

ANNOUNCEMENT OF FEDERAL FUNDING OPPORTUNITY
Public Works and Economic Adjustment Assistance Programs

EXECUTIVE SUMMARY

- **Federal Agency Name:** Economic Development Administration (EDA), U.S. Department of Commerce (DOC).
- **Funding Opportunity Title:** FY 2014 Economic Development Assistance Programs - Application submission and program requirements for EDA's Public Works and Economic Adjustment Assistance programs.
- **Announcement Type and Date:** Amended FY 2014 Federal Funding Opportunity (FFO) announcement publishing EDA's application submission requirements and review procedures for applications received under EDA's (i) Public Works and (ii) Economic Adjustment Assistance programs, authorized under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121 *et seq.*). Effective date: April 29, 2014.
- **Funding Opportunity Number:** EDAP2014
- **Catalog of Federal Domestic Assistance (CFDA) Numbers:** 11.300, Investments for Public Works and Economic Development Facilities and 11.307, Economic Adjustment Assistance.
- **Dates:** The deadlines for the remaining funding cycles of FY 2014 and the first funding cycle of FY 2015 are listed below. The first funding cycle of FY 2014 is covered under EDA's FY 2013 Economic Development Assistance programs (EDAP) FFO dated November 26, 2012. EDA strongly encourages electronic submissions of applications through www.grants.gov (Grants.gov). To be considered during a particular funding cycle, completed applications must be validated and time-stamped by Grants.gov by 11:59 p.m. Eastern Time on the applicable funding cycle deadline. Alternatively, paper applications may be delivered to the applicable regional office listed in section VIII. of this FFO. Paper applications must be received no later than 5:00 p.m. local time in the applicable regional office on the funding cycle deadline and the applicant must use a delivery confirmation service from their selected carrier. If your application is received after the deadline, it will be considered late and will not be reviewed by EDA for that funding cycle. EDA staff, however, may provide feedback to the applicant and may advise the applicant to resubmit or provide additional documentation for consideration during the following funding cycle. EDA will not accept facsimile or email transmissions of applications. The next four funding cycle¹ deadlines are:
 - December 13, 2013 for funding cycle 2 of FY 2014;
 - March 14, 2014 for funding cycle 3 of FY 2014;
 - June 13, 2014 for funding cycle 4 of FY 2014; and

¹ EDA funding for projects under any given funding cycle will be dependent upon the availability of appropriations. Please see section II.A of this FFO for more information.

- October 17, 2014 for funding cycle 1 of FY 2015.²

Please see section IV.C. of this FFO for more information on application deadlines under this announcement.

- **Funding Opportunity Description:** Under this FFO, EDA solicits applications from applicants in rural and urban areas to provide investments that support construction, non-construction, technical assistance, and revolving loan fund projects under EDA’s Public Works and Economic Adjustment Assistance programs. Grants and cooperative agreements made under these programs are designed to leverage existing regional assets and support the implementation of economic development strategies that advance new ideas and creative approaches to advance economic prosperity in distressed communities. EDA provides strategic investments on a competitive- merit-basis to support economic development, foster job creation, and attract private investment in economically distressed areas of the United States.
- **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 Public Works and Economic Adjustment 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.

² Applications submitted for consideration in “funding cycle 1 of FY 2015” may be funded using FY 2015 appropriations and are dependent on the availability of such appropriations.

FULL ANNOUNCEMENT TEXT
**The Economic Development Administration’s (EDA) Public Works
and Economic Adjustment 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) Public Works and Economic Development (Public Works); and (ii) Economic Adjustment Assistance (EAA). EDA will publish separate FFO announcements for its other programs: Planning, Partnership Planning, Local Technical Assistance, University Center, and Research and National Technical Assistance.

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 support local and regional economic development efforts to establish a foundation for vibrant economies throughout the United States. Through these programs, EDA supports bottom-up strategies that build on regional assets to spur economic growth and resiliency. EDA encourages its grantees throughout the country to develop 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 funding opportunity, all proposed projects are evaluated to determine the extent to which they align with EDA's investment priorities, create or retain 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.2 of this FFO, and will align with at least one of the following investment priorities:

1. Collaborative Regional Innovation

Projects that support the expansion and growth of innovation clusters based on a region's existing competitive strengths. Initiatives must engage relevant stakeholders; facilitate collaboration among urban, suburban, and rural (including tribal) areas; provide capacity 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 leverage complementary investments by other government/public entities and/or nonprofits.

3. National Strategic Priorities

Projects that encourage job growth and business expansion related to the following: advanced and innovative manufacturing; information technology (for example, broadband or smart grid) infrastructure; communities severely impacted by automotive industry restructuring; increasing manufacturing, including advanced manufacturing, manufacturing supply chains and foreign direct investment in manufacturing facilities; restoring or improving urban waters; natural disaster mitigation and resiliency; access to capital for small, medium-sized, and ethnically diverse enterprises; innovations in science and health care; or projects that advance science and research parks or other technology transfer or commercialization centers.

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

support for energy-efficient green technologies. Additional information is available on EDA's website at <http://www.eda.gov/pdf/GreenGrowthOverview.pdf>.

6. **Economically Distressed and Underserved Communities**

Projects that strengthen 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 programs, including information about the eligibility of specific kinds of projects, is available through EDA's economic development representatives. EDA's representatives provide technical assistance to prospective applicants to assist in proposal development and application submission. Applicants are *strongly encouraged* to contact the EDA representative listed for their applicable state in section VIII. of this FFO to discuss their proposed project (especially business incubator projects), its alignment with EDA's mission and investment priorities, and all relevant grant issues before submitting an application to EDA.

1. **Public Works**³

Through the Public Works program, EDA provides catalytic investments to help distressed communities build, design, or engineer critical infrastructure and facilities that will help implement regional development strategies and advance bottom-up economic development goals to promote regional prosperity. The Public Works program provides resources to meet construction and/or the design of infrastructure needs of communities to enable them to become more economically competitive. Prior examples of investments EDA supported through the Public Works program include projects supporting water and sewer system improvements, industrial parks, high-tech shipping and logistics facilities, workforce training facilities, business incubators and accelerators, brownfield development, technology-based facilities, wet labs, multi-tenant manufacturing facilities, science and research parks, and telecommunications infrastructure and development facilities.

