

ANNOUNCEMENT OF FEDERAL FUNDING OPPORTUNITY
Planning and Local Technical Assistance Programs

EXECUTIVE SUMMARY

- **Federal Agency Name:** Economic Development Administration (EDA), U.S. Department of Commerce (DOC).
- **Funding Opportunity Title:** FY 2016 – FY 2019 EDA Planning Program and Local Technical Assistance Program – Application submission and program requirements for EDA’s Planning and Local Technical Assistance programs.
- **Announcement Type and Date:** Federal Funding Opportunity (FFO) announcement publishing EDA’s application submission requirements and review procedures for applications received under EDA’s (i) Planning and (ii) Local Technical Assistance programs, authorized under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121 *et seq.*) (PWEDA). Effective date: December 10, 2015. This Planning and Local Technical Assistance FFO will remain in effect until superseded by a future announcement.
- **Funding Opportunity Number:** EDA-HDQ-TA-HDQ-2016-2004759
- **Catalog of Federal Domestic Assistance (CFDA) Numbers:** 11.302, Economic Development - Support for Planning Organizations; 11.303 Economic Development - Technical Assistance
- **Dates:** There are no application deadlines under this FFO. Applications will be accepted on an ongoing basis until the publication of a new Planning FFO.
- **Funding Opportunity Description:** Pursuant to PWEDA, EDA announces general policies and application procedures for grant-based investments under the Planning and Local Technical Assistance programs. Under the Planning program EDA assists eligible recipients in creating regional economic development plans designed to build capacity and guide the economic prosperity and resiliency of an area or region. As part of this program, EDA supports Partnership Planning investments to facilitate the development, implementation, revision, or replacement of Comprehensive Economic Development Strategies (CEDS), which articulate and prioritize the strategic economic goals of recipients’ respective regions. In general, EDA provides Partnership Planning grants to the designated planning organization (e.g., District Organization) serving EDA-designated Economic Development Districts to enable these organizations to

develop and implement relevant CEDS. In addition, EDA provides Partnership Planning grants to Indian Tribes to help develop and implement CEDS and associated economic development activities. The Planning program also helps support organizations, including District Organizations, Indian Tribes, and other eligible recipients, with Short-Term and State Planning investments designed to guide the eventual creation and retention of high-quality jobs, particularly for the unemployed and underemployed in the Nation's most economically distressed regions. The Local Technical Assistance program strengthens the capacity of local or State organizations, institutions of higher education, and other eligible recipients to undertake and promote effective economic development programs through projects such as feasibility analyses and impact studies.

- **Eligible Applicants:** 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. Eligible applicants for EDA financial assistance under the Planning and Local Technical Assistance programs include a(n): (i) District Organization of a designated Economic Development District; (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. See Section 3 of PWEDA (42 U.S.C. § 3122) and 13 C.F.R. § 300.3.

FULL ANNOUNCEMENT TEXT
THE ECONOMIC DEVELOPMENT ADMINISTRATION’S (EDA)
PLANNING AND LOCAL TECHNICAL ASSISTANCE PROGRAMS

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I. Funding Opportunity Description

A. Overview

This Federal Funding Opportunity (FFO) announcement sets out EDA’s application submission and review procedures for two of its Economic Development Assistance programs (EDAP) authorized under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121 et seq.) (PWEDA): (i) Planning; and (ii) Local Technical Assistance. EDA publishes separate FFO announcements for its other programs: Public Works, Economic Adjustment Assistance, University Center, Research and National Technical Assistance, Regional Innovation Strategies, and Trade Adjustment Assistance for Firms.

EDA’s programs provide economically distressed communities and regions with comprehensive and flexible resources to address a wide variety of economic needs, and are designed to lead to the creation and retention of jobs and increased private investment. EDA’s programs fund and promote local and regional economic development capacity-building efforts

that result in or are instrumental in establishing vibrant economies throughout the United States. Through these programs, EDA supports locally-driven strategies that build on regional assets to spur economic prosperity and resiliency. EDA encourages initiatives that present new ideas and creative approaches to advance economic prosperity in distressed communities.

B. EDA Investment Priorities

Through the competitive grant process outlined in this FFO, all proposed projects are evaluated to determine the extent to which they align with EDA’s capacity-building investment priorities, create or retain high-quality jobs, leverage public and private resources, demonstrate the ability to start the proposed project promptly and use funds quickly and effectively, and provide a clear scope of work and specific, measureable outcomes.

EDA’s investment priorities are designed to provide an overarching framework to guide the agency’s investment portfolio to ensure its investments have the greatest impact. Competitive applications will be responsive to the evaluation criteria listed in Section V.A. of this FFO, and will align with at least one of the following investment priorities:

1. Collaborative Regional Innovation

Projects that support the development and growth of innovation clusters¹ based on existing regional competitive strengths. Such initiatives must engage relevant stakeholders; facilitate collaboration among urban, suburban, and rural (including tribal) areas; provide stability for economic development through long-term intergovernmental and public/private collaboration; and support the growth of existing and emerging industries.

