National Park Service

LWCF-PGL - State and Local Assistance Division

2022
P22AS00645

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A. Program Description

Authority:
Land and Water Conservation Fund (LWCF) Act, as amended (P.L. 88-578, codified at 54 U.S.C. 2003 et. seq.); Consolidated Appropriations Act, 2014 (P.L. 113-76) and accompanying Explanatory Statement; The Great American Outdoors Act, P.L. 116-152; Consolidated Appropriations Act, 2022, P.L. 117-103.

Assistance Listing:
15.916

Program Background, Objectives, and Goals:
Background: LWCF State and Local Assistance Program and Outdoor Recreation Legacy Partnership Program
The Land and Water Conservation Fund (LWCF) State and Local Assistance program provides grants to states, and through states to local units of government and federally-recognized Indian tribes, for projects that will provide outdoor recreation opportunities to the public through the acquisition of lands and waters for parks and other outdoor recreation areas, as well as through the development of new, or the renovation of existing, outdoor recreation facilities. It is operated by the National Park Service (NPS) in partnership with designated lead agencies in each of the 50 states as well as American Samoa, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands. Congress allocates money from the LWCF for this program, which is then apportioned to the states based on a legislative formula. To be eligible for LWCF grants, states must maintain an approved Statewide Comprehensive Outdoor Recreation Plan (SCORP) which are used to assess the supply and demand for outdoor recreation resources and set priorities for the use of LWCF funds.

In 2014, in coordination with Congress, the Secretary of the Interior, State lead agencies, and interest groups, the NPS created the Outdoor Recreation Legacy Partnership (ORLP) Program, a competitive grant program administered under the authority of the LWCF Act as a compliment to the formula grant program. ORLP grants do not count against State apportionment funds.

Purpose
As designed, the purpose of the ORLP Program is to provide new or significantly improved recreation opportunities in economically-disadvantaged communities~~,~~ consistent with the purposes and requirements of the LWCF Act and LWCF Manual, and that:

- meet recreation goals as identified in, and align with, at least one priority of, the State's Comprehensive Outdoor Recreation Plan
- are located within or abutting an incorporated city (or town) having a population of 30,000 or more, and
- serve the specific needs of a community(ies) that is (are) severely lacking in walkable, publicly accessible, outdoor recreation ("park deserts"), and that has a poverty rate of at least 20% or that is at least 10 percentage points higher than that of the project city, county, and state rates.

* For the purposes of this competition, for a community to be considered a "park desert," there must be:

1. no existing parks within a .5-mile radius of the community(ies) to be served by the park (not the radius of the proposed park); or
2. one or two small parks within a .5-mile radius of the community(ies) that is/are not large enough to support the size of the population of the service area, or otherwise unable to provide a variety of recreational opportunities; or
3. one or two existing parks (potentially of adequate size), including the park that is being addressed in this project, that is/are so obsolete or underdeveloped that a major redevelopment or rehabilitation is necessary to be able to significantly increase the number of people or user groups who could be served in a way that would be equivalent to a new park; or
4. existing parks that are inaccessible to the target community due to physical barriers such as transportation infrastructure, rivers, etc.

Proposed projects must align with the above listed ORLP purposes to be considered for selection.

Program Information

ORLP projects are selected through an NPS-led national competition of projects solicited and nominated by the LWCF State Lead Agencies. Eligible project sponsors (subgrantees), as described in Section C1, interested in seeking a grant under this program must contact their Land and Water Conservation Fund State Lead Agency to get details about the state's process for identifying and selecting projects for the state's submission under this competition. A list of agency contacts can be found at: https://www.nps.gov/subjects/lwcf/contact-list.htm. Grants are awarded by NPS to the State Lead Agency, which is responsible for ensuring that allocated funds are used for the purposes of, and in a manner consistent with, the LWCF Act and Manual. The State Lead Agency, in turn, makes a sub-award to the project sponsor, which must be the public entity that submitted the proposal. The decision to award a grant and the amount of funding is not guaranteed until the NPS completes its review of the full application and determines that the project meets all requirements.

States make an initial determination to decide which applications to submit to the NPS for consideration in the national competition. As a result, state application deadlines to review and select projects will be earlier than the deadline for states to submit applications under this competition. The States will conduct the initial review of proposals for completeness and eligibility requirements; evaluating and prioritizing proposals according to the criteria used for this competition as well as criteria from the State's Open Project Selection Process (OPSP), if applicable; ensuring that proposals are consistent with outdoor recreation priorities outlined in the state's SCORP. The state must also work with the project sponsor to prepare the required LWCF application documents for full review by the NPS. Preparation of the full application includes required reviews of the project under the National Environmental Policy Act and the National Historic Preservation Act.

If a project is selected by NPS, the project cost estimate included in the proposal generally defines the maximum federal share that can be requested, unless the additional amount is nominal, up to the overall ceiling of $10,000,000. Significant changes to the project proposal after the initial submission, whether in terms of the scope of work or the budget, are generally unallowable as they may materially alter the circumstances under which the project was

evaluated and selected. Such changes can lead to the federal share of the grant offer being reduced or the grant offer being withdrawn entirely.

Acquisition and Development Requirements
To be eligible for either an acquisition or a development grant, the project must involve publicly-owned land or the transfer of ownership, by fee simple acquisition or acquisition of lesser rights, to a public entity. The project sponsor must possess sufficient legal title and control of the property to ensure that it can be managed and maintained for outdoor recreation in perpetuity and otherwise remain compliant with the conversion provisions of the LWCF Act (see 54 U.S.C. 200305(f)(3)).

Outdoor recreation areas and facilities assisted by the LWCF must be open to the general public and not limited to special groups. Chapter 3 of the LWCF Manual describes project eligibility requirements in detail.

Acquisition of land may be in fee simple or a lesser interest (e.g., a perpetual easement) if sufficient rights, including the right for the public to access and recreate on the site and excluding rights for any non-recreation uses, would be provided.

On the development side, LWCF assistance is available for a wide range of outdoor recreation uses and the facilities needed to support the use and enjoyment of these areas. These include community parks, sports fields and courts, picnic areas, water-based recreation facilities such as swimming pools trails, campgrounds, etc. Indoor recreation and other buildings are not eligible but recreation-supporting facilities, such as restrooms or changing areas, can be eligible.

In Perpetuity Requirement
The LWCF Act requires that any park or other outdoor recreation area benefitting from assistance from the LWCF, whether for acquisition or development purposes, and regardless of the amount or extent of assistance, not be converted to any use other than public outdoor recreation uses (*see* 54 U.S.C. 200305(f)(3)).

Therefore, as a condition of the grant, the NPS requires that language be recorded against the deed of the assisted park/recreation property advising that the property was acquired and/or developed with Federal funds from the LWCF and that the property must be preserved for outdoor recreation uses in perpetuity and cannot be converted to any use other than public outdoor recreation use without the written approval of the Secretary of the Interior. This approval is contingent upon the project sponsor replacing the area to be converted with a *new* recreation area involving land of at least equal fair market value and reasonably equivalent recreational utility, and the conversion and its replacement being found consistent with the state's SCORP. Before seeking an LWCF grant, project sponsors should carefully consider their ability and willingness to comply with this provision of the law.

The perpetuity requirement is applied to the assisted park or other recreation area *as a whole*. Exceptions for boundaries that would apply to a lesser unit of a park will be considered only if the unit is a stand-alone (i.e., its borders do not include other areas of the park) and self-sustaining (i.e., it does not rely on adjoining park area for access, utilities, support facilities, etc.) recreation area. The state and the NPS must agree to any boundary that does not comprise the whole park, and the NPS may eliminate from consideration proposals that are not consistent with this policy. Applicants who wish to propose a project with a boundary that would not include the

whole park are urged to contact the national program office prior to completing an application for a determination on whether the boundary would be accepted.

