ANNOUNCEMENT OF FEDERAL FUNDING OPPORTUNITY
Public Works and Economic Adjustment Assistance Programs

EXECUTIVE SUMMARY

- **Federal Agency Name:** Economic Development Administration (EDA), U.S. Department of Commerce (DOC).
- **Funding Opportunity Title:** FY 2017 Economic Development Assistance Programs - Application submission and program requirements for EDA's Public Works and Economic Adjustment Assistance programs.
- **Announcement Type and Date:** FY 2017 Federal Funding Opportunity (FFO) announcement publishing EDA's proposal and application submission requirements and review procedures for proposals and applications received under EDA's (i) Public Works and (ii) Economic Adjustment Assistance (EAA) programs, authorized under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121 *et seq*.). Effective date: December 23, 2016.
- Funding Opportunity Number: EDAP2017
- **Catalog of Federal Domestic Assistance (CFDA) Numbers:** 11.300, Investments for Public Works and Economic Development Facilities and 11.307, Economic Adjustment Assistance.
- **Key Dates:** EDA employs a two-phase review process for proposals/applications submitted under this FFO. There are no submission deadlines. Proposals and applications will be accepted on an ongoing basis until the publication of a new EDAP FFO. Proposals will be reviewed by EDA within 30 days of receipt; and following the proposal review, full applications will be reviewed within 60 days of receipt. Please see Section D. of this FFO for complete information on EDA's two-phase review process.
- **Funding Opportunity Description:** EDA provides strategic investments on a competitive merit basis to support economic development, foster job creation, and attract private investment in economically distressed areas of the United States. Under this FFO, EDA solicits applications from applicants in order to provide investments that support construction, non-construction, technical assistance, and revolving loan fund projects under EDA's Public Works and EAA programs. Grants and cooperative agreements made under these programs are designed to leverage existing regional assets and support the implementation of economic development strategies that advance new ideas and creative approaches to advance economic prosperity in distressed communities.
- **Eligible applicants:** EDA is not authorized to provide grants or cooperative agreements under its Public Works or EAA programs to individuals or to for-profit entities. Requests from such entities will not be considered for funding. Eligible applicants for EDA financial assistance under the Public Works and EAA programs include a(n): (i) District Organization of a designated Economic Development District; (ii) Indian Tribe or a consortium of Indian Tribes; (iii) State, county, city, or other political subdivision of a State, including a special

purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions; (iv) institution of higher education or a consortium of institutions of higher education; or (v) public or private non-profit organization or association acting in cooperation with officials of a political subdivision of a State. See Section 3 of PWEDA (42 U.S.C. § 3122) and 13 C.F.R. § 300.3.

FULL ANNOUNCEMENT TEXT
The Economic Development Administration's (EDA) Public Works and Economic Adjustment Assistance Programs

EXECUTIVE SUMMARY……..1

FULL ANNOUNCEMENT TEXT…….2

A. Program Description……4

1. Overview……4
2. EDA Investment Priorities…….....4
3. EDA Program Information ……....6

B. Federal Award Information……8

1. What funding is available under this announcement?……..……8
2. What type of funding instrument will be used to make awards and how long will a project's period of performance be?.....8

C. Eligibility Information ……9

1. Eligible Applicants ……9
2. Cost Sharing or Matching……...9
3. EDA Economic Distress Criteria…….……11

D. Proposal and Application Submission Information ……...14

1. Address to Request a Proposal or Application Package……...15
2. Content and Form of the Proposal and Application Submission ……16
3. Unique entity identifier and System for Award Management (SAM)….22
4. Submission Dates and Times ……..….23
5. Intergovernmental review…….24
6. Funding Restrictions…….24
7. Will I be required to provide any additional forms or documentation?...24

E. Proposal and Application Review Information……...25

1. Criteria- Phase I: Proposal Review …….25
2. Review and Selection Process …….26
3. Federal Awardee Performance Integrity System (FAPIIS) Review……28

F. Federal Award Administration Information ……..28

1. Federal Award Notices……...……..28
2. Administrative and National Policy Requirements …….29
3. Reporting……..29
4. Regulations, administrative requirements, and cost principles……30

G. EDA Contact Information ……30

1. Atlanta Regional Office ……...30
2. Austin Regional Office ……31
3. Chicago Regional Office …….32
4. Denver Regional Office ……...32
5. Philadelphia Regional Office ……..33
6. Seattle Regional Office……....34

H. Other Information ……..35

1. Right to Use Information ……...……..35
2. Freedom of Information Act Disclosure …….35
3. Notice of Government-Wide Procurement Restriction……35
4. Past Performance and Non-Compliance with Award Provisions ……36
5. Restrictions Governing Making Grants to Corporations Convicted of Felony Criminal Violations and/or Unpaid Federal Tax Liabilities…….36
6. EDA's Non-relocation Policy……...36
7. Audit Requirements……...……...37
8. Implementing the Americans with Disabilities Act (ADA)…….37

I. Instructions for Proposal and Application Submission via Grants.gov……37

Appendix A. Certifications Regarding Federal Felony and Federal Criminal Tax Convictions, Unpaid Federal Tax Assessments and Delinquent Federal Tax Returns…...41

A. Program Description

1. Overview

This Federal Funding Opportunity (FFO) announcement sets out EDA's proposal and application submission and review procedures for two of its Economic Development Assistance programs (EDAP) authorized under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121 *et seq*.) (PWEDA): (i) Public Works and Economic Development (Public Works); and (ii) Economic Adjustment Assistance (EAA). EDA will publish separate FFO announcements for its other programs: Regional Innovation Strategies, Planning, Partnership Planning, Local Technical Assistance, University Center, and Research and National Technical Assistance.

EDA's programs provide economically distressed communities and regions with comprehensive and flexible resources to address a wide variety of economic needs, and are designed to lead to the creation and retention of jobs and increased private investment. EDA's programs support local and regional economic development efforts to establish a foundation for vibrant economies throughout the United States. Through these programs, EDA supports bottom-up strategies that build on regional assets to spur economic growth and resiliency. EDA encourages its grantees throughout the country to develop initiatives that present new ideas and creative approaches to advance economic prosperity in distressed communities.

2. EDA Investment Priorities

Through the competitive grant process outlined in this funding opportunity, all proposed projects are evaluated to determine the extent to which they align with EDA's investment priorities, create or retain high-quality jobs, leverage public and private resources, demonstrate the ability to start the proposed project promptly and use funds quickly and effectively, and provide a clear scope of work and specific, measureable outcomes.

EDA's investment priorities are designed to provide an overarching framework to guide the agency's investment portfolio to ensure its investments have the greatest impact. Competitive applications will be responsive to the evaluation criteria listed in Section E.2.a. of this FFO, and will fund projects which create assets that will achieve at least one of the following investment priorities:

a. Collaborative Regional Innovation

Projects that increase the development and growth of innovation clusters[1] which, based on objective economic data, are existing regional competitive strengths. Such initiatives must engage relevant stakeholders; facilitate collaboration among urban, suburban, and rural (including tribal) areas; provide stability for

[1] EDA defines clusters as geographic concentrations of firms, workers and industries that do business with each other and have common needs for talent, technology, and infrastructure. Clusters are essentially networks of similar, synergistic, or complementary entities that are engaged in or with a particular industry sector; have active channels for business transactions and communication; share specialized infrastructure, labor markets, and services; and leverage the region's unique competitive strengths to stimulate innovation and create jobs. Clusters may cross municipal, county, and other jurisdictional boundaries.

economic development through long-term intergovernmental and public/private collaboration; and support the growth of existing and emerging industries.

b. **Public/Private Partnerships**

Projects that use both public and private sector assets and complementary investments by other government/public entities and/or nonprofits.

c. **National Strategic Priorities**

Projects that:

i. encourage job growth and business expansion in manufacturing, including advanced manufacturing, sustainable manufacturing, and manufacturing supply chains;
ii. assist communities severely impacted by the declining use of coal;
iii. increase economic resiliency, including resilience to the effects of natural disasters and climate change;
iv. assist with natural disaster mitigation and recovery;
v. are aimed at restoring or improving urban waters and the communities that surround them; and
vi. assist and/or support:
    a. information technology infrastructure (for example, broadband or smart grid);
    b. communities severely impacted by industry restructuring;
    c. job-driven skills development;
    d. access to capital for small- and medium-sized and ethnically diverse enterprises;
    e. innovations in science and health care; and advancement of science and research parks, other technology transfer, or technology commercialization efforts.

d. **Global Competitiveness**

Projects that support high-growth businesses and innovation-based entrepreneurs to expand and compete in global markets, especially investments that expand U.S. exports, encourage foreign direct investment, promote the repatriation of jobs back to the U.S, and position U.S. firms to become leaders in global industries.

e. **Environmentally-Sustainable Development**

Projects that promote job creation and economic prosperity through enhancing environmental quality and developing and implementing green products, processes, places, and buildings as part of the green economy. This includes projects that encourage job growth, business expansion, and innovations in energy-efficient technologies and clean energy, including alternative fuel technologies. Additional information is available on EDA's website at http://www.eda.gov/pdf/GreenGrowthOverview.pdf.

f. **Underserved Communities**

Investments that strengthen diverse communities that have suffered disproportionate economic distress and job losses and/or are rebuilding to become more competitive in the global economy, including economic development initiatives that help unemployed and underemployed young adults obtain the skills and knowledge necessary to succeed.

