

ANNOUNCEMENT OF FEDERAL FUNDING OPPORTUNITY

EXECUTIVE SUMMARY

- **Federal Agency Name:** National Institute of Standards and Technology (NIST), Department of Commerce
- **Funding Opportunity Title:** Recovery Act NIST Construction Grant Program
- **Announcement Type:** Initial
- **Funding Opportunity Number:** 2009-NIST-ARRA-CONSTRUCTION-01
- **Catalog of Federal Domestic Assistance (CFDA) Number:** 11.618, National Institute of Standards Construction Grant Program
- **Dates:** A Letter of Intent is required and must be received no later than 3 p.m. Eastern Time, Thursday, June 25, 2009. A corresponding full proposal must be received no later than 3 p.m. Eastern Time, Monday, August 10, 2009. Review, selection, and grant award processing is expected to be completed in February 2010.
- **Proposal Submission Address:**

Letters of Intent may only be submitted by paper to:

National Institute of Standards and Technology
100 Bureau Drive, Stop 4701
Gaithersburg, MD 20899-4701

Full proposals may be submitted by paper and electronically to:

- Paper Submission: National Institute of Standards and Technology
100 Bureau Drive, Stop 4701
Gaithersburg, MD 20899-4701

- Electronic submission: www.grants.gov

- **Funding Opportunity Description:** The National Institute of Standards and Technology (NIST), United States Department of Commerce (DoC), is soliciting grant proposals for construction of research science buildings.
- **Total Amount to be Awarded:** Approximately \$120 million for new grants.
- **Anticipated Amounts:** NIST anticipates funding 8-12 projects with Federal shares in the \$10 million - \$15 million range with a project period of performance of up to five (5) years, although there is an expectation that most of the projects will be completed prior to 5 years.
- **Funding Instrument:** Grant

- **Who Is Eligible:** U.S. institutions of higher education and non-profit organizations are eligible to apply for awards under this Program.
- **Cost Sharing Requirements:** Although cost sharing is not required, NIST encourages cost sharing in order for a proposal to be competitive, and it will be considered as part of the Selection Factors. A cost share of 25% would be viewed favorably, 50% even more favorably.

FULL ANNOUNCEMENT TEXT

I. Funding Opportunity Description

The American Recovery and Reinvestment Act of 2009 (Recovery Act) (Public Law 111-5) appropriated \$180 million to NIST “for a competitive construction grant program for research science buildings.” Additional information on the program was provided on page 418 of the Conference Report to accompany House Report 111-16 (Feb. 12, 2009): “. . . \$180,000,000 shall be for the competitive construction grant program for research science buildings, including fiscal year 2008 and 2009 competitions.”

Consistent with the Conference Report language NIST intends to issue grant awards for approximately \$60 million to unfunded meritorious proposals submitted under the fiscal year 2008 competition and issue grant awards for approximately \$120 million under a new fiscal year 2009 competition.

The goals and objectives of the program are to provide competitively awarded grant funds for research science buildings through the construction of new buildings or expansion of existing buildings. For purposes of this program, “research science building” means a building or facility whose purpose is to conduct scientific research, including laboratories, test facilities, measurement facilities, research computing facilities, and observatories. In addition, “expansion of existing buildings” means that space to conduct scientific research is being expanded from what is currently available for the supported research activities.

Consistent with Section 3 of the Recovery Act, the projects undertaken through this program will result in the preservation of jobs and the promotion of economic recovery; the provision of investments needed to increase economic efficiency by spurring technological advances; and the investment in infrastructure that will provide long-term economic benefits. Activities will be commenced as quickly as possible while ensuring prudent management.

II. Award Information

NIST anticipates funding 8-12 projects with the Federal shares in the \$10 million - \$15 million range and with a project period of performance of up to five (5) years, although there is an expectation that most of the projects will be completed prior to 5 years. The anticipated start date will be one month after the award is made. The period of performance depends on the construction schedule proposed.

The funding instrument that will be used is a grant.

III. Eligibility Information

1. Eligible Applicants

U.S. institutions of higher education and non-profit organizations are eligible to apply.

2. Cost Sharing or Matching Requirement

Although cost sharing is not required it is encouraged for a proposal to be selected for funding. A cost share of 25% would be viewed favorably, 50% even more favorably.