ORLP Program Competition Priorities
The competition will prioritize the selection of projects that:

- provide new recreational opportunities, particularly those that will increase access to nature's benefits, such as green spaces, shady areas (via tree cover), and natural landscapes that help cool the air and reduce urban heat island effects, reduce pollution, and have positive effects on mental and physical health;
- empowered and engaged members of the target community in the project development and design of the plans for the park;
- create or expand public-private partnerships that leverage matching share resources (e.g., money or donations of land, supplies, or services, etc.);
- benefit from a high degree of coordination among the public, multiple levels of government, and the private sector; and
- advance goals of, or meet, priority recreation needs identified in numerous local, regional, state plans and/or initiatives.

Secretary of the Interior Priorities:
This program supports priorities of the Secretary of the Interior, including "Working to conserve at least 30% each of our lands and waters by the year 2030" and "Centering equity and environmental justice" as outlined in Executive Order (EO) 14008: Tackling the Climate Crisis at Home and Abroad, and EO 14005: Ensuring the Future is Made in All of America by All of America's Workers.

B. Federal Award Information

B1. Total Funding

Estimated Total Funding
$192,000,000

B2. Expected Award Amount

Maximum Award
$10,000,000

Minimum Award
$300,000

This sixth round of the ORLP will make available up to $103 million appropriated by Congress in fiscal year 2022, plus unused funds from prior years (up to $89 million). Funds will be awarded in two rounds, Rounds 6A and 6B.

B3. Anticipated Award Funding and Dates

Anticipated Award Date
September 01, 2023, and January 1, 2024

Projects selected under Round 6A have an expected award date of **September 1, 2023**. Projects selected under Round 6B have an expect award date of **January 1, 2024**.

B4. Number of Awards

Expected Number of Awards
30

B5. Type of Award

Funding Instrument Type
G-Grant
LWCF Awards are given as grants. A Grant is a legal instrument of financial assistance between The National Park Service and a non-Federal entity that, consistent with 31 U.S.C. 6302, 6304:

(1) Is used to enter into a relationship the principal purpose of which is to transfer anything of value from the Federal awarding agency to the non-Federal entity to carry out a public purpose authorized by a law of the United States (see 31 U.S.C. 6101(3)); and not to acquire property or services for the Federal awarding agency's direct benefit or use;

(2) Is distinguished from a cooperative agreement in that it does not provide for substantial involvement between the Federal awarding agency or pass-through entity and the non-Federal entity in carrying out the activity contemplated by the Federal award.

No substantial involvement on the part of the NPS is anticipated for LWCF ORLP grants.

C. Eligibility Information

C1. Eligible Applicants

Eligible Applicants
00 – State governments

Additional Information on Eligibility
In accordance with 54 U.S.C. 200305(a), each state has a lead agency designated by the State's Governor or by state legislation for the purposes of implementing LWCF in that state, and only the lead agency can be an applicant for an LWCF grant. Therefore, only the state lead agencies are eligible to submit applications for ORLP grants. The lead agency may submit on behalf of themselves or another eligible subrecipient.

Applications submitted directly by entities other than the State Lead Agency for LWCF, will be eliminated without consideration. Individuals, nonprofit organizations, and other

private entities are not eligible as applicants or sub-recipients.

Eligible sub-recipients (aka project sponsors) include state agencies, local units of government (state political subdivisions such as cities, towns, counties, and special purpose districts such as park districts), and federally-recognized Indian Tribes.

For a project to be eligible the sub-recipient must be an incorporated city (or town) of at least 30,000 people. If the subrecipient is a county or special purpose district, the project must be serving a city or town of 30,000 or more people. The park or recreation area must be within, or abutting, the city or town.

C2. Cost Sharing or Matching

Cost Sharing / Matching Requirement

Yes

In accordance with the LWCF Act (54 U.S.C. 200305(c)), ORLP grant projects must be cost-shared with non-federal funds at a minimum ratio of 1:1. Matching funds may be derived from state, local, non-governmental, or private sources in the form of cash or in-kind contributions of land, services, materials, etc.

Matching share meeting the 1:1 minimum required must be secure or *firmly committed* at the time of application and be supported by a signed letter from the donor confirming the type (cash, in-kind, etc.) and amount/value of the contribution. If the project match exceeds the 1:1 requirement, the budget must indicate how the additional funds/in-kind contributions will be used. Further information about eligible costs, sources of match, and other cost-sharing requirements can be found in Chapter 5 of the LWCF Manual and in 2 C.F.R. 200.306.

The following costs may not be counted toward the non-Federal matching share (not inclusive):

- Any project costs incurred before the grant start date, unless they are an eligible pre-award cost as defined in the LWCF Manual or unless the sponsor gets prior written approval from the State Lead Agency and the NPS (i.e., waiver of retroactivity).
- Any funds or in-kind contributions such as land or services that have been used previously or will be used in the future to satisfy the matching requirements of another LWCF grant or other Federal grant.
- Any funds or in-kind contributions such as lands or services that were or will be acquired with other Federal funds. However, there is an exception for funds authorized by their enabling legislation to be treated as non-Federal match. The most common options are HUD's Community Development Block Grants, DOT-FHWA's Recreation Trails Program, and Section 306 of the Coastal Zone Management Act, but there may be others (project sponsors should be prepared to show supporting documentation if seeking to use Federal funds from other sources as match).

C3. Other

Recipients with an active ORLP grant may apply for one additional grant to supplement the existing active project or another project at the same park. A recipient who has been awarded an ORLP grant for a project at one park may also submit additional applications for ORLP projects at different parks. However, either scenario is contingent on each state's Open Project Selection Process (*see Section D2- Content and Form of Application Submission for explanation of full application process*). For example, some states do not permit a project sponsor to apply for additional funding when they have a currently active grant. Contact your state's lead agency for information (https://www.nps.gov/subjects/lwcf/contact-list.htm).

In the interest of ensuring a wide distribution of LWCF-ORLP funds and addressing the needs of communities that are under-served due in part to financial constraints, parks that are currently receiving or received an LWCF formula grant that closed within the last seven years may not apply for an ORLP grant at the same park, even if the scope of the project is different. Additionally, ORLP project that were awarded and terminated during the grant period may not reapply for funds.

Excluded Parties:

NPS conducts a review of the SAM.gov Exclusions database for all applicant entities and their key project personnel prior to award. The NPS cannot award funds to entities or their key project personnel identified in the SAM.gov Exclusions database as ineligible, prohibited/restricted or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, as their ineligibility condition applies to this Federal program.

Foreign Entities or Projects

This program does not provide funding to foreign entities or for projects conducted outside the United States.

D. Application and Submission Information

D1. Address to Request Application Package

The full NOFO and application materials are available on Grants.gov. LWCF-specific forms are noted in the list of required elements and can be obtained from the State lead agency. Project sponsors should check with their state's lead agency to determine if the state has any other requirements for submitting proposals at the state level. You may also contact the NPS LWCF-ORLP program leads for assistance (see Section G).

D2. Content and Form of Application Submission

Project Narrative

Required Proposal Elements - (Page limits for specific elements are noted with the form. Information beyond the page limit will not be reviewed.)

A complete proposal must include the following elements listed below. The Standard Forms 424, 424C, SF424D, and Project Abstract Summary must be completed using the on-line forms within the funding opportunity on Grants.gov. All other documents, including the SF-429 if applicable, should be attached as individual documents. To assist applicants in ensuring that required information is included, suggested formats for the Project and Budget Narratives, an application checklist, and a photos form are included under the "Related Documents" tab of the Grants.gov opportunity.