3. EDA Program Information

This section provides detailed information on the two programs to which this FFO applies. Additional information about EDA's programs, including information about the eligibility of specific kinds of projects, is available through EDA staff.

EDA staff provides technical assistance to prospective applicants to assist in proposal development and application submission. Applicants are ***strongly encouraged*** to contact the EDA representative listed for their applicable state in Section G. of this FFO to clarify technical matters involving their proposed project, its alignment with EDA's mission and investment priorities, and all other relevant publicly available information relating to technical matters before submitting a proposal or application to EDA.

Except for projects to develop, update, or refine a Comprehensive Economic Development Strategy (CEDS) as described in EDA's regulation at 13 C.F.R. § 303.7, each project funded under both programs below must be consistent with the region's current CEDS or equivalent EDA-accepted regional economic development strategy that meets EDA's CEDS or strategy requirements. Applicants must clearly detail how the proposed project will support the economic development needs and objectives outlined in the CEDS or equivalent strategy. In addition, applicants should highlight where and how the proposed project will be aligned with, integrated into, and/or will further leverage other public and private investments in the community and region. Additional information and a summary of EDA's CEDS and strategy requirements may be obtained through the applicable EDA representative listed in Section G. of this FFO.

a. **Public Works**[2]

Through the Public Works program, EDA provides catalytic investments to help distressed communities build, design, or engineer critical infrastructure and facilities that will help implement regional development strategies and advance bottom-up economic development goals to promote regional prosperity. The Public Works program provides resources to meet the construction and/or infrastructure design needs of communities to enable them to become more economically competitive. Prior examples of investments EDA supported through the Public Works program include projects supporting water and sewer system improvements, industrial parks, high-tech shipping and logistics facilities, workforce training facilities, business incubators and accelerators, brownfield redevelopment, technology-based facilities, wet labs, multi-tenant manufacturing facilities, science and research parks, and telecommunications infrastructure and development facilities.

[2] CFDA No. 11.300. The regulations implementing the Public Works program may be found at 13 C.F.R. part 305.

As noted above, investments made through the Public Works program must be aligned with a current CEDS or EDA-accepted regional economic development strategy and clearly lead to the creation or retention of long-term high-quality jobs. For example, under this program, EDA may provide funding to a consortium of eligible recipients to support the construction of a technology center that provides laboratory, office, and manufacturing space that leads to the creation of advanced manufacturing jobs. As another example, EDA may provide funding to a county government to support regional job creation in targeted cluster industries and expand those industries' ability to export goods.

b. **Economic Adjustment Assistance (EAA)**[3]

Through the EAA program, EDA provides investments that support a wide range of construction and non-construction activities (including infrastructure, design and engineering, technical assistance, economic recovery strategies, and capitalization or re-capitalization of Revolving Loan Funds (RLF)) in regions experiencing severe economic dislocations that may occur suddenly or over time. EDA utilizes EAA investments to provide resources that help communities experiencing or anticipating economic dislocations to plan and implement specific solutions to leverage their existing regional economic advantages to support economic development and job creation. Like Public Works investments, EAA investments are designed to help communities catalyze public-private partnerships to foster collaboration, attract investment, create jobs, and foster economic resiliency and prosperity. For example, EDA might provide funding to a university or community college to create and launch an economic diversification strategy to promote and enhance the growth of emerging industries in a region facing job losses due to a decline in the region's coal industry. As another example, EDA might provide funding to a city to support the construction of a publically-owned multi-tenant business and industrial facility to house early-stage businesses.

c. **Statutory authorities for EDA's programs**

The statutory authorities for the Public Works and EAA programs are Sections 201 (42 U.S.C. § 3141) and 209 (42 U.S.C. § 3149) of PWEDA, respectively.

Applicant eligibility and program requirements are set forth in EDA's regulations (codified at 13 C.F.R. chapter III) and all applicants must address these requirements. Specific program requirements for the Public Works program are set out at 13 C.F.R. part 305 and for the EAA program at 13 C.F.R. part 307. For EDA's Public Works and EAA programs, this announcement supersedes the EDAP FFO announcement dated October 26, 2015. EDA's regulations are accessible at the U.S. Government Publishing Office (GPO) website at https://www.gpo.gov/fdsys/[4]. Under "Browse", select the Code of Federal Regulations, choose the most recent year, and scroll down to find Title 13, Chapter III.

[3] CFDA No. 11.307. The regulations implementing the EAA program may be found at 13 C.F.R. part 307.
[4] In the event of discrepancies between the instructions and information provided in this FFO and EDA's regulations, EDA regulations will control.

B. Federal Award Information

1. What funding is available under this announcement?

Note: As of the date of publication of this FFO, December 23, 2016, the full amount of FY 2017 appropriations is not available and EDA is currently operating under the authority of P.L. 114-254 (Further Continuing and Security Assistance Appropriations Act, 2017). The FY 2016 award amounts are provided only for your information as they may prove useful for planning purposes.

In FY 2016, the Consolidated Appropriations Act, 2016 (P.L. 114-113) (The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016 Division B) appropriated $100 million for the Public Works program and $35 million for the EAA program.

The funding periods and amounts referenced in this FFO are subject to the availability of funds at the time of award as well as to DOC and EDA priorities at the time of award. Neither DOC nor EDA will be held responsible for proposal or application preparation costs. Publication of this announcement does not obligate DOC or EDA to award any specific grant or cooperative agreement or to obligate all or any part of available funds. DOC or EDA may cancel or withdraw this FFO at any time. Applications for renewal or supplementation of additional projects may compete with applications for new awards. The average award amounts set out below are provided only for your information and may prove useful for planning purposes. Actual amounts awarded may be higher or lower depending on the nature of the proposed project and the availability of funds.

The average size of a Public Works investment has been approximately $1.4 million, and investments generally range from $200,000 to $3,000,000. Historically, EDA has awarded funds for between 80 and 150 Public Works projects a year.

The average size of an EAA investment has been approximately $820,000, and investments generally range from $100,000 to $1,250,000. Historically, EDA has awarded funds for between 70 and 140 EAA projects a year.

2. What type of funding instrument will be used to make awards and how long will a project's period of performance be?

Subject to the availability of funds, EDA may award grants or cooperative agreements to eligible applicants to help support economic development project-based activities. EDA will award a cooperative agreement on a case-by-case basis if substantial agency involvement is required. Situations that may warrant substantial involvement by EDA include: (1) authority to halt immediately an activity if detailed performance specifications (e.g., construction specifications) are not met, (2) stipulation that the recipient must meet or adhere to specific procedural requirements before subsequent stages of a project may continue, (3) approval by an appropriate DOC official of substantive provisions of proposed subawards and/or (4) notification of changes to key recipient personnel. The period of performance for a given project will depend on the type of project, scope of work, and the EDA program under which the grant or cooperative agreement for the project is awarded. For example, the period of performance for a construction investment under EDA's Public Works program may last for three years, while a strategy investment under the EAA program may allow for one to three years for completion of the scope of work, depending on its complexity or urgency. EDA expects that all projects will proceed efficiently and expeditiously, and EDA encourages

applicants to clearly document how quickly the applicant will be able to start and complete the proposed work. All construction projects are expected to be completed within five years from the date of award.

C. Eligibility Information

1. Eligible Applicants

Pursuant to PWEDA, eligible applicants for and eligible recipients of EDA investment assistance under this FFO include a(n):

a. District Organization;
b. Indian Tribe or a consortium of Indian Tribes;
c. State, county, city, or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions;
d. Institution of higher education or a consortium of institutions of higher education; or
e. Public or private non-profit organization or association acting in cooperation with officials of a political subdivision of a State.[5]

Under its Public Works and EAA programs, EDA is **not** authorized to provide grants or cooperative agreements to individuals or for-profit entities, and such requests will not be considered for funding.

2. Cost Sharing or Matching

Generally, the amount of an EDA award may not exceed 50 percent of the total cost of the project. Projects may receive an additional amount that may not exceed up to 30 percent of the total project cost, based on the relative needs of the Region in which the project will be located, as determined by EDA.

In general, EDA's maximum investment rate (percent of the total project cost) is determined by the average per capita income or unemployment rate of the region in which the project is located, as outlined in Table 1 below:[6]

TABLE 1

Projects located in regions in which:	**Maximum allowable investment rates (percentage of total project cost)**
(A) The 24-month unemployment rate is at least 225% of the national average; or	80

[5] See Section 3 of PWEDA (42 U.S.C. § 3122) and 13 C.F.R. § 300.3.
[6] See Section 204(a) of PWEDA (42 U.S.C. § 3144) and 13 C.F.R. § 301.4(b)(1).

