Bipartisan Infrastructure Law (BIL), Tribal Engagement in Regional Ocean Partnership Priorities

TABLE OF CONTENTS

I. Funding Opportunity Description . . . 4
A. Program Objective . . . 4
B. Program Priorities . . . 4
C. Program Authority . . . 5
II. Award Information . . . 5
A. Funding Availability . . . 5
B. Project/Award Period . . . 6
C. Type of Funding Instrument . . . 6
III. Eligibility Information . . . 7
A. Eligible Applicants . . . 7
B. Cost Sharing or Matching Requirement . . . 8
C. Other Criteria that Affect Eligibility . . . 8
IV. Application and Submission Information . . . 9
A. Address to Request Application Package . . . 9
B. Content and Form of Application . . . 9
C. Unique Entity Identifier and System for Award Management (SAM) . . . 20
D. Submission Dates and Times . . . 20
E. Intergovernmental Review . . . 21
F. Funding Restrictions . . . 21
G. Other Submission Requirements . . . 22
V. Application Review Information . . . 23
A. Evaluation Criteria . . . 23
B. Review and Selection Process . . . 25
C. Selection Factors . . . 26
D. Anticipated Announcement and Award Dates . . . 26
VI. Award Administration Information . . . 27
A. Award Notices . . . 27
B. Administrative and National Policy Requirements . . . 28
C. Reporting . . . 33
VII. Agency Contacts . . . 35
VIII. Other Information . . . 35

NOTICE OF FUNDING OPPORTUNITY

EXECUTIVE SUMMARY

Federal Agency Name(s): National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce

Funding Opportunity Title: Bipartisan Infrastructure Law (BIL), Tribal Engagement in Regional Ocean Partnership Priorities

Announcement Type: Initial

Funding Opportunity Number: NOAA-NOS-OCM-2023-2008020

Federal Assistance Listings Number: 11.473, Office for Coastal Management

Dates: Proposals must be received by 8:59 p.m. Pacific Time, 11:59 p.m. Eastern Time on August 30, 2023.

A recording of an informational presentation will be posted at http://coast.noaa.gov/funding/infrastructure.html.

In addition to the pre-recorded informational presentation, NOAA will offer a 1-hour live question and answer session on June 21, 2023 from 1:00-2:00 p.m. Eastern Time (10:00-11:00 a.m. Pacific Time) where interested applicants can ask questions about this funding opportunity. If possible, please send your questions in advance to rop.iija@noaa.gov. There will be no formal presentation at this live session, and participants are welcome to join and drop off at any time during the hour to ask their questions. Registration information for the webinar can be found at https://coast.noaa.gov/funding/infrastructure.html under the "Regional Ocean Partnerships" section.

Funding Opportunity Description: The purpose of this program is to encourage or enhance tribal engagement with or participation in existing Regional Ocean Partnerships (ROPs) around the country. Proposals submitted in response to this announcement must:

- support tribal activities aligned with ROP priorities, including identification of ocean and coastal priorities;
- provide opportunities for tribes to work together to define intertribal ocean and coastal management priorities and identify alignment and intersection with ROP priorities;
- enhance or create capacity for tribes to engage with and in ROP activities (e.g., webinars, meetings, workshops);
- support the development of partnerships or engagement between a tribal government and a

ROP in the management of ocean and coastal resources; and/or
- increase consideration and inclusion of tribal information and knowledge (as appropriate) in regional data portals, enhance tribes' ability to access data developed by ROPs, or to inform which data and tools are available in regional data portals.

Eligible applicants are U.S. federally-recognized Indian Tribes that have current and/or ancestral interests in a region with an established Regional Ocean Partnership and wish to pursue coastal and ocean activities that align with Regional Ocean Partnership priorities. The established Regional Ocean Partnerships are: the Gulf of Mexico Alliance (https://gulfofmexicoalliance.org/); the West Coast Ocean Alliance (https://westcoastoceanalliance.org/); the Northeast Regional Ocean Council (https://www.northeastoceancouncil.org/); and, the Mid Atlantic Regional Council on the Ocean (https://www.midatlanticocean.org/). Tribal-serving organizations may apply on behalf of one or more tribes, but must include a letter(s) from the tribe(s) confirming tribal leadership support for the application and describing how the tribe will be involved in the proposed work. This funding announcement is supported by the Infrastructure Investment and Jobs Act (IIJA, Public Law 117-58), 135 STAT. 1356 (Nov. 15, 2021), also referred to as the Bipartisan Infrastructure Law (BIL); both terms may be used interchangeably throughout this document.

FULL ANNOUNCEMENT TEXT

I. Funding Opportunity Description

A. Program Objective

This program complements a separate funding program for established Regional Ocean Partnerships (ROPs), which seeks to enhance and sustain the efforts of those ROPs to coordinate interstate and intertribal management of ocean and coastal management issues. The scope of work under this program focuses on encouraging or enhancing tribal involvement in or engagement with established ROPs, and/or tribal activities related to ROP priority actions. Proposals submitted under this competition must directly relate to priorities of established ROPs, either through tribal engagement in or with ROPs, or tribal activities closely aligned with ROP priorities.

Ineligible project activities are described in Section III.C, “Other Criteria that Affect Eligibility”, below.

B. Program Priorities

Successful proposals will be those that most strongly meet the evaluation criteria (Section V.A), including those criteria related to the program priorities described below. Proposals must be related to one or more of the following program priorities:

- Capacity Building for Tribal Engagement in Regional Ocean Partnerships. Support for the development of partnerships and engagement between a tribal government and a ROP. Support for tribal capacity to engage with/in ROPs and ROP priority work, including in person travel (e.g., to engage and meet with ROPs and/or pursue and develop a relationship with their region’s ROP), and virtual engagement (webinars, online meetings).

- Ocean and Coastal Data Sharing, Accessibility and Application to Inform Management. Support to increase consideration and inclusion of tribal information and knowledge (as appropriate) in regional data portals, enhance tribes’ ability to access data developed by ROPs, or to inform which data and tools are available in regional data portals.

- Intertribal Ocean and Coastal Coordination. Support for tribes to work together to define intertribal ocean and coastal management priorities, including coordination and priority setting towards enhanced engagement or potential collaboration with ROPs.

- Specific activities related to ROP priorities that advance intergovernmental ocean and

coastal management activities Support for tribal activities aligned with ROP priorities, including tasks to identify, vet, and advance ROP priorities.

Applicants should describe how their proposed work aligns with the priorities of the established ROP in their region. If applicants are already involved with or engaged in the ROP in their region, they should describe their role and nature of their involvement. Applicants are encouraged to, but not required to, submit a letter of support or acknowledgement from the ROP in their region to promote coordination and awareness.

C. Program Authority

The mission of the National Oceanic and Atmospheric Administration (NOAA) is to understand and predict changes in the Earth's environment and conserve and manage coastal and marine resources to meet our Nation's economic, social, and environmental needs. Statutory authority for this program is provided under Coastal Zone Management Act, 16 U.S.C. 1456c (Technical Assistance) and the Infrastructure Investment and Jobs Act, Public Law 117-58.

II. Award Information

A. Funding Availability

NOAA anticipates approximately $1.8 million will be available under this opportunity (FY 2023 and FY 2024), with applicants being able to request up to 2 years of funding per award. NOAA anticipates typical federal funding awards will range from $50,000 to $200,000 per year. NOAA will not accept proposals with a federal funding request of more than $400,000 for a 2-year award, inclusive of both direct and indirect costs. See Section II.B below for more information on the options for the award period.

