

## 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 2019 EDA Disaster Supplemental Notice of Funding Opportunity (NOFO) (Disaster Supplemental NOFO).
- **Announcement Type and Date:** Disaster Supplemental NOFO announcement publishing EDA’s application submission requirements and review procedures for the review of applications received under EDA’s Economic Adjustment Assistance (EAA) disaster recovery 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:** August 13, 2019.
- **Funding Opportunity Number:** EDA-2019-DISASTER
- **Catalog of Federal Domestic Assistance (CFDA) Number:** 11.307, Economic Adjustment Assistance
- **Dates:** There are no submission deadlines. Applications will be accepted on an ongoing basis until the publication of a new Disaster Supplemental NOFO, cancellation of this Disaster Supplemental NOFO or all available funds have been expended. EDA intends to review applications within 60 days of receipt. See Section E of this Disaster Supplemental NOFO regarding EDA’s review process.
- **Eligible Applicants:** Under its 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. 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 political subdivision of a State.
- **Funding Opportunity Description:** EDA announces general policies and application procedures for the Disaster Supplemental NOFO. Subject to the availability of funds, this investment assistance will help communities and regions devise and implement long-term economic recovery strategies through a variety of non-construction and construction projects, as appropriate, to address economic challenges in areas where a Presidential declaration of a major disaster was issued under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121 *et seq.*) (Stafford Act) “as a result of Hurricanes Florence, Michael, and Lane, Typhoons Yutu and Mangkhut, and of wildfires, volcanic eruptions, earthquakes and other natural disasters occurring in calendar year 2018, and tornadoes and floods occurring in calendar year 2019....”

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## **A. Program Description**

### **1. Overview and Program Information**

EDA's mission is to lead the Federal economic development agenda by promoting innovation and competitiveness, and preparing American regions for growth and success in the worldwide economy. Through this Disaster Supplemental NOFO, EDA will award investments in regions experiencing severe economic distress or other economic harm resulting from Hurricanes Florence, Michael, and Lane, Typhoons Yutu and Mangkhut, and of wildfires, volcanic eruptions, earthquakes and other natural disasters occurring in calendar year 2018, and tornadoes and floods occurring in calendar year 2019. Under this announcement, EDA solicits applications under the authority of its EAA program. The EAA program is intended to be flexible and responsive to the economic development needs and priorities of local and regional stakeholders, including those seeking assistance recovering from Federally declared disasters.<sup>1</sup>

EAA funds can be awarded to assist a wide variety of activities related to disaster recovery, including economic recovery strategic planning grants, and public works construction assistance. It is a flexible resource that responds adaptively to pressing economic issues and is well-suited to help address challenges faced by regions recovering from natural disasters. Through this program, EDA can support both the development of disaster recovery strategies and the implementation of recovery projects identified with those strategies, including infrastructure improvements and by capitalizing revolving loan funds (RLFs).

EDA recognizes that urgent infrastructure rebuilding needs exist throughout disaster impacted regions. 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. EDA will regard applications that are substantively supported by such strategies as more competitive, while applications for rebuilding damaged infrastructure that are not demonstrably supported by or otherwise related to a long-term plan for economic growth and resilience will not be considered competitive.

In addition to implementation projects, applicants may also seek funding in the form of a "strategy grant" to develop, update, or refine a Comprehensive Economic Development Strategy (CEDS) that alleviates long-term economic deterioration or a sudden and severe economic dislocation, as described in EDA's regulations at 13 C.F.R. § 307.3.<sup>2</sup> Depending on the needs of a region, Applicants may be eligible for an initial strategy grant and a subsequent implementation grant. For the purposes of this Disaster Supplemental NOFO, non-construction strategy grants may include the otherwise ineligible areas, due to not receiving a major disaster

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<sup>1</sup> See 42 U.S.C. §§ 3149(c)(2), 3233.

<sup>2</sup> 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).

designation under the Stafford Act in calendar year 2018/2019, of an Economic Development District (EDD) when a majority of the counties of a defined region, such as an EDD, are otherwise eligible under this Disaster Supplemental NOFO. EDA will consider applications submitted by eligible applicants located in or acting on behalf of the disaster-affected regions, including one or more institutions of higher education; one or more States, cities or other units of local government; and economic development organizations, including but not limited to regional multi-jurisdictional District Organizations and public or private non-profit organizations working in cooperation with private for-profit organizations, local businesses, and industry leaders.

Except for a strategy grant as described above, each project funded under EAA must be consistent with the region's current CEDS or equivalent EDA-accepted regional economic development strategy meeting EDA's CEDS or strategy requirements. Applicants must clearly detail how the proposed project will support the economic development needs and objectives outlined in the CEDS or equivalent strategy, and identify the CEDS or strategy and provide a copy of this planning document, either by attaching the document to the application, including the web link for the document. In addition, applicants should indicate if other Federal funds have been secured for, or have been 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 contact information with their application in order to facilitate interagency coordination and avoid duplication of resources.

To be competitive, applications must clearly incorporate principles for enhancing the resilience (as defined under Section A.4, below) of the relevant community/region or demonstrate the integration of resilience principles into the investment project itself. Resilience is an essential component of any strategy for mitigating the potential for future disaster-related losses and adverse economic impacts for communities. Therefore, inclusion of resilience principles in the project is a necessary step to improve the capacity of the region to recover more quickly from future disaster events. Specifically, as described in Section D.2.a, applicants must include a narrative attachment as a part of their application materials, describing in detail the nexus between their proposed project scope of work and disaster recovery and resilience efforts. **The strength of the nexus to the disaster is drawn from the consequences of the relevant disaster(s) and the intended project outcomes that fulfill the community's specific post-disaster needs.** For example, if Smith County is designated as a Presidentially-declared disaster area in the aftermath of straight-line winds or tornadoes, any disaster recovery application from Smith County must demonstrate how the project addresses the recovery and resilience priorities and objectives established under a strategy acceptable to EDA. Projects that consider an all-hazards approach are encouraged, but their scope must address the direct consequences of the relevant disaster itself.

