

NOTICE OF FUNDING OPPORTUNITY EXECUTIVE SUMMARY

- **Federal Agency Name:** Economic Development Administration (EDA or the Agency), U.S. Department of Commerce (DOC).
- **Federal Funding Opportunity Title:** FY 2021 American Rescue Plan Act Economic Adjustment Assistance Notice of Funding Opportunity (NOFO) (ARPA EAA NOFO).
- **Announcement Type and Date:** ARPA EAA NOFO announcement publishing EDA's application submission requirements and application review procedures under EDA's EAA program, as authorized by sections 209 and 703 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121 *et seq.*) (PWEDA). **Effective date:** July 22, 2021.
- **Funding Opportunity Number:** EDA-2021-ARPAEAA
- **Catalog of Federal Domestic Assistance (CFDA) Number:** 11.307, Economic Adjustment Assistance
- **Dates:** There are no application submission deadlines. Applications will be accepted on an ongoing basis until the publication of a new ARPA EAA NOFO, cancellation of this ARPA EAA NOFO, or all available funds have been expended.

While EDA encourages eligible applicants to submit their applications as soon as possible, EDA strongly advises eligible applicants to submit complete applications no later than **March 31, 2022** so that EDA can review and process the application in time to get a potential award in place prior to deadlines imposed by Congress. **Submission by March 31, 2022 is not a guarantee of funding.** Any award is subject to the availability of funds. See Section E of this ARPA EAA NOFO regarding EDA's review process.

- **Eligible Applicants:** Pursuant to section 3(4) of PWEDA (42 U.S.C. § 3122(4)(A)) and 13 C.F.R. § 300.3 (Eligible Recipient), eligible applicants under the EAA program include a(n): (i) District Organization of an EDA-designated Economic Development District (EDD); (ii) Indian Tribe or a consortium of Indian Tribes; (iii) State, county, city, or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions; (iv) institution of higher education or a consortium of institutions of higher education; or (v) public or private non-profit organization or association acting in cooperation with officials of a general purpose political subdivision of a State.

Under the EAA program, EDA is not authorized to provide grants or cooperative agreements to individuals or to for-profit entities. Requests from such entities will not be considered for funding.

- **Funding Opportunity Description:** Subject to the availability of funds, awards made under this NOFO will help communities and regions devise and implement long-term economic recovery strategies through a variety of non-construction and construction projects to assist communities and regions impacted by the coronavirus pandemic.

FULL ANNOUNCEMENT TEXT

FY 2021 EDA American Rescue Plan Act Economic Adjustment Assistance Notice of Funding Opportunity

- A. Program Description 4
 - 1. Overview and Program Information4
 - 2. EDA Investment Priorities8
 - 3. Statutory Authorities for EDA’s Programs8
 - 4. What Is Resilience?8

- B. Federal Award Information..... 9
 - 1. What Funding Is Available Under this Announcement?9
 - 2. Initial EDA Regional Office Allocations9
 - 3. What Type of Funding Instrument Will Be Used to Make Awards? How Long Will a Project’s Period of Performance Be? 10

- C. Eligibility Information 10
 - 1. Eligible Applicants10
 - 2. Applicable Disaster Declaration and Responsiveness to the Coronavirus Pandemic 11
 - 3. Cost Sharing or Matching 11

- D. Application Submission Information 12
 - 1. Address to Request Application Package 13
 - 2. Content and Form of Application Submission..... 13
 - 3. Submission Dates and Times22
 - 4. Intergovernmental Review23
 - 5. Pre-award Costs24
 - 6. Other Submission Requirements24

- E. Application Review Information..... 24
 - 1. Review and Selection Process.....25
 - 2. Grants Officer’s Decision28
 - 3. Federal Awardee Performance and Integrity Information System (FAPIS) Review29

- F. Federal Award Administration Information..... 29
 - 1. Federal Award Notification.....29
 - 2. Administrative and National Policy Requirements.....30
 - 3. DOC Financial Assistance Standard Terms and Conditions and EDA Standard Terms and Conditions for RLF and Construction Projects30
 - 4. DOC Pre-Award Notification Requirements30
 - 5. Reporting.....30

- G. Federal Awarding Agency Contacts 31
 - Atlanta Regional Office31**

Austin Regional Office	32
Chicago Regional Office	33
Denver Regional Office	33
Philadelphia Regional Office	34
Seattle Regional Office	35
<u>H. Other Information</u>	36
1. Right to Use Information	36
2. Publication of Applications and Freedom of Information Act Disclosure	36
3. Notice of Government-Wide Procurement Restriction.....	37
4. Past Performance and Non-Compliance with Award Provisions.....	37
5. Certifications Required by Annual Appropriations Acts for Corporations and for Awards over \$5 Million.....	37
6. EDA’s Non-Relocation Policy.....	38
7. Audit Requirements	38
8. Implementing the Americans with Disabilities Act (ADA).....	39
9. Fraud Awareness Training	39
<u>I. Instructions for Application Submission via Grants.gov</u>	39
1. Register Early and Submit Early.....	39
2. AOR Requirement.....	40
3. Field Limitations and Special Characters	41
4. Verify That Your Submission Was Successful	41
5. Grants.gov Systems Issues	42

A. Program Description

1. Overview and Program Information

a. Overview

EDA's mission is to lead the Federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. Through this ARPA EAA NOFO, EDA aims to assist communities and regions impacted by the coronavirus pandemic, including historically underserved communities. The pandemic has caused, and continues to cause, economic injury to U.S. communities and regions in devastating and unprecedented ways.

EDA's ARPA EAA NOFO is designed to provide a wide-range of financial assistance to communities and regions as they respond to, and recover from, the economic impacts of the coronavirus pandemic, including long-term recovery and resilience to future economic disasters. Under this announcement, EDA solicits applications under the authority of the Economic Adjustment Assistance (EAA) program, which is flexible and responsive to the economic development needs and priorities of local and regional stakeholders. This is the broadest NOFO EDA is publishing under ARPA and any eligible applicant from any EDA Region may apply. EDA expects to fund a number of projects under this NOFO that support communities negatively impacted by the downturn in the coal economy, supporting transitioning away from coal.

b. EAA Program Information

Through the EAA program, EDA provides investments that support a wide range of non-construction and construction activities in regions experiencing severe economic dislocations, such as those brought about or exacerbated by the coronavirus pandemic. Through this program, EDA can support both the development of pandemic recovery strategies and the implementation of recovery projects identified with those strategies. This includes construction activities such as water and sewer system improvements, industrial parks, high-tech shipping and logistics facilities, business incubators and accelerators, brownfield redevelopment, technology-based facilities, wet labs, multi-tenant manufacturing facilities, science and research parks, workforce training facilities, and telecommunications infrastructure (e.g., broadband) and development facilities. This also includes non-construction activities such as design and engineering, technical assistance, economic recovery strategy development, and capitalization of revolving loan funds (RLFs).

Note that this ARPA EAA NOFO is intended to fund non-construction and construction activities not already part of another NOFO promulgated by EDA to implement the American Rescue Plan Act. In particular, if a specific non-construction or construction project is part of the Build Back Better Regional Challenge NOFO it will only be considered under this ARPA EAA NOFO to the extent that the Build Back Better Regional Challenge package of projects was not selected. If an applicant has inadvertently applied to the incorrect NOFO, or if a Build Back Better Regional Challenge package is not selected, EDA in its discretion may move the project to the more appropriate NOFO. Indigenous communities are eligible to apply under any ARPA

NOFO, though EDA may in its discretion move applications between this NOFO and the Indigenous Communities NOFO.

In EDA’s experience with post-disaster recovery, the most effective rebuilding efforts are based on long-term regional development or redevelopment strategies that leverage Federal funding in coordination with state, local, and private sector resources. For this reason, EDA encourages the submission of applications based on long-term, regionally oriented, coordinated, and collaborative economic development or redevelopment strategies that foster economic growth and resilience. This includes plans aimed at building stronger regional economic links between urban centers and rural areas.

It is important that investments support the economic recovery through strong employment opportunities for workers, including but not limited to opportunities for workforce development, rehiring of laid off workers, and creating and retaining union jobs and well-paying jobs with good benefits. Moreover, it is important that investments in infrastructure and construction projects be carried out in ways that produce high-quality infrastructure, avert disruptive and costly delays, and promote efficiency. EDA understands the importance of promoting workforce development and encourages recipients to ensure that construction projects use strong labor standards, including project labor agreements and community benefit agreements that offer wages at or above the prevailing rate and include local hire provisions to promote effective and efficient delivery of high-quality infrastructure projects, as well as the economic recovery. Using these practices in construction projects may help to ensure a reliable supply of skilled labor that would minimize disruptions, such as those associated with labor disputes or workplace injuries.

Prospective applicants should note that section C sets out eligibility criteria for applications, and only applications meeting the eligibility criteria will be considered. EDA will evaluate and select applications according to the evaluation criteria set forth in section E.

EDA may make changes or additions or cancel the ARPA EAA NOFO at any time. All changes will be communicated via Grants.gov.

c. Assistance to Coal Communities

EDA expects \$200 million of the funds under this NOFO to go to communities negatively impacted by changes in the coal economy. Like other communities across the country, the coronavirus pandemic exacerbated preexisting economic distress and highlighted the need for implementation projects and activities in these communities,¹ such as those that:

¹ In general, EDA will consider applications for projects in communities and regions where the primary coal economy contraction “event” (e.g., closure of a coal mine or a coal-fired power plant, closure of various coal economy supply chain businesses, etc.) took place within 15 years of the application submission date. Note, this timeframe is a range during which projects will generally be eligible; applicants may propose projects outside this timeframe, but should take special care to demonstrate that the primary coal economy contraction “event” continues to tangibly impact the community.

- Will produce multiple economic and workforce development outcomes, such as promoting regional economic growth and diversification, new job creation, and re-employment opportunities for displaced coal economy workers; and
- Are specifically identified under local and regional economic development plans that have been collaboratively produced by diverse local and regional stakeholders.

