

CHAPTER 5-210

APPLICATION REVIEW AND PROCESSING FOR A REGULATORY GRANT

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5-210-00 What does this chapter do?

This chapter explains procedures used by us, the Office of Surface Mining Reclamation and Enforcement (OSM) to receive, review, and process your application for regulatory assistance. These procedures apply to all regulatory program grant and cooperative agreement applications.

5-210-10 How long will we take to review your application and award your grant?

We will process complete regulatory grant applications within 60 calendar days of receipt.

5-210-20 How do we review your application?

The awarding office must take the following actions. Our review may draw upon OSM programmatic, technical, and financial staff as necessary during the review process.

- A. Determine that the application is administratively complete. See Chapter [5-200](#) for the requirements for a complete application.
- B. Confirm that the requested funds are available.
- C. Make the following programmatic and financial determinations.
 1. The project objectives support your approved regulatory program.
 2. The proposed activities are appropriate to accomplish the specific program objectives.
 3. The proposed cost of the grant reflects the amount of work needed to accomplish the objectives. This review should consider prior costs for similar program expenditures by your program or similar programs.
 4. The proposed cost items and amounts are necessary and reasonable.
 - a. Costs must be eligible under Office of Management and Budget (OMB) and OSM regulations.
 - b. Costs must be essential to accomplish program objectives.
 - c. Costs must be reasonable for this particular grant. Factors to consider for reasonableness may include fair market price and regional differences in cost.

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- d. Costs must be allocable to your regulatory program.
 - 5. For personnel costs, determine that you have adequate human resources and facilities to accomplish the work under the grant.
 - a. Determine that the project personnel are qualified.
 - b. Consider the following questions.
 - (1) Are the activities to be performed eligible?
 - (2) Are the number and type of personnel proposed necessary?
 - (3) Are the personnel rates reasonable?
 - c. The pay rates proposed for the grant personnel must be consistent with the rates your organization pays for similar activities not supported by Federal assistance.
 - 6. Equipment and property items must clearly demonstrate a need which cannot be met with property you already have.
 - a. Consider the following questions.
 - (1) How long will you need the property?
 - (2) Have you considered alternatives to purchasing property, such as rental, leasing, and sharing?
 - b. You must have an adequate property management system that will ensure proper use and accountability for the requested property. Your system must be capable of producing inventory reports with equipment description, acquisition cost, current condition and fair market value.
 - 7. Travel costs must be for trips which are necessary to meet the program objectives.
 - 8. The cost items discussed here include general questions we will consider. However, we may consider additional questions for a particular application or cost. It is important not to just look at each item as a completely separate entity, but rather to see how each item contributes to the successful operation of the program. The reviewer must use sound judgment to determine the level and type of analysis that is appropriate for the type of work and amount of funding being proposed.
- E. For State regulatory Administration & Enforcement (A&E) grants, and any other agreements which require that some program costs be met with non-Federal funds, we will confirm that you will meet the match requirement.

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1. The proposed amount of non-Federal funds must meet the State's required share of the proposed program cost.
 2. A responsible State official must certify that the proposed non-Federal matching funds are available for expenditure by your program during this performance period.
 3. If the amount certified as available is not adequate, or if we are concerned that the amount certified may not be available, our awarding office will ask you for a specific description of the source of the proposed funds and when the funds will be available.
- F. Check the Excluded Parties List System (EPLS) to determine whether your organization or officials are debarred, suspended, voluntarily excluded or ineligible for Federal assistance.
- G. Confirm that you are in compliance with the single audit requirement in OMB's Circular A-133.

5-210-30 How do we process your grant award?

- A. Our awarding office will decide to approve or disapprove your application based on our review. If we approve the application, we will award your regulatory agreement. If we disapprove it, we will send you our reasons or recommendations in writing.
- B. Before the planned award, we will send information about the award to our Office of Communications for Congressional and public news release. Our awarding office must follow the notification procedure established by the Office of Communications.
- C. We must enter and approve the award in our electronic grant system. Our accounting system will then update Treasury's grant payment system to make the funds available for you to request a drawdown.
- D. We will send you the approved award document, either electronically or in hard copy.

5-210-40 How do we document our review and award process?

OSM must document its programmatic and financial findings and recommendations. The following information at a minimum must be available in the official grant file kept by the awarding office. We must include any additional supporting information as appropriate for the particular application, the recipient, the regulatory program, and the awarding office.

- A. Your application as we originally received it, all subsequent revisions to it, and any other information you sent us.
- B. Records of all meetings or telephone conversations with you about the application.
- C. All our correspondence with you about the application or the award.

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- D. All our internal reviews of the application or parts of the application. We may use this optional [Checklist](#) to document application completeness.
- E. All resolutions of questions raised during the review process.
- F. We must keep all records or explanations about the timing of the award process, especially for any time period when the awarding office could not process the grant award because they were waiting for actions outside our control, such as your responses or availability of funds.