Cost sharing is that portion of the project costs not borne by the Federal government and includes direct and indirect costs. Sources of cost share include cash and third party in-kind contributions. Cash contributions can be from recipient, state, county, city, or other non-Federal sources. Third party in-kind contributions can be made by non-Federal third parties and can include, but are not limited to, equipment and materials and supplies.

The purchase of land cannot be used as cost sharing. See also section IV.6. Funding Restrictions.

Any cost sharing must be in accordance with the “cost sharing or matching” provisions of 15 CFR Part 14, *Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations*.

As with the Federal share, any costs included as cost share must be allowable under the following applicable Federal cost principles: 1) Institutions of Higher Education: 2 CFR Subtitle A, Chapter II, Part 220 (OMB Circular A-21); and 2) Nonprofit organizations: 2 CFR Subtitle A, Chapter II, Part 230 (OMB Circular A-122).

3. Ineligible Projects. The following projects are unallowable/ineligible under this program:

- a. Projects to construct or expand a building not intended for performing research or that will predominately be equipped with routine office equipment and/or lecture/class room furnishings.
- b. Projects to construct facilities that will primarily benefit undergraduate research training programs, rather than the creation of new graduate level research programs, or expanding existing graduate level research programs.
- c. Projects to construct facilities that will primarily benefit the education of the general public rather than support research activities.
- d. Projects that include tasks for constructing shell space that will not be completed into research space within the grant will have these tasks removed.

IV. Application/Proposal and Submission Information

1. Letter of Intent (*required*)

Each eligible organization can submit only one Letter of Intent in response to this solicitation. A Letter of Intent, in paper form only, is mandatory and must be received by NIST no later than 3 p.m. Eastern Time, Thursday, June 25, 2009. If a full proposal is submitted to NIST from an applicant who did not submit the required Letter of Intent, the full proposal will be rejected and not reviewed. It is expected that the Letter of Intent, which is to provide an overview of responsible personnel and estimated costs, will be reviewed for eligibility, and whether or not the project complements one or more of the program priorities. NIST will send an acknowledgement of the Letter of Intent to all applicants who timely submit a Letter of Intent. The Letter of Intent must provide the following information:

- a. Title of Proposed Project
- b. Primary Contact Name (someone with fiduciary authority over the project)
- c. Submitting Organization Name
- d. Facility (to be built or renovated) Name
- e. Project Synopsis – (maximum of 2,500 characters): Summarize the need and justify the proposed project. Summarize the contributions, improvements, and impacts the project will have on science and technology and associated infrastructure.
- f. Total anticipated project costs, including total Federal funds requested and any cost share. These estimates can change for the full proposal.
- g. Project Personnel – (maximum of 2,500 characters): Each project must identify (1) key scientific personnel that will use the facility, and (2) construction management project personnel. For each person, order the list as follows: Last name, first name; organization affiliation; organization title (e.g., VP for Research, Professor, Construction Manager, etc.); and project role (e.g., project director, project manager, project coordinator, etc.)

Each applicant organization may only submit one Letter of Intent. Submission of multiple Letters of Intent from one applicant organization is not allowed. If more than one Letter of Intent is received from the same applicant organization, NIST will acknowledge each Letter of Intent received from the same applicant organization and provide notice that if more than one full proposal is received from the same applicant organization at the time of full proposal submission, all full proposals from that same applicant organization will be rejected without review.

Letters of Intent may only be submitted by paper (an original and two copies) to:

National Institute of Standards and Technology
100 Bureau Drive, Stop 4701
Gaithersburg, MD 20899-4701

2. Full Proposal Requirements and Application Package

For electronic proposal submission, the forms listed in 3.a. through 3.d. below are available as part of the Grants.gov application package and can be completed through the download application process. For paper proposal submission, fillable forms listed in 3.a. through 3.d. below are available on the NIST Recovery Act Web site at www.nist.gov/recovery. For both electronic and paper proposal submissions, the forms listed in 3.f. through 3.h. are available on the NIST Recovery Act Web site www.nist.gov/recovery. Requests for paper copies of the application package can be made to Christopher Hunton at 301-975-5718 or christopher.hunton@nist.gov or to Sue Li at 301-975-8817 or sue.li@nist.gov.