“Coal economy” is a term that reflects the complete supply chain of coal-reliant industries.² This includes, but is not limited to: coal mining, coal-fired power plants, along with related transportation, logistics, and supply chain manufacturing. Applicants should submit information as part of their application demonstrating that the project is in or directly benefits a coal community (discussed below in section D.2.a). Examples of the types of acceptable data that applicants can use to demonstrate the negative impacts of local and/or regional coal industry contractions include (and are not limited to) economic indicators, labor market analyses, official announcements made by local and regional industries and firms, demographic, and industry data.

d. Workforce Development

Potential grantees considering projects to develop or support regional workforce training systems should submit proposals under the EDA ARPA Jobs Challenge NOFO, unless that project requires a construction activity not eligible under the Jobs Challenge NOFO. Projects to develop or support regional workforce training systems that require a construction activity are encouraged to apply to this NOFO. For any project that seeks workforce development funding under this NOFO, EDA strongly encourages the applicant to follow and incorporate the principles outlined in the Jobs Challenge NOFO around creating and implementing an employer-driven job training system.

e. Strategy Grants

In addition to implementation projects, applicants may also seek funding in the form of a “strategy grant” to develop, update, or refine a statewide Comprehensive Economic Development Strategy (CEDS) or multi-jurisdictional CEDS that incorporates the needs of multiple Economic Development Districts.³ Such a CEDS must aim to alleviate long-term economic deterioration or prepare strategies for dealing with future sudden or severe economic dislocations, including future pandemics, as described in EDA’s regulations at 13 C.F.R. § 307.3.⁴ Depending on the needs of a state or region, applicants may be eligible for an initial

² Examples of supply chain industries include, but are not necessarily limited to, manufacturers of mining equipment and parts for coal-fired power plants and transportation companies that carry coal.

³ Under the CARES Act, EDA provided funds for Economic Development Districts to update current CEDS to reflect strategies to recover from the pandemic. Any CEDS work funded under this NOFO as described in this paragraph must be unique from that previously funded work.

⁴ The regulations implementing the EAA program may be found at 13 C.F.R. part 307. Please note that section 307.3 of EDA’s regulations describes the differences between an EAA implementation grant and an EAA strategy grant. See also 42 U.S.C. § 3149(b)(2) (EAA planning project is not required to be carried out in an area with a CEDS or be consistent with an existing CEDS).

strategy grant and a subsequent implementation grant. EDA will consider applications submitted by eligible applicants located in or acting on behalf of the region(s) to be covered by the CEDS.⁵

f. Ineligible Projects

Some projects are generally ineligible under this NOFO, including projects that are primarily residential in nature, projects to create community amenities (e.g., swimming pools, zoos, recreational centers), projects that support casinos or gaming, projects that support general governmental or public safety functions (e.g., buildings to house municipal government, firehouses, public safety equipment), and requests for funding to supplement operating budgets or replace lost revenue (including lost tax revenue). In addition, EDA will not fund projects that are primarily directed at public health responses to the coronavirus pandemic (e.g., testing or vaccination centers, increased hospital capacity, acquisition of PPE for general government use or public distribution); however, incidental public health costs may be included in project budgets (e.g., the cost of PPE for personnel providing technical assistance, larger spaces to accommodate social distancing, increased travel costs to accommodate pandemic safety measures). Applicants who are unsure whether their proposed project is eligible under this NOFO should consult the appropriate EDA Regional Office Point of Contact (POC) listed in section G.

Funds may not be used, directly or indirectly as an offset for other funds, to support or oppose collective bargaining.

g. CEDS Alignment

Except for a strategy grant as described above, each project funded under EAA must be consistent with the region's current CEDS or an equivalent EDA-accepted regional economic development strategy meeting EDA's CEDS or strategy requirements. In accordance with 13 CFR § 303.7(c)(1), in certain circumstances EDA may accept a non-EDA-funded CEDS that does not contain all the elements EDA requires of a CEDS.⁶ Applicants must detail how the proposed project will support the economic development needs and objectives outlined in the CEDS or equivalent strategy, and provide a copy of this planning document, either by attaching the document to the application or providing a web link for the document. In addition, applicants should indicate if other Federal funds have been secured or requested to support any portion of the project for which an EDA investment is proposed. Applicants should describe how the EDA investment will complement, leverage, or otherwise align with other public and private investments to accomplish the planned deliverables and outcomes. Where other Federal funding may be involved in the project, the applicant should provide the Federal program name and

⁵ A subsequent implementation grant can be either construction or non-construction. A non-construction implementation grant might be to provide technical assistance to local businesses better position themselves to survive future economic shocks or workforce training to local residents to better position them to find in-demand jobs.

⁶ In doing so, EDA shall consider the circumstances surrounding the application for investment assistance, including emergencies or natural disasters and the fulfillment of the requirements of section 302 of PWEDA.

contact information with the application to facilitate interagency coordination and avoid duplication of resources.

2. EDA Investment Priorities

All projects considered for EDA funding under this ARPA EAA NOFO must be consistent with EDA's Recovery and Resilience Investment Priority. Applicants may also demonstrate that a project is consistent with any of EDA's other Investment Priorities and may be considered more competitive as a result. EDA's Investment Priorities are located at <https://www.eda.gov/about/investment-priorities/>. The priorities may be updated from time to time. Any future revisions will be reflected on EDA's website on January 15, April 15, July 15, or October 15 of each year.

3. Statutory Authorities for EDA's Programs

The statutory authority for the EAA program is section 209 of PWEDA (42 U.S.C. § 3149). The statutory authorization of supplemental appropriations for economic disaster recovery activities is section 703 of PWEDA (42 U.S.C. § 3233). Additional programmatic authority is provided by the American Rescue Plan Act of 2021 (Pub. L. 117-2).

Applicant eligibility and program requirements are set forth in EDA's regulations (codified at 13 C.F.R. Chapter III), and all applicants must address these requirements. EDA's regulations are accessible at the Electronic Code of Federal Regulations website at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>. Under "Browse," select "Title 13 – Business Credit and Assistance", then "Go", then "300-399".

4. What Is Resilience?

In terms of economic development, resilience is broadly defined as the ability of a community or region to anticipate, withstand, and bounce back from various disruptions to its economic base. These disruptions can be caused by a variety of things, including a downturn in the national or local economy as a result of the pandemic. Enhancing resilience in the face of the pandemic, especially in light of the ongoing impacts of a changing climate, is a multi-dimensional effort emphasizing engagement and support from all aspects of the community, including economic development practitioners. Some examples include:

- Efforts to broaden the industrial base or local sectoral specialization with diversification initiatives (e.g., moving away from a local or regional economy overly dependent on one industry that might be susceptible to downturns caused by the pandemic);
- Enhancing business retention and expansion programs to strengthen existing high-growth sectors and industries, development and construction of high-performance and resilient infrastructure and buildings (e.g., broadband, energy, flexible and natural infrastructure, safe development practices, business incubators) to mitigate future risk and vulnerability;
- Comprehensive planning efforts that involve extensive engagement from the community to define and implement a collective vision for economic recovery; and
- Investing and enhancing community human capital development through workforce training to broaden the skills base of the regional workforce.

The development and adoption of new technologies can also play a vital role in strengthening economic resilience: deploying technologies (e.g., through modern infrastructure like broadband and renewable energy) enables resilience in the face of natural disasters made worse by pandemics and changing climates, and nurturing technology ecosystems supports dynamic, diverse economies that better withstand acute disruptions.

Resilience (within the context of economic development) is strengthened when it includes methods and measures to mitigate the potential for future economic injury, promote a faster “up-time” for economic anchors (e.g., key businesses and/or industries), and strengthen local and regional capacity to troubleshoot and address vulnerabilities within the regional economy. As noted above, to be competitive under this ARPA EAA NOFO, application submissions must explicitly incorporate resilience principles. Additional information about this subject is available at <https://www.eda.gov/ceds/content/economic-resilience.htm>.

B. Federal Award Information

1. What Funding Is Available Under this Announcement?

Under the American Rescue Plan Act of 2021 (Pub. L. 117-2), Congress provided EDA with \$3,000,000,000, to remain available until September 30, 2022, to “prevent, prepare for, and respond to coronavirus and for necessary expenses for responding to economic injury as a result of coronavirus.” Of the \$3 billion in appropriated funds, this NOFO specifically provides \$500,000,000 for non-construction and construction EAA work, with \$200,000,000 of those funds going to communities negatively impacted by the downturn in the coal economy, supporting transitioning away from coal.

Consistent with the above, EDA has allocated \$500,000,000 in EAA program funds under this ARPA EAA NOFO among its six Regional Offices, as described below in section B.2. If an applicant is awarded funding, neither DOC nor EDA is under any obligation to provide any future funding in connection with that award or to make any future award(s). Amendments or renewals of an award to increase funding or to extend the period of performance are at the sole discretion of DOC and EDA.

Publication of this announcement does not obligate DOC or EDA to award any specific grant or cooperative agreement or to obligate all or any part of available funds. The award of any grant is subject to the availability of funds at the time of award as well as to DOC priorities at the time of award. Neither DOC nor EDA will be held responsible for application preparation costs. EDA anticipates funding approximately 300 non-construction and construction projects that cost between approximately \$500,000 and \$5,000,000 with this appropriation, though EDA will consider applications above and below these amounts.

2. Initial EDA Regional Office Allocations

Based on the total level of economic injury of the States and Territories as a result of the pandemic as measured by change in economic activity, EDA has allocated \$500,000,000 in supplemental program funds among its offices as follows:

Atlanta Regional Office – \$100,630,929
Austin Regional Office – \$63,792,927
Chicago Regional Office – \$82,721,967
Denver Regional Office – \$59,183,266
Philadelphia Regional Office – \$134,304,116
Seattle Regional Office – \$59,366,794

Note: When appropriate, EDA may exercise its discretion to adjust the allocations to its offices or adjust the total amount available under this NOFO and other American Rescue Plan Act NOFOs based on its experience in administering the supplemental appropriations to ensure funds are used to maximum effect or to adjust to unforeseen changes in recovery efforts.

3. What Type of Funding Instrument Will Be Used to Make Awards? How Long Will a Project’s Period of Performance Be?

Funding Instrument: Subject to the availability of funds, EDA may award grants or cooperative agreements to eligible applicants. EDA will award a cooperative agreement on a case-by-case basis if substantial agency involvement is required. For a cooperative agreement, the nature of EDA’s “substantial involvement” (to be included in the terms and conditions of the award) will generally be collaboration between EDA and the recipient on the scope of work. However, other possible examples of EDA’s “substantial involvement” may include, but are not limited to: (i) authority to halt immediately an activity if detailed performance specifications are not met; (ii) stipulation that the recipient must meet or adhere to specific procedural requirements before subsequent stages of a project may continue; (iii) involvement in the recipient’s selection of key personnel; and (iv) operational involvement and monitoring during the project to ensure compliance with statutory requirements.