The exact amount of funds that may be awarded will be determined in pre-award negotiations between the applicant and NOAA. Any funds provided to successful applicants for subsequent-year funding requests will be determined by progress towards stated milestones and availability of funding at the discretion of the NOAA Office for Coastal Management.

If an applicant incurs any costs prior to receiving an award agreement signed by an authorized NOAA official, the applicant does so at their own risk of not being selected and these costs not being included in a subsequent award. Direct costs of proposal preparation shall not be included within the project application budget. In addition, NOAA and DOC will not be responsible for project costs if this program fails to receive funding. Recipients

and subrecipients are subject to all federal laws and agency policies, regulations, and procedures applicable to federal financial assistance awards. The lead applicant on any proposal will be responsible for ensuring that allocated funds are used for the purposes of, and in a manner consistent with, this program, including any funds awarded to an eligible sub-awardee.

Proposals not funded through this announcement may be considered for funding in future fiscal years without NOAA repeating the competitive process outlined in this announcement. Funding in subsequent fiscal years encompassing the proposed period of performance is subject to the availability of appropriations.

B. Project/Award Period

One-year or multi-year awards (up to two years of funding) will be considered. Proposals for multi-year funding should outline the costs expected for year 1 and year 2 in detail in this proposal (see Section IV.B for more details about the budget narrative for multi-year awards). NOAA expects, but is not obligated, to provide additional funding to multi-year awards in subsequent years. The second year of funding for a multi-year award is contingent on the availability of out-year funding, continued relevance to program objectives and priorities, and performance under the current award, and is at the sole discretion of NOAA.

NOAA anticipates the start date for awards will be April 1, 2024 and should be for an award period of 18 to 24 months for a one-year funding award (if requesting only 1 year of funding), or the award period can be up to 36 months for a multi-year award (if requesting 2 years of funding).

C. Type of Funding Instrument

The funding instrument for these awards will be a cooperative agreement. Federal cooperative agreements are different from traditional grants in that they allow for substantial federal involvement in the planning and implementation of funded projects if desired by the applicant. Substantial involvement on the part of NOAA may include the collaboration and participation of NOAA program officers and other NOAA Office for Coastal Management staff in project development, planning and implementation; technical assistance with accessing and applying existing data, tools, and management practices; technical monitoring of award activities; and coordination of funded projects with other NOAA-funded efforts as needed. Applicants may propose anticipated federal roles and responsibilities in their proposals, or NOAA may establish the particular involvement. Please note that federal agencies and employees are not allowed to receive funds under this announcement.

NOAA employees are not permitted to assist in the preparation of applications. NOAA Office for Coastal Management staff are available to provide general information on programmatic goals and objectives, and Regional Ocean Partnership priorities. For proposals that involve collaboration with current NOAA projects or staff, NOAA employees may provide a limited statement verifying the nature and extent of the collaboration and confirming prior coordination activities. Letters of support from NOAA employees are not allowable and will not be included among the application materials considered by merit reviewers.

III. Eligibility Information

A. Eligible Applicants

Eligible funding applicants include U.S. federally-recognized Indian Tribes and Tribal organizations as defined at 25 U.S.C. Section 5304. See also 2 CFR 200.1. While tribal organizations are allowed to apply on behalf of one or more tribes, they must include a letter confirming tribal leadership support for the application and describing how the tribe will be involved in the proposed work.

Eligible applicants must have current and/or ancestral interests in a region with an established Regional Ocean Partnership and wish to pursue coastal and ocean activities that align with Regional Ocean Partnership priorities. The established Regional Ocean Partnerships are: the Gulf of Mexico Alliance (https://gulfofmexicoalliance.org/); the West Coast Ocean Alliance (https://westcoastoceanalliance.org/); the Northeast Regional Ocean Council (https://www.northeastoceancouncil.org/); and, the Mid Atlantic Regional Council on the Ocean (https://www.midatlanticocean.org/).

Tribal-serving organizations may apply on behalf of one or more tribes, but must include a letter(s) from the tribe(s) confirming tribal leadership support for the application and describing how the tribe will be involved in the proposed work.

Each tribal government may be involved in up to two applications which may include individual tribal proposals and/or involvement in an intertribal proposal. See III.C. below for more details.

Organizations that identify as Indian tribes but do not meet the definition of “Indian tribe” or “tribal organization” as defined at 25 U.S.C. section 5304(e) or (l), which may include State recognized tribes, may not receive direct funding under this announcement, but may participate in partnership applications with eligible tribes or tribal organizations, or through involvement in a separate NOAA Infrastructure Investment and Jobs Act funding

opportunity for Regional Ocean Partnerships published at www.grants.gov.

Federal agencies and employees are not allowed to receive funds under this announcement, but may serve as collaborative project partners. If federal agencies are collaborators, applicants are expected to provide detail on the planned level of federal engagement in the application. Examples may include, but are not limited to, partnership services, serving in a review capacity, or participating in priority task teams, working groups, or leadership teams.

DOC/NOAA supports cultural and gender diversity and encourages women and minority individuals and groups to participate in proposals submitted to this program. In addition, DOC/NOAA is strongly committed to broadening the participation of historically black colleges and universities, Hispanic serving institutions, tribal colleges and universities, and institutions that work in historically underserved areas. DOC/NOAA encourages applications involving any of the above institutions to apply.

B. Cost Sharing or Matching Requirement

Pursuant to the Infrastructure Investment and Jobs Act, Public Law 117-58, Division J, Title II, 135 STAT. 1357, match is waived for this funding opportunity.

C. Other Criteria that Affect Eligibility

Each tribal government may be involved in up to two applications which may include individual tribal proposals and/or involvement in an intertribal proposal. Intertribal proposals may be submitted by a tribal organization, or by one tribe on behalf of other tribes who will be collaborating in the proposal. Please note: if multiple tribes submit separate proposals for their own portion of a collaborative intertribal project, there is no guarantee that each one will be successful. Tribes should consider having a single eligible applicant (tribal organization or a tribe) submit one proposal that would fund all the tribes involved in the intertribal effort.

Tribal governments are encouraged to work with other tribes with shared priorities in the same region.

Foreign governments and tribes are not considered eligible applicants.

The following information describes ineligible project proposal types and activities for this announcement:

- Construction;
- Large scale restoration projects (please note there are other NOAA funding opportunities,

including: Restoring Tribal Priority Fish Passage through Barrier Removal Grants; Transformational Habitat Restoration and Coastal Resilience Grants; Coastal Habitat Restoration and Resilience Grants for Underserved Communities; and the National Coastal Resilience Fund; that include habitat restoration as an eligible activity);
- Land acquisition (fee or easement);
- Activities not related to ROP priorities;
- Staffing/Capacity for tribal work not related to engaging in, coordinating with, and/or partnering with an established ROP or not in alignment with the Program Priorities described in Section 1.B;
- Data collection or creation not directly related to an identified regional data priority or a priority of the ROP; and
- Data collection or environmental condition monitoring activities where the results cannot be used by or integrated with the ROP activities or data sharing efforts, or where there is not a clear plan to integrate the data.

IV. Application and Submission Information

A. Address to Request Application Package

Complete application packages, including required federal forms and instructions, can be found on www.Grants.gov. If a prospective applicant is having difficulty downloading the application forms, contact Grants.gov Customer Support at 1-800-518-4726 or support@Grants.gov. Instructions for how to apply for grants are available at https://www.grants.gov/web/grants/applicants/apply-for-grants.html. If an applicant does not have Internet access, application materials may be requested from Kris Wall, the competition manager, by phone at 541-843-0252, or by email at rop.iija@noaa.gov. Information about the recommended format for applications is contained in Section IV.B.

