



US Department of Education  
Washington, D.C. 20202

HI 73A250097

GRANT AWARD NOTIFICATION

10

PR/AWARD NUMBER: HI 73A250097

RECIPIENT NAME: Colorado Department of Education

TERMS AND CONDITIONS

- (1) By the drawdown of funds under this GAN, the grantee accepts that this award is subject to the requirements of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards; Title 2 CFR Part 200 as revised at 89 FR 30136-30208 (April 22, 2024).
- (2) The Office of Management and Budget requires all Federal agencies to assign a Federal Award Identifying Number (FAIN) to each of their financial assistance awards. The PR/AWARD NUMBER identified in Block 2 is your FAIN. If subawards are permitted under this grant, and you choose to make subawards, you must document the assigned PR/AWARD NUMBER (FAIN) identified in Block 2 of this Grant Award Notification on each subaward made to a subrecipient under this grant.

The term subaward means:

1) An award provided by a pass-through entity to a subrecipient for the subrecipient to contribute to the goals and objectives of the project by carrying out part of a Federal award received by the pass-through entity. It does not include payments to a contractor [See 2 CFR 200.331(a)(5)], beneficiary, or participant. A subaward may be provided through any form of legal agreement consistent with criteria in with 200.331, including an agreement the pass-through entity considers a contract. See 2 CFR 200.1.

In accordance with 2 CFR 200.331 (a), a subaward is made to a subrecipient for the purpose of carrying out a portion of the Federal award and creates a Federal financial assistance relationship with a subrecipient. Characteristics that support the classification of the entity as a subrecipient include, but are not limited to, when the entity:

- 1) Determines who is eligible to receive what Federal assistance;
- 2) Has its performance measured in relation to whether the objectives of a Federal program were met;
- 3) Has responsibility for programmatic decision-making;
- 4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and
- 5) Implements a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

- (3) Build America Buy America Act (BABAA) Grant Condition  
BABAA Domestic Content Procurement Preference Requirements

Requirement: As a condition of this award, a grantee using grant funds for infrastructure projects or activities (e.g., construction and broadband infrastructure) must comply with the following requirements:

- (1) All iron and steel used in the infrastructure project or activity are produced in the United States. Accordingly, all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- (2) All manufactured products used in the infrastructure project or activity are produced in the United States. Accordingly, the manufactured product was manufactured in the United States and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
- (3) All construction materials are manufactured in the United States. Accordingly, all manufacturing processes for the construction material occurred in the United States.

Scope: The Buy America domestic sourcing requirement only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. The requirement does not apply to

- (1) Tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project.





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(2) Equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Categorization of articles, materials, and supplies: An article, material, or supply should only be classified into one of the following categories:

- (1) Iron or steel products.
- (2) Manufactured products.
- (3) Construction materials.
- (4) Section 70917(c) materials.

An article, material, or supply should not be considered to fall into multiple categories. In some cases, an article, material, or supply may not fall under any of the categories listed above. The classification of an article, material, or supply as falling into one of the categories listed above must be made based on its status at the time it is brought to the work site for incorporation into an infrastructure project. In general, the work site is the location of the infrastructure project at which the iron, steel, manufactured products, and construction materials will be incorporated.

Application of the BABAA domestic content procurement preference by category: An article, material, or supply incorporated into an infrastructure project must meet the BABAA domestic content procurement preference for only the single category in which it is classified.

Definitions: Definitions for iron or steel products, manufactured products, and construction materials are available in 184.3 of 2 CFR Part 184 -- Buy America Preferences for Infrastructure Projects.

BABAA Section 70917(c): BABAA Section 70917(c) establishes limitation with respect to aggregates accordingly:

(1) the term construction materials shall not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

- (4) Determining the cost of components for manufactured products: In determining whether the cost of components for manufactured products is greater than 55 percent of the total cost of all components, use the following instructions:

- (1) For components purchased by the manufacturer, the acquisition cost, including transportation costs to the place of incorporation into the manufactured product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or
- (2) For components manufactured by the manufacturer, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (a), plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the manufactured product.

Construction material standards: The BABAA domestic content procurement preference applies to the following construction materials incorporated into infrastructure projects. Each construction material is followed by a standard for the material to be considered produced in the United States. Except as specifically provided, only a single standard should be applied to a single construction material.

- (1) Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.
- (2) Plastic and polymer-based products. All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.
- (3) Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.
- (4) Fiber optic cable (including drop cable). All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.





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(5) Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.

(6) Lumber. All manufacturing processes, from initial debarking through treatment and planning, occurred in the United States.

