



Mississippi Easement Programs Restoration Agreements

**Fiscal Year (FY) 2023
Mississippi Easements Programs
Notice of Funding Opportunity (NFO)**

No. USDA-NRCS-MS-EASE-23-NOFO0001220



Notice of Funding Opportunity (NFO)

SUMMARY INFORMATION

Federal Awarding Agency Name: U.S. Department of Agriculture – Natural Resources Conservation Service (NRCS)

Notice of Funding Opportunity Title: Mississippi Easement Programs Restoration Agreements

Notice of Funding Opportunity Number: USDA-NRCS-MS-EASE-23-NOFO0001220

Assistance Listing: This program is listed in the Assistance Listings on [Sam.gov](https://www.sam.gov) under, 10.922, 10.923, 10.931, 10.932, which can be found at: <https://www.sam.gov/>.

SAM is a web-based, government-wide application that collects, validates, stores, and disseminates business information about the federal government's trading partners in support of the contract awards, grants, and electronic payment processes.

Notice of Funding Opportunity Summary

This Notice of Funding Opportunity (NFO) is being released prior to appropriation and/or apportionment of funds for fiscal year 2023. Enactment of additional continuing resolutions or an appropriations act may affect the availability or level of funding for this program.

The Natural Resources Conservation Service (NRCS), an agency under the United States Department of Agriculture (USDA), is seeking support from natural resource conservation partners to work together to help enhance conservation delivery in the State of Mississippi. The overall intent of this announcement is to solicit partnerships to help enhance the implementation of key conservation objectives and priorities outlined further in this document. Proposals will be accepted from eligible entities delivering conservation programs and services in Mississippi for competitive consideration of awards for projects between one (1) and five (5) years in duration. NRCS anticipates the amount of funding available for this announcement will be approximately \$5,000,000 annually which will be awarded to multiple recipients. All applicants must be capable of providing support throughout the State of Mississippi. Proposals are requested from city or township governments, county governments, federally recognized Native American tribal governments, nonprofits having a 501(c)(3) status with the IRS (other than institutions of higher education), nonprofits that do not have a 501(c)(3) status with the IRS (other than institutions of higher education) private institutions of higher education, public and State-controlled institutions of higher education, special district governments, or State governments. Entities may use this opportunity to request additional funding for existing Mississippi partnership agreements.

This notice identifies the objectives, eligibility criteria, and application instructions for projects. Proposals will be screened for completeness and compliance with the provisions of this notice.

Incomplete and/or noncompliant applications may be eliminated from competition and notification of elimination will be sent to the applicant. The Mississippi State Conservationist reserves the right not to fund any or all applications. NRCS will accept applications under this notice for single or multiyear applications submitted by eligible entities.

For new users of Grants.gov, see Section D. for information about steps required before submitting an application via Grants.gov.

Key Dates

Applicants must submit their applications via Grants.gov by 11:59 pm Eastern Time on January 23, 2023. For technical issues with Grants.gov, contact Grants.gov Applicant Support at 1-800-518-4726 or support@grants.gov. Awarding agency staff cannot support applicants regarding Grants.gov accounts.

For inquiries specific to the content of the NFO requirements, contact the federal awarding agency contact (section G of this NFO). Please limit questions to those regarding specific information contained in this NFO (such as dates, page numbers, clarification of discrepancies, etc.) Questions related to eligibility or the merits of a specific proposal will not be addressed.

The agency anticipates making selections by January 25, 2023 and expects to execute awards by February 15, 2023. These dates are estimates and are subject to change.

Federal Funding Floor and Ceiling Amounts

The estimated funding floor for this opportunity is \$0.00, and the estimated funding ceiling is \$15,000,000 (over a 5 year period). The funding floor means the minimum agreement funding amount for the Federal share per agreement awarded. The ceiling is the maximum agreement funding amount for the Federal share per agreement awarded. These numbers refer to the total agreement amount, not any specific budget period.

Federal Financial Assistance Training

The funding available through this NFO is Federal financial assistance. Grants 101 Training is highly recommended for those seeking knowledge about Federal financial assistance. The training is free and available to the public via <https://www.cfo.gov/grants-training/>. It consists of five modules covering each of the following topics: 1) laws, regulations, and guidance; 2) financial assistance mechanisms; 3) uniform guidance administrative requirements; 4) cost principles; and 5) risk management and single audit. FPAC agencies also apply Federal financial assistance regulations to certain non-assistance awards (e.g., non-assistance cooperative agreements).

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APPENDIX A - Instructions for Completing SF424

A. PROGRAM DESCRIPTION

The authorizing statutes and regulations for this opportunity are 16 USC 6571-6578, 33 USC 701b-1; 16 USC 2203 (easements), 16 USC 3865 et. Seq., 16 USC 3871 et. Seq.