1. Standard Form SF424, Application for Federal Assistance
2. Standard Form 424C, Budget Information for Construction Programs
3. Standard Form SF424D, Assurances for Construction Programs
4. Standard Form 429B, Real Property Status Report, Request to Acquire, Improve, or Furnish (for acquisition or acquisition & development projects only)
5. Standard Form - Project Abstract Summary
6. Pre-award Onsite Inspection Report – (State's form)
7. Project Narrative (**max 10 pages**) – must include information detailed under "Project Narrative" in this section.
8. Budget Narrative (**max 5 pages**, including tables) – must include information detailed under "Budget Narrative" in this section.
9. Project Timeline (**max 1 page**) to complete the tasks/activities under the proposal.
10. Photos provide context such as current site conditions, the surrounding environment, etc.
11. Recreation Area Map showing the location of the project and identifying all existing recreation resources (if any) within a .5-mile vicinity of the economically disadvantaged community(ies) that will be served by the project.
12. Map (or Aerial Photo) Delineating Project Area and Proposed Boundary - must clearly indicate area to be acquired and/or developed, as well as the proposed boundary of the larger park/recreation area that would be subject to the perpetual protection provisions of the LWCF Act (54 U.S.C. 200305(f)(3)), all known outstanding rights and interests in the area held by others, total acres withing the boundary(ies), and a north arrow.
13. Plan or Sketch of the Site Features identifying location of planned recreational improvements and other features such as where the public will access the site, parking, etc.
14. Letters of Support Documenting Secured Contributions of Matching Share clearly stating the amount and type of contribution, or Co-Sponsor/Ownership Agreements if project sponsor is not title holder.
15. General Letters of Support (must be submitted with the Grants.gov application to be considered. **Letters of support from Congress must be addressed to the Project Sponsor** and included with the application to Grants.gov).
16. Letter of Intent to Sell, Purchase, or Donate Property (acquisition projects only).
17. Application and Revision Form (A&R - LWCF form available from the state)
18. Description and Notification Form (DNF - LWCF form available from the state)
19. Copy of an Approved Waiver of Retroactivity (submitted by state, if applicable)
20. Conflict of Interest Disclosure (described within NOFO)
21. Overlap or Duplication of Effort Statement (described within NOFO)
22. Copy of the Negotiated Indirect Cost Rate Agreement (if applicable)

Required Proposal Elements Instructions

SF-424, Application for Federal Assistance
Applicants must submit the appropriate Standard Form (SF)-424, Application for Federal Assistance. Individuals applying as a private citizen (i.e., unrelated to any business or nonprofit organization you may own or operate in your name), must complete the SF-424, Application for Federal Assistance-Individual form. All other applicants must complete the standard SF-424, Application for Federal Assistance. The required application forms are available with this announcement on Grants.gov. The SF-424, Application for Federal Assistance must be complete, signed, and dated. Do not include any proprietary or personally identifiable information. Please note: Enter only the amount requested from this Federal program in the "Federal" funding box on the SF-424 Application form. Include any other Federal sources of funding in the "Other" box and provide details on those Federal source(s) and funding amount(s) in the required Budget Narrative (see the "Budget Narrative" section below).

Applicants must submit the appropriate SF-424 Budget Information form and Budget Narrative. For construction programs or projects, applicants must complete and submit the SF-424C, "Budget Information for Construction Programs". All of the required application forms are available with this announcement on Grants.gov. Federal award recipients and subrecipients are subject to Federal award cost principles in 2 CFR 200.

The SF424C is used for acquisition, development or combination projects; however, if the state is requesting indirect expenses, this must be reflected in the detailed budget narrative. Alternately, the state can separately attach an SF-424A, reflecting the direct and indirect expenses.

Applicants seeking approval to acquire real property under an award must complete and submit the SF-429, "Real Property Status Report (Cover Page)" and the SF-429-B, "Real Property Status Report Attachment B (Request to Acquire, Improve, or Furnish)". These forms are required if the real property is acquired with Federal funds, with recipient cost share or matching funds, or as an in-kind contribution under the award.

Project Abstract Summary
Please complete and submit with your application package the Project Abstract Summary form with the following information:

- Funding Opportunity Number;
- Goals and Objectives of your proposed project;
- Summary of Project Activities;
- Performance Goals including milestones and expected outcomes;
- Who will benefit from your project.

This information will be transmitted to USASpending.gov and be viewable by the public.

Project Narrative Contents – (10-page limit 12-point font)
The Project Narrative consists of the following three sections, each detailed below:

- Project Data Page,
- Project Overview, and

- Responses to the Project Criteria.

Project Data Page (1-page limit):
Provide the following information:

1. Project Sponsor Name
2. Name of Park/Property
3. Project Title
4. Name of Property Title Holder
5. Project Property Address/Location
6. 2020 Census City Population (must be over 30,000)
7. Poverty rate of target community(ies) listed by Census Tract Numbers - must be at least 20% or at least 10 percentage points greater than that of the city, county and state (information can be found at https://censusreporter.org/locate by typing in the address and selecting the "Census Tract" option that appears in a left-hand column. Tract number and poverty level are now displayed as you scroll down.)
8. Statement of Project Type: Acquisition, New Development, Renovation, or Combination (acquisition with development)
9. Statement that project Creates a New Park, Expands an Existing Park or Neither
10. Statement clarifying if this park/resource previously benefitted from LWCF or Urban Park and Recreation Recovery (UPARR) funding and/or if the park/resource was obtained through the Federal Lands to Parks Program. If yes, state which program and the date the grant was awarded, or lands were transferred. (Applications misrepresenting this information may be eliminated from further competition.)
11. Brief statement (aka Project Summary) explaining project specific work, and a second statement explaining overall project (if larger than proposed work). (250-word max.)

Project Narrative - Project Overview (2-page limit):
Provide the following information:

All Projects:

- Describe and quantify the types of resources and features of or on the property (e.g., 50 acres of forested area, 2,000 feet of waterfront, scenic views, unique or special features, recreation amenities, historic/cultural resources)
- Describe the current uses (if any) or disposition of the property to be acquired or developed, if uses will need to be discontinued, or the site rehabilitated. If there are any existing non-outdoor recreation or other non-public uses that are intended to continue on the property on an interim or permanent basis and/or proposed in the future, these should be explained.
- Describe constraints of the property (e.g., existing development; hazardous materials/contamination history; and restrictions such as institutional controls, easements, rights-of-way, reversionary interests, above ground/underground utilities; etc.).

Development Only:

- Describe the planned physical improvements and/or facilities, and the reason(s) such development is needed. Explain whether the work involves new development or rehabilitation or replacement of existing recreation facilities.

Acquisition Only:

- Provide a description of the property (including the current ownership) and an explanation of the need for its acquisition.
- State whether the acquisition would create a new public park/recreation area or if it will expand an existing site, and if so, by how much.
- Describe the plans for developing the property for recreation purposes after acquisition and the timeframe for the start and completion of development and when it will be open for public use.
- Describe the status of the acquisition, including negotiations with the landowner and development of due diligence materials such as title work and appraisal.

Combination Projects

- Provide information requested under all "All Projects", "Development Only" and "Acquisition Only".

Project Narrative - Project Criteria Information (remaining pages):
Provide information required by in Criteria 1-5 as detailed in Section E-Application Review Criteria.

Detailed Budget Narrative

The project budget shall include detailed information on all cost categories and must clearly identify all estimated project costs. Unit costs shall be provided for all budget items including the cost of work to be provided by contractors or sub-recipients. In addition, applicants shall include a narrative description of the items included in the project budget, including the value of in-kind contributions of goods and services provided to complete the project when cost share is identified to be included (reference section C of this announcement). Cost categories can include, but are not limited to, those costs items included on the SF424A or SF424C.

Budget information should reflect only costs related to work/acquisition that will completed under an ORLP grant if selected. A total budget for the entire project (including work beyond what would be funded under a grant) may be provided separately.

Provide a budget breakdown that includes the following information:

- Detailed breakdown of *each cost item* included under each of the SF424C, Construction Budget Categories and for indirect costs if being charged.
- Clearly indicate which costs are covered by federal funds and which are covered by matching funds.
- Clearly indicate any proposed pre-agreement costs and the timeframe during which the associated work cost was performed.