B. Content and Form of Application

Applicants should submit a complete standard NOAA financial assistance application package in accordance with the guidelines in this document. All application materials should use a legible 11- or 12-point font with 1-inch margins on all sides. Electronic applications must be submitted as Adobe Acrobat (.PDF) to the extent possible.

The complete application package should include the following forms and documents grouped in two separate files:

1. A project proposal, as described in the application component section below, should be limited to no more than 10 pages single spaced. The application should also include a title

page, table of contents (optional), and a 1 to 2-page project summary, but these three items will not count towards the page limit.

Project descriptions that exceed the 10-page limit will be shortened by removing pages at the end of the proposal narrative (see element 3 of the component section below) before it is forwarded to merit reviewers for evaluation. Pages removed from lengthy applications will not be reviewed or considered.

2. The following Federal forms should be included in the application package, as applicable (no page limit with forms and related mandatory federal form information). Please note that these federal forms must be filled out in a Grants.gov Workspace.:

i. Application for Federal Assistance: Form SF-424.
Applicants requesting Federal funding under this program must submit a copy of SF-424, 'Application for Federal Assistance'. If the applicant submits a hard copy of the final application, the SF-424 must be signed and dated by the organization's authorized representative and used as the cover page for the final application. An electronic signature and date stamp will automatically be included on SF-424 forms submitted via Grants.gov.

ii. Budget Information for Non-construction Programs: Form SF-424A.
Applicants are required to submit a SF-424A Budget Form to summarize the budget for the proposed scope of work. The first column of Sections A and B shows the federal funds requested, while the second column of Sections A and B shows the non-federal matching funds provided for the project. Total award funding is shown in the final column of Section B. Non-federal funding is broken out by source in Section C. Forecasted cash needs in Section D should be inclusive of all funding for multiyear projects. Federal and non-federal funds should be expended at a similar rate throughout the course of the project. Section E may be left blank. Section F summarizes the direct charges in line 21 and lists the indirect charges requested; please show the rate used in line 22. Multi-year awards will have out year funds shown in Section E. Please note that completion of the SF-424A form as described above represents NOAA's preference and may not be consistent with the instructions that accompany the SF-424A form. All budget figures should match the funding requested on the application cover sheet and correspond with the descriptions contained in the project and budget narratives. Each proposed sub-award of $25,000 or more should be accompanied by a separate SF-424A form to fully document the proposed subaward budget.

iii. Assurances for Non-construction Programs: Form SF-424B

iv. Certification Regarding Lobbying: Form CD-511

v. Disclosure of Lobbying Activities: Form SF-LLL (if applicable)

Federal forms and National Environmental Policy Act (NEPA) information described below in this Section, as well as information provided to complete the federal forms (e.g. Negotiated Indirect Cost Rate Agreement), can be submitted separately or combined and submitted as one PDF document.

Applications - Project Proposal Content

All applications should contain the following components:

1. TITLE PAGE (Proposal Cover Sheet)
a) Project title
b) Proposed project period (start and end dates)
c) Type of project (i.e., grant or cooperative agreement)
d) Recipient name (must match registered name in Sam.gov)
e) Recipient Unique Entity Identifier number (must match applicant information in SAM.Gov)
f) Principal and other investigators (names, organization, and contact information)
g) Financial representative (names, organization, and contact information)
h) Requested funding by year (as appropriate) (if the project intends to have NOAA retain funds for technical assistance on the project, note the amounts by year and line office using the funds)
i) If the project is intended to be administered under an existing NOAA Cooperative Institute, state which Institute will administer the award.

2. PROJECT SUMMARY. Provide a one to two-page summary of the proposed project. The summary should contain the following sections:
a) Project name/title
b) Requested funding by year (as appropriate)
c) Brief project summary including objectives, expected results, and intended benefits and outcomes.

3. PROJECT DESCRIPTION. All project descriptions should include the following sections (limited to 10 pages for all items in this section). Applications should provide sufficient detail to enable reviewers to evaluate the relevance and applicability of the proposed work to program priorities described in Section I.B of this announcement; to determine the technical/scientific merit of the proposed work; to adequately review the

qualifications of the applicants; and to assess whether the proposed scope of work raises any concerns with regard to federal policy considerations, such as those related to the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act, and Marine Mammal Protection Act.

a) Goal and Objective(s). Describe in the narrative the specific project goals and objectives to be achieved. Goals and objectives must be specific for each year of the work plan presented. Describe how the proposed work aligns with the priorities of the established Regional Ocean Partnership (ROP) in the applicant's region; this information should be publicly available on the website for each ROP. These websites are listed in Section III.A, Eligible Applicants, above. Describe the tribe's existing level of engagement with the ROP in their region. Recipients will be required to submit semi-annual progress reports in which progress against these goals and objectives will be reported.

b) Alignment with Program Priorities. Describe how the proposed work aligns with one or more of the program priorities identified in I.B above.

c) Background. Provide sufficient background information for NOAA and non-NOAA reviewers to independently assess the significance of the proposed project. Summarize the problem, gap or need, and network to be addressed and the status of ongoing efforts and coordination to address the identified needs or gaps. Summarize the relationship of the proposed work to other regional efforts.

d) Technical Approach. Provide a work plan that: identifies specific tasks to be accomplished; explains the technical approach (including quality assurance) needed to accomplish the tasks; identifies the roles of partners and cooperators; and identifies potential obstacles to successful completion of the goals and objectives. If the project includes federal partners, the roles and responsibilities of the federal partners must be clearly identified. If environmental data will be created under the award, the work plan must clearly address data management requirements and the steps to be taken to achieve efficient and effective data access and data archive that are compliant with federal regulations (see Data Management requirements under Section IV.B). If no environmental data will be produced through the proposal, or if data is not publicly accessible due to law, regulation, policy (such as those applicable to personally identifiable information or protected critical infrastructure information or proprietary trade information) or by security requirements, then the application must include a clear explanation as to why no data management plan is being submitted.

e) Milestone Schedule. Display time lines for major tasks, target milestones for important intermediate and final products, and key project outcomes.

f) Applicant Expertise. Identify any tribal expertise, knowledge holders, and personnel who will be directly involved with or contributing to the project. Describe where in the tribal government the applicant or PIs work, and how their expertise is relevant to the proposal. Identify any contractual expertise being used for the project, including a brief background and their experience working with tribes. Also identify the key individuals who will be corresponding with tribal managers and/or leadership, with descriptions as to their role(s) in the proposed project work. Describe any standards of practice, tribal protocols or guidelines, and/or any other frameworks that will help guide the engagement between tribal expertise and contractor expertise. Describe any prior experience the applicant has in managing, administering, and reporting on federal or other external project funding. If a tribal organization is submitting an application on behalf of one or more tribes, be sure to include a letter confirming tribal leadership support for the application and describing how the tribe will be involved in the proposed work.

g) Outreach and Education. Describe who will use or be engaged in the final project outcomes. Describe how the results of the proposal will benefit the tribe and or provide connections to other tribes and/or the Regional Ocean Partnership.

h) Partnerships. Describe how the Regional Ocean Partnership, or other partners will interact with the project, the communication mechanism utilized to engage the partners, and describe how they will use the outcome or results of the project. Describe the roles of partners and indicate any efforts or resources that will be leveraged in the project. Letters of collaboration from project partners and any letters of acknowledgement or support from other entities shall be included in the appendices as appropriate.

i) Task Outcomes or Products. Identify and describe the anticipated project products or outcomes. Explain how they will benefit the tribe, Regional Ocean Partnership and/or the general coastal resource management community). Describe performance measures that will be used to evaluate project success. The narrative should include information on dissemination of the findings/results to resource managers, local communities, and other stakeholders as appropriate. The project description should include information on how the project will be evaluated for success.