Prospective applicants should note that Section C of this Disaster Supplemental NOFO sets out eligibility criteria for applications seeking funding for disaster recovery assistance. 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 of this announcement.

Further, EDA will give priority to applications that propose or reflect sound resilience planning for disasters and are ready for implementation of that plan.

As noted above, this Disaster Supplemental NOFO will support disaster economic recovery activities that address the impacts of Hurricanes Florence, Michael, and Lane, Typhoons Yutu and Mangkhut, and of wildfires, volcanic eruptions, earthquakes and other natural disasters occurring in calendar year 2018, and tornadoes and floods occurring in calendar year 2019 only. For all other EDA program and investment opportunities, please review <https://www.grants.gov> (Grants.gov) or visit <https://www.eda.gov/funding-opportunities/>.

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

## **2. EDA Investment Priorities**

All projects considered for EDA funding under this Disaster Supplemental NOFO must be consistent with at least one of EDA's Investment Priorities. EDA's Investment Priorities can be found at <https://www.eda.gov/about/investment-priorities/disaster-recovery/>. The priorities may be updated from time to time. Any future revisions will be reflected on EDA's website on January 15, April 15, June 15, or September 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 disaster economic recovery activities is Section 703 of PWEDA (42 U.S.C. § 3233).

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 U.S. Government Publishing Office (GPO) website at <https://www.gpo.gov/fdsys/>. Under "Browse," select the Code of Federal Regulations, choose the most recent year, and scroll down to find Title 13, Chapter III.

## **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 economy, a decline in a particular industry, or a natural or man-made disaster. Enhancing resilience 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 with diversification initiatives, enhance 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, and comprehensive planning efforts that involve extensive engagement from the community to define and implement a collective vision for economic recovery. The development and adoption of new technologies play vital roles in strengthening economic resilience: deploying technologies (e.g., through more robust

telecommunications networks or earthquake-ready buildings) enables resilience in the face of natural disasters, and nurturing technology ecosystems supports dynamic, diverse economies that better withstand acute disruptions.

Resilience (within the context of economic development) should include 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 Disaster Supplemental NOFO, application submissions must clearly 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 Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Public Law 116-20), Congress provided EDA with the following disaster-specific program appropriation to supplement its core FY19 Economic Development Assistance Programs (EDAP) appropriation:

*Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for “Economic Development Assistance Programs” for necessary expenses related to flood mitigation, disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation as a result of Hurricanes Florence, Michael, and Lane, Typhoons Yutu and Mangkhut, and of wildfires, volcanic eruptions, earthquakes and other natural disasters occurring in calendar year 2018, and tornadoes and floods occurring in calendar year 2019 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$600,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That within the amount appropriated, up to 2 percent of funds may be transferred to the “Salaries and Expenses” account for administration and oversight activities: Provided further, That within the amount appropriated, \$1,000,000 shall be transferred to the “Office of Inspector General” account for carrying out investigations and audits related to the funding provided under this heading.*

Consistent with the above, EDA has allocated \$587 million in EAA program funds under this Disaster Supplemental NOFO among its six Regional Offices that cover the applicable disaster areas, as described below in Section B.2 of this Disaster Supplemental NOFO. 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 plans on funding between 100 and 500 disaster recovery projects with this appropriation.

## **2. Initial EDA Regional Office Allocations**

Applying a number of factors, including impact and distress, EDA has allocated the \$587 million in disaster supplemental program funds among six Regional Offices as follows:

Atlanta Regional Office — \$140,000,000  
Austin Regional Office — \$50,000,000  
Chicago Regional Office — \$50,000,000  
Denver Regional Office — \$107,000,000  
Philadelphia Regional Office — \$50,000,000  
Seattle Regional Office — \$190,000,000

**Note: When appropriate, EDA may exercise its discretion to adjust the allocations to the Regional Offices based on its experience in administering disaster supplemental appropriations to ensure funds are used to maximum effect, or to adjust to unforeseen changes in recovery efforts.**<sup>3</sup>

## **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 to help support economic development project-based activities. 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;

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<sup>3</sup> If EDA determines that an application is eligible for funding under another EDA NOFO (e.g., the Fiscal Year (FY) 2018 Economic Development Assistance Program (or successor) NOFO or FY 2018 Disaster Supplemental NOFO), EDA may at its sole discretion transfer the application for processing from the original NOFO to another. EDA will document that the applicant is in compliance with the application requirements of the NOFO to which the application is transferred.

At EDA's sole discretion, EDA may also jointly fund a project under more than one NOFO if a project meets the eligibility requirements of each respective NOFO at time of award. This may arise where a disaster impacts a project previously funded under a separate NOFO or where an area has been impacted by multiple disasters across several years. EDA will document the project's eligibility under the respective NOFOs and that the applicant complied with the respective application requirements of all NOFOs under which funding is awarded.

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 is awarded. Typically, disaster and economic recovery strategy grants may range in duration from 12 to 18 months with extensions considered on a case-by-case basis. Implementation grants involving construction of project facilities and infrastructure generally are expected to range from 12 to 48 months. EDA will work closely with the 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 clearly document how quickly they will be able to start and complete the proposed project scope of work.

