

GRANT AGREEMENT

This **Grant Agreement** is entered into by the Internal Revenue Service, Department of the Treasury, United States of America, hereinafter referred to as IRS, and _____, and hereinafter referred to as recipient. _____ name and address of grant recipient

The recipient agrees to operate a VITA program as proposed in conformity with the requirements, terms and conditions of the following:

1. Publication 4671, VITA Grant Program Overview and Application Package;
2. The Standard Form 424, Block 21, Certifications and Assurances (Attached);
3. The Standard Form 424B, Assurances and Certifications (Attached);
4. Office of Management and Budget (OMB) Circulars A-102 and A-133 and 2 CFR Part 215 (formerly OMB Circular A-110), 2 CFR Part 220 (formerly OMB Circular A-21), 2 CFR Part 225 (formerly OMB Circular A-87), and 2 CFR Part 230 (formerly OMB Circular A-122), and Federal regulations, as applicable;
5. All additional applicable statutory requirements, and all additional applicable requirements in OMB Circulars, Department of the Treasury Circulars and Federal Management Circulars;
6. The common rule on non-procurement debarment and suspension, adopted by the Department of the Treasury (31 CFR Part 19);
7. The common rule on government-wide requirements for Drug-Free Workplace (Grants), as published in the Federal Register (54 FR 4946, January 31, 1989) and adopted by the Department of the Treasury (31 CFR Part 20).

Grant Period: The Grant Agreement covers the period from **July 1, 2010, to June 30, 2011**, pending compliance with terms and conditions as outlined. Expenses incurred before or after this period are not covered by this grant.

Maximum Amount of Funds Available from IRS:

The maximum amount of funds available from the IRS under this Grant Agreement is: _____ .
insert amount

This Grant Agreement requires that the recipient provide a dollar-for-dollar match for all funds awarded.

No additional expense reimbursements or other payments shall be made by the IRS unless the maximum amount of funds set forth above is increased in writing by the Director, Stakeholder Partnerships, Education and Communication, Wage and Investment Division, or their designee.

Approved by an Authorized Representative of the Recipient: _____ Approved for the Internal Revenue Service by: _____

Name (Please Print)

Name (Please Print)

Title (Please Print)

Title (Please Print)