4. BUDGET NARRATIVE AND JUSTIFICATION

In order to allow reviewers to evaluate the appropriateness of all costs, applications should include a detailed budget narrative and justification of costs broken out by individual task. The budget narrative submitted with the final application should match the dollar amounts

included on all required forms and clearly link to the project narrative. Please use whole dollar amounts only. Please explain each calculation and provide a narrative justification to explain expenditures for each budget category. The budget narrative should describe, by category of expenditure, the total funding needed to accomplish the objectives described in the project narrative for the entire award period. Please explain how categorical costs are derived in sufficient detail to enable reviewers to determine if costs are 'allowable and reasonable' according to the cost principles referenced in 2 CFR 200, Subpart E. Budget narrative categories should correspond to the standard object class categories listed in Section B of the SF-424A. For additional details, please review the budget guidance provided at: https://coast.noaa.gov/data/coasthome/funding/_pdf/forms/budget-narrative-guidance-for-NOAA-grants.pdf.

Applicants should include costs in their proposal to cover expenses to track and measure outcomes, and key metrics of their program.

Applicants should include detailed budget information regarding all known contracts and subawards, and indicate the basis for the cost and price estimates in the narrative. Applicants should describe activities to occur or products or services to be obtained and indicate the applicability or necessity of each to the project. Each subaward should include form SF-424A. Detailed budget information includes:

i. Name of identified qualified sub recipient or contractor, affiliation, contact information, and method of selection. For “to be determined,” describe plans for selection. Information must include the name and location (city, state, and Congressional district) of the entity receiving the funds and the location of the primary place of performance under the contract or subaward.).
ii. Period of Performance. Include the dates for the performance period. If it involves a number of tasks, include the performance period for each task.
iii. Scope of Work. List and describe the specific activities or tasks to be performed.
iv. Criteria for Measuring Accountability: Include an itemized line item breakdown as well as total contract/award amount. If applicable, include any indirect costs paid under the contract/award and the indirect cost rate used.
v. Itemized Budget. Include categories used in the program budget for subrecipients or cost-based contractors. If applicable, include any direct cost paid under the subaward or contract and the indirect cost rate used.

All subawards and contracts must be made consistent with the requirements of 2 CFR 200.331-200.333 for subawards, and 200.317-200.327 for procurements.

For any equipment, a description of the item and associated costs or price is required, including a description of how it will be used in the project. Note that equipment is defined as tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-federal entity for financial statement purposes, or $5,000. See 2 CFR 200.1 Equipment and 2 CFR 200.313.

The cost or price, purpose, and method of selection for identified and planned acquisition contracts should be thoroughly justified in the Budget Narrative. Describe products or services to be obtained and indicate the applicability or necessity of each to the project. Procurements are subject to policies described in 2 CFR 200.317 - .327. For “to be determined,” describe plans for selection.

The budget narrative should also provide, to the extent possible, detailed information on travel, including costs, a description of anticipated travel, destinations, the number of travelers, and a justification of how the requested travel is directly relevant to the successful completion of the project. If actual trip details are unknown, applicants should state the basis for the proposed travel charges. Applicants should allocate travel funds for any coordination meetings at regional or national levels. If a foreign air carrier is anticipated to be used for any portion of travel, prior approval is required under the DOC Financial Assistance Standard Terms and Conditions, Section G.05.d., https://www.commerce.gov/sites/default/files/2020-11/DOC%20Standard%20Terms%20and%20Conditions%20-%2012%20November%202020%20PDF_0.pdf, and therefore, such travel should be included in the proposal to avoid having to request prior approval after the project starts. Applicants may factor in travel costs for participation in an annual NOAA Grants Management Division (GMD) workshop for recipients.

Refer to item 7 below in this Section regarding treatment of Indirect Costs in the Budget Narrative.

5. APPENDICES

Appendices should be limited to materials that directly support the main body of the proposal (e.g. resumes, references, lists of relevant work products or reports, detailed methodologies, data sources, detailed budget narrative, letters of collaboration, letters of support, lists of data sources, and maps) and should not exceed a maximum of 20 pages (over and beyond the page limit for the “Project Description”, above). Applicants should number the pages in their proposal and any appendices. Applicants may upload the

appendices and supporting information by using the 'Optional Form' box under 'Other Attachments' in Grants.gov during the application submission process.

As a standard practice, NOAA requires that resumes for Principal Investigators (PIs) of competitive awards be on file and maintained in the grants processing system used by the Department of Commerce, Grants Online. Recipients of any award (competitive or non-competitive) are required to designate PIs in Grants Online within 30 days of receiving award offers.

The following appendix documents should be included in the application package:

1. Letters of Collaboration. If a tribal organization is submitting on behalf of one or more tribes, they must include a letter of collaboration confirming tribal leadership support for the application and describing how the tribe will be involved in the proposed work. Any other supporting letters from partner organizations that are instrumental to the project should be included in the application package. Letters must clearly indicate the level of commitment and/or collaboration. Letters of collaboration do not need original signatures.

2. Regional Ocean Partnership (ROP) Letter. Applicants are encouraged to, but not required to, submit a letter of support or acknowledgement from the ROP in their region to promote coordination and awareness.

3. Resumes. Provide resumes or CVs for the Principal Investigator for the project and other key personnel critical to the success of the project. Ensure that resumes address qualifications relevant to conducting the proposed work. Please limit resumes to a maximum of two pages for each key investigator.

4. Data Sharing Plan. If environmental data will be created under the award, a Data Sharing Plan of no more than two pages should be attached, as described below. Please note that any concerns with sharing and sovereignty of tribal data or Traditional Ecological Knowledge (TEK) can be discussed with NOAA and a potential exemption to data sharing or restrictions on public use of these data can be pursued. It is important to note, however, that these data, generally, may nonetheless be subject to release under the Freedom of Information Act (FOIA) or other legal requirements. Please see NOAA TEK guidance for more information: https://www.noaa.gov/sites/default/files/2021-11/19-065933-Traditional-Knowledge-in-Decision-Making-Document-Signed.pdf

The Data Sharing Plan should address the requirements in this section of the Announcement.

1) Environmental data and information collected or created under NOAA grants or cooperative agreements must be made discoverable by and accessible to the public, in a timely fashion (typically within two years), free of charge or at no more than the cost of reproduction, unless an exemption is granted by the NOAA Program. Data should be available in at least one machine-readable format, preferably a widely used or open-standard format, and should be accompanied by machine-readable documentation (metadata), preferably based on widely used or international standards.

2) Proposals submitted in response to this Announcement must include a Data Management Plan of up to two pages describing how these requirements will be satisfied. The contents of the Data Management Plan (or absence thereof), and past performance regarding such plans, will be considered as part of proposal review. A typical plan should include descriptions of the types of environmental data and information expected to be created during the course of the project; the tentative date by which data will be shared; the standards to be used for data/metadata format and content; methods for providing data access; approximate total volume of data to be collected; and prior experience in making such data accessible. The costs of data preparation, accessibility, or archiving may be included in the proposal budget. Accepted submission of data to the NOAA National Centers for Environmental Information (NCEI) is one way to satisfy data sharing requirements; however, NCEI is not obligated to accept all submissions and may charge a fee, particularly for large or unusual datasets. The NOAA Program is not offering specific data management technical guidance. Proposals are to describe their proposed approach. Use of open-standard formats and methods is encouraged. For more information about data sharing in this program, contact the agency official listed in Section VII. of this funding announcement.