Provide information required by in Criteria 6 as detailed in Section E-Application Review Criteria.

ORLP projects are limited to using a maximum of 25% of the total budget for costs not directly attributable to physical development/rehabilitation activities, supplies, equipment, or cost of land. Additionally, the LWCF Act specifically excludes acquisition support costs (such as title research and appraisals). (See "Program Funding Restrictions" under Section D6 for detailed explanation.)

If the LWCF ORLP grant-funded project is part of a larger project, please be sure the LWCF-related components of the budget can be clearly discerned. It can be difficult for reviewers to evaluate and score a budget when it's not clear how the grant funds will be used or what specific costs are being provided as match, and project sponsors risk having the requested federal share reduced if it appears ineligible costs are proposed to be charged to the grant or used as part of the 1:1 match share. Note that the LWCF ORLP and match-funded element(s) of the project must still result in a viable recreation opportunity that is not reliant on other funding even in the context of a larger planned project.

LWCF-ORLP Specific Funding Restrictions:
See section D6 for specific funding restrictions for the ORLP program under "Program Funding Restrictions"

Conflict of Interest Disclosure
Per the Financial Assistance Interior Regulation (FAIR), 2 CFR §1402.112, applicants must state in their application if any actual or potential conflict of interest exists at the time of submission.

(a) Applicability.

(1) 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.

(2) 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.

(b) Notification.

(1) 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.

(2) 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.

(c) Restrictions on lobbying. Non-Federal entities are strictly prohibited from using funds under a grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR §18 and prelim@title31/subtitle2/chapter13&edition=prelim">31 USC §1352.

(d) *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.

(e) 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 required disclosures may result in any of the remedies described in 2 CFR §200.339, Remedies for noncompliance, including suspension or debarment (see also 2 CFR §180).

Uniform Audit Reporting Statement

All U.S. states, local governments, federally recognized Indian tribes, institutions of higher education, and non- profit organizations expending $750,000 USD or more in Federal award funds in the applicant's fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System, in accordance with 2 CFR 200 subpart F. U.S. state, local government, federally recognized Indian tribes, institutions of higher education, and non-profit applicants must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the EIN associated with that report and state if it is available through the Federal Audit Clearinghouse website.

Certification Regarding Lobbying

Applicants requesting more than $100,000 in Federal funding must certify to the statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying. If this application requests more than $100,000 in Federal funds, the Authorized Official's signature on the appropriate SF-424, Application for Federal Assistance form also represents the entity's certification of the statements in 43 CFR Part 18, Appendix A.

Disclosure of Lobbying Activities

Applicants and recipients must not use any federally appropriated funds (annually appropriated or continuing appropriations) or matching funds under a Federal award to pay any person for lobbying in connection with the award. Lobbying is influencing or attempting to influence an officer or employee of any U.S. agency, a Member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a Member of the U.S. Congress connection with the award. Applicants and recipients must complete and submit the SF-LLL, "Disclosure of Lobbying Activities" form if the Federal share of the proposal or award is more than $100,000 and the applicant or recipient has made or has agreed to make any payment using non-appropriated funds for lobbying in connection with the application or award. The SF-LLL form is available with this Funding Opportunity on Grants.gov. See 43 CFR, Subpart 18.100 and 31 USC 1352 for more information on when additional submission of this form is required.

Overlap or Duplication of Effort Statement

If the project proposed in this application is funded through another Federal financial assistance award, in part or in whole, the applicant must provide a statement detailing the potential funding overlap in regards to activities, costs, or time commitment of key personnel. Provide a copy of any overlapping or duplicative proposal submitted to any other potential funding entity and identify when that proposal was submitted or copy of Federal financial assistance award covering activities covered under this proposal. The statement and the description of overlap or

duplication, when applicable, may be provided within the proposal or as a separate attachment to the application. Any overlap or duplication of funding between the proposed project and other active or anticipated projects may impact selection and/or funding amount. If no such overlap or duplication exists, state, "There are no overlaps or duplication between this application and any of our other Federal applications or funded projects"

D3. Unique Entity Identifier and System for Award Management (SAM)

Identifier and System for Award Management (SAM.gov) Registration: This requirement does not apply to individuals applying for funds as an individual (i.e., unrelated to any business or nonprofit organization you may own, operate, or work within), or any entity with an exception to bypass SAM.gov registration with prior approval from the funding bureau or office in accordance with bureau or office policy. All other applicants are required to register in SAM.gov prior to submitting a Federal award application and obtain a Unique Entity Identifier (UEI) which replaces the Data Universal Numbering System (DUNS) number from Dun & Bradstreet in April 2022. A Federal award may not be made to an applicant that has not completed the SAM.gov registration. If an applicant selected for funding has not completed their SAM.gov registration by the time the program is ready to make an award, the program may determine the applicant is not qualified to receive an award. Federal award recipients must also continue to maintain an active SAM.gov registration with current information through the life of their Federal award(s).

Register with the System for Award Management (SAM)
Applicants can register on the SAM.gov website. The "Help" tab on the website contains User Guides and other information to assist you with registration. The Grants.gov "Register with SAM" page also provides detailed instructions. Applicants can contact the supporting Federal Service Desk for help registering in SAM. Once registered in SAM, entities will be assigned a Unique Entity Identifier (UEI). Entities must renew and revalidate their SAM registration at least once every 12 months from the date previously registered. Entities are strongly encouraged to revalidate their registration as often as needed to ensure their information is up to date and reflects changes that may have been made to the entity's IRS information. There is no cost to register with SAM.gov. There are third-party vendors who will charge a fee in exchange for registering entities with SAM.gov; please be aware you can register and request help for free. If applicable, foreign entities who want to receive payment directly to a U.S. bank account must enter and maintain valid, current banking information in SAM.

D4. Submission Dates and Times

Due Date for Applications
01/31/2023 and 05/31/2023

Application Due Date Explanation
Electronically submitted applications must be submitted no later than 11:59 PM, ET, on the listed application due date. and must be submitted by the state LWCF lead agency via Grants.gov. Round 6 will consist of two rounds: 6A and 6B. Applications submitted under Round 6A will only compete against other applications submitted under that round.

Applications eliminated in Round 6A due to technical issues may be resubmitted in Round 6B. Due dates for each round are as follows:

- Round 6A: applications due by 11:59 pm ET, Tuesday, **January 31, 2023**
- Round 6B: applications due by 11:59 pm ET, Wednesday, **May 31, 2023**.

The state LWCF lead agencies may establish earlier deadlines for project sponsors to submit their proposals for their review for nomination to the national competition. Applications sent by facsimile, email, or mail delivery will not be accepted. Applications that are not received by the deadline will not be considered. The NPS will accept applications that: 1) were accepted in Grants.gov by the stipulated time, based on the time/date stamp in Grants.gov and 2) have been validated in Grants.gov, even if they are not forwarded to the DOI's grant management system before the deadline.

You are encouraged to submit your application well before the deadline and not wait until the last minute. The uploading and transfer process can take a while, especially when Grants.gov is getting heavy use. In addition, after the application is submitted it gets validated before it is forwarded to the NPS. Normally this happens within a few minutes to a couple of hours, but it can take Grants.gov up to a day or two to validate or reject an application. You can monitor your application's status by using "Track My Application" on Grants.gov. Be sure to record the Grants.gov tracking number which will displayed on the confirmation page in Grants.gov immediately after you successfully submit to Grants.gov as you will need it for tracking.

Sometimes there are glitches that prevent actual transmission, for example, applications that exceed 200MB in size do not get forwarded to the DOI system. Technical difficulties with application submittal should be directed to the Grants.gov help desk. NPS staff can confirm receipt of submission but cannot resolve issues with Grants.gov or extend the application deadline due to difficulties with submission via Grants.gov.

D5. Intergovernmental Review

An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372.

