

Department of Agriculture

§415.4

be adequately justified that a non-competitive award is in the best interest of the Government and necessary to the accomplishment of the goals of the program. Reasons for considering non-competitive awards may include, but are not necessarily limited to, the following:

- (1) Nonmonetary awards of property or services;
- (2) Awards of less than \$75,000;
- (3) Awards to fund continuing work already started under a previous award;
- (4) Awards which cannot be delayed due to an emergency or a substantial danger to health or safety;
- (5) Awards when it is impracticable to secure competition; or
- (6) Awards to fund unique and innovative unsolicited applications.

[79 FR 75982, Dec. 19, 2014, as amended at 85 FR 72912, Nov. 16, 2020]

Subpart B—Miscellaneous

§415.2 Acknowledgement of USDA Support on Publications and Audiovisuals.

(a) *Definitions.* (1) “Audiovisual” means a product containing visual imagery or sound or both. Examples of audiovisuals are motion pictures, live or prerecorded radio or television programs, slide shows, filmstrips, audio recordings, and multimedia presentations.

(2) “Production of an audiovisual” means any of the steps that lead to a finished audiovisual, including design, layout, script-writing, filming, editing, fabrication, sound recording or taping. The term does not include the placing of captions for the hearing impaired on films or videotapes not originally produced for use with the hearing impaired.

(3) “Publication” means a published book, periodical, pamphlet, brochure, flier, or similar item. It does not include any audiovisuals.

(b) *Publications.* Recipients shall have an acknowledgement of USDA awarding agency support placed on any publications written or published with grant support and, if feasible, on any publication reporting the results of, or describing, a grant-supported activity.

(c) *Audiovisuals.* Recipients shall have an acknowledgement of USDA awarding agency support placed on any audiovisual which is produced with grant support and which has a direct production cost to the recipient of over \$5,000. Unless the other provisions of the grant award make it apply, this requirement does not apply to:

(1) Audiovisuals produced as research instruments or for documenting experimentation or findings and not intended for presentation or distribution to the general public.

(2) [Reserved]

(d) *Waivers.* USDA awarding agencies may waive any requirement of this section.

Subpart C—Intergovernmental Review of Department of Agriculture Programs and Activities

§415.3 Purpose.

(a) The regulations in this part implement Executive Order 12372, “Intergovernmental Review of Federal Programs”, issued July 14, 1982, and amended on April 8, 1983. These regulations also implement applicable provisions of section 401 of the Intergovernmental Cooperation Act of 1968 and section 204 of the Demonstration Cities and Metropolitan Development Act of 1966.

(b) These regulations are intended to foster an intergovernmental partnership and a strengthened Federalism by relying on State processes and on State, areawide, regional and local coordination for review of proposed Federal financial assistance and direct Federal development.

(c) The regulations are intended to aid the internal management of the Department, and are not intended to create any right or benefit enforceable at law by a party against the Department or its officers.

§415.4 Definitions.

As used in this part, the following definitions apply:

Department means the U.S. Department of Agriculture.

Order means Executive Order 12372, issued July 14, 1982, and amended April