## **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, 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.<sup>4</sup>

### **2. Eligible Counties Based on Disaster Declarations**

The project of an eligible applicant must be able to meet area eligibility requirements to be considered for funding under this Disaster Supplemental NOFO. Such eligibility is predicated upon the project being located in or serving one or more communities impacted by Hurricanes Florence, Michael, and Lane, Typhoons Yutu and Mangkhut, and of wildfires, volcanic eruptions, earthquakes and other natural disasters occurring in calendar year 2018, and tornadoes and floods occurring in calendar year 2019.

More specifically, consistent with 13 C.F.R. parts 301 and 307, EDA will determine area eligibility pursuant to the applicable Federal disaster declaration under the Stafford Act, and the Federal Emergency Management Agency (FEMA) designation of areas as eligible for public assistance or individual assistance due to the declared disasters listed on FEMA's website

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<sup>4</sup> See Section 3 of PWEDA (42 U.S.C. § 3122) and 13 C.F.R. § 300.3.

([www.fema.gov/disasters/](http://www.fema.gov/disasters/)). For construction projects (including design and engineering), the project must be located within an eligible county. For non-construction projects, the project's scope of work must primarily benefit eligible counties, and stakeholders representing those eligible counties must be directly engaged in the project.<sup>5</sup>

### 3. Cost Sharing or Matching

Funds for this Disaster Supplemental NOFO must be used to carry out paragraph (c)(2) of Section 209 of PWEDA, which provides, in relevant part, that EAA assistance may be provided for activities identified by communities, the economies of which are injured by “disasters or emergencies, in areas with respect to which a major disaster or emergency has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121 *et seq.*), for post-disaster economic recovery.” Subsection (b) of Section 703 of PWEDA provides that the Federal Share of the cost of activities funded with such amounts made available may be up to 100%, as described below.

Once applicant and area eligibility are established, EDA generally expects to fund up to 80% of the eligible costs of such assistance. However, EDA's consideration of factors such as scale of the project, the extent of the impact of the relevant disaster on the region, total project cost, relative distress of the community, or geographic distribution of disaster funds, may cause EDA to fund projects at a grant rate that is lower than 80%. The remaining portion of the costs for the EDA scope of work 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. Further, in accordance with the agency's statutory authority under Section 703 of PWEDA (42 U.S.C. § 3233), EDA may increase the investment rate up to a maximum of 100%. In determining whether to increase the Federal Share above 80%, EDA's Grants Officer 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 or meets other thresholds for elevated need based on the overall economic situation of the region. Additionally, EDA may establish a maximum investment rate of up to 100% for projects of Indian Tribes. The applicant is responsible for demonstrating to EDA that an enhanced grant rate is justified by providing statistics and other appropriate information on the nature and level of economic distress in the region, including information regarding other disaster-related needs facing the region and the level of resources available to address those needs.

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.<sup>6</sup> In order to meet these requirements, applicants must submit for each source of the matching share a commitment letter or equivalent document signed by an authorized representative of the organization providing the matching funds.

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<sup>5</sup> See also 13 C.F.R. § 301.3(a).

<sup>6</sup> See 13 C.F.R. § 301.5.

Additional documentation may be requested by EDA in order to substantiate the availability of the matching funds. For example, if bonds are contemplated as match, counsel opinion of the applicant's bonding authority and eligibility of the bonds for use as match, along with full disclosure of the type of bonds and the schedule of the applicant's intended bond issue, are required. Please contact the appropriate EDA Regional Office Disaster Point of Contact (Disaster POC) listed in Section G of this Disaster Supplemental 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.<sup>7</sup> 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.<sup>8</sup>

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

#### **D. Application Submission Information**

**Please note that all submissions under this Disaster Supplemental NOFO are subject to EDA's review process for EAA projects.**

An applicant **must submit a complete application**, as detailed in Section D.2.a of this Disaster Supplemental NOFO, to be considered for funding. EDA intends to review an application within 60 days of EDA's 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 Disaster Supplemental NOFO for more information on EDA's review and selection process.

EDA strongly encourages applicants to consult with the appropriate Disaster POC 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 outlined in this Disaster Supplemental NOFO. 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 applicant may obtain the appropriate application package electronically at Grants.gov. Applicants may search for this funding opportunity on Grants.gov using Funding Opportunity

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<sup>7</sup> 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.

<sup>8</sup> See the definition of "Local Share or Matching Share" at 13 C.F.R. § 300.3. See also 2 C.F.R. § 200.306.

Number “EDA-2019-DISASTER.” All components of the appropriate application package may be accessed and downloaded (in a screen-fillable format) at <https://www.grants.gov/web/grants/search-grants.html>.

Applicants are advised that they **must complete the registration process prior to submitting an application through Grants.gov**; please note, however, registration is not required for an applicant to access, view, or download the application package. Even though an applicant may be able to view and download an application, if the applicant has not correctly completed the Grants.gov registration process, the applicant will not be able to submit the application electronically for EDA’s review. Alternatively, an applicant eligible for assistance under this announcement may request a paper application package by contacting the appropriate Disaster POC listed in Section G of this Disaster Supplemental NOFO.

