- b. Following the WMP's approval, the district may request that these funds be disbursed to the district.
 - c. All interest income earned by the district shall be obligated to this project until the total amount needed for the project is reached.
- 6. District grant or subgrant funds shall not be awarded for a project whose applicant is directly involved in the evaluation and ranking of that particular project.
- 7. A District's Executive Board shall not disqualify an applicant from receiving a grant due to the existence of a familial relationship between the applicant and any member of the Solid Waste Management District Executive Board within the fourth degree by consanguinity or affinity.
 - a. For applicants with a familial relationship with any member of the District Executive Board within the fourth degree by consanguinity or affinity, the District Executive Board shall only approve such grant application if approved by a vote of two-thirds of the District Executive Board.
 - b. If an Executive Board Member does not abstain from a vote to award a Solid Waste Management District Grant to an applicant providing solid waste management services who is a relative within the fourth degree by consanguinity or affinity, the Executive Board Member shall forfeit membership on the District Executive Board and the District Council.
- 8. District grant or subgrant funds shall not be awarded for a project that displaces existing resource recovery services, unless the district demonstrates how the proposed project will result in improved or expanded services.
- 9. District grant or subgrant funds shall not be awarded for a project that collects solid waste for disposal on a continuous basis.
- 10. Any allocated district moneys remaining in any fiscal year due to insufficient or inadequate grant applications shall be reallocated for grant applications in subsequent years or for solid waste management projects other than district operations, including a district's next request for Waste Management Project proposals. Any allocated district moneys remaining after a period of five years shall revert to the credit of the Solid Waste Management Fund created pursuant to 260.330 RSMo.
- 11. District grant or subgrant funds may be withheld or may be required to be repaid to the WMP if the district has an unresolved audit with significant findings or questioned costs.
- 12. Any funds allocated to a district that are not requested by the district within five (5) years of the end of the state fiscal year in which the funds were allocated may be reallocated by the WMP pursuant to section 260.335.2, RSMo.
- 13. Special Terms and Conditions may apply to grantees or subgrantees considered "high risk" in accordance with 260.335.5, RSMo.
 - a. The WMP, in conjunction with the Solid Waste Advisory Board (SWAB), shall periodically review the performance of districts and district subgrantees that have had significant findings or questioned costs.
 - b. The WMP may determine and declare that a district or district subgrantee is "high risk", if the district or district subgrantee:
 - i. has a history of unsatisfactory performance;
 - ii. is not financially stable;

- iii. has a management system that does not meet the management standards set forth in these General Terms and Conditions;
 - iv. has not conformed to terms and conditions of previous awards; or
 - v. is otherwise not responsible.
- c. If WMP determines that an award will be made to a “high risk” district or district subgrantee, then special conditions and/or restrictions shall be set to correspond to the high risk declaration and shall be included in the award as a separate attachment.
- d. Special conditions or restrictions may include:
- i. authorizing payment on a reimbursement basis only;
 - ii. withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given funding period;
 - iii. requiring additional, more detailed financial reports;
 - iv. requiring additional project monitoring;
 - v. requiring the grantee or subgrantee to obtain technical or management assistance; or
 - vi. establishing additional requirements to obtain prior approvals from WMP and/or the district, where appropriate.
- e. If the WMP declares a district or district subgrantee to be high risk and prior to imposing special conditions or restrictions, the WMP will notify the district or district subgrantee as early as possible, in writing, of:
- i. the nature of the special conditions/restrictions;
 - ii. the reason(s) for imposing the special conditions/restrictions;
 - iii. the corrective actions that must be taken to abate the problems that gave rise to the special conditions/restrictions and the time allowed for completing such corrective actions; and
 - iv. the method of requesting reconsideration of the special conditions/restrictions imposed.

14. In consideration for the ability to utilize SWMF monies, the district and the district subgrantee agree to comply with all applicable terms and conditions of the Financial Assistance Agreement (FAA) and any documents incorporated therein, including these General Terms and Conditions. Districts must incorporate the General Terms and Conditions into the district’s subgrantee FAAs and any documents incorporated therein and either provide copies or make copies available to the district’s subgrantees.

B. Grants, Projects and Budget Periods

1. District Operations: The district’s grant and budget period shall cover up to a one (1) year time period, unless otherwise approved by the WMP.
2. Plan Implementation and District Subgrantee Projects:
 - a. Districts are to assign project and budget periods for district subgrants to allow for up to a two (2) year time period for project completion.
 - b. A maximum of one (1) six (6)-month extension may be allowed beyond the two (2) year completion period when approved by the District’s Executive Board. All project and budget period extensions must be documented in executive board meeting minutes with a copy of the extension and executive board meeting minutes provided to WMP.
 - c. Any extension of the project or budget periods beyond two (2) years and six (6) months must have prior approval of the District’s Executive Board and the WMP.

3. Grant and Project Approval Process:

- a. Districts shall submit to the Department the appropriate forms associated with the grant application and any supporting information to verify that appropriate public notice procedures were followed, that grant proposals were reviewed and ranked by the district and that only eligible costs as set forth in regulations are to be funded.
- b. Within thirty days of receipt, the Department shall review the grant application. If the Department finds deficiencies or needs more information to evaluate the grant application, the Department shall notify the district in writing.
- c. Within thirty days of receipt of notice from the Department, the district shall respond to the Department's request and submit any additional information requested.
- d. Within thirty days of receipt of the additional information requested, the Department shall either approve or deny the grant application. If the Department fails to act, the grant application shall be deemed approved.

C. Method of Payments and Disbursements

1. The district must be in compliance with all reporting requirements to receive disbursements.
2. Disbursements from WMP to the district.
 - a. For District Operations. Funds allocated to the district are disbursable to the district by the WMP for all eligible and approved expenses for performing the agreed upon scope of services identified in the approved application, required attachments, and supporting documentation, if applicable. In order to receive funds, the district shall submit original invoices requesting disbursements to the WMP as agreed upon per the grant approval and fully executed FAA. For districts entering into contracts for district operations, no disbursements will be made for such expenditures incurred before the WMP approval date or after the closing budget date. Budget closing dates can be extended when prior approval has been granted by the WMP.
 - b. For Plan Implementation Projects. Funds allocated to the district are disbursable to the district by the WMP for all eligible and approved expenses for performing the agreed upon scope of services identified in the approved application, required attachments, and supporting documentation, if applicable. In order to receive funds, the district shall submit original invoices for payment to the WMP as agreed upon per the approved Re-Trac application and fully executed FAA. No disbursements will be made for district plan implementation expenditures incurred before the WMP approval date or after the closing budget date. Budget closing dates can be extended when prior approval has been granted by the WMP.
 - c. For District Subgrantee Projects. Funds are disbursable to the district by the WMP for all eligible and approved expenses as specified in the agreed upon scope of services identified in the approved district subgrantee project application(s). In order to receive funds, the district shall submit an invoice in Re-Trac and upload a copy of the fully executed district subgrantee FAAs to Re-Trac, with supporting the amounts requested in the application as submitted to WMP. No disbursements will be made for district subgrantee project expenditures incurred before the WMP approval date or after the district subgrantee project closing date. Project closing dates can be extended when prior approval has been granted by the District's Executive Board and WMP as provided for in section B., above.
 - d. All invoices submitted by the districts to the WMP must include:

- i. the project name, project identification number, and the amount of allocation funds requested for disbursement for each project;
 - ii. the award amount set forth in the fully executed FAA by the district or district's subgrantee; and
 - iii. copies of fully executed FAAs for each project for which the district is requesting funds, as attachments.
- e. All requests for disbursement must include the following certification marked on the electronic invoice by the authorized district official: I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made or will be made in accordance with the grant or subgrant and that payment is due and has not been previously requested.
- f. No disbursements will be made for costs incurred before or after the project's approved budget period or for costs incurred prior to the approval of the project by the WMP.
- g. No disbursements will be made for expenditures incurred after the closing budget period unless a budget time period extension has been granted. (See section B., above.)

3. Payments from the district to the district subgrantee

- a. The approved and fully executed FAA between the district and the district subgrantee shall include:
- i. the district issued sequential project identification number;
 - ii. the district subgrantee's name;
 - iii. the project name;
 - iv. the project start and completion dates;
 - v. a breakdown of award amount from allocation, carryover, and interest;
 - vi. the subgrantee and district authority signatures;
 - vii. an executive summary;
 - viii. project tasks;
 - ix. a budget summary/notes contained in the district subgrantee project application;
 - x. a requirement that the district will retain 15% of the amount to be paid to the district subgrantee until the District Executive Board gives its final approval of the district subgrantee's final report and final accounting of project expenditures;
 - xi. a requirement that records be retained for 3-years;
 - xii. for a minimum 5 year security interest in buildings, building site improvements, or equipment costing five thousand dollars or more and purchased, in whole or in part, with SWMF monies; and
 - xiii. a copy of the District's Special and/or General Terms and Conditions, if referred to.
- b. Invoices submitted to the district by the district's subgrantee must include:
- i. the award amount provided in the fully executed FAA; and
 - ii. the project name, project identification number, and the amount of funds being requested for reimbursement.
- c. All requests for disbursement must include the following certification signed by the authorized district subgrantee official: I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made or will be made in accordance with the subgrant and that payment is due and has not been previously requested.

- d. No reimbursements will be made for costs incurred before or after the project's approved budget period by the district or for costs incurred prior to the approval of the project by the WMP.
- e. No reimbursements will be made for expenditures incurred after the closing budget period unless a budget time period extension has been granted (See section B., above).
- f. Where the district requires match, payments under non-construction subgrants are to be based on the subgrant sharing ratio as applied to the total project cost. Each invoice submitted to the district must be based on the subgrant sharing ratio unless the district's subgrant specifically provides for advance payments.
- g. Advance payments may only be made upon a showing of good cause or special circumstances, as determined by the WMP. Advance payments will only be made on a monthly basis to cover estimated expenditures for a 30-day period or as otherwise agreed. The WMP will not approve the district advancing more than 25% of the total amount of the subgrant unless the subgrantee demonstrates good cause.
- h. The district shall retain 15% of the funds awarded to the project until a district subgrantee's final report has been provided to the district and the District's Executive Board approves the project's final report and final accounting of expenditures.
- i. The district has the option of making payment directly to a vendor instead of reimbursing the district subgrantee. In order for payment to be made directly to a vendor, the District's Executive Board must approve such direct payment for goods or services being purchased by the district subgrantee and the goods or services must have been actually received by the district subgrantee. The District's Executive Board is nevertheless still bound by the requirement to retain 15% of the project funds until it approves the final report and final accounting of expenditures submitted by the district subgrantee.
- j. The District's Executive Board and the WMP may approve waiving of the 15% retention upon written request by the district subgrantee.

