Office of Surface Mining Reclamation and Enforcement

OSM-HQ - OSM Headquarters

2022
S22AS00001

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A. Program Description

A1. Authority

The Statutory Authority for the Abandoned Mine Land Reclamation Program is the Surface Mining Control and Reclamation Act of 1977 (SMCRA), as amended, Public Law 95-87, 91 Stat. 445-532.

15.253

A2. Background, Purpose and Program Requirements

In accordance with Section 404 of The Surface Mining Control and Reclamation Act of 1977 (SMCRA), as amended, lands and water eligible for reclamation or drainage abatement under Section 404 of Public Law 95-87 (the Act), Stat. 445-532 as amended, are those which were mined for coal or which were affected by mining, waste banks, coal processing, or other coal mining processes prior to August 3, 1977, and left in an unclaimed or inadequately reclaimed condition, for which there is no continuing reclamation responsibility under state or other Federal laws.
1. The Watershed Cooperative Agreement Program (WCAP) is designed to be partnered with other funding sources to assist groups such as small watershed organizations to complete local Acid Mine Drainage (AMD) reclamation projects.
2. Funding is available to assist local 501(c)(3) status organizations and groups that undertake local AMD reclamation projects to improve the water quality of streams impacted by acid mine drainage.
3. The funding priorities and technical focus for this announcement are to restore streams affected by AMD to a level that will support a diverse biological community and provide recreational opportunities for the public.
4. Non-Federal entities may use WCAP funds only for AMD problems related to SMCRA defined abandoned coal mining activities and processes, which include remediation of AMD, sources of AMD, and installation of passive or active water treatment systems, including repairs and renovations. Projects may also include reclamation of lands that are contributing sediment or acid forming materials to streams. For other provisions relating to lands and waters eligible for such expenditures, see Section 402(g) (4), Section 403(b) (1), and Section 409 of Public Law 95-87.

B. Federal Award Information

B1. Total Funding

Estimated Total Funding

$1,300,000

B2. Award Amount

Maximum Award

$100,000

Minimum Award

$1

Funding for the WCAP program is contingent on availability of appropriations. In no event will OSMRE be responsible for the preparation costs incurred by any applicant if the program fails to receive funding or is canceled due to Agency priorities. Publication of this NOFO does not obligate OSMRE or the DOI to award funding.

B3. Anticipated Award Funding and Dates

Anticipated Award Date

January 03, 2023

Anticipated start dates will be based upon date of receipt and evaluation of application, availability of funding appropriations, and project schedule.

B4. Number of Awards

Expected Number of Awards

13

The estimated number of WCAP Cooperative agreements to be awarded is twenty.

B5. Type of Award

Funding Instrument Type

CA - Cooperative Agreement

Recipient grantee may apply for non-funded extensions of time as necessary to complete the project.

In accordance with 2 CFR 200.1, a Cooperative Agreement means a legal instrument of financial assistance between a Federal awarding agency and a recipient or a pass-through entity and a subrecipient that, consistent with 31 U.S.C. 6302-6305:

(1) Is used to enter into a relationship the principal purpose of which is to transfer anything of value 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 Government or pass-through entity's direct benefit or use;

(2) Is distinguished from a grant in that it provides for substantial involvement of the Federal awarding agency in carrying out the activity contemplated by the Federal award.

Substantial involvement will be limited to one or more of the following areas:
(a) Approval of the recipient’s implementation plans;
(b) Review of the recipient's monitoring and evaluation plans;
(c) Approval of specified key personnel;
(d) Concurrence in the substantive provisions of subawards.

The Cooperative Agreement will be for a project period not to exceed two years from date of award.