## **2. Content and Form of Application Submission**

EDA has developed a suite of forms designed to address all types of assistance the agency provides. In addition, Federal grant assistance forms from the Standard Form (SF) 424 family and certain DOC Forms (CD) are required as part of a complete application package. The tables in Section D.2.a below describe the forms and other documentation required for a complete application for each type of assistance EDA will provide under this Disaster Supplemental NOFO and 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 of this Disaster Supplemental NOFO for information on AOR requirements. The preferred electronic file format for attachments is Adobe portable document format (PDF); however, EDA will accept electronic files in Microsoft Word, WordPerfect, or Microsoft Excel formats. EDA will not accept paper, facsimile or email transmissions of applications except as described below in Section D.4. Please refer to important information on submitting your application provided in Section D.3 of this Disaster Supplemental NOFO.

All documentation and data submitted should be current and applicable as of the date submitted. Applicants are encouraged to contact the appropriate Disaster POC for technical assistance before submitting an application under this Disaster Supplemental NOFO. 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?<sup>9</sup>**

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.<sup>10</sup>

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<sup>11</sup>** that clearly 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 clearly 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).

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<sup>9</sup> In the event of discrepancies between instructions provided in any of the forms and this Disaster Supplemental NOFO, the requirements for complete applications as stated in this Disaster Supplemental NOFO will control.

<sup>10</sup> 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 Disaster POC 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”).

<sup>11</sup> 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.

6. **Disaster Nexus Narrative:** In addition to providing a project description as a part of the ED-900 above, applicants **must** include a narrative attachment, not to exceed one-page in length, describing in detail the nexus between their proposed project scope of work and disaster recovery and resilience efforts. The strength of the nexus to the disaster is drawn from the consequences of the relevant disaster(s) **and the intended project outcomes that fulfill the community's specific post-disaster needs.**
7. **One Form ED-900A** (Additional EDA Assurances for Construction or Non-Construction Investments) from each co-applicant, as applicable.
8. **One Form ED-900B** (Beneficiary Information Form) from each beneficiary of the proposed project, as applicable.
9. **One Form ED-900C** (EDA Application Supplement for Construction Programs) and accompanying supporting documentation, e.g., Preliminary Engineering Report.
10. **One Form ED-900E** (Calculation of Estimated Relocation and Land Acquisition Expenses).
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:  
[http://www.eda.gov/files/012\\_Environmental\\_Narrative\\_Template.zip](http://www.eda.gov/files/012_Environmental_Narrative_Template.zip).
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.
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 clearly 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 clearly 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 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).
6. **Disaster Nexus Narrative:** In addition to providing a project description as a part of the ED-900 above, applicants **must** include a narrative attachment, not to exceed one-page in length, describing in detail the nexus between their proposed project scope of work and disaster recovery and resilience efforts. The strength of the nexus to the disaster is drawn from the consequences of the relevant disaster(s) **and the intended project outcomes that fulfill the community’s specific post-disaster needs.**
7. **One Form ED-900A** (Additional EDA Assurances for Construction or Non-Construction Investments) from each co-applicant, as applicable.
8. **One Form ED-900D** (Requirements for Design and Engineering Assistance).
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:  
[http://www.eda.gov/files/012\\_Environmental\\_Narrative\\_Template.zip](http://www.eda.gov/files/012_Environmental_Narrative_Template.zip).
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.

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 clearly 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 clearly 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-424B** (Assurances—Non-Construction Programs) from each co-applicant, as applicable, unless as part of the registration process for SAM 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).<sup>12</sup>
6. **Disaster Nexus Narrative:** In addition to providing a project description as a part of the ED-900 above, applicants **must** include a narrative attachment, not to exceed one-page in length, describing in detail the nexus between their proposed project scope of work and disaster recovery and resilience efforts. The strength of the nexus to the disaster is drawn from the consequences of the relevant disaster(s) **and the intended project outcomes that fulfill the community’s specific post-disaster needs.**

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<sup>12</sup> Applicants seeking a strategy grant should note this information as part of their response to Section B.2 of the form.

7. **One Form ED-900A** (Additional EDA Assurances for Construction or Non-Construction Investments) from each co-applicant, as applicable.
8. **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.

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 clearly 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 clearly 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-424B** (Assurances—Non-Construction Programs) from each co-applicant, as applicable, unless as part of the registration process for SAM 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).
6. **Disaster Nexus Narrative:** In addition to providing a project description as a part of the ED-900 above, applicants **must** include a narrative attachment, not to exceed one-page in length, describing in detail the nexus between their proposed project scope of work and disaster recovery and resilience efforts. The strength of the nexus to the disaster is drawn from the consequences of the relevant disaster(s) **and the intended project outcomes that fulfill the community’s specific post-disaster needs.**

7. **One Form ED-900A** (Additional EDA Assurances for Construction or Non-Construction Investments) from each co-applicant, as applicable.
8. **One Form ED-900F** (Supplement for Revolving Loan Fund Applications).
9. **A draft RLF plan** that addresses all components required by EDA's regulation at 13 C.F.R. § 307.9.
10. **One Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.
11. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, if applicable.

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 Disaster POC listed in Section G of this Disaster Supplemental NOFO to clarify technical matters involving their proposed project.

#### **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 of this Disaster Supplemental NOFO. 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. For most applicants, this will entail the submission of a copy of its current, approved and negotiated indirect cost rate agreement (NICRA). The maximum dollar amount of allocable indirect costs for which EDA will reimburse a recipient shall be 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) Federal Share of the total allocable indirect costs of the award based on either (a) the indirect cost rate approved by EDA (or applicable cognizant Federal agency), provided that the cost rate is current at the time

the costs were incurred and provided that the rate 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. See 2 C.F.R. part 200 Apps. III, IV, V, VI, VII for guidance. The allocation plan and the rate proposal shall 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.