D. Withholding of District Funds

1. The WMP may withhold or reduce district grant awards if the district is not in compliance with:
 - a. The Solid Waste Management Law and regulations;
 - b. Planning requirements pursuant to section 260.325, RSMo;
 - c. All General and Special Terms and Conditions of the district's FAA;
 - d. Audit requirements as set forth in 260.325.10 RSMo and as detailed herein at Subsection J.5 and Section K;
 - e. Significant audit findings and questioned costs resolution plans; and
 - f. All reporting requirements and plan revisions detailed in 10 CSR 80-9.050.
2. The WMP may immediately withhold funds for significant audit findings. For other situations for which the WMP determines the withholding of funds would be appropriate, the WMP shall provide written notice of noncompliance prior to such withholding, and such notice shall allow at least thirty (30) days for the district to comply with the requirements contained in the WMP's notice of noncompliance.

3. The WMP may withhold funds for failure to timely submit reports. To determine whether a report has been timely submitted, the WMP shall use the email date or marked complete date in Re-Trac as the date submitted by the district. Withholdings for failure to timely submit reports shall be done as follows:
 - a. If a district fails to submit to the WMP a complete quarterly report, annual report, or plan revision (i.e., assessment inventory) by the due date indicated in the WMP's notice of noncompliance, the WMP shall withhold and reallocate funds equal to one percent (1%) of the district's most recent quarterly allocation for each day past the notice due date.
 - b. Extensions from the required due dates are allowed if the following provisions have been met:
 - i. The district has requested an extension prior to the notice due date and the WMP has granted that extension; and
 - ii. The district has submitted complete reports by the dates indicated in previous WMP approved extensions.
4. The WMP may withhold disbursements for costs it determines to be inappropriate or unnecessary. In such event, the district shall repay the WMP or the WMP shall withhold from the district's allocation the amount of the costs, following the WMP's written request.
5. Funds withheld or repaid by a district shall be reallocated by the WMP to all districts that, at the time of the reallocation, are in compliance with all requirements and have addressed all deficiencies identified in a district's audit to the satisfaction of the WMP. The reallocation shall be made to districts in accordance with the allocation criteria pursuant to section 260.335, RSMo.

E. Recordkeeping

1. The district or district subgrantee shall retain financial records, supporting documents, and other records pertinent to the subgrant for a period of three years starting from the date of submission of the final financial status report.
2. If any litigation, claim, negotiation, audit, or other action involving the records has been initiated before the expiration of the 3-year period, the district or district subgrantee shall retain records until completion of the action and resolution of all issues that arise from it, or until the end of the regular 3-year period, whichever is later.
3. The WMP and the Missouri State Auditor's Office and any of their authorized agents, shall have the right of access to any pertinent books, documents, papers, or other records of the district or district subgrantees which are pertinent to the subgrant, in order to make audits, examinations, excerpts, and transcripts and the WMP shall have the right to inspect any and all such documents and records so long as they are maintained by the district or the district subgrantee, regardless of whether the requirement to maintain those records has expired.
4. For equipment and building or site improvement records the 3-year retention period begins from the date of the disposition, replacement, or transfer of the asset at the direction of the WMP or district.
5. The district will include these provisions for compliance with the record retention requirements of these General Terms and Conditions in every subgrant.
6. The district's records shall be maintained as public records pursuant to Chapter 610, RSMo.

F. Program Income

1. The district or district subgrantee is encouraged to earn income to defray program costs.
2. Program income shall be deducted from outlays (i.e., expenditures) that may be both district grant funds and non-district grant funds as described below, unless the District Grant regulations at 10 CSR 80-9.050 or the FAA specify another alternative (or a combination of alternatives). In specifying alternatives, the WMP may distinguish between income earned by the district and income earned by district subgrantees and between the sources, kinds, or amounts of income. When the WMP authorizes use of the alternatives in paragraphs 2.b. and 2.c. of this section, program income in excess of any limits stipulated shall also be deducted from outlays.
 - a. Deduction. Ordinarily program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless the WMP authorizes otherwise. Program income which the district or district subgrantee did not anticipate at the time of the award shall be used to reduce the WMP and district contributions rather than to increase the funds committed to the project.
 - b. Addition. With the prior written approval of the WMP, program income may be added to the funds committed to the FAA by the WMP and the district. The program income shall be used for the purposes and under the conditions stated in the FAA.
 - c. Cost sharing or matching. With the prior written approval of the WMP, program income may be used to meet the cost sharing or matching requirement of the FAA, if applicable. The amount of the district grant award remains the same.
 - d. Program income after the award period.
 - i. Program income generated from project activities occurring after the expiration of the FAA between the district and district subgrantee remains with the district subgrantee.
 - ii. Program income generated from project activities funded from district grant funds occurring after the expiration of the district's FAA with the WMP must be expended in compliance with 10 CSR 80-9.050.

G. Interest Income

1. Expenditure of interest income earned on district grant agreement funds must be in compliance with 10 CSR 80-9.050.
2. Interest income earned from grant monies may be used to fund costs as long as those costs are reimbursable under the provisions established in 10 CSR 80-9.050 and directly benefit the District Subgrant Program and are budgeted and spent as part of a subgrant approved by the WMP.
3. The expenditure of interest income, like other grant expenditures, must be reported to the WMP quarterly on forms provided by the WMP.

H. Match or Cost Share Funding

1. At this time, the WMP does not require districts to match state funds allocated pursuant to 260.335, RSMo.
2. The district may elect to require a matching share from their district subgrantees. The matching share will usually be prescribed as a minimum percentage. In-kind (non-cash) contributions are allowable project costs when the in-kind contributions directly

benefit and are specifically identifiable to the project or program. Any in-kind match must be assigned a fair market value stated in dollars and the rationale used to calculate the value must be provided. Neither costs nor the values of third party in-kind contributions count towards satisfying a cost sharing or matching requirement of a subgrant agreement if such costs have been or will be counted towards satisfying a cost sharing or matching requirement of another SWMF subgrantee agreement, a SWMF procurement contract, or any other award of SWMF funds. The Department funds from another Department grant or subgrant shall not count towards satisfying a cost sharing or matching requirement of a district subgrant agreement. Any match funds are considered state funds and may only be used for purposes allowed by 10 CSR 80-9.050.

I. Financial Management Systems

The financial management systems used by districts and district subgrantees must be in accordance with generally accepted accounting principles and meet the following standards:

1. **Financial Reporting.** Accurate, current, and complete disclosure of financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the subgrant;
2. **Accounting Records.** Records shall be maintained that adequately identify the source and use of funds provided for financially assisted activities. These records must contain information pertaining to subgrant awards and authorizations, restrictions on use of funds, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income, permit preparation of reports required by the WMP, permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes;
3. **Internal Control.** Effective control to prevent loss or misuse and accountability shall be maintained for all district and district subgrantee cash, real and personal property, and other assets. Subgrantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes;
4. **Budget Control.** Actual expenditures or outlays must be compared with budgeted amounts for each subgrant;
5. **Allowable Costs.** Allowability of costs shall be determined in compliance with the Solid Waste Management Law and implementing rules as well as the cost principles established in Office of Management and Budget, 2 CFR Chapter I and chapter II, Parts 200, 215, 220, 225 and 230, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Grants. The District Grant rules and regulations at 10 CSR 80-9.050, and the subgrant scope of work will be followed in determining the reasonableness, allowability, and allocability of costs. The district and its Executive Board are responsible for ensuring proper use of the SWMF. Districts will repay the amount of any improperly expended funds to the WMP.
6. **Eligible and Ineligible Costs.** Eligible and ineligible costs may vary depending on the services, materials, and activities being performed. The district shall refer to 10 CSR 809.050(2)(D) for specifics for district fund use. Items not listed in 10 CSR 80-9.050(2)(D) or in sections (3)(A) District Operations, Eligible Costs and (4)(B) Plan Implementation Projects, Eligible Costs may be allowed with prior approval of the District's Executive Board and WMP.
7. **Source Documentation.** Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract and subgrant award documents. Appropriate electronic verification of cleared checks may also be considered source documentation in lieu of actual cancelled

checks. The documentation must be made available by the district or district subgrantee at the WMP's request; and

8. The district shall have procedures in place to minimize the time lapsed between money disbursed by the WMP and money spent by the district or district subgrantee.

J. Reporting of Program Activities

The district shall submit to the WMP:

1. District Annual Report. The district shall submit within 120 days following the close of the just completed state fiscal year the following information:

- a. Goals and accomplishments;
- b. Types of projects and results during the fiscal year;
 - i. Projects resulting in tonnage diversion from landfills. Include the number and cost of the projects, tons diverted, and average cost per ton diverted. Identify separate statistics for items banned and not banned from landfills;
 - ii. Projects not resulting in tonnage diversion including the number and cost of projects; and
 - iii. Projects closed.
- c. A description of the grant proposal evaluation process; and
- d. District council and executive board members: list names along with the organization represented.
- e. This information is submitted using the Re-Trac Connect System.

2. Quarterly Report(s). Are submitted to WMP using the Re-Trac Connect System, the district shall submit the following information to the WMP thirty (30) days after the end of each state fiscal year quarter (Note: State fiscal year quarters end on September 30, December 31, March 31, and June 30. Quarterly reports are due on: October 30, January 30, April 30, and July 30 respectively.):

- a. Project status. For each plan implementation and district subgrantee project in progress, the district shall provide:
 - i. The details of progress addressing the project tasks outlined in the plan implementation application or subgrantee financial assistance agreement;
 - ii. Problems encountered in project execution;
 - iii. Budget adjustments made within budget categories, with justifications;
 - iv. The weight in tons of waste diverted for each type of recovered material utilized in the project for the most recent quarter following the implementation of the diversion activity or other measurable outcomes, as appropriate;
 - v. A copy of an amended district subgrantee FAA , if appropriate;
 - vi. Other information necessary for proper evaluation of the progress of the projects; and
 - vii. In the event that a time period for a project is less than a full year, only quarterly information appropriate to the project time period need be included in the district report.

