# RESTORE Act
# Direct Component – Real Property Activities

## U.S Department of the Treasury
## Office of Gulf Coast Restoration

## Initial Announcement

**Funding Opportunity Number**: GR-RDC-15-008

**Catalog of Federal Domestic Assistance (CFDA) number:** 21.015

**Key Dates:** Applications will be accepted on a rolling basis as long as funds are available in an applicant's allocation. This funding opportunity announcement will close on July 31, 2015. A new funding opportunity announcement may be posted again in August 2015, as determined necessary by Treasury.

# RESTORE Act
# Direct Component –Real Property Activities
# Funding Opportunity Announcement (FOA)

## PART 1

1. **Federal Awarding Agency**: Office of Gulf Coast Restoration, Department of the Treasury

2. **Funding Opportunity Title**: RESTORE Act Direct Component – Non-Construction Activities

3. **Announcement Type**: Initial

4. **Funding Opportunity Number**: GR-RDC-15-008

5. **Catalog of Federal Domestic Assistance (CFDA) number**: 21.015

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## PART 2

### I. Funding Opportunity Description

Under the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act), Subtitle F of P.L. 112-141, the Gulf Coast Restoration Trust Fund was established in the Treasury of the United States. Eighty percent of the civil penalties paid after July 6, 2012, under the Federal Water Pollution Control Act in connection with the *Deepwater Horizon* oil spill will be deposited into the Trust Fund and invested. The RESTORE Act created five components through which funds will be disbursed.

**Treasury is publishing multiple funding opportunity notices as part of the RESTORE Act. This announcement applies only to the Direct Component**, and is only for applications for eligible real property activities. For eligible activities involving non-construction, construction, and requests for funding to serve as non-federal share for another federally-funded grant (construction, non-construction, or real property), applicants should refer to the appropriate funding opportunity announcement.

Trust Fund amounts are available to carry out eligible activities described in the RESTORE Act. These are:

a) Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches and coastal wetlands of the Gulf Coast region.
b) Mitigation of damage to fish, wildlife and natural resources.
c) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.
d) Workforce development and job creation.
e) Improvements to or on State parks located in coastal areas affected by the Deepwater Horizon oil spill.
f) Infrastructure projects benefitting the economy or ecological resources, including port infrastructure.
g) Coastal flood protection and related infrastructure.
h) Planning assistance.
i) Administrative costs.
j) Promotion of tourism in the Gulf Coast region, including recreational fishing.
k) Promotion of the consumption of seafood harvested from the Gulf Coast region.

All eligible activities must be carried out in the Gulf Coast region with the exception of (h) – (k) above.

## II. Federal Award Information

A. Total Funding Availability

The total funding available for eligible activities under the Direct Component will depend on the Trust Fund balance, any adjustments due to sequestration, pursuant to section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and any adjustments due to obligations and disbursements through grants awarded to eligible recipients.

B. Award Amount

Each of 47 eligible applicants may apply through one or more applications for its share of funds, described in Treasury regulations as a percentage of the amounts available from the Trust Fund for the Direct Component. An eligible applicant may apply for up to 100 percent of its allocation. Treasury will notify eligible applicants when revisions are made to the allocation tables, which include the amounts currently available and posted on the Treasury RESTORE Act website at: http://www.treasury.gov/services/restore-act/Pages/default.aspx.

C. Anticipated Award Date

Treasury anticipates making a grant award within 60-120 days after receipt of a compliant application, depending on the complexity of the project.

D. Period of Performance

Eligible applicants may submit one or more applications, each covering a performance period ("Project Period") of one year up to five years. Applications for funding for the preparation of a Multiyear Plan should not exceed two years.

E. Funding Instrument Type

Awards will be made as grants to eligible applicants.

## III. Eligibility Information

A. Eligible Applicants

Eligible applicants are specified by the RESTORE Act and regulations at 31 C.F.R. Part 34. Only the following entities may apply for funding under this announcement: the Office of the Governor of the State of Texas, or an appointee of the Governor; the Alabama Gulf Coast Recovery Council or a designated administrative agent; the Mississippi Department of Environmental Quality; the Coastal Protection and Restoration Authority Board of Louisiana; the Louisiana parishes of Ascension, Assumption, Calcasieu, Cameron, Iberia, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, and Vermilion; and the Florida counties of Bay, Charlotte, Citrus, Collier, Dixie, Escambia, Franklin, Gulf, Hernando, Hillsborough, Jefferson, Lee, Levy, Manatee, Monroe, Okaloosa, Pasco, Pinellas, Santa Rosa, Sarasota, Taylor, Wakulla, and Walton.

