NOTICE OF FUNDING OPPORTUNITY
EXECUTIVE SUMMARY

- **Federal Agency Name:** Economic Development Administration (EDA or the Agency), U.S. Department of Commerce (DOC).
- **Federal Funding Opportunity Title:** FY 2021 American Rescue Plan Act Indigenous Communities Notice of Funding Opportunity (NOFO) (Indigenous Communities NOFO).
- **Announcement Type and Date:** Indigenous Communities NOFO publishing EDA's application submission requirements and application review procedures under EDA's Economic Adjustment Assistance (EAA) program, as authorized by sections 209 and 703 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121 *et seq.*) (PWEDA). **Effective date:** July 22, 2021.
- **Funding Opportunity Number:** EDA-2021-ARPAINDIGENOUS
- **Catalog of Federal Domestic Assistance (CFDA) Number:** 11.307, Economic Adjustment Assistance
- **Dates:** Applications will be accepted on an ongoing basis until the publication of a new Indigenous Communities NOFO, cancellation of this Indigenous Communities NOFO, all available funds have been expended, or funds made available under this NOFO expire.

  While there are no application submission deadlines under this NOFO, EDA strongly advises eligible applicants to submit complete applications as soon as possible so that EDA can review and process the application in time to get a potential award in place prior to deadlines imposed by Congress. Any award is subject to the availability of funds. EDA strongly encourages all applicants to start early and contact their EDA representative for assistance. See section E of this Indigenous Communities NOFO regarding EDA's review process and section G of the NOFO for EDA Regional Office Point of Contact (POC) information.
- **Eligible Applicants:** Under this Indigenous Communities NOFO, eligible applicants include:

  (i) An Indian Tribe or a consortium of Indian Tribes, as defined in section 3(4) of PWEDA (42 U.S.C. § 3122(4)(A)) and 13 C.F.R. § 300.3.[1] The regulation at 13 C.F.R. § 300.3 defines "Indian Tribe" as:

  > [A]n entity on the list of recognized tribes published pursuant to the Federally Recognized Indian Tribe List Act of 1994, as amended (Pub. L. 103-454) (25 U.S.C. 479a *et seq.*), and any Alaska Native Village or Regional Corporation (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*).[2] This term includes the governing body of an Indian Tribe, Indian corporation (restricted to Indians), Indian authority, or other

[1] The definition of "Indian Tribe" at 13 C.F.R. § 300.3 was revised as of September 24, 2021 (*see* 86 FR 52957, September 24, 2021). The purpose of the revision was to expand the definition of Indian Tribe to include for-profit Tribal corporations so long as they are wholly owned by, and established exclusively for the benefit of, a Tribe.
[2] Section 3(7) of PWEDA restricts the eligibility of Alaska Native Village or Regional Corporations to those that are "recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." Accordingly, only those Alaska Native Village or Regional Corporations that are so recognized are eligible.

non-profit Indian tribal organization or entity; provided that the Indian tribal organization, corporation, or entity is wholly owned by, and established for the benefit of, the Indian Tribe or Alaska Native Village."

(ii) A public or private non-profit organization or association serving Native Hawaiians.

(iii) A public or private non-profit organization or association serving Native Pacific Islanders of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

See section C.1 below for additional eligibility requirements. Note that individuals are not eligible and applications from individuals will not be considered.

- **Funding Opportunity Description:** EDA announces general policies and application procedures for the Indigenous Communities NOFO. Subject to the availability of funds, awards made under this NOFO will help indigenous communities devise and implement long-term economic recovery strategies through a variety of non-construction and construction projects, as appropriate, to assist communities impacted by the coronavirus pandemic.

FULL ANNOUNCEMENT TEXT

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Notice of Funding Opportunity

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A. Program Description

1. Overview and Program Information

EDA's mission is to lead the Federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. Through this Indigenous Communities NOFO, EDA aims to assist indigenous communities to recover economically from the coronavirus pandemic. Even before the pandemic, indigenous communities faced high levels of economic distress and unique economic development challenges, resulting in severe inequalities in opportunity for members of these communities. The pandemic greatly exacerbated those challenges and inequities and will continue to cause deep economic injury to indigenous communities in unprecedented ways.

EDA's American Rescue Plan Indigenous Communities NOFO is designed to support indigenous communities as they respond to, and recover from, the economic impacts of the coronavirus pandemic, including long-term recovery and resilience to future economic disasters. Under this announcement, EDA solicits applications under the authority of its Economic Adjustment Assistance (EAA) program, which is intended to be flexible and responsive to the economic development needs and priorities of indigenous communities.

Through the EAA program, EDA provides investments that support a wide range of non-construction and construction activities in regions experiencing severe economic distress due to the coronavirus pandemic. Through this program, EDA can support both the development of pandemic recovery strategies and the implementation of recovery projects identified with those strategies, including infrastructure improvements and capitalization of revolving loan funds (RLFs). See section A.1.a for more examples of eligible projects.

Competitive applications for funding under this NOFO will propose projects designed to create the conditions for economic growth in indigenous communities and to accelerate economic recovery from the pandemic. These projects can include foundational economic infrastructure projects, such as such as broadband, energy, road, water, and wastewater infrastructure (including community water facilities); vocational and higher education facilities; and community health facilities that are necessary for future job creation. Projects can also include non-construction projects to provide technical assistance to support business development, entrepreneurship assistance, economic development planning, rural prosperity, and workforce training in indigenous communities. Further, EDA seeks to fund projects representing diverse geographies, from rural and urban settings to projects on or near tribal lands.

EDA anticipates funding projects that support communities' capacity for economic development. In EDA's experience with post-disaster recovery, the most effective rebuilding efforts are based on long-term community-oriented and collaborative economic development and redevelopment strategies. For this reason, EDA encourages the submission of applications based on such strategies that foster economic growth and resilience. See section A.4 below for more information on resilience and section E for more details on evaluation criteria.