Period of Performance: Under the EAA program, the project period of performance depends on the nature of the project for which the grant or cooperative agreement is awarded. Typically, economic recovery strategy grants and non-construction implementation projects may range in duration from 12 to 24 months. Implementation grants involving construction of project facilities and infrastructure generally are expected to range from 12 to 48 months. EDA will work closely with award recipients to accommodate their projected timelines within reason and allowances of regulations and grant policies. EDA expects that all projects will proceed efficiently and expeditiously, and EDA encourages applicants to document specifically when they will be able to start and complete the proposed project scope of work. **EDA’s American Rescue Plan appropriations are available for making awards through September 30, 2022, though performance under the award may extend to no later than September 30, 2027.**

C. Eligibility Information

1. Eligible Applicants

Eligible applicants for EDA EAA investment assistance include a(n):

- a. District Organization;

- b. Indian Tribe or a consortium of Indian Tribes;
- c. State,⁷ county, city, or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions;
- d. Institution of higher education or a consortium of institutions of higher education; or
- e. Public or private non-profit organization or association acting in cooperation with officials of a political subdivision of a State.⁸

2. Applicable Disaster Declaration and Responsiveness to the Coronavirus Pandemic

EDA has determined that economic injury from the coronavirus pandemic constitutes a “Special Need,” and eligibility may be established on that basis without reference to the other economic distress criteria. This determination of nationwide eligibility for these funds is consistent with the March 13, 2020 emergency declaration for the coronavirus disease 2019 (COVID-19) pandemic pursuant to the Stafford Act for all states, tribes, territories, local governments, and the District of Columbia (<https://www.fema.gov/disasters/coronavirus/disaster-declarations#>).

EDA has further determined that due to the pervasive nature of the economic impacts of the coronavirus pandemic, any construction or non-construction project that would address those impacts by creating or retaining jobs, or increasing the economic diversity or resiliency of a region, is eligible for funding. For example, an infrastructure project that creates new jobs in a region is responsive to the requirement that the funds be spent to respond to “economic injury as a result of coronavirus.”

3. Cost Sharing or Matching

a. EDA Investment Rate

For EDA’s American Rescue Plan, given the extent of the economic impact and in accordance with the agency’s statutory authority under section 703 of PWEDA (42 U.S.C. § 3233), EDA generally expects to fund at least 80%, and up to 100%, of eligible project costs. In determining whether to fund a project’s Federal share above 80%, EDA’s Grants Officers in the applicable Regional Office will consider on a case-by-case basis whether the circumstances of the proposed project warrant a Federal share in excess of 80%, including whether the applicant has exhausted its effective taxing or borrowing capacity, the extent of the economic impact of the coronavirus pandemic on the region, or whether the region meets other thresholds for elevated need based on the relative economic distress of the region. Applicants that submit projects with increased levels of match may be considered more competitive. Additionally, EDA may establish a maximum investment rate of up to 100% for projects of Indian Tribes. Any portion of the costs for the EDA

⁷ Under section 3(10) of PWEDA (42 U.S.C. § 3122), the term “State” includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

⁸ See section 3 of PWEDA (42 U.S.C. § 3122) and 13 C.F.R. § 300.3.

scope of work funded below 100% must be borne by the recipient or provided to the recipient by a third party as a contribution for the purposes of and subject to the terms of the award.

b. Documentation of Cost Sharing or Matching

The applicant must document that the matching share will: (i) be committed to the project for the period of performance, (ii) be available as needed, and (iii) not be conditioned or encumbered in any way that may preclude its use consistent with the requirements of EDA investment assistance.⁹ To meet these requirements, applicants must submit for each source of the matching share a commitment letter, board resolution, or equivalent document signed by an authorized representative of the organization providing the matching funds.

Additional documentation may be requested by EDA to substantiate the availability of the matching funds. Please contact the appropriate EDA Regional Office Point of Contact (POC) listed in section G of this ARPA EAA NOFO with questions regarding EDA's matching share requirements.

Documented in-kind contributions may provide the required non-Federal Share of the total project cost, but they must be eligible project costs and meet applicable Federal cost principles and uniform administrative requirements. Examples of in-kind contributions can include space, equipment, services, or forgiveness or assumptions of debt.¹⁰ Funds from other Federal financial assistance awards may be considered matching share funds only if authorized by statute, which may be determined by EDA's reasonable interpretation of the statute.¹¹

Applicants are *strongly encouraged* to work with the appropriate POC listed in section G of this ARPA EAA NOFO to determine how in-kind contributions may be utilized to satisfy the matching share requirement for their application.

D. Application Submission Information

All submissions under this ARPA EAA NOFO are subject to the below review process.

An applicant **must submit a complete application**, as detailed in section D.2.a of this ARPA EAA NOFO, to be considered for funding. EDA intends to review an application expeditiously upon receipt of the **complete application**. EDA may seek additional information or documentation from the applicant to clarify information presented in the application. Please see section E of this ARPA EAA NOFO for more information on EDA's review and selection process.

EDA strongly encourages applicants to consult with the appropriate POC listed in section G to discuss whether their project is in alignment with EDA's Investment Priorities as well as EDA's eligibility requirements, cost-sharing requirements, property standards, and other requirements

⁹ See 13 C.F.R. § 301.5.

¹⁰ See section 204(b) of PWEDA (42 U.S.C. § 3144) and the definition of "In-Kind Contribution" at 13 C.F.R. § 300.3.

¹¹ See the definition of "Local Share or Matching Share" at 13 C.F.R. § 300.3. See also 2 C.F.R. § 200.306.

outlined in this ARPA EAA NOFO. EDA staff are also available to provide technical assistance on application preparation requirements. This consultation is limited to clarification of technical matters involving their proposed project, project alignment with EDA's mission and EDA's Investment Priorities, and all other relevant and publicly available information relating to general technical matters.

1. Address to Request Application Package

An electronic version of the application for this ARPA EAA NOFO may be obtained at Grants.gov using Funding Opportunity Number "EDA-2021-ARPAEAA". To accommodate applicants' accessibility requirements, a paper version of the application may be obtained by contacting the appropriate POC listed in section G of this NOFO. Please see section I. below for instructions on submitting an application through Grants.gov.

All applicants must apply through Grants.gov unless they request and receive authorization to submit a paper application package by contacting the appropriate POC listed in section G.

2. Content and Form of Application Submission

The tables in section D.2.a below describe the EDA and Federal grant assistance forms and other documentation required for a complete application for each type of assistance EDA will provide under this ARPA EAA NOFO. The tables may serve as a checklist for applicants in preparing their submissions.

All relevant forms must be signed electronically by the applicant's Authorized Organizational Representative (AOR); please see section I.2 of this ARPA EAA NOFO for information on AOR requirements. The preferred electronic file format for attachments is Adobe PDF; however, EDA will accept electronic files in Microsoft Word or Microsoft Excel formats. EDA will not accept paper, facsimile or email transmissions of applications except as described below in section D.3. Please refer to important information on submitting your application provided in section D.3.

All documentation and data submitted should be current and applicable as of the date submitted. Applicants are encouraged to contact the appropriate POC listed in section G for technical assistance before submitting an application. EDA staff members are available to provide applicants with technical assistance regarding application requirements. Additionally, EDA may contact the applicant to clarify application materials received.

a. What is required for a complete application?¹²

The following table provides a complete list of documents required for a complete application based on the type of EDA assistance: construction, design and engineering (without a construction component), non-construction, and RLF.¹³

Applications for **construction assistance** (including applications for design and engineering with construction activities) must include:

1. **One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.
2. **One Form SF-424C** (Budget Information—Construction Programs) per project.
3. **One Budget Narrative** per project that identifies and justifies how funds in each line item of the budget (Form SF-424C) will be used to support the proposed project. The Budget Narrative should specifically address each budget line item (including both the Federal Share and matching non-Federal Share), and the narrative total should match the total project costs listed in both the SF-424 question 18 line g and SF-424C (“Total Project Costs”). This includes describing any other Federal funds that have been secured or requested to support the project (see section A.1). The Budget Narrative should include itemized valuations of any in-kind matching funds. The non-Federal Share, whether in cash or in-kind, is expected to be paid out at the same general rate as the Federal Share; however, if the applicant’s Budget Narrative proposes otherwise, applicants must also include information that indicates what project elements the matching share funds will support and explain why deviation from paying out at the same general rate is required for the project to be implemented. *Please note: In lieu of a separate Budget Narrative, this information may be included in the Preliminary Engineering Report as required by section C of the ED-900C.
4. **One Form SF-424D** (Assurances—Construction Programs) from each co-applicant, as applicable.
5. **One Form ED-900** (General Application for EDA Programs) per project.
 - In section B.2, explain whether and if so how the project will incorporate strong labor standards, including project labor agreements and community benefit agreements, that offer wages at or above the prevailing rate and include local

¹² In the event of discrepancies between instructions provided in any of the forms and this ARPA EAA NOFO, the requirements for complete applications as stated in this ARPA EAA NOFO will control.

¹³ EDA may temporarily waive certain application requirements if the applicant demonstrates that it cannot meet a requirement in a timely fashion because of the impact of the disaster. Applicants are advised to reach out to their appropriate POC listed in section G for more information on this temporary waiver. See 13 C.F.R. § 302.2 (“When non-statutory EDA administrative or procedural conditions for Investment Assistance awards under PWEDA cannot be met by an Eligible Applicant as a result of a disaster, EDA may waive such conditions”).

hire provisions, and a description of the applicant's workforce plans and practices.

- In section B.6, explain how the proposed project would meet EDA's Recovery and Resilience investment priority, which all American Rescue Plan projects are expected to meet. You may also explain in this space how the proposed projects will meet any of EDA's other investment priorities.
 - In section B.8, explain the steps that you will take to ensure that the economic benefits of the project will be shared by all communities in the project region, including any underserved communities. Your explanation should address the communities affected, barriers those communities may face in accessing benefits of the project, contemplated outreach efforts, and other planned steps to address identified barriers, as appropriate.
 - In section C.1, if applicable provide information demonstrating that the project is in or directly benefits a coal community.
6. **One Form ED-900A** (Additional EDA Assurances for Construction or Non-Construction Investments) from each co-applicant, as applicable.
 7. **One Form ED-900B** (Beneficiary Information Form) from each beneficiary of the proposed project, as applicable.
 8. **One Form ED-900C** (EDA Application Supplement for Construction Programs) and accompanying supporting documentation, e.g., Preliminary Engineering Report.
 9. **One Form ED-900E** (Calculation of Estimated Relocation and Land Acquisition Expenses).
 10. **Documentation of Matching Share** for each matching share source, such as a commitment letter, board resolution, proof of bonding authority, or similar document, as applicable. This should be attached to Form ED-900 (section B.10.d of the form).
 11. **An environmental narrative** that will enable EDA to comply with its NEPA responsibilities. A narrative outline that details required components may be accessed in EDA's website at: <https://eda.gov/files/programs/eda-programs/Environmental-Narrative-Template-and-Application-Certification-Clause.docx>.
 12. **One Applicant's Certification Clause** (see Appendix A to the environmental narrative noted above) completed separately and signed by each co-applicant, as applicable.
 13. **One Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.

14. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, if applicable. Form SF-LLL is only required if the applicant has retained a registered lobbyist in conjunction with the proposed project.