Only the above-named entities are eligible applicants who may apply for funding. Treasury does not make Direct Component grants directly to other entities or individuals. Interested third parties may contact their jurisdiction listed in the above paragraph to learn more about how the eligible entities select proposed activities.

B. Cost Sharing or Matching Requirement

No cost sharing or matching is required.

C. Other Criteria that Affect Eligibility

1. Each activity for which funding is sought under this announcement must be included in a Multiyear Plan that has been prepared and approved by the applicant and reviewed and accepted by Treasury. This requirement does not apply to applications for planning assistance funding needed to prepare the Multiyear Plan. The required forms for the Multiyear Plan, as well as other instructions for completing the Multiyear Plan, may be found in the Direct Component Guidance and Application available on Treasury's RESTORE Act website at http://www.treasury.gov/services/restore-act/Pages/default.aspx. The forms also can be requested at restoreact@treasury.gov.

2. Each applicant must complete an Operational Self-Assessment and must update and submit the Operational Self-Assessment annually by June 30. Annual Operational Self-Assessments must be reviewed and accepted by Treasury before funds may be awarded for an application under this announcement. The required format and fillable form for the Operational Self-Assessment, as well as instructions for completing it, may be found on Treasury's RESTORE Act website at http://www.treasury.gov/services/restore-act/Pages/default.aspx.

3. As part of its first application, each Louisiana parish must certify to the Governor of Louisiana that the parish has a comprehensive land use plan and submit to Treasury a copy of a signed certification that complies with 31 C.F.R. § 34.302(f). If the parish modifies its comprehensive land use plan, the parish must submit an updated certification.

4. No application may be submitted for a proposed activity that is included in any claim for compensation presented after July 6, 2012, to the Oil Spill Liability Trust Fund.

5. Activities designed to restore or protect natural resources must be based on the best available science (see 31 C.F.R. § 34.2).

## IV. Application Preparation and Submission Information

A. Address to Request Application Package

Treasury will be using the GrantSolutions.gov system to manage the application submission process, and application packages will be available only through GrantSolutions.gov at https://www.grantsolutions.gov/gs/. Only eligible applicants, as defined in Section III, will be able to register with GrantSolutions.gov. Eligible applicants must register with GrantSolutions.gov and log in using the provided account information in order to access the various

funding opportunity announcements and associated application packages available under the RESTORE Act.

During the application preparation process, eligible applicants should be sure to access and complete the specific application package within GrantSolutions.gov that corresponds to the correct RESTORE Act component or activity since there are multiple funding opportunity announcements available, each having their own specific instructions, forms, and required attachments.

If you are an eligible applicant and require further information, need assistance with the GrantSolutions.gov account registration process, or if you do not have Internet access, contact Treasury using the contact information provided below in Section VII, Federal Awarding Agency Contacts.

Information also is available on Treasury's RESTORE Act website at http://www.treasury.gov/services/restore-act/Pages/default.aspx.

B. Content and Form of Application

All applications must be completed and submitted using the application packages provided by GrantSolutions.gov (https://www.grantsolutions.gov/gs). An application must be submitted by the Authorizing Official enrolled in GrantSolutions.gov.

Application packages will include the required standard forms and specific documentation required by Treasury. If an item specifies the use of a template, then the applicant is required to download the template from within the GrantSolutions.gov application package, complete the template, and upload the completed template, in its native file format, as part of the application preparation process.

Information that is not part of a standard form or a Treasury template included in the application package can be provided as part of a separate file attachment that the applicant can upload into the application package. **All file attachments must be in PDF file format, unless otherwise specified in this FOA or application guidance.**

Any files uploaded into the GrantSolutions.gov application package must contain a valid file format extension in the filename. Any file submitted as part of the GrantSolutions.gov application package that is not in a PDF file format or in another format otherwise specified in this FOA, or contains password protection, will not be accepted for processing and will be excluded from the application during the review process. In addition, the use of compressed file formats such as ZIP, RAR or Adobe Portfolio will not be accepted. Scanned copies should not be submitted through GrantSolutions.gov unless the applicant confirms the clarity of the documents. Documents must be scanned after they are signed. Pages cannot

be reduced in size resulting in multiple pages on a single sheet to avoid exceeding any page count limitations. All documents that do not conform to the above will be excluded from the application during the review process.