(B) The per capita income is not more than 50% of the national average.	80
(C) The 24-month unemployment rate is at least 200% of the national average; or	70
(D) The per capita income is not more than 60% of the national average.	70
(E) The 24-month unemployment rate is at least 175% of the national average; or	60
(F) The per capita income is not more than 65% of the national average.	60
(G) The 24-month unemployment rate is at least 1 percentage point greater than the national average; or	50
(H) The per capita income is not more than 80% of the national average.	50

For projects subject to a Special Need, as outlined in Section C.3 below, EDA will determine the maximum allowable investment rate, not to exceed 80 percent of the total project cost, based on the actual or threatened overall economic situation of the Region in which the project is located.

In addition, the Secretary of Commerce has delegated to the Assistant Secretary for Economic Development the discretion to establish a maximum EDA investment rate of up to 100 percent of the total project cost for projects: (i) of a State (or political subdivision of a State) that the Assistant Secretary for Economic Development determines has exhausted its effective taxing and borrowing capacity or (ii) of a non-profit organization that the Assistant Secretary for Economic Development determines has exhausted its effective borrowing capacity.[7] Additionally, EDA's regulations provide discretion to establish a maximum EDA investment rate of up to 100 percent for projects of Indian Tribes.[8]

Potential applicants should contact the EDA representative listed for their state in Section G. of this FFO to obtain additional information regarding these EDA investment rate determinations.

The applicant must document that the matching share will: (i) be committed to the project for the period of performance, (ii) be available as needed, and (iii) not be conditioned or encumbered in any way that may preclude its use consistent with the requirements of EDA investment assistance.[9] In order to meet these requirements, applicants may submit for each source of matching share, a commitment letter or equivalent document signed by an authorized representative of the organization providing the matching funds. Additional documentation may be requested by EDA in order to substantiate the availability of the matching funds. For example, if bonds are contemplated as match, counsel opinion of the applicant's bonding authority and eligibility of the bonds for use as match, along with full disclosure of the type of bonds and the schedule of the applicant's intended bond issue, are required. Please contact the

[7] See Sections 204(c)(l) and (2) of PWEDA (42 U.S.C. § 3144) and 13 C.F.R. § 301.4(b)(5).
[8] See 13 C.F.R. § 301.4(b)(5).
[9] See 13 C.F.R. § 301.5.

applicable EDA representative listed in Section G. of this FFO with questions regarding EDA's matching share requirements.

In the application review process, EDA will consider the nature of the contribution (cash or in-kind) and the amount of the matching share funds. Documented in-kind contributions may provide the required non-Federal share of the total project cost. All in-kind contributions must be eligible project costs and meet applicable Federal cost principles and uniform administrative requirements. Examples of in-kind contributions can include space, equipment, services, or forgiveness or assumptions of debt.[10] Funds from other Federal financial assistance awards may be considered matching share funds only if authorized by statute, which may be determined by EDA's reasonable interpretation of the statute.[11]

Applicants are ***strongly encouraged*** to work with the appropriate EDA representative listed in Section G. of this FFO to determine how in-kind contributions may be utilized to satisfy the matching share requirement for their respective project concept and application.

3. EDA Economic Distress Criteria

In order to be eligible for funding under this FFO, an applicant must propose a project that meets EDA's distress criteria as of the date EDA receives a proposal or complete application for Proposal Review Committee (PRC) review. Applicants must self-define the appropriate Region geographically. The geographic area comprising a Region need not be contiguous or defined by political boundaries but should constitute a cohesive area capable of undertaking self-sustained economic development. Applicants must provide third-party data that clearly indicate that the relevant Region[12] is subject to one (or more) of the following economic distress criteria: (i) an unemployment rate that is, for the most recent 24-month period for which data are available, at least one percentage point greater than the national average unemployment rate; (ii) per capita income that is, for the most recent period for which data are available, 80 percent or less of the national average per capita income; or (iii) a "Special Need," as determined by EDA.[13]

EDA will review and evaluate documentation submitted by the applicant to determine eligibility. EDA will reject any documentation of eligibility that the agency determines is inaccurate or incomplete, which may cause the proposal or application to be rejected. **EDA reserves the right to request additional documentation or information from the applicant to make an eligibility determination.** In cases where EDA receives a proposal or complete application for PRC review six months or more before the time of award, EDA will re-evaluate the project to determine continued eligibility for investment assistance before making an award.

For construction projects (including design and engineering) the project must be located within an eligible Region. For non-construction projects, the investment's scope of work must primarily benefit an eligible Region and stakeholders from that eligible area must be directly engaged. EDA suggests that applicants work closely with the EDA representative listed for their state as they define an eligible project in their Region.

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[10] See Section 204(b) of PWEDA (42 U.S.C. § 3144) and the definition of "In-Kind Contribution" at 13 C.F.R. § 300.3.

[11] See the definition of "Local Share or Matching Share" at 13 C.F.R. § 300.3. See also 2 C.F.R 200.306.

[12] As defined in 13 C.F.R. § 300.3

[13] See Section 301(a)(3) of PWEDA (42 U.S.C. § 3161(a)(3)) and 13 C.F.R. § 301.3.

A proposed project may meet the Regional eligibility criteria in one of the following three ways:

1. The proposed project will be located in a Region that meets EDA's economic distress criteria;
2. The proposed project is located in an Economic Development District that is located in a Region that does not meet EDA's economic distress criteria, and EDA determines the proposed project will be of substantial direct benefit to a geographic area within the District that meets EDA's economic distress criteria; or
3. The proposed project will be located in a geographic area of poverty or high unemployment that meets EDA's economic distress criteria, but which is located in a Region that overall does not meet EDA's distress criteria.

Following are further details on economic distress criteria. See also 13 C.F.R. § 301.3(a).

1. **Unemployment Rate & Per Capita Income**

   For economic distress levels based upon per capita income requirements, EDA will base its determination upon the most recent American Community Survey (ACS) published by the U.S. Census Bureau. For economic distress levels based upon the unemployment rate, EDA will base its determination upon the most recent data published by the Bureau of Labor Statistics (BLS), within the U.S. Department of Labor. For eligibility based upon either per capita income requirements or the unemployment rate, when the ACS or BLS data, as applicable, are not the most recent Federal data available, EDA will base its decision upon the most recent Federal data from other sources (including data available from the Census Bureau and the Bureaus of Economic Analysis, Labor Statistics, Indian Affairs, or any other Federal source determined by EDA to be appropriate). If no Federal data are available, an applicant must submit to EDA the most recent data available from the State. The required State data must be for the Region where the project will be located, the geographic area where substantial direct project benefits will occur, or the geographic area of poverty or high unemployment, as applicable.[14]

2. **"Special Need" Criteria**

   For the purposes of determining eligibility based on a "Special Need", an applicant must provide current and appropriate economic and demographic statistics for the applicable Region to support the identified Special Need. EDA will base its Special Need eligibility determination on whether the proposed project meets the specific requirements outlined below or, in cases where specific thresholds are not identified, on whether the data and information provided by the applicant presents a compelling case that the Region meets the Special Need criteria, as defined by EDA.

[14] See Section 301 of PWEDA (42 U.S.C. § 3161) and 13 C.F.R. § 301.3.

A project may be eligible pursuant to a Special Need if the project is located in a Region that meets one or more of the criteria described below[15]:

a. Closure or restructuring of industries or the loss of a major employer essential to the Regional economy as defined by:
   i. an actual closure or restructuring of a firm within the 12 months prior to submission of a proposal or complete application for PRC review, resulting in sudden job losses and meeting the dislocation criteria in a.iii. below; or
   ii. a threat of closure that results from a public announcement of an impending closure or restructuring of a firm expected to occur within two years of PRC review of a proposal or complete application submission; AND
   iii. such actual or threatened closure results in sudden job losses meeting the following dislocation criteria:
      1. For Regions with a population of at least 100,000, the actual or threatened dislocation is 500 jobs, or one percent of the civilian labor force (CLF), whichever is less.
      2. For Regions with a population up to 100,000, the actual or threatened dislocation is 200 jobs, or one percent of the CLF, whichever is less.
b. Substantial out-migration or population loss.
c. Underemployment, meaning employment of workers at less than full-time or at less skilled tasks than their training or abilities permit.
d. Military base closures or realignments, defense contractor reductions-in-force, or Department of Energy defense-related funding reductions.
   i. A military base closure refers to a military base that was closed or is scheduled for closure, realignment, or growth pursuant to the base closure and realignment process or other Department of Defense (DOD) process. Unless further extended by the Assistant Secretary for Economic Development, the Region is eligible from the date of DOD's recommendation for closure, realignment, or growth until five years after the actual date of closing of the installation or five years after the announced realignment or growth actually occurs.
   ii. A defense contractor reduction-in-force refers to a defense contractor(s) experiencing defense contract cancellations or reductions resulting from official DOD announcements that have aggregate value of at least $10 million per year. Actual dislocations must have occurred within one year of the date a proposal or complete application is submitted to EDA for PRC review and threatened dislocations must be anticipated to occur within two years of submittal of a proposal or complete application to EDA for PRC review. Defense contracts that expire in the normal course of business will not be considered to meet this criterion.
   iii. A Department of Energy defense-related funding reduction refers to a Department of Energy facility that has experienced or will experience a

[15] The following criteria are published in accordance with 13 C.F.R. § 301.3(a)(l)(iii) and define what may constitute a "Special Need" (as defined in 13 C.F.R. § 300.3) sufficient to make a project eligible for Public Works or EAA investment assistance, as described in Section C.3. of this announcement.

reduction of employment resulting from its defense mission change. The Region is eligible from the date of the Department of Energy announcement of reductions until five years after the actual date of reduced operations at the installation.

e. Natural or other major disasters or emergencies. A Region that has received one of the following disaster declarations is eligible:
   i. A Presidentially declared disaster (declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. § 5121 *et seq*.)); or
   ii. A Federally declared disaster (pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, as amended (16 U.S.C. § 1861a(a)); the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. § 1961); or the Small Business Act, as amended (Pub. L. No. 85-536, 15 U.S.C. § 631 *et seq*., 72 Stat. 384 (1958)).