Signature

Date

Signature

Date

TERMS AND CONDITIONS

1. These special terms and conditions neither restate all the provisions of the applicable statutes and regulations, nor represent an exhaustive listing of all requirements applicable to this award. Rather, they are emphasized by inclusion here because they represent areas where issues were identified or their violation would be a matter of concern.
2. The Recipient's signature on the Form 13981, Grant Agreement, signifies the agreement to all terms and conditions.
3. The Recipient is obligated to provide management and technical direction for their program and ensure that all sub-recipients adhere to the provisions established by this agreement.
4. The recipient and all sub-recipients must adopt and practice a non-discriminatory policy and practice a policy that meets all federal grant requirements.
5. Revisions to the program plan and budget must be submitted within 30 days of notification of award to the IRS Grant Program Office, Stop 420-D, 401 West Peachtree Street, NW, Atlanta, GA 30308. Changes to the budget between object class categories may be made without pre-approval when the change is 25% or less of the total award. Approval of changes greater than 25% must be requested in advance in writing and approved before the change may be made. The maximum award amount does not change.
6. The Recipient must notify IRS within 10 business days when changes in key personnel involved in the program occur.
7. The Recipient must utilize the Payment Management System, Division of Payment Management, Health and Human Services, for withdrawal and reporting of fund expenditures. Advance funds may only be withdrawn for expenditures that will be incurred within three (3) business days of the receipt of the funds. Reimbursement funds may be withdrawn at anytime for allowable, allocable, and necessary expenditures already incurred. Notification of changes in contact information for the PMS is the responsibility of the Recipient.
8. Quarterly, semi-annual, and year end reporting are required as explained in the attached Grant Reporting Requirements. Submission of accurately completed reports by the due date is required for future consideration of subsequent year grants. Extensions for filing the reports will only be granted in unusual circumstances.
9. Financial systems must identify the source and application of funds used for this program. Recipients must maintain documentation of expenditures, both federal and matching, along with all in-kind contributions from third party or sub-recipient contributors for a minimum period of three years from the end of the program period of this agreement. For recipients that utilize volunteer services as a match, information maintained must include the volunteer's name and contact information (address, phone and/or email) and daily time sheets to demonstrate work completed. If the volunteer provides services for other than the VITA program, the time must be allocated to identify the time contributed to the VITA program. Recipient must also allocate and report time for non-volunteers who serve other activities in addition to the VITA program. Time sheets must clearly delineate the amount of time an individual spends on the VITA program and on other activities. For recipients that utilize space as a match, information must be maintained on the actual dates and times the space is used and the calculated value of the space. A complete explanation as to how the valuation was determined is required. The use of per day and/or per hour costs should not exceed the fair market rental value of the space.
10. Federal funds may not be used to pay individuals for the preparation of returns, quality review and/or screening taxpayers. Individuals performing these duties in addition to site coordination, clerical support, etc. must document their time accordingly to ensure they are not paid for these activities. Where the preparation of a return, quality review and/or screening is ancillary to their paid activities, documentation is not required. For example, quality review is ancillary in the case of a site coordinator that is generally not responsible for quality review, reviews returns when the quality reviewer is delayed by traffic during one session until the quality reviewer arrives or a back up is identified. However, it is not ancillary if every Tuesday, the quality reviewer arrives one hour after the site opens, and the site coordinator assumes the role of quality reviewer during the absence each week.
11. The Recipient and all sub-recipients must utilize Form 13614-C, *Intake/Interview & Quality Review Sheet* at sites or events where federal returns are prepared.

TERMS AND CONDITIONS – continued

12. The Recipient and all sub-recipients must adhere to all Quality Site Requirements as explained in Publication 1084, *IRS Volunteer Site Coordinator's Handbook*.
13. IRS may terminate this agreement for reasons of default or failure of the recipient to perform its obligations under this agreement, as well as for malfeasance, illegal conduct, and/or management practices by the recipient that jeopardize the ethical operations and implementation of this agreement. In any of the above cases, IRS will notify the recipient in writing of its intent to terminate the agreement and the causes for such a decision. IRS will provide seven days for the recipient to respond in writing.
14. The Recipient or any sub-recipient agrees that no federal funds will be provided to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries as sub-grantees, subcontractors or other sub-recipients consistent with section 511 of Division E of the Consolidated Appropriations Act, 2010, Pub. L. No. 111-117 (guidance enclosed).
15. The Recipient agrees to remain tax compliant (file all required federal returns and information reporting documents and pay all federal taxes) during the period of this grant. This does not restrict the Recipient's use of established processes for contesting assessments.
16. The Recipient agrees to comply with the requirements included in the addendum to these terms and conditions.

TERMS AND CONDITIONS ADDENDUM

1. Reporting Subawards and Executive Compensation.

a. Reporting of first-tier subawards.

1. Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).
2. Where and when to report.
 - i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsr.gov>.
 - ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
3. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsr.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—
 - i. the total Federal funding authorized to date under this award is \$25,000 or more;
 - ii. in the preceding fiscal year, you received—
 - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:
 - i. As part of your registration profile at <http://www.ccr.gov>.
 - ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—
 - i. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:
 - i. To the recipient.
 - ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- i. Subawards,
and
- ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:
 - i. A Governmental organization, which is a State, local government, or Indian tribe;
 - ii. A foreign public entity;
 - iii. A domestic or foreign nonprofit organization;
 - iv. A domestic or foreign for-profit organization;
 - v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
2. Executive means officers, managing partners, or any other employees in management positions.
3. Subaward:
 - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
 - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
4. Subrecipient means an entity that:
 - i. Receives a subaward from you (the recipient) under this award; and
 - ii. Is accountable to you for the use of the Federal funds provided by the subaward.
5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - i. Salary and bonus.
 - ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
 - v. Above-market earnings on deferred compensation which is not tax-qualified.
 - vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