Tribal entities are not constrained to only applying for funding under this NOFO. EDA anticipates publishing multiple NOFOs under the American Rescue Plan Act, in addition to the Indigenous Communities NOFO, including the Economic Adjustment Assistance NOFO; Build Back Better Regional Challenge NOFO; Travel, Tourism, and Outdoor Recreation NOFO; and the Good Jobs Challenge NOFO (for workforce development projects). Tribal entities are eligible to apply for American Rescue Plan Act funds under any of these NOFOs. Any particular project, however, should only be submitted under one NOFO not multiple NOFOs. This Indigenous Communities NOFO is the only NOFO EDA anticipates publishing where eligibility is restricted exclusively to indigenous communities.

Applicants are strongly encouraged to consult with the community's EDA Regional Office Point of Contact (POC) listed in section G of this NOFO before submitting an application. To better address the distinct goals of each NOFO, EDA may, in its sole discretion, consider applications under a different NOFO than the one to which the applicant originally applied, in which case EDA may ask the applicant to submit additional documents and information to meet the requirements of the new NOFO.

a. Specific Considerations for Projects Under this Indigenous Communities NOFO

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

Due to the special economic circumstances facing indigenous communities, EDA anticipates funding projects to support a broad spectrum of economic development needs that align with EDA's Recovery and Resilience Investment Priority (*see* section A.2 of this NOFO), including foundational economic infrastructure projects such as broadband, energy, roads, water and wastewater infrastructure (including community water facilities); vocational and higher education facilities; and community health facilities. Further, EDA will not require demonstrated commitments from beneficiaries.[3] Projects for tribal gaming establishments or requests for funding to supplement operating budgets or replace lost revenue will not be considered. Please also see section A.4 of this NOFO for more information on how EDA defines resilience in the context of this NOFO. Applicants that are unsure whether a proposed project is eligible or competitive under this NOFO should consult the appropriate EDA POC listed in section G of this NOFO.

b. Comprehensive Economic Development Strategy Requirements

Each project funded under the EAA program must be consistent with the region's or indigenous community's current Comprehensive Economic Development Strategy (CEDS) or equivalent EDA-accepted economic development strategy, such as a regionally or tribally developed

[3] EDA typically seeks private investment and job creation or retention commitments from beneficiaries (e.g., companies) in connection with the proposed application.

sustainability plan. See https://www.eda.gov/ceds/alternative-plans.htm for more information on equivalent plans. In accordance with 13 C.F.R. § 303.7(c)(1), EDA may accept a non-EDA-funded CEDS or economic development strategy that does not contain all the elements EDA requires of a CEDS.

Please note that EDA has an established network of Partnership Planning partners, including Tribes and District Organizations, and there may already be an existing CEDS that meets a community's needs. EDA's Economic Development District (EDD) webpage at https://www.eda.gov/edd/ can help applicants identify the tribal or EDD planning partner of the relevant project region, which entity generally is responsible for developing and maintaining the region's CEDS.

For indigenous communities that have existing economic development strategies, applicants are requested to provide the relevant strategy (either by attaching the document to the application or providing a web link for the document). Some communities or regions may not be covered by CEDS or have an economic development strategy, and in these cases, EDA may be able to help identify a relevant economic development strategy. Please contact the appropriate EDA POC listed in section G of this NOFO.

If economic development planning is a community need (for example, if an indigenous community does not currently have a CEDS or economic development strategy or if the needs of the community are not well-reflected in an existing CEDS or strategy) applicants may apply for a "strategy grant" to develop, update, or refine a CEDS.[4] Such a CEDS must aim to alleviate long-term economic deterioration or prepare strategies for dealing with future sudden or severe economic dislocations, including future pandemics, as described in EDA's regulations at 13 C.F.R. § 307.3.[5] Depending on the needs of an indigenous community, applicants may be eligible for an initial strategy grant and a subsequent grant to help implement the strategy.[6]

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

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

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

[5] The regulations implementing the EAA program may be found at 13 C.F.R. part 307. Please note that 13 C.F.R. § 307.3 describes the differences between an EAA strategy grant and an EAA implementation grant (briefly, an EAA strategy grant may be used to develop a CEDS and an EAA implementation grant may be used to fund a project that implements a CEDS). See also 42 U.S.C. § 3149(b)(2), which specifies that an EAA planning project is not required to be carried out in an area with a CEDS or to be consistent with an existing CEDS.

[6] A subsequent implementation grant can be either construction or non-construction. A non-construction implementation grant might be to provide technical assistance to local businesses so that they can better position themselves to survive future economic shocks or workforce training to local residents to better position them to find in-demand jobs. Note that if an applicant is awarded funding, neither DOC nor EDA is under any obligation to make any future award(s).

2. EDA Investment Priorities

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

3. Statutory Authorities for EDA's Programs

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

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

4. How does EDA Interpret Resilience?

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

- Efforts to help a community transition from an economy overly dependent on one industry that might be susceptible to downturns caused by the outsized effects of climate change on areas already hard-hit by the pandemic, including developing the skilled workforce needed for diversification and increasing access to capital;
- The promotion of business continuity and preparedness (e.g., ensuring communities and businesses understand their vulnerabilities—including supply chains—in the face of disruptions and are prepared to take actions to resume operations after an event);
- The development and construction of high-performance and resilient infrastructure and buildings (e.g., broadband, energy, flexible and natural infrastructure, safe development practices, business incubators) to mitigate future risk and vulnerability;
- The development and construction of core infrastructure (e.g., drinking water and wastewater infrastructure; roads, highways, and bridges; buildings and other public facilities (education, training, health); and clean energy and broadband infrastructure) to build a firm foundation for future economic success; and
- Comprehensive planning efforts that involve extensive engagement from the community to define and implement a collective vision for economic recovery.

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

Resilience (within the context of economic development) is strengthened when it includes methods and measures to mitigate the potential for future economic injury, promote a faster "up-time" for economic anchors (e.g., key businesses and/or industries), and strengthen local and regional capacity to troubleshoot and address vulnerabilities within the regional economy. To the extent that a project is consistent with this section and clearly incorporates resilience principles, it will be consistent with EDA's Recovery and Resilience Investment Priority. Additional information is available at https://www.eda.gov/ceds/content/economic-resilience.htm.

B. Federal Award Information

1. What Funding Is Available Under this Announcement?

Under the American Rescue Plan Act of 2021, Congress provided EDA with $3,000,000,000, to remain available until September 30, 2022, to "prevent, prepare for, and respond to coronavirus and for necessary expenses for responding to economic injury as a result of coronavirus." Of the funds provided, EDA anticipates awarding $100,000,000 to indigenous communities under this NOFO.