3) NOAA may, at its own discretion, make publicly visible the Data Management Plan from funded proposals, or use information from the Data Management Plan to produce a formal metadata record and include that metadata in a Catalog to indicate the pending availability of new data.

4) Proposal submitters are hereby advised that the final pre-publication manuscripts of scholarly articles produced entirely or primarily with NOAA funding will be required to be submitted to NOAA Institutional Repository after acceptance, and no later than upon publication. Such manuscripts shall be made publicly available by NOAA one year after publication by the journal.

5) NOAA's Administrative Order on the Management of Environmental Data Management and Information is available under:
http://www.corporateservices.noaa.gov/ames/administrative_orders/chapter_212/212-

15.html

6) Principal Investigators should indicate how and when they have made their data accessible and usable by the community in the past.

7) More information about the NOAA Data Sharing Policy is available on NOAA's Environmental Data Management Committee website at:
https://nosc.noaa.gov/EDMC/PD.all.php

8) Responsible NOAA Official for questions regarding this guidance and for verifying accessibility of data produced by funding recipients:
Randy Warren
NOAA Office for Coastal Management
randy.warren@noaa.gov

5. National Environmental Policy Act (NEPA) and Environmental Compliance -- Under (NEPA), NOAA must analyze the potential environmental impacts of projects or proposals seeking funding from NOAA. The applicant is not required to fill out any of the questions in the NEPA questionnaire with their application, but is expected to follow the NEPA requirements in Section VI.B below.

6. Permits and Approvals

It is the responsibility of the applicant to obtain all necessary federal, state, and local government permits and approvals for the proposed work. Applicants must provide a list of all known permits that will be required to perform the proposed work and an indication of the status of any permits needed (e.g., not yet applied, permit application submitted/pending, permit granted, etc.) or a statement indicating that no permits are necessary. Applicants should include this required element even if permits are not required.

Failure to apply for and/or obtain federal, state, and local permits, approvals, letters of agreement, or failure to provide environmental analyses where necessary (i.e., NEPA and environmental assessment) will delay or prevent the award of funds for projects that have been preliminarily selected for funding.

For work proposed within National Marine Sanctuaries, National Parks, National Seashores, and other federally designated managed areas, it is the responsibility of the applicant to request and obtain any necessary permits or letters of agreement from the appropriate government agencies prior to commencement of an award. For applicants who propose to

conduct research or monitoring activities that may affect any coral species that are listed under the Endangered Species Act, you will likely need an Endangered Species Act Section 10(a)(1)(A) permit.

7. Negotiated Indirect Cost Rate Agreement (if applicable)

The proposed budget may include an amount for indirect or “Facilities and Administrative” costs if the applicant has an established indirect cost rate with the federal government. Indirect costs are essentially overhead costs for basic operational functions (e.g., utilities, rent, and insurance) that are incurred for common or joint objectives and, therefore, cannot be identified specifically within a particular project. See 2 CFR 200.1 and 200.412-415.

Applicants are permitted to request indirect costs if their organization has an established Negotiated Indirect Cost Rate Agreement with a federal agency that covers the period of the award. Applicants requesting indirect costs should submit a copy of their current and signed indirect cost rate agreement with their application package. More information on establishing or negotiating indirect cost rates can be found in Section IV.B of this solicitation.

Indirect-cost-rate-agreement documentation is not required for subawardees; however, indirect cost rates at the negotiated levels should be paid by the primary awardee. Under 2 CFR 200.414 “Indirect (F&A) Costs,” any applicant that has never received a negotiated indirect cost rate may elect to charge a de minimis rate of 10% of modified total direct costs which may be used indefinitely. Costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both pursuant to 2 CFR 200.403 “Factors affecting allowability of costs.” If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a cooperator chooses to negotiate for a rate, which the non-federal entity may apply to do at any time. The negotiation and approval of a rate is subject to the procedures required by NOAA and the DOC Standard Terms and Conditions Section B.06.
A copy of the current, approved negotiated indirect cost agreement with the federal Government should be included with the application package. If an award recipient has never established an indirect cost rate with any federal agency, the recipient may request to use the de minimis rate (10% of modified total direct costs) described at 2 CFR 200.414. Alternatively, the negotiation and approval of a new rate is subject to the procedures required by NOAA and the DOC. The U.S. Department of Commerce, Financial Assistance Standard Terms and Conditions require that recipients within 90 days of the award start date, submit to the address listed below documentation (indirect cost proposal, cost allocation plan, etc.) necessary to perform the review.

Raishan Adams, Grants Officer
NOAA Grants Management Division
1325 East West Highway, 9th Floor
Silver Spring, Maryland 20910
Raishan Adams@noaa.gov

C. 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, 31 U.S.C. 6101, to the extent applicable, any proposal awarded in response to this announcement will be required to use the System for Award Management (SAM), which may be accessed online at https://www.sam.gov/SAM/

Guidance for first time users of Grants.gov including the registration process is available here: https://coast.noaa.gov/data/coasthome/funding/_pdf/grants-guidance.pdf

Applicants should: (1) Be registered in the federal System for Award Management (SAM.gov) before submitting an application; (2) provide a valid Unique Entity Identifier (UEI) on an application; and (3) continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. NOAA 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 NOAA is ready to make a federal award, NOAA may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

Applicants should allow a minimum of two weeks to complete the SAM registration; registration is required only once but must be periodically renewed. On April 4, 2022, the federal government began using a new Unique Entity Identifier number provided by SAM. Your organization’s Employer Identification Number (EIN) will be needed to receive a UEI, which is provided by SAM. If your entity is already registered in SAM.gov, your new UEI has already been assigned and is viewable in SAM.gov. This includes inactive registrations.

Applicants are strongly encouraged not to wait until the application deadline date to begin the application process through www.grants.gov.

D. Submission Dates and Times

Applications must be received by and validated by Grants.gov by 8:59 p.m. Pacific

Time, 11:59 p.m. Eastern Time on August 30, 2023.

If for any reason applicants are unable to submit their application through Grants.gov or are concerned about possible problems associated with the Grants.gov system, please contact the Competition Manager, Kris Wall at rop.iija@noaa.gov or 541-843-0252 to make alternative arrangements. If necessary, applicants may provide a paper copy of their full application by mail. Applications submitted by mail must include all relevant application elements described above, a SF-424 form with original ink or valid electronic signature and date from an authorized recipient organization representative, and stamped with an official U.S. Postal Service postmark or provided to a commercial carrier with tracking number and receipt on or before 11:59 pm Eastern on August 30, 2023; private metered postmarks are unacceptable. Please address all mailed applications to: Kim Texeira, NOAA Office for Coastal Management, 1305 East-West Highway, SSMC4, Room 9115, Silver Spring, MD 20910.

Paper applications received more than 5 business days after the deadline will not be reviewed, and applicants submitting by paper are responsible for tracking their applications. Proposal application packages, including all letters of collaboration and letters of support, shall be submitted together in one package. In addition, please email rop.iija@noaa.gov to inform NOAA that a paper application is forthcoming.