C. Eligibility Information

C1. Eligible Applicants

Eligible Applicants
12 – Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education

Additional Information on Eligibility
An Eligible Applicant is limited to not-for-profit IRS 501(c) (3) status organizations that meets the following conditions:
(a) Proof of not-for-profit IRS 501(c) (3) status as determined by the Internal Revenue Service or an authorizing tribal resolution is required of nonprofit organizations and institutions.
(b) State/Tribal certification of project eligibility is required by the Surface Mining Control and Reclamation Act of 1977 (SMCRA) Section 404.
(c) Proposal must include details of how the project benefits communities and ecosystems impacted by polluted stream and or acid mine drainage.
(d) Written agreement between the applicant and property owner(s) must be secured for Right to Access.
(e) Include copies of all letters of support for the project from local community group, business and individuals.

C2. Cost Sharing or Matching

Cost Sharing / Matching Requirement
No

C3. Other

OSMRE requires recipients to maintain financial data to provide for the safeguard and accountability of Federal funds, to include written procedures for purchases, accounting system, cash management; and organizational structure in accordance with 2 CFR 200. 303, Internal Controls, examples of internal controls include the following:
(a) Provide accurate, current, and complete financial information about Federal awards and

subawards.
(b) Maintain records that adequately identify the sources of funds for Federally assisted activities and the purposes for which the award was used, including authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and any program income. Accounting records must be supported by source documentation such as canceled checks, paid bills, payrolls, and time and attendance records.
(c) Maintain effective control over and accountability for all cash, real and personal property, and other assets under the award; adequately safeguard those assets; and ensure that they are used only for authorized purposes.

Applicants are responsible for ensuring that proposed budget costs are allowable, allocable, and reasonable; in accordance with the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Programs, 2 CFR 200.403, Factors Affecting Allowability of Costs, 200.404, Reasonable Costs, and 200.405, Allocable Costs.

Suspension and Debarment: Funds will not be awarded to any applicant that is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily exclude from cover transactions by any Federal debarment or agency, or are presently indicted for or otherwise criminally or civilly changed by a government entity.
No funds will be awarded to recipients who have within a three-year period preceding this proposal have been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with
obtaining, attempting to obtain, or performing a public (Federal, State, local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, and making false statements or receiving stolen property.

Applicant Violator System (AVS) All applicants, organization officers and others having authority to make project related decisions will be screened through the AVS. AVS is an automated information system owned and operated by OSMRE that contains information on applicants, permittees, operators, application and permit records, as well as unabated or uncorrected environmental violations of SMCRA.

Federal Performance and Integrity System (FAPIIS). Prior to any award of Federal funds, the Federal award agencies will review and consider information about the applicant that is in Federal Performance and Integrity System FAPIIS. Applicants may review and comment on information about them in FAPIIS and the agency will consider any applicant comments in making award decisions; and address post-award grant reporting requirements and inform applicants about post-award FAPIIS reporting requirements, in accordance with 2 CFR 200. 212(c)(5), Reporting a Determination that a non-Federal Entity is not Qualified for a Federal award.

Excluded Parties: OSMRE conducts a review of the SAM.gov Exclusions database for all applicant entities and their key project personnel prior to award. OSMRE 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.

D. Application and Submission Information

D1. Address to Request Application Package

Electronic Delivery
OSMRE is participating in the Grants.gov initiative to provide the grant community with a single site to find and apply for grant funding opportunities. OSMRE requires applicants to submit their applications online through Grants.gov.

D2. Content and Form of Application Submission

1. 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).

Any applicant organization that has not completed the financial assistance certifications and representations within their SAM.gov registration must submit the appropriate signed and dated Assurances form. All of the required application forms are available with this announcement on Grants.gov.

Project Narrative

The full proposal must include the main documents and supplementary documents described below:
a. The Technical Proposal is a document of no more than 15 pages. It should describe in depth the scope of the proposal, its goals, methods, its schedule, personnel working on the project their qualification and the instructional capabilities of the applicant.

b. The Project Abstract is a concise summary/abstract of the proposed effort. The project summary/abstract must contain a summary of the proposed activity suitable for dissemination to the public. It should be a self-contained document that identifies the name of the applicant, the project director/principal investigator(s), the project title, the objectives of the project, a description of the project, including methods to be employed, the potential impact of the project (i.e., benefits, outcomes), and major participants (for collaborative projects). The Executive Summary must not exceed one (1) single-sided page and counts toward the page limit of the Technical Proposal.

c. Problems, Solutions and Technical Approach. This is a description of the problems proposed to be solved. This section should explain what solutions are needed to overcome the problems, who would benefit from the solutions, and what the anticipated impacts are if the problems are solved.