Investments made through the Public Works program must be aligned with a current regional economic development strategy and clearly lead to the creation or retention of long-term jobs. For example, under this program, EDA may provide funding to a consortium of eligible recipients to support the construction of a technology center that provides laboratory, office, and manufacturing space that leads to the creation of advanced manufacturing jobs. As another example, EDA may provide funding to a county government to support regional job creation in targeted cluster industries and expand those industries' ability to export goods.

2. **Economic Adjustment Assistance**⁴

Through the EAA program, EDA provides investments that support a wide range of construction and non-construction activities (including infrastructure, design and engineering,

³ CFDA No. 11.300. The regulations implementing the Public Works program may be found at 13 C.F.R. part 305.

⁴ CFDA No. 11.307. The regulations implementing the EAA program may be found at 13 C.F.R. part 307.

technical assistance, economic recovery strategies, and capitalization or re-capitalization of Revolving Loan Fund (RLF) projects) in regions experiencing severe economic dislocations that may occur suddenly or over time. EDA utilizes EAA investments to provide resources that help communities experiencing or anticipating economic dislocations to plan and implement specific solutions to leverage their existing regional economic advantages to support economic development and job creation. Like Public Works investments, EAA investments are designed to help communities catalyze public-private partnerships to foster collaboration, attract investment, create jobs, and foster economic resiliency and prosperity. For example, EDA might provide funding to a university or community college to launch a regional innovation strategy that provides technical assistance to smaller manufacturers to promote and enhance the growth of emerging industries and stem job losses in manufacturing businesses as a result of foreign competition. As another example, EDA might provide funding to a city to support the construction of a publically-owned multi-tenant business and industrial facility to house early-stage businesses.

EDA will continue to consider applications from communities experiencing adverse economic changes due to base realignment and closures (BRAC) and Federally declared disasters when awarding assistance from FY 2014 EAA program funds. In addition to the assistance described above, EDA assistance to such communities may include planning, coordinating the use of Federal resources available to support economic development recovery, and developing regionally focused economic recovery and growth strategies.

3. Statutory authorities for EDA's programs

The statutory authorities for the Public Works and EAA programs are sections 201 (42 U.S.C. § 3141) and 209 (42 U.S.C. § 3149) of PWEDA, respectively.

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. Specific program requirements for the Public Works program are set out at 13 C.F.R. part 305 and for the EAA program at 13 C.F.R. part 307. For EDA's Public Works and EAA programs, this announcement supersedes the EDAP FFO announcement dated November 26, 2012, and EDA's current regulations on application procedures, evaluation criteria, and selection criteria, specifically 13 C.F.R. §§ 301.7(a), 301.8, and 301.9(a)). EDA expects to update its regulations to reflect these changes in the near future. EDA's regulations are accessible on EDA's website at www.eda.gov.

II. Award information

A. What funding is available under this announcement?

The Consolidated Appropriations Act, 2014 (P.L. 113-76) (Department of Commerce Appropriations Act, 2014) awarded \$96 million for the Public Works program and \$42 million for Economic Adjustment Assistance program in FY 2014.

The funding periods and funding amounts referenced in this notice 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 average size of a Public Works investment has been approximately \$1.4 million, and investments range from \$200,000 to \$3,000,000.

The average size of an EAA investment has been approximately \$820,000, and investments range from \$100,000 to \$1,250,000.

B. What type of funding instrument will be used to make awards and how long will project periods be?

Subject to the availability of funds, EDA may award grants or cooperative agreements to eligible applicants to help support economic development activities. Project periods are dependent on the type of project, scope of work, and the EDA program under which the grant or cooperative agreement for the project is awarded. For example, the project period for a construction investment under EDA's Public Works program may last for three years, while a strategy investment under EDA's EAA program may allow for one to three years for completion of the scope of work, depending on its complexity or urgency. 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.

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.⁵

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.

⁵ See section 3 of PWEDA (42 U.S.C. § 3122) and 13 C.F.R. § 300.3.

B. EDA Economic Distress Criteria

In order to be eligible for funding under this FFO, an applicant must propose a project located in a Region that meets EDA's distress criteria as of the date EDA receives the application. Applicants must provide third-party data that clearly indicates that the relevant Region is subject to one (or more) of the following economic distress criteria: (i) an unemployment rate that is, for the most recent 24-month period for which data are available, at least one percentage point greater than the national average unemployment rate; (ii) per capita income that is, for the most recent period for which data are available, 80 percent or less of the national average per capita income; or (iii) a "Special Need," as determined by EDA.⁶

EDA will review and evaluate documentation submitted by the applicant to determine eligibility. EDA will reject any documentation of eligibility that the agency determines is inaccurate or incomplete, which may cause the application to be rejected. In cases where EDA receives an application six months or more before the time of award, EDA will re-evaluate the project to determine continued eligibility for investment assistance before making an award.

To determine eligibility, an applicant must define their Region in one of the following three ways:

- a. The Region where the proposed project will be located;
- b. If the proposed project is located in an Economic Development District that is located in a Region that doesn't meet EDA's economic distress criteria, the geographic area where substantial direct project-related benefits will occur; or
- c. The geographic area of poverty or high unemployment where the proposed project will be located.

See also 13 C.F.R. § 301.3(a).

To determine eligibility, applicants must self-define the appropriate geographical area that constitutes their Region. For construction projects (including design and engineering) the project must be located within an eligible Region. For non-construction projects, the investment's scope of work must primarily benefit an eligible Region and stakeholders from that eligible Region must be directly engaged. EDA suggests that applicants work closely with their Regional Office as they define an eligible project in their Region.