   Applicants must demonstrate a clear nexus between the needs created by the declared disaster and the proposed project.
f. Extraordinary depletion of natural resources or other impact attributable to a new or revised Federal regulation or policy that will have a significant impact on a community's ability to prevent an extraordinary depletion of natural resources. For example, in the case of a Federal fishing regulation designed to promote and sustain a community and its fishery in the long-term, EDA could quickly help a coastal community respond to any short-term economic dislocations.
g. Communities undergoing transition of their economic base as a result of changing trade patterns.
h. Designation of the project region as a "Promise Zone." In order to receive consideration for this Special Need, applicants must submit a letter from the lead organization of a designated Promise Zone attesting to the contribution that the proposed activities would make and supporting the application. A list of designated Promise Zones and lead organizations can be found at www.hud.gov/promisezones.
i. Other Special Need. The area is experiencing other special or extraordinary economic adjustment needs, as determined by the Assistant Secretary for Economic Development.

In addition to the above, all applications for funding based on Special Need must demonstrate how the project will address the economic development needs of the Region resulting from that Special Need.

D. Proposal and Application Submission Information

In order to make the application process more efficient and effective, EDA employs a two-phase review process for proposals/applications submitted under this FFO.

Please note that all submissions under this FFO are subject to the two-phase review process.

Phase I, the Proposal Phase, is designed to provide applicants with an economical and efficient means of determining if their proposed project meets basic criteria to be considered responsive to this FFO.

In Phase I, potential applicants will provide EDA with general project information, as detailed in Section D.2.a. of this FFO, to allow EDA to make a determination, i.e., whether the proposed project meets basic criteria to be considered responsive to this FFO.

Proposal packages submitted for Phase I consideration may be presented at any time during the fiscal year.

All complete Phase I proposal packages will be reviewed by the respective regional office Proposal Review Committee (PRC), and the applicant will be advised of EDA's Phase I Determination within 30 calendar days of EDA's receipt of the proposal.

If the regional office PRC determines that a proposal is responsive to this FFO (Phase I Responsive Determination), EDA will inform the applicant that it may submit a complete application to proceed to Phase II of the process.

In Phase II, the Application Phase, an applicant **must submit a complete application,** as detailed in Section D.2.b. of this FFO, to be considered for funding.

In Phase II, EDA will make a determination on an application within 60 days of EDA's receipt of the **complete application.**

Again, please note that all submissions under this FFO must proceed through the two-phase review process. If an applicant submits an application in lieu of or concurrent with a proposal package, the regional office PRC must first make a Phase I Determination regarding the applicant's submission before moving to Phase II, the Application Phase, if a Responsive Determination is made.

In either Phase I or II, EDA may seek additional information or documentation from the applicant to clarify information presented in the proposal/application. Please see Section E. of this FFO for more information on EDA's review and selection process.

EDA strongly encourages applicants to consult with the EDA representative for their state to discuss whether their project is in alignment with EDA's investment priorities, eligibility requirements, cost-sharing requirements, property standards, or other requirements outlined in this FFO. This consultation is limited to clarification of technical matters involving their proposed project, project alignment with EDA's mission and investment priorities, and all other relevant and publicly available information relating general technical matters.

1. Address to Request a Proposal or Application Package

An applicant may obtain the appropriate proposal or application package electronically at www.grants.gov (Grants.gov). Applicants may search for this funding opportunity on Grants.gov using Funding Opportunity Number "EDAP2017". All components of the appropriate proposal and application package may be accessed and downloaded (in a screen-fillable format) at http://www.grants.gov/applicants/apply_for_grants.jsp. The preferred electronic file format for attachments is Adobe portable document format (PDF); however, EDA will accept electronic files in Microsoft Word, WordPerfect, or Microsoft Excel.

Applicants are advised that they **must complete the registration process prior to submitting a proposal and/or application through Grants.gov**; please note, however, that registration is not required for an applicant to access, view, or download the proposal and application package. Even though an applicant may be able to view and download a proposal or application, if the applicant has not correctly completed the Grants.gov registration process, the applicant will not be able to submit the proposal or application electronically for EDA's review. Alternatively, an applicant eligible for assistance under this announcement may request a paper proposal or application package by contacting the EDA representative listed for their state under Section G. of this FFO.

2. Content and Form of the Proposal and Application Submission

EDA has developed a suite of forms designed to address all types of assistance the agency provides. In addition, Federal grant assistance forms from the Standard Form (SF) 424 family and certain Department of Commerce (CD) forms are required as part of a complete application package. The tables in Sections D.2.a. and D.2.b. below describe all the forms and other documentation required for a complete proposal and application for each type of assistance EDA provides and may serve as a checklist for applicants in preparing their submissions.

EDA encourages applicants to submit a proposal package as outlined in Section D.2.a. below as the documentation is designed to provide a general overview of a project with fewer resources invested by the applicant. An applicant may submit a complete application as outlined in Section D.2.b. below either in lieu of or concurrent with a proposal; however, as noted above, the applicant's submission will still proceed through EDA's two-phase review process.

For proposals and applications submitted through Grants.gov, all relevant forms must be signed electronically by the applicant's Authorized Organizational Representative (AOR); please see Section I. of this FFO for information on AOR requirements. Paper proposals and applications must include original signatures of an authorized official of the applicant. EDA will not accept facsimile or email transmissions of proposals or applications. Please refer to important information on submitting your application provided in Section D.4. of this FFO.

All documentation and data submitted should be current and applicable as of the date submitted. Applicants are encouraged to contact the EDA representative for their state for technical assistance before submitting a proposal or application under this FFO. EDA staff members are available to provide applicants with technical assistance regarding proposal or application requirements. Additionally, EDA may reach out to the applicant to clarify proposal or application materials received.

a. **What is required for a complete proposal?**

The following table provides a complete list of documents required for a complete proposal based on whether the applicant is requesting construction or non-construction assistance.

Proposals for **construction assistance (including design and engineering)** must include: 1. **One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable. 2. **One Form ED-900P** (EDA Proposal Form) and accompanying supporting documentation.[16] 3. **One Form SF-424C** (Budget Information—Construction Programs) per project. 4. **Map of Project Site**.
Proposals for **non-construction assistance** must include: 1. **One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable. 2. **One Form ED-900P** (EDA Proposal Form) and accompanying supporting documentation.[17] 3. **One Form SF-424A** (Budget Information—Non-Construction Programs).

b. **What is required for a complete application?**

The following table provides a complete list of documents required for a complete application based on the type of EDA assistance: construction, design and engineering (without a construction component), both construction and design and engineering, and RLF.

Applications for **construction assistance** (including applications for design and engineering with construction activities) must include: 1. **A copy of the completed proposal package** as detailed above in Section D.2.a., including any relevant updates (if the applicant did not submit a proposal, the applicant must submit one Form SF-424 (Application for Federal Assistance) from

[16] In the event of discrepancies between instructions provided in any of the forms and this FFO, the requirements for complete proposals and applications as stated in this FFO will control.
[17] Id.

each co-applicant, as applicable, and one Form SF-424C (Budget Information—Construction Programs) per project).

2. **One budget narrative** that clearly identifies and justifies how funds in each line item of the budget (Form SF-424C or A) will be used to support the proposed project. The budget narrative should specifically address each budget line item (including both the Federal Share and matching Non-Federal share) and the narrative total should match the total project costs listed in both the SF-424 question 18 line g and SF-424A ("Totals") or SF-424C ("Total Project Costs"). The budget narrative should include itemized valuations of any in-kind matching funds. The non-Federal share, whether in cash or in-kind, is expected to be paid out at the same general rate as the Federal share; however, if the applicant's budget narrative proposes otherwise, applicants must also include information that clearly indicates what project elements the matching share funds will support and explain why deviation from paying out at the same general rate is required for the project to be implemented.

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

4. **One Form ED-900** (General Application for EDA Programs).

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

6. **One Form ED-900B** (Beneficiary Information Form) from each beneficiary of the proposed project, as applicable.

7. **One Form ED-900C** (EDA Application Supplement for Construction Programs) and accompanying supporting documentation.