15. **Map of project site.**

Applications for **design and engineering assistance only** (without a construction component) must include:

1. **One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.
2. **One Form SF-424C** (Budget Information—Construction Programs).
3. **One Budget Narrative** that identifies and justifies how funds in each line item of the budget (Form SF-424C) will be used to support the proposed project. The Budget Narrative should specifically address each budget line item (including both the Federal Share and matching Non-Federal Share), and the narrative total should match the total project costs listed in both the SF-424 question 18 line g and SF-424C (“Totals”). This includes describing any other Federal funds that have been secured or requested to support the project (see section A.1). The Budget Narrative should include itemized valuations of any in-kind matching funds. The non-Federal Share, whether in cash or in-kind, is expected to be paid out at the same general rate as the Federal Share; however, if the applicant’s Budget Narrative proposes otherwise, applicants must also include information that indicates what project elements the matching share funds will support and explain why deviation from paying out at the same general rate is required for the project to be implemented.
4. **One Form SF-424D** (Assurances—Construction Programs) from each co-applicant, as applicable, unless as part of the registration process for SAM (see section D.2.d. below) each co-applicant has already completed the assurances for non-construction programs. In that case, each co-applicant must inform EDA that this was completed in SAM.
5. **One Form ED-900** (General Application for EDA Programs).
 - In section B.6, explain how the proposed project would meet EDA’s Recovery and Resilience investment priority, which all American Rescue Plan projects are expected to meet. You may also explain in this space how the proposed projects will meet any of EDA’s other investment priorities.
 - In section B.8, explain the steps that you will take to ensure that the economic benefits of the project will be shared by all communities in the project region, including any underserved communities. Your explanation should address the communities affected, barriers those communities may face in accessing benefits of the project, contemplated outreach efforts, and other planned steps to address identified barriers, as appropriate.

- In section C.1, if applicable provide information demonstrating that the project is in or directly benefits a coal community.
6. **One Form ED-900A** (Additional EDA Assurances for Construction or Non-Construction Investments) from each co-applicant, as applicable.
 7. **One Form ED-900D** (Requirements for Design and Engineering Assistance).
 8. **Documentation of Matching Share** for each matching share source, such as a commitment letter, board resolution, proof of bonding authority, or similar document, as applicable. This should be attached to Form ED-900 (section B.10.d of the form).
 9. **An environmental narrative** that will enable EDA to comply with its NEPA responsibilities. A narrative outline that details required components may be accessed in EDA’s website at: <https://eda.gov/files/programs/eda-programs/Environmental-Narrative-Template-and-Application-Certification-Clause.docx>.
 10. **One Applicant’s Certification Clause** (see Appendix A to the environmental narrative noted above) completed separately and signed by each co-applicant, as applicable.
 11. **One Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.
 12. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, if applicable. Form SF-LLL is only required if the applicant has retained a registered lobbyist in conjunction with the proposed project.

Applications for **non-construction assistance** must include:

1. **One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.
2. **One Form SF-424A** (Budget Information—Non-Construction Programs).
3. **One Budget Narrative** that identifies and justifies how funds in each line item of the budget (Form SF-424A) will be used to support the proposed project. The Budget Narrative should specifically address each budget line item (including both the Federal Share and matching non-Federal Share), and the narrative total should match the total project costs listed in both the SF-424 question 18 line g and SF-424A (“Totals”). This includes describing any other Federal funds that have been secured or requested to support the project (see section A.1). The Budget Narrative should include itemized valuations of any in-kind matching funds. The non-Federal Share, whether in cash or in-kind, is expected to be paid out at the same general rate as the Federal Share; however, if the applicant’s Budget Narrative proposes

otherwise, applicants must also include information that indicates what project elements the matching share funds will support and explain why deviation from paying out at the same general rate is required for the project to be implemented.

4. **One Form ED-900** (General Application for EDA Programs).¹⁴
 - In B.6, explain how the proposed project would meet EDA’s Recovery and Resilience investment priority, which all American Rescue Plan projects are expected to meet. You may also explain in this space how the proposed projects will meet any of EDA’s other investment priorities.
 - In section B.8, explain the steps that you will take to ensure that the economic benefits of the project will be shared by all communities in the project region, including any underserved communities. Your explanation should address the communities affected, barriers those communities may face in accessing benefits of the project, contemplated outreach efforts, and other planned steps to address identified barriers, as appropriate.
 - In section C.1, if applicable provide information demonstrating that the project is in or directly benefits a coal community.
5. **One Form ED-900A** (Additional EDA Assurances for Construction or Non-Construction Investments) from each co-applicant, as applicable.
6. **Documentation of Matching Share** for each matching share source, such as a commitment letter, board resolution, proof of bonding authority, or similar document, as applicable. This should be attached to Form ED-900 (section B.10.d of the form).
7. **One Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.
9. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, if applicable. Form SF-LLL is only required if the applicant has retained a registered lobbyist in conjunction with the proposed project.

Applications for **RLF assistance** must include:

1. **One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.
2. **One Form SF-424A** (Budget Information—Non-Construction Programs).
3. **One Budget Narrative** that identifies and justifies how funds in each line item of the budget (Form SF-424A) will be used to support the proposed project. The

¹⁴ Applicants seeking a strategy grant should note this information as part of their response to section B.2 of the form.

Budget Narrative should specifically address each budget line item (including both the Federal Share and matching non-Federal Share), and the narrative total should match the total project costs listed in both the SF-424 question 18 line g and SF-424A (“Totals”). This includes describing any other Federal funds that have been secured or requested to support the project (see section A.1). The Budget Narrative should include itemized valuations of any in-kind matching funds. The non-Federal Share, whether in cash or in-kind, is expected to be paid out at the same general rate as the Federal Share; however, if the applicant’s Budget Narrative proposes otherwise, applicants must also include information that indicates what project elements the matching share funds will support and explain why deviation from paying out at the same general rate is required for the project to be implemented.

4. **One Form ED-900** (General Application for EDA Programs).
 - In section B.6, explain how the proposed project would meet EDA’s Recovery and Resilience investment priority, which all American Rescue Plan projects are expected to meet. You may also explain in this space how the proposed projects will meet any of EDA’s other investment priorities.
 - In section B.8, explain the steps that you will take to ensure that the economic benefits of the project will be shared by all communities in the project region, including any underserved communities. Your explanation should address the communities affected, barriers those communities may face in accessing benefits of the project, contemplated outreach efforts, and other planned steps to address identified barriers, as appropriate.
 - In section C.1, if applicable provide information demonstrating that the project is in or directly benefits a coal community.
5. **One Form ED-900A** (Additional EDA Assurances for Construction or Non-Construction Investments) from each co-applicant, as applicable.
6. **One Form ED-900F** (Supplement for Revolving Loan Fund Applications).
7. **Documentation of Matching Share** for each matching share source, such as a commitment letter, board resolution, proof of bonding authority, or similar document, as applicable. This should be attached to Form ED-900 (section B.10.d of the form).
8. **A draft RLF plan** that addresses all components required by EDA’s regulation at 13 C.F.R. § 307.9.
9. **One Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.
10. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, if applicable. Form SF-LLL is only required if the applicant has retained a registered lobbyist in conjunction with the proposed project.

In addition, **an application to support a business incubator**, technology or other type of incubator or accelerator, regardless of the type of assistance being requested (i.e., construction or non-construction) must also include:

- i. A feasibility study establishing the market demand for the specific start-up companies proposed for incubation (technology, general business, bio-tech, manufacturing, etc.), presence of necessary resources, and community support for the incubator;
- ii. Documentation with detailed demonstration that the applicant has the financial capacity to operate the incubator facility (if applicable) and reach a positive cash flow within a reasonable period of time, which EDA generally expects to be three years; *and*
- iii. A management plan for operation of the incubator that, *at a minimum*, includes a/an:
 - (a) *Tenant/client selection policy* that includes a description of the types of businesses sought and any established selection criteria;
 - (b) *Tenant lease or license agreement* (if applicable) that enumerates the shared services to be provided; delineates the incubator's business assistance policy, including the provision of management, technical, and training assistance, and the incubator's graduation policy; and establishes periodic access to the tenant's business records to permit assessment of the financial and operational viability of the tenant's business;
 - (c) *Business assistance policy* that outlines the various types of assistance that the incubator will provide to start-up firms, including how the incubator will support tenants/clients with access to capital needed to grow their businesses successfully;
 - (d) *Staffing plan* that details the talent and resources that will be dedicated to supporting the start-up companies accepted into the incubator;
 - (e) *Tenant graduation policy* that is documented as a provision of the tenant lease or license agreement (if applicable) with clear requirements for tenant graduation from the facility or services of the incubator; and
 - (f) *Incubator performance plan* that includes how the incubator will track the success of incubator tenants/clients, specifically identifying what performance measurement data the incubator proposes to collect from tenants/clients and for what period of time during and after the service period the data will be collected. This should also include members of any oversight or policy board for the incubator that will be responsible for setting performance goals of the incubator, selecting or approving selections of staff, establishing and reviewing policy, and monitoring performance.

Any applicant that proposes a project to support an incubator is *strongly encouraged* to contact the appropriate POC listed in section G to clarify technical matters involving their proposed project.

For projects that were not selected for funding under the CARES Act and applicants would like EDA to carry forward the application unchanged into this NOFO consistent with the process described below in section E.1.d., applicants must submit a letter to EDA requesting the project be reviewed under this NOFO. The letter must also contain a certification that the project is unchanged and match remains available as originally provided in the application.

b. Environmental and Historic Preservation Requirements

All applicants for EDA construction assistance (including design and engineering assistance) are required to provide adequate environmental information. Each application will be reviewed by EDA for compliance with the National Environmental Policy Act (NEPA) of 1969, as amended. During the NEPA review process, applicants may be instructed to contact the designated State and/or Tribal Historic Preservation Officer (SHPO/THPO), provide approvals from other governmental agencies, or provide more detailed environmental information. EDA, after compliance with requirements for consultation with Federally-recognized Indian Tribes, may require applicants to participate in Tribal consultation, as necessary. The implementing regulations of NEPA require EDA to provide public notice of the availability of project-specific environmental documents, such as environmental impact statements, environmental assessments, findings of no significant impact, and records of decision, to the affected public. For further guidance and information, please contact the appropriate Regional Environmental Officer listed in section G. Applicants will be notified of any changes to these requirements via Grants.gov.

c. Copy of Negotiated Indirect Cost Rate Agreement (if applicable)

As noted in EDA's Standard Terms and Conditions for Construction Projects (Construction ST&Cs), indirect costs are generally not applicable to construction awards.