The purpose of the NRCS easement programs is voluntary conservation by landowners. The easement programs promote the restoration, enhancement, protection, maintenance, and management of wetland, floodplain, and forestland systems, and associated uplands that would contribute significantly to the functions and values of these habitats. Through the easement programs, landowners may receive assistance to install or implement structural and/or vegetative and associated upland restoration practices on eligible land.

The easement programs allow NRCS to request the services of and enter into agreements with non-Federal entities to assist in providing specialized assistance necessary to plan, design, and implement restoration plans. NRCS is directing technical and financial resources toward the restoration of degraded wetlands, floodplains, and forestlands.

Applicants will be responsible for assisting NRCS and landowners by providing technical assistance necessary to plan, design, and implement ACEP-WRE, WRP, and EWPP-FPE restoration plans, while at the same time improving and protecting habitats for environmental benefits. Performance may include any part or all operations necessary to plan, design, construct, inspect, manage, and monitor various restoration, enhancement, and creation practices. Performance may also include other restoration-related conservation practices that meet NRCS standards and specifications.

B. FEDERAL AWARD INFORMATION

1. Available Funding

a. Estimated Funding

The Federal funding agency expects to award approximately \$15,000,000 over 5 years (average \$3,000,000 per year not to exceed \$5,000,000 per year) through this opportunity. However, the agency retains the discretion to award a larger or lesser amount.

This NFO is being released prior to appropriation and/or apportionment of funds for fiscal year 2023. Enactment of additional continuing resolutions or an appropriations act may affect the availability or level of funding for this program.

b. Start Dates and Performance Periods

Memorandum of Understanding will be for 5 years. Each task order may be between 3 and 5 years in duration. Projects start dates will be established upon issuance of an individual task order.

c. Number of Awards

The agency expects to make multiple award(s).

2. Type of Award

a. Type of Federal Award

The agency plans to initially enter into a Memorandum of Understanding with selected applicants pursuant to this opportunity. Individual cooperative agreements will be subsequently awarded to obligate funds for actual easement restoration activities. Applicant(s) awarded a Memorandum of Understanding under this announcement are not guaranteed a minimum or maximum number of cooperative agreement awards or award amount. Cooperative agreement awards are subject to Government program discretion and the availability of appropriated funds. Note the Government reserves the right to compete among recipient awardees or directly assign cooperative agreement projects.

Cooperative agreements have been determined to be the appropriate funding instrument because of the substantial involvement of NRCS in providing technical oversight and coordination of planning, designing, implementation, and monitoring of restoration activities. The agency will be substantially involved in the work performed under the agreement and will undertake activities such as the following:

- a. NRCS will identify and prioritize work assignments for completing activities required to plan, design, and implement the wetland, floodplain, forestland, and associated upland restoration components of each conservation plan.
- b. NRCS will monitor the awardee's progress and suspend work if agreement or conservation plan requirements or NRCS standards and specifications are not met.
- c. Provide quality assurance for activities under the agreement.

b. Procurement Contracts

The agency does not expect to award procurement contracts associated with this NFO.

c. Eligibility of Renewal or Supplemental Project Applications

Applications for renewal or supplementation of existing projects are eligible to compete with applications for new Federal awards. An application for renewal means an application submitted to continue an existing agreement that meets the objectives and requirements of this NFO. An application for supplementation of an existing project means an application to add components to an existing agreement so that it would meet the objectives and requirements in this NFO.

C. ELIGIBILITY INFORMATION

1. Eligible Applicants

Applicants and applications must meet eligibility criteria by the application deadline to be considered for award. Eligible applicant type is determined by the implementing program statute. Applicant entities identified in the SAM.gov exclusions database as ineligible, prohibited/restricted, or excluded from receiving Federal contracts and certain Federal assistance and benefits will not be considered for Federal funding, as applicable to the funding being requested under this Federal program (2 CFR 200.206(d)).

Eligibility for this opportunity is limited to the following entity types:

- a. City or township governments
- b. County governments
- c. For profit organizations other than small businesses
- d. Nonprofits having a 501(c)(3) status with the IRS (other than institutions of higher education)
- e. Nonprofits that do not have a 501(c)(3) status with the IRS (other than institutions of higher education)
- f. Small businesses
- g. Special district governments
- h. State governments

2. Other

Any award made pursuant to this NFO will be made to a single entity. Applicants that apply as “partnerships” or other similar groupings must clearly describe the relationship between the applicant and the “partner” parties. In all but exceptional cases, it must be reflected in the award as an awardee/sub awardee relationship.

An applicant organization may submit more than one application for different projects or proposing different approaches. In the case of applications submitted as revisions or corrections to a previously submitted application under this NFO, the agency will consider the last application submitted prior to the established deadline.