2. Public/Private Partnerships

Projects that use both public and private sector resources and complementary investments by other government/public entities and/or nonprofits.

¹ EDA defines clusters as geographic concentrations of firms, workers and industries that do business with each other and have common needs for talent, technology, and infrastructure. Clusters are essentially networks of similar, synergistic, or complementary entities that are engaged in or with a particular industry sector; have active channels for business transactions and communication; share specialized infrastructure, labor markets, and services; and leverage the region’s unique competitive strengths to stimulate innovation and create jobs. Clusters may cross municipal, county, and other jurisdictional boundaries.

3. **National Strategic Priorities**

Projects that:

- a. encourage job growth and business expansion in manufacturing, including advanced manufacturing, sustainable manufacturing, and manufacturing supply chains;
- b. assist communities severely impacted by the declining use of coal;
- c. increase economic resiliency, including resilience to the effects of natural disasters and climate change;
- d. assist with natural disaster mitigation and recovery;
- e. are aimed at restoring or improving urban waters and the communities that surround them; and
- f. assist and/or support:
 - i. information technology infrastructure (for example, broadband or smart grid);
 - ii. communities severely impacted by automotive industry restructuring;
 - iii. job-driven skills development;
 - iv. access to capital for small- and medium-sized and ethnically diverse enterprises;
 - v. innovations in science and health care; and
 - vi. advancement of science and research parks, other technology transfer, or technology commercialization efforts.

4. **Global Competitiveness**

Projects that support high-growth businesses and innovation-based entrepreneurs to expand and compete in global markets, especially investments that expand U.S. exports, encourage foreign direct investment, and promote the repatriation of jobs back to the U.S.

5. **Environmentally-Sustainable Development**

Projects that promote job creation and economic prosperity through enhancing environmental quality and developing and implementing green products, processes, places, and buildings as part of the green economy. This includes projects that encourage job growth, business expansion, and innovations in energy-efficient technologies and clean energy, including alternative fuel technologies. Additional information is available on EDA's website at <http://www.eda.gov/pdf/GreenGrowthOverview.pdf>.

6. **Underserved Communities**

Projects that strengthen diverse communities that have suffered disproportionate economic distress and job losses and/or are rebuilding to become more competitive in the global economy.

C. EDA Program Information

This section provides detailed information on the two programs to which this FFO applies. Additional information about EDA's other programs, including information about the eligibility of specific kinds of projects, is available through EDA staff. EDA staff provides technical assistance to prospective applicants to assist in proposal development and application submission. Applicants are strongly encouraged to contact the appropriate EDA regional office for their State noted in Section VIII. of this FFO to clarify technical matters involving their proposed project, its alignment with EDA's mission and investment priorities, and all other relevant publicly available information relating to technical matters before submitting an application to EDA.

1. Planning Program: (CFDA No. 11.302; 13 C.F.R. Part 303)

Through the Planning program, EDA provides assistance to eligible recipients to create regional economic development plans to build economic development capacity and guide the economic prosperity and resiliency of an area or region. As part of this program, EDA supports Partnership Planning investments to facilitate the development, implementation, revision, or replacement of Comprehensive Economic Development Strategies (CEDs), which are designed to help regions leverage their unique assets to help create and retain high-quality jobs, particularly for the unemployed and underemployed in the Nation's most economically distressed regions.

EDA provides Partnership Planning grants to the designated planning organization (e.g., District Organization) serving each EDA-designated Economic Development District (EDD) throughout the Nation. These planning organizations are typically recognized by the State in which they reside as multi-jurisdictional councils of governments, regional commissions, or planning and development organizations. Partnership Planning grants enable planning organizations to manage and coordinate the development and implementation of CEDs. In addition, EDA provides Partnership Planning grants to Indian Tribes to help organize and assist with the implementation of economic development activities within their areas.

The Planning program also helps eligible recipients, including District Organizations and Indian Tribes, with Short-Term and State Planning efforts in order to stimulate and guide the creation and/or retention of high-quality jobs, particularly for the unemployed and underemployed in the Nation's most economically distressed regions. For example, EDA might provide Short-Term Planning funding to a coalition of Tribal and regional organizations to plan a coordinated response to the sudden loss of a major employer in the affected area(s).

2. Local Technical Assistance Program (CFDA No. 11.303; 13 C.F.R. Part 306, Subpart A)

The Local Technical Assistance program strengthens the capacity of local, regional or State organizations and institutions to undertake and promote effective economic development programs through projects such as feasibility studies, impact analyses, disaster resiliency plans, and project planning. For example, EDA might provide funds to help a city prepare a feasibility study regarding the use of an abandoned manufacturing facility for an activity that advances local economic development.