(7) Drywall. All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.

(8) Engineered wood. All manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

- (5) Waivers: Grantees may request waivers to the BABAA domestic content procurement preference requirements by submitting a Build America, Buy America Act Waiver Request Form. Pass-through entities may not approve waivers of the BABAA domestic sourcing requirements. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Office of Management and Budgets Made in America Office. For information regarding the BABAA domestic content procurement preference waiver requirements and waiver request process, see the Departments Build America Buy America Waivers (ed.gov) website and its waiver submission guidance document available here: Build America, Buy America Act Domestic Content Procurement Preference Requirements Agency Level Waivers and Grantee Waiver Request Procedures.

Records: As required under 2 CFR 200.334, a grantee must maintain financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to their infrastructure project for a period of three years from the date of submission of the final expenditure report, including all records related to the domestic sourcing of materials used in the infrastructure project(s) supported by this grant or the applicability of any agency-level waivers of the BABAA domestic content procurement preference requirements the grantee chooses to implement.

Applicable Regulations and Guidance: In addition to the regulations and guidance identified in block 8 of the grant award notification, the Build America, Buy America Act (Pub. L. No. 117-58) and 2 CFR Part 184 -- Buy America Preferences for Infrastructure Projects also apply.

Contact: If you have questions about this grant condition, please contact your Education Program contact listed in box 3 of this grant award notification. For more information, see the Department of Education's Build America Buy America Waiver website at: Build America Buy America Waivers Website (ed.gov).

- (6) The negotiated indirect cost rate or the indirect cost allocation plan approved for the entity identified in Block 1 of this GAN applies to this grant award.
- (7) WHEN ISSUING STATEMENTS, PRESS RELEASES, REQUESTS FOR PROPOSALS, BID SOLICITATIONS, AND OTHER DOCUMENTS DESCRIBING THIS PROJECT OR PROGRAMS FUNDED IN WHOLE OR IN PART WITH FEDERAL MONEY, ALL GRANTEEES RECEIVING FEDERAL FUNDS, INCLUDING BUT NOT LIMITED TO STATE AND LOCAL GOVERNMENTS, SHALL STATE CLEARLY:

- 1) THE DOLLAR AMOUNT OF FEDERAL FUNDS FOR THE PROJECT,
- 2) THE PERCENTAGE OF THE TOTAL COST OF THE PROJECT THAT WILL BE FINANCED WITH FEDERAL FUNDS, AND
- 3) THE PERCENTAGE AND DOLLAR AMOUNT OF THE TOTAL COST OF THE PROJECT THAT WILL BE FINANCED BY NON-GOVERNMENTAL SOURCES.

AS OF 07/01/97, FEDERAL FISCAL YEAR (FFY) WILL REFER TO THE YEAR THE FUNDS WERE APPROPRIATED.

- (8) UNDER THE "TYDINGS AMENDMENT," SECTION 421(b) OF THE GENERAL EDUCATION PROVISIONS ACT, 20 U.S.C. 1225(b), ANY FUNDS THAT ARE NOT OBLIGATED AT THE END OF THE FEDERAL FUNDING PERIOD SPECIFIED IN BLOCK 6 SHALL REMAIN AVAILABLE FOR OBLIGATION FOR AN ADDITIONAL PERIOD OF 12 MONTHS.



## GOVERNMENTWIDE ADMINISTRATIVE STATUTORY AND NATIONAL POLICY REQUIREMENTS FOR U.S. DEPARTMENT OF EDUCATION AWARDS

### OVERVIEW

This portion of the Grant Award Notification (GAN) Attachment describes Federal government-wide sources of laws and policies that apply to grantees and subgrantees of Federal awards issued by the U.S. Department of Education (Department).<sup>1</sup> The sources of Federal government-wide laws and policy include the U.S. Constitution, statutes, regulations, executive orders, and statements of policy.

This Attachment compiles many of the laws and policies that apply to awards; however, it is not intended to be an exhaustive list or to reproduce the full text. Some laws and policies are only applicable to awards with certain types of activities or to certain types of recipients. Additionally, Department award terms and conditions may incorporate statutes, regulations, or policies specific to an award.

Please note that some sources use different terms for grantee such as recipient. Per [34 CFR Part 77-Definitions that Apply to Department Regulations](#), the Department uses grantee to mean the legal entity to which a grant is awarded and is accountable to the Federal Government for the use of the funds provided. Subgrantee means the government or other legal entity to which a subgrant is awarded and that is accountable to the grantee for the use of the funds provided.