If the applicant (1) does not have a current NICRA and (2) has never received a negotiated indirect cost rate, the applicant may alternatively elect to charge a *de minimis* rate of 10% of modified total direct costs subject to the exceptions of 2 C.F.R. § 200.414(f). The applicant should include a statement in its Budget Narrative that it does not have a NICRA; it has never received a negotiated indirect cost rate; and it is electing to charge the *de minimis* rate.

Note that if the applicant is a State or local unit of government (or a Tribe) 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 or EDA;
- ii. Acknowledgment received from EDA and Certificate of Indirect Costs;
- iii. Cost Allocation Plan approved by a Federal agency; 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, to the extent applicable,<sup>13</sup> applicants are required to: (i) be registered in SAM before submitting their application; (ii) provide a valid unique entity identifier in their application; and (iii) 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 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 (2014). The guidance set out at 2 C.F.R. part 25 can be found at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part25.pdf> and

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<sup>13</sup> Individuals who apply for or receive agency awards or direct subawards are exempt from the requirements of the unique entity identifier and SAM. See 2 C.F.R. § 25.110(b).

the guidance set out at 2 C.F.R. part 170 can be found at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part170.pdf>. Note that SAM now encompasses the Central Contractor Registration (CCR) and that the unique entity identifier is commonly referred to as the Data Universal Numbering System (DUNS) Number. The recipient must keep its SAM registration current.

### **3. Submission Dates and Times**

There are no application deadlines under this Disaster Supplemental NOFO. EDA plans to accept applications on a rolling basis subject to the availability of funds. EDA's disaster supplemental appropriations are no-year funds and may be used to fund projects beyond FY19. EDA may cancel or withdraw the Disaster Supplemental NOFO at any time.

#### **a. How to Submit an Application?**

##### **i. 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 Disaster Supplemental NOFO for more detailed instructions and information on the requirements for submitting applications electronically via Grants.gov.**

##### **ii. 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 Disaster Supplemental 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 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.<sup>14</sup> To find out more about a State's

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<sup>14</sup> As provided for in 15 C.F.R. part 13.

process under EO 12372, applicants may contact their State's Single Point of Contact (SPOC). Names and addresses of some States' SPOCs are listed on the OMB's website at [https://www.whitehouse.gov/wp-content/uploads/2017/11/Intergovernmental\\_Review-SPOC\\_01\\_2018\\_OFFM.pdf](https://www.whitehouse.gov/wp-content/uploads/2017/11/Intergovernmental_Review-SPOC_01_2018_OFFM.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 statement of any actions to address those comments or (ii) a statement that no comments were received.

## **5. Funding Restrictions**

In general, EDA does not reimburse pre-award project costs. Applicants that are in need of such reimbursement should work closely with the appropriate Disaster POC to determine if their pre-award costs may be considered for reimbursement. In order 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 Disaster Supplemental NOFO. All changes will be communicated on 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. Before applications are reviewed as described below, EDA will conduct an initial screening 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 of this Disaster Supplemental NOFO will not be reviewed.<sup>15</sup>

## **1. Review and Selection Process**

### **a. Investment Review Committee (IRC)**

Each Regional Office will convene periodic IRCs, as necessary depending on the volume of applications, that consist of at least three EDA staff members to review each complete application. Before the IRC reviews an application EDA will conduct an administrative review to determine that the application is complete.<sup>16</sup>

All IRC members will review each complete application before the IRC discussion and evaluation. 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 strategy grant proposals,** the IRC will use the following criteria in its review, with each criterion receiving equal weight:

- i. The strength of the nexus of the project's scope of work to the major disaster designation;
- ii. The extent to which the project is responsive to the needs of communities impacted by the relevant disasters regarding disaster relief, long-term economic recovery, resilience to future disasters, and restoration and enhancement of infrastructure;
- iii. The project's feasibility, which may include the availability and committed nature of proposed matching funds;
- 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.);
- v. The project's alignment with the regional CEDS or other CEDS equivalent EDA-accepted economic development strategy, including the extent to which

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<sup>15</sup> 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 the result of a disaster, EDA may waive such conditions.”).

<sup>16</sup> 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 the result of a disaster, EDA may waive such conditions.”).

- the project is aligned with and integrated into other public or private investments currently ongoing or planned for the community and region;
- vi. The project's demonstrated alignment with EDA's current Investment Priorities as outlined at <https://www.eda.gov/about/investment-priorities/disaster-recovery/> and described in Section A.2 of this Disaster Supplemental NOFO;
  - vii. The significance of the impact upon the region from the relevant disaster;
  - viii. The project's demonstrated ability to foster job creation and promote private investment in the regional economy;
  - ix. The likelihood that the project is capable of starting quickly and the immediacy of its impacts;
  - x. The applicant's organizational capacity, including its financial and management capacity;
  - xi. The extent to which the project will enable the community/region to become more economically diversified, prosperous, and resilient to disasters; and
  - xii. The extent to which the project is based upon regionally-oriented and collaborative economic development and redevelopment strategies.

**For strategy grant proposals**, the IRC will use the following criteria in its review, with each criterion receiving equal weight:

- i. The strength of the nexus of the project's scope of work to the major disaster designation;
- ii. The quality of the proposed scope of work for the development, implementation, revision or replacement of a strategic, economic development, or disaster recovery, mitigation or resilience plan;
- iii. The project's potential to increase the capacity of the community or region to promote job creation, private investment in the regional economy, and disaster resilience;
- iv. The project's feasibility and the likelihood that the project will achieve its projected outcomes;
- v. The project's demonstrated alignment with EDA's current Investment Priorities as outlined at <https://www.eda.gov/about/investment-priorities/disaster-recovery/> and described in Section A.2 of this Disaster Supplemental NOFO;
- vi. The ability of the applicant to successfully implement the proposed project; and
- vii. The extent to which the project demonstrates support from regional stakeholders (private, public, and non-profit entities, etc.).