Applicants should consider the possibility of unforeseen impacts that could affect their Internet access and use of Grants.gov on or before application due dates. Applicants should be aware that localized hazardous weather or other situations beyond their control affecting their ability to submit packages before deadlines may not result in changes to the application deadline.

E. Intergovernmental Review

Applications under this Program are not subject to Executive Order 12372.

F. Funding Restrictions

1. Ineligible projects and disallowed costs

In addition to the ineligible activities described in I.A. above, the following elements and activities will not be eligible for funding:

A. Activities that constitute legally required mitigation for the adverse effects of an activity regulated or otherwise governed by state or federal law.
B. Activities that constitute mitigation for natural resource damages under federal or state law.

C. Activities that are required by a separate consent decree, court order, statute or regulation.
D. Establishing or operating a Tribal office and/or purchase of office equipment not specific to the proposed project- including items so general they cannot be considered specific to the proposed project.
E. Supplementing employment for current positions not significantly and directly involved in the proposed project (e.g., positions like Executive Directors with little to no described involvement in the proposed work).
F. Legal fees (except per 2 CFR 200.435 and 200.459).
G. Contracted negotiation fees (e.g., legal counsel).
H. Fringe benefits of positions not significantly and directly involved in the proposed project (e.g., an Executive Director with little to no described involvement in proposed work).
I. Non-negotiated indirects (unless the entity is in the process of negotiations or has never received a negotiated indirect cost rate, then the 10% de minimus rate may be used).
J. Entertainment.
K. Any other activities not authorized by 2 CFR 200, Subpart E.

2. Cost Principles

Recipients are subject to the 2 CFR 200, Subpart E "Cost Principles," as well as any DOC regulations that may be in effect at the time of award. Generally, allowable costs include salaries, fringe benefits, travel, equipment, supplies, and training, as long as the costs are determined to be necessary, reasonable, and allocable to the award.

G. Other Submission Requirements

The standard NOAA funding application package is available at www.grants.gov (Grants.gov) by searching the Funding Opportunity Number or the Federal Assistance Listings number (11.473). Application packages, including all letters of collaboration, shall be submitted through the "Apply" function on Grants.gov. The Grants.gov site contains directions for submitting an application. Applicants must register with Grants.gov before any application materials can be submitted. To use Grants.gov, applicants must have a Universal Identifier and be registered in SAM.gov, which requires periodic renewals. Refer to Section IV.C. for details on receiving a Universal Identifier and registering with SAM.gov.

After electronic submission of the application through Grants.gov, the person submitting the application will receive two email messages from Grants.gov within the next 24 to 48 hours updating them on the progress of their application. The first email provides a tracking number and confirms receipt of the application by the Grants.gov system. The second email

indicates that the application has either been successfully validated by the system before transmission to the grantor agency or has been rejected because of errors. Only validated applications are sent to NOAA for review. After the application has been validated, this same person will receive a third email when the application has been downloaded by the federal agency.

If an applicant submits multiple electronic versions of the proposal, the applicant should advise the federal agency of the tracking number that should be withdrawn. Applicants shall not electronically submit packages with files embedded within files as any such files may not be reviewed or factored into the merit review process.

The federal program office has a process to review for completeness. Administrative reviews generally take place after deadlines because the majority of applicants apply just before deadlines. If there are no time constraints and available resources, the federal agency may reach back to applicants who have submitted incomplete packages.

V. Application Review Information

A. Evaluation Criteria

Application Evaluation Criteria:

Applications will be evaluated based on their technical merit and how well the proposal aligns with the announcement’s program priorities as defined in I.B. above. Merit-based reviewers will evaluate proposals based on the criteria and corresponding weights detailed below.

1. Importance/Relevance and Applicability of Application to the Program Goals (35 points). This criterion ascertains whether there is intrinsic value in the proposed work and/or relevance to NOAA, federal, regional, state, tribal, or local activities.

- To what extent does the proposed work align with one or more of the program priorities (Section 1.B of this funding opportunity)?:
- Capacity Building for Tribal Engagement in Regional Ocean Partnerships;
- Ocean and Coastal Data Sharing, Accessibility and Application to Inform Management;
- Intertribal Ocean and Coastal Coordination;
- Specific activities related to ROP priorities that advance intergovernmental ocean and coastal management activities.
- To what extent did the applicant describe how their proposed work aligns with the priorities or activities of the established ROP in their region and/or describe the tribe’s

existing level of engagement with the ROP in their region? Points will not be deducted if a tribe is not currently engaged with a ROP, so long as the proposed work will enhance the tribe's ability to engage and build a relationship with the ROP.

2. Technical and scientific merit (25 points): This criterion assesses whether the approach is technically sound and/or innovative, if the methods are appropriate, and whether there are clear project goals and objectives.

- To what extent is the project clearly defined, focused and includes reasonable objectives?
- Can the proposed work be accomplished in the time frame of the award?
- To what extent is the proposed approach technically sound?

3. Overall qualifications of the funding applicants (15 points): This criterion assesses whether the funding applicant possesses the necessary education, experience, training, facilities, and administrative resources to accomplish the project.

- Is the applicant in the appropriate department or part of the tribal government or tribal organization for the proposed work? To what extent does the applicant have the necessary tribal expertise, knowledge holders and personnel directly involved in or contributing to the project?
- To what extent does the tribe have experience managing, administering and reporting on external project funding, or propose to provide such expertise? To what extent were any contractual expertise, other standards of practice tribal protocols or guidelines, or any other frameworks described that would guide the engagement between the tribal expertise and contractor, if applicable?
- If this is a partnership proposal, are the appropriate partners involved? If a tribal organization is the applicant, have they included a letter of collaboration from the tribe(s) confirming tribal leadership support for the application and describing how the tribe will be involved in the proposed work?

4. Project costs (10 points). This criterion evaluates the budget to determine if it is realistic and commensurate with the project needs and time frame.

- Is the budget reasonable and commensurate with proposed work?
- To what extent does the budget include the necessary level of detail and justification?
- Does the applicant propose funding for allowable costs and not include any items that raise budgetary concerns?

5. Outreach and education (15 points): This criterion assesses whether the project

provides a focused and effective education and outreach strategy regarding NOAA's mission to understand and protect the Nation's natural resources.

- Does the project define who will use or be engaged with the final project outcomes?
- To what extent does the proposal demonstrate the results of the project will benefit the tribe, and/or provide connections to other tribes and/or to the ROP?

B. Review and Selection Process

Proposal Review and Selection Process:

An initial administrative review is conducted on each application to assure that it is timely, responsive, and complete. NOAA, in its sole discretion, may continue the review process for applications with non-substantive issues that may be easily rectified or cured. Applications that meet the minimum requirements will be reviewed by at least three independent reviewers during a merit-based review and ranking process. Appropriate mechanisms will be implemented to avoid potential conflicts of interest during the proposal review process. Each reviewer will be asked to individually evaluate and rank proposals using the weighted evaluation criteria above. Proposal evaluations will be based exclusively on information included in the application. Merit reviewer ratings will be used to produce a rank order of the proposals.

The Selecting Official, or their designee, may negotiate the funding level or other major aspects of the proposal, and the Selecting Official will make the final recommendation for award to the Grants Officer based on the rank order and selection factors in Section V. C. below to the Grants Officer, who is authorized to obligate Federal funding and execute the award.

NOAA may select all, some, or none of the applications, or part of any application, may ask applicants to work together or combine projects, may defer applications to the future, or may reallocate funds to different funding categories, to the extent authorized. If no proposal is funded in the current fiscal period, a proposal may be considered for funding in another fiscal period, without NOAA repeating the competitive process outlined in this announcement.