3. Content and Form of Application/Proposal Submission

Complete proposals must include the following forms and documents:

- a. SF-424, Application for Federal Assistance (required)
- b. SF-424C, Budget Information – Construction Projects (required)
- c. SF-424D, Assurances - Construction Programs (required)
- d. SF-LLL, Disclosure of Lobbying Activities (required)
- e. Technical Proposal responsive to program description (required)
- f. NIST-1101, NIST Construction Grant Program Budget Narrative (required)

- g. NIST-1101A, NIST Construction Grant Program Details on Unallowable Project Costs (if applicable)
- h. NIST-1101B, NIST Construction Grant Program Environmental Compliance Questionnaire (required)
- i. Letters of Commitment for Cost Sharing (required)

If submitting a proposal electronically via Grants.gov, items 3.a through 3.d. are part of the mandatory application package in Grants.gov. Items 3.e. through 3.i. are to be completed and **attached as a single PDF document** to item 15 of the SF-424, Application for Federal Assistance.

If submitting by paper, all of the mandatory proposal documents should be submitted in the order listed above.

Technical Proposal Preparation Instructions:

The Technical Proposal is a word-processed document written by the applicant. The Technical Proposal should describe in depth the planned research use or scientific/technical goals for the research space, the key research personnel that will use the building/facility, the research capabilities of the organization, the research activities that become possible with the building/facility that are not feasible with the organization's current research infrastructure, the scope of the construction project, the project monitoring methods to be used, the detailed schedule, the key construction personnel working on the project and their qualifications, and the construction management capabilities of the organization. Additionally, in preparing the Technical Proposal, the selection factors should be taken into account.

- a. **Project Summary** (maximum length, 1 page). Describe the proposed construction project scope for the research science building/facility and the type of research planned for the facility that is unlikely to be achieved without the new research facility. Describe which Program Priorities will be addressed. Proposals that do not address the three Evaluation Criteria within the one-page Project Summary will be returned without review.
- b. **Project Description** (maximum length 29 pages). The project description must include subsections (1) – (4) below. The suggested length for subsections (1) and (2) together is 9-14 pages. The suggested length for subsections (3) and (4) together is 15-20 pages. Research bibliographies, experience summaries (CVs) for key research and construction personnel, and design drawings and other figures are all included in the page count and limited to letter-size paper:

- (1) **Research Activities and Potential Impacts**
- (2) **Need for Federal Funding**
- (3) **Design Description of the Research Facility**
- (4) **Project Management Plan**
 - i. **Description of Project Scope and Requirements**
 - ii. **Project Time Schedule and Linkage to the Budget**
 - iii. **Capability to Manage the Project**
 - iv. **Financial Commitments to Implement the Plan**

NIST-1101, NIST Construction Grant Program Budget Narrative; NIST-1101A, NIST Construction Grant Program Details on Unallowable Project Costs; and NIST-1101B, NIST Construction Grant Program Environmental Compliance Questionnaire:

There is no page limit on the NIST-1101, NIST-1101A, and NIST-1101B. These forms are available on the NIST Recovery Act Web site www.nist.gov/recovery.

Letters of Commitment for Cost Sharing. Cost sharing included in the proposed project budget requires letters of commitment from individuals or organizations that are providing the cost sharing. Letters of commitment for cost sharing do not count towards the page limit. General “letters of support” are not required and will be counted against the page limit for the Project Description if included in the proposal. A summary listing of this support is allowed. It is inappropriate for any Federal staff to provide critique or feedback on project ideas, etc., and it is also inappropriate to ask Federal employees for a letter of support.

Paper submissions require an original and two (2) copies.

NIST is not accepting pre-proposals under this program.

NOTE: Proposals that deviate substantially from the guidelines in this FFO or omit required information and forms may be found unresponsive and may not be considered for funding.

4. Submission Dates and Times

Letter of Intent Due Date (required): A Letter of Intent is required in advance before submission of a full proposal. A Letter of Intent must be submitted by the organization's sponsoring project office by the deadline in order for an organization's full proposal to be eligible for review. The Letter of Intent must be received by NIST no later than 3 p.m. Eastern Time, Thursday, June 25, 2009. The Letter of Intent may only be submitted by paper.

Full Proposal: Full proposals must be received by NIST no later than 3 p.m. Eastern Time, Monday, August 10, 2009. This deadline applies to any mode of proposal submission, including express mailing, courier services, and electronic. Do not wait until the last minute to submit a proposal. NIST will not make any allowances for late submissions, including incomplete Grants.gov registration or delays by guaranteed overnight couriers. To avoid any potential processing backlogs due to last minute registrations, applicants are highly encouraged to start their Grants.gov registration process at least four weeks prior to the proposal submission due date.