1. Unemployment Rate & Per Capita Income

For economic distress levels based on the unemployment rate or per capita income requirements, EDA will base its determination upon the most recent American Community Survey (ACS) data published by the U.S. Census Bureau. If recent ACS data are not available to determine project eligibility, EDA will base its decision on the most recent Federal data from other sources (e.g., data available from the U.S. Census Bureau and the Bureaus of Economic Analysis, Labor Statistics, and Indian Affairs). If no Federal data are available, an applicant must submit to EDA the most recent data available from the government of the State in

⁶ See section 301 of PWEDA (42 U.S.C. § 3161) and 13 C.F.R. § 301.3.

which the region is located (i.e., conducted by or at the direction of the State government).⁷

2. “Special Need” Criteria

For the purposes of determining eligibility based on a “Special Need”, an applicant must provide current and appropriate economic and demographic statistics for the applicable Region to support the identified “Special Need.” EDA will base its determination of eligibility for “Special Need” on whether the proposed project meets the specific requirements outlined below, or in cases where specific thresholds are not identified, on whether the data and information provided by the applicant presents a compelling case that the Region meets the “Special Need” criteria, as defined by EDA.

A project may be eligible pursuant to a “Special Need” if the project is located in a Region that meets one or more of the criteria described below⁸:

- a. Closure or restructuring of industries or the loss of a major employer essential to the Regional economy as defined by:
 - i. an actual closure or restructuring of a firm within the 12 months prior to application submission, resulting in sudden job losses and meeting the dislocation criteria in a.iii. below; or
 - ii. a threat of closure that results from a public announcement of an impending closure or restructuring of a firm expected to occur within two years of application submission; AND
 - iii. such actual or threatened closure results in sudden job losses meeting the following dislocation criteria:
 1. For Regions with a population of at least 100,000, the actual or threatened dislocation is 500 jobs, or one percent of the civilian labor force (CLF), whichever is less.
 2. For Regions with a population up to 100,000, the actual or threatened dislocation is 200 jobs, or one percent of the CLF, whichever is less.
- b. Substantial out-migration or population loss.
- c. Underemployment, meaning employment of workers at less than full-time or at less skilled tasks than their training or abilities permit.
- d. Military base closures or realignments, defense contractor reductions-in-force, or Department of Energy defense-related funding reductions.
 - i. A military base closure refers to a military base that was closed or is scheduled for closure, realignment, or growth pursuant to the base closure and realignment process or other Department of Defense (DOD) process. Unless further extended by the Assistant Secretary for Economic Development, the Region is eligible from the date of DOD’s recommendation for closure, realignment, or growth until five years after

⁷ See section 301 of PWEDA (42 U.S.C. § 3161) and 13 C.F.R. § 301.3.

⁸ The following criteria are published in accordance with 13 C.F.R. § 301.3(a)(1)(iii) and define what may constitute a “Special Need” (as defined in 13 C.F.R. § 300.3) sufficient to make a project eligible for Public Works or Economic Adjustment investment assistance, as described in section III.B. of this announcement.

- the actual date of closing of the installation or five years after the announced realignment or growth actually occurs.
- ii. A defense contractor reduction-in-force refers to a defense contractor(s) experiencing defense contract cancellations or reductions resulting from official DOD announcements that have aggregate value of at least \$10 million per year. Actual dislocations must have occurred within one year of the date an application is submitted to EDA and threatened dislocations must be anticipated to occur within two years of application to EDA. Defense contracts that expire in the normal course of business will not be considered to meet this criterion.
 - iii. A Department of Energy defense-related funding reduction refers to a Department of Energy facility that has experienced or will experience a reduction of employment resulting from its defense mission change. The Region is eligible from the date of the Department of Energy announcement of reductions until five years after the actual date of reduced operations at the installation.
 - e. Natural or other major disasters or emergencies. Unless further extended by the Assistant Secretary for Economic Development, a Region that has received one of the following disaster declarations is eligible and the applicant may apply for EDA assistance for a period of 18 months after the date of declaration:
 - i. A Presidentially Declared Disaster (declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. § 5121 *et seq.*)); or
 - ii. A Federally declared disaster (pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, as amended (16 U.S.C. § 1861a(a)); the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. § 1961); or the Small Business Act, as amended (Pub. L. No. 85-536, 15 U.S.C. § 631 *et seq.*, 72 Stat. 384 (1958)).
 - f. Extraordinary depletion of natural resources or other impact attributable to a new or revised Federal regulation or policy that will have a significant impact on a community's ability to prevent an extraordinary depletion of natural resources. For example, in the case of a Federal fishing regulation designed to promote and sustain a community and its fishery in the long-term, EDA could quickly help a coastal community respond to any short-term economic dislocations.
 - g. Communities undergoing transition of their economic base as a result of changing trade patterns, for example, an area certified as eligible by the North American Development Bank (NADBank) Program or the Community Adjustment and Investment Program (CAIP).
 - h. Designation of the project region as a "Promise Zone." In order to receive consideration for this Special Need, applicants must submit a letter from the lead organization of a designated Promise Zone attesting to the contribution that the proposed activities would make, and supporting the application. A list of designated Promise Zones and lead organizations can be found at www.hud.gov/promisezones.

- i. **Other Special Need.** The area is experiencing other special or extraordinary economic adjustment needs, as determined by the Assistant Secretary for Economic Development.

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 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 the total project cost) 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:⁹

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

For projects subject to a Special Need, as outlined in section III.B.2 above, EDA will determine the maximum allowable investment rate, not to exceed 80 percent of the total project cost, based on the actual or threatened overall economic situation of the region in which the project is located.

⁹ See section 204(a) of PWEDA (42 U.S.C. § 3144) and 13 C.F.R. § 301.4(b)(1).

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.¹⁰ Additionally, EDA's regulations provide discretion to establish a maximum EDA investment rate of up to 100 percent for projects of Indian Tribes.¹¹

Potential applicants should contact the appropriate EDA regional office identified in section VIII. of this FFO to obtain additional information regarding these EDA investment rate determinations.