The following items are required:

1. Form SF-424, Application for Federal Assistance.
2. Form SF-424A, Budget Information – Non-construction Programs.
3. Form SF-424B, Assurances – Non-construction Programs.
4. Direct Component Financial Assistance Application *(completion of template required).* The applicant must:
   a. Provide activity name.
   b. Identify the applicant organization.
   c. Provide a detailed description of the proposed activity, including specific tasks, timeframes, and how those tasks relate to the objectives and budget of the proposed activity.
   d. Identify key staff of the applicant organization (Per the Standard Terms and Conditions on Direct Component grant awards, posted on the Treasury RESTORE Act website at http://www.treasury.gov/services/restore-act/Pages/default.aspx, the applicant is required to notify Treasury if there are any changes in identified key staff).
   e. Demonstrate the use of best available science as applicable.
   f. Provide a justification of the proposed budget for each of the budget categories on the SF-424A (listed directly below with definitions).

      i. Personnel — This refers to salaries and wages paid to employees of the applicant organization who are directly involved in grant implementation. *This line item does not include personnel hired as sub-recipients; those costs are included in the "Contractual" line item.*
      ii. Fringe Benefits — This refers to the allowances and services that employers provide their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave (vacation, family-related, sick or military), employee insurance, pensions, and unemployment benefit plans.
      iii. Travel — This refers to the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the non-Federal entity. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the non-Federal entity's non-federally-funded

activities and in accordance with non-Federal entity's written travel reimbursement policies. *This line item does not include a subrecipients' travel expenses; those costs are included in the "Contractual" line item.*

iv. Equipment — This refers to tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or $5,000.

v. Supplies — This refers to all tangible personal property other than equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or $5,000, regardless of the length of its useful life.

vi. Contractual — This refers to purchases of property or services needed to carry out the project or program under a Federal award. It is not specific to the legal instrument being used, so it may include both subawards and subcontracts.

vii. Construction — [not applicable]

viii. Other — This refers to Direct costs that do not fit any of the aforementioned categories, such as rent for buildings used to conduct grant activities, utilities and/or leased equipment, transportation expenses, tuition for training, etc.

ix. Indirect Costs — This refers to costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. See Section IV.F. for details on the three percent cap on certain indirect costs (i.e., administrative costs).

g. Demonstrate that the activity will be carried out in the Gulf Coast region.
h. Provide other information requested in the Financial Assistance Application.

5. A letter from the applicant's highest official designating a senior authorized official who can legally bind the entity to execute the RESTORE Act Direct Component Applicant Certifications by the Authorized Senior Official. A letter is not required if the applicant's highest official executes the certifications.
6. RESTORE Act Direct Component Applicant Certifications *(completion of template required)*, signed by the senior authorized official.
7. SF-LLL *(completion of template required)* if applicable (see 31 C.F.R. Part 21). If submitted, the SF-LLL must be signed by the senior authorized official.
8. Direct Component Activity Milestones Report *(completion of template required)*. The applicant must provide the major milestones of the activity. Major milestones are discrete, high-level actions that, taken together, result in

a completed eligible activity (e.g., awarding a contract, phases of planning). Columns G and H should be reserved for reporting post-award.

9. Direct Component Activity Status of Performance Report *(completion of template required)*. The applicant must identify one or more performance objectives and related performance measures that will be tracked throughout the period of performance.
10. Federally approved Indirect Cost Rate Agreement, if indirect costs are included in the budget. (For information on three percent administrative cost cap, see Section IV.F. For guidance on Indirect Cost Rate Agreements contact Treasury, see Section VII.)
11. A map of the area in which the real property acquisition will be located, with the boundaries of the project site clearly delineated. Only the following file formats will be accepted for maps: PDF, GIF, JPEG, or PNG. USGS maps are available in PDF format at http://www.usgs.gov/pubprod/maps.html.
12. A Federal Emergency Management Agency (FEMA) floodplain map of the area in which the real property acquisition will be located with the boundaries of the site clearly delineated. Only the following file formats will be accepted for maps: PDF, GIF, JPEG, or PNG. FEMA floodplain maps, in PDF or PNG format, may be accessed at: FEMA Map Service Center, https://msc.fema.gov/portal.
13. Documentation relating to title, including recorded easements, and other legal matters arising out of real property acquisition, conveyance and/or construction, such as permit or bonding requirements, disclosure of outstanding liens and recorded easements, rights-of-way and permitting issues.
14. Current title opinion showing ownership of the property and any deed restrictions.
15. If a proposed activity was approved prior to July 6, 2012, the application must also include the following:
    a. In the Application for Financial Assistance:
        i. The project description must clarify when the activity was approved, the name of the approving agency, the current status of the project, the original approved budget for the project, the amount of funds that have already been expended on the project, and the expected funds required for project completion. If any cost overruns have occurred or are expected to occur, the applicant must provide an explanation.
        ii. For the questions regarding procurement, public input, and "best available science," the applicant must clearly describe the approach that was taken and how this approach is "substantively the same" as the statutory requirements [see 33 U.S.C. §1321(t)(1)(E)].
        iii. If the information requested in this form is included in the other approving agency's application, the applicant may include cross-references between the particular question and response.
    b. Documentation showing that the activity was approved prior to July 6,