D6. Funding Restrictions

The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency for indirect costs, unless otherwise assigned by the White House Office of Management and Budget (OMB). If the Department of the Interior is your organization's cognizant agency, the Interior Business Center will negotiate your indirect cost rate. Contact the Interior Business Center by phone 916-930-3803 or using the IBC Email Submission Form. See the IBC Website for more information.

Organizations must have an active Federal award before they can submit an indirect cost rate proposal to their cognizant agency. Failure to establish an approved rate during the award period renders all costs otherwise allocable as indirect costs unallowable under the award. Recipients must have prior written approval from the Service to use amounts budgeted for direct costs to satisfy cost-share or match requirements or to cover unallowable indirect costs. Recipients shall

not shift unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

Program Funding Restrictions:
LWCF ORLP grants may only be used for costs needed to support the acquisition or development (or a combination) of lands and facilities that will provide outdoor recreation opportunities to the public. LWCF ORLP funds may not be used for (not inclusive):

- Grant administration expenses for state lead offices,
- Incidental costs related to land acquisition such as appraisals or title work,
- Operation and maintenance activities,
- Facilities that support semi-professional or professional athletics such as baseball stadiums or soccer arenas,
- Indoor facilities such as recreation centers or facilities that support primarily non-outdoor purposes like dining facilities or overnight accommodation (such as a lodge or hotel), or
- Acquisition of lands, or interests in lands, that completely restrict access to specific persons (e.g., non-residents of a community).

The ORLP Grant Program places a total budget (federal plus matching share) limitation of 25% on project costs not directly attributable to physical development/rehabilitation, supplies, equipment, or cost of land. The 25% cap includes, but is not limited to:

- the overall management of activities directly related to finance (accounting, auditing, budgeting, contracting),
- general grant administration cost (wages for grant administration, personnel, property management, equal opportunity),
- architectural and engineering services (design fees, cost estimates), construction oversight, and
- contingency fees.

Indirect costs are allowable above and beyond the 25% limit on the above costs; however, if included, they may not increase the project budget above the overall grant award maximum of $10 million.

The LWCF Act specifically excludes acquisition support costs from eligibility (see 54 U.S.C. 200305(e)(2)(A)) so such costs should not be proposed to be part of the ORLP grant share or to meet the match share. *Such ineligible costs will be removed from the proposal and the award reduced if selected for funding.*

Land acquisition costs must be based on the Uniform Appraisal Standards for Federal Land Acquisition (aka yellow book) estimate of fair market value. Be sure to explain the basis for the value estimate if an appraisal has not yet been performed.

If the budget proposal includes indirect costs, the rate as proposed must meet the requirements of 2 C.F.R. Part 200, Section 200.414 and Appendix VII. A copy of the negotiated indirect cost rate agreement that covers the initial performance period or if that's not available, the current agreement (expired agreements are not acceptable) must be provided with the application. The

costs must also be described/shown in the detailed budget narrative or on an SF424A. Applications that fail to document indirect costs will not be reimbursed for them.

In accordance with 54 U.S.C. 200305(f)(1) projects seeking LWCF ORLP grants may not include funds from other Federal sources in the project's budget, including LWCF formula funds, even if all programs' match requirements are met. *Projects including other federal funds within the proposed budget, unless they are serving as authorized match, will be eliminated from the competition without consideration.*

Project sponsors are not permitted to also seek LWCF formula funding to support the proposed project (except as an alternate grant source if not selected for an ORLP grant).

Required Indirect Cost Statement to be submitted with Application.
All organizations must include the applicable statement from the following list in their application, and attach to their application any documentation identified in the applicable statement:

We are:

- A U.S. state or local government entity receiving more than $35 million in direct Federal funding each year with an indirect cost rate of [insert rate]. We submit our indirect cost rate proposals to our cognizant agency. Attached is a copy of our most recently approved rate agreement/certification.
- A U.S. state or local government entity receiving less than $35 million in direct Federal funding with an indirect cost rate of [insert rate]. We have prepared and will retain for audit an indirect cost rate proposal and related documentation.
- A [insert your organization type; U.S. states and local governments, do not use this statement] that has previously negotiated or currently has an approved indirect cost rate with our cognizant agency. Our indirect cost rate is [insert rate]. [Insert either: "Attached is a copy of our most recently approved but expired rate agreement. In the event an award is made, we will submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after the award is made." *or* "Attached is a copy of our current negotiated indirect cost rate agreement."]
- A [insert your organization type] that has never submitted an indirect cost rate proposal to our cognizant agency. Our indirect cost rate is [insert rate]. If we receive an award, we will submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after the award date.
- A [insert your organization type] that has never submitted an indirect cost rate proposal to our cognizant agency and has an indirect cost rate that is lower than 10%. Our indirect cost rate is [insert rate; must be lower than 10%]. However, if we receive an award we will not be able to meet the requirement to submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after award. We request as a condition of award to charge a flat indirect cost rate of [insert rate; must be lower than 10%] against [insert a clear description of the direct cost base against which your rate is charged (e.g., salaries; salaries and fringe benefits; or modified total direct costs). However, please note that your organization cannot charge indirect costs in excess of the indirect costs that would be recovered if applied against modified total direct costs as defined in §2 CFR

200.68]. We understand that we must notify the Service in writing if we establish an approved rate with our cognizant agency at any point during the award period.

- A [insert your organization type] that has never submitted an indirect cost rate proposal to our cognizant agency and has an indirect cost rate that is 10% or higher. Our indirect cost rate is [insert your organization's indirect rate; must be 10% or higher]. However, if we receive an award we will not be able to meet the requirement to submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after award. We request as a condition of award to charge a flat *de minimis* indirect cost rate of 10% to be charged against modified total direct project costs as defined in 2 CFR §200.68. We understand that we must notify the Service in writing if we establish a negotiated rate with our cognizant agency at any point during the award period. We understand that additional Federal funds may not be available to support an unexpected increase in indirect costs during the project period and that such changes are subject to review, negotiation, and prior approval by the Service.
- A [insert your organization type] that is submitting this proposal for consideration under the "Cooperative Ecosystem Studies Unit Network", which has a Department of the Interior-approved indirect cost rate cap of 17.5%. If we have an approved indirect cost rate with our cognizant agency, we understand that we must apply this reduced rate against the same direct cost base as identified in our approved indirect cost rate agreement per 2 CFR §1402.414. If we do not have an approved indirect cost rate with our cognizant agency, we understand that we must charge indirect costs against the modified total direct cost base defined in 2 CFR §200.68 "Modified Total Direct Cost (MTDC)". We understand that we must request prior approval from the Service to use the 2 CFR 200 MTDC base instead of the base identified in our approved indirect cost rate agreement. We understand that Service approval of such a request will be based on: 1) a determination that our approved base is only a subset of the MTDC (such as salaries and wages); and 2) that use of the MTDC base will still result in a reduction of the total indirect costs to be charged to the award. In accordance with 2 CFR §200.405, we understand that indirect costs not recovered due to a voluntary reduction to our federally negotiated rate are not allowable for recovery via any other means.

A [insert your organization type] that will charge all costs directly.

D7. Other Submission Requirements

Please note that since January 1, 2018, Grants.gov has mandated the use of "Workspace" for application development and submission. Workspace will be the mechanism for electronically filling out and submit the standard forms (e.g., SF-424). However, for the other required application elements files can be submitted in PDF or typical word processing programs such as Word, Excel, etc.

Grants.gov will only accept applications from currently authorized organization representatives (AORs) affiliated with a particular agency. If you are not already an AOR you will need to create an account with Grants.gov and identify your agency's e-business point of contact to be designated as an AOR for your agency. Agency processes vary: some have only a limited number of AORs who can submit applications while others will designate AORs for each program that needs one. Prior to attempting to submit an application, it is a good practice to check to ensure that your agency's Grants.gov and SAM accounts are current/active, along with the individual Grants.gov account of the AOR who will submit the application. Lastly, please

make sure that the DUNS number associated with the Grants.gov account that will be used to submit the application matches the one that has been registered with the NPS for use with the payment system (ASAP), otherwise funds will not transfer to ASAP when the award is approved. In the event you experience technical difficulties with submitting your application, it is best for you to contact the Grants.gov help desk. However, you should also contact your state's Program Officer to let them know your application may be delayed.