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.

For each competition (i.e., disaster strategy grants and other disaster EAA), based on its consideration of the above factors, the IRC will prepare a priority order of funding recommendations for the respective Regional Director. 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 outcome of the IRC within 60 days of EDA's receipt of their **complete application**.

#### **b. Due Diligence**

If the IRC recommends an application, 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;
- ii. Proof of project ownership;
- iii. Documentation of matching funds; and
- iv. 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.

#### **c. Grants Officer's Decision**

Applications recommended by the IRC and deemed fully compliant with applicable rules and regulations will be forwarded to the Regional Director, who is designated the Grants Officer

under this Disaster Supplemental 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 is integrated, as defined in Section A.4 of this Disaster Supplemental NOFO, into the project scope of work;
- iii. The applicant's performance under previous Federal financial assistance awards, including whether the grantee submitted required performance reports and data;
- iv. The availability of program funding;
- v. 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 organizations) and the overall portfolio; and
- vi. 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.

## **2. 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. § 200.205.

## **F. Federal Award Administration Information**

### **1. Federal Award Notification**

If an application is selected for funding the EDA Grants Officer will issue the grant 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.2.b, 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**

### **a. Uniform Administrative Requirements, Cost Principles and Audit 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. See a copy of these regulations at: <https://www.gpo.gov/fdsys/pkg/CFR-2016-title2-vol1/pdf/CFR-2016-title2-vol1-part200.pdf>. Please note that the Uniform Guidance superseded DOC's Uniform Administrative Requirements, which were found at 15 C.F.R. parts 14 and 24.

### **b. DOC Financial Assistance Standard Terms and Conditions and EDA Standard Terms and Conditions for RLF and Construction Projects**

For all projects except construction awards, DOC will apply the DOC ST&Cs applicable on the date of award. The DOC ST&Cs may be accessed at the following website: [http://www.osec.doc.gov/oam/grants\\_management/policy/default.htm](http://www.osec.doc.gov/oam/grants_management/policy/default.htm).

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/> under the header "Standard Terms and Conditions for RLF and Construction Projects."

For construction awards, EDA will apply the Construction ST&Cs. The Construction ST&Cs may be accessed at <https://www.eda.gov/tools/grantee-forms/> under the header "Standard Terms and Conditions for RLF and Construction Projects."

### **c. 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>.

## **3. Reporting**

- a.** All recipients are required to submit financial, performance, 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.** The Federal Funding Accountability and Transparency Act of 2006 includes a requirement for awardees of applicable Federal grants to report information about first-tier subawards<sup>17</sup> and executive compensation under Federal assistance awards issued in FY 2011 or later. All awardees of applicable grants and cooperative agreements are required to report to the Federal Subaward Reporting System (FSRS) available at [www.FSRS.gov](http://www.FSRS.gov) on all subawards over \$25,000. Please see the OMB guidance published at 2 C.F.R. part 170, which can be accessed at <http://www.gpo.gov/fdsys/pkg/CFR-2015-title2-vol1/pdf/CFR-2015-title2-vol1-part170.pdf>.
- c.** EDA may require additional data on activities, outputs, and actual impact of the funded investment, pursuant to the Government Performance and Results Act (GPRA), and as specified under the specific terms and conditions of the EDA grant award. For example, recipients may be expected to continuously track their engagement activities within the scope of work, other beneficiaries, and project-related stakeholders. They may also be expected to collect data on the outputs and impacts of their activities, such as, for example, the number of beneficiary strategic plans developed, the number of new business partnerships formed, or new capabilities acquired using surveys of beneficiaries or clients if necessary. EDA will specify the data collection techniques and reporting mechanisms to be used.

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<sup>17</sup> 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.

## **G. Federal Awarding Agency Contacts**

As stated in Section B.1 above, this Disaster Supplemental NOFO is for regions that have received a major disaster designation as a result of Hurricanes Florence, Michael, and Lane, Typhoons Yutu and Mangkhut, and of wildfires, volcanic eruptions, earthquakes and other natural disasters occurring in calendar year 2018, and tornadoes and floods occurring in calendar year 2019 **only**. If an applicant has a project that will be located in one of these disaster-impacted regions declared under the Stafford Act, please contact the appropriate Disaster POC/Regional Environmental Officer listed below. EDA's website at <http://www.eda.gov> provides additional information on EDA and its programs.

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### **Atlanta Regional Office**

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

#### **Alabama, Georgia**

Jonathan Corso  
jcorso@eda.gov  
Georgia 404-730-3023  
Alabama 404-730-3020

#### **South Carolina**

Robin Cooley  
rcooley@eda.gov  
803-253-3640

#### **Kentucky**

Bertha Partin  
bpartin@eda.gov  
404-730-3026

#### **North Carolina**

Hillary Sherman  
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404-730-3013

#### **Mississippi**

Gil Patterson  
gpatterson2@eda.gov  
404-730-3032

#### **Tennessee**

Lucas Blankenship  
lblankenship@eda.gov  
404-730-3010

#### **Florida**

Greg Vaday  
gvaday@eda.gov  
404-730-3009

#### **Environmental Officer**

Keith Dyche  
kdyche@eda.gov  
404-730-3029

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## **Austin Regional Office**