2012, such as a grant approval letter or meeting minutes from the governmental entity with authority to approve the project.

c. Documentation of the original budget and scope of work (e.g., an approved grant application).

d. A copy of the most recent performance report for the project, if applicable.

In addition, the State of Alabama must submit with each application a certification, signed by the authorized official, that the funding request was approved in accordance with 33 U.S.C. §1321(t)(1)(F), and that Alabama is in compliance with 33 U.S.C. §1321(t)(1)(F)(i)(IV).

More information on application policies and requirements is available in the "Direct Component Guidance and Application to Receive Federal Financial Assistance" at Treasury's RESTORE Act website at http://www.treasury.gov/services/restore-act/Pages/default.aspx.

C. Dun and Bradstreet Universal Numbering System (DUNS) Number and System for Award Management (SAM)

1. All applicants must have a DUNS number. A DUNS number may be obtained from Dun and Bradstreet, Inc. by telephone (currently 866–705–5711) or the Internet (currently at http://fedgov.dnb.com/webform). This number should be entered in the block with the applicant's name and address on the cover page of the application (Item 8c on the Form SF 424, Application for Federal Assistance). The name and address in the application should be exactly as given for the DUNS number. Applicants should obtain this DUNS number immediately to ensure all registration steps are complete prior to submitting an application.

2. All applicants must provide their DUNS and EIN/TIN numbers in order to be able to register in the System for Award Management (SAM); the website for the SAM system is https://www.sam.gov. Registering an account with SAM is a separate process from submitting an application. Applicants are encouraged to register early. All applicants must be registered in the System for Award Management (SAM) prior to submitting an application. Applicants must maintain an active registration with SAM at all times, prior to submitting an application and throughout the entire period of performance of an award. Applicants are required to annually renew their registration with the System for Award Management (SAM). Failure to renew a SAM registration prior to application submission may prevent an applicant from being eligible to receive a grant award.

   Some applicants may have already registered with the Central Contracting Registration (CCR) database. SAM has integrated the CCR and 7 other

federal procurement systems into a new, streamlined system. If an applicant had an active record in CCR, there will be an active record in SAM. Nothing more is needed unless a change in business circumstances requires updates to the entity record(s) in order for the applicant to be paid, receive an award, or to renew the entity prior to expiration. Please consult the SAM website listed above for additional information.

Applicants must successfully register with SAM prior to registering in the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) as a prime awardee user. Prime recipients must maintain a current registration with the SAM system, and may make subawards only to entities that have DUNS numbers. Organizations must report executive compensation as part of the registration profile at https://www.sam.gov by the end of the month following the month in which an award is made, and annually thereafter (based on the reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006 (Pub. L. 109-282), as amended by section 6202 of Public Law 110-252 and implemented by 2 C.F.R. Part 170). See Section VI, Award Administration Information, for more information on FFATA.

3. Treasury cannot make a grant award to an applicant who has not obtained a DUNS number and maintains an active registration with SAM. See 2 C.F.R. Part 25.

D. Submission Dates and Times

Applications will be accepted on a rolling basis as long as funds are available in an applicant's allocation. Applications should be submitted at least 90 days before the requested start date of the award. This funding opportunity announcement will close on July 31, 2015. A new funding opportunity announcement may be posted again in August 2015, as determined necessary by Treasury.

E. Intergovernmental Review

Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." Please check box **"C"** on item 19 of the SF 424 (Application for Federal Assistance) as Review by State under Executive Order 12372 does not apply.

F. Funding Restrictions

1. Not more than three percent of the total award amount may be used for administrative costs as defined in 31 C.F.R. § 34.2.