Application size limitations and file naming: The electronic application system (Grants.gov) has an overall application size limit of 200MB, above which the application will not be forwarded to the DOI's grant management system. Check the file sizes of individual attachments and do not submit extraneous material. Additionally, Grants.gov has requirements for naming application documents. Attachments that do not follow these rules may cause the entire application to be rejected or cause issues during processing. Please refer to the Grants.gov site for current requirements at Applicant https://www.grants.gov/applicants/applicant-faqs.html.

E. Application Review Information

E1. Criteria

Criterion 1 - Extent of Outdoor Recreation and Economic Needs **Maximum Points:** 20

This criterion assesses the extent of deficiency (based on quantity or quality) of close-to-home outdoor recreation areas/resources within walking distance of the economically disadvantaged community(ies), and the degree to which the project will serve this community(ies).

Priority will go to projects located in neighborhoods: 1) with the least amount of existing, usable, public-accessible outdoor recreation within a .5-mile radius of the economically disadvantage community targeted by the project, or 1-mile if serving multiple communities, and 2) that have the largest number of residents above the minimum poverty level.

- Describe the amount of, and types of, existing recreation resources within a .5 and 1-mile radius of the proposed economically disadvantaged community(ies).
- Describe the specific deficiencies as they relate to the lack of, or inadequacy of, local outdoor recreation areas/uses.
- Describe how the deficiencies were identified.
- State the estimated number of people who live within .5 and 1 mile and the percentage of those who are above the 20% poverty level.
- State the census tract number and poverty level of the economically-disadvantaged community targeted by the project (using http://censusreporter.org/locate) and poverty level of the city, county and state. Other relevant economic and demographic information about the target community can be provided as well but *projects not providing a poverty rate, or meeting the minimum poverty level, will be eliminated*.

Criterion 2 - Appropriateness of Project to Meet Identified Community Outdoor Recreation Needs and Increase Access to Nature's Benefits **Maximum Points:** 20

This criterion assesses how well the proposed project meets the need(s) for newly created or significantly enhanced outdoor recreation resources within the target community/population, particularly projects that increase access to nature and other green spaces.

Priority will be given to projects: 1) creating the largest impact on the target community by significantly increasing the number of people or user groups who could be served, and 2) providing recreation areas with an emphasis on green spaces, natural landscapes, and tree cover.

- Describe how the proposed project will create or significantly improve access to close-to-home park and recreation opportunities for the project's target community(ies).
- Describe the new or expanded types of outdoor recreation opportunities and/or capacities that will be created as a result of the project.
- Estimate the anticipated increase in the number of people and/or types of user groups that will newly be able to recreate as a result of the project and how this impact was determined.
- Describe the natural benefits that will be produced by the recreation area such as cooling effects, improved mental and/or physical health, cleaner air, etc.

Criterion 3 - Community Involvement in, and Support of, Proposed Project **Maximum Points:** 20

This criterion assesses the level of supportive partnership-building involved in the development and implementation of the project among the project sponsor, residents of the target community to be served by the park, government agencies, the private sector, and community and/or conservation organizations.

Priority will be given to projects that 1) demonstrate the highest degree of effort or initiative to engage residents of the target neighborhood(s) in the project's development, and 2) demonstrate the most significant amount of collaboration among the public and private sectors, including multiple levels of government, private/non-profit organizations, and community groups, and 3) demonstrate support for the project through contributions of cash, land, equipment or other resources to the project, allowing for the matching share to be derived from *multiple* resources, particularly non-public resources.

- Describe the process that led to the development of this proposal. Focus on the efforts made to engage the public, especially the target community, and their participation in the project's design as well as that of other interested/affected entities. Include details such as number of meetings held and number of attendees, number of community members contacted, number of responses received.
- Describe the partnerships or other collaborative efforts that have helped, or will help to, facilitate the project.
- Describe or provide evidence of local support for the project, particularly from the local community. (*Reference letters of support included with the application.*)
- Describe the how project is/will be supported through contributions of matching share in the form of money, land, supplies, services, etc. (*Reference letters confirming match.*)

Criterion 4 - Embracing New Parks and Innovative Project Attributes **Maximum Points:** 10

Assesses the degree to which ORLP funds will assist new outdoor recreation resources and the degree to which the project incorporates innovative ideas.

Priority will be given to parks and projects that 1) have not received any previous LWCF, Urban Park and Recreation Recovery (UPARR), or ORLP assistance, and 2) encompass innovative characteristics.

- On the Project Narrative Data Sheet, provide information about any previous LWCF, UPARR and ORLP assistance.
- Describe the ways in which this project incorporates innovative characteristics. These qualities could be related to aspects such as: eco-friendly design; creation of short and/or long-term jobs or stimulation of business in the local community; site features that considers the needs of all demographics; redevelopment of a blighted or distressed properties; involvement of new or non-traditional partners; unusual features in the project design; employment of novel solutions to issues in/challenges to addressing the community's recreation needs; the ability to affect or advance other complementary and intrinsic benefits beyond providing new or enhancing park or other outdoor recreation spaces; and other similar characteristics.

Criterion 5 - Project Alignment with SCORP and Other Applicable Plans **Maximum Points:** 10

This criterion assesses the degree to which the project advances or is otherwise tied to the priority recreation needs and/or goals of the applicable State Comprehensive Outdoor Recreation Plan (SCORP) and other relevant park and recreation plans. Projects can also receive credit for aligning with or advancing priorities of other comprehensive or master plans at the city, regional, and/or state level (such as community revitalization, economic development, or open space plans).

Priority will be given to projects that best meet 1) at least 1 goal or need that is clearly identified in the SCORP, *particularly any that are specific to communities that are economically disadvantaged, lacking access to outdoor recreation or that focus on the area in which the project is located*, and 2) at least 4+ additional, applicable, planning documents at different levels of government and/or private sector initiatives.

- State the specific SCORP goals or needs that the proposed project will advance or implement, and support how this project addresses each goal/need.
- Describe any other park or outdoor recreation plan (provide date of plan) that the project advances or supports, and state precisely how the proposed project aligns with it/each.
- Describe any other relevant city, regional, or state plans or initiatives (provide date of plan) that the project advances or supports, and state precisely how the prosed project aligns with each.

Criterion 6 - Project Feasibility and Likelihood of Success **Maximum Points:** 20

This criterion assesses the probability that the project will be successfully completed within the proposed timeline and budget, the viability of the proposed budget, and the ability of the project

sponsor and partners to manage the project and maintain the park/resource in the future.