EDA has allocated $100,000,000 in EAA program funds under this Indigenous Communities NOFO among its six Regional Offices, as described below in section B.2 of this Indigenous Communities NOFO. If an applicant is awarded funding, neither DOC nor EDA is under any obligation to provide any future funding in connection with that award or to make any future award(s). Amendments or renewals of an award to increase funding or to extend the period of performance are at the sole discretion of DOC and EDA.

Publication of this announcement does not obligate DOC or EDA to award any specific grant or cooperative agreement or to award all or any part of available funds. The award of any grant is subject to the availability of funds at the time of award as well as to DOC priorities at the time of award.

For purposes of this Indigenous Communities NOFO, EDA anticipates approving certain pre-award project costs in accordance with 2 C.F.R. § 200.458 "Pre-award costs." Such pre-award costs may include necessary and reasonable costs to prepare a Preliminary Engineering Report or to comply with environmental and historic preservation requirements. *See also* sections D.2.b and H.3 below for additional rules related to pre-award costs and common procurement issues. **Please note that EDA must approve an award for any costs to be reimbursed with federal funds**. Neither DOC nor EDA will approve pre-award or award costs associated with application preparation costs (e.g., completion of Forms SF-424, ED-900, etc.).

EDA plans on funding construction and non-construction projects that cost between approximately $500,000 and $5,000,000 under this NOFO.

2. Initial EDA Regional Office Allocations

Based on the total population of indigenous communities in the various Regions, EDA has allocated $100,000,000 in supplemental program funds among its offices as follows:

Atlanta Regional Office – $9,428,508
Austin Regional Office – $21,205,279
Chicago Regional Office – $7,239,513
Denver Regional Office – $11,301,592
Philadelphia Regional Office – $6,963,176
Seattle Regional Office – $43,861,932

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

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

Funding Instrument: Subject to the availability of funds, EDA may award grants or cooperative agreements to eligible applicants. EDA will award a cooperative agreement on a case-by-case basis only if substantial agency involvement is required. For a cooperative agreement, the nature of EDA's "substantial involvement" (to be included in the terms and conditions of the award) will generally be collaboration between EDA and the recipient on the scope of work.

Period of Performance: Under the EAA program, the period of performance of a grant depends on the type of project. Typically, strategy grants and grants for non-construction implementation projects range in duration from 12 to 24 months. Given conditions caused by the coronavirus pandemic, EDA expects some projects will require a longer period of performance, including up to 48 months. Implementation grants involving construction generally are expected to range from 12 to 48 months. **Please note that all American Rescue Plan Act Funds must be expended by September 30, 2027; therefore, no grants may be extended beyond that date.**

EDA will work closely with grant recipients to accommodate their projected timelines within reason and allowances of law, regulations, and grant policies. All applications should discuss the applicant's capability to administer, implement, and maintain the proposed project and clearly detail all resources (including costs of administration) and strategies that the applicant will use to successfully implement the project. EDA expects that all projects will proceed efficiently and expeditiously, and EDA encourages applicants to clearly document how quickly they will be able to start and successfully complete the proposed project scope of work.

C. Eligibility Information

1. Eligible Applicants

Eligible applicants for the Indigenous Communities NOFO are:

a. Indian Tribes or a consortium of Indian Tribes. EDA's regulation at 13 C.F.R. § 300.3 defines "Indian Tribe" as "an entity on the list of recognized tribes published pursuant to the Federally Recognized Indian Tribe List Act of 1994, as amended (Pub. L. 103-454) (25 U.S.C. 479a *et seq.*), and any Alaska Native Village or Regional Corporation (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*).[7] This term includes the governing body of an Indian Tribe, Indian corporation (restricted to Indians), Indian authority, or other non-profit Indian tribal organization or entity; provided that the Indian tribal organization, corporation, or entity is wholly owned by, and established for the benefit of, the Indian Tribe or Alaska Native Village."[8]

b. Non-profit organizations or associations serving Native Hawaiians in the State of Hawaii that are not-for-profit organizations chartered by the State of Hawaii, are controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians. As required by 42 U.S.C. § 3122(4)(A)(vi), such non-profit organizations or associations must show that they are acting in coordination with a political subdivision of a state unless the applicant is proposing a project of significant regional or national scope by, for example, providing a letter of support from a local government. A letter of support from a political subdivision or office of a state is sufficient to meet this requirement.

c. Non-profit organizations or associations serving Native Pacific Islanders in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau that are controlled by Native Pacific Islanders and whose business activities will principally benefit such Native Pacific Islanders.[9] As required by 42 U.S.C. § 3122(4)(A)(vi), such non-profit organizations or associations must show that they are acting in coordination with a political subdivision of a jurisdiction mentioned above unless the applicant is proposing a project of significant regional or national scope by, for example, providing a letter of support from a local government. A letter of support from a political subdivision or office of a jurisdiction mentioned above is sufficient to meet this requirement.

[7] Section 3(7) of PWEDA restricts the eligibility of Alaska Native Village or Regional Corporations to those that are "recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." Accordingly, only those Alaska Native Village or Regional Corporations that are so recognized are eligible.

[8] The definition of "Indian Tribe" at 13 C.F.R. § 300.3 was revised as of September 24, 2021 (*see* 86 FR 52957, September 24, 2021). The purpose of the revision was to expand the definition of Indian Tribe to include for-profit Tribal corporations so long as they are wholly owned by, and established exclusively for the benefit of, a Tribe.

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

2. Eligible Areas Based on COVID-19 Emergency Declaration

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

3. Cost Sharing or Matching

Recognizing the disproportionate impact that the COVID-19 pandemic has had on indigenous communities, and long-term economic distress, EDA will fund awards under this Indigenous Communities NOFO at a 100% federal investment rate.

D. Application Submission Information

All submissions under this Indigenous Communities NOFO are subject to the below review process.