Awards made pursuant to this NFO are not Farm Bill incentive contracts; therefore, the awards in and of themselves are not limited by the payment limitation in 16 USC Chapter 58. However, any agricultural producers receiving a payment through participation in a project awarded under this NFO must meet the eligibility requirements of 7 CFR Part 12 and 7 CFR Part 1400 and have control of the land involved for the term of the proposed award period.

3. Cost Sharing or Matching

There is no cost sharing or matching requirement for this opportunity. There is no competitive advantage to applicants who voluntarily provide a match.

D. APPLICATION AND SUBMISSION INFORMATION

1. Information for New Users of Grants.gov

a. Overview

While a Grants.gov account is not required to download an NFO and related documents, it is required to submit an application. If your organization has never submitted an application via Grants.gov, please be aware that there are several steps you must take to register your organization before you can submit an application. **Completing those steps can take a significant amount of time, plan accordingly.**

For information about the Grants.gov pre-award phase of the grant lifecycle see <https://www.grants.gov/web/grants/learn-grants/grants-101/pre-award-phase.html>.

b. Register to Apply through Grants.gov

Carefully review the registration steps and gather information requested prior to beginning the registration process to avoid last-minute searches for required information. For assistance with the registration process, contact Grants.gov Applicant Support at 1-800-518-4726 or support@grants.gov.

Organizations must complete all steps to register (steps i. through v. below). Complete organization instructions are included on Grants.gov here: <https://www.grants.gov/web/grants/applicants/organization-registration.html>.

Although creating a Grants.gov account online can take only minutes, SAM registrations may take several weeks. Therefore, organizations should begin the process early to ensure they have sufficient time to complete registration and meet required application submission deadlines.

Individuals are not subject to the Unique Entity Identifier (UEI) or SAM requirement and may begin with step iii., Create a Grants.gov Account, listed below. (Note: Individuals are not eligible for all opportunities.)

c. Steps to Register

- i. Obtain a UEI: All entities applying for funding must have a UEI issued by SAM.gov. Applicants must enter the UEI in the data entry field labeled "UEI" on the SF-424 form.
- ii. *Register with SAM:* All organizations must register with System for Award Management (SAM) to apply online through Grants.gov. SAM registration must be renewed annually. Part of the SAM registration process includes designating an Electronic Business Point of Contact (EBiz POC). **The EBiz**

POC plays an integral part in the organization's Grants.gov registration and application process. The individual in that role must authorize all other roles in Grants.gov. For more detailed instructions for registering with SAM, refer to

<https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html>

- iii. *Create a Grants.gov Account:* From the Grants.gov webpage (<https://www.grants.gov/>), click "Register" in the top right-hand corner and follow the on-screen instructions or refer to the detailed instructions here <https://www.grants.gov/web/grants/applicants/registration.html>
- iv. *Add an Organization Applicant Profile to a Grants.gov Account:* A profile in Grants.gov corresponds to a single applicant organization the user represents (i.e., an applicant) or an individual applicant. If you work for or consult with multiple organizations and have a profile for each, you may log in to one Grants.gov account to access all your grant applications. To add an organizational profile to your Grants.gov account, enter the DUNS Number/UEI for the organization in the UEI (Unique Entity Identifier) field while adding a profile. For more detailed instructions about creating a profile on Grants.gov, refer to <https://www.grants.gov/web/grants/applicants/registration/add-profile.html>
- v. *EBiz POC Authorized Profile Roles:* After you register with Grants.gov and create an Organization Applicant Profile, you must establish roles for individuals in the organization. The Authorized Organizational Representative (AOR) role is critical; it gives an individual permission to complete and submit applications on behalf of the organization. (Please be aware that the EBiz POC and the person with AOR Role cannot be the same individual; they must be different people.) Without this role, the organization cannot submit any applications. The request for role assignment will be routed to the organization's EBiz POC for approval. Once approved, the AOR can submit an application online. For more detailed instructions about creating a EBiz POC authorized profile on Grants.gov, refer to <https://www.grants.gov/web/grants/applicants/registration/authorize-roles.html>

Track Role Status: To track your role request, refer to

<https://www.grants.gov/web/grants/applicants/registration/track-role-status.html>

d. *Electronic Signature*

When applications are submitted through Grants.gov, the name of the organization applicant with the AOR role that submitted the application is

inserted into the signature line of the application, serving as the electronic signature. Please be aware that the EBiz POC and the person with AOR Role cannot be the same individual; they must be different people. The EBiz POC **must** authorize people who are able to make legally binding commitments on behalf of the organization as a user with the AOR role. **This step (step c.v. above) is often missed, and it is crucial for valid and timely submissions.**

e. Workspace.

Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different webforms within an application. For each NFO, you can create individual instances of a workspace. An applicant can start an application in Workspace and return to work on it later within Workspace.

f. Apply for an Opportunity

Below is an overview of applying on Grants.gov. For complete instructions on how to apply for opportunities, refer to

<https://www.grants.gov/web/grants/applicants/workspace-overview.html>

- i. Create a Workspace: Creating a workspace allows you to complete an application online and route it through your organization for review before submitting.
 - ii. Complete a Workspace: Add participants to the workspace to work on the application together, complete all the required forms online or by downloading PDF versions, and check for errors before submission. The Workspace progress bar will display the status of your application process as you apply. As you apply using Workspace, you may click the blue question mark icon near the upper-right corner of each page to access context-sensitive help.
- Adobe Reader: If you decide not to apply by filling out webforms you can download individual PDF forms in Workspace. The individual PDF forms can be downloaded and saved to your local device storage, network drive(s), or external drives, then accessed through Adobe Reader.

NOTE: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at

<https://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html>

- Mandatory Fields in Forms: In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.

- Complete SF-424 Fields First: The forms are designed to fill in common required fields across other forms, such as the applicant name, address, and DUNS Number/UEI. Once it is completed, the information will transfer (i.e., prepopulate) to the other forms.
- iii. Submit a Workspace: An application may be submitted through workspace by clicking the Sign and Submit button on the Manage Workspace page, under the Forms tab. Grants.gov recommends submitting your application package at least 24-48 hours prior to the close date to provide you with time to correct any potential technical issues that may disrupt the application submission.
- iv. Track a Workspace Submission: After successfully submitting a workspace application, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the application. The number will be listed on the Confirmation page that is generated after submission. Using the tracking number, access the Track My Application page under the Applicants tab or the Details tab in the submitted workspace.

For additional training resources, including video tutorials, refer to <https://www.grants.gov/web/grants/applicants/applicant-training.html>

2. Electronic Application Package

Applicants interested in submitting an application in response to this NFO must submit it via Grants.gov; the agency will not accept applications submitted via email or any other method. Applicants are urged to submit early to the Grants.gov system.

For technical issues with Grants.gov, contact Grants.gov Applicant Support at 1-800-518-4726 or support@grants.gov. Awarding agency staff cannot support applicants regarding Grants.gov accounts.

Address to Request Application Package

All information necessary to apply for this opportunity is included in the [Grants.gov](#) opportunity announcement.

3. Content and Form of Application Submission

The agency may choose not to consider applications that fail to comply with the required content, format, and page limits, or those that are incomplete.

To be considered for funding under this opportunity, an application must contain the documents in a-e below.

a. Project Narrative

Each page must be numbered and have one-inch margins. The text of the project narrative must be single spaced and typed in a standard typeface (e.g., Times New Roman, Arial, Courier) with no smaller than 12-point font. The project narrative must not exceed 25 pages. This page limitation applies

to the project narrative only.

- i. Description of the resources and experiences of the organization necessary to successfully perform planning, design, and implementation of wetland and associated upland restoration activities.
- ii. Description of the organization's level of capacity in terms of the staff, equipment resources, and/or support necessary to complete activities.
- iii. Description of the organization's capabilities to perform easement restoration activities, including a brief description of the organizational entity and the qualifications, employment status, current responsibilities, and proposed level of effort for the project coordinator and staff responsible for implementation. Resumes for key personnel should be included in an appendix to the proposal.
- iv. Description of the organization's history of successfully managing federal and non-federal agreements, including meeting and complying with reporting requirements, reporting on progress made in achieving results under those projects, and submitting acceptable payment requests.
- v. Example of four (4) recent project narratives with information related to restoration as designed (provide example engineering designs), what was accomplished (as-builts), the timeline and budget for the project, and reference point of contact information.

If your proposal will include information collection from non-Federal sources, ensure the collection meets the requirements of the Paperwork Reduction Act. Surveys of individuals or entities are generally prohibited without prior approval from the Office of Management and Budget. For additional guidance about allowable and unallowable activities, please visit the following website: <https://pra.digital.gov/do-i-need-clearance/>.

The following documents do not count toward the above stated page limit.

b. Application Form

(Standard Form 424 Application for Federal Assistance) See Instructions for Completing SF 424 located at the end of this document.

Any non-Federal entity (except State and local governments that receive more than \$35 million per year in Federal funding) that does not have a current negotiated (including provisional) rate may elect to charge a de minimis rate of 10 percent of modified total direct costs (MTDC) which may be used indefinitely. No documentation is required to justify the 10 percent de minimis indirect cost rate. As described in [2 CFR 200.403](#), costs must be

consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.

Modified Total Direct Cost (MTDC) means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.