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 and can consist of contributions directly related to the proposed project, such as space, equipment, services, or forgiveness or assumptions of debt.¹² 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.¹³

EDA will fairly evaluate all in-kind contributions, which must be eligible project costs and meet applicable Federal cost principles and uniform administrative requirements. The applicant must show that the matching share will: (i) be committed to the project for the project period, (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.¹⁴

Applicants are *strongly encouraged* to work with the appropriate EDA representative listed 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

A. How to Obtain 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 "EDAP2014". 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;*

¹⁰ See sections 204(c)(1) and (2) of PWEDA (42 U.S.C. § 3144) and 13 C.F.R. § 301.4(b)(5).

¹¹ See 13 C.F.R. § 301.4(b)(1).

¹² See section 204(b) of PWEDA (42 U.S.C. § 3144).

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

¹⁴ See 13 C.F.R. § 301.5.

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 registration process, the applicant will not be able to submit the application for EDA's review. Alternatively, an applicant eligible for assistance under this announcement may request a paper application package by contacting the applicable EDA regional office listed under section VIII. of this FFO.

B. Content and Form of Application Submission

1. What is required for a complete application?¹⁵

In order to be considered for funding, applicants must submit a complete application package that includes all required documents outlined in section a. below, as well as all required documents in either section b. or section c. below, depending on the type of project the applicant is proposing (construction or non-construction), by the applicable funding cycle deadline. Applicants proposing both construction and non-construction elements should follow instructions for submitting a construction application. All documentation and data submitted as part of the application package should be current and applicable.

For applications submitted through Grants.gov, all application forms must be signed electronically by an Authorized Organizational Representative (AOR); 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. **Applications for all types of EDA assistance** must include the following documents:
 - ii. One **Form ED-900** (Application for Investment Assistance) and accompanying supporting documentation. One complete form per project is required. Please read the information in section IV.B.2. below carefully for important instructions on required topics that must be included in Form ED-900 and the related Project Narrative.
 - iii. One **Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.
 - iv. One **Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.
 - v. One **Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, as applicable.
 - vi. **Documentation confirming non-EDA (matching or cost share) funding**, for example letters of commitment and other documentation, as necessary. For example, if bonds are contemplated as match, counsel opinion of the applicant's bonding authority and eligibility of the bonds for

¹⁵ In the event of discrepancies between the Form ED-900 (Application for Federal Assistance) and this FFO, the requirements for a complete application as stated in this FFO will prevail.

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 applicable EDA representative listed in section VIII. of this FFO with questions regarding this requirement. See also section A.9. of Form ED-900.

- vii. **If the applicant or co-applicant is a non-profit**, a copy of the (1) Certificate of good standing from the State in which the non-profit organization is incorporated; (2) non-profit organization's current Articles of Incorporation or other formation documents, as applicable; (3) By-Laws; and (4) resolution (or letter) from a general purpose subdivision of State government acknowledging that the non-profit organization is acting in cooperation with officials of that political subdivision (*see* 13 C.F.R. § 301.2).
 - viii. **Comments from the State Clearinghouse to comply with Executive Order 12372, "Intergovernmental Review of Federal Programs," if applicable.** If the comment period has not expired or comments were not received, a copy of the applicant's request for comments is sufficient; however, in that instance, the final determination will be required prior to award. Detailed information on the State Clearinghouse process can be accessed at http://www.whitehouse.gov/omb/grants_spoc.
- b. **Applications for EDA construction assistance (including design and engineering assistance)** must include the following documentation in addition to the documents outlined in section a. above:
- i. One **Form SF-424C** (Budget Information-Construction Programs) per project.
 - ii. One **Form SF-424D** (Assurances-Construction Programs) from each co-applicant, as applicable.
 - iii. **Maps of the project site** (U.S. Geological Survey (USGS) map(s) and Federal Emergency Management Agency (FEMA) floodplain map(s)) with project components and beneficiaries noted (see section A.2. of Form ED-900), as applicable.
 - iv. **Letters of commitment and assurances of compliance** (Exhibit A to Form ED-900) from beneficiaries of the proposed project identified in section B.5. of Form ED-900.
 - v. **Comments from the metropolitan area review/clearinghouse agency**, if applicable. If the comment period has not expired or comments were not received, a copy of the applicant's request for comments is sufficient (see section M.1. of Form ED-900); however, in that instance, the final determination will be required prior to award.
 - vi. **A preliminary engineering report**, the requirements for which are listed in section M.3. of Form ED-900; special formatting of the report is not

required. For additional guidance on preparing a preliminary engineering report, please contact the applicable EDA representative listed in section VIII of this FFO.

- vii. **An environmental narrative** that will enable EDA to comply with its National Environmental Policy Act (NEPA) responsibilities. An environmental narrative outline that details required components may be accessed on EDA's website at http://www.eda.gov/files/012_Environmental_Narrative_Template.zip. Please note that the environmental narrative required for a complete application does not need to include all applicable approvals at the time of submission. Applicants must include the Applicant's Certification Clause to the environmental narrative signed by each co-applicant, as applicable.
 - viii. **Copies of any existing correspondence with or sign-offs/approvals from other agencies** with respect to the project, such as the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, or the State or Tribal Historic Preservation Officer, if applicable. Please note that an applicant will not be required to submit all required sign-offs/approvals by a funding cycle deadline for an application to be considered complete. If the application does not include sign-offs/approvals from appropriate agencies and EDA subsequently determines that these are required, the applicant will be required to obtain them before EDA will approve an award. For additional information about this requirement, please contact the applicable Regional Environmental Protection Specialist listed in section VIII. of this FFO.
 - ix. **Copies of any other environmental studies** that have already been completed for the project site, if available.
- c. **Applications for EDA non-construction assistance** must also include the following documentation in addition to the documents outlined in section a. above:
- i. One **Form SF-424A** (Budget Information-Non-Construction Programs). One form per project is required.
 - ii. One **Form SF-424 B** (Assurances-Non-Construction Programs) from each co-applicant, as applicable.
 - iii. If the project is to support the capitalization of a Revolving Loan Fund (RLF) or the re-capitalization of an existing RLF, the application must include an RLF Plan for the RLF's financial management. See EDA's regulation at 13 C.F.R. § 307.9 and section L of Form ED-900.