An applicant **must submit a complete application**, as detailed in section D.2.a of this Indigenous Communities NOFO, to be considered for funding. EDA intends to review expeditiously upon receipt of the **complete application**. **Incomplete applications will not be considered.** EDA may seek additional information or documentation from the applicant to clarify application information or to correct incomplete applications. EDA may also, in its sole discretion, continue review of applications with minor defects or errors, while the applicant supplies the missing information. Please see section E of this Indigenous Communities NOFO for more information on EDA's review and selection process.

EDA strongly encourages applicants to consult with the appropriate POC to discuss whether their project is in alignment with EDA's Investment Priorities as well as EDA's eligibility requirements, property standards, and other requirements outlined in this Indigenous Communities NOFO. EDA staff are also available to provide technical assistance on application preparation requirements. This consultation is limited to clarification of technical matters involving their proposed project, project alignment with EDA's mission and EDA's Investment Priorities, and all other relevant and publicly available information relating to general technical matters.

1. Address to Request Application Package

An applicant may obtain the appropriate application package electronically at Grants.gov. Applicants may search for this funding opportunity on Grants.gov using Funding Opportunity Number "EDA-2021-ARPAINDIGENOUS." All components of the appropriate application package may be accessed and downloaded (in a screen-fillable format) at https://www.grants.gov/web/grants/search-grants.html. Please see section I of this NOFO below for instructions on submitting your application though Grants.gov.

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

2. Content and Form of Application Submission

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

All relevant forms must be signed electronically by the applicant's Authorized Organizational Representative (AOR); please see section I of this Indigenous Communities NOFO for information on AOR requirements. The preferred electronic file format for attachments is Adobe portable document format (PDF); however, EDA will accept electronic files in Microsoft Word or Excel formats. EDA prefers that all applications be submitted through Grants.gov, but will accept paper, facsimile, or email transmissions of applications with prior authorization as described below in section D.3.a.ii. Please refer to important information on submitting your application provided in section D.3.

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

a. What is required for a complete application?[10]

The following table provides a complete list of documents required for a complete application based on the type of EDA assistance: construction, design and engineering (without a construction component), non-construction (including strategy grant and other planning projects), and RLF.[11]

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

1. **One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.
2. **One Form SF-424C** (Budget Information—Construction Programs) per project.

[10] In the event of discrepancies between instructions provided in any of the forms and this Indigenous Communities NOFO, the requirements for complete applications as stated in this Indigenous Communities NOFO will control.
[11] EDA may temporarily waive certain application requirements if the applicant demonstrates that it cannot meet a requirement in a timely fashion because of the impact of the coronavirus pandemic. Applicants are advised to reach out to their appropriate POC for more information on this temporary waiver. See 13 C.F.R. § 302.2 ("When non-statutory EDA administrative or procedural conditions for Investment Assistance awards under PWEDA cannot be met by an Eligible Applicant as a result of a disaster, EDA may waive such conditions").

3. **One Budget Narrative** that clearly identifies and justifies how funds in each line item of the budget (Form SF-424C) will be used to support the proposed project. The Budget Narrative should specifically address each budget line item, and the narrative total should match the total project costs listed in both question 18 line g of Form SF-424 (the "TOTAL" line) and Form SF-424C ("Total Project Costs"). If applicable, this includes describing any other Federal funds that have been secured or requested to support the project. *Please note: In lieu of a separate Budget Narrative, this information may be included in the Preliminary Engineering Report as required by section C of the Form ED-900C.

4. **One Form SF-424D** (Assurances—Construction Programs) from each co-applicant, as applicable.

5. **One Form ED-900** (General Application for EDA Programs).
   - In section B.4, explain the applicant's capacity to administer, implement, and maintain the project, clearly detailing resources (including costs for project administration) and strategies that will support the applicant in meeting project goals.
   - In section B.6, explain how the proposed project is consistent with EDA's Recovery and Resilience Investment Priority. You may also explain in this space how the proposed project will meet any of EDA's other Investment Priorities.
   - In section B.8, per section A.1.a of this NOFO, note that EDA will not require demonstrated commitments from established beneficiaries for communities requesting support for foundational economic infrastructure under this NOFO.

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

7. **OPTIONAL: One Form ED-900B** (Beneficiary Information Form) from each "Other Party" beneficiary of the proposed project, as applicable. Under EDA's regulations, an "Other Party" is an entity that plans to create or save 15 or more permanent jobs as a result of an EDA grant and a Form ED-900B would need to be submitted from each Other Party beneficiary. Please note that while this form is optional and a project's ability to foster job creation and promote private investment is the regional economy is not an evaluation criterion under this NOFO, committed beneficiaries will make a project more competitive.

8. **One Form ED-900C** (EDA Application Supplement for Construction Programs) and accompanying supporting documentation, e.g., Preliminary Engineering Report.

9. **One Form ED-900E** (Calculation of Estimated Relocation and Land Acquisition Expenses).

10. **An environmental narrative** that will enable EDA to comply with its NEPA responsibilities. A narrative outline that details required components may be accessed in EDA's website at: https://eda.gov/files/programs/eda-

programs/Environmental-Narrative-Template-and-Application-Certification-Clause.docx.

11. **One Applicant's Certification Clause** (see Appendix A to the environmental narrative noted above) completed separately and signed by each co-applicant, as applicable.

12. **One Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.

13. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant. Form SF-LLL is only required if the applicant or co-applicant has engaged the services of a registered lobbyist in connection with its proposed project.

14. **Map of project site**.

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

1. **One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.

2. **One Form SF-424C** (Budget Information—Construction Programs).

3. **One Budget Narrative** that clearly identifies and justifies how funds in each line item of the budget (Form SF-424C) will be used to support the proposed project. The Budget Narrative should specifically address each budget line item, and the narrative total should match the total project costs listed in both question 18 line g of Form SF-424 (the "TOTAL" line) and Form SF-424C ("Total Project Costs"). If applicable, this includes describing any other federal funds that have been secured or requested to support the project.

4. **One Form SF-424D** (Assurances—Construction Programs) from each co-applicant, as applicable, unless as part of the registration process for SAM each co-applicant has already completed the assurances for non-construction programs. In that case, each co-applicant must inform EDA that this was completed in SAM.