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

9. **An environmental narrative** that will enable EDA to comply with its NEPA responsibilities. A narrative outline that details required components may be accessed in EDA's website at: http://www.eda.gov/files/012_Environmental_Narrative_Template.zip.

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

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

12. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, as applicable.

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

1. **A copy of the completed proposal package** as detailed above in Section D.2.a., including any relevant updates (if the applicant did not submit a proposal, the applicant must submit one Form SF-424 (Application for Federal Assistance) from each co-applicant, as applicable and one Form SF-424A (Budget Information—Non-Construction Programs) per project).

2. **One budget narrative** that clearly identifies and justifies how funds in each line item of the budget (Form SF-424C or A) will be used to support the proposed project. The budget narrative should specifically address each budget line item (including both the Federal Share and matching Non-Federal share) and the narrative total should match the total project costs listed in both the SF-424 question 18 line g and SF-424A ("Totals") or SF-424C ("Total Project Costs"). The budget narrative should include itemized valuations of any in-kind matching funds. The non-Federal share, whether in cash or in-kind, is expected to be paid out at the same general rate as the Federal share; however, if the applicant's budget narrative proposes otherwise, applicants must also include information that clearly indicates what project elements the matching share funds will support and explain why deviation from paying out at the same general rate is required for the project to be implemented**.**

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

4. **One Form ED-900** (General Application for EDA Programs).

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

6. **One Form ED-900D** (Requirements for Design and Engineering Assistance).

7. **An environmental narrative** that will enable EDA to comply with its NEPA responsibilities. A narrative outline that details required components may be accessed in EDA's website at: http://www.eda.gov/files/012_Environmental_Narrative_Template.zip.

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

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

10. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, as applicable.

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

1. **A copy of the completed proposal package** as detailed above in Section D.2.a., including any relevant updates (if the applicant did not submit a proposal, the applicant must submit one Form SF-424 (Application for Federal Assistance) from each co-applicant, as applicable and one Form SF-424A (Budget Information—Non-Construction Programs) per project).

2. **One budget narrative** that clearly identifies and justifies how funds in each line item of the budget (Form SF-424C or A) will be used to support the proposed project. The budget narrative should specifically address each budget line item (including both the Federal Share and matching Non-Federal share) and the narrative total should match the total project costs listed in both the SF-424 question 18 line g and SF-424A ("Totals") or SF-424C ("Total Project Costs"). The budget narrative should include itemized valuations of any in-kind matching funds. The non-Federal share, whether in cash or in-kind, is expected to be paid out at the same general rate as the Federal share; however, if the applicant's budget narrative proposes otherwise, applicants must also include information that clearly indicates what project elements the matching share funds will support and explain why deviation from paying out at the same general rate is required for the project to be implemented.

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

4. **One Form ED-900** (General Application for EDA Programs).

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

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

7. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, as applicable.

Applications for **RLF assistance** must include:

1. **A copy of the completed proposal package** as detailed above in Section D.2.a., including any relevant updates (if the applicant did not submit a proposal, the applicant must submit one Form SF-424 (Application for Federal Assistance) from each co-applicant, as applicable and one Form SF-424A (Budget Information—Non-Construction Programs) per project).

2. **One budget narrative** that clearly identifies and justifies how funds in each line item of the budget (Form SF-424C or A) will be used to support the proposed project. The budget narrative should specifically address each budget line item (including both the Federal Share and matching Non-Federal share) and the narrative total should match the total project costs listed in both the SF-424

question 18 line g and SF-424A ("Totals") or SF-424C ("Total Project Costs"). The budget narrative should include itemized valuations of any in-kind matching funds. The non-Federal share, whether in cash or in-kind, is expected to be paid out at the same general rate as the Federal share; however, if the applicant's budget narrative proposes otherwise, applicants must also include information that clearly indicates what project elements the matching share funds will support and explain why deviation from paying out at the same general rate is required for the project to be implemented.

3. **One Form SF-424B** (Assurances—Non-Construction Programs) from each co-applicant, as applicable.
4. **One Form ED-900** (General Application for EDA Programs).
5. **One Form ED-900A** (Additional EDA Assurances for Construction Or Non—Construction Investments) from each co-applicant, as applicable.
6. **One Form ED-900F** (Supplement for Revolving Loan Fund Applications).
7. **A draft RLF plan** that addresses all components required by EDA's regulation at 13 C.F.R. § 307.9.
8. **One Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.
9. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, as applicable.

In addition, **an application to support a business incubator**, technology or other type of incubator or accelerator, regardless of the type of assistance being requested (i.e., construction or non-construction) must also include:

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

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

c. A management plan for operation of the incubator that, *at a minimum*, includes a/an:

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

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

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

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

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

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

Any applicant that proposes a project to support an incubator is ***strongly encouraged*** to contact the EDA representative listed for their applicable state in Section G. of this FFO to clarify technical matters involving their proposed project.

c. **Environmental and historic preservation requirements**

All applicants for EDA construction assistance (including design and engineering assistance) are required to provide adequate environmental information. Each application will be reviewed by EDA for compliance with the National Environmental Policy Act of 1969, as amended (NEPA). During the NEPA review process, applicants may be instructed to contact the designated State and/or Tribal Historic Preservation Officer (SHPO/THPO), provide approvals from other governmental agencies, or provide more detailed environmental information. EDA, after compliance with requirements for consultation with Federally recognized Indian Tribes, may require applicants to participate in Tribal consultation, as necessary. The implementing regulations of NEPA require EDA to provide public notice of the availability of project-specific environmental documents, such as environmental impact statements, environmental assessments, findings of no significant impact, and records of decision, to the affected public. For further guidance and information, please contact the applicable Regional Environmental Protection Specialist listed in Section G. of this FFO.

3. **Unique entity identifier and System for Award Management (SAM)**

To enable the use of a universal identifier and to enhance the quality of information available to the public as required by the Federal Funding Accountability and Transparency Act of 2006, to the extent applicable, applicants are required to: (i) Be registered in the System for Award Management (SAM) before submitting their application; (ii) provide a valid unique entity identifier in their application; and (iii) continue to maintain an active SAM registration with current information at all times during which they has an active Federal award or an application or plan under consideration by a Federal awarding agency. EDA may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements, and if an applicant has not fully complied with the requirements by the time EDA is ready to make an award, EDA may determine that the

applicant is not qualified to receive an award and use that determination as a basis for making an award to another applicant. Recipients will be subject to reporting requirements, as identified in OMB guidance published at 2 C.F.R. parts 25 and 170 (2014). The guidance set out at 2 C.F.R. part 25 may be located at http://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part25.pdf and the guidance set out at 2 C.F.R. part 170 may be located at http://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part170.pdf. Note that SAM now encompasses the Central Contractor Registration (CCR), and that the unique entity identifier is commonly the Data Universal Numbering System (DUNS) Numbers. The recipient must keep their SAM registration current.

4. **Submission Dates and Times**

There are no proposal or application deadlines under this FFO. Proposals and applications are accepted and reviewed on an ongoing basis in accordance with the timelines set out in this FFO until the publication of a new EDAP FFO. EDA may cancel or withdraw this FFO at any time.

a. **How to submit a proposal or an application**

i. **Electronic submissions**

EDA strongly encourages electronic submissions of proposals and applications through Grants.gov. EDA will not accept facsimile or email transmissions of proposals or applications.

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

Please see Section I. of this FFO for more detailed instructions and information on the requirements for submitting proposals or applications electronically via Grants.gov.

ii. **Paper submissions**

An applicant may submit a completed paper proposal or application via postal mail or courier service, using the selected courier's delivery confirmation service, to the applicable regional office listed in Section G. of this FFO. The applicant may download the appropriate proposal or application package, whether construction or non-construction as provided in Section D.2. of this FFO, in a screen-fillable format from http://www.grants.gov/applicants/apply_for_grants.jsp, save it electronically, and print it for paper submission. EDA recommends that applicants avoid the use of three ring binders when submitting paper proposals/applications in the interest of green business practices.

One original and two copies of the complete proposal or application must be received by the applicable regional office. Applicants are encouraged to include an electronic version of their proposal or application on a CD to facilitate processing of the application by EDA.

DOC mail security measures may delay receipt of United States Postal Service mail for up to two weeks. Therefore, applicants that submit paper submissions are advised to use guaranteed delivery services.

5. **Intergovernmental review**

Applications submitted under this FFO are subject to the requirements of Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs," if a State has adopted a process under EO 12372 to review and coordinate proposed Federal financial assistance and direct Federal development (commonly referred to as the "single point of contact review process"). All applicants must give State and local governments a reasonable opportunity to review and comment on the proposed Project, including review and comment from area-wide planning organizations in metropolitan areas. To find out more about a State's process under EO 12372, applicants may contact their State's Single Point of Contact (SPOC). Names and addresses of some States' SPOCs are listed on the Office of Management and Budget's home page at http://www.whitehouse.gov/omb/grants_spoc. Section A.11. of Form ED-900 provides more information and allows applicants to demonstrate compliance with EO 12372.