- b. District Operations Status: For the district operations status report, the district shall provide:

- i. The details of progress in completing the district operations tasks outlined in the district operations application;
 - ii. Problems encountered in district operations;
 - iii. Required budget amendments; and
 - iv. Other information necessary for proper evaluation of district operations.
 - c. Project Financial Summary. This report is submitted in email using the WMP excel spreadsheet form. For each grant (district operations, plan implementation and district subgrantee project) the district shall provide:
 - i. The original award amount taken from the accrued allocation held by the WMP;
 - ii. Any district carryover used to fund a project or district operations;
 - iii. Any accrued interest income used to fund a project or district operations;
 - iv. Total grant award for that project or district operations. (The total J.2.c.i, J.2.c.ii, and J.2.c.iii);
 - v. Cumulative amount of district disbursement of funds to each district subgrantee or to the district during that reporting period;
 - vi. Balance of that district subgrant project or district operations during that reporting period;
 - vii. Any carryover funding held by the district that has not been obligated for projects or district operations; and
 - viii. Any accrued interest income held by the district that has not been obligated for projects or district operations.
3. Final Project Reports. The district shall submit to the WMP a final report for each plan implementation or district subgrantee project that shall contain the same information as described for project status in J.2.a. as well as a comparison of actual accomplishments to the goals established and a description of how goals were met, not met, or were exceeded. Final Project Reports shall be provided along with the next quarterly report submitted by the district (i.e., thirty (30) days after the end of the next state fiscal year quarter.). This is submitted using the Re-Trac Connect System.
4. Assessment Inventory: Pursuant to section 260.325, RSMo, the District Executive Board shall review the district's recycling and solid waste management planning activities at least every twenty-four (24) months for the purpose of evaluating the district's progress in expanding and improving waste reduction and recycling efforts within their district and shall submit revisions to planning information to the Department and District Executive Board or Council. At a minimum, the District Executive Board shall submit revisions by April 1 of each odd numbered year that include, but are not limited to:
- a. An inventory of solid waste services in the planning area, either on forms or through the ReTrac Connect System provided by the WMP. Service information shall include:
 - i. the solid waste collection services available to residential and commercial customers;
 - ii. the recycling services available to residential and commercial customers;
 - iii. the services available for management of items banned from Missouri landfills, pursuant to section 260.250, RSMo; and
 - iv. the services available for management of household hazardous wastes.
 - b. Pursuant to section 260.320.3, RSMo, a list of advisory boards, members of each and documentation of meetings; and
 - c. A description of illegal dumping identification, public education, and household hazardous waste activities and programs established by the District Executive Board, pursuant to section 260.320.3, RSMo.

5. Financial Audit Requirements:

- a. Based upon the financial assistance amounts as set forth in this paragraph, the District's Executive Board shall have their records audited by a certified public accountant or firm of certified public accountants pursuant to section 260.325, RSMo. Districts receiving more than eight hundred thousand dollars of financial assistance annually shall have an annual independent financial statement audit, districts receiving between two hundred fifty thousand dollars and eight hundred thousand dollars annually shall have a biennial independent financial statement audit for the two-year period. All other districts shall be monitored biennially by the Department and based upon the findings within the monitoring report, may be required to arrange for an independent financial statement audit for the biennial monitoring period under review. The due date for audit or monitoring reports will be within one hundred eighty (180) days of the close of the district's fiscal year.
- b. The District's Executive Board shall address all deficiencies identified in a district's audit to the satisfaction of the WMP. Districts failing to adequately address deficiencies identified in the audit may have funds withheld or may be required to repay any and all disbursements of funds in accordance with 10 CSR 80-9.050(9) Withholding of District Funds.
- c. For questioned costs that the WMP determines to be inappropriate or unnecessary, the district shall repay the WMP or the WMP shall withhold from the district's allocation the amount of the cost.
- d. The WMP may withhold or reduce district grant awards until the district is in compliance with the audit requirements, and has resolved significant audit findings and questioned costs.
- e. The basic financial statements and required supplementary information shall be audited and provide, at a minimum, for all fund types and account groups in accordance with generally accepted government auditing standards and include the following:
 - i. An Independent Auditor's Report on the Financial Statements and Schedule of Receipts and Expenditures of State Awards.
 - ii. Management's Discussion and Analysis (MDA) providing an analytical overview of the district's financial activities.
 - iii. Basic Financial Statements
 - 1) With statements identifying, at a minimum, the following accounts:
 - a) Assets: cash, investments, receivables, fixed assets.
 - b) Liabilities: accounts payable, deferred grant revenue, deferred interest revenue.
 - c) Net Assets
 - d) Revenues: grant revenue, program income, interest revenue, and other revenue.
 - 2) With the following minimum statements:
 - a) Statement of Net Assets
 - b) Statement of Activities
 - c) Fund Financial Statements
 - 3) Notes to the Financial Statements
 - iv. Schedule of Receipts and Expenditures of State Awards
 - 1) The schedule for each subgrant including district operations shall include, at a minimum, subgrant period; subgrant project number; subgrantee name; subgrant award amount; prior period subgrant funds expended; current period subgrant amount expended; program income earned and expended, as applicable; interest income earned and expended, as applicable; subgrant

amount remaining available; program income amount remaining available; and unobligated amount by source as identified by the District's Executive Board.

2) Notes to the Schedule of Receipts and Expenditures of State Awards

- v. Report on Internal Controls over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards, issued by the Comptroller General of the United States.
- vi. Schedule of Findings and Questioned Costs, if applicable.
- vii. Corrective Action Plan, if applicable.
- viii. Summary Schedule of Prior Audit Findings and Questioned Costs.

6. Performance Reports:

- a. The WMP pursuant to 260.335.5 RSMo may require the district or subgrantee to submit periodic reports and such other data as are necessary, both during the grant or subgrant period and up to five years thereafter to ensure the district or subgrantee complies with the specific goals and implementation dates contained in their grant or subgrant application and that district or subgrantees shall be contractually obligated to fulfill same.
- b. The district or subgrantee shall file quarterly program status reports during the grant or subgrant period including waste material diversion tonnage information, as established in the grant or subgrant application.
- c. The district or subgrantee acquiring equipment from district grant funds shall thereafter provide an annual waste material diversion tonnage report for a period of up to four years after the expiration of the grant period, but no longer than a five year period in total. The annual waste material diversion tonnage report shall be due to the district from the grantee or subgrantee by September 30 of each year. The district shall be responsible for submitting all such annual waste material diversion tonnage reports for the applicable district to the WMP along with the district's annual report.

K. Performance Audits and Other Examinations or Reviews

1. Performance Audits:

Subject to limitations caused by the availability of resources, the Department shall conduct a performance audit of grants to each district at least once every five years, or as deemed necessary by the Department based upon district grantee performance.

2. Other Examinations or Reviews:

- a. The WMP or its designees have the right to conduct audits, examinations or reviews of the district or district subgrantees at any time.
- b. Pursuant to 29.380 RSMo, the State Auditor's Office may conduct audits of Solid Waste Management Districts as he or she deems necessary.
 - i. The State Auditor's Office may request reimbursement from the district for the costs of conducting the audit.
 - ii. If the State Auditor's Office requests such reimbursement, the Solid Waste Management District shall reimburse the State Auditor's Office for the costs of conducting the audit and the moneys shall be deposited in the Petition Audit Revolving Trust Fund created under section 29.230 RSMo.
 - iii. Such reimbursement of State Auditor's Office audit costs shall be limited to two percent of the Solid Waste Management District's annual monetary allocation.

3. District Internal Control and Compliance:

Audits or examinations must confirm that records accurately reflect the operations of the district; the internal control structure provides reasonable assurance that assets are safeguarded, and the district or district subgrantee is in compliance with applicable laws and regulations.

4. Corrective Action:

- a. A district or a district subgrantee receiving SWMF which are audited shall address all deficiencies identified in the audit to the satisfaction of the WMP and/or the district.
- b. The District's Executive Board shall address all deficiencies identified in a district's audit to the satisfaction of the WMP. Districts failing to adequately address deficiencies identified in the audit may have funds withheld or may be required to repay any and all disbursements of funds in accordance with 10 CSR 80-9.050(9) Withholding of District Funds.

5. Unresolved Questioned Costs:

- a. For questioned costs that the WMP determines to be inappropriate or unnecessary, the district shall repay the WMP or the WMP shall withhold from the district's allocation the amount of the cost.
- b. The WMP may withhold or reduce district grant awards until the district is in compliance with the audit requirements and has resolved significant audit findings and questioned costs.

L. Budget and Scope of Work Revisions

The district and district subgrantees are permitted to re-budget within the approved direct cost budget to meet unanticipated requirements. However, the district and district subgrantees must request approval in writing to revise budgets and scopes of work under the following conditions:

1. For non-construction projects, the district and district subgrantees shall obtain the prior approval of the WMP, unless waived in writing by the WMP, for cumulative transfers among direct cost categories, or, if applicable, among separately budgeted programs, projects, functions, or activities when the accumulative amounts of such transfers exceed or are expected to exceed 10% of the current total approved budget which includes current year grant award amount, carryover amount, and interest income amount, whenever the WMP's share exceeds \$100,000.
2. For construction and non-construction projects, the district and district subgrantees shall obtain prior written approval from the WMP for any budget revision which would result in the need for additional SWMF monies.
3. For combined non-construction and construction projects, the district and district subgrantee must obtain prior written approval from the WMP before making any fund or budget transfer from a non-construction project to a construction project or vice versa.
4. The district or district subgrantee under non-construction projects must obtain prior written approval from the WMP whenever contracting out, subgranting or otherwise obtaining a third party to perform activities, which are central to the purpose of the award.