5. **One Form ED-900** (General Application for EDA Programs).
   - In section B.4, explain the applicant's capacity to administer, implement, and maintain the project, clearly detailing resources (including costs for project administration) and strategies that will support the applicant in meeting project goals.
   - In section B.6, explain how the proposed project is consistent with EDA's Recovery and Resilience investment priority. You may also explain in this space how the proposed projects will meet any of EDA's other investment priorities.

- In section B.8, per section A.1.a of this NOFO, note that EDA will not require demonstrated commitments from established beneficiaries for communities requesting support for foundational economic infrastructure under this NOFO.

6. **One Form ED-900A** (Additional EDA Assurances for Construction or Non-Construction Investments) from each co-applicant, as applicable.
7. **One Form ED-900D** (Requirements for Design and Engineering Assistance).
8. **An environmental narrative** that will enable EDA to comply with its NEPA responsibilities. A narrative outline that details required components may be accessed in EDA's website at: https://eda.gov/files/programs/eda-programs/Environmental-Narrative-Template-and-Application-Certification-Clause.docx.
9. **One Applicant's Certification Clause** (see Appendix A to the environmental narrative noted above) completed separately and signed by each co-applicant, as applicable.
10. **One Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.
11. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant. Form SF-LLL is only required if the applicant or co-applicant has engaged the services of a registered lobbyist in connection with its proposed project.

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

1. **One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.
2. **One Form SF-424A** (Budget Information—Non-Construction Programs).
3. **One Budget Narrative** that clearly identifies and justifies how funds in each line item of the budget (Form SF-424A) will be used to support the proposed project. The Budget Narrative should specifically address each budget line item, and the narrative total should match the total project costs listed in both question 18 line g of Form SF-424 (the "TOTAL" line) and Form SF-424A ("TOTALS"). If applicable, this includes describing any other federal funds that have been secured or requested to support the project.
4. **One Form ED-900** (General Application for EDA Programs).[12]
   - In section B.4, explain the applicant's capacity to administer, implement, and maintain the project, clearly detailing resources (including costs for project

[12] Applicants seeking a strategy grant should note this information as part of their response to Section B.2 of the form.

administration) and strategies that will support the applicant in meeting project goals.
- In B.6, explain how the proposed project is consistent with EDA's Recovery and Resilience Investment Priority. You may also explain in this space how the proposed projects will meet any of EDA's other investment priorities.
- In section B.8, per section A.1.a of this NOFO, note that EDA will not require demonstrated commitments from established beneficiaries for communities requesting support for foundational economic infrastructure under this NOFO.

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

6. **One Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.

7. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, if applicable. Form SF-LLL is only required if the applicant or co-applicant has engaged the services of a registered lobbyist in connection with its proposed project.

Applications for **RLF assistance** must include:

1. **One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.

2. **One Form SF-424A** (Budget Information—Non-Construction Programs).

3. **One Budget Narrative** that clearly identifies and justifies how funds in each line item of the budget (Form SF-424A) will be used to support the proposed project. The Budget Narrative should specifically address each budget line item, and the narrative total should match the total project costs listed in both question 18 line g of Form SF-424 (the "TOTAL" line) and Form SF-424A ("TOTALS"). If applicable, this includes describing any other federal funds that have been secured or requested to support the project.

4. **One Form ED-900** (General Application for EDA Programs).
   - In section B.4, explain the applicant's capacity to administer, implement, and maintain the project, clearly detailing resources (including costs for project administration) and strategies that will support the applicant in meeting project goals.
   - In section B.6, explain how the proposed project is consistent with EDA's Recovery and Resilience Investment Priority. You may also explain in this space how the proposed projects will meet any of EDA's other investment priorities.
   - In section B.8, per section A.1.a of this NOFO, note that EDA will not require demonstrated commitments from established beneficiaries for communities requesting support for foundational economic infrastructure under this NOFO.

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

6. **One Form ED-900F** (Supplement for Revolving Loan Fund Applications).

7. **A draft RLF plan** that addresses all components required by EDA's regulation at 13 C.F.R. § 307.9.

8. **One Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.

9. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant. Form SF-LLL is only required if the applicant or co-applicant has engaged the services of a registered lobbyist in connection with its proposed project.

Additional Requirements for Incubator or Accelerator Projects

In addition, applicants that propose a project to support **a business incubator or a technology or other type of incubator or accelerator**, regardless of the type of assistance being requested (i.e., construction or non-construction) must provide the following documentation.

1. A feasibility study establishing the market demand for the specific start-up companies proposed for incubation (technology, general business, bio-tech, manufacturing, etc.), presence of necessary resources, and community support for the incubator;

2. Documentation with detailed demonstration that the applicant has the financial capacity to operate the incubator facility (if applicable) and reach a positive cash flow within a reasonable period of time, which EDA generally expects to be three years; *and*

3. A management plan for operation of the incubator that includes the following elements. Applicants are encouraged to provide as much of this information as possible at the time of application but may provide remaining information post-application or post-award.

    i. *Tenant/client selection policy* that includes a description of the types of businesses sought and any established selection criteria;

    ii. *Tenant lease or license agreement* (if applicable) that enumerates the shared services to be provided; delineates the incubator's business assistance policy, including the provision of management, technical, and training assistance, and the incubator's graduation policy; and establishes periodic access to the tenant's business records to permit assessment of the financial and operational viability of the tenant's business;

    iii. *Business assistance policy* that outlines the various types of assistance that the incubator will provide to start-up firms, including how the incubator will support tenants/clients with access to capital needed to grow their businesses successfully;

iv. *Staffing plan* that details the talent and resources that will be dedicated to supporting the start-up companies accepted into the incubator;

v. *Tenant graduation policy* that is documented as a provision of the tenant lease or license agreement (if applicable) with clear requirements for tenant graduation from the facility or services of the incubator; and

vi. *Incubator performance plan* that includes how the incubator will track the success of incubator tenants/clients, specifically identifying what performance measurement data the incubator proposes to collect from tenants/clients and for what period of time during and after the service period the data will be collected. This should also include members of any oversight or policy board for the incubator that will be responsible for setting performance goals of the incubator, selecting or approving selections of staff, establishing and reviewing policy, and monitoring performance.