If indirect costs are included in the budget for non-construction projects, the applicant must include documentation to support the indirect cost rate it is using (unless claiming the 10 percent de minimis indirect cost rate, discussed below). For most applicants, this will entail the submission of a copy of its current, approved negotiated indirect cost rate agreement (NICRA). The maximum dollar amount of allocable indirect costs for which EDA will reimburse a recipient is the lesser of the (i) line-item amount for the Federal Share of indirect costs contained in the EDA approved budget for the award, or (ii) the Federal Share of the total allocable indirect costs of the award based on either (a) the indirect cost rate approved in the NICRA, provided that the NICRA is approved on or before the award end date, or (b) other acceptable documentation as indicated below.

If the applicant does not have a current or pending NICRA, it may propose indirect costs in its budget; however, the applicant must prepare and submit an allocation plan and rate proposal for approval within 90 days from the award start date (unless claiming the 10 percent de minimis indirect cost rate, discussed below). See 2 C.F.R. part 200 Apps. III, IV, V, VI, VII for guidance. The allocation plan and the rate proposal must be submitted to EDA's Office of Regional Affairs (or applicable cognizant Federal agency). If the applicant chooses to pursue this option, it should

include a statement in its Budget Narrative that it does not have a current or pending NICRA and will submit an allocation plan and rate proposal to EDA or the applicant's cognizant Federal agency for approval.

In accordance with 2 CFR § 200.414(f), an applicant that does not have a current negotiated (including provisional) rate, may elect to charge a de minimis rate of 10 percent of modified total direct costs (unless the applicant is a state or local unit of government that receives less than \$35 million in direct federal funding per year, discussed below). No documentation is required to justify the 10 percent de minimis indirect cost rate; however, an applicant electing to charge a de minimis rate of 10 percent must include a statement in its Budget Narrative that it does not have a current negotiated (including provisional) rate and is electing to charge the de minimis rate.

Note that if the applicant is a State or local unit of government that receives less than \$35,000,000 in direct Federal funding per year it may submit any of the following:

- i. A Certificate of Indirect Costs from the Department of the Interior (DOI) or EDA;
- ii. Acknowledgment received from EDA and Certificate of Indirect Costs in the form prescribed at 2 C.F.R. pt. 200, app. VII;
- iii. Cost Allocation Plan approved by a Federal agency (note that cost allocation plans or indirect cost rates approved by state agencies are not acceptable); or
- iv. NICRA.

d. Unique Entity Identifier and System for Award Management (SAM)

To enable the use of a universal identifier and to enhance the quality of information available to the public as required by the Federal Funding Accountability and Transparency Act of 2006, applicants are required to: (i) be registered in SAM before submitting an application; (ii) provide a valid unique entity identifier in the application; (iii) make certain certifications (see also section H.5 of this NOFO); and (iv) continue to maintain an active SAM registration with current information at all times during which they have an active federal award or an application or plan under consideration by a federal awarding agency. EDA may not make a federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the EDA is ready to make an award, EDA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making an award to another applicant. Recipients will be subject to reporting requirements, as identified in OMB guidance published at 2 C.F.R. parts 25 and 170.

3. Submission Dates and Times

There are no application deadlines under this ARPA EAA NOFO. EDA plans to accept applications on a rolling basis subject to the availability of funds. EDA's American Rescue Plan appropriations are available for making awards through September 30, 2022 therefore, EDA strongly advises eligible applicants to submit complete applications at least by **March 31, 2022** so that EDA can review and process the application in time to get a potential award in place. **Submission of a complete application by March 31, 2022 is not a guarantee of funding.**

EDA’s American Rescue Plan appropriations are available for making awards through September 30, 2022 though performance under the award may extend to no later than September 30, 2027. EDA may cancel or withdraw the ARPA EAA NOFO at any time.

a. Electronic Submission.

EDA accepts electronic submissions of applications through Grants.gov. EDA will not accept paper, facsimile, or email transmissions of applications except as provided below.

Once an application is submitted, it undergoes a validation process through Grants.gov during which the application may be accepted or rejected by the system. Please be advised that the validation process may take 24 to 48 hours to complete. Applications that contain errors will be rejected by Grants.gov and will not be forwarded to EDA for review. The applicant must correct any errors before Grants.gov will accept and validate the application.

Please see section I of this ARPA EAA NOFO for more detailed instructions and information on the requirements for submitting applications electronically via Grants.gov.

b. Alternatives to Electronic Submission.

If an applicant is unable to submit an application electronically for reasons beyond the control of the applicant, EDA, in its sole discretion, may **pre-approve in writing** submission via an alternate method (e.g., email).

4. Intergovernmental Review

Applications submitted under this ARPA EAA NOFO are subject to the requirements of Executive Order (EO) 12372, “Intergovernmental Review of Federal Programs,” if a State has adopted a process under EO 12372 to review and coordinate proposed Federal financial assistance and direct Federal development (commonly referred to as the “single point of contact review process”). All applicants whose primary service areas fall within one or more such States must give State and local governments a reasonable opportunity to review and comment on the proposed Project, including review and comment from area-wide planning organizations in metropolitan areas.¹⁵ To find out more about a State’s process under EO 12372, applicants may contact their State’s Single Point of Contact (SPOC). Names and addresses of some States’ SPOCs are listed at <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>. Question 19 of Form SF-424 allows applicants to demonstrate compliance with EO 12372.

An applicant seeking funding for a construction project or RLF grant under the EAA program that is not a State, Indian Tribe, or general purpose local governmental authority must afford the appropriate general purpose local governmental authority in the project region a minimum of 15 days to review and comment on the proposed project, and provide with its application a statement of its efforts to seek comments and either (i) a copy of the comments received and a

¹⁵ As provided for in 15 C.F.R. part 13.

statement of any actions to address those comments or (ii) a statement that no comments were received.

5. Pre-award Costs

In general, EDA does not reimburse pre-award project costs. Applicants that need such reimbursement should work closely with the appropriate POC to determine if their pre-award costs may be considered for reimbursement. For contracted pre-award costs to be eligible for reimbursement, the applicant must competitively procure services pursuant to the Federal government's procurement procedures. All pre-award costs are incurred at an applicant's own risk and will be considered for reimbursement, in EDA's sole discretion, only if an applicant receives an award and such costs are approved by EDA in writing. Under no circumstances will EDA or DOC be held responsible for application preparation expenditures, which are distinguished from pre-award project costs.

6. Other Submission Requirements

After EDA reviews an application, EDA may contact the applicant to request any necessary additional documentation to clarify or substantiate submitted application materials, depending on the type of project proposed. Examples of additional documentation may include, but are not limited to, title verification, documentation of the value of in-kind contributions, evidence all funding is available and committed to the project, or documentation required for environmental or legal compliance. This additional documentation will be required to ensure the proposed project complies with all applicable rules and regulations prior to EDA's issuance of an award. EDA will provide applicants a reasonable amount of time to provide any additional documentation. Failure to provide complete and accurate supporting documentation in a timely manner when requested by EDA may result in the denial of an application.

EDA may, at its discretion, make changes or additions to this ARPA EAA NOFO. All changes will be communicated on [Grants.gov](https://www.Grants.gov).

E. Application Review Information

Throughout the review and selection process, EDA reserves the right to seek clarification in writing from applicants whose application packages are being reviewed. This may include reaching out to applicants and proposing they seek funding under a different EDA program or other Federal financial assistance program under which they may be more competitively assessed. EDA may additionally ask applicants to clarify application materials, objectives, and work plans, or modify budgets or other specifics necessary to comply with Federal requirements. After applications are reviewed during the Competitiveness Review but before the Investment Review Committee as those processes are described below, EDA will screen applications to verify that all required forms are complete and all required documentation is included. Applications that do not contain all elements listed in section D.2.a will not be reviewed.

As discussed further in the sections below, the review and selection process will consist of a Competitiveness Review and an Investment Review Committee.

1. Review and Selection Process

a. Competitiveness Review (CR)

For construction and non-construction projects, except proposals for preparation or revision of a CEDS, EDA will conduct a Competitiveness Review (CR).

In CR, each Regional Office will review the ED-900, budget narrative, and match documentation. This review will be conducted by at least two EDA staff members. This CR team will review each application against the evaluation criteria described below. Applications that the two reviewers agree fail any of the listed criteria will be deemed “Not Competitive” and will not receive further consideration.¹⁶ Projects that pass all criteria will be deemed “Competitive” and will advance to a full merit review by an Investment Review Committee (described below). Grants for the preparation or revision of a CEDS are not subject to CR.

The CR team will use the following criteria, each of which is pass or fail:

- i. Whether the project is responsive to this NOFO, including whether the proposed project budget is consistent with EDA’s funding guidelines;
- ii. The project’s demonstrated alignment with EDA’s current Investment Priorities as outlined at <https://www.eda.gov/about/investment-priorities/> and described in section A.2;
- iii. The availability and committed nature of proposed matching funds;
- iv. The project’s alignment with the regional CEDS or other CEDS equivalent EDA-accepted economic development strategy; and
- v. The likelihood that the project is capable of starting quickly and the immediacy of its impacts, as well as the likelihood that it will be completed before September 30, 2027, including based on the applicant’s organizational, financial, and management capacity.

b. Investment Review Committee (IRC)

For projects deemed Competitive after the CR, and all proposals for preparation or revision of a CEDS, each EDA Regional Office will convene periodic IRCs consisting of at least three EDA staff members. The IRC will make a group evaluation of the merits of each application based on the extent to which the application meets the program-specific award and application requirements.

For construction and non-construction projects, except proposals for preparation or revision of a CEDS, the IRC will use the following criteria in its review, with each criterion receiving equal weight:

¹⁶ If the reviewers do not agree whether an application passes a particular criterion, the application will be deemed to have met that criterion for purposes of CR.

- i. The extent to which the project is responsive to the needs of communities caused by the coronavirus pandemic, including long-term economic recovery and economic diversification;
- ii. The extent to which the project is resilient to future pandemics or other sudden and severe economic dislocations described in section A.4 (e.g., closures of major local employers, climate change);
- iii. The project's feasibility;
- iv. The project's sustainability/durability, including the extent to which the project demonstrates support from regional stakeholders (private, public, and non-profit entities, etc.) and is aligned with and integrated into other public or private investments currently ongoing or planned for the community and region;
- v. The degree of economic distress experienced in the project region, including the economic impact of the coronavirus pandemic;
- vi. The project's demonstrated ability to foster job creation and retention, including whether the project will create union and well-paying jobs with good benefits.
- vii. The project's demonstrated ability to promote private investment in the regional economy;
- viii. Whether, and the extent to which, the applicant proposes to incorporate strong labor protections into the performance of the project; and
- ix. The extent to which the application articulates a plan for ensuring that the project's benefits are shared across all affected communities. Although not required, EDA encourages efforts to reach historically underserved areas, rural areas, minority populations, and women.