5. Changes to the scope of services described in the application and FAA must receive prior approval from the district or WMP, as applicable. Approved changes in the scope of work or budget shall be incorporated by written amendment to the FAA with copies immediately provided to WMP upon the obtaining of the district and district subgrantee's official signatures.
6. To extend the subgrant past the original completion date, see section B., above.

M. Equipment

Equipment is defined in Section III below. The district and district subgrantee agree that any equipment purchased pursuant to this agreement shall be used for the performance of services under the FAA during the term of the FAA. Notwithstanding anything to the contrary contained in this agreement, the equipment shall not be removed from the State of Missouri without the written approval of the WMP.

The following standards shall govern the utilization and disposition of equipment acquired with district or district subgrantee funds:

1. Title to equipment acquired under a grant or subgrant will vest with either the district or district subgrantee upon acquisition.
 - a. Equipment shall be used by the district or district subgrantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by SWMF. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by the WMP or Department.
 - b. The district or district subgrantee shall not transfer, sell, or pledge any assets including equipment purchased using SWMF monies during the term of the grant and for four years thereafter without first obtaining the prior written consent of the WMP.
 - c. The district or district subgrantee shall not sell, give away, relocate, or abandon the assets including equipment without the WMP's prior written approval.
 - d. The district or district subgrantee shall also make equipment available for use on other projects or programs currently or previously supported by the WMP or other Department programs, if such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the WMP or Department. User fees should be considered, if appropriate. This fee may be considered program income. See Section F, above.
 - e. The district or district subgrantee must not use equipment acquired with SWMF to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically allowed by state law.
 - f. When acquiring replacement equipment, the district or district subgrantee may use the equipment to be replaced as a trade-in or sell the equipment and use the proceeds to offset the cost of the replacement equipment, subject to the prior written approval of the WMP or district.
 - g. The district or district's subgrantee hereby agrees that any equipment purchased pursuant to this agreement shall be used for the performance of services under this agreement during the term of this agreement, and for four years thereafter. The district or district's subgrantees shall annually submit a statement as provided by the district certifying that the use(s) of said equipment is for project activities. Use(s) of said equipment for activities not related to the performance of services

of this agreement must be reported in quarterly reports required by this agreement.

2. Equipment Management. The district's and district subgrantee's procedures for managing equipment (i.e., including replacement equipment), whether acquired in whole or in part with subgrant funds, will, at a minimum, meet the following requirements until disposition takes place:
 - a. Equipment records must be maintained that include a description of the equipment, a serial number or other identification number, the source of the equipment, who holds the title, the acquisition date, cost of the equipment, percentage of state participation in the cost of the equipment, and the location, use and condition of the equipment, and any ultimate disposition data including date of disposal, and sale price of the equipment.
 - b. A physical inventory of the equipment must be taken and the results reconciled with the equipment records at least once every two years.
 - c. A control system must be developed to ensure adequate safeguards to prevent against loss, damage, or theft of the equipment. Any loss, damage, or theft shall be reported to and investigated by local authorities.
 - d. The control system shall include permanent tagging of equipment to identify the equipment as belonging to the district or being funded by district grant funds.
 - e. For all equipment purchased, in whole or in part, with SWMF, the district or district subgrantee shall procure and maintain insurance covering loss or damage to equipment purchased with a district or district subgrantee award, with a financially sound and reputable insurer in such amounts and covering such risks as are usually carried by similarly situated companies engaged in the same or similar business. Alternatively, the subgrantee may provide documentation of self-insurance to cover the amount of the equipment purchased.
 - f. The district and district subgrantee must utilize adequate maintenance procedures to keep the equipment in good condition.
 - g. If the district or district subgrantee is authorized or required to sell the equipment, proper sales procedures must be established to ensure the highest possible return.
3. Security Interest in Equipment.
 - a. The district hereby grants to the WMP, its successors and assigns a security interest in all equipment purchased by the district for five thousand dollars or more, in whole or in part, with SWMF monies.
 - i. The district hereby agrees to apply the funding provided for equipment to the purchase of the equipment specified in the FAA as negotiated with the WMP.
 - ii. The security interest in equipment owned by the district shall be equivalent to the amount of funding provided by WMP for the purchase of the equipment. Unless the WMP notifies the district in writing of a material breach of the FAA or any documents incorporated herewith, the security interest of WMP shall decrease at a rate of 20% of the provided funding per year, beginning one year from the purchase date shown on the equipment invoice.
 - iii. The district hereby covenants that it will not transfer, sell, or pledge the WMP's security interest in the equipment as collateral for any indebtedness without first obtaining the prior written consent of the WMP. When the security interest is fully depreciated, the WMP will, on written demand by the district, send the district a termination statement that the

- WMP no longer claims a security interest in the financing statement (identified by file number).
- iv. If the equipment owned by the district is purchased with SWMF monies and is required to be titled through the Missouri Department of Revenue (MDOR), the WMP must be listed as a lien holder on said title. The district must provide the WMP a clear title to be held until the security interest (lien) has been fully depreciated. In the case of more than one lien holder, the district must provide the WMP with documentation that the WMP is listed as a lien holder on the title.
 - v. If the equipment owned by the district is purchased with WMP monies and is not required to be titled through MDOR, the district must provide the WMP with documentation that the WMP is listed as a lien holder on the certificate of title, UCC-1 form, or other security instrument.
 - vi. It is the responsibility of the district to obtain the proper forms and meet all requirements regarding the use of such forms. This documentation must be obtained within 30 days of purchase.
- b. The district subgrantee hereby grants to the district, its successors, and assigns a security interest in all equipment purchased by the district subgrantee for five thousand dollars or more, in whole or in part, with SWMF monies.
- i. The district subgrantee hereby agrees to apply the funding provided for equipment to the purchase of the equipment specified in the FAA as negotiated with the district.
 - ii. The security interest in equipment owned by the district subgrantee shall be equivalent to the amount of funding provided by the district for the purchase of the equipment. Unless the WMP or district notifies the district subgrantee in writing of a material breach of the FAA or any documents incorporated herewith, the security interest of the district may decrease at a rate of 20% per year, beginning one year from the purchase date shown on the equipment invoice.
 - iii. The district subgrantee hereby covenants that it will not transfer, sell, or pledge the district's security interest in the equipment as collateral for any indebtedness without first obtaining the prior written consent of the district. When the security interest is fully depreciated, the district will, on written demand by the district subgrantee, send the district subgrantee a termination statement that the district no longer claims a security interest in the financing statement (identified by file number).
 - iv. If the equipment owned by the district subgrantee is purchased with SWMF monies and is required to be titled through the MDOR, the district must be listed as a lien holder on said title. The district's subgrantee must provide the district a clear title to be held until the security interest (lien) has been fully depreciated. In the case of more than one lien holder, the district's subgrantee must provide the district with documentation that the district is listed as a lien holder on the title.
 - v. If the equipment owned by the district subgrantee is purchased with SWMF monies and is not required to be titled through MDOR, the district's subgrantee must provide the district with documentation that the district is listed as a lien holder on the certificate of title, UCC-1 form, or other security instrument.
 - vi. It is the responsibility of the district's subgrantee to obtain the proper forms and meet all requirements regarding the use of such forms. This documentation must be obtained within 30 days of purchase.
4. When original or replacement equipment acquired by the district or district's subgrantee with SWMF monies is no longer needed for the original project or program or for other activities currently or previously supported by the Department, the equipment shall be disposed of as follows:

- a. Items of equipment with a current per-unit fair market value of less than five thousand dollars may be retained, sold or otherwise disposed of with no further obligation to the WMP or the district.
- b. For items of equipment with a current per unit fair market value of five thousand dollars or more:
 - i. When the equipment is district owned, the WMP shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the WMP's remaining interest in the equipment as established in M.3.a.ii of this agreement.
 - ii. When the equipment is owned by a district subgrantee, the district shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the district's remaining interest in the equipment as established in M.3.b.ii of this agreement.
- c. When appropriate disposition actions are not taken by the equipment owner:
 - i. For district owned equipment, the WMP may direct the district on how to dispose of the equipment.
 - ii. For district subgrantee owned equipment, the district may direct the district subgrantee on how to dispose of the equipment.
- d. If the equipment owner is put on notice by either the WMP or the district that grant assets are not being used for the intended purpose, then:
 - i. For district owned equipment, the district shall not sell, give away, move, relocate, abandon or dispose of the asset without the WMP's prior written approval.
 - ii. For district subgrantee owned equipment, the district's subgrantee shall not sell, give away, move, relocate, abandon or dispose of the asset without the district's prior written approval.

N. Buildings or Site Improvements

Buildings or site improvements is defined in Section III below. The district or district subgrantee agrees that any buildings or site improvements purchased pursuant to this agreement shall be used for the performance of services under the FAA during the term of the FAA. Notwithstanding anything to the contrary contained in this agreement, the buildings or site improvements shall not be removed from the State of Missouri without the written approval of the WMP.

The following standards shall govern the utilization and disposition of buildings or site improvements acquired with district funds:

- 1. Title to buildings or site improvements acquired under a grant will vest with either the district or district subgrantee upon acquisition.
 - a. The funding provided for buildings or site improvements specified in the FAA as negotiated with the WMP or district shall be used for acquisition of the buildings or site improvements.
 - b. The district or district subgrantee shall not transfer, sell, or pledge any assets including buildings or site improvements purchased using SWMF monies during the term of the grant and for four years thereafter without first obtaining the prior written consent of the district and WMP.
 - c. The district or district subgrantee shall not sell, give away, relocate, or abandon the assets including buildings or site improvements without the district and WMP's prior written approval.

