DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Tribal Energy Development Capacity (TEDC) Grant; Solicitation of Proposals

AGENCY: Bureau of Indian Affairs, Office of Trust Services

ACTION: Notice.

SUMMARY: The Secretary of the Interior ("Secretary"), through the Division of Energy and Mineral Development (DEMD), Office of Trust Services, Bureau of Indian Affairs, is soliciting grant proposals from Federally recognized American Indian Tribes and Alaska Federally recognized Tribal entities to build Tribal capacity for energy resource regulation and management.

The Tribal Energy Development Capacity (TEDC) grant program seeks to develop the Tribal management, organizational and technical capacity needed to maximize the economic impact of energy resource development on American Indian and Native Alaskan land. TEDC grants equip Federally recognized American Indian Tribes and Alaska Federally recognized Tribal entities to regulate and manage their energy resources through development of organizational and business structures and legal and regulatory infrastructure.

Examples of projects TEDC grants may fund include establishment of Tribal business charters under Federal, state, or Tribal law with a focus on energy resource development; adoption and/or implementation of a secured transactions code; feasibility studies on forming a Tribal utility authority; feasibility studies on emergency response during heat and cold waves; and development of Tribal energy regulations pursuant to the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act) 25 U.S.C. § 415.

DATES: Applications will be accepted until 5:00 PM EST on May 13, 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Payton Batliner**,** Economic Development Specialist, Division of Energy and Mineral Development, 13922 Denver West Pkwy, Suite 200, Lakewood, CO 80401; telephone: (720) 999-1414; e-mail: payton.batliner@bia.gov. If you have questions regarding the application process, please contact Jo Ann Metcalfe, telephone 703-390-6410 or e-mail jo.metcalfe@bia.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

Award Ceiling: [1,000,000]

Award Floor: 10,000

CFDA Number: 15.148

Cost Sharing or Matching Requirement: No

Number of Awards: [15-60]

Category: Energy and Minerals

II. Number of Projects Funded. DEMD anticipates award of approximately [fifteen (15) to sixty

(60)] grants under this announcement ranging in value from approximately $10,000 to [$1,000,000]. The program can only fund projects one year at a time. DEMD will use a competitive evaluation process based on criteria described in the Evaluation Criteria section (section X of this notice).

III. Background. DEMD administers the TEDC grant program. This solicitation seeks proposals for increasing the technical capacity of American Indian Tribes and Alaska Federally recognized Tribal entities to manage and regulate their energy resources. The energy project(s) for which the applicant seeks to build Tribal capacity can be existing or planned, Tribally owned or privately owned.

Capacity developing activities include, but are not limited to:

- Establishment of organizational structure(s) and/or business entity structure(s) capable of engaging in commercial energy development or management activities,including leasing property, meeting lending requirements, entering into standard business contracts, and forming joint venture partnerships;
- Establishing Tribal business charters under Federal law; corporations formed under Federal, state or Tribal incorporation codes; and Tribal utility authoritiesformed under Federal, state or Tribal codes;
- Development or enhancement of Tribal policies; enactment of Tribal regulations for leasing of surface land for energy development pursuant to the HEARTH Act; establishment of legal infrastructure for business formation; enactment of ordinances to regulate or develop energy resources; and adoption of a secured transactions code or a memorandum of understanding, compact, or letter of intent with the state to register liens attached pursuant to such a code.
- Development of emergency response during heat and cold waves that may correspond to increased

fuel costs and decreased accessibility to fuels; and development of strategies to plan for circumstances that put a significant financial and safety burden on Tribes

The funding periods and amounts referenced in this solicitation are subject to the availability of funds at the time of award, as well as the Department of the Interior (DOI) and Indian Affairs priorities at the time of the award. Neither DOI nor Indian Affairs will be held responsible for proposal or application preparation costs. Publication of this solicitation does not obligate DOI or Indian Affairs to award any specific grant or to obligate all or any part of available funds. Future funding is subject to the availability of appropriations and cannot be guaranteed. DOI or Indian Affairs may cancel or withdraw this solicitation at any time.

IV. Eligibility for Funding. Only Indian Tribes, as defined at 25 U.S.C. 5304(e), are eligible to receive TEDC grants. "'Indian Tribe' means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat.688) [43 U.S.C. 1601 et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians . . ."

V. Who may Perform Studies Funded by TEDC Grants. The applicant determines who will conduct its study. An applicant has several choices, including but not limited to:

- Universities and colleges;
- Private consulting firms; or
- Non-academic, non-profit entities.