This section should also include a description of the technical approach that the applicant plans to employ to solve the identified problems, to achieve the anticipated impacts and include water quality and flow results and analysis sufficient to allow OSMRE to evaluate the technical proposal. One year of flow and water quality measurements is recommended.
d. Statement of Work and Potential Impact of the Results. This is a complete statement of work to meet the technical approach that directly addresses the problems described in the Problems, Solutions and Impact Statement of the Technical Proposal. The statement of work must include a schedule of milestones for the overall project, the applicant's plan to manage the project tasks, and metrics for measuring the success of the proposed efforts and potential impact of the results. A detailed construction estimate is required.

e. Qualifications and Experience of Key Personnel and Resources Availability. This is a description of the qualifications, proposed roles, and level of planned effort of the project participants, including the proposed role of the project leader, key personnel and staff. A description of the applicant's access to the necessary equipment and facilities to accomplish the proposed objectives should be included.

Applicants must submit the appropriate SF-424 Budget Information form and Budget Narrative. For non-construction programs or projects, applicants must complete and submit the SF-424A, "Budget Information for Non-Construction Programs" form. 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.

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.

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 Narrative. The Budget Narrative must provide a detailed breakdown of each of the object class categories as reflected on the SF-424 C. The budget justification should address all of the budget categories for which Federal funds are requested. The written justification should include the necessity and the basis for the cost. Proposed funding levels must be consistent with the project scope, and only allowable costs should be included in the budget. Information on allowable cost is available in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR 200.

a. Administrative and Legal Expenses. At a minimum, the budget justification for all personnel should include the following: name, job title, commitment of effort on the proposed project in terms of average number of hours per week or percentage of time, salary rate, total direct charges on the proposed project, description of the role of the individual on the proposed project and the work to be performed.

b. Indirect Cost Rate Agreement. If indirect costs are included in the proposed budget, provide a copy of the approved negotiated agreement if this rate was negotiated with a cognizant Federal audit agency. If the rate was not established by a cognizant Federal audit agency, provide a statement to this effect. Alternatively, in accordance with 2 CFR 200.414(f), Indirect (F&A) Costs, applicants that have never received a negotiated indirect cost rate may elect to charge indirect to an award pursuant to a de Minimis rate of 10 percent of modified total direct cost (MTDC), in which case a negotiated indirect cost rate agreement is not required. Applicants proposing a 10 percent de Minimis rate pursuant to 2 CFR. 200.414(f), Indirect (F&A) Costs, should note this election as part of the budget and budget narrative portion of the application. In addition to these requirements, applicants must also meet the provisions of 2 CFR 1402.414, with respect to deviations on negotiated indirect cost rate.

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 subrecipients, 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 subrecipients.

(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 part 18 and 31 U.S.C. 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 200.338, Remedies for noncompliance, including suspension or debarment (see also 2 CFR part 180).

Single Audit Reporting Statement
All U.S. states, local governments, federally recognized Indian tribal governments, 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. U.S. state, local government, federally recognized Indian tribal government, 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

Applicants must provide a statement indicating if there is any overlap between this Federal application and any other Federal application, or funded project, in regards to activities, costs, or time commitment of key personnel. 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, including in regards to activities, costs, or time commitment of key personnel". If any such overlap exists, provide a complete description of overlaps or duplications between this proposal and any other federally funded project or application in regards to activities, costs, and time commitment of key personnel, as applicable. Provide a copy of any overlapping or duplicative proposal submitted to any other potential funding entity and identify when that proposal was submitted, to whom (entity name and program), and when you anticipate being notified of their funding decision. 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. If at any time a proposal is awarded funds that would be overlapping or duplicative of the funding requested from OSMRE, the applicant must immediately notify the OSMRE point of contact. Any overlap or duplication of funding between the proposed project and other active or anticipated projects may impact selection and/or funding amount.