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

### **Area Director – South Texas, Louisiana and Arkansas**

Matthew P. Giannini  
mgiannini@eda.gov  
512-516-1878

### **Environmental Officer**

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

### **Area Director – North Texas, Oklahoma and New Mexico**

Jessica Falk  
jfalk@eda.gov  
512-381-8168

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## **Chicago Regional Office**

Susan Brehm, Regional Counsel  
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

### **Michigan and Wisconsin**

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

### **Indiana and Ohio**

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

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**Denver Regional Office**

Angela Belden Martinez, Regional Director  
1244 Speer Boulevard, Suite 431, Denver, CO 80204  
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303-844-5452

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720-402-7686

**Montana, Wyoming**

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mwerthmann@eda.gov  
913-894-1586

**Environmental Officer**

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

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**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

**Puerto Rico, Virgin Islands**

Juan Bauza  
jbauza@eda.gov  
215-435-2905

**Environmental Officer**

Chris Christian  
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215-597-8795

**Puerto Rico, Virgin Islands**

Alma Plummer  
aplummer@eda.gov  
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**Seattle Regional Office**

A. Leonard Smith, Regional Director  
Jackson Federal Building  
915 Second Avenue, Room 1890, Seattle, WA 98174-1001  
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**California (Coastal and Northern)**

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**Hawaii, Guam, Northern Mariana  
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of Micronesia, Palau**

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**Oregon, Idaho**

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fsakaguchi@eda.gov  
206-220-7693

**Environmental Officer**

Rowena DeFato  
rdefato@eda.gov  
206-220-7703

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**H. Other Information**

**1. Right to Use Information**

DOC reserves the right to use information contained in applications submitted under this opportunity, as well as all reports and performance data submitted by recipients to undertake an evaluation of its programs, either through its staff or by hiring a third party. The applicant acknowledges and understands 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 DOC in conducting reviews and evaluations of its financial assistance programs. For this purpose, applicant information and data may be accessed, reviewed and evaluated by DOC employees, other Federal employees, Federal agents and contractors, and/or by non-Federal personnel, all of whom enter into appropriate confidentiality and nondisclosure 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 DOC and external program evaluators. In accordance with 2 C.F.R. § 200.303(e), applicants 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 DOC financial assistance award.

## **2. Freedom of Information Act Disclosure**

The Freedom of Information Act (5 U.S.C. § 552) (FOIA) and DOC's implementing regulations at 15 C.F.R. part 4 set forth the rules and procedures to make requested material, information, and records publicly available. Unless prohibited by law and to the extent permitted under FOIA, contents of applications submitted by applicants may be released in response to FOIA requests. In the event that an application contains information or data that the applicant deems to be confidential commercial information, that information should be identified, bracketed, and marked as "Privileged, Confidential, Commercial or Financial Information." Based on these markings, the confidentiality of the contents of those pages will be protected 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 Disaster POC listed in Section G of this Disaster Supplemental NOFO 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. Restrictions Governing Making Grants to Corporations Convicted of Federal Felony and Federal Criminal Tax Violations, Unpaid Federal Tax Assessments and Delinquent Federal Tax Returns**

In accordance with current Federal appropriations law, execution by an applicant of the Certification Regarding Federal Felony and Federal Criminal Tax Convictions, Unpaid Federal Tax Assessments and Delinquent Federal Tax Returns (see Attachment 1) will be required in a format requested by EDA before any award will be made under this Disaster Supplemental NOFO.

Specifically, if an applicant is a corporation as defined in the Certification, it is required to sign and return the Attachment 1, Part I Certification. In addition, all applicants applying for financial assistance awards in excess of \$5 million are required to sign the Attachment 1, Part II certification. The applicant will be required to submit these certifications, signed by its AOR, after being contacted by EDA that the IRC has recommended its application as described in Section E.1. of this Disaster Supplemental NOFO.

## **6. EDA's Non-Relocation Policy**

**Should an application be 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)).

## **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**

**Register early and submit early.** In order to submit an application through 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 SAM, which includes the CCR database, registration up-to-date through sam.gov or their applications will not be accepted by Grants.gov.

**AOR requirement.** Applicants must register as organizations, not as individuals. As part of the registration process, you will register at least one 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.

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

- Navigate to <https://www.grants.gov/web/grants/applicants/workspace-overview.html>;
- Click “Get Application Package”;
- In “Funding Opportunity Number” field, enter “2018DisasterSupplemental”;

- Click “Search”;
- Under the “Actions” column, click the “Apply” link that corresponds with this opportunity;
- 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”;
- Follow the instructions provided on the Grants.gov website and on each webpage to complete and submit your application;
- For detailed step-by-step guidance on how to create a workspace, an application, and submit a workspace package, see the Grants.gov Online User Guide. Navigate to [www.grants.gov](http://www.grants.gov) and select “Apply for a Grant with Workspace” in the banner or see [https://www.grants.gov/help/html/help/Applicants/Apply\\_for\\_Grants.htm](https://www.grants.gov/help/html/help/Applicants/Apply_for_Grants.htm)

**Field Limitations and Special Characters.** Please be advised that [Grants.gov](http://www.grants.gov) provides the following notice with respect to form field limitations and special characters:

**Are there restrictions on file names for any attachment I include with my application package?**

Please limit file names to 50 characters and do not use special characters (example: &, -, \*, %, /, #) in attachment names and application form fields (including periods (.), blank spaces and accent marks) or attaching documents with the same name. An underscore (example: my\_Attached\_File.pdf) may be used to separate a file name. Please note that if these guidelines are not followed, your application may be rejected.

**What kind of information can be entered into form fields within my application?**

Grants.gov application packages offer fields to enter a set amount of data. When the limit is reached for a certain field, you will no longer be able to enter data into that field. For every form, there are different limitations to the data that you are allowed to enter (this varies between agency and form). Refer to the agency instructions available for download with the application package for more detail.