3. Statutory Authorities for EDA's programs

The statutory authorities for the Planning and Local Technical Assistance programs are Sections 203 (42 U.S.C. § 3143) and 207 (42 U.S.C. § 3147) of PWEDA, respectively.

Unless otherwise provided in this FFO, applicant eligibility, program objectives and priorities, application procedures, evaluation criteria, selection procedures, and other requirements for the Planning and Local Technical Assistance programs are set forth in EDA's regulations (codified at 13 C.F.R. chapter III). All applications must comply with these requirements. EDA's regulations are available <http://www.gpo.gov/fdsys/pkg/CFR-2015-title13-vol1/pdf/CFR-2015-title13-vol1-chapIII.pdf>.

II. Award Information

A. Funding Availability

Note: As of December 10, 2015, the full amount of FY 2016 appropriations is not available and EDA is operating under the authority of H.R. 719, which continues the FY 2015 Consolidated Appropriations Act funding levels. The FY 2015 award amounts are provided only for your information as they may prove useful for planning purposes.

In FY 2015, the Consolidated Appropriations Act, 2014 (P.L. 113-235) (The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2015 [division B of P.L. 113-235]) appropriated \$30 million for the Planning program and \$11 million for Local Technical Assistance program.

The funding periods and funding amounts referenced in this FFO are subject to the availability of funds at the time of award, as well as to DOC and EDA priorities at the time of award. Neither DOC nor EDA will be held responsible for application preparation costs. 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. Applications for renewal or supplementation of additional projects may compete with applications for new awards. The

average award amounts set out below are provided only for your information and may prove useful for planning purposes. Actual amounts awarded may be higher or lower depending on the nature of the funded project and the availability of funds. The majority of funding under the Planning program is for Partnership Planning grants for EDA-designated EDDs and Indian Tribes.

The average size of a Planning investment has been approximately \$70,000, and investments generally range from \$40,000 to \$200,000. Historically, EDA has awarded funds for between 320 and 470 Planning projects a year.

The average size of a Local Technical Assistance investment has been approximately \$64,000, and investments generally range from \$50,000 to \$300,000. Historically, EDA has awarded funds for between 30 and 50 Local Technical Assistance projects a year.

B. Funding Instruments and Period of Performance

Subject to the availability of funds, EDA may enter into a grant or cooperative agreement with successful recipient. A cooperative agreement will be used if the proposed project involves substantial EDA involvement, which may include hands-on technical assistance and involvement in project activities. Substantial involvement indicates that EDA may assist, guide, coordinate, or participate in project activities in a partnership role; it is not to assume direction, prime responsibility, or a dominant role in the activities. A project's period of performance is dependent on the project scope of work, the nature of the project, and the EDA program under which the grant is awarded. In general, a Planning or Local Technical Assistance investment is usually one year in duration, but a specific award may allow for up to three years for completion of the scope of work. EDA expects that all projects will proceed efficiently and expeditiously, and EDA encourages applicants to clearly document how quickly the applicant will be able to start and complete the proposed work.

C. 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 EDA representative for their state 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.² 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 must be approved by EDA in writing.

² Procurement requirements for States and other non-Federal entities are set out at 2 C.F.R. §§ 200.317 – 200.326.

Neither EDA nor DOC will be held responsible for proposal and application preparation expenditures, which are distinguishable from pre-award project costs.

III. Eligibility Information

A. Eligible Applicants

Pursuant to PWEDA, eligible applicants for and eligible recipients of EDA investment assistance under this FFO include a(n):

1. District Organization;
2. Indian Tribe or a consortium of Indian Tribes;
3. 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;
4. Institution of higher education or a consortium of institutions of higher education; or
5. Public or private non-profit organization or association acting in cooperation with officials of a political subdivision of a State.³

EDA is **not** authorized to provide grants or cooperative agreements to individuals or for-profit entities, and such requests will not be considered for funding.

B. EDA Economic Distress Criteria

Awards under EDA's Planning and Local Technical Assistance programs will demonstrate the probability of effecting positive economic development impacts within distressed regions and help promote regional economic resiliency. Applicants are responsible for defining the region that the project will assist by providing supporting statistics and other information, as appropriate. **Although meeting specific distress criteria is not a prerequisite for funding under the two programs, the economic distress level of the region impacted by a project serves as the basis for establishing the EDA share of the total cost of a project.** See Section III.C. of this FFO for information on matching share requirements.

C. Cost Sharing or Matching

Generally, the amount of an EDA award may not exceed 50 percent of the total cost of the project. Projects may receive an additional amount that may not exceed up to 30 percent of

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

the total project cost, based on the relative needs of the region in which the project will be located, as determined by EDA.