Any proposals not received by the due date will not be considered and will be returned to the proposer without review. NIST determines whether a proposal has been submitted before the deadline by date/time receipt of proposals as they are physically received in the program office or in the case of electronic submission, as the time stamped on the automatically generated notification indicating successful submission.

Important: All applicants, both electronic and paper, should be aware that adequate time must be factored into applicants' schedules for delivery of the proposal. Electronic applicants are advised that volume on Grants.gov is currently extremely heavy, and if Grants.gov is unable to accept proposals electronically in a timely fashion, applicants are encouraged to exercise their option to submit proposals in paper format. Paper applicants should allow adequate time to ensure a paper proposal will be received on time, taking into account that guaranteed overnight carriers are not always able to fulfill their guarantees.

5. Executive Order 12372 (Intergovernmental Review of Federal Programs)

Proposals under this program are not subject to Executive Order 12372.

6. **Funding Restrictions**

- a. **Unallowable/Ineligible Costs.** The following items, regardless of whether they are allowable under the Federal cost principles, are unallowable under this program:
 - (1) Any equipment used for research or otherwise that is not an integral part of the building's structure, e.g., MRI, portable air conditioners, etc.
 - (2) Costs or charges associated with routine maintenance, operation, interior decorating, or landscaping of any building.
 - (3) Purchase of land.
 - (4) Costs incurred prior to award are not eligible for reimbursement or as cost share.
- b. **Limit on Letters of Intent and Proposals per Applicant.** Letters of Intent and full proposals are limited to one per applicant organization. Distinct academic campuses (that award their own degrees, have independent administrative structures, admission policies, alumni associations, etc.) within multi-campus systems qualify as separate institutions.

7. **Other Submission Requirements**

Letters of Intent may only be submitted by paper. An original and two copies of a Letter of Intent are required.

Full proposals may be submitted in hard copy or in electronic format as follows:

- a. Paper submission: National Institute of Standards and Technology
100 Bureau Drive, Stop 4701
Gaithersburg, MD 20899-4701
- b. Paper submissions require an original and two (2) copies.
- c. Electronic submission: www.grants.gov

Please refer to important information in Submission Dates and Times above to help ensure your proposal is received on time.

V. **Application/Proposal Review Information**

1. **Criteria**

The evaluation criteria that will be used in evaluating proposals are as follows:

- a. Scientific and technical merit of the proposed use of the facility and the need for Federal funding **(50 percent)**.
The criterion addresses the intellectual merit and broader impacts of the proposed use of the facility; the strategic research directions planned with the facility and how well the plan is conceived and organized; what the facility will enable in terms of the advancement of knowledge and understanding

within a specific field(s) or across different fields; the qualifications of the proposed key researchers (individuals or teams) which will use the facility, as well as the management team that will lead them; the potential for targeted impacts resulting from the use of the facility that are unlikely to be achieved with the current infrastructure, such as what transformative or creative concepts may expand the science and technology knowledge base; the extent to which the facility will enhance collaborations within and outside of the institution; and the need for Federal funding due to a lack of alternative funding sources, specifically what other sources were pursued.

b. The quality of the design of the research science building **(25 percent)**.

This criterion addresses the quality of the design information provided for the building/facility to establish that the design has the ability to meet the safety, physical, environmental, experimental/research (e.g. unique environmental controls – vibration, humidity temperature etc.), and operational (e.g. utilities and circulation of people) requirements of the science and technology activities the building/facility is expected to support. It also addresses whether or not preliminary drawings and plans, together with appropriate estimates, of in-house or vendor costs, are complete, in progress, or planned. Furthermore, it addresses the rationale for and summary specifications of the building/facility, including location, size, configuration, environmental controls for research space, utility needs, gross and/or assignable square footage, assignments of square footage to research and non-research related activities (e.g., routine administrative office space, conference rooms, classrooms, etc.), and the assigned purpose by areas.

c. Adequacy of the detailed Project Management Plan for construction of the research science building/facility **(25 percent)**. The program will evaluate the following four aspects of the Project Management Plan:

(1) Project Scope and Requirements

This criterion addresses the description and organization of project work packages (project tasks/elements) in a clear and complete Work/task Breakdown Structure (WBS) approach that comprises the total scope of the building/facility project from inception through commissioning of the facility, including descriptions of each work package and its associated subtasks, the relationship between the work packages and their associated subtasks, consolidated into a unified project scope description that will be used by project management key personnel throughout the project management life-cycle to identify and monitor project progress, as well as link and track work packages and subtasks to the budget and schedule plans addressed in c.(2) below. In addition, this criterion addresses which work packages are proposed to be within, before or after the project period. The project period covers only the Federal and the allowable auditable cost share portion of the project.