For proposals to prepare or revise a CEDS, the IRC will use the following criteria in its review, with each criterion receiving equal weight:

- i. The quality of the proposed scope of work for the development, implementation, revision, or replacement of a strategic or economic development recovery, mitigation, or resilience plan;
- ii. The project's potential to increase the capacity of the community or region to promote job creation, private investment in the regional economy, and resilience to pandemics or other sudden and severe economic dislocations;
- iii. The project's feasibility and the likelihood that the project will achieve its projected outcomes;
- iv. The project's demonstrated alignment with EDA's current Investment Priorities as outlined at <https://www.eda.gov/about/investment-priorities/> and described in section A.2;
- v. The ability of the applicant to successfully implement the proposed project;

- vi. The extent to which the project demonstrates support from regional stakeholders (private, public, and non-profit entities, etc.); and
- vii. The extent to which the project articulates a plan for ensuring that the needs of all affected communities are considered in strategy development, including by providing opportunities for meaningful participation by those communities in strategy development, and the extent to which the project demonstrates the capacity to account for the unique needs of historically underserved areas and populations.

Note: Throughout the application review and selection process, strategy grants will be evaluated independently from all other applications and will be reviewed based on the above specified strategy grants evaluation criteria.

Based on its consideration of the above factors, the IRC will prepare funding recommendations for the respective Regional Director. The IRC will prepare a ranking or other categorization of applications (e.g., fund, don't fund, or carry forward) to assist the Regional Director in making funding decisions. EDA's final decision on whether to fund a project is dependent upon the ability of the applicant to provide sufficient documentation of the project's compliance with applicable rules and regulations.

EDA intends to provide applicants written notification of the collective outcome of the CR and IRC expeditiously after receipt of their **complete application**. Applications for complex or large dollar value projects may require a longer review time.

c. Due Diligence

If the IRC recommends an application for funding, the applicant still may have to complete certain due diligence requirements before EDA can make an award. After an applicant has been notified that its application has been recommended by the IRC, EDA may request that the applicant submit additional documents and information to allow EDA to fully evaluate compliance with applicable rules and regulations.

For example, in the case of construction projects, such additional due diligence may include:

- i. Title verification (e.g., proof of project ownership);
- ii. Documentation of matching funds; and
- iii. Documentation required for environmental or legal compliance. This may include, but is not limited to: 404 Clean Water Act permits from the U.S. Army Corps of Engineers and accompanying environmental documentation (environmental assessment or environmental impact statement), Phase I and Phase II environmental assessments, state environmental assessment documentation (for compliance with state environmental statutes such as the Massachusetts Environmental Policy Act (MEPA) or the California Environmental Quality Act (CEQA)), archeological and biological surveys, and proof of coordination with resource agencies.

If the applicant provides the requested information and supporting documentation in a timely fashion and EDA determines the project is fully compliant with applicable rules and regulations,

the application will be forwarded to the Grants Officer for a final decision and award approval. Applicants that do not provide the additional information and supporting documentation in a timely fashion or who are deemed not to be in compliance with applicable rules and regulations will receive notification their application was not successful.

d. Consideration of Applications Submitted under the FY 2020 CARES Act Addendum

EDA received many more applications than it could fund under the Coronavirus Aid, Relief, and Economic Security Act Recovery Assistance Addendum to the FY 2020 Public Works and Economic Adjustment Assistance Notice of Funding Opportunity (CARES Act Addendum). Upon request of a declined applicant and certification by that applicant that the project remains unchanged (including provision of match), EDA will consider previously declined CARES Act Addendum applications under this ARPA EAA NOFO. Instructions for requesting reconsideration of declined applications are provided above in section D.2. Applicants do not need to reapply if the application is unchanged. EDA will reevaluate such carried forward applications using the selection criteria and program objectives of this NOFO as described above under the investment priorities and CR and IRC review sections, and will evaluate such carried forward applications and new applications received under the ARPA EAA NOFO together in the same competitive pool on a rolling basis.

2. Grants Officer's Decision

Applications recommended by the IRC, and also deemed fully compliant with applicable rules and regulations, will be forwarded to the Regional Director, who is designated the Grants Officer under this ARPA EAA NOFO. Each Regional Director has been delegated final authority regarding funding of applications and may select a project for funding that differs from the IRC's recommendations based on any of the following selection factors:

- i. The extent to which the application meets the overall objectives of section 2 of PWEDA (42 U.S.C. § 3121);
- ii. The extent to which resilience, as defined in section A.4, is integrated into the project scope of work;
- iii. To promote broad and equitable access to EDA assistance, the amount of EDA funding the applicant has received in the current or prior three federal fiscal years under any EDA Notice of Funding Opportunity;
- iv. The applicant's performance under previous Federal financial assistance awards, including whether the grantee submitted required performance reports and data;
- v. The availability of program funding;
- vi. Whether the project supports communities negatively impacted by the downturn in the coal economy;
- vii. The extent to which the project supports EDA's goals of geographic balance in distribution of program funds, project types, organizational type (to include

smaller and rural communities and organizations) and the overall portfolio;
and

viii. The relative economic distress of the area.

The Regional Director's final decision must be consistent with EDA's and DOC's published policies. Any time a Regional Director makes a selection that differs from the IRC's recommendation, the Regional Director will document the rationale for the decision in writing.

3. Federal Awardee Performance and Integrity Information System (FAPIIS) Review

EDA, prior to making a Federal award with a total amount of Federal Share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS). See 41 U.S.C. § 2313.

Each applicant, at its option, may review information in the designated integrity and performance system accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. EDA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.206.

F. Federal Award Administration Information

1. Federal Award Notification

If an application is selected for funding the EDA Grants Officer will issue the award (Form CD-450), which is the authorizing financial assistance award document and includes Specific Award Conditions and, as applicable, the DOC Financial Assistance Standard Terms and Conditions (DOC ST&Cs), the EDA Revolving Loan Fund Financial Assistance Award Standard Terms and Conditions (RLF ST&Cs), or the EDA Standard Terms and Conditions for Construction Projects (Construction ST&Cs), as described in section F.3, below.

By signing Form CD-450, the applicant agrees to comply with all award provisions. EDA will provide Form CD-450 via the award package to the applicant's authorized representative. The applicant's representative must sign and return the Form CD-450 without modification within 30 calendar days of the date of EDA's signature on the form.

If an applicant is awarded funding, neither DOC nor EDA is under any obligation to provide any additional future funding in connection with that award or to make any future award(s). Amendment or renewal of an award to increase funding or to extend the period of performance is at the discretion of DOC and EDA.

EDA will notify unsuccessful applicants in writing to the applicant's authorized representative. EDA will retain unsuccessful applications in accordance with EDA's record retention schedule.

2. Administrative and National Policy Requirements

Recipients of an EDA award will be bound by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) as set forth in 2 C.F.R. part 200.

3. DOC Financial Assistance Standard Terms and Conditions and EDA Standard Terms and Conditions for RLF and Construction Projects

For all projects, EDA will apply the DOC ST&Cs applicable on the date of award. The DOC ST&Cs may be accessed at: <https://www.commerce.gov/oam/policy/financial-assistance-policy>.

For RLF awards, in addition to the DOC ST&Cs, EDA will apply the EDA RLF ST&Cs. The RLF ST&Cs may be accessed at: <https://www.eda.gov/tools/grantee-forms/>.

For construction awards, in addition to the DOC ST&Cs, EDA will apply the Construction ST&Cs. The Construction ST&Cs may be accessed at <https://www.eda.gov/tools/grantee-forms/>.

4. DOC Pre-Award Notification Requirements

DOC will apply the Pre-Award Notification Requirements for Grants and Cooperative Agreements effective December 26, 2014, 79 Fed. Reg. 78,390. The Pre-Award Notice may be accessed at the Government Printing Office (GPO) website at <http://www.gpo.gov/fdsys/pkg/FR-2014-12-30/pdf/2014-30297.pdf>.

5. Reporting

a. Financial, Performance, and Impact Reports

All recipients are required to submit financial, progress, and impact reports in accordance with the terms and conditions of the grant award, generally no less than semi-annually. All project progress and financial reports must be submitted to the applicable EDA program officer in an electronic format to be determined at the time of award.

b. Federal Funding Accountability and Transparency Act of 2006

The Federal Funding Accountability and Transparency Act of 2006 includes a requirement for awardees of applicable Federal grants to report information about first-tier subawards¹⁷ and executive compensation under Federal assistance awards issued in FY 2011 or later. All

¹⁷ A first-tier subaward means an award provided by the recipient to a subrecipient for the subrecipient to carry out as part of a Federal award.

awardees of applicable grants and cooperative agreements are required to report to the Federal Subaward Reporting System (FSRS) available at www.FSRS.gov on all subawards over \$30,000. Please see the OMB guidance published at 2 C.F.R. part 170.

c. Government Performance and Results Act

EDA will require additional data on activities, outputs, and actual impact of the funded investment, in part to fulfill the requirements of the Government Performance and Results Act (GPRA). EDA anticipates that recipients will be expected to track their engagement activities within the scope of work, with project beneficiaries, and other project stakeholders. EDA further anticipates recipients will be expected to collect data, using surveys of beneficiaries or clients if necessary, on the outputs and outcomes of their activities, such as the number of strategic plans or economic development tools developed, the number of new business partnerships formed, or the range of new capabilities acquired. EDA plans to collect this information using Forms ED-915 (Public Works, Economic Adjustment Infrastructure and Revolving Loan Fund Investments) ED-916 (Semi-annual Program Outputs Questionnaire for EDA grantees), ED-917 (Annual Capacity Outcomes Questionnaire for EDA Grantees serving clients), and ED-918 (Annual Capacity Outcomes Questionnaire for EDA Grantees). For more information, please refer to <https://www.eda.gov/performance/gpra>. EDA also expects to engage with leading research institutions to perform third-party program evaluations, which will require cooperation between the grantee, organizations within their service area, and the evaluating institution.

G. Federal Awarding Agency Contacts

For questions concerning this ARPA EAA NOFO including technical assistance with application requirements, or more information about EDA programs, you may contact the appropriate EDA representative listed below. Updated contact information can be found on EDA's website at <https://www.eda.gov/contact>. EDA's website at <http://www.eda.gov> provides additional information on EDA and its programs.