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
09/20/2022

Application Due Date Explanation
Electronically submitted applications must be submitted no later than 5:00 p.m., ET, on the listed application due date.

D5. Intergovernmental Review

Prior to application submission, U.S. state and local government applicants should visit the OMB Office of Federal Financial Management website and view the "State Point of Contact (SPOC) List" to determine whether their application is subject to the state intergovernmental review process under Executive Order (E.O.) 12372 "Intergovernmental Review of Federal Programs." States not on the list do not participate in the intergovernmental review process, and therefore do not have a SPOC. If you are located within a State that does not have a SPOC, you may send application materials directly to a Federal awarding agency. If your state is on the list, contact the designated entity for more information on the state's prior review requirements for Federal assistance applications.

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 OSMRE 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.

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 OSMRE 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 OSMRE 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 OSMRE.
- 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 OSMRE to use the 2 CFR 200 MTDC base instead of the base identified in our approved indirect cost rate agreement. We understand that OSMRE 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.

If indirect costs are included in the proposed budget, you must provide a copy of the approved negotiated agreement if the rate was negotiated with a cognizant Federal audit agency. If the rate was not established by a cognizant Federal audit agency, provide a statement to this effect. Alternatively, in accordance with 2 CFR 200.414(f), Indirect (F&A) Costs, applicants that have never received a negotiated indirect cost rate may elect to charge indirect to an award pursuant to a de Minimis rate of 10 percent of modified total direct cost (MTDC), in which case a negotiated indirect cost rate agreement is not required. Applicants proposing a 10 percent de Minimis rate pursuant to 2 CFR. 200.414(f), Indirect (F&A) Costs, must note this election as part of the budget and budget narrative portion of the application. In addition to these requirements, applicants must also meet the provisions of 2 CFR 1402.414, with respect to deviations on negotiated indirect cost rate.

D7. Other Submission Requirements

Forms and Content of Application Submission.

The application must contain the following required forms and documents available on grants.gov:

a. SF-424, Application for Federal Assistance, which must be signed by an authorized representative of the applicant organization.
i. SF-424, Item 12, should list the NOFO #
ii. SF-424, Item 18, should list the total estimated budget amount to complete the project as defined in the application including the Federal amount requested and other funding being brought to the project.

b. SF-424C, Budget Information - Construction Programs.

c. SF- 424D, Assurances - Construction Programs.

d. SF-LLL, Disclosure of Lobbying Activities or Lobbying Form, Certification Regarding Lobbying.

e. Project/Performance site Location(s) form, OMB Number: 4040-0010.

f. Project Abstract, OMB Number: 4040-0010.

g. Key Contacts Form, OMB #Number: 4040-0010.

Application Format
a. Submissions. All application must be submitted through grants.gov.

b. Font. Use 12 pitch font and 1 inch margins.
i. Smaller type may be used in figures and tables but type must be clearly legible.
ii. Figures, Graphs, Images, and Pictures. Should be of a size that is easily readable or viewable and maybe landscape orientation.

c. Page Limit: The page limit of the Application Package must not exceed a total of 30 pages, not including the required forms, budget narrative, and resumes. The Technical Proposal for Applications is limited to fifteen (15) pages.

d. Page Size. 8 ½ inches by 11 inches.

e. Application language: English

f. Application Replacement Pages: Applicants may submit replacement pages.

Revisions must be submitted to OSMRE via grants.gov or, by request, to a regional grants office.

a. Pre-Applications: There are no pre-applications with this NOFO.

b. Cover Sheet: The cover sheet for the technical proposal should reference the Non-for-profit AMD Reclamation WCAP Funding Opportunity Number.

c. Page layout: Technical Proposal must be in portrait orientation.

d. Page numbering: Number pages sequentially.

e. Table of Contents: Include major sections and the corresponding page numbers.