(2) Adequacy of the Proposed Project Time Schedule and Linkage to the Budget, including the Clarity of the Budget and the Budget Narrative

This criterion addresses the time schedule for implementing the work packages and associated subtasks described within the WBS addressed in c.(1) above, and how the budget costs associated with the work packages correctly sum up to each of the cost categories of the SF-424C by project year.

(3) Capability to Manage the Project

This criterion addresses the approach planned for project management monitoring and risk control during the life of the award, from kick-off through close-out, which may include tools, techniques and processes (manual and automated systems). It also addresses an analysis of potential project risks (e.g. timing, cost and/or scope changes), where in the schedule risk(s) may be expected, and how the risk(s) may be mitigated through specific control mechanisms, and the

planning/control decision making process to implement the control mechanisms. Finally, it addresses the management plan for direction and implementation of the project, including capability descriptions of the performing organizations and experience summaries for the manager with fiduciary project responsibility, the project manager, and other key project personnel as appropriate.; and

- (4) Soundness of the Financial Commitments to Implement the Project Management Plan
This criterion addresses the current and any pending commitments required for the building/facility to be constructed, commissioned and become fully operational, including any risk(s) associated with finalizing funding commitments and the organizational name/contact that has the fiduciary authority over the funding commitments.

2. Selection Factors

The Selecting Official shall recommend proposals for award based upon the Evaluation Board's rank order of the proposals, and may select a proposal out of rank based on one or more of the following selecting factors:

- a. Degree to which the project complements one or more programs of DoC's three science organizations' science and technology program priorities (see Program Priorities below), including the amount and quality of experience that the institution that will use the facility has had with novel research.
- b. Ability of a project to fulfill objectives of the Recovery Act, as described in the Funding Opportunity Description section I. above: preservation of jobs and the promotion of economic recovery; provision of investments needed to increase economic efficiency by spurring technological advances; and investing in infrastructure that will provide long-term economic benefits, through activities that will commence as quickly as possible while ensuring prudent management.
- c. Degree to which the applicant proposes an early construction start date and/or is close to or has awarded a construction contract for the facility. For example, an early start date for construction of a ready to proceed project may be considered more favorably than a project that requires a longer time to complete design requirements.

NIST will emphasize the selection of projects that are ready to proceed and will thereby stimulate local economies through the creation or retention of jobs in U.S. jurisdictions, as well as yield significant program benefits. Projects that are ready to proceed are generally those where feasibility studies and/or other baseline information required for a design to commence are completed, where required consultations and permits, if not in-hand, are either in progress or where there is reasonable assurance provided that they can be attained quickly, and where National Environmental Policy Act (NEPA) or equivalent analysis and any environmental permits and authorizations are finished or can be expeditiously completed, so that projects can be implemented shortly after funding is made available. The adequacy of information needed to assess compliance with and to make a determination under NEPA, as described in Section VI.2.c. below may be considered.

- d. Assuring a balance/distribution of projects across the program priorities (see Program Priorities below).
- e. Availability of Federal funds.

- f. Experience or potential of promoting national impacts through research outcomes, training, cooperation with Federal programs, and/or opportunities for visiting researchers.
- g. Credibility of plans to transition to operational status (i.e., staffing and equipping the research science building, and operational readiness).
- h. Degree to which the project considers and incorporates green/sustainable design practices.
- i. Although cost sharing is not required, the degree to which the applicant is proposing cost share will be considered. (A cost share of 25% would be viewed favorably; 50% even more favorably.)
- j. Whether this project duplicates other projects funded by DoC or other Federal agencies.
- k. Applicant's prior Federal award performance.