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

Consideration of Applications Submitted under the FY 2020 CARES Act Addendum

In accordance with section E.1.b.i of this Indigenous Communities NOFO, upon request of the applicant, EDA will consider previously declined applications submitted under the FY 2020 CARES Act Addendum. For a project that was not selected for funding under the FY 2020 CARES Act Addendum, if the applicant would like EDA to consider the application **unchanged** under this NOFO, the applicant must submit written request to the EDA POC identified below in section G. that certifies that the project is unchanged.

b. Environmental and Historic Preservation Requirements

All applicants for EDA construction assistance (including design and engineering assistance) are required to provide adequate environmental information. Each application will be reviewed by EDA for compliance with the National Environmental Policy Act (NEPA) of 1969, as amended. During the NEPA review process, applicants may be instructed to contact the designated Tribal and/or State Historic Preservation Officer (THPO/SHPO), provide approvals from other governmental agencies, or provide more detailed environmental information. 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. As noted elsewhere in this Indigenous Communities NOFO, EDA anticipates approving certain pre-award project costs, including environmental and historic preservation compliance costs. Such costs are subject to later disallowance if costs are not compliant with federal requirements. *See also* sections D.5 for more information on pre-award costs and H.3 for information on the government-wide procurement restriction.

Applicants are strongly encouraged to provide as much environmental and historic preservation information as possible at the time of application but may provide remaining information after initial application submission. Applicants that are unable to submit a complete environmental

narrative at the time of application should describe how they plan to provide the remaining information. For further guidance and information, please contact the appropriate Regional Environmental Officer or POC listed in section G.

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

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

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

If the applicant does not have a current or pending NICRA, it may propose indirect costs in its budget; however, the applicant must prepare and submit an allocation plan and rate proposal for approval within 90 days from the award start date (unless claiming the 10 percent de minimis indirect cost rate, discussed below). See 2 C.F.R. part 200 Apps. IV ("Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations") or VII ("States and Local Government and Indian Tribe Indirect Cost Proposals") for guidance as appropriate. The allocation plan and the rate proposal shall be submitted to EDA's Office of Regional Affairs (or applicable cognizant Federal agency). If the applicant chooses to pursue this option, it should include a statement in its Budget Narrative that it does not have a current or pending NICRA and will submit an allocation plan and rate proposal to EDA or the applicant's cognizant Federal agency for approval.

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

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

3. Submission Dates and Times

There are no application deadlines under this Indigenous Communities NOFO. EDA plans to accept applications on a rolling basis subject to the availability of funds. EDA's American Rescue Plan appropriations are available for making awards through September 30, 2022; therefore, EDA strongly advises eligible applicants to submit complete applications as soon as possible so that EDA can review and process the application in time to get a potential award in place.

All American Rescue Plan Act funds must be expended by **September 30, 2027** and therefore no grants may be extended beyond that date. EDA may cancel or withdraw the Indigenous Communities NOFO at any time.

a. How to Submit an Application?

i. Electronic Submission.

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

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

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

ii. Alternatives to Electronic Submission.

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

4. Intergovernmental Review

Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs" requires consultation with State and local officials on certain proposed Federal assistance. A State may adopt 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 (SPOC) review process"). Names and addresses of States' SPOCs are listed at https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf. **This requirement does not apply to most eligible entities under this NOFO. Please see below applicability.**

EO 12372 applies to eligible applicants under this Indigenous Communities NOFO as follows:

- Eligible Indian Tribe applicants are not subject to the requirements of EO 12372.

- Because the State of Hawaii does not currently maintain a SPOC under EO 12372, eligible applicants that are non-profit organizations or associations serving Native Hawaiians are not required to submit proof of submission to the SPOC.

- Because American Samoa maintains a SPOC, non-profit organizations or associations serving Native Pacific Islanders in American Samoa are required to submit documentation of submission to the SPOC. Non-profit organizations or associations serving other Native Pacific Islanders are not required to submit proof of submission to the SPOC.

5. Pre-Award Costs

Under this NOFO, EDA anticipates funding certain pre-award costs, including those related to preparation of the Preliminary Engineering Report and environmental and historic preservation requirements. *See also* section D.2.b of this NOFO. Applicants that are in need of reimbursement for other pre-award expenses should work closely with the appropriate POC to determine if their pre-award costs may be considered for reimbursement. In order for contracted pre-award costs to be eligible for reimbursement, the applicant must competitively procure services pursuant to the Federal Government's procurement procedures applicable to grants. See section H.3 of this NOFO for common issues related to procurement. All pre-award costs are incurred at an applicant's own risk and will be considered for reimbursement, in EDA's sole discretion, only if an applicant receives an award and such costs are approved by EDA in writing. Neither DOC nor EDA will approve pre-award or award costs associated with application preparation costs (e.g., completion of Forms SF-424, ED-900, etc.).

6. Other Submission Requirements

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

EDA may, at its discretion, make changes or additions to this Indigenous Communities NOFO. All changes will be communicated on Grants.gov.

E. Application Review Information

Throughout the review and selection process, EDA reserves the right to seek clarification in writing from applicants whose application packages are being reviewed. This may include

reaching out to applicants and proposing they seek funding under a different EDA program or other federal financial assistance program under which they may be more competitively assessed. EDA may additionally ask applicants to clarify application materials, objectives, and work plans, or modify budgets or other specifics necessary to comply with federal requirements. Before applications are reviewed as described below, EDA will conduct an initial screening to verify that all required forms are complete and all required documentation is included. Applications that do not contain all elements listed in section D.2.a of this NOFO may not be reviewed.[13]

1. Review and Selection Process

a. Investment Review Committee (IRC)

Each Regional Office will convene periodic IRCs, as necessary depending on the volume of applications, that consist of at least three EDA staff members to review each complete application.

All IRC members will review each complete application before the IRC discussion and evaluation. The IRC will make a group evaluation of the merits of each application based on the extent to which the application meets the program-specific award and application requirements.