Do not use special characters (example: &, -, \*, %, /, #) within the application form fields including periods (.), blank spaces and accent marks; an underscore may be used. Please note that if these guidelines are not followed, your application may be rejected.

In EDA’s experience, use of apostrophes (’) in file names and fillable fields of required forms has resulted in application submission issues. Accordingly, please periodically check the status of your application to make sure it has been validated, and use file naming conventions that do not negatively affect your application submission.

If a response exceeds the field limit requirements of a form, including Form ED-900, the applicant may include the response as an attachment to the application. The applicant should move ‘Attachments’ to the ‘Optional Documents for Submission’ box in the application package and clearly indicate in the form field that the information is included as an electronic file.

**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 two days 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 applicants 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 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 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," an 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>.

**Grants.gov Systems Issues.** If an applicant experiences a Grants.gov systems issue (i.e., a technical problem or glitch with the Grants.gov website) that is believed to threaten applicant's 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 Disaster POC information in Section G of this Disaster Supplemental NOFO. Applicant's should obtain a case number regarding their 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>. The following link lists “Frequently Asked Questions by Applicants”:  
<https://www.grants.gov/web/grants/applicants/applicant-faqs.html>. If you do not find an answer to your question there, try consulting the “Applicant User Guide” at [https://www.grants.gov/help/html/help/Get\\_Started/Get\\_Started.htm](https://www.grants.gov/help/html/help/Get_Started/Get_Started.htm) or contacting Grants.gov by email at [support@grants.gov](mailto:support@grants.gov) or telephone at (800) 518-4726. The Grants.gov Contact Center is open 24 hours a day, seven days a week, except on Federal holidays.

## **Attachment 1. Certifications Regarding Federal Felony and Federal Criminal Tax Convictions, Unpaid Federal Tax Assessments and Delinquent Federal Tax Returns**

As discussed in Part I and Part II below, current Federal appropriations law contains certain funding prohibitions and certification requirements applicable to financial assistance awards issued with appropriated funds. Accordingly, the Department of Commerce will require the following certifications from prospective financial assistance award recipients (also referred to below as applicants):

### **PART I – Certifications from Corporations**

None of the appropriated funds made available by relevant appropriations Acts may be used to issue a financial assistance to any corporation that:

- (a) Was convicted of a felony criminal violation under any 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) Has 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 purposes of the below certification, a corporation is defined as an entity that has filed articles of incorporation in one of the fifty states, the District of Columbia, or the various territories of the United States or associated independent republics including American Samoa, Federated States of Micronesia, Guam, Midway Islands, Northern Mariana Islands, Puerto Rico, Republic of Palau, Republic of the Marshall Islands, and the U.S. Virgin Islands. (Note that this includes both for-profit and non-profit organizations.)

The below certification is required for all new financial assistance awards and for all amendments to existing financial assistance awards, that are made to corporations (as defined above) and that are funded with appropriated funds made available to the Department of Commerce pursuant to relevant appropriations Acts. This certification is further required to the extent that other appropriation Acts contain the same or substantively similar prohibitions against the issuance of financial assistance awards to certain corporations.

**Instructions:** All recipients that are corporations (as defined above) must complete paragraphs (1) and (2) below, which must be signed below by an authorized representative of the corporation. Recipients that are not corporations are not required to complete this representation.

(1) \_\_\_\_\_ [insert name of corporation] certifies that it is  is not  (check one) a corporation that was convicted of a felony criminal violation under a Federal law within the 24 months preceding the signature date of this Representation.

(2) \_\_\_\_\_ [insert name of corporation] certifies that it is  is not  (check one) a corporation that has 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.

By: \_\_\_\_\_  
[Typed name and title of the signing individual]  
[Typed phone number of the signing individual]  
[Typed email address of the signing individual]

Date: \_\_\_\_\_

## **PART II – Certifications for Awards Over \$5 Million**

For financial assistance awards in excess of \$5 million, the Department of Commerce is required to obtain written certification from all recipients that:

- (a) To the best of its knowledge and belief, the recipient has filed all Federal tax returns required during the three years preceding the certification;
- (b) The recipient has not been convicted of a criminal offense under the Internal Revenue Code of 1986; and/or
- (c) The recipient has not, more than 90 days prior to certification, been notified 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.

The below certification is required from all recipients receiving financial assistance awards in excess of \$5 million and funded with applicable appropriations. This certification is further required to the extent that other appropriation acts contain the same or substantively similar prohibitions against the issuance of financial assistance to certain recipients of financial assistance awards in excess of \$5 million.

**Instructions:** All applicants receiving financial assistance awards in excess of \$5 million and funded with applicable appropriations must complete paragraphs (1), (2) and (3) below, which must be signed below by an authorized representative of the applicant.

(1) \_\_\_\_\_ [insert name of corporation] certifies that it has  has not  (check one) filed all Federal tax returns required during the three years preceding this certification;

(2) \_\_\_\_\_ [insert name of corporation] certifies that it has  has not  (check one) been convicted of a criminal offense under the Internal Revenue Code of 1986, as amended; and/or

(3) \_\_\_\_\_ [insert name of corporation] certifies that it has  has not  (check one) been notified, more than 90 days prior to this certification, of any Federal tax assessment for which 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.

By: \_\_\_\_\_  
*[Typed name and title of the signing individual]*  
*[Typed phone number of the signing individual]*  
*[Typed email address of the signing individual]*

Date: \_\_\_\_\_