Priority will be given to projects that 1) show support from non-public sources by leveraging some or all of the required matching share (e.g. money or donations), 2) can break ground within one year and will be complete and open to the public within 2 to 3 years, 2) are managed by project sponsors and partners with proven experience in successfully managing similar projects with no problems, and 3) can demonstrate a clear capacity, and a plan, for successful long-term park management and protection.
Budget costs must be clearly linked to the scope of work and are necessary, reasonable, allowable, and allocable. The matching share must be fully secured or firmly committed and supported by a letter of commitment from the donor. (*The budget will not be scored by the panels; however, it will be considered as a deciding factor in selection if the budget is insufficiently detailed, contains unreasonable, unnecessary, or unallowable costs, and/or does not align with the technical scope of the proposal.*)

- Describe contributions of match (cash or in-kind donations) from sources other than the sponsor, particularly any non-public sources.
- Describe the status of planning for the grant project, its readiness to be implemented and support the accuracy of the established deadlines and milestones within the attached timeline.
- Describe any issues with the site that would prevent it from being open and available to the public within 2-3 years.
- Describe the relevant experience of those managing the various aspects of this project. If partners are involved, their role(s) should also be described.
- Describe how the park or recreation area will be managed and maintained, physically and financially, to assure permanent use for public outdoor recreation.
- Ensure the LWCF boundary map clearly indicates the project area and the proposed protected boundary separately or indicates that they are the same.
- Within the Budget Narrative:
    - Break down, describe, and justify the proposed project costs.
    - Clearly indicate which costs (or the amount of each cost) that will be covered by LWCF funds versus matching share.
    - List all agencies, organizations or other entities providing matching share under this project.
    - State the value and type (cash, donation of equipment etc.) of each matching share contribution.
    - Document that the 1:1 required matching share contribution is secure or firmly committed at the time of application. If overmatch is included, state if it has been secured, or when and how it is expended to be secured. (*A letter from each secured matching-share contributor should be included as a letter of support, clearly stating the commitment of match.)*

E2. Review and Selection Process

Prior to award, the program will review any applicant statement regarding potential overlap or duplication between the project to be funded and any other funded or proposed project in terms of activities, funding, or time commitment of key personnel. Depending on the circumstances,

the program may request modification to the application, other pending applications, or an active award, as needed to eliminate any duplication of effort, or the Bureau may choose not to fund the selected project.

The program may not make a Federal award to an applicant that has not completed the SAM.gov registration. If an applicant selected for funding has not completed their SAM.gov registration

by the time the Bureau is ready to make an award, the program may determine that the applicant is not qualified to receive an award. The program can use that determination as a basis for making an award to another applicant.

Prior to award, the program will evaluate the risk posed by applicants as required in 2 CFR 200.205. Programs document applicant risk evaluations using the Bureau's "Financial Assistance Recipient Risk Assessment" form. Prior to approving awards for Federal funding in excess of the simplified acquisition threshold (currently $250,000), the Bureau is required to review and consider any information about or from the applicant found in the Federal Awardee Performance and Integrity Information System. The Bureau will consider this information when completing the risk review. The Bureau uses the results of the risk evaluation to establish monitoring plans, recipient reporting frequency requirements, and to determine if one or more of the specific award conditions in 2 CFR 200.207 should be applied the award.

Criteria Scoring:

Criteria valued at 20-points will be rated using the 10-point scale below but weighted at twice the value. This means that a score of 8 in a 20-point Criteria would be valued at 16 points. Total point value of all criteria is 100 points.

Superior (9-10 points): Application fully addresses all aspects of the criterion, demonstrates that the project will surpass the criterion's stated priorities and contains no weaknesses.
Good (7-8 points): Application fully addresses all aspects of the criterion, demonstrates that the project will fully meet the criterion priorities and contains no weaknesses.
Satisfactory (5-6 points): Application addresses all aspects of the criterion to some degree, demonstrates that the project will meet the criterion priorities but/and/or contains a couple of minor weaknesses.
Marginal (3-4 points): Application addresses most aspects of the criterion, does not clearly demonstrate that the project will meet or come close to meeting the criterion priorities, but/and/or contains a moderate weakness and/or a number of minor weaknesses.
Poor (1-2 points): Application does not adequately address the aspects of the criterion, reveals issues in the likelihood of meeting or coming close to meeting, criterion priorities but/and/or contains a significant weakness and/or a number of moderate weaknesses that may outweigh any strengths presented.
Not Acceptable (0 point): Application does not adequately address the aspects of the criterion, reveals issues in the likelihood of meeting criterion priorities to any significant degree but/and/or contains weaknesses that clearly outweigh any strengths presented.

Proposal Review:

The application must include all Required Elements, listed in the "Required Elements" in Section D2. *Applications submitted without all the required elements will be eliminated from the*

competition without consideration.

Information linked within application documents will not be considered in the review.

Within both Round 6A and Round 6B, project proposals will be scored and ranked on a based on an evaluation of how well the project meets the review and selection criteria for the competition and the general requirements of the LWCF Act.

The NPS will conduct an initial screening of each proposal to determine whether it is complete (i.e., at a minimum contains all Required Elements) and meets all Eligibility Requirements (i.e., project is from an eligible applicant and/or sponsor, provides the minimum cost share, and its purpose is consistent with the LWCF Act and the objectives of this competition). Presuming it is found to be eligible for consideration, the proposal will be evaluated and scored by a peer-based merit panel. Each proposal will be reviewed by at least 4 (four) reviewers, but no consensus advice will be given. Both federal and non-federal experts may be used for the merit panel and will have experience in fields related to the competition criterion. Reviewers' scores will be compiled and averaged as needed to create a final score.

Simultaneous to the merit review panel process, NPS staff will review the project for compliance with federal laws, most notably compliance with the National Environmental Policy Act and with the National Historic Preservation Act. If these reviews reveal features of the project that affect its eligibility or viability, the NPS may remove the project from the competition.

Budgets for projects rating high enough to be considered for selection will be evaluated by program staff to validate or confirm the merit ratings of the review panel. Importantly, the budget evaluation provides some initial insight to project-related risk, beyond those dealing with technical uncertainty, which will be considered prior to award. Deficiencies identified by the technical or merit panel reviews, as well as suggested adjustments, will be noted for possible negotiation purposes. Although the budget evaluation does not affect the technical score, it can be considered as a deciding factor if the budget does not support the technical aspects of the proposal.

The scores and reviewer evaluations will be used by the competition managers to produce a ranked list of proposals that will be recommended to the competition's selecting official for final selection. Generally, proposals will be recommended in the ranked order unless there is justification to select out of order based upon:

- Availability of funding
- Geographic distribution of projects and/or funds
- Program objective and priorities (see Section A of this NOFO)
- The applicant's prior performance in managing LWCF grants and/or assisted sites
- Issues uncovered during the NPS compliance review that cannot be resolved prior to the date of selection of projects

If two or more proposals within a state rank equally in their scores, and a judgment must be made as to which is/are awarded funding, NPS will request that the State make a

recommendation as to which best reflects the priorities of the SCORP, is most likely to be successfully completed, and/or will have the highest impact.

When a decision has been made (whether to award or declination of award), summaries of technical and merit reviews will be made available to the State Lead Agency and/or the project sponsor upon request. Declined applications will be held by the NPS for three years, in accordance with the current retention requirements, and then destroyed.

E3. CFR – Regulatory Information

See the National Park Service's Award Terms and Conditions for the general administrative and national policy requirements applicable to Service awards. The Service will communicate any other program- or project-specific special terms and conditions to recipients in their notices of award.

E4. Anticipated Announcement and Federal Award Dates

The NPS is targeting **September 1, 2023**, for an announcement of selection results in Round 6A, and **January 1, 2024**, for an announcement of selection results for Round 6B.

F. Federal Award Administration Information

F1. Federal Award Notices

Once a final decision is made by the NPS about the award of a grant, a project agreement will be signed by the applicable LWCF Financial Assistance Awarding Officer for the LWCF Region in which the project's state is located and sent to the State Lead Agency. The State Lead Agency will then, if needed, make a sub-award to the local project sponsor. In no case will the NPS make an award directly to the local project sponsor. Until the project agreement is signed, the sponsor should not begin work on the project that would result in the incurring of expenses desired for reimbursement from the grant or for use as match, unless for eligible pre-award costs or the project has a waiver of retroactivity. A grant agreement signed by a Financial Assistance Awarding Officer is the only authorizing document required to begin performance.

As the primary grantee, the state lead agencies are responsible for managing the day-to-day implementation of the grant and the sub-award supported activities to assure the project's compliance with the LWCF Act and Manual, other applicable Federal requirements, and that performance goals are being achieved.

F2. Administrative and National Policy Requirements

See the "DOI Standard Terms and Conditions" for the administrative and national policy requirements applicable to DOI awards.