Atlanta Regional Office

H. Philip Paradice, Jr., Regional Director
401 West Peachtree Street, NW, Suite 1820, Atlanta, GA 30308-3510
(404) 730-3002 Main Office
(404) 730-3025 Fax

Alabama
Michael Mills
mmills@eda.gov
251-222-1834

Florida
Greg Vaday
gvaday@eda.gov
772-521-4371

Georgia

Jonathan Corso
jcorso@eda.gov
404-809-7094

Kentucky

Bertha Partin
bpartin@eda.gov
404-987-2887

Mississippi

Gil Patterson
gpatterson2@eda.gov
404-304-2319

North Carolina

Hillary Sherman
hsherman@eda.gov
828-707-2748

South Carolina

Robin Cooley
rcooley@eda.gov
404-987-7913

Tennessee

Lucas Blankenship
lblankenship@eda.gov
615-736-1423

Environmental Officers

Keith Dyche
kdyche@eda.gov
404-973-7491

Connie Tallman

ctallman@eda.gov
470-571-5678

Austin Regional Office

Jorge Ayala, Regional Director
903 San Jacinto, Suite 206, Austin, TX 78701
(512) 381-8150 Main Office
(512) 499-0478 Fax

Arkansas

April Campbell
acampbell@eda.gov
512-667-0496

Louisiana, East Texas

Jason Wilson
jwilson1@eda.gov
512-420-7738

New Mexico, Texas Panhandle

Trisha Korbass
tkorbass@eda.gov
720-626-1499

Oklahoma, North Texas

Stacey Webb
swebb@eda.gov
737-704-4707

South Texas

Robert Peche
rpeche1@eda.gov
512-568-7732

**Statewide Planning, State Travel
Grants**

Apurva Naik
anaik@eda.gov
737-207-1415

Environmental Officer

Corey Dunn
cdunn@eda.gov
512-381-8169

Chicago Regional Office

Susan Brehm, Regional Director
230 South Dearborn Street, Suite 3280, Chicago, IL 60604-1512
(312) 353-8143 Main Office
(312) 353-8575 Fax

Illinois and Minnesota

Darrin Fleener
dfleener@eda.gov
312-789-9753

Ohio

Ellen Heinz
ehinz@eda.gov
312-505-4953

Indiana

James Winters
jwinters@eda.gov
312-789-9771

Wisconsin

Tom Baron
tbaron@eda.gov
312-789-9773

Michigan

Lee Shirey
lshirey@eda.gov
312-789-9751

Environmental Officer

Kyle Darton
kdarton@eda.gov
312-789-9752

Denver Regional Office

Angela Belden Martinez, Regional Director
1244 Speer Boulevard, Suite 431, Denver, CO 80204
(303) 844-4715 Main Office
(303) 844-3968 Fax

Colorado, Utah

Trent Thompson
tthompson@eda.gov
303-844-5452

**Eastern Iowa, Eastern and Central
Missouri**

Steve Castaner
scastaner@eda.gov
573-590-1194

Kansas
Dan Lara
dlara@eda.gov
913-225-4968

Nebraska, Western Missouri
Mark Werthmann
mwerthmann@eda.gov
913-894-1586

Montana, Wyoming
Kirk Keysor
kkeysor@eda.gov
406-599-9795

Indigenous Communities
Ali DeMersseman
ademersseman@eda.gov
720-237-6079

**North Dakota, South Dakota,
Western Iowa**
Alex Smith
asmith1@eda.gov
720-402-7686

Environmental Officer
Jenny Benz
jbenz@eda.gov
303-844-5363

Philadelphia Regional Office

Linda Cruz-Carnall, Regional Director
Robert N.C. Nix Federal Building
900 Market Street, Room 602
Philadelphia, PA 19107
(215) 597-4603 Main Office
(215) 597-1063 Fax

**Connecticut, Massachusetts,
Rhode Island**
Debra Beavin
dbeavin@eda.gov
267-559-3385

New Jersey, New York
Edward Hummel
ehummel@eda.gov
215-316-2124

**Delaware, Maryland,
Washington, DC**
Alma R. Plummer
aplummer@eda.gov
215-597-7538

Pennsylvania
Christopher Casper
ccasper1@eda.gov
215-597-1074

Maine, New Hampshire
Alan Brigham
abrigham@eda.gov
215-316-2965

Puerto Rico, Virgin Islands
Juan Bauza
jbauza@eda.gov
215-435-2212

Vermont

Matt Suchodolski
msuchodolski@eda.gov
215-597-1242

Virginia

Lauren Stuhldreher
lstuhldreher@eda.gov
215-764-0427

West Virginia

Tracey Rowan
trowan@eda.gov
304-533-4497

Environmental Officer

Megan Coll
mcoll@eda.gov
267-969-2937

Seattle Regional Office

Maeia Sellers, Acting Regional Director
Jackson Federal Building
915 Second Avenue, Room 1890, Seattle, WA 98174-1001
(206) 220-7660 Main Office
(206) 220-7669 Fax

Alaska

Shirley Kelly
skelly2@eda.gov
907-271-2272

Arizona

Cynthia Ptak
cptak@eda.gov
206-888-3386

California (Coastal and Northern)

Malinda Matson
Mmatson1@eda.gov
916-235-0088

California (Southern), Nevada

Wilfred Marshall
Wmarshall@eda.gov
310-261-6005

California (Central)

Asia King
Aking2@eda.gov
206-247-0991

Hawaii, Guam, Northern Mariana Islands, American Samoa, Marshall Islands, Federated States of Micronesia, Palau

Herbert Thweatt
hthweatt@eda.gov
808-260-6641

Idaho, Rural Nevada

Carleen Herring
cherring@eda.gov
206-798-7814

Clark County Nevada

John Edmond
jedmond@eda.gov
206-888-3390

Oregon

J. Wesley Cochran
jcochran@eda.gov
206-561-6646

Washington
Laura Ives
Lives@eda.gov
206-200-1951

Environmental Officer
Jim Jacobson
jjacobson@eda.gov
206-833-6035

H. Other Information

1. Right to Use Information

The applicant acknowledges and understands that information and data contained in applications for financial assistance, as well as information and data contained in financial, performance and other reports submitted by applicants, may be used by the Department of Commerce in conducting reviews and evaluations of its financial assistance programs. For this purpose, applicant information and data may be accessed, reviewed and evaluated by Department of Commerce employees, other Federal employees, and also by Federal agents and contractors, and/or by non-Federal personnel, all of whom enter into appropriate conflict of interest and confidentiality agreements covering the use of such information. As may be provided in the terms and conditions of a specific financial assistance award, applicants are expected to support program reviews and evaluations by submitting required financial and performance information and data in an accurate and timely manner, and by cooperating with Department of Commerce and external program evaluators. In accordance with 2 C.F.R. § 200.303(e), applicants are reminded that they must take reasonable measures to safeguard protected personally identifiable information and other confidential or sensitive personal or business information created or obtained in connection with a Department of Commerce financial assistance award.

2. Publication of Applications and Freedom of Information Act Disclosure

EDA may publish any applications it receives, including any supporting documentation, on its website or through other means. Applicants are advised that any confidential commercial information that should not be disclosed must be identified, bracketed, and marked as Privileged, Confidential, Commercial or Financial Information.

In addition, Department of Commerce regulations implementing the Freedom of Information Act (FOIA), 5 U.S.C. Sec. 552, are found at 15 C.F.R. Part 4, Public Information. These regulations set forth rules for the Department regarding making requested materials, information, and records publicly available under the FOIA. Applications submitted in response to this Notice of Funding Opportunity may be subject to requests for release under the Act. In the event that an application contains information or data that the applicant deems to be confidential commercial information that should be exempt from disclosure under FOIA, that information should be identified, bracketed, and marked as Privileged, Confidential, Commercial or Financial Information. In accordance with 15 C.F.R. § 4.9, the Department of Commerce will protect from disclosure confidential business information contained in financial assistance applications and other documentation provided by applicants to the extent permitted by law.

3. Notice of Government-Wide Procurement Restriction

The general rule for Federal financial assistance is that contractors that develop draft specifications, requirements, statements of work, invitations for bids or requests for proposals are prohibited from competing for the final procurement. For instance, a professional engineer or architect who prepared the Preliminary Engineering Report for an EDA application would be excluded from bidding on the same work under the award. Under 2 C.F.R §§ 200.319 and 200.317, only State recipients are expressly exempt from this prohibition. Local governments and Indian Tribes may also take advantage of the exemption in two narrow circumstances: (i) if they are required (by statute, for example) to follow the State's procurement rules in full and without exception; or (ii) if they are required to follow a specific State procurement rule that creates an explicit conflict with the prohibition in 2 C.F.R. § 200.319(a) (i.e., there is a statute that requires or permits the local government or Indian Tribe to award the final procurement to the same contractor that developed the draft specifications). Absent one of these two scenarios, the local government or Indian Tribe must comply with the prohibition. Applicants are encouraged to contact the appropriate POC listed in section G with any questions regarding application of this regulation.

4. Past Performance and Non-Compliance with Award Provisions

Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding. Failure to comply with any or all of the provisions of an award may have a negative impact on future funding by DOC (or any of its operating units) and may be considered grounds for any or all of the following actions: (1) establishing an account receivable; (2) withholding payments to the recipient under any DOC award(s); (3) changing the method of payment from advance to reimbursement only; (4) imposing other specific award conditions; (5) suspending any active DOC award(s); and (6) terminating any active DOC award(s).

5. Certifications Required by Annual Appropriations Acts for Corporations and for Awards over \$5 Million

As discussed in section D.2.d, all applicants are required to be registered in SAM before applying under this NOFO. SAM requires registering entities to certify compliance with all limitations imposed by annual appropriation acts. For corporations, this certification includes that the corporation:

(a) Was not convicted of a felony criminal violation under a Federal law within the preceding 24 months, unless a Federal agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government; and/or

(b) Does not have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, unless a Federal agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

For financial assistance awards in excess of \$5 million, this certification includes that the entity:

- (a) To the best of its knowledge and belief, has filed all Federal tax returns required during the three years preceding the certification;
- (b) Has not been convicted of a criminal offense under the Internal Revenue Code of 1986; and/or
- (c) Has not been notified, more than 90 days prior to certification, of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

6. EDA's Non-Relocation Policy

If an application is selected for award, the recipient will be required to adhere to a specific award condition relating to EDA's non-relocation policy as follows:

In signing this award of financial assistance, Recipient(s) attests that EDA funding is not intended by the Recipient to assist its efforts to induce the relocation of existing jobs within the U.S. that are located outside of its jurisdiction to within its jurisdiction in competition with other U.S. jurisdictions for those same jobs. In the event that EDA determines that its assistance was used for those purposes, EDA retains the right to pursue appropriate enforcement action in accord with the Standard Terms and Conditions of the Award, including suspension of disbursements and termination of the award for convenience or material noncompliance, which may include the establishment of a debt requiring the Recipient to reimburse EDA.