Please note that not all activities submitted under a single proposal may be deemed appropriate for funding, and the Selecting Official may recommend slightly modifying activities as appropriate or offering only partial funding, based on the selection factors and the merit and/or panel review written evaluations. For a proposal to be selected for funding, the applicant may be asked to modify objectives and activities, work plans, and budgets, and

to provide supplemental information required by the agency prior to the award. This may result in submission of a revised application before final funding decisions are made. The exact amount of funds to be awarded, the final scope of activities, the project duration, specific NOAA cooperative involvement with activities of each project, and other relevant application details will be determined in pre-award negotiations among the applicant, NOAA Grants Management Division, and Office for Coastal Management officials. Applicants should also note that modifications to projects may be necessary as a result of NOAA's efforts to comply with NEPA and other legislation.

C. Selection Factors

The Selecting Official, an official within the Office for Coastal Management (or their designee) anticipates recommending applications for funding in rank order unless an application is justified to be selected out of rank order based upon one or more of the following selection factors:

1) Availability of funding;
2) Balance/distribution of funds: a) by geographic area, b) by type of institutions, c) by type of partners, d) by research areas; or e) by project types;
3) Whether this project duplicates other projects funded or considered for funding by NOAA or other federal agencies;
4) Program priorities and policy factors set out in Sections I.A. and I.B.;
5) An applicant's prior award performance;
6) Partnerships and/or participation of targeted groups; and
7) Adequacy of information necessary for NOAA staff to make a NEPA determination and draft necessary documentation before recommendations for funding are made to the NOAA Grants Management Division.

The Selecting Official or designee may negotiate the funding level of the proposal. Hence, awards may not necessarily be made to the highest-scored applications.

D. Anticipated Announcement and Award Dates

Successful applicants will be notified in approximately October 2023. The earliest anticipated start date for cooperative agreement awards made under this competition will be April 1, 2024, dependent on funding availability, acceptable completion of all NOAA/applicant negotiations including NEPA and environmental compliance analysis and permit requirements, and the provision of other supporting documentation as requested.

Unsuccessful applicants will be notified by e-mail that their application was not recommended for funding after the final selection package has been approved by the NOAA

Grants Management Division, which is expected to be approximately November 2023. Unsuccessful applications submitted to this competition will be retained for three years and then destroyed.

VI. Award Administration Information

A. Award Notices

Applications recommended for funding by the Selecting Official will be forwarded to the NOAA Grants Management Division by the Program Office. The applicant will be notified by the Program Office by email that their application was recommended for funding and remains under consideration. The applicant should be aware that the notification by the program office is not the official award notice and funding is not assured. Official notification happens only when the applicant receives an award notice from the Grants Officer electronically.

The official notice of award is the Commerce Form 450 (CD-450), Financial Assistance Award, issued by the NOAA Grants Officer Electronically through NOAA's electronic grants management system, Grants Online.

Risk Review: After applications are proposed for funding by the Selecting Official, the Grants Office will perform administration reviews. These may include assessments of the financial stability of an applicant and the quality of the applicant's management systems, history of performance, and the applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities. Special conditions that address any risks determined to exist may be applied. Applicants may submit comments to the Federal Awardee Performance and Integrity Information System (FAPIIS) about any information included in the system about their organization for consideration by the awarding agency. NOAA reserves the right to reject an application in its entirety where information is uncovered that raises a significant risk with respect to the responsibility or suitability of an applicant. The final approval of selected applications and issuance of awards will be made by the NOAA Grants Officer.

In addition, award documents provided by NOAA may contain special award conditions as necessary, such as a limitation on the use of funds for activities that have outstanding environmental compliance requirements, which may lead to modification of the project's scope of work. These special award conditions may also include other compliance requirements for the award and will be applied on a case-by-case basis. Applicants are strongly encouraged to review award documents carefully before accepting a Federal award to ensure they are fully aware of the relevant terms that have been placed on the award.

B. Administrative and National Policy Requirements

1. Pre-Award Notice

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the Federal Register notice of December 30, 2014 (79 FR 78390) are applicable to this solicitation. Refer to http://go.usa.gov/cXC7A.

2. Uniform Administrative Requirements

Through 2 C.F.R. § 1327.101, the Department of Commerce adopted Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200, which apply to awards in this program. Refer to http://go.usa.gov/SBYh and http://go.usa.gov/SBg4.

3. Terms and Conditions

The Department of Commerce Financial Assistance Standard Terms and Conditions will apply to awards in this program. These terms will be provided in the award package in Grants Online. A current version is available for review at https://www.commerce.gov/sites/default/files/2020-11/DOC%20Standard%20Terms%20and%20Conditions%20-%2012%20November%202020%20PDF_0.pdf. Also, NOAA will apply administrative terms, and a current version is at https://www.noaa.gov/sites/default/files/legacy/document/2021/Mar/Administrative%20Standard%20Award%20Conditions%20for%20NOAA%20Financial%20Assistance%20Awards%2002.18.2021.pdf. In addition, award documents provided by NOAA may contain special award conditions, including those limiting the use of funds for compliance activities such as outstanding environmental compliance requirements, which will be applied on a case-by-case basis, and requirements for submitting progress reports.

4. NEPA Requirements

NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals that are seeking NOAA federal funding opportunities. Detailed information on NOAA compliance with NEPA can be found at the following NOAA NEPA website: http://www.nepa.noaa.gov, including our NOAA Administrative Order 216-6 for NEPA, http://www.nepa.noaa.gov/NAO216_6.pdf, and the Council on Environmental Quality implementation regulations, http://energy.gov/sites/prod/files/NEPA-40CFR1500_1508.pdf.

Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be

conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non- indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. Failure to do so shall be grounds for not selecting an application. In some cases, if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment.

5. Freedom of Information Act (FOIA)

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 Federal 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 CFR § 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.

6. Data Sharing Requirements

Refer to Section IV.B of this announcement for details on data sharing requirements.

7. Limitation of Liability

Funding for programs listed in this notice is contingent upon the availability of appropriations. Applicants are hereby given notice that funds may not have been appropriated yet for the programs listed in this notice. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds.

NOAA reserves the right to halt activity under the award through enforcement procedures

under 2 C.F.R. 200.339-.343, Remedies for Non-compliance, if the recipient is not fulfilling the requirements of the project as outlined in the grant award. Non-compliance with a federally approved project may result in termination of the award as described in 2 C.F.R. 200.340.

8. Review of Risk

The NOAA Grants Officer will review financial and grants administration aspects of a proposed award, including conducting an assessment of the risk posed by the applicant in accordance with 2 C.F.R. 200.206. NOAA is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM and, currently the Federal Awardee Performance and Integrity Information System (FAPIIS; see 41 U.S.C. 2313). An applicant, at its option, may review information in the designated integrity and performance systems 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. NOAA 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 Federal awarding agency review of risk posed by applicants.