- d. The district or district subgrantee must not use the buildings or site improvements acquired with SWMF to unfairly compete with private companies that provide equivalent services, unless specifically permitted or contemplated by state law.
 - e. Buildings or site improvements constructed or purchased pursuant to this agreement shall be used for the performance of services under this agreement during the term of the FAA, and for four years thereafter. Annually a statement must be submitted to the district certifying that the use of said buildings or site improvements is for project activities. The district shall provide and use a form for such statement.
2. Buildings or Site Improvements Management. The district's or subgrantee's procedures for managing buildings or site improvements whether acquired in whole or in part with subgrant funds, will, at a minimum, meet the following requirements until disposition takes place:
- a. A control system must be developed to ensure adequate safeguards to prevent against loss, damage, or theft of the buildings or site improvements. Any loss, damage, or theft shall be reported to and investigated by local authorities.
 - b. For all buildings or site improvements purchased, in whole or in part, with SWMF, the district or district subgrantee shall procure and maintain insurance covering loss or damage to buildings or site improvements, with a financially sound and reputable insurer in such amounts and covering such risks as are usually carried by similarly situated companies engaged in the same or similar business.
3. Security Interest in Buildings or Site Improvements.
- a. When buildings or site improvements are acquired with SWMF monies under this agreement, the following conditions apply or equivalent conditions are required to be set by the district and certified as appropriate by the district's legal counsel:
 - b. The district shall grant to the WMP, its successors, and assigns a security interest or lien in all buildings or site improvements purchased or constructed for five thousand dollars or more, in whole or in part, with SWMF monies.
 - i. For such buildings or site improvements to be owned by the district, the WMP must be granted a security interest or lien and be listed as the lien holder. The district shall complete a deed of trust or certificate of title, whichever applies, and return a copy of such document along with the FAA packet to the WMP.
 - ii. The security interest or lien shall be equivalent to the amount of funding provided by the WMP.
 - iii. The district hereby covenants that it will not transfer, sell or pledge the WMP's security interest in the buildings or site improvements as collateral for any indebtedness whatsoever without first obtaining the prior written consent of the WMP.
 - iv. If the district is granting the security interest to the WMP, the district must provide a copy of the documentation to the WMP showing that the WMP is listed as a lien holder on the certificate of title, the deed of trust, or other security instrument.
 - v. Unless the WMP notifies the district in writing of a material breach of the FAA or any documents incorporated herewith, the security interest of the WMP shall decrease at a rate of 20% per annum, beginning one year from the date the financing statement is fully executed.
 - vi. When the security interest is fully depreciated, the WMP will, on written demand by the district, send the district a termination statement that a security interest in the financing statement is no longer claimed.

- c. The district subgrantee hereby grants to the district, its successors, and assigns a security interest or lien in all buildings or site improvements purchased or constructed by the district subgrantee for five thousand dollars or more, in whole or in part, with SWMF monies.
 - i. For such buildings or site improvements to be owned by the district subgrantee, the district must be granted a security interest or lien and be listed as the lien holder. The district subgrantee shall complete a deed of trust or certificate of title, whichever applies, and return a copy of such document along with the FAA packet to the district.
 - ii. The security interest or lien shall be equivalent to the amount of funding provided by the district.
 - iii. The district subgrantee hereby covenants that it will not transfer, sell or pledge the district's security interest in the buildings or site improvements as collateral for any indebtedness whatsoever without first obtaining the prior written consent of the district.
 - iv. If the district subgrantee is granting the security interest to the district, the district subgrantee must provide the district a copy of the documentation showing that the district is listed as a lien holder on the certificate of title, the deed of trust, or other security instrument.
 - v. Unless the WMP or the district notifies the district subgrantee in writing of a material breach of the FAA or any documents incorporated herewith, the security interest of the district may decrease at a rate of 20% per annum, beginning one year from the date the financing statement is fully executed.
 - vi. When the security interest is fully depreciated, the secured party will, on written demand by the debtor, send the debtor a termination statement that a security interest in the financing statement is no longer claimed.

- 4. When a building or site improvement acquired by the district or district subgrantee is no longer needed for the original project or program or for other activities currently or previously supported by the Department, the building or site improvement shall be disposed of as follows:
 - a. Buildings or site improvements with a current fair market value of less than five thousand dollars may be retained, sold or otherwise disposed of with no further obligation to the WMP or the district.
 - b. For a building or site improvement with a current fair market value of five thousand dollars or more:
 - i. When a building or site improvement is district owned, the WMP shall have a right to an amount calculated by multiplying the current market value or proceeds from the sale by the WMP's remaining interest in the building or site improvement as established in N.3.b.v. of this agreement.
 - ii. When the building or a site improvement is owned by a district subgrantee, the district shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the district's remaining interest in the building or a site improvement as established in N.3.c.v. of this agreement.
 - c. When appropriate disposition actions fail to be taken by the building or site improvement owner:
 - i. For district owned buildings or site improvements, the WMP may direct the district on how to dispose of the building or site improvement.
 - ii. For district subgrantee owned buildings or site improvements, the district may direct the district subgrantee on how to dispose of the buildings or site improvements.

- d. If the building or site improvement owner is put on notice by either the WMP or the district that grant assets are not being used for the intended purpose, then:
 - i. For district owned buildings or site improvements, the district shall not sell, give away, move, relocate, abandon or dispose of the asset without the WMP's prior written approval.
 - ii. For district subgrantee owned buildings or site improvements, the district's subgrantee shall not sell, give away, move, relocate, abandon, or dispose of the asset without the district's prior written approval.

O. Public Access and Transparency.

- 1. Districts shall be "public governmental bodies" as that term is defined in Chapter 610 RSMo, commonly known and referred to as the Missouri Sunshine Law. Consequently, districts shall maintain records, conduct meetings, and provide access as required in that Chapter.
- 2. The district shall either have a principal designated office with established office hours or provide all district records including postings of meeting and other public notices required open under Chapter 610 RSMo through an Internet website. Principal designated offices of districts in order to be open to the public must be located in commercial, governmental or stand-alone buildings not used as a residence as defined herein.

P. Travel.

Travel will be conducted according to the district's written travel policy and procedures with the following additional limitations imposed by the WMP which are based on Internal Revenue Service guidelines:

- 1. Travel expenses are limited to actual expenses that are reasonable and necessary as determined by the Department. The method of travel shall be that which is most economical and advantageous to the grant or subgrant funds.
- 2. Out-of-state travel must be approved in advance of travel by the WMP. The district or district subgrantee must provide a written justification for such travel, which shall include the purpose of the trip and how it relates to the scope of the project. The district or district subgrantee shall not incur out-of-state travel expenses on project business until receiving written approval by the WMP. Out-of-state travel requests may be included as part of the annual District Operations or subgrant approval process or separately as the need for travel arises after original approval of District Operations or the subgrant.
 - a. Travel by personal vehicle instead of air travel, shall be limited to the district or district subgrantee's established mileage allowance as stated in their written travel policy (not to exceed the state rate) plus any actual expenses that would have been allowed or provided if taking air transportation.
 - b. If traveling by air, the total allowable costs cannot exceed the reasonable coach fare available at the time to the same destination.
 - c. No meals, additional lodging, or incidentals will be reimbursed for personal extended stays while traveling.
 - d. Reimbursement for out-of-state travel by train or bus shall not exceed the actual cost of the train or bus fare, plus any actual expenses that would have been allowed or provided if taking air transportation.
- 2. Meal costs shall be allowed during project-related travel, in-state or out-of-state, provided that there are at least twelve consecutive hours of travel involved. The district or district subgrantee will indicate on the travel expense voucher "twelve hour status" and provide time records as back up documentation. Twelve-hour travel status includes the allowable breaks for meals in the district's or district subgrantee's travel

policy. A definition of eligible meals is provided in Section III. When in twelve-hour travel status, an eligible meal is as defined in Section III.

3. Reimbursement shall be provided for reasonable meal and hotel expenses as specified in the State of Missouri Travel Regulations or the district's or district subgrantee's Travel policy, whichever is less. The website link provided herein may be utilized as reference for State of Missouri Per Diem Rates <http://oa.mo.gov/travel/>.

Q. Food.

1. Food purchases for events, meetings, etc. must be approved in advance by the WMP. The events must fit the scope of work and provide a benefit to the success of the subgrant project. The district or district subgrantee shall not make food purchases until receiving written approval by the WMP. Food purchase requests may be included as part of the annual District Operations or subgrant approval process or separately as the need for such purchases occur.
 - a. The WMP shall allow districts and district subgrantees to provide food in conjunction with official district or district subgrantee business and district grant or subgrant sponsored activities within parameters outlined below.
 - b. As used in this section, "official business" includes council, advisory council, and board meetings, and similar functions when they are conducted as part of the district or district subgrantee's scope of work.
 - c. As used in this section, "other agency sponsored activities" include board meetings, workshops, and other specific subgrant related activities. Costs associated with such events are allowable to the extent the primary purpose is the dissemination of technical information.
2. Districts and district subgrantees are to be accountable for their decisions to provide food at official or sponsored functions within the limits of this section. Districts and district subgrantees are expected to establish sufficient controls to ensure agency-provided food expenses are incurred only when appropriate and in compliance with this section and with written approval from the WMP granted prior to the event at which food is to be served.
3. Food at Official Business Functions
 - a. The district or district subgrantee may provide food to serve during official district and district subgrantee business functions when it is determined that providing food or beverage service will promote the efficient conduct of a specific project activity (e.g., workshops, cleanup events or collection events) and such purchases have been approved by WMP in writing prior to the event at which food or beverages are to be served. Under no circumstances, however, will alcoholic beverages be a permitted or allowable cost.
 - b. During meeting breaks, light snacks and beverages may be provided. Costs for snacks and beverages should be at a nominal charge per person.
 - c. Lunch or dinner may be provided if there is a substantial reason for doing so that directly and demonstrably creates a benefit to the scope of the district or district subgrantee's work, and if the cost of which is reasonable and necessary as determined by the WMP.
 - d. Official business functions does not include those where the only individuals in attendance are employees of the district or district subgrantee. Food shall not be allowed for the district's or district subgrantee's general staff meetings or other similar functions that only relate to day-to-day operations.

- e. Lunch expenses shall not automatically be allowed when incurred in conjunction with a district or district subgrantee's related meeting. Typically lunch expenses will only be allowed when a meeting extends through the typical lunch periods or an all-day meeting, training, etc.

4. Food at Other Agency Sponsored Activities

- a. Districts or district subgrantees may purchase light refreshments in conjunction with board or council meetings, advisory committee meetings, sponsored workshops, sponsored conference, or like activity. Costs for such events should be at a nominal charge per person and be prior approved by WMP.
- b. Lunch or dinner may be provided for similar events if there is a substantial reason for doing so which demonstrates a benefit to the district or district subgrantee's scope of work, be at a reasonable cost and be prior approved by WMP.