VI. Applicant Procurement Procedures. The applicant is subject to the procurement standards under 2 CFR 200.318 through 200.326. In accordance with 2 CFR 200.318, an applicant must use its own documented procurement procedures which reflect Tribal laws and regulations, provided that the procurements conform to applicable Federal law and standards identified in

Part 2 of the Code of Federal Regulations.

VII. Limitations. TEDC grant funding must be expended in accordance with applicable statutory and regulatory requirements, including 2 CFR part 200. As part of the grant application review process, DEMD may conduct a review of an applicant's prior DEMD grant award(s).

Applicants that are currently under BIA sanction Level 2 or higher resulting from non-compliance with the Single Audit Act are ineligible for a TEDC award. Applicants at Sanction Level 1 will be considered for funding.

DEMD will not usually consider funding new TEDC proposals where the applicant has open TEDC projects, granted under any previous funding cycle. The DEMD does, however, understand that delays beyond the control of the applicant sometimes occur. The DEMD will consider any explanation provided in conjunction with the new TEDC grant proposal. The explanation should describe the reasons why the previous project is delayed and successfully justify or demonstrate that the delay is at no fault of the applicant.

DEMD will accept multi-project proposals. Multi-project proposals must be submitted as one application. Multi-project proposals may contain proposals to develop and enhance both business and regulatory infrastructure. Applicants may also submit multi-project proposals in just one area, such as two separate purposes, with each proposing to develop or enhance the regulatory structure for two separate purposes. For instance, an applicant may submit a proposal for funding to form a Tribal utility authority and a separate and distinct proposal to develop a Tribal secured transactions code.

Each project in the application requires its own stand-alone proposal, budget, and designated Tribal project lead. Multi-project proposals require that the applicant submit a Tribal resolution that identifies and describes each project being proposed authorizing the Tribe to submit the proposal for a TEDC grant. Each proposal in the application will be evaluated based on its own merits as a stand-alone project. The DEMD will evaluate each individual project proposal using the same standards as those evaluated as a single-project proposal.

The purpose of TEDC grants is to increase tribal technical capacity to manage and regulate energy resources only. TEDC awards may not be used for:

- Establishing or operating a Tribal office;
- Training;
- Purchase of equipment that is used to develop the feasibility studies, such as computers, vehicles, field gear, etc. (however, leasing of this type of equipment for the purpose of developing feasibility studies is allowed);
- Purchase of software;
- Purchase of resource assessment data;
- Legal fees;
- Application fees associated with permitting;
- Contract negotiation fees;
- Academic research projects;
- Strategic energy plan formulation;
- Weatherization activities;
- Research and development of speculative or unproven technologies;
- Payment of fees or procurement of any services associated with energy assessment or exploration or development activity;
- Payment of Tribal salaries for employees not directly involved in conducting project specific activities and payment of salaries beyond the one-year project;
- Purchase or lease of project equipment such as computers, vehicles, field gear, etc.;
- Attending conventions or travel to foreign countries;

- Conducting studies related to meeting environmental requirements for a project development;
- Feasibility studies to identify, develop, or market energy or mineral resources; establishor expand broadband projects; evaluate economic development projects, businesses, or technologies that are addressed by IEED's Energy and Mineral Development Program (EMDP), National Tribal Broadband Grant (NTBG), and Native American Business Development Institute (NABDI) annual grant programs; and
- Any other activities not authorized by the grant award letter.

VIII. TEDC Application Guidance. All applications must be submitted in digital form using grants.gov. For instructions, see: https://www.grants.gov/help/html/help/Applicants/HowToApplyForGrants.htm.

All TEDC applicants must submit the standard forms "package" as outlined in section IX of this announcement. These forms can be found under the "package" tab on the TEDC2022 grant listing at www.grants.gov.

There are mandatory components (forms) that must be included in each proposal package. Links to the mandatory forms can be found under the "package" tab on the TEDC2022 grant opportunity page at www.grants.gov. The following are the names of the required forms:

- **Application for Federal Assistance (SF-424) [4.0]**
- **Budget Information for Non-Construction Programs (SF-424A) [V1.0]**
- **Budget Narrative Attachment Form [V1.2]**
- **Project Abstract Summary [V2.0]**
- **Project Narrative Attachment Form [V1.2]**
- **Attachments [V1.2]**
    - **Resolution**

    - **Critical Information Sheet**
- **Key Contacts [V2.0]**

Application for Federal Assistance SF-424 v4. It is required that the applicant complete the Application for Federal Assistance SF-424 v4. Please use a descriptive file name that includes Tribal name and project description. For example: TEDCSF424v4.[Tribalname].Project

Budget Information for Non-Construction Programs (SF-424A) [V1.0] and **Budget Narrative Attachment Form [V1.2]**

It is required that the budget be submitted using both a SF-424 v4 and a SF-424A form. Please use a descriptive file name that includes Tribal name and project description. For example: TEDCBudget.[Tribalname].Project.