2. Per OMB guidelines, Treasury will not allow reimbursement of costs incurred before an award is made, unless an applicant demonstrates that the costs were

incurred directly pursuant to the negotiation and in anticipation of the award, and the costs are necessary for the efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the award and only with Treasury's written approval. All costs incurred before the Federal awarding agency makes the Federal award are at the recipient's risk. Any pre-award costs should be requested as part of an application under this funding opportunity announcement. The applicant must clearly describe the proposed pre-award costs in the scope of work and budget justification, and provide a compelling justification as to why Treasury should approve the pre-award costs.

G. Other Submission Requirements

All applications must be submitted via the GrantSolutions.gov system (https://www.grantsolutions.gov/gs).

Documents that require a signature may be scanned and uploaded into the application package. In GrantSolutions.gov, the name of whoever submits the application automatically appears as the signature of the Authorized Representative on the SF-424. While GrantSolutions.gov will allow anyone enrolled in the system to submit an application, Treasury requires that the Authorizing Official submit the application. Contact Treasury using the contact information provided below in the event of technical difficulties.

## V. Application Review Information

A. Evaluation Criteria

This is a noncompetitive grant opportunity. Each application will be evaluated for completeness and conformance to the RESTORE Act and regulations at 31 C.F.R. Part 34 and the Office of Management and Budget (OMB) Uniform Guidance at 2 C.F.R. Part 200. Treasury also will evaluate each applicant's ability to successfully administer an award, using information such as the Operational Self-Assessment, audits under the Single Audit Act, and OMB-designated repositories of government-wide eligibility qualification or financial integrity information.

B. Review and Selection Process

Treasury will perform an initial eligibility review of applications as they are submitted. Treasury also will assess each application for completeness and conformance to the RESTORE Act and regulation and federal laws and policies on grants. If the application is for a project designed to restore or protect natural resources, Treasury will assess whether the applicant reasonably demonstrated that the project is based on best available science. Treasury may seek the assistance of governmental and nongovernmental subject-matter experts in the

review of best available science. Applications will be selected for funding if they fulfill all application requirements and funding is available in the applicant's Trust Fund allocation.

C. Anticipated Announcement and Award Dates

Successful applications will be announced and awarded on a rolling basis as they are reviewed. All awards will have a start date of the first day of the month.

## VI. Award Administration Information

A. Award Notices

Treasury will notify applicants of application determinations via email, either directly from Treasury or via email notifications issued through the GrantSolutions.gov system. Treasury will provide successful applicants with a Notice of Award. Applicants will need to formally accept the award within 30 days, via the GrantSolutions.gov system, in order for the award to take effect. More information regarding the grant award acceptance process via GrantSolutions.gov will be provided to potential Awardees during training.

B. Administrative and National Policy Requirements

Awards under this announcement are subject to the RESTORE Act, Treasury regulations at 31 C.F.R. Part 34, and federal laws and regulations concerning grants. Below is a list of requirements with which the applicant will need to comply. This is a non-exhaustive list. The Standard and Program-Specific Terms and Conditions for awards under this announcement are posted on Treasury's RESTORE Act website at http://www.treasury.gov/services/restore-act/Pages/default.aspx. Special Award Conditions may be applied to an award under this announcement.

1. Lobbying Restrictions at 31 C.F.R. Part 21.
2. Government-wide Debarment and Suspension Requirements at 31 C.F.R. Part 19.
3. Government-wide Requirements for Drug-Free Workplace at 31 C.F.R. Part 20.
4. Federal Funding Accountability and Transparency Act and regulations at 2 C.F.R. Part 170.
5. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200 and any Treasury regulations implementing these requirements.
6. Award Term for Trafficking in Persons at 2 C.F.R. Part 175.

C. Reporting

Applicants who receive awards will be required to file the SF-425 Federal Financial Report. Performance reporting is also required via the SF-PPR, the Status of Performance Report, and the Milestones Form. The Status of Performance Report and the Milestones Form may be found in the application package. All financial and performance reports must be filed semi-annually via GrantSolutions.gov during the grant award's period of performance, unless a special award condition specifies more frequent reporting. The Operational Self-Assessment form also must be updated annually.

## VII. Federal Awarding Agency Contacts

For questions regarding this announcement, please contact the Office of Gulf Coast Restoration at restoreact@treasury.gov or 202-622-6873.

Information is also available at Treasury's RESTORE Act website at http://www.treasury.gov/services/restore-act/Pages/default.aspx.