5. Meals Provided to Public Officials

Expenditures made for food for public officials, except those meals that are given to a public official or employee when such person is acting in his or her official capacity with the district, or district subgrantee should be reported to the Missouri Ethics Commission as lobbying expenses as provided in 105.470-473 RSMo.

R. Supplies

- 1. Title to supplies acquired under a subgrant will vest, upon acquisition, in the district or the district's subgrantee.
- 2. If there is a residual inventory of unused supplies exceeding five thousand dollars in total aggregate fair market value upon termination or completion of the grant or subgrant award, and if the supplies are not needed for any other WMP sponsored programs or projects, then the district or district subgrantee shall compensate the WMP or district for its share.

S. Promotional Items

Unallowable advertising and public relations costs include the costs of promotional items and memorabilia, including models, gifts, and souvenirs.

- 1. Costs considered ineligible for district grant funding include the costs of gifts as provided in 10 CSR 80-9.050(2)(D)2.
- 2. Nominally priced educational items containing recycled materials are allowable, but shall not exceed 10% of the total subgrant project budget. These educational items shall be directly related to a measureable subgrant project outcome. The educational items may promote the project or overall reduce/reuse/recycle goals. The educational item shall be necessary to accomplish the purpose of the subgrant and shall have a direct effect on the success of the project.

T. Invention and Patents

- 1. If any district or district subgrantee produces subject matter, which is or may be patentable in the course of work sponsored by the subgrantee, the district or district subgrantee shall promptly and fully disclose such subject matter in writing to the WMP and district.
- 2. In the event that the district or district subgrantee fails or declines to file Letters of Patent or to recognize patentable subject matter, the WMP reserves the right to file the same.

3. The WMP grants to the district or district subgrantee the opportunity to acquire an exclusive license, including the right to sublicense, with a royalty consideration paid to the WMP. Payment of royalties by the district or district subgrantee to the WMP will be addressed in a separate royalty agreement.

U. Copyrights

1. Except as otherwise provided in the terms and conditions of this subgrant, the author, the district or district's subgrantee is free to copyright any books, publications, or other copyrightable material developed in the course of this subgrant.
2. The WMP and district reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, with the approval of the WMP, the work for the district or WMP purposes.

V. Prior Approval for Publications

1. The district or district's subgrantee shall submit to the WMP and the district two draft copies of each publication and other printed materials which are intended for distribution and are financed, wholly or in part, by SWMF monies.
2. The district or district subgrantee shall not print or distribute any publication until receiving written approval by the WMP.

W. Mandatory Disclosures

District and district subgrantees receiving grant funding from the SWMF shall identify the Department as a funding source on all equipment, buildings, site improvements, publications and other printed materials which are intended for distribution and paid for, in whole or in part, with Solid Waste Management Funds.

1. Identification shall include the Department's logo with the full "Missouri Department of Natural Resources" name.
2. This requirement applies to publications, news releases, videos, displays, signs, and all other projects from which information may be obtained by reading, watching, hearing, or simply seeing the material.
3. Camera ready copies of the Department logo will be provided to any district requesting the copies by the WMP. The districts will provide logos to district subgrantees requesting copies of the logos.
4. For other projects, such as audiocassette tapes and news releases, the WMP shall be identified audibly by including its full name. Guidelines pertaining to placement of logos along with the "Missouri Department of Natural Resources" name and audible identification of the "Missouri Department of Natural Resources" can be obtained from the WMP.

X. Procurement Standards

District or district subgrantees shall use their own procurement procedures provided that procurement conforms to standards set forth in the "Uniform Administrative Requirements For Grants and Cooperative Agreements to State and Local Governments", "Uniform Administrative Requirements for Grants and Agreement with Institutions of Higher Education, Hospitals, or Other Non-Profit Organizations", or 34.040, RSMo, "State Purchasing and Printing", as applicable.

1. Within eighteen months after the October 30, 2007 effective date of 10 CSR 80-9.050 which date is April 30, 2009, the District's Executive Board shall use a competitive bid process to obtain administrative services, office space rental, and other district

operations services, except for employees who are directly employed by the district. Contracts shall not exceed five (5) years in duration.

2. No work or services, paid for wholly or in part with state funds, will be contracted without the written consent of the WMP.
3. The district and/or district subgrantee agree that any contract, interagency agreement, or equipment to be procured under this award which was not included in the approved workplan must receive formal district and WMP approval prior to expenditure of funds associated with that contract, interagency agreement, or equipment purchase.

Y. Employment

1. Pursuant to 285.530 (1), RSMo as a condition for the award of any grant, subgrant, contract, or subcontract in excess of five thousand dollars, no grantee, subgrantee, contractor, or subcontractor shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the state of Missouri.
2. The grantee, subgrantee, contractor, or subcontractor shall only utilize personnel authorized to work in the United States in accordance with applicable federal and state laws. This includes but is not limited to the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and INA Section 274A.
3. Pursuant to section 285.530, RSMo, if the grantee, subgrantee, contractor, or subcontractor meets the section 285.525, RSMo definition of a "business entity" included in Attachment 2, the grantee, subgrantee, contractor, or subcontractor must affirm the entity's enrollment and participation in the E-Verify federal work authorization program with respect to the employees hired after enrollment in the program who are proposed to work in connection with the services requested herein. The grantee, subgrantee, contractor, or subcontractor shall complete applicable portions of Attachment 2, Business Entity Certification, Enrollment Documentation, and Affidavit of Work Authorization or Affidavit of Work Authorization Annual Renewal Document. The applicable portions of Attachment 2 must be completed, notarized, and submitted prior to award of a grant or a contract.
4. If the grantee, subgrantee, contractor, or subcontractor is found to be in violation of this requirement or the applicable state, federal, and local laws and regulations, and if the Department has reasonable cause to believe that the grantee, subgrantee, contractor, or subcontractor has knowingly employed individuals who are not eligible to work in the United States, the Department shall have the right to cancel the grant or contract immediately without penalty or recourse and suspend or debar the grantee, subgrantee, contractor, or subcontractor from doing business with the Department or State of Missouri. The Department may also withhold up to twenty-five percent of the total amount due to the grantee.
5. The grantee, subgrantee, contractor, or subcontractor shall agree to fully cooperate with any audit or investigation from federal, state, or local law enforcement agencies.

Z. Conflicts of Interest

No party to this subgrant, nor any officer, agent, or employee of either party to this subgrant, shall participate in any decision related to such subgrant which could result in a real or apparent conflict of interest, including any decision which could affect their personal or pecuniary interest, directly or indirectly.

1. The District's Executive Board shall adopt a conflict of interest policy regarding subgrants to district subgrantees. The policy shall include a requirement that any non-governmental member of the District's Executive Board, or the business or institution to which a member is affiliated, who applies for district subgrants shall not review, score, rank, or approve any of the subgrantees applications in the same grant call.

2. The district or district subgrantee is advised that no state employee or former state employee, as defined in Chapter 105, RSMo, shall perform any service for consideration paid by the district or district subgrantee for one year after termination of the employee's state employment by which the former state employee attempts to influence a decision of a state agency. A state employee who leaves state employment is permanently banned from performing any service for consideration for any person, firm or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment with the state.

AA. State Appropriated Funding

1. The district and district subgrantee agree that funds expended for the purposes of this subgrant must be appropriated and made available by the Missouri General Assembly for each fiscal year included within the subgrant period, as well as being awarded by the state agency supporting the project. Therefore, the subgrant shall automatically terminate without penalty or termination costs if such funds are not appropriated and/or granted.
2. In the event that funds are not appropriated and/or granted for the subgrant, the district or district subgrantee shall not prohibit or otherwise limit the WMP's right to pursue alternative solutions and remedies as deemed necessary for the conduct of state government affairs. The requirements stated in this paragraph shall apply to any amendment or the execution of any option to extend the subgrant.

AB. Eligibility, Debarment and Suspension

By applying for this award, the district or district subgrantee verifies that it, its board of directors, and all of its principles are currently in compliance with all state and federal environmental laws including those referenced below and court orders issued pursuant to those laws, and that all environmental violations have been resolved (for example, no pending or unresolved Notices of Violation (NOV) at the time of application).

1. If compliance issues exist, the district or district subgrantee shall disclose to the district and WMP all pending or unresolved violations noted in an NOV, administrative order, or civil and criminal lawsuit, but only where those alleged violations occurred in the past two years in the State of Missouri.
2. The WMP will not make any award at any time to any party which is debarred or suspended, under federal or state authority, or is otherwise excluded from or ineligible for participation in federal assistance under Federal Executive Order 12549, "Debarment and Suspension."
3. The district or district subgrantee shall complete a Debarment/Suspension form when required by the WMP. Furthermore, the district or district subgrantee is also responsible for written debarment/suspension certification of all subcontractors receiving funding through a state funded grant.

AC. Restriction on Lobbying Costs

Lobbyists as defined in section 105.470, RSMo, and related costs are ineligible for district grant funds.

AD. Recycled Paper

The district or district subgrantee receiving SWMF is required to use recycled paper consisting of at least 30% post-consumer waste for all reports and materials which are

prepared as part of this grant award and delivered to the district or WMP or otherwise distributed as part of this subgrant.

1. If paper containing 30% post-consumer material is not reasonably available, does not meet reasonable performance requirements, or is available at an unreasonable price, then the district or district subgrantee shall use paper containing no less than 20% post-consumer material.
2. The chasing arrows symbol representing the recycled content of the paper will be clearly displayed on at least one page of any materials provided to any and all parties other than the WMP.
3. This requirement applies even if the cost of recycled paper is higher than that of virgin paper.

AE. Contracting with Small and Minority Firms, Women's Business Enterprise, and Labor Surplus Area Firms

In order for the WMP to meet the provisions of Executive Order 05-30, it is desired the district and district subgrantees secure participation of certified MBEs and WBEs in providing the products and/or services obtained with district grant funds. The targets of participation recommended by the State of Missouri are 10% MBE and 5% WBE of the total dollar value of the products and/or services obtained.