The budget must identify the amount of grant funding requested and a comprehensive breakdown of all projected and anticipated expenditures, including contracted personnel fees, consulting fees (hourly or fixed), travel costs, data collection and analysis costs, computer rentals, report generation, drafting, advertising costs for a proposed project and other relevant project expenses, and their subcomponents.

- Travel costs should be itemized by airfare, vehicle rental, lodging, and per diem, based on the current Federal government per diem schedule.
- Data collection and analysis costs should be itemized in sufficient detail for the DEMD review committee to evaluate the charges.
- Other expenses may include computer rental, report generation, drafting, and advertising costs for a proposed project.

Project Abstract Summary and **Project Narrative Attachment**

The first paragraph of the project narrative must include the title and basic description of the proposed TEDC project. The Project Narrative must not exceed 20 pages. At a minimum, it should include:

- An Executive Summary that is an overview and technical summary of the project, no longer than one page, that has a description of the elements of the proposed project, reasons for the project, description of the objectives and anticipated outcomes that will result if the project were to be funded, total funding amount requested, and a designated Tribal project lead authorized to make decisions on the day-to-day grant activities.
- The Project Objective, Technical Description, and Scope of Work. Describe the Tribe's current business and/or regulatory capacity for energy development, includingregulations and other measures already in place and the extent to which they are being implemented. If the proposal is related to establishing organizational business entity structures, describe the extent to which the Tribe is capable of engaging in development or management activities, and to what extent the proposed project will increase the Tribe's capacity to manage and/or regulate its energy resources. Describe which business and/or regulatory capacities need enhancement, such as: Tribal code development, regulation or ordinance development, commercial code development, financial and revenue management, land lease management (including evaluation, negotiation, and enforcement of terms), and regulatory monitoring (Federal, state, and Tribal environmental and safety regulations). Describe how the project would assist the Tribe in developing the capacity needed to maximize the economic impact of energy or mineral resource development on Indian land, and to what extent would that affect the overall economy of the Tribe. List all previous or on-going energy or mineral resource development capacity-building projects involving the Tribe. Describe the Tribe's motivation to implement the business or regulatory framework that would be developed or enhanced through TEDC funding. Describe project goals and objectives. Include a detailed scope of work describing the project phases and timeline, method of measurement of meeting objectives of the proposed project and expected outcomes. Describe how and why the particular methods beingapplied will achieve the stated goals.
- If the project is focused on studying the feasibility of a Tribal Utility Authority (TUA), or

some other electric utility structure including micro grids, please provide a brief discussion (one page or less) that includes the following; reason/need for chartering a TUA or micro grid formation, the relationship between the Tribe and incumbent utility, annual expenditure by the Tribe on electricity, electricity pricing ($/kWh) and/or power quality issues, utility policy issues that are hindering the Tribe from proper management of its energy assets or hindering the development of energy projects (i.e. net metering policies) and how these can potentially be overcome by a tribally owned TUA, and any other relevant information that would highlight the needfor the establishment of a TUA or micro grid.

- Describe all deliverable products that the proposed TEDC project is to generate, including all regulations, codes, ordinances or processes and procedures. Discuss the content of any planned status reports as well as the final TEDC project report.
- Provide the resumes (with areas of expertise) of key consultants and personnel to be retained, if available, and the nature of their involvement, including their relationshipto the applicant as Tribal staff, consultant, subcontractor, etc. This information may be included as an attachment to the application and will not be counted towards the 20-page limitation.
- Please use a descriptive file name that includes Tribal name and project description. For example: TEDCNarrative.[Tribalname].Project

Attachments [V1.2]

Utilize the *attachments form* to include the **Tribal resolution** issued in the fiscal year of the grant application, authorizing the submission of a TEDC 2022 grant application. It must be signed by authorized Tribal representative(s). The Tribal resolution must also include a description of the TEDC project that will be delivered. The attachments form can also be used to include any other attachments related to the proposal, such as:

Critical Information Page

Applicants must include a critical information page that includes:

- A designated Tribal representative (and their contact information) to oversee the project work, make authorized decisions during the course of the project, and be responsible for submitting quarterly reports and the final report, plus quarterly financial status reports. The designated Tribal lead may not be a consultant;
- Please make sure that the System for Award Management (SAM) number used to apply is *active*, not expired;
- Federal DUNS number.
- Please make sure an *active* Automated Standard Application for Payment (ASAP) number is provided. Applicants *must* have an ASAP number to be eligible;
- Counties where the project is located;
- Congressional District number where the project is located.