As required in 2 CFR Part 200, Subpart F Audit Requirements, all U.S. states, local governments, Federally recognized Indian tribal governments, and non-profit organizations expending \$750,000 or more in Federal award funds in a fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System.

c. Grants.gov Lobbying Form, Certification and Disclosure of Lobbying Activities

Under Title 31 of the United States Code, Section 1352, an applicant or recipient must not use any federally appropriated funds (both annually appropriated and continuing appropriations) or matching funds under a grant or cooperative agreement award to pay any person for lobbying in connection with the award. Lobbying is defined as influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress connection with the award. Submission of an application also represents the applicant's certification of the statements in 2 CFR Part 418, Appendix A- Certification Regarding Lobbying. If you/your organization have/has made or agrees to make any payment using non-appropriated funds for lobbying, you must also complete and submit the SF LLL, Disclosure of Lobbying Activities located at 2 CFR 418, Appendix B. See 2 CFR 418.110 for more information on when additional submission of this form is required.

d. Negotiated Indirect Cost Rate Agreement (NICRA) if applicable

If charging indirect costs (including for cost share), upload the NICRA under Other Attachments (listed as an Optional Form) in the Grants.gov Opportunity Application Package. See Section D for information regarding indirect costs.

e. Disclosure of Potential Conflict of Interest

Applicants must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees in the selection, award, and administration of Federal awards. No employee, officer, or agent may participate in the selection, award, or administration of a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties referenced, has a financial or other interest in or a tangible personal benefit from an applicant considered for a Federal award. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the applicant.

If the applicant has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the applicant must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflict of interest means that because of the relationships with a parent company, affiliate, or subsidiary organization, the applicant is unable or appears to be unable to be impartial in conducting a Federal award action involving a related organization.

f. Post Award Documentation

Every funded restoration that involves ground disturbance activities is subject to the National Environmental Policy Act (NEPA). NRCS must complete an environmental review of each awarded project before project commencement. Environmental Assessments (EA) or Environmental Impact Statements (EIA) will be the responsibility of NRCS. Permits for construction as needed will be the responsibility of the recipient and subcontractors.

In addition, a National Historic Preservation Act (NHPA) section 106 review and consultation by NRCS state and area office with consulting parties (such as the pertinent State Historic Preservation Officer and federally recognized Indian Tribes) may be required prior to the implementation of project activities that have the potential to impact cultural resources. NHPA section 106, its implementing regulations (36 CFR Part 800), and other related authorities, require Federal agencies to determine if a project has the potential to cause an effect to historic properties and, if so, if they are adverse and how the effects may be addressed. The NHPA review and compliance in accordance with section 106 of NHPA and implementing regulations at 36 CFR Part 800 must be completed by NRCS.

g. Unique entity identifier (UEI) System for Award Management (SAM)

Each applicant (unless the applicant is an individual excepted from those requirements under 2 CFR 25.110(b) or (c), or has an exception approved by

the Federal awarding agency under 2 CFR 25.110(d)) is required to: (i) Be registered in SAM before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The agency 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 the agency is ready to make an award, it may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

Entities must obtain a UEI and register in SAM prior to registering with Grants.gov. A description of each is below. Entities are strongly encouraged to apply early for their SAM registration.

System for Award Management (SAM) Registration: To register, go to: <https://www.sam.gov>. The Federal Service Desk is available for registration assistance and can be contacted via the Help tab at the website listed above.

Awarding agency staff cannot support applicants regarding UEI or SAM issues.

4. Submission Dates and Times and Correspondence

Applicants must submit applications via Grants.gov. Applications must be received by 11:59 pm Eastern Time (ET) on January 23, 2023. An application submitted or resubmitted after the deadline is late (an application is considered on time at 11:59.59 pm ET, but it is late at 12:00 am ET). Late submissions will not be reviewed or considered.

Grants.gov will provide either an error or a successfully received transmission in the form of an email sent to the applicant with the Authorized Organizational Representative (AOR) role attempting to submit the application. The Grants.gov Support Center reports that some applicants end the transmission because they think that nothing is occurring during the transmission process; be patient and give the system time to process the application.

If you have trouble submitting an application to Grants.gov, you should FIRST contact the Grants.gov Help Desk to resolve any issues. Keep a record of any such correspondence. See Section D. 2. for Grants.gov contact information.

For applications successfully transmitted to Grants.gov before the deadline: The applicant with the AOR role who submitted the application will receive:

- an acknowledgement of receipt and a tracking number (GRANTXXXXXXXX) from Grants.gov

- an email with the official date/time stamp (this stamp is used to determine if the application was received prior to the deadline) and Grants.gov

When the agency successfully retrieves the application from Grants.gov and acknowledges the download of submissions, Grants.gov will also provide an electronic acknowledgment of receipt of the application to the applicant.