2. **Content of Form ED-900 and Instructions for Submitting a Complete Application**

This section provides detailed instructions on how to complete the Form ED-900, which is divided into lettered sections that correspond to the regulatory and application requirements for

various EDA programs. Applicants must select the appropriate program on the first page of section A of the form; applicants are strongly advised to carefully select the appropriate box as the form will make different sections and exhibits available depending on whether the applicant indicates that they are applying for the Public Works or EAA program. Once the selection is made, the correct sections and exhibits required for a complete application under that program will automatically populate in the form.

Because of EDA's funding cycle application process, some instructions contained in the Form ED-900 are superseded by instructions set forth in this FFO. For example, while Form ED-900 states that some items may be submitted at a later date if EDA selects the project for further consideration, this FFO supersedes the ED-900 and requires that all Form ED-900 required elements be submitted by the funding cycle deadline. An application that does not have all of the required Form ED-900 sections completed and supplemental documentation included may be considered incomplete. EDA, in its sole discretion, may accept an application that is missing non-substantive information if such errors can be easily rectified.

The following table details the sections and exhibits in Form ED-900 that the applicant must complete, as well as the required supporting documentation. Applicants for federal financial assistance are not required to submit “Name Check” form (Form CD-346). Please do not submit Form CD-346 as its use has been discontinued by DOC.

EDA Program	Required Form ED-900 Sections
Public Works	Complete Sections A, B, and M and Exhibits A, D, and E.
Economic Adjustment Assistance	Complete Sections A, B, and K and Exhibit C. Also complete Sections M and Exhibits A, D, and E if the application has construction components and Section N if the application has only design/engineering requirements. Complete Section E if the application has no construction components.
For Design and Engineering Assistance under the Public Works or Economic Adjustment Assistance programs	Complete Sections A, B, M, and N and Exhibit C.
Revolving Loan Fund Assistance under the Economic Adjustment Assistance program	Complete Sections A, B, E, K, and L and Exhibit C.

Applicants submitting proposals for construction investments should note that the expected outcomes--notably the anticipated job creation and private investment leveraging potential of an investment--provided in Section B of the Form ED-900 must be reasonable, justifiable, and based on the most current and accurate information available. Estimates must reflect the expected impact from the EDA portion of the investment, using a nine-year time horizon. If EDA determines during the review process that job and private investment estimates are inflated or unsubstantiated, those estimates will not be considered, and may impact EDA’s investment decision.¹⁶

In general, EDA does not reimburse pre-award project costs. Applicants that are in need of such reimbursement should work closely with EDA regional office staff 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.¹⁷ 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

¹⁶ EDA funding may not be used 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. EDA’s non-relocation policy is discussed under section VI.E. of this FFO.

¹⁷ Procurement requirements for institutions of higher education and non-profits are set out at 15 C.F.R. §§ 14.40-14.48 and requirements for State and local governments are set out at 15 C.F.R. § 24.36.

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

3. Requirements for the Project Narrative

As outlined in section IV.B.1 of this FFO, all applicants must complete Form ED-900 as part of the application package in order to be considered for funding. Section A of Form ED-900 provides structured questions designed to assess the need and impact of a proposed project. While Form ED-900 itself provides space for responses, the applicant may use a separate attachment referencing the questions in Form ED-900 if extra space is needed to provide complete responses.

Applicants are strongly encouraged to provide a high-quality narrative that includes a compelling justification for the project and articulates a clearly defined regional economic gap, how the proposed project will meet this need, and the expected outcome(s) that will result from the proposed project. This should be addressed in a concise manner; lengthy applications will not receive greater consideration.

In all cases, the application must include a project narrative whether in the Form ED-900 or the supplemental attachments that includes the following:

- a. **Description of project region and project location:** Applicants must clearly describe the Region where the project will be located, including the specific geographic location of the project within the Region, as well as background on the assets of the area, which may include clusters, and workforce, physical, educational and financial infrastructure.
- b. **Description of regional eligibility:** Applicants must identify which distress criterion or criteria the project qualifies under, provide third-party data that clearly documents this claim, and clearly specify the geography and time period for which the data corresponds. For construction projects (including design and engineering) the project must be located within an eligible region. For non-construction projects, the investment's scope of work must primarily benefit the eligible Region and stakeholders representing that Region must be directly engaged.
- c. **Clear description of proposed project:** Applicants must clearly document the concrete activities that will be undertaken, and the specific deliverables that will be produced as a result of this investment. The description of the proposed project must include a clear statement of the overall purpose of the project, and key milestones and an associated schedule for when the project could start, when key milestones could be achieved, and when the project is anticipated to be completed.
- d. **Documentation detailing how project will meet regional needs:** Applicants must clearly detail how the proposed project will support the economic development objectives outlined in the Comprehensive Economic Development Strategy (CEDS) or alternate EDA-approved strategic planning document capable of meeting EDA's CEDS or strategy requirements. If EDA does not already have the applicable plan, the applicant may be required to provide it. Additional information and a summary of EDA's CEDS and

strategy requirements may be obtained through the applicable EDA representative listed in section VIII of this FFO.

- e. **Documentation on alignment with EDA investment priorities:** Applicants must document how the proposed project aligns with one or more of EDA's investment priorities. Applicants that propose projects that do not align with EDA's investment priorities will not be as competitive as those that do. Applicants are strongly encouraged to review EDA's investment priorities, as outlined in section I.B of this FFO.
- f. **Documentation supporting the budget request:** Applicants must provide a clear budget justification that identifies how funds in each line item of the budget will be utilized to support the proposed project. 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 proposes otherwise, applicants must also include information that clearly indicates what project elements the matching share funds will support. Finally, the applicant must submit supporting documentation to indicate these funds are unencumbered, unrestricted and committed to support the proposed project.
- g. **Documentation on anticipated project impacts:** Applicants must provide a clear and compelling justification of the long-term potential economic impact of the proposed project, through anticipated job creation or retention, private investment leveraging, number of businesses or collaborations supported, or other appropriate measures. All job and private investment leverage estimates should reflect the anticipated impact nine-years after the potential EDA investments. For all other measures, applicants should clearly identify the applicable time-frame. In all cases, applicants must document the benefit and provide third-party data or information available to support these claims.