In general, EDA’s maximum investment rate (percent of total project costs) is determined by the average per capita income or unemployment rate of the region in which the project is located, as outlined in Table 1 below:⁴

TABLE 1

Projects located in regions in which:	Maximum allowable investment rates (percentage of total project cost)
(A) The 24-month unemployment rate is at least 225% of the national average; or	80
(B) The per capita income is not more than 50% of the national average.	80
(C) The 24-month unemployment rate is at least 200% of the national average; or	70
(D) The per capita income is not more than 60% of the national average.	70
(E) The 24-month unemployment rate is at least 175% of the national average; or	60
(F) The per capita income is not more than 65% of the national average.	60
(G) The 24-month unemployment rate is at least 1 percentage point greater than the national average; or	50
(H) The per capita income is not more than 80% of the national average.	50

In addition, the Secretary of Commerce has delegated to the Assistant Secretary for Economic Development the discretion to establish a maximum EDA investment rate of up to 100 percent of the total project cost to a: (i) State (or political subdivision of a State) that the Assistant Secretary for Economic Development determines has exhausted its effective taxing and borrowing capacity, or (ii) a non-profit organization that the Assistant Secretary for Economic Development determines has exhausted its effective borrowing capacity.⁵ Additionally, EDA’s

⁴ See Section 204(a) of PWEDA (42 U.S.C. § 3144) and 13 C.F.R. § 301.4(b)(1).

⁵ See Sections 204(c)(1) and (2) of PWEDA (42 U.S.C. § 3144) and 13 C.F.R. § 301.4(b)(5).

regulations provide discretion to establish a maximum EDA investment rate of up to 100 percent for projects of Indian Tribes.⁶

Potential applicants should contact the appropriate EDA regional office for their State (noted in in Section VIII. of this FFO) to obtain additional information regarding these EDA investment rate determinations.

The applicant must show 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.⁷

In the application review process, EDA will consider the nature of the contribution (cash or in-kind) and the amount of the matching share funds. In-kind contributions may provide the required non-Federal share of the total project cost if deemed eligible and fairly valued. All in-kind contributions must be eligible project costs and meet applicable Federal cost principles and uniform administrative requirements.⁸ Examples of in-kind contributions may include space, equipment, services, or forgiveness or assumptions of debt.⁹ 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.¹⁰

Applicants are strongly encouraged to work with the appropriate EDA regional office for their State in Section VIII. of this FFO to determine how in-kind contributions can be utilized to satisfy the matching share requirement for their respective project concept and application.

IV. Application and Submission Information

Applicants are strongly urged to consult with the EDA representative for their applicable State to discuss whether their project is in alignment with EDA's investment priorities, eligibility requirements, cost-sharing requirements, or other requirements outlined in this FFO. This consultation is limited to clarification of technical matters involving their proposed project, project alignment with EDA's mission and investment priorities, and all other relevant publicly available information relating to technical matters; however, it will assist potential applicants in determining how to best proceed with their project.

⁶ See 13 C.F.R. § 301.4(b)(1).

⁷ See 13 C.F.R. § 301.5.

⁸ See 2 CFR § 200.306.

⁹ See Section 204(b) of PWEDA (42 U.S.C. § 3144).

¹⁰ See the definition of "Local Share or Matching Share" at 13 C.F.R. § 300.3.

In general, EDA does not reimburse pre-award project costs. Applicants that are in need of such reimbursement should work closely with the EDA representative for their State 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.¹¹ 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 the costs are approved by EDA. Neither EDA nor DOC will be held responsible for application preparation expenditures, which are distinguishable from pre-award project costs.

For applications submitted through Grants.gov, all forms must be submitted by and will be signed electronically by an Authorized Organizational Representative (AOR) of the applicant. An AOR registered with Grants.gov is the only official with the authority to submit applications through Grants.gov; however, sometimes the AOR authorized to submit an application is not an authorized representative of the applicant organization (i.e., someone who is authorized to act on behalf of or bind the organization). Regardless of the method of application submission, if an application is successful, an authorized representative of the applicant will be required to reaffirm that all documents submitted in support of the application were and remain true and correct. Please see Section IX. of this FFO for information on AOR requirements. Paper applications must include original signatures of an authorized official of the applicant. Please refer to important information on submitting your application provided in Section IV.D. of this FFO.

A. Obtaining an Application Package

An applicant may obtain the appropriate application package electronically at www.grants.gov (Grants.gov). Applicants may search for this funding opportunity on Grants.gov using Funding Opportunity Number "EDA-HDQ-TA-HDQ-2016-2004759". All components of the appropriate application package may be accessed and downloaded (in a screen-fillable format) at http://www.grants.gov/applicants/apply_for_grants.jsp. 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. Applicants are advised that they must complete the registration process prior to submitting an application through Grants.gov; however, please note that 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

¹¹ Procurement requirements for States and other non-Federal entities are set out at 2 C.F.R. §§ 200.317 – 200.326.

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 EDA regional office listed under Section VIII. of this FFO.