### APPLICABILITY OF LAWS AND POLICIES

The legal order of precedence determines the order in which laws and policies may apply to Federal awards. The following list includes examples of the types of laws and policies, and is not an exhaustive list:

- U.S. Constitution
- Program-Specific Authorizations and Appropriations
- [Single Audit Amendments Act of 1996](#)
- [Federal Funding Accountability and Transparency Act of 2006 \(FFATA\)](#)
- [Digital Accountability and Transparency Act of 2014 \(DATA Act\)](#)
- [Grant Reporting Efficiency and Agreements Transparency Act of 2019 \(GREAT Act\)](#)
- Uniform Administrative Requirements, Cost Principles, and Audit Requirements: [2 CFR Part 200](#) as adopted as regulations of the Department in [2 CFR 3474](#).
- Education Department General Administrative Regulations: 34 CFR Parts 75, 76, 77, 79, etc. (Department-specific)
  - o [34 CFR Part 75-Direct Grant Programs](#)
  - o [34 CFR Part 76--State-Administered Formula Grant Programs](#)
  - o [34 CFR Part 77-Definitions that Apply to Department Regulations](#)

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<sup>1</sup> The content in this portion of the GAN Attachment consolidates information previously included in GAN Attachments 8, 9, 11, 12, 14, 16, and Enclosure 4.



- o [34 CFR Part 79-Intergovernmental Review of Department of Education Programs and Activities](#)
  - Executive Orders
  - Office of Management and Budget Memorandum (OMB Memos)
  - Department and Program-specific guidance such as Notices Inviting Applications (NIAs), Frequently Asked Questions (FAQs), and other program announcements

#### FINANCIAL ASSISTANCE GENERAL CERTIFICATIONS AND REPRESENTATIONS

All applicants, grantees, and subgrantees of Federal financial assistance are required to register in the System for Award Management (SAM.gov) and obtain a Unique Entity Identifier (UEI) before receiving an award per [2 CFR Part 25, Unique Entity Identifier and System for Award Management](#).

Entities must be registered in SAM.gov before submitting applications, include their UEI in each application, maintain current and active registration in SAM.gov at all times during which it has an active Federal award, and review and update its information in annually as a recipient or an application under consideration by a Federal agency. The applicant or recipient must review and update its information in SAM.gov annually from the date of initial registration or subsequent updates to ensure it is current and accurate.

Grantee authorized organization representatives agree to the Financial Assistance General Certifications and Representations that are binding on every award as part of registration and annual certification in SAM.gov. However, grantees may be exempted by Federal statute or the exceptions listed in 2 CFR Part 25.110, Exemptions to this part.

When applicants register or annually recertify in SAM.gov, your authorized organization representative agreed to the Financial Assistance General Certifications and Representations (Certifications). These are binding on every award. Laws and policies identified in these Certifications are identified in this document with the statement, "See Certifications." The Certifications in SAM.gov can be found in Appendix I of the SAM.gov [Entity Registration Checklist](#) and are incorporated by reference herein.

#### LAWS AND POLICIES

This section outlines various laws and policies that may apply to Department awards (including grantees and subgrantees). It is not intended to be an exhaustive list.

Requirement	Description	Source
Cash Management	Grantees are required to manage Federal grant funds in compliance with the requirements in the Payment Integrity Information Act of 2019 (PIIA), Cash Management Improvement Act of 1990 (CMIA), and as further clarified in Department and governmentwide regulations.	<ul style="list-style-type: none"> <li>• <a href="#">Payment Integrity Information Act of 2019 (PIIA)</a></li> <li>• <a href="#">Cash Management Improvement Act of 1990 (CMIA)</a></li> </ul>