II. Central Contractor Registration and Universal Identifier Requirements**a. Requirement for Central Contractor Registration (CCR)**

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

b. Requirement for Data Universal Numbering System (DUNS) Numbers

If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph c of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.
2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

c. Definitions

For purposes of this award term:

1. Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR Internet site (currently at <http://www.ccr.gov>).
2. Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).
3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
 - i. A Governmental organization, which is a State, local government, or Indian Tribe;
 - ii. A foreign public entity;
 - iii. A domestic or foreign nonprofit organization;
 - iv. A domestic or foreign for-profit organization; and
 - v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
4. Subaward:
 - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
 - iii. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.
5. Subrecipient means an entity that:
 - i. Receives a subaward from you under this award; and
 - ii. Is accountable to you for the use of the Federal funds provided by the subaward.

GRANT REPORTING REQUIREMENTS

The Recipient is responsible for ensuring reports are timely and accurately filed throughout the grant period and until close out of the grant. The following reports and reporting dates apply to the 2011 VITA Grant.

Item	Description	Method	Period	Due Date
1.	FFR Cash Transaction Report (Standard Form 425). This is used for reporting quarterly financial information. The FFR Cash Transaction Report is due within 30 days after the quarter ends.	File electronically through the DPM	7/1/2010-12/31/2010	1/30/2011
2.	Subaward Reporting – See Terms and Conditions Addendum	www.fsrs.gov	See www.fsrs.gov	End of the following month
3.	Site Establishment Report - List of all sites opened or planned to open under the grant. Note: Complete the VITA Target Audience worksheet in the VITA Grant 2011 Workbook available on the VITA Grant web page at irs.gov.	Due to IRS	Filing Season 2011	1/31/2011
4.	FFR Cash Transaction Report (SF425)	See item 1	7/1/2010-3/31/2011	4/30/2011
5.	FFR Cash Transaction Report (SF425)	See item 1	7/1/2010-6/30/2011	7/30/2011
6.	FFR Cash Transaction Report (SF425) Note: If all funds are not withdrawn by 9/30/2011 continued quarterly reporting is required.	See item 1	7/1/2010-9/30/2011	10/30/2011
7.	FFR Financial Status Report covers the entire grant period. It is due 90 days after the end of the grant period.	File electronically through the DPM	7/1/2010-6/30/2011	9/30/2011
8.	Standard Form PPR, Performance Progress Report, Standard Form PPR-A, Performance Measures and Standard Form PPR-B, Program Indicators, Final Program Plan Narrative, Final Budget Detail Explanation and VITA Target Audience spreadsheet.	Due to IRS	7/1/2010-6/30/2011	9/30/2011

Extensions will be granted for filing reports only in unusual circumstances. This extension applies to reports due to the Grant Program Office. Recipients may request an extension but it must be submitted in writing at least five business days prior to the due date and grantee must receive written response confirming the extension **before the due date.**

Note: The Grant Program Office cannot grant extensions for Payment Management System reports or sub award reporting.

Organization	Division of Payment Management	Internal Revenue Service, Grant Program Office
Internet	www.dpm.psc.gov	www.irs.gov, key word search VITA Grant
Mail	5600 Fishers Lane - 11-33 11th Floor - Head House Wing Rockville, MD 20857	Stop 420-D 401 West Peachtree Street, NW Atlanta, GA 30308
Hours of Operation	7:00 am to 9:00 pm ET (except Federal Holidays)	8:00 am to 4:00 pm ET (except Federal Holidays)
Phone	877.614.5533	404.338.7894
Fax	301.443.8362	404.338.7646
Email	pmssupport@psc.gov	grant.program.office@irs.gov

Once IRS or DPM support personnel are assigned to your account, please update the above contact information.