5. Intergovernmental Review

This funding opportunity is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

6. Funding Restrictions

Funds may not be used to pay any of the following costs unless otherwise permitted by law and approved in writing by the agency in advance of incurring such costs:

- a. Profit or management fees. Any funds awarded to for-profit entities must be used for reimbursement of award related direct and indirect costs only.
- b. Costs above the amount of funds authorized for the project.
- c. Costs incurred prior to the effective date of the award, including time spent applying for this opportunity.
- d. Costs which lie outside the scope of the approved project and amendments thereto.
- e. Entertainment costs, regardless of their apparent relationship to project objectives.
- f. Compensation for injuries to persons, or damage to property arising out of project activities.
- g. Consulting services performed by a Federal employee during official duty hours when such consulting services result in the payment of additional compensation to the employee.
- h. Capital expenditures for general purpose equipment, buildings, and land and for improvements to land, buildings, or equipment which materially increase their value or useful life. See 2 CFR 200.439 for additional information.
- i. Management fees and profit. Any funds awarded to for-profit entities must be used for reimbursement of award related direct and indirect costs only.
- j. Meals may be charged to an award only if they are necessary for the performance of the project. For instance, meals (normally only lunch) that are a necessary part of the costs of meetings and conferences (i.e., required attendance and continuity of a meeting), the primary purpose of which is the dissemination of information, are allowable, as are costs of transportation, rental of facilities, speakers' fees, and other items incidental to such meetings or conferences. Note: Meals consumed while in official travel status do not fall in this category. They are considered to be per diem

expenses and should be reimbursed in accordance with the organization's established travel policies subject to statutory limitations or in accordance with Federal travel policies.

- k. Costs normally charged as indirect costs may not be charged as direct costs without proper justification and agency approval. Proper justification includes documentation that the costs meet the criteria for allowability (see 2 CFR 200.403). Examples of such costs include rent, utilities, depreciation on buildings and equipment, the costs of operating and maintaining facilities, and general administration and general expenses, such as the salaries and expenses of executive officers, personnel administration, and accounting.
- l. Salaries that are not commensurate with level of work. All costs must be reasonable to be allowable (2 CFR 200.403), and 2 CFR 200.404 defines a reasonable cost as one if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. Salaries determined not to be reasonable compared to the level of work will be unallowable.

This list is not exhaustive. For additional information please refer to 2 CFR Part 200, subpart E, Cost Principals.

7. Indirect costs limitations

- a. A non-profit organization or institution of higher education awarded a cooperative agreement will be limited to a 10 percent indirect cost rate in accordance with the agency's annual appropriations act. The 10 percent indirect cost rate applies to both federal and non-federal funds. Other types of entities are not subject to this statutory limitation.
- b. To be eligible to recover any indirect cost under a Federal award, recipients must either 1) have a current negotiated indirect cost rate agreement (NICRA) with a Federal agency that has not expired; or 2) qualify for use of the de minimis rate authorized by 2 CFR 200.414(f). A State, local, or tribal governmental department or agency unit that receives more than \$35 million in direct Federal funding is not eligible for the de minimis rate.
- c. Applicants not subject to a statutory limitation, which have a current NICRA must calculate indirect costs using the rate and base specified in their NICRA. A recipient may voluntarily reduce or waive recovery of indirect costs at its sole discretion and must not be encouraged or coerced in any way to do so by the agency. A copy of the applicant's current NICRA must be provided with the application. Indirect costs may not be recovered under an expired NICRA. However, if an applicant with a current NICRA is subject to the statutory limitation, indirect costs must be calculated as follows. First, multiply the NICRA rate by the base stated in the NICRA to arrive at Amount

A. Next, multiply the statutory limit of 10 percent by the total of all direct costs to arrive at Amount B. The lower of Amount A and B is the amount of indirect cost to include on the budget.

- d. Recipients are prohibited from shifting unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.
- e. Applicants who are individuals applying for funds separate from a business or non-profit organization they may operate are not eligible to charge indirect costs to their award. If you are an individual applying for funding, do not include any indirect costs in your proposed budget.

E. APPLICATION REVIEW INFORMATION

1. Review and Selection Process

Applications will be screened for completeness and compliance with the provisions of this notice. Incomplete, noncompliant, and/or applications not meeting the formatting criteria may be eliminated from competition. In that event, the agency will send notification of elimination to the applicant. The agency intends to select and award without conducting any discussions or allowing applicants to correct deficiencies or omissions in their applications. Consequently, applicants must ensure their applications are complete and accurate. However, while the agency intends to select without contacting applicants, it reserves the right to request applicants to revise their applications to correct deficiencies or omissions it identifies. If this occurs, the agency will conduct discussions with all applicants, identify deficiencies and omissions for all, and give applicants an opportunity to submit a revised application by a common cut-off date. The agency may also contact individual applicants to clarify certain components of their applications.

Merit/technical reviews will be conducted by a technical review board nominated by the approving official. Risk reviews will be conducted by the FPAC Business Center, Grants and Agreements Division. The approving official will make the final award decisions. The approving official for this opportunity is the Mississippi NRCS State Conservationist.