B. Content and Form of the Application Submission

A complete application package includes the following required documents, as outlined below:

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). One form per project is required.
3. **One Form SF-424 B** (Assurances-Non-Construction Programs) from each co-applicant, as applicable.
4. **One Form ED-900** (General Application for EDA Programs), and accompanying supporting documentation. Section A of Form ED-900 provides structured questions designed to assess the need and impact of a proposed project. While Form ED-900 provides space within the form for responses, the applicant may substitute an expanded explanation of the project (project narrative, need/region, scope, budget narrative, etc.) in a separate attachment that references the questions in the Form ED-900, to ensure that its application includes a clear and compelling justification for the project.
5. **One Form ED-900A** (Additional EDA Assurances for Construction *Or* Non-Construction Investments) from each co-applicant, as applicable.
6. **One Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.
7. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, as applicable.

After EDA reviews your application, EDA may contact you to request any necessary additional documentation, depending on the type of project proposed. This additional documentation will be required to ensure that 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 your application.

C. Deadlines for Submission

There are no application deadlines under this FFO. Applications are accepted on an ongoing basis until the publication of a new Planning FFO.

D. Directions for Submission

1. Electronic submissions

EDA strongly encourages electronic submissions of applications through Grants.gov. EDA will not accept facsimile or email transmissions of applications.

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 the error before Grants.gov will accept and validate the application.

Please see Section IX. of this FFO for more detailed instructions and information on the requirements for submitting applications electronically via Grants.gov.

2. Paper submissions

An applicant has the option of submitting a completed paper application via postal mail or courier service to the applicable regional office listed in Section VIII. of this FFO. The applicant may download the appropriate application package in a screen-fillable format from http://www.grants.gov/applicants/apply_for_grants.jsp, save it electronically, and print it for paper submission.

One original and two copies of the complete application must be mailed to the applicable regional office. Applicants are encouraged to include an electronic version of their application on a CD to facilitate processing of the application by EDA.

DOC mail security measures may delay receipt of United States Postal Service mail for up to two weeks. Therefore, applicants that submit paper submissions are advised to use guaranteed overnight delivery services.

E. 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, applicants are required to: (i) Be registered in the System for Award Management (SAM) before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. EDA may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the EDA is ready to make an award, EDA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making an award to another applicant. Recipients will be subject to reporting requirements, as identified in OMB guidance published at 2 C.F.R. Parts 25 and 170 (2014). The guidance set out at 2 C.F.R. Part 25 may be located at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part25.pdf>, and the guidance set out at 2 C.F.R. Part 170 may be located 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 the Data Universal Numbering System (DUNS) Numbers.

F. Intergovernmental Review

Applications submitted under this FFO 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.¹² To find out more about a State’s process under EO 12372, applicants may contact their State’s Single Point of Contact (SPOC). Names and addresses of some States’ SPOCs are listed on the Office of Management and Budget’s home page at http://www.whitehouse.gov/omb/grants_spoc. Section A.11. of Form ED-900 provides more information and allows applicants to demonstrate compliance with EO 12372.

¹² As provided for in 15 C.F.R. Part 13.

V. Application Review and Selection Process

Throughout the review and selection process, EDA reserves the right to seek clarification in writing from applicants whose applications are being reviewed and considered. EDA may ask applicants to clarify or substantiate application materials, objectives, and work plans, or modify budgets or other specifics necessary to comply with Federal requirements. For Partnership Planning awards to currently designated District Organizations, EDA will handle the award process in accord with current practice for institutional awards, rather than follow the competitive process outlined in this section. EDA will contact each currently designated District Organization to provide specific application submission requirements and award procedures. EDA's requirements for designating Economic Development Districts and District Organizations are set out at 13 C.F.R. Part 304. For more information, please contact the appropriate EDA regional office for the relevant State noted in Section VIII. of this FFO.

A. Evaluation Criteria

EDA will evaluate applications for the Short-Term Planning, State Planning, and Local Technical Assistance programs based on their ability to satisfy the following criteria. All factors will be weighted equally.

1. The project's demonstrated alignment with at least one of EDA's current investment priorities as outlined in Section I.B of this FFO;
2. The project's potential to increase the capacity of the community or region to promote job creation and private investment in the regional economy;
3. The project's feasibility and the likelihood that the project will achieve its projected outcomes;
4. The ability of the applicant to successfully implement the proposed project; and
5. The project's sustainability/durability, including the extent to which the project demonstrates support from regional stakeholders (private, public, and non-profit entities, etc.).

B. Review and Selection Procedures

Application packages submitted under this FFO for the Short-Term Planning, State Planning, and Local Technical Assistance programs will be reviewed for initial responsiveness to this FFO by a Project Officer within the applicable EDA regional office as described below. After the responsiveness review, applications will be referred to the regional office's Investment Review Committee (IRC), which is comprised of at least three EDA staff members. The IRC discusses the application to determine if it meets the program-specific award and application requirements provided in 13 C.F.R. § 303.3 for Planning awards and 13 C.F.R. § 306.2 for Local

Technical Assistance awards, as applicable, and the evaluation criteria set out in Section V.A of this FFO.