3. Program Priorities

All applicable fields of science that complement one or more programs of DoC's three science organizations: NIST, the National Oceanic and Atmospheric Administration (NOAA), and the National Telecommunications and Information Administration (NTIA). Specifically, these include science related to measurements, oceans and atmosphere, and telecommunications. More information about those programs can be found on the agencies' Web sites (www.nist.gov, www.noaa.gov, and www.ntia.doc.gov).

Proposals are only required to link to the program priorities of one of the three DoC science organizations. Proposals that address program priorities of more than one organization are not considered to be more competitive.

4. Review and Selection Process

An initial administrative review of timely received full proposals will be conducted to determine compliance with requirements and completeness. Responsive and complete proposals will be considered further. Proposals that are nonresponsive and/or incomplete will be eliminated. Each of the remaining proposals will receive a minimum of three independent reviews, which will include written evaluations and scores, based on the evaluation criteria. Reviews concerning V.1.b. and V.1.c. above may be performed by non-Federal Engineers or Architects. No consensus advice will be given by the reviewers. The individual proposal evaluations and scores will be considered by an Evaluation Board(s) (a committee made up of Federal employees). This Board(s) will present rankings in numerical order and funding recommendations based on the evaluation criteria to a Selecting Official for further consideration. In making final selections, the Selecting Official (Chief Facilities Management Officer, NIST) will select funding recipients based upon the Evaluation Board's rank order of the proposals and the selection factors. The selection of proposals by the Selecting Official is final and cannot be appealed. NIST reserves the right to negotiate the cost and scope of the proposed work with the applicants that have been selected to receive awards. This may include requesting that the applicant delete from the scope of work a particular task that is deemed by NIST to be inappropriate for support (or of a lower priority compared with competing uses of funds) against the evaluation criteria or selection factors. NIST also reserves the right to reject a proposal where information is uncovered that raises a reasonable doubt as to the responsibility of the applicant. The final approval of selected proposals and award of grants will be made by the NIST Grants Officer. The award decision of the NIST Grants Officer is final and cannot be appealed.

5. Anticipated Announcement and Award Date

NIST anticipates making awards in approximately 9 months depending on the number of proposals received.

6. Additional Information

- a. Applicants may not submit replacement and/or revised pages and/or documents for any portion of a proposal once that portion has been submitted unless specifically requested by NIST.
- b. One copy of each incomplete, nonresponsive, or non-selected proposal will be retained for three (3) years for record keeping purposes and the other two (2) copies will be destroyed. After three (3) years the remaining copy will be destroyed.

VI. Award Administration Information

1. **Award Notices.** Successful applicants will receive a grant award document (CD-450 Financial Assistance Award) signed by the NIST Grants Officer. The grant will include the award period, the budget, special award conditions, DoC Financial Assistance Standard Terms and Conditions, and will incorporate the applicable Federal cost principles, and applicable policy and regulatory references that will govern the award. The grant will be mailed to the successful applicant via surface mail in triplicate and requires a counter-signature on all three copies by an authorized official at the organization. The recipient should retain one original and return the other two copies to the address listed in the award document. The grant award document, i.e., CD-450 and award terms and conditions are available at http://oamweb.osec.doc.gov/aboutOAM_organization_GMD.html. In addition, the award terms will include applicable construction terms set forth in Section E.2.a.(2) of Chapter 17 of the DoC Interim Grants Manual, which is also available on the previously cited Web site.
2. **Administrative and National Policy Requirements.**
 - a. **DoC Pre-Award Notification Requirements.** The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements, which are contained in the *Federal Register* Notice of February 11, 2008 (73 FR 7696-01), are applicable to this solicitation. On the form SF-424 items 8.b. and 8.c., the applicant's 9-digit Employer/Taxpayer Identification Number (EIN/TIN) and 9-digit Dun and Bradstreet Data Universal Numbering System (DUNS) number must be consistent with the information on the Central Contractor Registration (CCR) (www.ccr.gov) and Automated Standard Application for Payment System (ASAP). For complex organizations with multiple EIN/TIN and DUNS numbers, the EIN/TIN and DUNS number MUST be the numbers for the applying organization. Organizations that provide incorrect/inconsistent EIN/TIN and DUNS numbers may experience significant delays in receiving funds if their proposal is selected for funding. Please confirm that the EIN/TIN and DUNS number are consistent with the information on the CCR and ASAP.
 - b. **Security Interest.** Grant recipients will be required to execute a security interest or other statement of NIST's interest in the property (building), acceptable to NIST, which must be perfected and placed on record in accordance with local law. This security interest will provide that, for the estimated useful life of the building (20 years), the recipient will not sell, transfer, convey, or mortgage any interest in the real property improved in whole or in part with Federal funds made available under the award, nor shall the recipient use the property for purposes other than the purposes for which the award was made, without the prior written approval of the Grants Officer. Such approval may be

withheld until such time as the recipient first pays to NIST the Federal share of the property as provided in 15 CFR Part 14.