In addition to reviewing repositories of government-wide eligibility, qualifications or financial integrity information, the risk assessment conducted by NOAA may consider items such as the financial stability of an applicant, quality of the applicant’s management systems, an applicant’s history of performance, previous audit reports and audit findings concerning the applicant and the applicant’s ability to effectively implement statutory, regulatory, or other requirements imposed on non-federal entities. Applicants should be in compliance with the terms of any existing NOAA grants or cooperative agreements and otherwise eligible to receive federal awards, or make arrangements satisfactory to the Grants Officer, to be considered for funding under this competition. All reports due should be received and any concerns raised by the agency should be addressed in a timely fashion in order to receive a new award. Upon review of these factors, if appropriate, specific award conditions that respond to the degree of risk may be applied by the NOAA Grants Officer pursuant to 2 C.F.R. 200.208. In addition, NOAA reserves the right to reject an application in its entirety where information is uncovered that raises a significant risk with respect to the responsibility or suitability of an applicant. The final approval of selected applications and issuance of awards will be by the NOAA Grants Officer.

9. Minority Serving Institutions

The Department of Commerce/National Oceanic and Atmospheric Administration (DOC/NOAA) is strongly committed to increasing the participation of Minority Serving Institutions (MSIs), i.e., Historically Black Colleges and Universities, Hispanic-serving institutions, Tribal colleges and universities, Alaskan Native and Native Hawaiian institutions, and institutions that work in underserved communities.

10. NOAA Sexual Assault and Sexual Harassment Prevention and Response Policy Applicable to Financial Assistance Awards

NOAA requires organizations receiving federal assistance to report findings of sexual harassment, or any other kind of harassment, regarding a Principal Investigator (PI), co-PI, or any other key personnel in the award. The recipient must report to the NOAA Grants Officer and Program Officer if the PI, co-PI, or other key personnel are placed on administrative leave relating to a harassment finding or investigation. NOAA may take unilateral action as necessary to protect the safety of all personnel on a project supported by financial assistance, to include suspending or terminating an award or requiring a recipient to replace or remove personnel.

If the award involves the use of NOAA-operated facilities and/or vessels, the recipient must adhere to the following specific requirements:

Financial assistance awards involving the use of NOAA operated-facilities: NOAA Sexual Assault and Sexual Harassment Prevention and Response Policy Applicable to Financial Assistance Awards Involving NOAA-Operated Facilities (May 2018)

Financial assistance awards involving the use of vessels: NOAA Sexual Assault and Sexual Harassment Prevention and Response Policy Applicable to Financial Assistance Awards Involving the Use of a Vessel(s) under NOAA Contract, Order, Grant, or Cooperative Agreement (May 2018)

Direct links to the requirements for awards involving the use of NOAA operated-facilities and/or vessels may be found at https://www.noaa.gov/organization/acquisition-grants/noaa-workplace-harassment-training-for-contractors-and-financial. Note that these policies include required training.

11. Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

If applicable, and pursuant to the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. No. 117-58, which includes the Build American, Buy American (BABA) Act, Pub. L. No. 117-58, §§ 70901-52 and OMB M-22-11, recipients of an award of Federal financial assistance from the Department of Commerce (DOC) are hereby notified that none of the funds provided under any award in this program may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States–this means all manufacturing processes, from the initial melting stage through the application of

coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Waivers: When necessary, recipients may apply for, and DOC may grant, a waiver from these requirements. DOC will notify the recipient for information on the process for requesting a waiver from these requirements. When DOC has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which DOC determines that: a. applying the domestic content procurement preference would be inconsistent with the public interest; b. the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or c. the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. DOC will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the U.S. Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at whitehouse.gov/omb/management/made-in-america.

Definitions:
“Construction materials” includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives —that is or consists primarily of: non-ferrous metals; plastic and polymer-based products (including

polyvinyl chloride, composite building materials, and polymers used in fiber optic cables); glass (including optic glass); lumber; or drywall.

“Domestic content procurement preference’’ means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

“Infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.
‘‘Project’’ means the construction, alteration, maintenance, or repair of infrastructure in the United States. -- 1 Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives. 2 IIJA, § 70917(c)(1).
Implementation of Domestic Sourcing Requirements. Prior to initiation of any construction that may arise in any award under this program, the Recipient will be required to inform the NOAA Grants Officer and the Federal Program Officer whether it is using iron, steel, manufactured products, or construction materials as described in the above policy on Required Use of American Iron, Steel, Manufactured Products, and Construction Materials. In addition, the Recipient will be required to inform the NOAA Grants Officer and the Federal Program Officer whether those materials are produced or manufactured in the United States, or alternatively, it is requesting one or more waivers, as described in this announcement. The Recipient will be required to coordinate with NOAA regarding its compliance with this policy.

C. Reporting

Award recipients will be required to submit financial and performance (technical) progress reports consistent with 2 CFR 200.328 - .330 and DOC Standard Terms and Conditions electronically through NOAA’s electronic grants management system, Grants Online. Performance reports must be submitted on a semi-annual schedule no later than 30 days following the end of each 6- month period from the start date of the award. Financial reports must be submitted every 6 months by the end of April and October during the period of the award in accordance with the DOC Financial Assistance Standard Terms and Conditions. NOAA will provide instructions for submitting financial and progress reports upon request.

A comprehensive final report is due 120 days after the award expiration date along with copies of all products developed under the award. Copies of all materials (including but not limited to brochures, posters, videos, DVDs, publications, reports, management plans, public service announcements, workshop proceedings, etc.) produced through the award, along with copies of any reports submitted by subcontractors as part of the award, must be provided to the program office within 120 days of the end of the award. Except where limited by law, regulation, policy or security, recipients are requested to include a statement on the front page of all products to indicate the material is "Approved for public release; distribution is unlimited." If the applicant has requested publication costs, resulting journal publications must be made available to the public free of charge.

Successful applicants will be requested to ensure that all interim progress reports indicate whether financial reports have been submitted to NOAA's Grants Management Division and are up-to-date. In their final progress report, applicants will be asked to (a) clearly state the resulting overall impact of their project with respect to coral reef conservation or within the coastal management community; and (b) certify that "Final financial reports have been submitted to NOAA's Grants Management Division and a final funding draw-down has been made through the Automated Standard Application for Payments (ASAP)."

If equipment or tangible personal property is purchased with grant funds, applicants shall submit an inventory to the extent required by the Office of Management and Budget Uniform Guidance set out at 2 C.F.R. Part 200.313. As necessary, SF-428 forms may be attached as an appendix to the final progress report or submitted directly to the NOAA program officer.

Recipients must inventory tangible property at least once every two years and at award closeout. As necessary, SF-428 forms may be attached as an appendix to progress reports or submitted directly to the NOAA program officer.

The program office recommends that if the equipment is no longer needed, recipients are encouraged to request disposition instructions for equipment approximately 150 days before the project period ends to allow sufficient time to have equipment disposition requests addressed before a project ends. Equipment disposition instructions typically require that recipients “Submit Additional Closeout Documents" as an award action request in Grants Online. NOAA will provide instructions for disposition in accordance with OMB requirements.

The Federal Funding Accountability and Transparency Act, 31 U.S.C. 6101 Note, includes a

requirement for awardees of applicable Federal grants to report information about first-tier subawards and executive compensation under Federal assistance awards issued. 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. See 2 CFR 170 at http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr170_main_02.tpl.

VII. Agency Contacts

For administrative or technical questions regarding this announcement, contact the competition manager: Kris Wall, NOAA Office for Coastal Management, by phone at 541-843-0252, or via email at rop.iija@noaa.gov

VIII. Other Information

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, Federal agents and contractors, and/or by non-Federal personnel, all of whom enter into appropriate conflicts of interest and nondisclosure agreements covering the use of such information. As may be provided in the terms and conditions of a specific financial assistance award, applicants are expected to support program reviews and evaluations by submitting required financial and performance information and data in an accurate and timely manner, and by cooperating with the 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.