Key Contacts [V2.0]

Applicants must include the Key Contacts information page that includes:

- Project Manager's contact information including address, email, desk, and cell phone number;
- If there is more than one contact, please provide an additional key contact's form.
- Please use a descriptive file name that includes Tribal name and identifies that it is the key contacts page (KC). For example: TEDCKC.[Tribalname].Project.

Incomplete Applications. Incomplete applications will not be accepted. Please ensure that all of the forms listed in the announcement are completed and submitted in grants.gov.

IX. Review and Selection Process. Upon receiving a TEDC application, DEMD will determine whether the application is complete and that the proposed project does not duplicate or overlap previous or currently funded DEMD technical assistance projects. Any proposal that is received after the date and time in the **DATES** section of this notice will not be reviewed.

The DEMD Review Committee (Committee), comprised of DEMD staff, Federal partners, and subject matter experts, will evaluate the proposals against the ranking criteria. Proposals will be evaluated using the four criteria listed below, with a maximum achievable total of 100 points.

Final award selections will be approved by the Assistant Secretary--Indian Affairs and the Associate Deputy Secretary, U.S. Department of the Interior. Applicants not selected for award will be notified in writing.

X. Evaluation Criteria

Executive Summary: 10 points. Proposals will be evaluated based on the clarity of the proposal's Executive Summary as discussed in Step 2, part A.

Project Objective, Technical Description, and Scope of Work: 35 points. This criterion will be evaluated based on the project objective, technical description and scope of work as described in Step 2, part B. The clarity of the described work and the appropriateness of the project in terms of meeting the intent and goals of the TEDC program will be evaluated.

Deliverable Products: 30 points. DEMD will rate the extent to which the expected outcome of the project meets the applicant's stated goals, based on the deliverables described. This section will be evaluated based on Step 2, part C.

Key Personnel: 25 points. The Committee understands that applicants may intend that the consultant(s) they retain to prepare the grant proposal will also conduct the feasibility study if the grant is awarded. This does not prejudice an applicant's chances of being selected as a grantee. However, the Committee will view unfavorably proposals that show little evidence of communication between the consultant(s) and the applicant or scant regard for the applicant community's unique circumstances. Facsimile applications prepared by the same consultant(s) and submitted by multiple applicants will receive particular scrutiny in this regard. DEMD will also evaluate the extent to which key personnel have the expertise to perform the functions under the scope of work and produce quality deliverables. See Step 2, part D for more information.

XI. Transfer of Funds. DEMD's obligation under this solicitation is contingent on receipt of congressionally appropriated funds. No liability on the part of the U.S. Government for any payment may arise until funds are made available to the awarding officer for this grant and untilthe recipient receives notice of such availability, to be confirmed in writing by the grant officer.

All payments under this agreement will be made by electronic funds transfer through the application named Automated Standard Application for Payment (ASAP). All award recipients are required to have a currently active and accurate DUNS and/or an Unique Entity Identifier (UEI) number to receive funds. All payments will be deposited to the banking information designated by the applicant in the System for Award Management (SAM).

XII. Reporting Requirements for Award Recipients. The applicant must deliver all productsand data required by the signed Grant Agreement for the proposed TEDC feasibility study project to DEMD within 30 days of the end of each due date and 90 days after completion of the project.

DEMD requires that deliverable products be provided in both digital format and printed hard copies. Reports can be provided in either Microsoft Word or Adobe Acrobat PDF format.

Spreadsheet data can be provided in Microsoft Excel, Microsoft Access, or Adobe PDF formats. All vector figures should be converted to PDF format. Do not convert vector figures to raster images. If files are too large to be submitted through electronic mail, they may be copied to a CD, DVD or thumb drive and mailed. Furthermore, all geological data needs to be uploaded in commonly used software (PETRA, etc.).

The contract between the grantee and the consultant conducting the TEDC-funded feasibility study must include deliverable products andrequire that the products be prepared in the format described above.

Quarterly Reporting Requirements: Semi-annual narrative and financial status reports are to be submitted to the TEDCgrants@bia.gov email named in the award letter for the project, as well as the Grant Officer listed in the grant award. The semi-annual narrative report can be a one-to-two-page summary of events, accomplishments, problems and results that took place during the two quarters. The semi-annual financial status report should be submitted as Federal Financial Report, SF 425, and include a listing of the funds expended during the two quarters, how the funds were spent, and the amount remaining.