C. **Deadlines for submission**

EDA will review applications according to the schedule established by this FFO. Complete applications must be received by the deadlines below to be considered in a particular funding cycle.¹⁸

- December 13, 2013 for funding cycle 2 of FY 2014;
- March 14, 2014 for funding cycle 3 of FY 2014;
- June 13, 2014 for funding cycle 4 of FY 2014; and
- October 17, 2014 for funding cycle 1 of FY 2015.

EDA strongly encourages applicants to start early and not to wait until an approaching funding cycle deadline to review the instructions for submitting an application. To be considered during a particular funding cycle, complete applications must be validated and time-stamped by Grants.gov by 11:59 p.m. Eastern Time on the applicable funding cycle deadline. Alternatively, paper applications may be delivered to the applicable regional office listed in section VIII. of this FFO. Paper applications must be received no later than 5:00 p.m. local time in the applicable regional office on the funding cycle deadline and the applicant must use a delivery confirmation

¹⁸ Applicants may submit applications for EDA's preliminary review at any time. See section IV.E. of this FFO for information on pre-application consultations.

service from their selected carrier. If your application is received after the deadline, it will be considered late and will not be reviewed by EDA for that funding cycle. Please see section IV.D.2. of this FFO for more information on how to submit a paper application. An application that is not received by funding cycle deadline will not be processed during that funding cycle; however, EDA staff may provide feedback to the applicant and may advise the applicant to resubmit or provide additional documentation for consideration during the following funding cycle.

In instances of urgent economic distress, and with the prior approval of the Deputy Assistant Secretary for Regional Affairs, EDA reserves the flexibility to make awards outside of the funding cycles described in this FFO. Any such awards will be processed in accord with the evaluation criteria set forth in section V. of this FFO. EDA publishes separate FFO announcements covering EDA's Planning, Partnership Planning, Local Technical Assistance, University Center, Research and National Technical Assistance programs, and any supplemental appropriations that EDA may receive that will detail the specific requirements for each program. These separate FFO announcements will contain application deadlines that differ from the funding cycle deadlines listed above. Please contact the applicable EDA representative listed in section VIII. of this FFO for additional information on all of EDA's funding opportunities.

D. How to submit an application

1. Electronic submissions

EDA strongly encourages electronic submissions of applications through Grants.gov. EDA will not accept facsimile or email transmissions of applications. Applications must be successfully validated and time-stamped by Grants.gov no later than 11:59 p.m. Eastern Time on the applicable funding cycle deadline listed in section IV.C. of this FFO. An application that is not validated and time-stamped by Grants.gov by a funding cycle deadline will not be processed during that funding cycle; however, EDA staff may provide feedback to the applicant and may advise the applicant to resubmit or provide additional documentation for consideration during the following funding cycle.

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. EDA will not accept late applications that were rejected by Grants.gov due to applicant errors. Accordingly, **EDA strongly suggests that applicants submit their applications at least five days before the funding cycle deadline** to allow the application to be accepted and validated in the system and to allow time for any errors to be corrected. EDA will consider the time-stamp on the validation from Grants.gov as the official submission time.

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, using the selected courier's delivery confirmation service, to the applicable regional office listed in section VIII. of this FFO. The applicant may download the appropriate application package, whether construction or non-construction as provided in section IV.B. of this FFO, 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 with delivery confirmation that indicates the application has been received at or before 5:00 p.m. local time in the applicable regional office on the funding cycle deadline. Applicants are encouraged to include an electronic version of their application on a CD to facilitate processing of the application by EDA. If your application is received after the deadline, it will be considered late and will not be reviewed by EDA for that funding cycle. An application that is not received by funding cycle deadline will not be processed during that funding cycle; however, EDA staff may provide feedback to the applicant and may advise the applicant to resubmit or provide additional documentation for consideration during the following funding cycle.

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. Optional Pre-application Consultation or Review with EDA

1. Pre-application consultation

EDA offers eligible applicants the option of consulting with their Economic Development Representative (EDR) or cognizant EDA regional office staff member 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.

2. Pre-application review

Applicants may submit a copy of their application and receive feedback and allowable technical assistance on their application before a funding cycle submission deadline.¹⁹ Applicants who submit complete applications for review will be told if their application is complete, eligible, and whether or not EDA would forward the application in its current state to the Investment Review Committee (IRC). Based on this feedback, the applicant may revise or supplement the application or submit a substantially revised application by the funding cycle deadline or in time for consideration in a subsequent funding cycle. EDA will apply the same evaluation criteria for pre-application consultations as used for reviewing complete applications received after the funding cycle deadline.

Pre-application review and technical assistance is designed to provide feedback on an application, and is not a process to provide assistance in the development of an application.

¹⁹ Ineligible applicants will be informed that they are ineligible for EDA funding. Please see section III.A. of this FFO for eligibility requirements.

Applicants are strongly encouraged to seek feedback on their project and application package from EDA at least 30 days before the funding cycle deadline to allow adequate time to incorporate feedback received into their application before final submission. The consultation, review, and feedback described in this subsection are optional. Applicants need not seek preliminary feedback on their application in order to submit an application for consideration. Please see section VIII. of this FFO for contact information for EDA representatives.

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 application materials, objectives, and work plans, or modify budgets or other specifics necessary to comply with Federal requirements.

A. Application Review and Project Analysis

As set forth below, EDA's regional office staff will review all applications received to ensure that they are complete and eligible to receive funding.

1. Review for eligibility and completeness

EDA staff will conduct an eligibility and technical completeness review of all applications received by each funding cycle deadline. Applications received from ineligible entities will not be considered for funding. Additionally, applications that do not contain all forms and required documentation listed in section IV.B. of this FFO may be deemed non-responsive and excluded from further consideration. EDA expects all applicants to complete and include all required forms and documentation. However, EDA, in its sole discretion, may determine that an omission is a non-substantive technical deficiency if it can easily and quickly be rectified or cured, and therefore, may continue its consideration of the application in that funding cycle despite the deficiency.