1. Responsiveness Review

EDA's regional office staff will conduct a responsiveness review on all complete applications received from eligible applicants. Applications that do not contain all forms and required documentation listed in Section IV.B of this announcement may be deemed non-responsive and excluded from further consideration. If an applicant omits a required form or required documentation, EDA will inform the applicant of what is missing and the applicant may resubmit. Applicants that are ineligible for EDA funding will be so informed.

All projects that are deemed eligible and technically complete will be forwarded to the IRC for further consideration. EDA staff will advise applicants of the reasons an application is not forwarded to the IRC. Please note that an application forwarded to the IRC is not guaranteed funding; EDA receives far more applications than it can fund.

2. Investment Review Committee

Each EDA regional office will convene an IRC that consists of at least three Federal employees to discuss and evaluate each application forwarded from the responsiveness review to determine if it meets the program-specific award and application requirements provided in 13 C.F.R. § 303.3 for Planning and 13 C.F.R. § 306.2 for Local Technical Assistance investments as well as the evaluation criteria set out in Section V.A of this FFO. The IRC recommends to the Regional Director whether an application merits further consideration, documenting its recommendation.

3. Grants Officer's Decision

Each region's IRC makes its recommendations to the respective Regional Director, who is the Grants Officer under this announcement and who makes the final decision on whether to fund an application. The Regional Director might select a project that was not recommended by the IRC, or not to fund a project that was recommended, based on any of the following Selection Factors:

1. The relative economic distress of the region;
2. The comparative financial or management capability of the applicant;
3. The likelihood a given project will start quickly, realistically achieve project goals, and catalyze additional resources;
4. The extent to which the application meets the overall objectives of Section 2 of PWEDA (42 U.S.C. § 3121);

5. If the applicant is a previous recipient of Federal financial assistance, the applicant's performance under previous awards, including whether the grantee submitted required performance reports and data;
6. The availability of program funding; and
7. 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.

The Regional Director's final decision must be consistent with EDA's and the DOC's published policies. Anytime the Regional Director makes a selection that differs from the IRC's recommendation, the Regional Director will document the rationale – based on the Selection Factors listed above – for the decision in writing.

VI. Award Administration Information

A. Award Notification

Applicants will be notified in writing if their applications are selected for funding. If an application is selected for funding and the applicant successfully and timely completes all due diligence requirements, the expectation is that the EDA Grants Officer will issue the FormCD-450, which is the authorizing financial assistance award document.

EDA will provide Form CD-450 by mail or two-day delivery to the appropriate business office of the recipient's organization, or electronically via email to the Authorized Organizational Representative listed on the applicant's Form SF-424. The recipient must sign and return the Form CD-450 without modification within 30 days of the date of the EDA Grants Officer's signature on the form to the applicable Regional Office. If the recipient does not sign and return the Form CD-450, EDA may terminate the award without further notice. By signing Form CD-450, the recipient agrees to comply with all award provisions.

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. EDA will retain unsuccessful applications in accordance with EDA's record retention schedule.

B. Administrative and National Policy Requirements

Administrative and national policy requirements for all DOC awards apply to this competition. These requirements may be found in the “Department of Commerce Financial Assistance Standard Terms and Conditions” (ST&Cs) and is summarized in the “Department of Commerce Pre-Award notification Requirements for Grants and Cooperative Agreements,” published in the *Federal Register* on December 30, 2014 (79 FR 78390). The Pre-Award notice may be accessed at the Government Printing Office (GPO) website at www.gpo.gov/fdsys/pkg/FR-2014-12-30/pdf/2014-30297.pdf. The ST&Cs may be accessed at the following website: http://www.osec.doc.gov/oam/grants_management/policy/default.htm.

C. Reporting Requirements

1. 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 electronic format.
2. 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 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 on all sub-awards over \$25,000. Please see the OMB guidance published at 2 C.F.R. Part 170 (2015), which can be accessed at <http://www.gpo.gov/fdsys/pkg/CFR-2015-title2-vol1/pdf/CFR-2015-title2-vol1-part170.pdf>.
3. EDA may require additional data on actual impact of the funded investment, pursuant to the Government Performance and Results Act (GPRA), to be submitted to EDA at periodic intervals after the grant award.

EDA 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. Recipients of EDA grant awards are expected to cooperate with such evaluations, including by sharing performance information that they are already collecting as part of their grant activities.

D. Regulations, Administrative Requirements, and Cost Principles

Specific regulations, administrative requirements, and cost principles govern the use of EDA funds. The general and administrative requirements for EDA awards are set forth in 13 C.F.R. Parts 300–302. Specific application and award requirements for the Planning program are set out at 13 C.F.R. Part 303 and for the Local Technical Assistance program in Subpart A of 13 C.F.R. Part 306. EDA funds may not be used directly or indirectly to reimburse any attorneys’ or consultants’ fees incurred in connection with obtaining investment assistance pursuant to this competitive solicitation. *See* 13 C.F.R. § 302.10.