Application submissions must completely address the following:
a. The Applicant must have written measurable goals for the project.

b. Background information must provide a comprehensive description of the relevance of the project.

c. The remediation proposal should demonstrate that they have considered the best possible treatment option available with a high probability of success.

d. The Applicant must have a plan to address ongoing operational and maintenance needs for the project.

e. The plan must identify how the applicant will monitor and assess the ongoing effectiveness of the project, and respond to treatment problems.

f. OSMRE funding should be the final funding source necessary for the project to proceed with construction.

g. If the total project costs include in-kind donations of services or materials, the applicant must provide the documentation that these service or materials are properly valued in accordance with 2 CFR 200.306, Cost sharing or Matching.

The following costs could be allowable under a WCAP agreement if they are necessary and reasonable for the project:

a. Award, Inspection, and Administrative costs directly associated with the approved project, such as financial and program administration of the cooperative agreement, preparing reports, traveling to the project site for monitoring purposes, and supply and laboratory costs for water quality sampling.

b. Pre-and post-construction water quality and quantity monitoring of an approved project.

c. The post-construction monitoring must not require an extension of the performance period of your cooperative agreement.

d. In accordance with 2 CFR. 200.403; Factors Affecting Allowability of Costs, 200.404, Reasonable Costs, and 200.405, Allocable Costs, the non- Federal Entity is responsible for ensuring that costs charged to a projects are allowable, allocable, and reasonable.

The following costs are not allowable under a WCAP project:
a. Overhead.

b. Liability insurance.

c. Public relations.

d. Project groundbreakings and dedications.

e. Payments to an organization or individual that owes the Federal government money or is in violation of Federal regulations.

f. Equipment.

g. Design Cost.

E. Application Review Information

E1. Criteria

NEED ASSESSMENT **Maximum Points:** 5

Description	
Title	Specific Details
Items under this criterion address identify problems, solutions and technical Approach of the technical proposal.	The extent to which: a) The applicant demonstrates the problem and associated contributing factors to the problem. The application must clearly identify and establish the needs of the targeted population as evidence by: b) The level of involvement the target community has held in identifying the needs of the community and in planning the project activities. c) The applicant indicates that local, regional, Tribal, and State entities were involved with assessing needs and providing baseline data or research studies to support needs. d) The application documents the adverse environmental impacts resulting from the impaired stream/watershed.

METHODOLOGY AND WORK PLAN **Maximum Points:** 5

Description	
Title	Specific Details
Items under this criterion address the Statement of Work and Potential Impact of the Results section of the Technical Proposal.	The extent to which: a) The proposed project responds to the objective included in the Notice of Funding Opportunity and directly relates with the information presented in the need assessment. b) The proposed project scope is capable of addressing the problem and attaining the project objective. c) The proposed goals and objectives have a clear correlation to addressing the identified needs as well as challenges and are measurable, realistic, and achievable in a specific timeframe. d) The strength and feasibility of the proposed project should be logical and easy to follow clearly addressing the project elements, collaborators, the timeline of the proposed activities, anticipated outputs, and the step must be taken to achieve each of the project goals. There is a comprehensive watershed restoration plan, under which the project will be constructed.

EVALUATION MEASURES **Maximum Points:** 40

Description	
Title	Specific Details
Items under this criterion	Evaluative measures must be able to assess: a) That the applicant has considered the best possible treatment option

address Statement of Work and Potential Impact of the Results. The effectiveness of the method proposed to monitor and evaluate the project results.	available with a high probability of success without the need for frequent and expensive system. b) The effectiveness of the proposed treatment technology to be used, i.e. pollutants removed, aquatic habitat improved or recreational fisheries restored and other streams uses restored. c) The strength of the post completion water quality monitoring plan both for the discharge and the receiving stream and established water quality limits to help determine what need for system maintenance and or additional land treatment d) The strength of the process by which comprehensive water quality and flow data/information has been collected, and analyzed, to assure selection of the most effective technology and water chemistry analysis; to the extent the analyses facilitates the ability to determine the probability of long-term success and any possible maintenance issues? e) The cumulative effect of the project in restoring/improving the stream/watershed. f) For projects where land reclamation is being used to achieve AMD abatement, strength of proposal in achieving beneficial impacts of project in achieving stream restoration.