An applicant seeking funding under the Public Works program or for a construction project or RLF grant under the EAA program that is not a State, Indian Tribe, or general purpose local governmental authority must afford the appropriate general purpose local governmental authority in the project region a minimum of 15 days to review and comment on the proposed project, and provide with its application a statement of its efforts to seek comments and either (i) a copy the comments received and a statement of any actions to address those comments or (ii) a statement that no comments were received.

6. **Funding Restrictions**

In general, EDA does not reimburse pre-award project costs. Applicants that are in need of such reimbursement should work closely with the EDA representative for their state to determine if their pre-award costs may be considered for reimbursement. In order for contracted pre-award costs to be eligible for reimbursement, the applicant must competitively procure services pursuant to the Federal government's procurement procedures. All pre-award costs are incurred at an applicant's own risk and will be considered for reimbursement, in EDA's sole discretion, only if an applicant receives an award and such costs are approved by EDA in writing. Under no circumstances will EDA or DOC be held responsible for proposal and application preparation expenditures, which are distinguished from pre-award project costs.

7. **Will I be required to provide any additional forms or documentation?**

After EDA reviews your proposal and application, EDA may contact you to request any necessary additional documentation to clarify or substantiate submitted proposal or application materials, depending on the type of project proposed. Examples of additional documentation may include title verification, proof of project ownership, evidence that all funding is available and committed to the project, or documentation required for environmental or legal compliance. This additional documentation will be required to ensure that the proposed project complies with all applicable rules and regulations prior to EDA's issuance of an award. EDA will provide applicants a reasonable amount of time to provide any additional documentation. Failure to provide complete and accurate supporting documentation in a timely manner *when requested by EDA* may result in the denial of your application.

EDA may make changes or additions to this FFO. All changes will be communicated on Grants.gov.

E. Proposal and Application Review Information

Throughout the review and selection process, EDA reserves the right to seek clarification in writing from applicants whose proposal or application packages are being reviewed and considered. EDA may ask applicants to clarify proposal or application materials, objectives, and work plans, or modify budgets or other specifics necessary to comply with Federal requirements. Before proposals and applications are reviewed as described below, EDA will conduct an initial screening to verify that all required forms are complete and all required documentation is included. Proposals and applications that do not contain all elements listed in Sections D.2.a. and D.2.b., respectively, of this FFO will not be reviewed.

1. Criteria- Phase I: Proposal Review

A Proposal Review Committee (PRC) of at least three EDA staff will review all complete proposal packages received to ensure that they are sufficiently responsive to this FFO. EDA staff will use the following factors to determine if a proposal is "Responsive" or "Not Responsive" to this FFO:

a. The project's consistency with at least one of EDA's current investment priorities as outlined in Section A.2. of this FFO;
b. The project's clear and reasonable estimates of job creation and/or private investment or the project's ability to provide information and tools necessary to further regional economic goals;
c. The applicant's eligibility to receive an EDA grant (for more information on applicant eligibility requirements, see Section C.1. of this FFO);
d. The eligibility of the area in which the project will be located or which the project will benefit (for more information on Regional economic distress eligibility requirements, see Section C.3. of this FFO); and
e. The project's consistency with the goals of Public Works or EAA and the relevant economic objectives stated in the region's CEDS (or CEDS equivalent), as detailed in Section A.3. of this FFO.

If the PRC determines that a proposal is "Not Responsive" to any of the above criteria, the proposal will not receive further consideration for funding. Applicants will be notified within 30 days of receipt of their complete proposal (or combined proposal/application package) of the PRC's determination regarding their proposal.

If the PRC determines that a proposal is "Responsive" to all of the above criteria, the applicant will be asked to submit a **complete application** to EDA for further evaluation (see Section E.2. of this FFO).

An EDA manager/supervisor will verify that the PRC properly applied each of the responsiveness factors. If the manager/supervisor determines that the PRC's application of the responsiveness factors is incorrect and reverses the PRC's determination, the manager/supervisor will justify his or her decision in writing and with specificity.

Please note that if EDA determines that a proposal is "Responsive" to this FFO and requests that an applicant submit a complete application, EDA is not obligated and cannot

guarantee that the relevant project will receive funding in whole or in part. EDA receives far more applications than it can fund.

2. **Review and Selection Process**

a. **Phase II: Investment Review Committee (IRC)**

Each regional office will convene an IRC that consists of at least four Federal employees to review each complete application where the PRC has determined that the proposed project is "Responsive" to this FFO. Additional IRCs may be convened depending on the volume of applications received. Before the IRC reviews an application, EDA will conduct an administrative review to determine that the application is complete. An application package that does not contain all elements listed in Section D.2.b. of this FFO will not be reviewed.

All IRC members will review each complete application before the IRC discussion and evaluation. The IRC will make a group evaluation of the merits of each application based on the extent to which the application meets the program-specific award and application requirements provided in 13 C.F.R. part 305 for Public Works investments and 13 C.F.R. part 307 for EAA investments. The IRC will use the following criteria in its review, with each criterion receiving equal weight:

1. The project's feasibility, including the availability and committed nature of proposed matching funds;
2. The project's sustainability/durability, including the extent to which the project demonstrates support from regional stakeholders (private, public, and non-profit entities, etc.);
3. The applicant's organizational capacity, including its financial and management capacity;
4. The project's alignment with the regional CEDS or other CEDS equivalent EDA-accepted economic development strategy, including the extent to which the project is aligned with and integrated into other public or private investments currently ongoing or planned for the community and region;
5. The project's demonstrated alignment with at least one of EDA's current investment priorities as outlined in Section A.2. of this FFO;
6. The project's demonstrated ability to foster job creation and promote private investment in the regional economy; and
7. The extent to which the project will enable the community/region to become more economically diversified and prosperous.

Based on its consideration of the above factors, the IRC will prepare a priority order of funding recommendations for the respective Regional Director. EDA's final decision on whether to fund a project is dependent upon the ability of the applicant to provide sufficient documentation of the project's compliance with applicable rules and regulations.

Applicants should expect written notification from EDA regarding the outcome of the IRC within 60 days of EDA's receipt of their **complete application**.

b. **Due Diligence**

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

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

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

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

c. **Grants Officer's Decision**

Applications recommended by the IRC and deemed fully compliant with applicable rules and regulations will be forwarded to the Regional Director, who is the Grants Officer under this announcement. Each Regional Director has been delegated the authority to make the final decision on whether to fund an application and may select a project for funding that differs from the IRC's recommendations based on any of the following Selection Factors:

1. The relative economic distress of the region;
2. The likelihood a given project will start quickly, realistically achieve project goals, and catalyze additional resources;
3. The extent to which the application meets the overall objectives of Section 2 of PWEDA (42 U.S.C. § 3121);
4. The applicant's performance under previous Federal financial assistance awards, including whether the grantee submitted required performance reports and data;
5. The availability of program funding; and

6. The extent to which the project supports EDA's goals of geographic balance in distribution of program funds, project types, organizational type (to include smaller and rural organizations) and the overall portfolio.

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

3. Federal Awardee Performance Integrity System (FAPIIS) Review

EDA, prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the 25 designated integrity and performance system accessible through SAM (currently FAPIIS). See 41 U.S.C. § 2313.

Each applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. EDA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.205.

F. Federal Award Administration Information

1. Federal Award Notices

a. Notification of Application Status

Under this FFO, EDA expects to provide applicants with written notification regarding the status of their application at each phase of the evaluation process, as outlined in Section E. of this FFO above. Applicants are advised that though this notification may express the applicant's success in a particular phase of the evaluation process, it will not obligate EDA to make an award to the applicant and is not the official award document (see Form CD-450 discussion below).

b. Notification of Award (Form CD-450)

If an application is selected for funding and the applicant successfully and timely completes all due diligence requirements, the expectation is that the EDA Grants Officer will issue a Form CD-450, which is the authorizing financial assistance award document.

c. Accepting an EDA Award

By signing Form CD-450, the recipient agrees to comply with all award provisions. EDA will provide Form CD-450 by mail or two-day delivery to the appropriate business office of the recipient's organization. The recipient must sign and return the Form CD-450 without

modification within 30 days of the date of the EDA Grants Officer's signature on the form to the applicable Regional Office.

d. **Future Funding**

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

e. **Unsuccessful Applicants**

EDA will notify unsuccessful applicants in writing. EDA will retain unsuccessful applications in accordance with EDA's record retention schedule.

2. **Administrative and National Policy Requirements**

Administrative and national policy requirements for all DOC awards apply to this competition. These requirements may be found in the "Department of Commerce Financial Assistance Standard Terms and Conditions" (ST&Cs) and are summarized in the "Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements," published in the *Federal Register* on December 30, 2014 (79 FR 78390). The Pre-Award notice may be accessed at the Government Printing Office (GPO) website at www.gpo.gov/fdsys/pkg/FR-2014-12-30/pdf/2014-30297.pdf. The ST&Cs may be accessed at the following website: http://www.osec.doc.gov/oam/grants_management/policy/default%20p2.htm.