In addition, administrative and national policy requirements for all DOC awards apply to this competition. These requirements may be found in the “Department of Commerce Financial Assistance Standard Terms and Conditions” (ST&Cs) and are summarized in the “Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements,” published in the *Federal Register* on December 30, 2014 (79 FR 78390). The Pre-Award notice may be accessed at the Government Printing Office (GPO) website at www.gpo.gov/fdsys/pkg/FR-2014-12-30/pdf/2014-30297.pdf. The ST&Cs may be accessed at the following website:

http://www.osec.doc.gov/oam/grants_management/policy/default%20p2.htm

Recipients of an EDA award will be bound by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, which are codified at 2 C.F.R. Part 200 (Uniform Guidance). The Uniform Guidance streamlines the language from eight existing Office of Management and Budget (OMB) circulars, including Cost Principles (OMB Circulars A-21, A-87, A 122), administrative requirements (OMB Circulars A-102 and A 110), and audit requirements (OMB Circular A-133) into one consolidated set of guidance applicable to federal assistance awards. Note that the Uniform Guidance supersedes DOC’s Uniform Administrative Requirements set out at 15 C.F.R. Parts 14 and 24. Applicants are advised to familiarize themselves with 2 C.F.R. Part 200, which may be found at <http://www.gpo.gov/fdsys/pkg/CFR-2015-title2-vol1/pdf/CFR-2015-title2-vol1-subtitleA-chapII.pdf>. Additional information on the substance of and transition to the OMB Uniform Guidance may be found at <https://cfo.gov/cofar/>.

E. EDA’s Non-relocation Policy

Applicants are advised that should an application be selected for award, the recipient will be required to adhere to a special 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 cause, 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 the applicant estimates that such employer will create or save 100 or more permanent jobs as a result of the investment assistance, provided that such employer also is specifically named in the application as benefiting from the project, or 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. In smaller communities, EDA may extend this policy to the relocation of 50 or more jobs.

F. Audit Requirements

Single or program-specific audits shall be performed in accordance with the requirements contained in the Uniform Guidance (see 2 CFR 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 OMB Uniform Guidance. Applicants are reminded that EDA or the DOC’s Office of Inspector General also may conduct an audit of an award at any time.

VII. Other Information

A. 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.

B. 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 the DOC (or any of its operating units) 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 special award conditions; (5) suspending any active DOC award(s); and (6) terminating any active DOC award(s).

C. Restrictions Governing Making Grants to Corporations Convicted of Felony Criminal Violations and/or Unpaid Federal Tax Liabilities

In accordance with current Federal appropriations law, execution by an applicant of the Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction Under Any Federal Law (see Appendix A) will be required in a format requested by EDA before any award will be made under this FFO.

D. 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 of 1969, as amended (NEPA). 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.¹³ For further

¹³ As specified in 40 C.F.R. § 1506.6(b).

guidance and information, please contact the applicable Regional Environmental Protection Specialist located in the appropriate EDA regional office as listed in Section VIII. of this FFO.

VIII. Agency Contacts

For questions concerning this solicitation, you may contact the appropriate regional office listed below. Before applying, it is recommended that you contact the applicable state point-of-contact which can be found on EDA's website at www.eda.gov/contact to discuss the potential project and the suitability of EDA funding.

Atlanta Regional Office

401 West Peachtree Street, NW
Suite 1820
Atlanta, GA 30308-3510

P: 404-730-3002
F: 404-730-3025

States Covered: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Austin Regional Office

903 San Jacinto
Suite 206
Austin, Texas 78701

P: 512-381-8144
F: 512-381-8177

States Covered: Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Chicago Regional Office

230 South Dearborn Street
Suite 3280
Chicago, IL 60604-1512

P: 312-353-8143
F: 312-353-8575

States Covered: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Denver Regional Office

1244 Speer Boulevard
Suite 431
Denver, CO 80204

P: 303-844-4715
F: 303-844-3968

States Covered: Colorado, Iowa, Kansas, Missouri, Montana, North Dakota, Nebraska, South Dakota, Utah, Wyoming

Philadelphia Regional Office

The Curtis Center
601 Walnut Street, Suite 140 South
Philadelphia, PA 19106-3323

P: 215-597-4603
F: 215-597-1063

States Covered: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Puerto Rico, Virgin Islands

Seattle Regional Office

915 Second Avenue
Room 1890
Seattle, WA 98174

P: 206-220-7660
F: 206-220-7669

States Covered: Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Northern Mariana Islands, Guam, Federated States of Micronesia, Rep. of Marshall Islands, Rep. of Palau

IX. Instructions for Application Submission via Grants.gov

Register early and submit early. In order to submit an application through www.grants.gov ([Grants.gov](http://www.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. To avoid delays, EDA strongly recommends that applicants start this process as soon as possible before applying. 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 registration for System for Award Management (SAM), which includes the Central Contractor Registration (CCR) database, 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 Authorized Organizational Representative (AOR) for your organization. AORs registered at Grants.gov are the only officials with the authority to submit applications at Grants.gov so please ensure that your organization's application is submitted by an AOR. If the application is submitted by anyone other than your organization's AOR, it will be rejected by the Grants.gov system and cannot be considered by EDA. Note that a given organization may designate multiple individuals as AORs for Grants.gov purposes.