2. Merit/Technical Criteria

- a. Specialized experience and technical competence in the type of work required (40%)
 - i. Evaluation will be based on the extent of related experience in performing planning, designing, and implementing wetland and associated upland restorations. Considerations will be given to those applicants with knowledge of and direct experience in planning, designing, and implementing wetland and associated upland restorations in Mississippi.

- ii. Organizational capabilities – The adequacy of organizational resources and experience to successfully design and install wetland restoration projects. Share in a common mission that supports the natural resource conservation efforts with private landowners. Project personnel – The reasonableness and feasibility of the applicant’s approach and expertise for successfully achieving the objectives of the project within the required time frame.
 - iii. Understanding the intent of ACEP-WRE, WRP, HFRP, and EWPP-FPE – The applicant’s recognition of the value and need of the project and the full understanding of the intent of easement programs. Ability to demonstrate successful history and credibility of working with private landowners.
 - iv. Experience - Working on wetland restoration in the State of Mississippi or similar ecosystems. Examples of previous work shall be documented for review.
- b. Professional qualifications and capacity necessary for satisfactory performance (30%)
 - i. Experience - Working on wetland restoration in the State of Mississippi or similar ecosystems. Examples of previous work shall be documented for review.
 - ii. Evaluation will be based upon the number of qualified personnel, their knowledge and experience associated with the requirements above, and their availability to perform work on this agreement.
- c. Capacity to accomplish work (15%)

Evaluation will be based upon the number of qualified personnel, the quantity of existing work under contract and the schedules for completion of the existing work. Evaluation will consider restoration design and implementation process from start to finish.
- d. Past performance regarding work of this nature (15%)

Past experience with other government agencies and other organizations in regard to work of this nature. Quality and timeliness of performance of work performed.

3. Administrative and Risk Criteria

Notice of selection after merit/technical evaluation does not guarantee that an applicant will receive an award. Following notification of selection for funding (see Section F), the FPAC Business Center, Grants and Agreements Division’s staff conducts a final administrative and risk review of those applications. The administrative review includes, but is not limited to, a check to ensure that NFO requirements were met (e.g., applicant meets eligibility criteria, application was

submitted via Grants.gov by the established deadline), and proposed costs are allowable, allocable, and necessary. During this process, it may be necessary to request further documentation from the applicant (e.g., organizational information as part of the risk assessment, more detail regarding proposed costs).

In addition, to comply with the requirements at 2 CFR 200.206, the agency will follow, at a minimum, the risk review process described below (additional steps may be taken).

The awarding agency will check SAM to ensure the applicant is not suspended or debarred, which would preclude receiving an award. In addition, prior to making a Federal award with a total Federal share greater than the simplified acquisition threshold (\$250,000), the agency must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (the Federal Awardee Performance Integrity Information System, FAPIIS) (see 41 USC 2313 and 2 CFR 200.206(a)).

An applicant must meet the following standards to be considered for award:

a. Financial Stability

The applicant maintains adequate financial resources or cash flow to meet its financial obligations on a routine basis in order to successfully complete any agreement it may be awarded.

b. Quality of Management Systems and Ability to meet Management Standards prescribed in 2 CFR Part 200

The applicant has a financial management system adequate to segregate and track federal funds. It has adequate systems in place for proper agreement administration; compliance with the standards outlined in 2 CFR Part 200 Section D for procurement, property, and records management; and required financial and performance reporting.

c. History of Performance

If the applicant has previously obtained Federal financial assistance award, it has never failed to materially comply with the Federal award terms and conditions and further that it has never had an award terminated on that basis.

Submission of an application constitutes certification that an applicant meets these standards (items a. through c. above). The agency may request documentation to substantiate the certification. Based on risk assessment, the agency may impose specific award conditions in accordance with 2 CFR 200.208.

4. Awards Over the Simplified Acquisition Threshold (if applicable)

- a. Prior to making a Federal award with a total Federal share greater than the simplified acquisition threshold (\$250,000), the agency must review and

consider any information about the applicant that is in the designated integrity and performance system accessible through SAM, the Federal Awardee Performance Integrity Information System, FAPIIS. FAPIIS is a federal database intended to serve as a government-wide source of information about the prior performance and compliance of federal procurement contractors, grantees, and cooperative agreement holders (see 41 U.S.C. 2313 and 2 CFR 200.206(a)).

- b. An applicant may review information in FAPIIS accessible through SAM and comment on any information about it that a Federal awarding agency previously entered.
- c. The agency will consider any comments by the applicant, in addition to the other information in FAPIIS, 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 CFR 200.206, Federal awarding agency review of risk posed by applicants.