3. **Reporting**

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

b. The Federal Funding Accountability and Transparency Act of 2006 includes a requirement for awardees of applicable Federal grants to report information about first-tier subawards[18] and executive compensation under Federal assistance awards issued in FY 2011 or later. All awardees of applicable grants and cooperative agreements are required to report to the Federal Subaward Reporting System (FSRS) available at www.FSRS.gov on all sub-awards over $25,000. Please see the OMB guidance published at 2 C.F.R. part 170 (2015), which can be accessed at http://www.gpo.gov/fdsys/pkg/CFR-2015-title2-vol1/pdf/CFR-2015-title2-vol1-part170.pdf.

c. EDA may require additional data on activities, outputs and actual impact of the funded investment, pursuant to the Government Performance and Results Act (GPRA), as well as specified under the special terms and conditions of the EDA

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

grant award. For example, recipients may be expected to continuously track their engagement activities within the scope of work, other beneficiaries, and project-related stakeholders. They may also be expected to collect data on the outputs and impacts of their activities, such as, for example, the number of beneficiary strategic plans developed, the number of new business partnerships formed, or new capabilities acquired using surveys of beneficiaries or clients if necessary. EDA will specify the data collection techniques and reporting mechanisms to be used.

4. **Regulations, administrative requirements, and cost principles**

Specific regulations, administrative requirements, and cost principles govern the use of EDA funds. The general and administrative requirements for EDA awards are set forth in 13 C.F.R. parts 300–302. Specific application and award requirements for the Public Works program are set out at 13 C.F.R. part 305 and for the EAA program at 13 C.F.R. part 307. EDA funds may not be used directly or indirectly to reimburse any attorneys' or consultants' fees incurred in connection with obtaining investment assistance pursuant to this competitive solicitation. *See* 13 C.F.R. § 302.10.

Recipients of an EDA award will be bound by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, which are codified at 2 C.F.R. part 200 (Uniform Guidance). The Uniform Guidance streamlines the language from eight existing Office of Management and Budget (OMB) circulars, including Cost Principles (OMB Circulars A-21, A-87, A 122), administrative requirements (OMB Circulars A-102 and A 110), and audit requirements (OMB Circular A-133) into one consolidated set of guidance applicable to federal assistance awards. Note that the Uniform Guidance supersedes DOC's Uniform Administrative Requirements set out at 15 C.F.R. parts 14 and 24, and all the aforementioned OMB circulars. Applicants are advised to familiarize themselves with 2 C.F.R. part 200, may be found at http://www.gpo.gov/fdsys/pkg/CFR-2015-title2-vol1/pdf/CFR-2015-title2-vol1-subtitleA-chapII.pdf. Additional information on the substance of and transition to the OMB Uniform Guidance may be found at https://cfo.gov/cofar/.

G. EDA Contact Information

For questions concerning this solicitation, or more information about EDA programs, you may contact the appropriate EDA representative listed below. Updated contact information can be found on EDA's website at https://www.eda.gov/contact/htm.

Atlanta Regional Office

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

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404-730-3020

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404-730-3009

Kentucky
Pamela Farmer
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404-730-3026

Mississippi
Gil Patterson
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404-730-3032

Georgia
Jonathan Corso
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404-730-3023

South Carolina
Robin Cooley
rcooley@eda.gov
803-253-3640

North Carolina
Hillary Sherman
hsherman@eda.gov
404-730-3013

Tennessee
Bertha Partin
bpartin@eda.gov
404-730-3010

Environmental Officer
Keith Dyche
kdyche@eda.gov
404-730-3029

Austin Regional Office

Jorge Ayala, Regional Director
903 San Jacinto, Suite 206, Austin, TX 78701
(512) 381-8150 Main Office
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512-568-7732

Environmental Officer
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512-381-8169

Chicago Regional Office

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312-789-9753

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312-789-9752

Michigan, Wisconsin
Lee Shirey
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312-789-9751

Environmental Officer
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312-789-9750

Denver Regional Office

Angela Belden Martinez, Regional Director
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Environmental Officer
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303-844-5363

Philadelphia Regional Office

Linda Cruz-Carnall, Regional Director
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215-597-8723

District of Columbia, Maryland, Puerto Rico, Virgin Islands
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215-597-7538

Maine, New Hampshire, Rhode Island
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207-317-7692

Massachusetts, Virginia
Bob Gittler
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215-597-4360

Northern New Jersey, New York
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215-316-2124

Pennsylvania, Southern New Jersey, and Delaware
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267-687-4317

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215-597-1242

West Virginia
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Environmental Officer
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Seattle Regional Office

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206-220-7666

California (Coastal and Northern)
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916-235-0088

California (Central and Southern), Nevada
Wilfred Marshall
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310-348-5386

Hawaii, Guam, Northern Mariana Islands, American Samoa, Marshall Islands, Federated States of Micronesia, Palau
Gail Fujita
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Oregon, Clark County, Idaho, and Eastern Washington
David Porter
dporter@eda.gov
503-326-3078

Environmental Officer
Shannon FitzGerald
sfitzgerald@eda.gov
206-220-7703

H. Other Information

1. Right to Use Information

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

2. Freedom of Information Act Disclosure

The Freedom of Information Act (5 U.S.C. § 552) (FOIA) and DOC's implementing regulations at 15 C.F.R. part 4 set forth the rules and procedures to make requested material, information, and records publicly available. Unless prohibited by law and to the extent permitted under FOIA, contents of applications submitted by applicants may be released in response to FOIA requests. In the event that a proposal or application contains information or data that the applicant deems to be confidential commercial information, that information should be identified, bracketed, and marked as "Privileged, Confidential, Commercial or Financial Information." Based on these markings, the confidentiality of the contents of those pages will be protected to the extent permitted by law.

3. Notice of Government-Wide Procurement Restriction

The general rule for Federal financial assistance is that contractors that develop draft specifications, requirements, statements of work, invitations for bids or requests for proposals are prohibited from competing for the final procurement. For instance, a professional engineer or architect who prepared the Preliminary Engineering Report for an EDA application would be excluded from bidding on the same work under the award. Before the Uniform Guidance took effect, pursuant to the DOC grant regulations at 15 C.F.R. Parts 14 and 24, the prohibition applied to institutions of higher education, hospitals, non-profits and commercial and international organizations but did not apply to States, local governments or Indian Tribes. However, under 2 C.F.R § 200.319 and 200.317 which are now controlling, only State

recipients are expressly exempt from this prohibition. Despite this change, local governments and Indian Tribes may also take advantage of the exemption in two narrow circumstances: (i) if they are required (by statute, for example) to follow the State's procurement rules in full and without exception; or (ii) if they are required to follow a specific State procurement rule that creates an explicit conflict with the prohibition in 2 C.F.R. § 200.319(a) (i.e., there is a statute that requires or permits the local government or Indian Tribe to award the final procurement to the same contractor that developed the draft specifications). Absent one of these two scenarios, the local government or Indian Tribe must comply with the prohibition. Applicants are encouraged to contact the EDA representative listed for their applicable state in Section G. of this FFO with any questions regarding application of this regulation.

4. Past Performance and Non-Compliance with Award Provisions

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

5. Restrictions Governing Making Grants to Corporations Convicted of Felony Criminal Violations and/or Unpaid Federal Tax Liabilities

In accordance with current Federal appropriations law, execution by an applicant of the Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction Under Any Federal Law (see Appendix A) will be required in a format requested by EDA before any award will be made under this FFO.

6. EDA's Non-relocation Policy

Applicants are advised that should an application be selected for award, the recipient will be required to adhere to a special award condition relating to EDA's non-relocation policy as follows:

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

For purposes of ensuring that EDA assistance will not be used to merely transfer jobs from one location in the United States to another, each applicant must inform EDA of all employers that constitute primary beneficiaries of the project assisted by EDA. EDA will

consider an employer to be a "primary beneficiary" if: (i) the employer is specifically named in the application as benefitting from the project and the applicant estimates that the employer will create or save 100 or more permanent jobs as a result of the investment assistance (if the jobs in question were originally located in a smaller community, EDA may extend this policy to the relocation of 50 or more jobs); or (ii) the employer is or will be located in an EDA-assisted building, port, facility, or industrial, commercial, or business park constructed or improved in whole or in part with investment assistance prior to EDA's final disbursement of funds.

7. **Audit Requirements**

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

8. **Implementing the Americans with Disabilities Act (ADA)**

The U.S. Department of Justice has issued revised regulations implementing Title II of the ADA (28 C.F.R. part 35; 75 FR 56164, as amended by 76 FR 13285) and Title III of the ADA (28 C.F.R. part 36; 75 FR 56164, as amended by 76 FR 13286).

I. Instructions for Proposal and Application Submission via Grants.gov

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

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

Once an applicant is registered, the following list provides step-by-step instructions for accessing, completing and submitting a proposal/application via Grants.gov. Please also read the instructions posted at Grants.gov.