For construction and non-construction projects, *except* strategy grants to prepare or revise a CEDS, the IRC will use the following criteria in its review, with each criterion receiving equal weight:

i. The extent to which the project is responsive to the needs of communities impacted by the coronavirus pandemic, including long-term economic recovery and economic diversification;

ii. The extent to which the project is resilient to future pandemics or other sudden and severe economic dislocations as described in section A.4 of this Indigenous Communities NOFO (e.g., closures of major local employers, climate change);

iii. The degree of economic distress experienced in the project community/region, including the economic impact of the coronavirus pandemic;

iv. The project's feasibility;

v. The project's sustainability/durability, including the extent to which the project demonstrates support from community stakeholders and beneficiary commitments, if any;

vi. The project's alignment with the applicable CEDS, tribal strategy, or other EDA-accepted economic development strategy;

vii. The project's demonstrated alignment with EDA's Recovery and Resilience Investment Priority, as well as other current Investment Priorities as outlined at

[13] See 13 C.F.R. § 302.2 ("When non-statutory EDA administrative or procedural conditions for Investment Assistance awards under PWEDA cannot be met by an Eligible Applicant as the result of a disaster, EDA may waive such conditions.").

https://www.eda.gov/about/investment-priorities/ and described in section A.2 of this Indigenous Communities NOFO;

viii. The likelihood that the project is capable of starting quickly;

ix. The level of impact on the community, including increased access to capital;

x. The applicant's organizational capacity, including its financial and management capacity; and

xi. The extent to which the project is based upon community-oriented and collaborative economic development and redevelopment strategies.

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

i. The quality of the proposed scope of work for the development, implementation, revision or replacement of a strategic, economic development, or disaster recovery, mitigation or resilience plan;

ii. The project's potential to increase the capacity of the community or region to promote job creation, private investment in the regional economy, and disaster resilience;

iii. The project's feasibility and the likelihood that the project will achieve its projected outcomes;

iv. The project's demonstrated alignment with EDA's Recovery Resilience Investment Priority, as well as EDA's current Investment Priorities as outlined at https://www.eda.gov/about/investment-priorities/ and described in section A.2 of this Indigenous Communities NOFO;

v. The ability of the applicant to successfully prepare or revise a CEDS; and

vi. The extent to which the project demonstrates support from community stakeholders.

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

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

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

b. Due Diligence

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

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

i. Title verification;

ii. Proof of project ownership; and

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

If the applicant provides the requested information and supporting documentation in a timely fashion and EDA determines the project is fully compliant with applicable rules and regulations, the application will be forwarded to the Grants Officer for a final decision and award approval. Applicants that do not provide the additional information and supporting documentation in a timely fashion or that are deemed not to be in compliance with applicable rules and regulations will receive notification their application was not successful.

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

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

2. Grants Officer's Decision

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

i. The relative economic distress of the area;

ii. The extent to which the application meets the overall objectives of section 2 of PWEDA (42 U.S.C. § 3121);

iii. The extent to which resilience, as defined in section A.4, is integrated into the project scope of work;

iv. To promote broad and equitable access to EDA assistance, the amount of EDA funding the applicant has received in the current or prior three fiscal years under any Notice of Funding Opportunity;

v. The applicant's performance under previous federal financial assistance awards, including whether the grantee submitted required performance reports and data;

vi. The availability of program funding;

vii. Whether the project supports communities negatively impacted by the downturn in the coal economy; and

viii. The extent to which the project supports EDA's goals of geographic balance in distribution of program funds, project types, and the overall portfolio.

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

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

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

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

F. Federal Award Administration Information

1. Federal Award Notification

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

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

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

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

2. Administrative and National Policy Requirements

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

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

For all projects except construction awards, DOC will apply the DOC STCs applicable on the date of award. The DOC ST&Cs may be accessed at the following website: https://www.commerce.gov/oam/policy/financial-assistance-policy.

For RLF awards, in addition to the DOC STCs, EDA will apply the EDA RLF STCs. The RLF STCs may be accessed at https://www.eda.gov/tools/grantee-forms/ under the header "Standard Terms and Conditions for RLF and Construction Projects."

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

4. DOC Pre-Award Notification Requirements

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

5. Reporting

a. Financial, Performance, and Impact Reports

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

b. Federal Funding Accountability and Transparency Act of 2006

The Federal Funding Accountability and Transparency Act of 2006 includes a requirement for awardees of applicable Federal grants to report information about first-tier subawards[14] 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 subawards over $25,000. Please see the OMB guidance published at 2 C.F.R. part 170, which can be accessed at https://www.govinfo.gov/content/pkg/CFR-2020-title2-vol1/pdf/CFR-2020-title2-vol1-part170.pdf.

c. Government Performance and Results Act

EDA may require additional data on activities, outputs, and actual impact of the funded investment, pursuant to the Government Performance and Results Act (GPRA), and as specified under the specific terms and conditions of the EDA grant award. For example, recipients may be expected to continuously track their engagement activities within the scope of work, other beneficiaries, and project-related stakeholders. They may also be expected to collect data on the outputs and impacts of their activities, such as, for example, the number of beneficiary strategic plans developed, the number of new business partnerships formed, or new capabilities acquired using surveys of beneficiaries or clients if necessary. EDA will specify the data collection techniques and reporting mechanisms to be used. EDA also expects to engage with leading research institutions to perform third-party program evaluations, which will require cooperation between the grantee, organizations within their service area, and the evaluating institution.

G. Federal Awarding Agency Contacts

For questions concerning this Indigenous Communities NOFO, or more information about EDA

[14] A first-tier subaward means an award provided by the recipient to a subrecipient for the subrecipient to carry out as part of a federal award.

programs, you may contact the appropriate EDA representative listed below. Updated contact information can be found on EDA's website at https://www.eda.gov/contact. EDA's website at http://www.eda.gov provides additional information on EDA and its programs.