For purposes of ensuring that EDA assistance will not be used to merely transfer jobs from one location in the United States to another, each applicant must inform EDA of all employers that constitute primary beneficiaries of the project assisted by EDA. EDA will consider an employer to be a "primary beneficiary" if: (i) the employer is specifically named in the application as benefitting from the project, and the applicant estimates that the employer will create or save 100 or more permanent jobs as a result of the investment assistance (if the jobs in question were originally located in a smaller community, EDA may extend this policy to the relocation of 50 or more jobs); or (ii) the employer is or will be located in an EDA-assisted building, port, facility, or industrial, commercial, or business park constructed or improved in whole or in part with investment assistance prior to EDA's final disbursement of funds.

7. Audit Requirements

Single or program-specific audits shall be performed in accordance with the requirements contained in the Uniform Guidance (see 2 C.F.R. part 200, Subpart F, "Audit Requirements"). The Uniform Guidance requires any non-Federal entity (i.e., non-profit organizations, including non-profit institutions of higher education and hospitals, States, local governments, and Indian Tribes) that expends Federal awards of \$750,000 or more in the recipient's fiscal year to conduct a single or program-specific audit in accordance with the requirements set out in the Uniform Guidance.

8. Implementing the Americans with Disabilities Act (ADA)

The U.S. Department of Justice has issued revised regulations implementing Title II of the ADA (28 C.F.R. Part 35; 75 Fed. Reg. 56,164 (Sep. 15, 2010), as amended by 76 Fed. Reg. 13,285 (Mar. 11, 2011)) and Title III of the ADA (28 C.F.R. Part 36; 75 Fed. Reg. 56,236 (Sep. 15, 2010), as amended by 76 Fed. Reg. 13,286 (Mar. 11, 2011)). See also 15 C.F.R. 8b for Department of Commerce regulations prohibiting discrimination on the basis of handicap in any program or activity receiving providing financial assistance.

9. Fraud Awareness Training

Consistent with 2 CFR part 200, in signing a financial assistance award, Recipient personnel responsible for managing the Recipient's finances and overseeing any contractors, sub-contractors or sub-grantees, will be required to complete the training PowerPoint entitled "Compliance with EDA Disaster Assistance Program Requirements" and return the signed Certificate of Training Completion to EDA as instructed by the Agency. Further, Recipient will be required to monitor award activities for common fraud schemes and report suspicious activity to EDA and the Office of Inspector General.

I. Instructions for Application Submission via Grants.gov

The most up-to-date instructions for application submission via Grants.gov can be found at <https://www.grants.gov/web/grants/applicants/apply-for-grants.html>. To begin, complete, and submit your application:

- Navigate to <https://www.grants.gov/web/grants/applicants/apply-for-grants.html>;
- Click "Search for Opportunity Package";
- In the "Funding Opportunity Number" field, enter "EDA-XXX";
- Click "Search";
- Click "Apply";
- Enter your email address (if you would like to receive updates from Grants.gov regarding this grant opportunity) or check the box that indicates you do not wish to provide it, then click "Submit";
- Choose to apply using Workspace by clicking "Login to Apply Now" or choose to download the legacy application package by clicking "Download Package"; and
- Follow the instructions provided on the Grants.gov website and on each webpage to complete and submit your application.

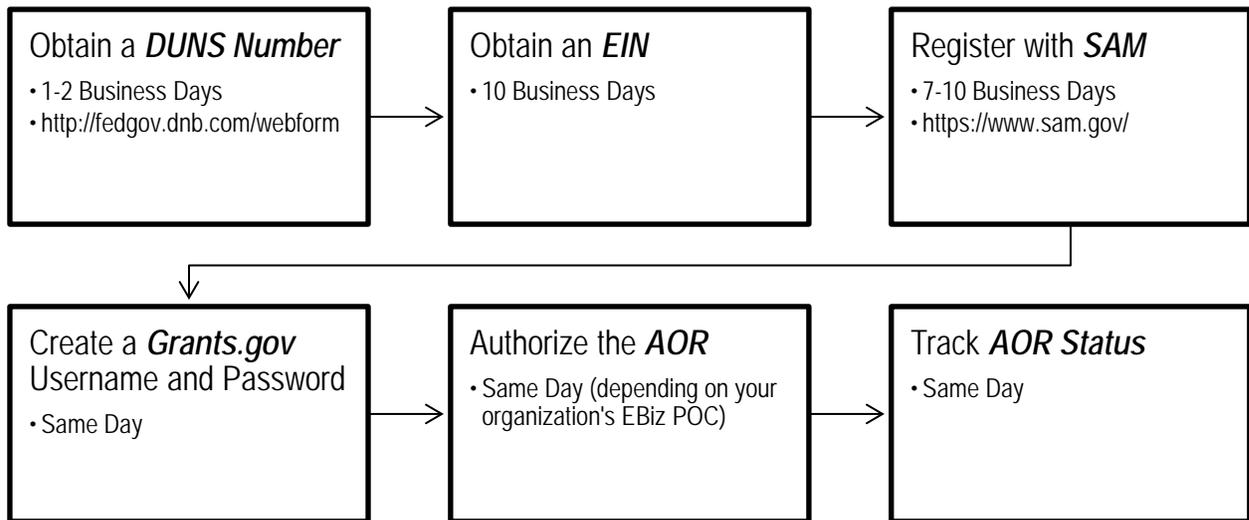
1. Register Early and Submit Early.

To submit an application through <http://www.grants.gov/> (Grants.gov), an applicant must register for a Grants.gov user ID and password. Note that this process can take between **three to five business days** or **as long as four weeks** if all steps are not completed correctly. Information about the Grants.gov registration process for organizations can be found at <http://www.grants.gov/web/grants/applicants/organization-registration.html>. Please note that organizations already registered with Grants.gov do not need to re-register; however, all

registered organizations must keep their System for Award Management (SAM), which includes the Central Contractor Registration (CCR) database, registration up-to-date through sam.gov or their applications will not be accepted by Grants.gov.

a. Pre-Submission Registration

Before submitting a Full Application under this NOFO, each applicant must both register with Grants.gov and register its Authorized Organization Representative (AOR) with Grants.gov. Applicants should note that this process can be lengthy, requires interaction with multiple organizations not affiliated with EDA, and requires confirmation at each step.



Applicants may have already completed one or more of the steps set forth in the above flowchart, which depicts an example of how the pre-submission registration process generally flows (e.g., applicants may have already registered with Grants.gov, in which case they do not need to re-register). However, note that applicants that have not completed any of the above steps may require 23 or more business days to complete the required steps serially. Grants.gov is a centrally-managed Federal grants portal, and changes or updates to the process outlined above may occur after the publication of this NOFO. Prospective applicants should visit <http://www.grants.gov/web/grants/applicants/organization-registration.html> to ensure that they follow the most up-to-date instructions.

2. AOR Requirement

Applicants must register as organizations, not as individuals. As part of the registration process, you will register at least one Authorized Organization Representative (AOR) for your organization. AORs registered at Grants.gov are the only officials with the authority to submit applications at Grants.gov so please ensure that your organization's application is submitted by an AOR. **If the application is submitted by anyone other than your organization's AOR, it will be rejected by the Grants.gov system and cannot be considered by EDA.** Note that a given organization may designate multiple individuals as AORs for Grants.gov purposes.

3. Field Limitations and Special Characters

Please be advised that [Grants.gov](https://www.grants.gov) provides the following notice with respect to form field limitations and special characters: <https://www.grants.gov/web/grants/applicants/submitting-utf-8-special-characters.html>.

4. Verify That Your Submission Was Successful

Applicants should save and print written proof of an electronic submission made at Grants.gov. Applicants can expect to receive multiple emails regarding the status of their submission. Since email communication can be unreliable, applicants must proactively check on the status of their application if they do not receive email notifications within a day of submission.

An applicant should expect to receive two initial emails from Grants.gov: the first will confirm receipt of the application, and the second will indicate that the application has either been successfully validated by the system before transmission to EDA or has been rejected due to errors. It can take up to two business days after Grants.gov receives an application for applicants to receive email notification of an error. Applicants will receive a third email once EDA has retrieved their applications.

EDA requests that applicants kindly refrain from submitting multiple copies of the same application package.

Applicants should save and print both the confirmation screen provided on the Grants.gov website after the applicant has submitted an application, and the confirmation email sent by Grants.gov when the application has been successfully received and validated in the system. If an applicant receives an email from Grants.gov indicating that the application was received and subsequently validated, but does not receive an email from Grants.gov indicating that EDA has retrieved the application package within 72 hours of that email, the applicant may contact EDA using the contact information in section G (p. **Error! Bookmark not defined.**) of this announcement to inquire if EDA is in receipt of the applicant's submission.

It is the applicant's responsibility to verify that its submission was timely received and validated successfully at Grants.gov. To see the date and time your application was received, navigate to <https://www.grants.gov> and click on the "Track My Application" link under the "Applicants" tab. For a successful submission, the application must be received and validated by Grants.gov and an agency tracking number assigned. If your application has a status of "Received" it is awaiting validation by Grants.gov. Once validation is complete, the status will change to "Validated" or "Rejected with Errors." If the status is "Rejected with Errors," your application has not been received successfully. For more detailed information on why an application may be rejected, please see "Encountering Error Messages" at <https://www.grants.gov/web/grants/applicants/encountering-error-messages.html> and "Frequently Asked Questions by Applicants" at <https://www.grants.gov/web/grants/applicants/applicant-faqs.html>.

5. Grants.gov Systems Issues

If you experience a Grants.gov systems issue (i.e., a technical problem or glitch with the Grants.gov website) that you believe threatens your ability to complete a submission in a timely manner, please (i) print any error message received; (ii) call the Grants.gov Contact Center at (800) 518-4726 for assistance; and (iii) contact EDA using the contact information in section G (p. **Error! Bookmark not defined.**) of this NOFO. Ensure that you obtain a case number regarding your communications with Grants.gov. Please note that problems with an applicant's computer system or equipment are **not** considered systems issues. Similarly, an applicant's failure to, e.g., (i) complete the required registration, (ii) ensure that a registered AOR submits the application, or (iii) notice receipt of an email message from Grants.gov are **not** considered systems issues. A Grants.gov systems issue is an issue occurring in connection with the operations of Grants.gov itself, such as the temporary loss of service by Grants.gov due to unexpected volume of traffic or failure of information technology systems, both of which are highly unlikely. In the event of a confirmed systems issue, EDA reserves the right to accept an application in an alternate format.

Applicants should access the following link for assistance in navigating Grants.gov and for a list of useful resources: <http://www.grants.gov/web/grants/support.html>. If you do not find an answer to your question under the "Applicant FAQs," try consulting the "Grants Online User Guide" at https://www.grants.gov/help/html/help/Get_Started/Get_Started.htm or contacting Grants.gov by email at support@grants.gov or telephone at 1-800-518-4726. The Grants.gov Contact Center is open 24 hours a day, seven days a week, except on Federal holidays.