2. Review for responsiveness to the FFO

EDA staff will evaluate complete applications from eligible applicants to determine if the applications are responsive to this FFO. EDA staff will use the following factors to determine if an application is "Responsive" or "Not Responsive" to this FFO:

- a. The project's demonstrated alignment with at least one of EDA's current investment priorities as outlined in section I.B. of this FFO;
- b. The project's demonstrated ability to foster job creation and promote private investment in the regional economy;
- c. The project's feasibility;
- d. The project's sustainability/durability;
- e. The applicant's organizational capacity; and
- f. The project's alignment with the regional CEDS or other relevant strategic plan.

Each determination of whether an application is responsive or not responsive to this FFO will be reviewed by a senior staff person in the EDA regional office reviewing the application. Applications deemed “Not Responsive” to this FFO will not receive further consideration for funding. Applications that are deemed “Responsive” to this FFO will be forwarded to the EDA Investment Review Committee for further evaluation (see Section V.B. of this FFO).

Please note that an application that is forwarded to the IRC is not guaranteed to receive funding--EDA receives far more applications than it can fund.

B. Investment Review Committee (IRC) and selection factors

Each regional office will convene an IRC that consists of at least four Federal employees. Each IRC member reviews all applications before the group discussion and evaluation of each application that was forwarded from the initial EDA review discussed above in Section V.A. of this FFO. The IRC makes a group determination to the merits of each application based on the extent to which the application meets the program-specific award and application requirements provided in 13 C.F.R. § 305.2 for Public Works investments and 13 C.F.R. §§ 307.2 and 307.4 for EAA investments. The IRC also will apply the following Selection Factors to each application, listed in descending order of importance:

1. Comparative strengths of the application as determined by information assessed during the initial EDA review (as described in Section V.A. of this FFO);
2. The extent to which the application meets the overall objectives of section 2 of PWEDA (42 U.S.C. § 3121);
3. The comparative ability of the proposed project to realistically achieve the desired results and catalyze additional resources;
4. The ability of a project to start quickly and create jobs faster;
5. The extent to which the project will enable the community/region to become more diversified and more economically prosperous;
6. The relative economic distress of the region;
7. The comparative financial or management capability of the applicant;
8. The applicant’s performance under previous Federal financial assistance awards, including whether the grantee submitted required performance reports and data;
9. The comparative feasibility of the applicant to achieve the outcomes identified in the application;
10. The availability of program funding; and
11. 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.

Based on its consideration of the above factors, the IRC will prepare a priority funding order for the applications and recommend to the EDA Grants Officer, in such priority order, those applications that merit consideration for EDA funding.

C. Grants Officer’s Decision

Each region’s IRC makes its recommendations to the respective Regional Director, who is the Grants Officer under this announcement. Each Regional Director has been delegated the

authority to make the final decision on whether to fund an application and may select a project for funding that differs from the IRC's priority recommendations based on any of the Selection Factors described above. The Regional Director's final decision must be consistent with EDA's and DOC's published policies. Anytime 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.

VI. Award Administration Information

A. Award notification

Under this FFO, EDA expects to notify applicants of its decision in writing by the last business day of the month following the applicable funding cycle deadline (for example, an application submitted by the December 13, 2013 deadline would receive notification by January 31, 2014). Applicants are advised that though this notification may express the applicant's success in the competitive portion of the evaluation process, it will not obligate EDA to make an award to the applicant. Should an applicant be successful in the funding cycle competition, the applicant will be required to complete certain due diligence requirements and pass a set of technical reviews by EDA staff to ensure compliance with all applicable rules and regulations. For example, in the case of Public Works projects, such additional due diligence may include:

1. Title verification;
2. Proof of project ownership; and
3. Documentation required for environmental or legal compliance.

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 Form CD-450, which is the authorizing financial assistance award document. By signing Form CD-450, the recipient agrees to comply with all award provisions. EDA will provide Form CD-450 by mail or two-day delivery to the appropriate business office of the recipient's organization. The recipient must sign and return the Form CD-450 without modification within 30 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. The regional office will retain unsuccessful applications in accordance with EDA's record retention schedule.

EDA, in its sole discretion, may advise a limited number of applicants that they have the option to carry over their applications for consideration in the next funding cycle.

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 Pre-Award Notification Requirements for Grants and Cooperative Agreements," published in the *Federal Register* on December 17, 2012 (77 FR 74634). This notice may be accessed at the Government

Printing Office (GPO) website at www.gpo.gov/fdsys/pkg/FR-2012-12-17/pdf/2012-30228.pdf. You may locate the notice by clicking on the radial buttons until you reach the *Federal Register* published on December 17, 2012 and then clicking on “Commerce Department.”

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 (2010), which can be accessed at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170_main_02.tpl.
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 up to nine years after the grant award.

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 Public Works program are set out at 13 C.F.R. part 305 and for the EAA program in subpart A of 13 C.F.R. part 307. 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.

The uniform administrative requirements for DOC grants and cooperative agreements are codified at 15 C.F.R. parts 14 and 24, as applicable. Allowable costs under an EDA investment are determined in accordance with the following regulations (incorporated by reference at 15 C.F.R. parts 14 and 24): (i) 2 C.F.R. part 220, *Cost Principles for Educational Institutions (OMB Circular A-21)*; (ii) 2 C.F.R. part 225, *Cost Principles for State, Local and Indian Tribal Governments (OMB Circular A-87)*; (iii) 2 C.F.R. part 230, *Cost Principles for Nonprofit Organizations (OMB Circular A-122)*; and (iv) Federal Acquisition Regulation Subpart 31.2, *Contracts with Commercial Organizations*, codified at 48 C.F.R. § 31.2. Applicable administrative requirements and Federal cost principles are incorporated by reference into the terms and conditions of each EDA award. Generally, costs that are allowable include salaries, supplies, and other expenses that are reasonable and necessary for the completion of the scope of work.