Atlanta Regional Office

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

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

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

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

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

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

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

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

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

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

Connie Tallman
ctallman@eda.gov
470-571-5678

Austin Regional Office

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

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

Louisiana, East Texas
Jason Wilson
jwilson1@eda.gov
512-420-7738

New Mexico, Texas Panhandle
Trisha Korbas
tkorbas@eda.gov
720-626-1499

Oklahoma, North Texas
Stacey Webb
swebb@eda.gov
737-704-4707

South and West Texas
Robert Peche
rpeche1@eda.gov
512-568-7732

Statewide Planning, State Travel Grants
Apurva Naik
anaik@eda.gov
737-207-1415

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

Chicago Regional Office

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

Illinois and Minnesota
Darrin Fleener
dfleener@eda.gov
312-789-9753

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

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

Ohio
Ellen Heinz
eheinz@eda.gov
312-505-4953

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

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

Denver Regional Office

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

Colorado, Utah
Trent Thompson
tthompson@eda.gov
303-844-5452

Eastern Iowa, Eastern and Central Missouri
Steve Castaner
scastaner@eda.gov
573-590-1194

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

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

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

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

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

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

Philadelphia Regional Office

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

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

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

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

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

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

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

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

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

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

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

Seattle Regional Office

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

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

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

California (Coastal and Northern)
Malinda Matson
mmatson1@eda.gov
916-235-0088

California (Southern), Nevada
Wilfred Marshall
wmarshall@eda.gov
310-261-6005

California (Central)
Asia King
aking2@eda.gov
206-247-0991

Hawaii, Guam, Northern Mariana Islands, American Samoa, Marshall Islands, Federated States of Micronesia, Palau
Herbert Thweatt
hthweatt@eda.gov
808-260-6641

Idaho, Rural Nevada
Carleen Herring
cherring@eda.gov
206-798-7814

Clark County Nevada
John Edmond
jedmond@eda.gov
206-888-3390

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

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

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

H. Other Information

1. Right to Use Information

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

2. Freedom of Information Act Disclosure

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

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

3. Notice of Government-Wide Procurement Restriction

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

4. Past Performance and Non-Compliance with Award Provisions

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

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

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

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

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

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

(a) To the best of its knowledge and belief, has filed all federal tax returns required during the three years preceding the certification;

(b) Has not been convicted of a criminal offense under the Internal Revenue Code of 1986; and/or

(c) Has not been notified, more than 90 days prior to certification, of any unpaid federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

6. EDA's Non-Relocation Policy

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

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

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

or industrial, commercial, or business park constructed or improved in whole or in part with investment assistance prior to EDA's final disbursement of funds.

7. Audit Requirements

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

8. Implementing the Americans with Disabilities Act (ADA)

The U.S. Department of Justice has issued revised regulations implementing Title II of the ADA (28 C.F.R. Part 35; 75 Fed. Reg. 56,164 (Sep. 15, 2010), as amended by 76 Fed. Reg. 13,285 (Mar. 11, 2011)) and Title III of the ADA (28 C.F.R. Part 36; 75 Fed. Reg. 56,236 (Sep. 15, 2010), as amended by 76 Fed. Reg. 13,286 (Mar. 11, 2011)).

9. Fraud Awareness Training

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

I. Instructions for Application Submission via Grants.gov

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

- Navigate to https://www.grants.gov/web/grants/applicants/apply-for-grants.html;
- Click "Search for Opportunity Package";
- In the "Funding Opportunity Number" field, enter "EDA-2021-ARPAINDIGENOUS";
- Click "Search";
- Click "Apply";
- Enter your email address (if you would like to receive updates from Grants.gov regarding this grant opportunity) or check the box that indicates you do not wish to provide it, then click "Submit";
- Choose to apply using Workspace by clicking "Login to Apply Now" or choose to download the legacy application package by clicking "Download Package"; and

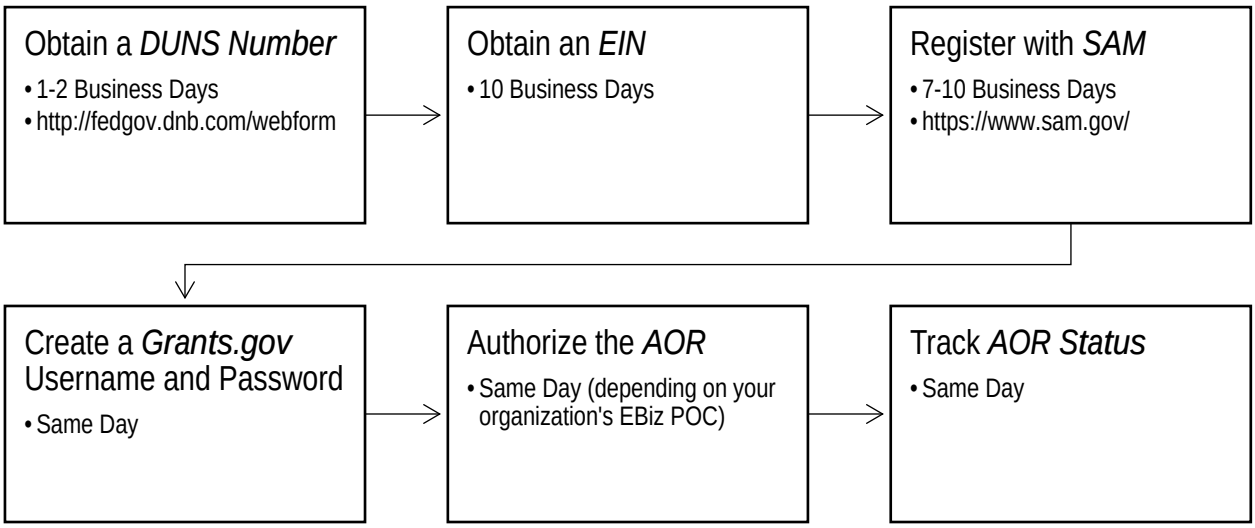
- Follow the instructions provided on the Grants.gov website and on each webpage to complete and submit your application.

1. Register Early and Submit Early.

In order to submit an application through http://www.grants.gov/ (Grants.gov), an applicant must register for a Grants.gov user ID and password. Note that this process can take between **three to five business days** or **as long as four weeks** if all steps are not completed correctly. Information about the Grants.gov registration process for organizations can be found at http://www.grants.gov/web/grants/applicants/organization-registration.html. Please note that organizations already registered with Grants.gov do not need to re-register; however, all registered organizations must keep their System for Award Management (SAM), which includes the Central Contractor Registration (CCR) database, registration up-to-date through sam.gov or their applications will not be accepted by Grants.gov.

a. Pre-Submission Registration

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



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

http://www.grants.gov/web/grants/applicants/organization-registration.html to ensure that they follow the most up-to-date instructions.

b. AOR Requirement

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

2. Field Limitations and Special Characters

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

3. Verify That Your Submission Was Successful

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

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

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

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

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

4. Grants.gov Systems Issues

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

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