IMPACT / BENEFITS **Maximum Points:** 35

Description	
Title Item under this criterion address the Statement of Work and Potential Impact of the Results.	Specific Details Reviewer will evaluate the extent to which: a) The Project will help restore the stream/watershed either alone, or in conjunction with other AMD treatment/land reclamation projects planned or constructed in the watershed. The applicant identifies aesthetic enhancement, community benefits, Outdoor Recreational Opportunities Enhanced, which can be attributed to the positive impacts to areas directly impacted by this proposed WCAP project. b) The applicant describes public outreach and/or educational opportunities which may be created by implementation of the WCAP proposal.

RESOURCES/CAPABILITIES **Maximum Points:** 5

Description	
Title Items under the criterion address the Evaluation and Technical Support Capacity and Organizational Information section of the Program	Specific Details The extent to which: a) The roles and responsibilities clearly defined for each of the primary participants in the project. b) Each entity participating in the project has the ability to deliver the services, and otherwise meet the needs of the project. c) The capability of the applicant to implement and fulfill the requirement of the proposed project based the resources availability; the extent to which the applicant has broad based support, collaborators, and consultants to complete the project.

Narrative.	

FINANCIAL SUPPORT REQUESTED **Maximum Points:** 10

Description	
Title The SF-424 C, itemized budget, along with the budget justification components of the budget narrative, are being used in the review of this section. Together, they will provide the reviewers with the information to determine the reasonableness of the requested support.	Specific Details The extent to which: a) The budget justification clearly documents how and why each line 22 item request supports the goals and activities of the proposed project. b) The degree to which the estimated cost to the government of proposed activities appear reasonable.

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.

1. Proposals, reports, documents and other information related to applications submitted to OSMRE and/or relating to financial assistance awards issued by OSMRE will be reviewed and considered by Federal employees or by non-Federal personnel who have entered into nondisclosure agreements covering such information, when applicable.

2. Initial Screening of all OSMRE Program Applications. All applications received in response

to this NOFO will be reviewed as received on a rolling basis to determine whether they are eligible, complete, and responsive and aligned with the respective program objectives and research grant areas as described in the Program Description.
Applications determined to be ineligible, incomplete, and/or non-responsive based on the initial screening will be eliminated from further review. However, OSMRE, in its sole discretion, may continue the review process for an application that is missing non- substantive information that can easily be rectified.

3. Completeness. Full Review of Eligible, Complete, and Responsive Applications All applications that are determined to be eligible, complete, and responsive will proceed for full reviews in accordance with the review and selection processes set forth below for each of the respective programs.

4. Timeliness. Applications received by Grants.gov after the established due date for the program will be considered late and will not be considered for funding by OSMRE.

5. Threshold Screening. OSMRE will screen applications and proposals for the adequacy of the budget and compliance with program requirements.
a) OSMRE may request that the applicant modify objectives or work plans and provide supplemental information.
b) OSMRE also reserves the right to reject an application where information is uncovered that raises a reasonable doubt as to the responsibility of the applicant.
c) OSMRE may select some, all, or none of the applications, or part(s) of any particular application. In some cases, OSMRE may ask applicants to consider combining projects.
d) The final approval of selected applications and issuance of awards will be by the OSMRE Field Officer Directors.

6. OSMRE reserves the right to negotiate the budget costs with the applicants that have been selected to receive awards, which may include requesting that the applicant remove certain costs.

MERIT REVIEW EVALUATION, REVIEW, RANKING AND RECOMMENDATION

1. At least three objective reviewers, knowledgeable in the subject matter of this NOFO and its objectives, will evaluate each application based on the evaluation criteria.