The district or district subgrantee agrees to take all necessary affirmative steps required to assure that small and minority firms, women's business enterprises and labor surplus area firms are used when possible as sources when procuring supplies, equipment, construction, and services related to the subgrant. The district and district subgrantee agrees to include information about these requirements in solicitation documents. Affirmative steps shall include:

1. Placing qualified small and minority business and women's business enterprises on solicitation lists;
2. Ensuring that small and minority and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by small and minority and women's business enterprises;
4. Establishing delivery schedules, where the requirements of work will permit participation by small and minority and women's business enterprises;
5. Using the services of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce; and
6. Requiring any prime contractor or other subgrantee, if subgrants are to be allowed, to take the affirmative steps in subparagraphs 1 through 5 of this section.

AF. Subgrants

The district is responsible for the day-to-day operations of subgrant supported activities. The district must monitor subgrant supported activities to assure compliance with applicable state requirements and that performance goals are being achieved. Subgrant monitoring must cover each program, function, or activity.

AG. Later Disallowances and Adjustments

The closeout of a subgrant does not affect:

1. The WMP's right to disallow costs and recover funds on the basis of a later audit or other review.
2. The district or district subgrantee's obligation to return any funds due as a result of later refunds, corrections, or other transactions.
3. Recordkeeping as required by section E above.
4. Equipment and building or site improvements management requirements as required by sections M and N above.
5. Audit requirements in sections J and K.

AH. Dispute Resolution

1. The district and the WMP shall attempt to resolve disagreements concerning the administration or performance of the district.
2. If an agreement cannot be reached within ninety (90) days of the issuance of the notice of noncompliance, the Department's WMP director will provide a written decision. The WMP director may consult with the SWAB prior to providing this decision. Such decision of the WMP director shall be final unless a request for review is submitted to Department's Division of Environmental Quality (DEQ) director within thirty (30) days of the receipt of the WMP director's decision. The DEQ director shall provide a final decision within thirty (30) days of the district's request. Such district request shall include:
 - a. A copy of the WMP director's written decision;
 - b. A statement of the amount in dispute;
 - c. A brief description of the issue(s) involved; and
 - d. A concise statement of the objections to the final decision.
3. A decision by the DEQ director shall constitute final Department action.

AI. Termination

1. Termination for Cause.
 - a. By Department:
 - i. The Department may terminate any subgrant, in whole or in part, at any time before the date of completion whenever it is determined that the district or district subgrantee has failed to comply with the terms and conditions of the subgrant.
 - ii. The Department shall promptly notify the subgrantee in writing of such a determination and the reasons for the termination, together with the effective date.
 - iii. The Department reserves the right to withhold all or a portion of grant funds if the district or district subgrantee violates any term or condition of the subgrant.
 - b. By District:
 - i. The district may terminate any subgrant, in whole or in part, at any time before the date of completion whenever it is determined that the district subgrantee has failed to comply with the terms and conditions of the subgrant.

- ii. The district shall promptly notify the subgrantee in writing of such determination and the reasons for the termination, together with the effective date.
- iii. The district reserves the right to withhold all or a portion of subgrant funds if the district subgrantee violates any term or condition of the subgrant.

2. Termination for Convenience.

- a. The Department, the district, or the district's subgrantee may terminate the subgrant, in whole or in part, when the parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds.
- b. This agreement is not transferable to any person or entity.
- c. District subgrant agreements are not transferable to any person or entity without prior written approval of the District's Executive Board and the WMP.

AJ. Enforcement: Remedies for Noncompliance

If a district or district subgrantee falsifies any award document, fails to maintain records or submit reports, refuses the WMP access to records, fails to meet the WMP's performance standards, or materially fails to comply with any term of a grant, award, or subgrant, then the WMP may take one or more of the following actions, as appropriate:

- 1. Suspend or terminate, in whole or in part, the award or grant of current or future funds;
- 2. Disallow all or part of the cost of the activity or action not in compliance;
- 3. Temporarily withhold cash payments pending subgrantee's correction of the deficiency;
- 4. Withhold further awards from the district or district subgrantee;
- 5. Compel the repayment of funds provided to the district or district subgrantee pursuant to the award or grant;
- 6. Order the district or district subgrantee not to transfer ownership of assets purchased with district grant funds without prior WMP approval; or
- 7. Pursue any other remedies that may be legally available, including cost recovery, breach of contract, and suspension or debarment with respect to the district, the district subgrantee, or both and further may pursue criminal charges against any individual who commits any crime within the context or during the work performed under the grant or subgrant.

AK. District's and District Subgrantee's Signature

In consideration for the ability to utilize SWMF monies, the district's and district subgrantee's signature on the application, FAA, and other award documents signify the district or district subgrantee's agreement to all of the terms and conditions of the award which include the FAA and the documents incorporated therein, including these General Terms and Conditions.

AL. Human Trafficking.

This requirement applies to non-profit grantees or subgrantees. The subgrantee, its employees, subgrantees under this award, and subgrantees' employees may not engage in severe forms of trafficking in natural persons during the period of time that the award is

in effect; procure a commercial sex act during the period of time that the award is in effect, or use forced labor in the performance of the award or subawards under the award. The WMP hereby adopts and will implement section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA) (22 U.S.C. § 7104(g)), modified so as to apply to the state and its agencies, departments, and political subdivisions and all respective agents that would correspond with those federal agents referred to in the TVPA, and as such the WMP has the right to unilaterally terminate this agreement and any awards made in conjunction herewith if there is a violation of the TVPA.

AM. Illegal Immigration

Section 67.307 2 RSMo applies to this agreement, and consequently any municipality that enacts or adopts a sanctuary policy will be ineligible for moneys provided through grants or subgrants administered by any state agency or Department until the policy is repealed or is no longer in effect.

AN. Illegal Immigration

Section 285.530 RSMo applies, and consequently no business entity or employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the state of Missouri. The WMP may unilaterally terminate this agreement and any awards made in conjunction herewith if there is a violation §§ 285.525 – 285.550 RSMo.

II. Statutory Requirements

A. Laws and regulations related to nondiscrimination and employment:

1. Chapter 213 of the Missouri Revised Statutes, which prohibits discrimination on the basis of race, color, religion, national origin, sex, age, and disability;
2. Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, as amended, which prohibits discrimination on the basis of race, color, or national origin;
3. Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, as amended, which prohibits discrimination on the basis of race, color, religion, national origin, or sex;
4. Civil Rights Restoration Act of 1987, 20 U.S.C. §1687, 29 U.S.C. § 794, 42 U.S.C. § 2000d4a, and 42 U.S.C. § 6101, as amended;
5. Civil Rights Act of 1991, 42 U.S.C. § 1981a and 42 U.S.C §§ 2000e-2(k) - (n), as amended;
6. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended, which prohibits discrimination on the basis of disability;
7. Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. § 621 et seq., as amended, which prohibits discrimination on the basis of age;
8. Drug Abuse Office and Treatment Act of 1972, P.L. 92-255, 21 U.S.C. § 1101 et seq., as amended, relating to nondiscrimination on the basis of drug abuse;
9. Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, P.L. 91-616, 42 U.S.C. § 4541 et seq., as amended, relating to nondiscrimination of the basis of alcohol abuse or alcoholism;
10. Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. § 2601 et seq.;

11. The Americans with Disabilities Act of 1990 (ADA), P.L. 101-336, 42 U.S.C. §12101 et seq., as amended, relating to nondiscrimination against individuals with disabilities; and
 12. Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. § 201 et seq., as amended.
- B. State and Federal Environmental Laws:
1. The Federal Clean Air Act, 42 U.S.C. § 7401 et seq., as amended, which prohibits the award of assistance by way of grant, loan, or contract to noncomplying facilities.
 2. The Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. §1251 et seq., as amended, prohibiting award of assistance by way of grant, loan, or contract to noncomplying facilities.
 3. The Federal Safe Drinking Water Act, 42 U.S.C. § 300f et seq., as amended, which prohibits the award of assistance by way of grant, loan, or contract to non-complying facilities.
 4. The Federal Solid Waste Disposal Act, 42 U.S.C. 6901 et seq., as amended.
 5. The Federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 USC 9601 et seq., as amended.
 6. The Federal Toxic Substance Control Act, 15 USC 2601 et seq., as amended.
 7. The Federal Insecticide, Fungicide and Rodenticide Act, 7 USC 136 et seq., as amended.
 8. The Federal Endangered Species Act, 16 USC 1531 et seq., as amended.
 9. The National Environmental Policy Act of 1969, 42 U.S.C. §4321 et seq., as amended, particularly as it relates to the assessment of the environmental impact of federally assisted projects.
 10. Earthquakes – Seismic Building and Construction Ordinances, §§ 319.200 – 319.207, RSMo relating to the adoption of seismic design and construction ordinances by certain cities, towns, villages and counties.
 11. The Missouri Clean Water Law, Chapter 644, RSMo.
 12. Chapters 260 and 319, RSMo including the Missouri Hazardous Waste Management Law, and the Missouri Solid Waste Management Law including laws relating to petroleum storage tanks.
 13. The Missouri Air Conservation Law, Chapter 643.
 14. Chapter 444, RSMo including the Metallic Minerals Waste Management Act, the Land Reclamation Act, and the Surface Coal Mining Law.
- C. Chapter 105, RSMo, as it relates to conflicts of interest and lobbying.
- D. Chapter 610, RSMo, Governmental Bodies and Records commonly referred to as the Missouri “Sunshine Law”.
- E. The Archaeological and Historic Preservation Act of 1974 (Public Law 93-291) relating to potential loss or destruction of significant scientific, historical, or archaeological data in connection with federally assisted activities.