1. Ensure that you have installed a compatible version of Adobe Acrobat Reader on your computer, as incompatible versions of Adobe Acrobat Reader may cause errors. *See* http://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html. Navigate to www.grants.gov and select "Apply for Grants" from the Applicants menu.
2. Select the link for "Download a Grant Application" package.
3. Enter Funding Opportunity Number "EDAP2017" and click "Search."
4. Click on the "Select Application Package to Download" link under "Actions" for the instructions and proposal/application specific to the type of project and EDA program (Public Works or Economic Adjustment Assistance) under which you are applying.
5. A new page should come up. On that page you may either enter your email address (in order to receive updates about this funding opportunity) or check the box that says "No, I do not wish to provide my email address." Click "Submit."
6. Two new links will appear. Click on "Download Application Instructions" to review the instructions posted on Grants.gov and "Download Application Package" when you are ready to begin the proposal/application.
7. Save the applicable proposal/application package to your computer or network drive. Note that the package file can be shared among multiple users; however, each user must have a compatible version of Adobe Acrobat Reader installed in order to save changes to the proposal/application package.
8. The proposal/application package should pre-populate with all mandatory forms embedded.
9. To add "Optional Documents" to the proposal/application, click on the checkboxes next to the form name on the first page of the proposal/application package. Form SF-LLL is required and must be completed if non-Federal funds have been or are planned to be used for lobbying in connection with this competitive solicitation. If you will be submitting your proposal/application via Grants.gov, also check the box next to "Attachments." The Attachments form allows applicants to attach any documents required as attachments under this competitive solicitation, such as a CEDS or letters of support.
10. Complete all mandatory fields (highlighted in yellow) on the forms. Note that mandatory fields will vary based on the type of applicant and the type of assistance sought. On Form CD-511, type "not awarded yet" in the "project number" field. Save the proposal/application package at regular intervals to avoid losing work.
11. Attach any required attachments. The preferred file format for attachments is portable document format (PDF); however, EDA will accept electronic files in Microsoft Word, WordPerfect, or Excel formats. ·
12. When all mandatory fields have been completed, scroll to the top and click on "Check Package for Errors".
13. Click "Save".

14. Click "Save and Submit". At this point the applicant's AOR must be connected to the Internet and will be asked to enter their Grants.gov user id and password in order to submit via Grants.gov. As noted above, an AOR must submit the proposal/application for it to be validated by Grants.gov and received by EDA.

Field limitations and special characters. Please be advised that Grants.gov provides the following notice with respect to form field limitations and special characters:

Are there restrictions on file names for any attachment I include with my proposal/application package?

Please limit file names to 50 characters and do not use special characters (example: &,-,*,%,/,#) in attachment names and application form fields (including periods (.), blank spaces and accent marks) or attach documents with the same name. An underscore (example: my_Attached_File.pdf) may be used to separate a file name. Please note that if these guidelines are not followed, your proposal/application may be rejected.

What kind of information can be entered into form fields within my application?

Grants.gov proposal/application packages offer fields to enter a set amount of data. When the limit is reached for a certain field, you will no longer be able to enter data into that field. For every form, there are different limitations to the data that you are allowed to enter (this varies between agency and form). Refer to the agency instructions available for download with the proposal/application package for more detail.

Do not use special characters (example: &,-,*,%,/,#) within the proposal/application form fields including periods (.), blank spaces and accent marks; an underscore may be used. Please note that if these guidelines are not followed, your proposal/application may be rejected.

In EDA's experience, use of apostrophes (') in file names and fillable fields of required forms has resulted in proposal/application submission issues. Accordingly, please periodically check the status of your proposal/application to make sure it has been validated, and use file naming conventions that do not negatively affect your proposal/application submission.

If a response exceeds the field limit requirements of any form, including Form ED-900, the applicant is advised to include the response as an attachment to the application. The applicant should check the 'Attachments' box under 'Optional Documents for Submission' in the proposal/application package, and clearly indicate in the form field that the information is included as an electronic file.

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

An applicant should expect to receive two initial emails from Grants.gov: the first will confirm receipt of the proposal/application, and the second will indicate that the

proposal/application has either been successfully validated by the system before transmission to EDA or has been rejected due to errors. Applicants should be aware that it may take up to two business days after Grants.gov receives a proposal/application for applicants to receive email notification of an error. Applicants will receive a third email once EDA has retrieved their proposal/application.

EDA requests that applicants kindly refrain from submitting multiple copies of the same proposal/application package. Applicants should save and print both the confirmation screen provided on the Grants.gov website after the applicant has submitted a proposal/application, and the confirmation email sent by Grants.gov when the proposal/application has been successfully received and validated in the system. If an applicant receives an email from Grants.gov indicating that the proposal/application was received and subsequently validated, but does not receive an email from Grants.gov indicating that EDA has retrieved the proposal/application package within 72 hours of that email, the applicant may contact the applicable EDA representative listed in Section G. of this announcement to inquire if EDA is in receipt of the applicant's submission.

It is the applicant's responsibility to verify that its submission was timely received and validated successfully at Grants.gov. To see the date and time your proposal/application was received, log on to Grants.gov and click on the "Track My Application" link from the left-hand menu. For a successful submission, the proposal/application must be received and validated by Grants.gov, and an agency tracking number assigned. If your proposal/application has a status of "Received," it is awaiting validation by Grants.gov, and has not yet been received by EDA. Once validation is complete, the status will change to "Validated" or "Rejected with Errors." If the status is "Rejected with Errors," your proposal/application has not been received successfully. Some of the reasons Grants.gov may reject a proposal/application can be found at http://www.grants.gov/web/grants/applicants/encountering-error-messages.html.

Applicants should access the following link for assistance in navigating Grants.gov and for a list of useful resources: http://www.grants.gov/web/grants/support.html. The following link lists frequently asked questions (FAQs): http://www.grants.gov/web/grants/applicants/applicant-faqs.html. If you do not find an answer to your question under the "Applicant FAQs," try consulting the "Applicant User Guide" or contacting Grants.gov by email at support@grants.gov or telephone at 1-800-518-4726. The Grants.gov Contact Center is open 24 hours a day, seven days a week.

Appendix A. Certifications Regarding Federal Felony and Federal Criminal Tax Convictions, Unpaid Federal Tax Assessments and Delinquent Federal Tax Returns

As discussed in Part I and Part II below, EDA anticipates the applicable appropriations Act to contain certain funding prohibitions and certification requirements applicable to financial assistance awards issued with appropriated funds. Based on these requirements, the Department of Commerce requires the following certifications from prospective financial assistance award recipients (also referred to below as applicants):

PART I-Certifications from Corporations

None of the appropriated funds made available by relevant appropriations Acts may be used to issue a financial assistance to any corporation that:

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

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

For purposes of the below certification, a corporation is defined as an entity that has filed articles of incorporation in one of the fifty states, the District of Columbia, or the various territories of the United States including American Samoa, Federated States of Micronesia, Guam, Midway Islands, Northern Mariana Islands, Puerto Rico, Republic of Palau, Republic of the Marshall Islands, and the U.S. Virgin Islands. (Note that this includes both for-profit and non-profit organizations.)

The below certification is required for all new financial assistance awards and for all amendments to existing financial assistance awards, that are made to corporations (as defined above) and that are funded with appropriated funds made available to the Department of Commerce pursuant to relevant appropriations Acts. This certification is further required to the extent that other appropriation Acts contain the same or substantively similar prohibitions against the issuance of financial assistance awards to certain corporations.

Instructions: All recipients that are corporations (as defined above) must complete paragraphs (1) and (2) below, which must be signed below by an authorized representative of the corporation. Recipients that are not corporations are not required to complete this representation.

(1) _____ [insert name of corporation] certifies that it is ☐ is not ☐ (check one) a corporation that was convicted of a felony criminal violation under a Federal law within the 24 months preceding the signature date of this Representation.

(2) _____ [insert name of corporation] certifies that it is ☐ is not ☐ (check one) a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

By: _____
[Typed name and title of the signing individual]
[Typed phone number of the signing individual]
[Typed email address of the signing individual]

Date: _____

PART II-Certifications for Awards Over $5 Million

For financial assistance awards in excess of $5 million, EDA anticipates the applicable appropriations Act to require Commerce to obtain written certification from all recipients that:

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

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

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

The below certification is required from all recipients receiving financial assistance awards in excess of $5 million and funded with applicable appropriations. This certification is further required to the extent that other appropriation acts contain the same or substantively similar prohibitions against the issuance of financial assistance to certain recipients of financial assistance awards in excess of $5 million.

Instructions: All applicants receiving financial assistance awards in excess of $5 million and funded with applicable appropriations must complete paragraphs (1), (2) and (3) below, which must be signed below by an authorized representative of the applicant.

(1) _____ [insert name of corporation] certifies that it has ☐ has not ☐ (check one) filed all Federal tax returns required during the three years preceding this certification;

(2) _____ [insert name of corporation] certifies that it has ☐ has not ☐ (check one) been convicted of a criminal offense under the Internal Revenue Code of 1986, as amended; and/or

(3) _____ [insert name of corporation] certifies that it has ☐ has not ☐ (check one) been notified, more than 90 days prior to this certification, of any Federal tax assessment for which liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

By: _____
[Typed name and title of the signing individual]
[Typed phone number of the signing individual]
[Typed email address of the signing individual]

Date: _____