Requirement	Description	Source
Conflict of Interest	Federal agencies must establish conflict of interest policies for Federal awards and grantees and subgrantees must disclose in writing any potential conflict of interest to the Federal agency or pass-through entity in accordance with established Federal agency policies.	<ul style="list-style-type: none"> <li>• <a href="#">2 CFR Part 200.112, Conflict of interest</a></li> <li>• See Certifications</li> </ul>
Debt Collection	After providing reasonable notice, Federal agencies or pass-through entities may withhold payments to grantee or subgrantees for financial obligations incurred after a specific date until conditions are corrected or the debt is repaid to the Federal Government.	<ul style="list-style-type: none"> <li>• <a href="#">OMB Circular A-129, Policies for Federal Credit Programs and Non-Tax Receivables</a></li> <li>• See Certifications</li> </ul>
Drug-Free Workplace	Related to maintaining a drug-free workplace and notifying the awarding agency if an employee is convicted of violating a criminal drug law. Failure to follow these requirements may be cause for debarment.	<ul style="list-style-type: none"> <li>• <a href="#">Drug-Free Workplace Act (41 USC 8101-8106)</a></li> <li>• <a href="#">2 CFR Part 182, Government-Wide Requirements for Drug-Free Workplace (Financial Assistance)</a></li> <li>• See Certifications</li> </ul>
Executive Compensation Reporting	Related to requirements to report certain information on compensation for executives.	<ul style="list-style-type: none"> <li>• <a href="#">Federal Funding Accountability and Transparency Act of 2006 (FFATA)</a></li> <li>• <a href="#">2 CFR Part 170, Reporting Subaward and Executive Compensation Information</a></li> <li>• See Certifications</li> </ul>
Environmental Protections - Assess and Mitigate Environmental Impact	The National Environmental Protection Act (NEPA) includes policies to conduct reviews to assess and mitigate environmental impact. Applies to construction or major renovation activities. Does not apply to subcontractors.	<ul style="list-style-type: none"> <li>• <a href="#">National Environmental Policy Act of 1969, as amended (42 USC 4321 <i>et seq</i>)</a></li> <li>• See Certifications</li> </ul>
Fair Housing Practices	Related to protecting people from discrimination in housing under federally funded programs	<ul style="list-style-type: none"> <li>• <a href="#">Title VIII of the Civil Rights Act of 1968 (42 USC 3601 <i>et seq</i>)</a></li> <li>• See Certifications</li> </ul>
Faith-Based Organizations	Related to protections for faith-based organizations to apply and receive Federal funds without discrimination or interference with their mission. Describes limitations on the use of Federal funds.	<ul style="list-style-type: none"> <li>• <a href="#">Religious Freedom Restoration Act of 1993 (42 USC 2000bb <i>et seq</i>)</a></li> <li>• <a href="#">Executive Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations</a></li> <li>• <a href="#">Executive Order 13559, Fundamental Principles and Policymaking Criteria for</a></li> </ul>



Requirement	Description	Source
		<ul style="list-style-type: none"> <li><a href="#">Partnerships with Faith-Based and Other Neighborhood Organizations</a></li> <li><a href="#">Executive Order 13831, Establishment of a White House Faith and Opportunity Initiative</a></li> <li><a href="#">28 CFR Part 38, Partnerships with Faith-Based and Other Neighborhood Organizations</a></li> </ul>
Lobbying Disclosures	Related to requirements to disclose lobbying activities.	<ul style="list-style-type: none"> <li><a href="#">Lobbying Disclosure Act of 1995 (2 USC 1601 <i>et seq.</i> Disclosure of Lobbying Activity)</a></li> <li>See Certifications</li> </ul>
Procurement - American-Manufactured Goods	Related to required preferences for certain products and materials made in the US. Waivers may be possible.	<ul style="list-style-type: none"> <li><a href="#">Buy American Act (41 USC 8301 <i>et seq.</i>)</a></li> <li><a href="#">Build America, Buy America Act</a></li> <li><a href="#">2 CFR Part 200.322, Domestic preferences for procurements</a></li> </ul>
Procurement - Fly America Act	Related to requirements for travelers to use certified U.S. airlines for award-funded air travel.	<ul style="list-style-type: none"> <li><a href="#">49 USC 40118</a></li> <li><a href="#">41 CFR 301-10.131-143</a></li> </ul>
Procurement - Prohibition on certain telecommunications and video surveillance services or equipment	Related to restrictions on using Federal funds for telecommunications equipment produced by certain companies.	<ul style="list-style-type: none"> <li><a href="#">41 USC 3901 <i>et seq.</i></a></li> <li><a href="#">2 CFR Part 200.216</a></li> </ul>
Protections Against Discrimination	Related to protecting people from discrimination based on different criteria under Federal grants <b>and</b> programs.	<ul style="list-style-type: none"> <li><a href="#">Age Discrimination Act of 1975 (42 USC 6101 <i>et seq.</i>)</a></li> <li><a href="#">Section 504 of the Rehabilitation Act (29 USC 794)</a></li> <li><a href="#">Title VI of the Civil Rights Act (42 USC 2000d)</a></li> <li><a href="#">Church Amendments (42 USC 300a-7)</a></li> <li><a href="#">Coates-Snowe Amendment (42 USC 238n)</a></li> <li><a href="#">Title IX of the Education Amendments of 1972, as amended (20 USC 1681 <i>et seq.</i>)</a></li> <li>See Certifications</li> </ul>
Publications and Acknowledgement of Support	Describes requirement for grantees to publicly disclose when Federal funds from the Department are used in documents such as press releases, requests for proposals, and publications.	<ul style="list-style-type: none"> <li><a href="#">34 CFR 75.620(b)</a></li> </ul>