- F. The Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- G. The flood insurance purchase requirements of § 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires subgrantees in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- H. The Privacy Act of 1974, P.L. 93-579, as amended prohibiting the maintenance of information about any individual in a manner which would violate the provision of the Act.
- I. Public Law 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- J. The Laboratory Animal Welfare Act of 1966 (P.L. 89-544), 7 U.S.C. § 2131 et seq., pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
- K. The following additional requirements apply to projects that involve construction:
 - 1. The Davis-Bacon Act as amended, 40 U.S.C. §276 et seq.
 - 2. The Copeland (Anti-Kickback) Act, 18 U.S.C. §874, 40 U.S.C. § 276c.
 - 3. The Contract Work Hours and Safety Standards Act, 40 U.S.C. §327 et seq.
 - 4. Convict labor shall not be used on construction projects unless by convicts who are on work release, parole, or probation.
 - 5. The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4801 et seq.) which prohibits the use of lead paint in construction or rehabilitation of residence structures.
 - 6. The National Historic Preservation Act of 1966, 16 U.S.C §470 et seq., as amended, relating to the preservation of historic landmarks.
- L. Trafficking Victims Protection Act of 2000, Section 106, as amended (22 U.S.C. 7104(g)) relating to termination of contract award based upon any employee of the Department, grantee or subgrantee violating this act.
- M. Missouri House Bill 1549, 1771, 1395 & 2366 – Illegal Aliens and Immigration Status Verification – This bill changed May 25, 2011, the laws regarding illegal aliens and immigration status verification. Effective January 1, 2009, no business entity or employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform working within the state of Missouri.

III. Definitions

As used in these General Terms and Conditions:

- A. "Accrued expenditures" means the charges incurred by the grantee during a given period requiring the provision of funds for: (1) Goods and other tangible property received; (2) Services performed by employees, contractors, subgrantees, subcontractors, and other payees; and (3) Other amounts becoming owed under programs for which no current services or performance is required, such as annuities, insurance claims, and other benefit payments.
- B. "Accrued income" means the sum of: (1) Earnings during a given period from services performed by the grantee and goods and other tangible property delivered to purchasers;

and (2) Amounts becoming owed to the grantee for which no current services or performances is required by the grantee.

- C. "Acquisition cost of an item of purchased equipment" means the net invoice unit price of the property including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges such as the cost of installation, transportation, taxes, duty or protective in-transit insurance, shall be included or excluded from the unit acquisition cost in accordance with the grantee's regular accounting practices.
- D. "Administrative requirements" means those matters common to grants in general, such as financial management, kinds and frequency of reports, and retention of records. These are distinguished from programmatic requirements, which concern matters that can be treated only on a program-by-program or grant-by-grant basis, such as kinds of activities that can be supported by grants under a particular program.
- E. "Allocated district funds" means the monies from the Solid Waste Management Fund that are set aside to be disbursed to each district by the Department.
- F. "Awarding agency" means (1) with respect to a grant, the WMP of the Department, and (2) with respect to a subgrant, the party that awarded the subgrant.
- G. "Building or site improvements" includes any structures or appurtenances of a permanent nature related to real estate, excluding movable machinery and equipment.
- H. "Competitive bid process" means the procurement of goods or services that follows the guidelines outlined in 1 CSR 40.
- I. "Contract" means (except as used in the definitions for grant and subgrant in this section) a procurement contract under a grant or subgrant, and means a procurement subcontract under a contract.
- J. "Disposal cost" means fees charged to collect, transport or deposit solid waste in a landfill, transfer station, or other approved facility.
- K. "District" refers to one of the twenty solid waste management districts established pursuant to the Solid Waste Management Law, 260.200 through 260.345, RSMo.
- L. "District subgrantee" refers to the district or other entities receiving district subgrant awards of SWMF from the WMP or a district.
- M. "District administrative grant" means a grant for planning and organizational grants disbursed by the Department prior to August 28, 2004.
- N. "District carryover" means any remaining district funds of any completed grants that have been disbursed by the Department to each district for district administrative grants, district operations grants, plan implementation grants, or district subgrants.
- O. "District funds" means the revenue generated from the solid waste tonnage fee collected and deposited in the Solid Waste Management Fund that is allocated to each district pursuant to section 260.335.2, RSMo, plus district carryover, interest income earned, and state required local match funds.
- P. "District funds paid" means funds paid to each district or subgrantee.
- Q. "Eligible meal" means the reasonable costs incurred for any of the following meals when overnight lodging is required to fulfill the project:
Breakfast – is eligible on the day of departure if travel status begins two hours before the normal start time of the employee's typical work day plus any other day until the employee returns. *Lunch* – is eligible on the day of departure if travel status begins no later than

10:00 a.m. plus any other day where travel status continues past 2:00 p.m. including the day the employee returns. *Dinner* – is eligible on the day of departure if travel status begins no later than 5:00 p.m. plus any other day where travel status continues past 7:00 p.m. including the day the employee returns.

- R. "Equipment" means tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of five thousand dollars or more per unit. A grantee may use its own definition of equipment provided that such definition would at least include all equipment defined above.
- S. "Executive board" means the board established by each district's solid waste management council or by the alternative management structure chosen by a district as provided for in section 260.315.4(2), RSMo.
- T. "Financial Assistance Agreement or FAA" refers to the agreement entered into by the WMP and the district or district and a district subgrantee and includes these General Terms and Conditions and other incorporated documents.
- U. "Government" means the federal, state, or local government.
- V. "Grant" means an award of financial assistance, including cooperative agreements, in the form of money to an eligible grantee.
- W. "Grantee" means the government or other entity to which a grant is awarded and which is accountable for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document.
- X. "Interest income" means all interest earned by each district from the holding of revenue generated from the Solid Waste Management Fund.
- Y. "Local government" means a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under State law), any other regional or interstate government entity, or any agency or instrumentality of a local government.
- Z. "Missouri Department of Natural Resources or Department" refers to the Missouri Department of Natural Resources including its agents, successors, or assignees.
- AA. "Obligations" means the amounts of orders placed, contracts and subgrants awarded, goods and services received, and similar transactions during a given period that will require payment by the grantee during the same or a future period.
- AB. "Outlays or Expenditures" mean charges made to the project or program. They may be reported on a cash or accrual basis. For reports prepared on a cash basis, outlays are the sum of actual cash disbursement for direct charges for goods and services, and the amount of indirect expense incurred, the value of in-kind contributions applied, and the amount of cash advances and payments made to contractors and subgrantees. For reports prepared on an accrued expenditure basis, outlays are the sum of actual cash disbursements, the amount of indirect expense incurred, the value of in-kind contributions applied, and the new increase (or decrease) in the amounts owed by the grantee for goods and other property received, for services performed by employees, contractors, subgrantees, subcontractors, and other payees, and other amounts becoming owed under programs for which no current services or performance are required, such as annuities, insurance claims, and other benefit payments.
- AC. "Program income" means gross income received by the grantee or subgrantee directly generated by a grant supported activity, or earned only as a result of the grant agreement during the grant period. Examples of program income include income from fees for services performed, from the use or rental of real or personal property acquired with grant

funds, from the sale of commodities or items fabricated under the subgrant, and from payments of principal and interest on loans made with subgrant funds. Program income does not include items such as interest on grant funds, rebates, credits, discounts, or refunds and any interest earned on these items.

- AD. "Project" means all approved components of an organized undertaking described in a proposal, including any supporting documents as required by project type.
- AE. "Residence" means a place that is being used as a dwelling or home.
- AF. "Share, when referring to the awarding agency's portion of building or site improvements, equipment or supplies" means the same percentage as the awarding agency's portion of the acquiring party's total costs under the grant to which the acquisition costs of the property was charged. Only costs are to be counted—not the value of third-party in-kind contributions.
- AG. "Solid Waste Management Fund or SWMF" means the fund created in section 260.330, RSMo, to receive the tonnage fee charges submitted by sanitary and demolition landfills for waste disposed of in Missouri and transfer stations for waste transported out of state for disposal.
- AH. "Waste Management Program or WMP" refers to the Missouri Department of Natural Resources, Division of Environmental Quality, Waste Management Program or any other departmental organization to whom the WMP duties may be assigned in the future.
- AI. "Solid Waste Management Project" means a targeted project that meets statewide waste reduction and recycling priorities, and for which no solid waste management district grant applicant has applied to perform, and for which no qualified applicants have applied to perform such project by a competitive bid issued by the Solid Waste Management District for the completion of such project.
- AJ. "State" means the State of Missouri or any other agency instrumentality of the state.
- AK. "State required local match funds" means funds committed by local governments to each district as match for district administrative grants. There is no longer a requirement for state required local match funds.
- AL. "Subgrant" means an award of financial assistance in the form of money made under a grant by a grantee to an eligible subgrantee. The term includes financial assistance when provided by contractual legal agreement, but does not include procurement purchases.
- AM. "Subgrantee" means the government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of funds provided.
- AN. "Supplies" means all tangible personal property other than equipment, building, or building site improvements, as defined in this part.
- AO. "Suspension" means depending on the context, either (1) temporary withdrawal of the authority to obligate grants funds pending corrective action by the grantee or subgrantee or a decision to terminate the grant, or (2) an action taken by the WMP to immediately exclude a person from participating in grant transactions for a period, pending completion of an investigation and such legal or debarment proceedings as may ensue.
- AP. "Termination" means permanent withdrawal of the authority to obligate previously-awarded grant funds before that authority would otherwise expire. It also means the voluntary relinquishment of that authority by the grantee or subgrantee. Termination does not include: (1) Withdrawal of funds awarded on the basis of the grantee's underestimate of the unobligated balance in a prior period; (2) Withdrawal of the unobligated balance as of the expiration of a grant; (3) Refusal to extend a grant or award additional funds, to make a competing or non-competing continuation, renewal, extension, or supplemental award;

or (4) Voiding of a grant upon determination that the award was obtained fraudulently, or was otherwise illegal or invalid from inception.

AQ. "Terms of a grant or subgrant" means all requirements of the grant or subgrant, whether in statute, regulations, the award document, or any documents incorporated therein.

AR. "Unencumbered district funds" means the district funds that have not been obligated in the form of purchase orders for goods and services.

AS. "Unliquidated obligations for reports prepared on a cash basis" means the amount of obligations incurred by the grantee that have not been paid. For reports prepared on an accrued expenditure basis, they represent the amount of obligations incurred by the grantee for which an outlay has not been recorded.

AT. "Unobligated balance" means the portion of the funds authorized by the WMP that has not been obligated by the grantee and is determined by deducting the cumulative obligations from the cumulative funds authorized.