2. While every application will have at least three reviews, applications may have differing numbers of reviews if specialized expertise is needed to evaluate the application. The reviewers may discuss the applications with each other, but scores will be determined on an individual basis, not as a consensus.

3. Each reviewer will assign individual scores to each criterion for each application.

4. The scores provided by each reviewer for each application will then be combined to form a composite score for each application, which serves as the basis for the relative ordering or ranking of applications.

5. OSMRE may select some, all, or none of the applications, or part(s) of any particular application.

SELECTION FACTORS

1. The Merit Review Panel Lead will compile and recommend applications for award based upon the relative ordering ranking of the applications.
2. The Selecting Official will prepare a Recommendation Memorandum for the Approving Official, who is the Field Office Director, which demonstrates that the evaluation and selection process was compliant with the procedures published in the NOFO.

3. The Approving Official may approve funding based on the Recommendation Memorandum however application may be awarded out of rank order based on one or more of the following selection factors, the availability of Federal funds and the alignment with program priorities.

4. If an application was selected out of rank order, there must be a detailed justification relative to the selection out of rank order.

5. Notification to Unsuccessful Applicants. Every unsuccessful applicant is entitled to a full explanation of why the application was not funded. The initial notice should provide a complete explanation, where possible. However, a notice may contain limited information regarding the unsuccessful application and indicate that a more detailed explanation will be provided at a later date or upon request.

6. Retention of Unsuccessful Applications. A copy of each non-selected application will be retained for at least three (3) years for record keeping purposes in accordance with 2 CFR Part 200.334, Retention Requirements for Records.

7. Federal Awarding Agency Review of Risk Posed by Applicants. After applications are proposed for funding by the Approving Official and prior to the issuance of an award, the OSMRE Grants Office will conduct an assessment of the risk posed by the applicant in accordance with 2 CFR 200.206, Federal Awarding Agency Review of Risk Posed by Applicants. In addition to reviewing repositories of government- wide eligibility, qualification or financial integrity information, the risk assessment conducted by OSMRE will conduct the following:

   a) Review of applicants single audit submitted to Federal Audit Clearinghouse
   b) Review of applicant's most recent independent audit.

8. Completion of financial capability questionnaire. 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; the applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non- Federal entities. Upon review of these factors, if appropriate, specific award conditions that correspond to the degree of risk may be applied by the OSMRE Grants Office pursuant to 2 CFR 200.207, Specific Conditions. In addition, OSMRE 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 the applicant.

E3. CFR – Regulatory Information

See the OSMRE Award Terms and Conditions for the general administrative and national policy requirements applicable to Service awards. OSMRE 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

Review of applications, selection of successful applicants, and award processing is expected to be completed approximately 60 – 120 days after the end of the merit review process.

F. Federal Award Administration Information

F1. Federal Award Notices

Upon being selected for the award, successful applicants will receive a notification of the selection of their application for funding. OSMRE will notify the applicant selected for award. A notice of selection is not an authorization to begin performance on an agreement. This notice will detail the next steps in the awarding process. Once all clearances and reviews have been conducted, a cooperative agreement or grant will be sent for signature.

Work cannot begin before the non-Federal entity receives a fully executed notice of the grant/cooperative agreement award. Any pre-award costs incurred prior to the receipt of a signed agreement or written notice signed by a Financial Assistance Awarding Officer authorizing pre-award costs, is at the applicant's own risk. A signed grant/cooperative agreement signed by a Financial Assistance Awarding Officer is the only authorizing document to begin performance.

Organizations whose applications have not been selected will be advised as promptly as possible.

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.

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. We will describe all financial reporting requirements in the Notice of Award.

Each award recipient will be required to submit an SF- 425, on a semi-annual basis for the period ending March 31 and September 30 or June 30 and December 31 of each year to the OSMRE Grants Specialist named in the award documents. Reports will be due 30 days after the end of the reporting period. A final financial report is due 90 day after the end of the project period.