Data Availability

Per the Financial Assistance Interior Regulation (FAIR), 2 CFR §1402.315:

(a) All data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, valuation products or other scientific assessments in any medium or form, including

textual, numerical, graphic, cartographic, narrative, or audiovisual, resulting from a financial assistance agreement is available for use by the Department of the Interior, including being available in a manner that is sufficient for independent verification.

(b) The Federal Government has the right to:

(1) Obtain, reproduce, publish, or otherwise use the data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, produced under a Federal award; and

(2) Authorize others to receive, reproduce, publish, or otherwise use such data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, for Federal purposes, including to allow for meaningful third-party evaluation.

The LWCF Grant Assistance Manual, v. 71 (March 11, 2021) establishes the specific eligibility, procedural, and programmatic requirements for LWCF grants. A copy of the Manual can be found at https://www.nps.gov/subjects/lwcf/upload/LWCF-FA-Manual-Vol-71-3-11-2021-final.pdf. The Manual outlines the criteria and process for eligible states and territories to develop a SCORP, develop projects for nomination to the NPS, submit applications, and implement grants for selected projects. All applications submitted pursuant to this announcement must be consistent with the Manual and are subject to the requirements described therein. Recipients and sub-recipients of LWCF grants are also subject to all Federal laws and agency policies, regulations, and procedures applicable to Federal financial assistance awards. These are described in the Manual and in the LWCF terms and conditions. The LWCF-specific terms and conditions are integrated into the standard conditions document and are additional conditions that recipients must also agree to in accepting the grant, such as the requirement to record language and a copy of the LWCF boundary map with the land records for the property to acknowledge the LWCF assistance. If there are outstanding issues still requiring resolution at the time the grant is issued, the NPS may include special award conditions on the grant constraining when work on the project may begin or restricting access to the funds until the conditions are satisfied.

F3. Reporting

Financial Reports

All recipients must use the SF-425, Federal Financial Report form for financial reporting. At a minimum, all recipients must submit a **final** financial report. Final reports are due no later than 120 calendar days after the award period of performance end date or termination date. For awards with periods of performance longer than 12 months, recipients are required to submit **interim** financial reports on the frequency established in the Notice of Award. The only exception to the interim financial reporting requirement is if the recipient is required to use the SF 270/271 to request payment and requests payment at least once annually through the entire award period of performance. We will describe all financial reporting requirements in the Notice of Award.

The FFR (and relevant instructions) can be downloaded from:
https://www.grants.gov/forms/post-award-reporting-forms.html

The NPS Financial Assistance Awarding Officer will review the report for patterns of cash expenditures and assess whether performance or financial management problems exist. Before submitting the FFR to the NPS Financial Assistance Awarding Officer, recipients must ensure

that the information submitted is accurate, complete, and consistent with the recipient's accounting system. The recipient Authorized Certifying Official's signature on the FFR certifies that the information in the FFR is correct and complete and that all outlays and obligations are for the purposes set forth in the agreement documents and represents a claim to the Federal Government. Filing a false claim may result in the imposition of civil or criminal penalties.

Performance Reports

Performance reports must contain a comparison of actual accomplishments with the established goals and objectives of the award; a description of reasons why established goals were not met, if appropriate; and any other pertinent information relevant to the project results. Final reports are due no later than 120 calendar days after the award period of performance end date or termination date. For awards with periods of performance longer than 12 months, recipients are required to submit **interim** financial reports on the frequency established in the Notice of Award.

In accordance with 2 C.F.R. 200.328, the performance reports shall contain brief information on:

1. A comparison of actual accomplishments to the objectives of the Federal award established for the period. Where the accomplishments of the Federal award can be quantified, a computation of the cost (for example, related to units of accomplishment) may be required if that information will be useful. Where performance trend data and analysis would be informative to the Federal awarding agency program, the Federal awarding agency should include this as a performance reporting requirement;
2. The reasons why established goals were not met, if appropriate; and
3. Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

Before submitting the performance report to the NPS Financial Assistance Awarding Officer, recipients must ensure that the information submitted is accurate, complete, and consistent with the recipient's Federal financial report. Filing false information may result in the imposition of civil or criminal penalties.

Significant Development Reports

Events may occur between the scheduled performance reporting dates which have significant impact upon the supported activity. In such cases, recipients are required to notify the Bureau in writing as soon as the recipient becomes aware of any problems, delays, or adverse conditions that will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of any corrective action(s) taken or contemplated, and any assistance needed to resolve the situation. The recipient should also notify the Service in writing of any favorable developments that enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

Real Property Reports

Recipients and subrecipients are required to submit status reports on the status of real property acquired under the award in which the Federal government retains an interest. The required frequency of these reports will depend on the anticipated length of the Federal interest period. The Bureau will include recipient-specific real property reporting requirements, including the required data elements, reporting frequency, and report due dates, in the Notice of Award when applicable.

Conflict of Interest Disclosures
Recipients must notify the program immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award.

Other Mandatory Disclosures
The Non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the terms and conditions outlined in 2 CFR 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.339 Remedies for Noncompliance, including suspension or debarment.

Reporting Matters Related to Recipient Integrity and Performance
If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings in accordance with Appendix XII to 2 CFR 200.

G. Federal Awarding Agency Contact(s)

G1. Program Technical Contact

For **programmatic technical assistance**, contact:

First and Last Name: Ginger Carter
Address: 1849 C Street NW, Washington, DC 20240
Telephone: 202-513-7233
Email: ginger_carter@nps.gov

Questions and issues may also be directed to the assigned NPS program officer for each state or the State Lead Agency.

G2. Program Administration Contact

For **program administration assistance**, contact:

First and Last Name: Elisabeth Fondriest
Address: 1849 C Street NW, Washington, DC 20240

Telephone: 202-354-6916
Email: elisabeth_fondriest@nps.gov

G3. Application System Technical Support

For Grants.gov technical registration and submission, downloading forms and application packages, contact:
Grants.gov Customer Support
Telephone: 1-800-518-4726
Support@grants.gov

For GrantSolutions technical registration, submission, and other assistance contact:
GrantSolutions Customer Support
Telephone: 1-866-577-0771
Help@grantsolutions.gov

H. Other Information

Payments
Domestic recipients are required to register in and receive payment through the U.S. Treasury's Automated Standard Application for Payments (ASAP), unless approved for a waiver by the Service program. Foreign recipients receiving funds to a final destination bank outside the U.S. are required to receive payment through the U.S. Treasury's International Treasury Services (ITS) System. Foreign recipients receiving funds to a final destination bank in the U.S. are required to enter and maintain current banking details in their SAM.gov entity profile and receive payment through the Automated Clearing House network by electronic funds transfer (EFT). The Bureau will include recipient-specific instructions on how to request payment, including identification of any additional information required and where to submit payment requests, as applicable, in all Notices of Award.

Information about the LWCF State and Local Assistance Program, including the LWCF Manual, at https://www.nps.gov/subjects/lwcf/index.htm. This NOFO is available via the grants.gov website: http://www.grants.gov (search for LWCF). Application materials are available via the Grants.gov and LWCF websites or by contacting the program officials identified above. Project sponsors should also review their state's LWCF website (if available) and particularly the state's SCORP. Links to State LWCF sites can be found at: https://www.nps.gov/subjects/lwcf/contact-list.htm.

The $192 million in funding available for this competition includes $103M allocated by Congress in FY2022 plus unused funds from prior years.

Project sponsors are reminded that this competition represents just a portion of the funding allocated for grants through LWCF State and Local Assistance Program in FY2022. Grants may be available from your state for the regularly apportioned funds as well. Contact your state's lead agency for more information.

Neither the NPS nor the Department of the Interior will be responsible for proposal preparation costs or project costs if the proposal fails to receive funding. Publication of this announcement

does not oblige the NPS to make an award to any specific project or to obligate any available funds.