Once an applicant is registered, the following list provides step-by-step instructions for accessing, completing and submitting an application via Grants.gov. Please also read the instructions posted at Grants.gov.

- a. Ensure that you have installed a compatible version of Adobe Acrobat Reader on your computer, as incompatible versions of Adobe Acrobat Reader may cause errors. See <http://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html>. Navigate to www.grants.gov and select "Apply for Grants" from the Applicants menu.
- b. Select the link for "Download a Grant Application" package.
- c. Enter Funding Opportunity Number "EDA-HDQ-TA-HDQ-2016-2004759" and click "Search."
- d. Click on the "Select Application Package to Download" link under "Actions" for the instructions and application specific to the type of project and EDA program (Public Works or Economic Adjustment Assistance) under which you are applying.

- e. A new page should come up. On that page you may either enter your email address (in order to receive updates about this funding opportunity) or check the box that says “No, I do not wish to provide my email address.” Click “Submit.”
- f. Two new links will appear. Click on “Download Application Instructions” to review the instructions posted on Grants.gov and “Download Application Package” when you are ready to begin the application.
- g. Save the applicable application package to your computer or network drive. Note that the package file can be shared among multiple users; however, each user must have a compatible version of Adobe Acrobat Reader installed in order to save changes to the application package.
- h. The application package should pre-populate with all mandatory forms embedded.
- i. To add “Optional Documents” to the application, click on the checkboxes next to the form name on the first page of the application package. Form SF-LLL is required and must be completed if non-Federal funds have been or are planned to be used for lobbying in connection with this competitive solicitation. If you will be submitting your application via Grants.gov, also check the box next to “Attachments.” The Attachments form allows applicants to attach any documents required as attachments under this competitive solicitation, such as a CEDS or letters of support.
- j. Complete all mandatory fields (highlighted in yellow) on the forms. Note that mandatory fields will vary based on the type of applicant and the type of assistance sought. On Form CD-511, type “not awarded yet” in the “project number” field. Save the application package at regular intervals to avoid losing work.
- k. Attach any required attachments. The preferred file format for attachments is portable document format (PDF); however, EDA will accept electronic files in Microsoft Word, WordPerfect, or Excel formats.
- l. When all mandatory fields have been completed, scroll to the top and click on “Check Package for Errors”.
- m. Click “Save”.
- n. Click “Save and Submit”. At this point the applicant’s AOR must be connected to the Internet and will be asked to enter their Grants.gov user id and password in order to submit via Grants.gov. As noted above, an AOR must submit the application for it to be validated by Grants.gov and received by EDA.

Field limitations and special characters. Please be advised that 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 any form, including Form ED-900, the applicant is advised to include the response as an attachment to the application. The applicant should check the 'Attachments' box under 'Optional Documents for Submission' in the application package, and clearly indicate in the form field that the information is included as an electronic file.

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

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

EDA requests that applicants kindly refrain from submitting multiple copies of the same application package. Applicants should save and print both the confirmation screen provided on

the Grants.gov website after the applicant has submitted an application, and the confirmation email sent by Grants.gov when the application has been successfully received and validated in the system. If an applicant receives an email from Grants.gov indicating that the application was received and subsequently validated, but does not receive an email from Grants.gov indicating that EDA has retrieved the application package within 72 hours of that email, the applicant may contact the applicable EDA representative listed in Section VIII. 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, log on to Grants.gov and click on the "Track My Application" link from the left-hand menu. 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, and has not yet been received by EDA. Once validation is complete, the status will change to "Validated" or "Rejected with Errors." If the status is "Rejected with Errors," your application has not been received successfully. Some of the reasons Grants.gov may reject an application can be found at <http://www.grants.gov/web/grants/applicants/encountering-error-messages.html>.

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 (FAQs): <http://www.grants.gov/web/grants/applicants/applicant-faqs.html>. If you do not find an answer to your question under the "Applicant FAQs," try consulting the "Applicant User Guide" or contacting Grants.gov by email at support@grants.gov or telephone at 1-800-518-4726. The Grants.gov Contact Center is open 24 hours a day, seven days a week.

Appendix A. Certifications Regarding Federal Felony and Federal Criminal Tax Convictions, Unpaid Federal Tax Assessments and Delinquent Federal Tax Returns

Current appropriation law contains certain funding prohibitions and certification requirements applicable to financial assistance awards issued with appropriated funds. Based on these requirements, the Department of Commerce requires 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 award 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 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 agreements 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, Commerce must 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: _____