Final Reporting Requirements: Final narrative and financial reports are to be submitted to the TEDCgrants@bia.gov email named in the award letter for the project, as well as the Grant Officer listed in the grant award. The final narrative report should include, as attachments, all other products generated by the TEDC studies, including a final technical report. Products include all reports and technical data obtained during the study. The final financial status report should be submitted as Federal Financial Report, SF-425, and include a listing of the funds expended during the project, how the funds were spent, and any amount remaining. Final reports are due ninety (90) days following the end of the project's period of performance.

In addition, this funding opportunity and financial assistance award must adhere to the following provisions:

XIII. Conflicts of Interest

Applicability

- This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.
- In the procurement of supplies, equipment, construction, and services by recipients and

by sub-recipients, the conflict-of-interest provisions in 2 CFR 200.318 apply.

Requirements

- Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.
- In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or sub-recipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last one (1) year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or sub-recipient or in development of the requirement leading to the funding announcement.
- No actual or prospective recipient or sub-recipient may solicit, obtain, or use non-public information regarding the evaluation, award, administration of an award to that recipient or sub-recipient or the development of a Federal financial assistance opportunity that maybe of competitive interest to that recipient or sub-recipient.

Notification

- Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of Interest.
- Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been

reported by sub-recipients.

- Restrictions on Lobbying. Non-Federal entities are strictly prohibited from using funds under this gran or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR Part 18 and 31 U.S.C. 1352.
- Review Procedures. The Financial Assistance Officer will examine each conflict-of-interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement, and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.
- Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make the required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for Noncompliance, including suspension or debarment (see also 2 CFR Part 180).

Data Availability

- Applicability. The Department of the Interior is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.
- Use of Data. The regulations at 2 CFR 200.315 apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.
- Availability of Data. The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with

applicable law, to allow meaningful third-party evaluation and reproduction of the following:

- The scientific data relied upon;
- The analysis relied upon; and
- The methodology, including models, used to gather and analyze data.

XIV. Questions and Requests for DEMD Assistance. DEMD staff may provide technical consultation, upon written request by an applicant. The request must clearly identify the type of assistance sought. Technical consultation does not include funding to prepare a grant proposal, grant writing assistance, or pre-determinations as to the likelihood that a proposal will be awarded. The applicant is solely responsible for preparing its grant proposal. Technical consultation may include clarifying application requirements, confirming whether an applicant previously submitted the same or similar proposal, and registration information for SAM or ASAP.

XV. Separate Document(s):

- Application for Federal Assistance SF-424 v4 Form
- Project Narrative Attachment Form (This form includes the Project Narrative, Budget, Tribal Resolution, and Critical Information page).

XVI. Authority: TEDC grants are funded through non-recurring appropriations made by the United States Congress in the Federal budget. These funds are provided on a year-to-year basis and may or may not be provided in future years. DEMD implements the Indian Energy Resource Development Program, under the Energy Policy Act of 2005, (503(a), Aug. 8, 2005, 119 Stat. 764) to assist Indian Tribes in the development of energy resources and to further the goal of Indian self-determination. The Energy Policy Act of 2005 (25 USC §3501 et seq.) the Secretary to:

"establish and implement an Indian energy resource development program to assist consenting Indian Tribes and Tribal energy resource development organizations."

It also requires the Secretary to provide development grants to Indian Tribes and Tribal energy resource development organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land, and to properly account for resulting energy production and revenues; and to:

"provide grants to Indian Tribes and Tribal energy resource development organizations for the use in carrying out projects to promote the integration of energy resources, and to process, use, or develop those energy resources on Indian land..."

Additional authorizing Statutes for the program include:

- The Snyder Act of November 2, 1921, as amended (25 U.S.C. § 13, 42Stat. 208, P.L. 67-85; 90 Stat. 2233, P.L. 94-482)
- The Indian Reorganization Act of 1934, as amended (25 U.S.C. § 461 etseq., 48 Stat. 984, P.L. 73-383; P.L. 103-263)
- The Indian Self-Determination and Education Assistance Act, as amended (25 U.S.C § 450, 88 Stat. 2203, P.L. 93-638, P.L. 100-472; 102Stat. 2285, P.L. 103-413)
- Indian Mineral Development Act of 1982, as amended (25 U.S.C § 2106,86 Stat. 1940, P.L. 97-382)
- Umatilla Basin Project Act (16 U.S.C. § 1271 et seq., P.L. 100-557)
- Energy Policy Act of 2005, as amended (25 U.S.C §3501, P.L. 102-486; Title XXVI – The Energy Policy Act of 1992, § 2601, 25 U.S.C. § 2601, 106 Stat. 2776, P.L. 109-58; title V § 503(a), Aug. 8, 2005, 119 Stat. 764)