- c. **National Environmental Policy Act.** The Department must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals which are seeking Recovery Act funding. General information on compliance with NEPA can be found at the following websites: <http://www.nepa.noaa.gov>, and the Council on Environmental Quality's (CEQ) NEPAnet, <http://ceq.hss.doe.gov/nepa/nepanet.htm>.

Consequently, as part of an applicant's proposal, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, safety concerns, locations, site characteristics, surrounding environment, species and habitat that might be affected, construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, impacts to endangered and threatened species, or any social, economic or cultural impacts to the surrounding environment) and in accordance with the required NIST-1101B, NIST Construction Grant Program Environmental Compliance Questionnaire.

It is the applicant's responsibility to obtain all necessary Federal, state, and local government permits and approvals where necessary for the proposed work to be conducted. Applicants are expected to design their projects so that they minimize the potential for adverse impacts to the environment. Applicants will also be required to cooperate with the Department in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposed project. The failure to do so will be grounds for not awarding a grant.

Documentation of requests/completion of required environmental authorizations and permits, including the Endangered Species Act, if applicable, should be included in the proposal. Applications will be reviewed to ensure that they contain sufficient information to allow Department staff to conduct a NEPA analysis so that appropriate NEPA documentation, required as part of the proposal, can be submitted to the NIST Grants and Agreements Management Division along with the recommendation for funding for selected applications.

Applicants proposing activities that cannot be covered by a Program Environmental Assessment (PEA) and Finding of No Significant Impact (FONSI) or whose activities are not covered under another agency's NEPA compliance procedures that can be analyzed and adopted for use by the Department, will be informed after the technical review stage to determine if NEPA compliance and other requirements can otherwise be expeditiously met so that a project can proceed within the timeframes anticipated under the American Recovery and Reinvestment Act.

If additional information is required after an application is accepted, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental law compliance information sufficient to enable the Department to make an assessment on any impacts that a project may have on the environment.

- d. **Notification of Recovery Act Requirements.** Recovery Act limitations are applicable to the projects funded under this Notice. Recipients must comply with the following three provisions of the Recovery Act, as applicable, and any other terms required by the Act or that may be added to the recipient's award pursuant to guidance implemented by the Office of Management and Budget.
 - (1) **Buy American Recovery Act Provision.** Unless waived by DoC, none of the funds appropriated or otherwise made available by ARRA, may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of

the iron, steel, and manufactured goods used in the project are produced in the United States. This provision shall be applied in a manner consistent with United States obligations under international agreements.

- (2) **Davis Bacon Act.** Under Section 1606 of the ARRA, projects using ARRA funds require the payment of not less than the prevailing wages under the Davis-Bacon Act to "all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government."
 - (3) **False Claims Act.** Each recipient or sub-recipient awarded funds under the ARRA shall promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds.
- e. **Ensuring Responsible Spending of Recovery Act Funds.** The agency intends to implement this program in compliance with Office of Management and Budget guidance on the President's Memorandum for the Heads of Executive Departments and Agencies of March 20, 2009. Ensuring Responsible Spending of Recovery Act Funds, 74 FR 12531 (Mar. 25, 2009), when such guidance becomes available.
 - f. **Best Practices to Promote Equality of Opportunity.** Pursuant to OMB Guidance (see, e.g., "Updated Implementing Guidance for the American Recovery and Reinvestment Act of 2009," April 3, 2009) and consistent with the Recovery Act and other applicable laws, DoC encourages recipients to implement best practices to promote equality of opportunity, to provide opportunities for small and disadvantaged businesses, including veteran-owned small businesses and service disabled veteran-owned small businesses, and to follow sound labor practices.
- 3. **Reporting.** Award Recipients shall provide access to information that is required to assess the project's progress throughout the project life cycle. The following reports are required:
 - a. **Technical Performance Reports.** Award Recipients shall submit a technical performance report in triplicate (an original and two copies) on a calendar quarter basis for the periods ending March 31, June 30, September 30, and December 31, or any portion thereof. Reports are due no later than 30 days following the end of each reporting period. A final technical performance report shall be submitted within 90 days after the expiration date of the award. Two copies of the technical performance reports shall be submitted to the Project Manager and the original report to the NIST Grants Officer. Technical performance reports shall contain information as prescribed in 15 CFR 14.51.
 - b. **Financial Reports.** For recipients under this program, Article A.01 of the DoC Financial Assistance Standard Terms and Conditions dated March 2008 is revised as follows:

