



**Michigan's
Nonpoint Source
Program**

Nonpoint Source Grant Condition: Consultant Fee Cap

Grant Conditions are requirements the U.S. EPA adds to the award of our federal Clean Water Act Section 319 Grant. We must, in turn, require many of these same conditions of our grantees. The Consultant Fee Cap Condition also applies to CMI grants and other funds used to match the federal 319 Grant.

The following clause or similar language will be included in all Nonpoint Source federal grants and all grants that match a federal grant:

The salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule, available at: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>, to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices).

Subagreements with firms for services which are awarded using the procurement requirements in Subpart D of 2 CFR 200 are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 2 CFR 1500.9.

Note that the consultant cap is expected to change each year in January. The NPS Program will notify current Nonpoint Source Program grantees by email as the rates change.