Requirement	Description	Source
Subaward Reporting	Related to requirements to report certain information on subawards.	<ul style="list-style-type: none"> <li><a href="#">Federal Funding Accountability and Transparency Act of 2006 (FFATA)</a></li> <li><a href="#">2 CFR Part 170, Reporting Subaward and Executive Compensation Information</a></li> <li>See Certifications</li> </ul>
Suspension and Debarment	Regulations restrict issuing Federal awards, subawards, and contracts to certain parties that are debarred, suspended, or otherwise excluded from receiving or participating in Federal awards.	<ul style="list-style-type: none"> <li><a href="#">2 CFR Part 180, OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)</a></li> <li><a href="#">2 CFR Part 200.214, Suspension and debarment</a></li> <li>Executive Orders <a href="#">12549</a> and <a href="#">12689</a>, Debarment and suspension</li> <li>See Certifications</li> </ul>
Trafficking Victims Protection	Related to bans providing funds to organizations involved in human trafficking.	<ul style="list-style-type: none"> <li><a href="#">Trafficking Victims Protection Act (TVPA) of 2000, as amended, (22 USC 7104(g))</a></li> <li><a href="#">2 CFR Part 175, Award Term for Trafficking in Persons</a></li> <li>See Certifications</li> </ul>
Violations of Federal Criminal Law and Civil Actions	Related to requirements to disclose certain violations of Federal criminal law.	<ul style="list-style-type: none"> <li>False Claims Act (<a href="#">31 USC 3729-3733, False claims</a> and <a href="#">31 USC 3730, Civil actions for false claims</a>)</li> <li><a href="#">Program Fraud and Civil Remedies Act (31 USC 3801 et seq)</a></li> <li>2 CFR Part 200.113, Mandatory disclosures</li> <li>See Certifications</li> </ul>
Wage Protections - Copeland Anti-Kickback Act	Related to protections that require requiring contractors to follow construction, alteration, and renovation and weekly compliance statements on the wages paid to each employee in support of Federal awards.	<ul style="list-style-type: none"> <li>Copeland Anti-Kickback Act (<a href="#">18 USC 874</a> and <a href="#">40 USC 3145</a>)</li> <li><a href="#">48 CFR 22.403, Copeland Act</a></li> </ul>
Wage Protections - Davis-Bacon Act	Related to protections that require using contractors that pay prevailing wages and benefits under awards that fund construction, alterations, or repairs.	<ul style="list-style-type: none"> <li><a href="#">The Davis-Bacon Act (40 USC 3141 et seq)</a></li> </ul>
Whistleblower Protections	Related to protecting employees from reprisal for disclosing information about violations.	<ul style="list-style-type: none"> <li><a href="#">Protection from Reprisal of Disclosure of Certain Information (41 USC 4712)</a></li> <li>See Certifications</li> </ul>



## **SPECIFIC GRANT TERMS FOR U.S. DEPARTMENT OF EDUCATION AWARDS**

### **OVERVIEW**

The U.S. Department of Education (Department) terms within this portion of the Grant Award Notification (GAN) Attachment describe grant terms specific to awards issued by the Department (ED-Specific Terms). ED-Specific Terms are applicable to all awards issued by the Department.<sup>2</sup>

### **AUTHORITIES**

[2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#)

[2 CFR Part 3474, Department of Education, Adoption of 2 CFR Part 200](#)

[34 CFR Part 75, Education, Direct Grant Programs](#)

[34 CFR Part 76, Education, State-Administered Formula Grants](#)

### **ED-SPECIFIC TERMS**

- I. Specific Grant Terms and Conditions for Financial and Performance Reports
- II. Participation of Faith-Based Organizations
- III. Written Notice of Beneficiary Protections

#### **I. SPECIFIC GRANT TERMS AND CONDITIONS FOR FINANCIAL AND PERFORMANCE REPORTS**

Financial and performance reports required for grants awarded by the U.S. Department of Education (Department), and described in this term and condition, can be accessed on the [Grant Application and Other Forms](#) page of the Department website. Governmentwide reports can be accessed on the [Post-Award Reporting Forms](#) page of the Grants.gov website.