Award Recipients shall submit a Federal Financial Report (SF-425) in triplicate (an original and two copies) on a calendar quarter basis for the periods ending March 31, June 30, September 30, and December 31, or any portion thereof. Reports are due no later than 30 days following the end of each reporting period. A final SF-425 shall be submitted within 90 days after the expiration date of the award. All SF-425s shall be submitted to the NIST Grants Officer.
 - c. **Recovery Act Reports – Job Creation and Retention.** As set out in Sec. 1512(c) of the Recovery Act, no later than ten (10) days after the end of each calendar quarter, any recipient that received

funds under the Recovery Act from NIST must submit a report to NIST that contains the following four items:

- (1) The total amount of Recovery Act funds received from NIST.
- (2) The amount of Recovery Act funds received that were obligated and expended to projects or activities. This reporting will also include unobligated allotment balances to facilitate reconciliations.
- (3) A detailed list of all projects or activities for which recovery funds were obligated and expended, including.
 - (a) The name of the project or activity;
 - (b) A description of the project or activity;
 - (c) An evaluation of the completion status of the project or activity;
 - (d) An estimate of the number of jobs created and the number of jobs retained by the project or activity; and
 - (e) For infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.
- (4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (PL 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget (OMB).

Recipients that must report information in accordance with paragraph (4) above must register with the Central Contractor Registration database (<http://www.ccr.gov/>) or complete other registration requirements as determined by the Director of OMB. Section 1512(d) further requires that no later than thirty (30) days after the end of each calendar quarter, NIST must make the information in reports submitted under section 1512(c) of the Recovery Act as outlined above publicly available by posting the information on a Web site. OMB Memo M-09-10, "Initial Implementing Guidance for the American Recovery and Reinvestment Act of 2009," which can be accessed at <http://www.recovery.gov/>, provides information on requirements for Federal agencies under the Recovery Act. Additional guidance may be forthcoming related to responsibilities of recipients of grants and cooperative agreements under the Recovery Act.

Reporting requirements are described in the Department of Commerce Financial Assistance Standard Terms and Conditions dated March, 2008, found on the Internet at:
<http://oamweb.ossec.doc.gov/docs/GRANTS/DOC%20STCsMAR08Rev.pdf>.

The references to Financial Reporting Form SF-269 in the DoC Standard Terms & Conditions, A.01 and B.01, are hereby replaced with the SF-425, "Federal Financial Report," as required by the Office of Management and Budget (OMB) (73 FR 61175, October 15, 2008). As authorized under 15 CFR §§ 14.52 and 24.41, the OMB approved SF-425 shall be used in the place of the SF-269 and SF-272 under the uniform administrative requirements and elsewhere under awards in this program where such forms are referenced.

VII. Agency Contact(s)

Questions should be directed to the following contact persons:

Subject Area	Point of Contact
Administrative, budget, cost-sharing, and eligibility questions	Barbara Lambis Phone: 301-975-4447 Fax: 301-869-1150 E-mail: barbara.lambis@nist.gov
Project evaluation criteria and other programmatic questions	Michael Diestel Phone: 301-975-8809 Fax: 301-975-8835 E-mail: michael.diestel@nist.gov
Electronic proposal submission	Christopher Hunton Phone: 301-975-5718 Fax: 301-840-5976 E-mail: christopher.hunton@nist.gov or Sue Li Phone: 301-975-8817 Fax: 301-840-5976 E-mail: sue.li@nist.gov
Grant rules and regulations	Grants & Agreements Management Division Phone: 301-975-5718 Fax: 301-840-5976 E-mail: grants@nist.gov