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. OMB Circular A-133 audit requirements

Single or program-specific audits shall be performed in accordance with the requirements contained in OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, and the related *Compliance Supplement*. OMB Circular A-133 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 \$500,000 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 Circular. 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. Dun and Bradstreet Data Universal Numbering System, and Central Contractor Registration

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, any proposal awarded in response to this announcement will be required to use the Central Contractor Registration (CCR), now a part of the System for Award Management (SAM) and is located at www.sam.gov, and Dun and Bradstreet Universal Numbering System (DUNS), and will be subject to reporting requirements, as identified in OMB guidance published at 2 C.F.R. parts 25 and 170 (2010). The guidance set out at 2 C.F.R. part 25 may be located at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr25_main_02.tpl, and the guidance set out at 2 C.F.R. part 170 may be located at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170_main_02.tpl.

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

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.

E. 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.²⁰ For further guidance and information, please contact the applicable Regional Environmental Protection Specialist listed in section VIII. of this FFO.

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.²¹ 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.

G. 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 FR 56164, as amended by 76 FR 13285) and Title III of the ADA (28 C.F.R. part 36; 75 FR 56164, as amended by 76 FR 13286). The revised regulations adopted new enforceable accessibility standards called the “2010 ADA Standards for Accessible Design” (2010 Standards). The 2010 Standards are an acceptable alternative to the Uniform Federal Accessibility Standards (UFAS). DOC deems compliance with the 2010 Standards to be an acceptable means of complying with the Section 504 accessibility requirements for new construction and alteration projects under 15 C.F.R. § 8b.18(c), as follows:

1. Public Recipients subject to Title II of the ADA may use either the 2010 Standards or UFAS where the physical construction or alternations commence on or after September 15, 2010 and before March 15, 2012 (see 28 C.F.R. § 35.151(c)(2)); and
2. Private Recipients subject to Title III of the ADA may use either the 2010 Standards or UFAS if the date when the last application for a building permit or permit extension is certified to be complete by a State, county, or local government (or, in those jurisdictions where the government does not certify completion of applications, if the date when the last application for a building permit or permit extension is received by the State, county, or local government) is on or after September 15, 2010 and before March 15, 2012, or if no permit is required, if the start of physical construction or alterations occurs on or after September 15, 2010 and before March 15, 2012 (see 28 C.F.R. § 36.406(a)(2)).

As of March 15, 2012, all new construction and alteration projects must comply with the 2010 Standards. In all cases, once a recipient selects an applicable ADA accessibility standard (i.e., the 2010 Standards or UFAS), that standard must be applied to the entire facility.

²⁰ As specified in 40 C.F.R. § 1506.6(b).

²¹ As provided for in 15 C.F.R. part 13.

VIII. EDA Contact Information

For questions concerning this solicitation, or more information about EDA programs, you may contact the appropriate EDA representative listed below. Updated contact information can be found on EDA's website at <http://eda.gov/contacts.htm>.

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**Oregon, Clark County and
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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), 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 early and not wait until an approaching funding cycle deadline date before logging in, registering, reviewing the application instructions, and 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 Central Contractor Registration (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 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.

EDA will not accept late submissions caused by Grants.gov registration issues, including CCR and AOR issues.

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/support/technical-support/troubleshooting/verifying-adobe-reader.html>. Navigate to www.grants.gov and select "Apply for Grants" from the left-hand menu.
- b. Select the link for "Download a Grant Application" package.
- c. Enter Funding Opportunity Number "EDAP2014" and click on "Download Package."
- d. Click on the "download" link under "Instructions and Application" 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 window should pop up. In the new window, 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.
- f. 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.
- g. Click on each of the documents in the “Mandatory Documents” box and, after selecting each one, click on the arrow to move these into the “Mandatory Documents for Submission” box.
- h. In the “Optional Documents” box, click on Form SF-LLL if non-Federal funds have been or are planned to be used for lobbying in connection with this competitive solicitation and then move this to the “Optional Documents for Submission” box. If you will be submitting your application via Grants.gov, also click on “Attachments” and move this to the “Optional Documents for Submission” box. The Attachments form allows applicants to attach any documents required as attachments under this competitive solicitation, such as a CEDS or letters of support.
- i. The application package should pre-populate with all selected forms embedded. 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.
- j. 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. ·
- k. When all mandatory fields have been completed, scroll to the top and click on “Check Package for Errors”.
- l. Click “Save”.
- m. 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 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 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. Because it can take up to two business days after Grants.gov receives an application for applicants to receive email notification of an error, applicants should time their submissions to allow for application correction and resubmission by the applicable funding cycle deadline. 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 regional office 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 the date and time your application is validated and time-stamped by Grants.gov is later than 11:59 p.m. Eastern Time on the applicable funding cycle deadline, your application is late. If your application has a status of “Received” it is awaiting validation by Grants.gov. Once validation is complete, the status will change to “Validated” or “Rejected with Errors.” If the status is “Rejected with Errors,” your application has not been received successfully. Some of the reasons Grants.gov may reject an application can be found at <http://www.grants.gov/web/grants/applicants/applicant-faqs/grant-application-faqs.html>. For more detailed information on why an application may be rejected, please see “Troubleshooting Tips” at <http://www.grants.gov/web/grants/support/technical-support/troubleshooting.html>.

Grants.gov systems issues. If you experience a Grants.gov “systems issue” (technical problems or glitches with the Grants.gov website) that you believe threatens your ability to complete a submission before an applicable funding cycle deadline, please (i) print any error message received; and (ii) call the Grants.gov Contact Center at 1-800-518-4726 for immediate assistance. Ensure that you obtain a case number regarding your communications with Grants.gov. Please note: problems with an applicant organization’s computer system or equipment are not considered “systems issues.” Similarly, an applicant’s failure to: (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.

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/support/general-support/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. Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction Under Any Federal Law

In accordance with Sections 536 and 537 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2014 (Pub. L. 113-76, Division B) (FY 2014 Act), none of the appropriated funds made available by the FY 2014 Act 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 the 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 the 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 the FY 2014 Act. This certification is further required to the extent that other FY 2014 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: _____