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.

Each award recipient will be required to submit a technical progress report to the regional grants office on a semi- annual basis for the periods ending March 31 and September 30 or June 30 and December 31 of each year. Reports will be due 30 days after the end of the reporting period. A final technical report shall be submitted within 90 days after the expiration date of the award. Technical progress reports shall contain information as prescribed in 2 CFR 200.328, Monitoring and Reporting Program Performance.

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 OSMRE 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.

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. Recipients may not have a former Federal employee as a key project official, or in any other substantial role related to their award, whose participation put them out of compliance with the legal authorities addressing post-Government employment restrictions. See the U.S. Office of Government Ethics website for more information on these restrictions. OSMRE will examine each conflict of interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, OSMRE will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies OSMRE may result in any of the remedies described in 2 CFR 200.338 Remedies for Noncompliance, including termination of the 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 200.338 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 Name:
Robbie

Last Name:

Fulton
Address:
Pittsburgh, PA
Telephone:
(412) 510-1611
Email:

rfulton@osmre.gov

G2. Program Administration Contact

For **program administration assistance**, contact:

First Name:
Robbie
Last Name:
Fulton
Address:
Pittsburgh, PA
Telephone:
(412) 510-1611
Email:
rfulton@osmre.gov
Yetunde Richardson
Grants Management Specialist
Reclamation Support Division
1849 C Street, NW, Mail Stop 4551 Washington, DC 20240
Email: yrichardson@osmre.gov
Phone: (202) 208-2766

Unified Interior Regions 1 & 2 (formerly Appalachian Region)
Sami Jae Grimes
Division Chief
Program Assistance Division
3 Parkway Center Drive South
Pittsburgh, PA 15220
Email: sgrimes@osmre.gov
Phone: (412) 937-2177

Megan Bawks
Grants Management Specialist
3 Parkway Center Drive South
Pittsburgh, PA 15220
Email: mbawks@osmre.gov
Phone: (412) 937-2882

Unified Interior Regions 3, 4 & 6 (formerly Mid-Content Region)
Paul Fritsch
Branch Chief, Program & Technology Support
501 Belle Street, Suite 216
Alton, IL 62002
Email: pfritsch@osmre.gov
Phone: (618) 463-6463, Ext: 5113

G3. Application System Technical Support

For **Grants.gov technical registration and submission, downloading forms and application packages**, contact:

Name:
Grants.gov Customer Support

Telephone:
1-800-518-4726

Email:
Support@grants.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 OSMRE 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.

Audits. In accordance with the provisions of 2 CFR 200, Subpart F, Audit Requirements, non-Federal entities that expend financial assistance of $750,000 or more in Federal awards during its fiscal year must have a single or a program-specific audit conducted for that year. Non-Federal entities that expend less than $750,000 a year in Federal awards are exempt from Federal audit requirements for that year, except as noted in 2 CFR 200.503, Relation to Other Audit Requirements. Applicants are reminded that OSMRE, the Department of Interior Office of Inspector General or another authorized Federal agency may conduct an audit of an award at any time.

Records.
Records for Federal financial assistance must be maintained in accordance with the provisions of

2 CFR 200, Subpart D, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

Record Retention.
Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, be retained for at least three (3) years for record keeping purposes. (See 2 CFR 200.333, Retention Requirements for Records, for exceptions).

Federal Funding Accountability and Transparency Act of 2006.
In accordance with 2 CFR 200.170, all recipients of a Federal award made on or after October 1, 2010, are required to comply with reporting requirements under the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. No. 109-282). In general, all recipients are responsible for reporting sub-awards of $25,000 or more. In addition, recipients that meet certain criteria are responsible for reporting executive compensation. Applicants must ensure they have the necessary processes and systems in place to comply with the reporting requirements should they receive funding. Also see the Federal Register notice published September 14, 2010, at 75 FR 55663 available here: http://go.usa.gov/hKnQ.