F. FEDERAL AWARD ADMINISTRATION INFORMATION

1. Federal Award Notices

The agency will provide notice that an application has been selected before it actually makes the Federal award. As such, the selection notification is not an authorization to begin performance. Any pre-award costs incurred by the awardee will not be reimbursed. The Notice of Grant and Agreement Award (ADS-093) signed by the authorized agency official is the only authorizing document and will be provided electronically to the entity's authorized official for signature.

Both successful and unsuccessful applicants will be notified of the award decision via letter.

2. Administrative and National Policy Requirements

All project funds will be used in accordance with 2 CFR Part 200 and the General Terms and Conditions, which are available at the following website:

<https://www.fpacbc.usda.gov/about/grants-and-agreements/award-terms-and-conditions/index.html>.

Projects performed pursuant to this opportunity may be subject to the National Environmental Policy Act (NEPA). If applicable, NRCS must work with awardees to complete an environmental review of each awarded project before project commencement. In addition, prior to any ground-disturbing activities related to NRCS funding, the awardee must work with NRCS staff to complete an environmental evaluation (EE) related to those activities. Awardees may be required to prepare or pay for preparation of an environmental assessment (EA) or environmental impact statement (EIS), should any environmental review find that an EA or EIS is required.

In addition, a National Historic Preservation Act (NHPA), Section 106 review and consultation by an NRCS State or area office with consulting parties (such as the pertinent State Historic Preservation Officer and federally recognized Indian Tribes) may be required prior to the implementation of project activities that have the potential to impact cultural resources. NHPA Section 106, its implementing regulations (36 CFR Part 800), and other related authorities, require Federal agencies to determine if a project has the potential to cause an effect to historic properties and, if so, if they are adverse and how the effects may be addressed. The NHPA review and compliance in accordance with Section 106 of NHPA and implementing regulations at 36 CFR Part 800 must be completed by NRCS and applicants may be required to pay for any cultural resource surveys needed for NRCS to assess project effects. More information on the applicant's role in the NHPA Section 106 process can be found on the Advisory Council on Historic Preservation website at

<https://www.achp.gov/digital-library-section-106-landing/section-106-applicant-toolkit>.

Consultation with the U.S. Fish & Wildlife Service and/or the National Marine Fisheries Service under the Section 7 of the Endangered Species Act (ESA) is also required for projects that may affect listed or proposed species or destroy or modify critical habitat. The ESA consultation in accordance with Section 7 of the ESA and implementing regulations at 50 CFR Part 402 must be completed by NRCS prior to the implementation of project activities that have the potential to impact species or habitat protected under the ESA. More information on the Section 7 consultation process can be found at

<https://www.fws.gov/endangered/what-we-do/consultations-overview.html>.

3. Reporting

Reporting will follow the guidelines included in the agency's General Terms and Conditions, which are available at the following website:

<https://www.fpacbc.usda.gov/about/grants-and-agreements/award-terms-and-conditions/index.html>

If the Federal share of any agreement awarded under this opportunity notice may include more than \$500,000 over the period of performance, recipients must also comply with the post award reporting requirements reflected in Appendix XII of 2 CFR Part 200 — Award Term and Condition for Recipient Integrity and Performance Matters.

Applicants that receive awards pursuant to this opportunity and any sub awardees must comply with the reporting requirements described at 2 CFR Part 170 unless an exception applies. Applicants must ensure they have the necessary processes and systems in place to comply with those requirements. A list of exceptions can be found at 2 CFR 170.110(b).

G. FEDERAL AWARDING AGENCY CONTACT

For questions regarding this opportunity, please contact the following individual with the NFO number in the subject line:

Name: Charlene Winters
Grants Management Specialist
FPAC Business Center

Email: chalene.winters@usda.gov with a copy to FPAC.BC.GAD@USDA.GOV

H. OTHER INFORMATION

1. Questions regarding this opportunity must be submitted to the Federal Awarding Agency Contact identified above via email with the NFO number in the subject line.
2. For technical issues with Grants.gov, please contact Grants.gov Applicant Support at 1-800-518-4726 or support@grants.gov. Awarding agency staff cannot support applicants regarding Grants.gov accounts.

3. Freedom of Information Act (FOIA)

Applications are considered confidential information. Applications are not shared with individuals or entities seeking public disclosure through the Freedom of Information Act (FOIA) without the consent of the applicant. More specifically, Executive Order 12600 and USDA FOIA regulation 7 CFR Part 1, Subpart A requires the awarding agency to provide notice to applicants that a third party has requested copies of their business information and requires the awarding agency to consult with applicants regarding the releasing their records.

4. Government Obligation

The Federal Government is not obligated to make any Federal award as a result of this opportunity. Only authorized federal officials can bind the Federal Government to the expenditure of funds.

5. Any award made pursuant to this NFO may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

U.S. Department of Agriculture Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov

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