

**NOTICE OF FUNDING OPPORTUNITY  
FY 2023 EDA Disaster Supplemental  
EXECUTIVE SUMMARY**

- **Federal Agency Name:** Economic Development Administration (EDA or the Agency), U.S. Department of Commerce (DOC).
- **Federal Funding Opportunity Title:** FY 2023 EDA Disaster Supplemental Notice of Funding Opportunity (NOFO) (Disaster Supplemental NOFO).
- **Announcement Type and Date:** Disaster Supplemental NOFO announcement publishing EDA’s application submission requirements and review procedures for the review of applications received under EDA’s Economic Adjustment Assistance (EAA) disaster recovery program, as authorized by Sections 209 and 703 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121 *et seq.*) (PWEDA). **Effective date:** April 24, 2023.
- **Funding Opportunity Number:** EDA-DISASTER-2023
- **Catalog of Federal Domestic Assistance (CFDA) Number:** 11.307, Economic Adjustment Assistance
- **Dates:** There are no submission deadlines. Applications will be accepted on an ongoing basis until the publication of a new Disaster Supplemental NOFO, cancellation of this Disaster Supplemental NOFO or all available funds have been expended. EDA intends to review applications expeditiously upon receipt of the complete application.
- **Eligible Applicants:** Pursuant to Section 3(4) of PWEDA (42 U.S.C. § 3122(4)(a)) and 13 C.F.R. § 300.3 (Eligible Recipient), eligible applicants under the EAA program include a(n): (i) District Organization of an EDA-designated Economic Development District (EDD); (ii) Indian Tribe or a consortium of Indian Tribes; (iii) State, county, city, or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions; (iv) institution of higher education or a consortium of institutions of higher education; or (v) public or private non-profit organization or association acting in cooperation with officials of a political subdivision of a State. Individuals and for-profit entities are not eligible for funding under this NOFO.
- **Funding Opportunity Description:** Subject to the availability of funds, awards made under this NOFO will help communities and regions devise and implement long-term economic recovery strategies through a variety of non-construction and construction projects, as appropriate, to address economic challenges in areas where a Presidential declaration of a major disaster was issued under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121 *et seq.*) (Stafford Act) “as a result of Hurricanes Ian and Fiona, and of wildfires, flooding, and other natural disasters occurring in calendar years 2021 and 2022....”

**FULL ANNOUNCEMENT TEXT**

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## A. Program Description

### 1. Overview and Program Information

EDA's mission is to lead the Federal economic development agenda by promoting innovation and competitiveness, and preparing American regions for growth and success in the worldwide economy. Through this Disaster Supplemental NOFO, EDA will award investments in regions experiencing severe economic distress or other economic harm resulting from Hurricanes Ian and Fiona, and of wildfires, flooding, and other natural disasters occurring in calendar years 2021 and 2022.<sup>1</sup> Under this announcement, EDA solicits applications under the authority of its Economic Adjustment Assistance (EAA) program. The EAA program is intended to be flexible and responsive to the economic development needs and priorities of local and regional stakeholders, including those seeking assistance recovering from Federally declared disasters.<sup>2</sup>

EAA funds can be awarded to assist a wide variety of activities related to disaster recovery, including economic recovery strategic planning grants, and public works construction assistance. It is a flexible resource that responds adaptively to pressing economic issues and is well-suited to help address challenges faced by regions recovering from natural disasters. Examples of projects that EDA can support through this program include, but are not limited to:

- construction or upgrading of public infrastructure, including broadband infrastructure;
- workforce development, including the design and implementation of sectoral partnerships (see section 3.a.);
- activities necessary to strengthen cluster acceleration and expansion;
- capitalization or recapitalization of revolving loan funds (RLFs);
- development and implementation of long-term disaster recovery and resiliency plans, including capacity building;
- enhancement of infrastructure to make it more resilient to natural disasters;
- development or expansion of commercialization and proof of concept centers;
- procurement of equipment for workforce training programs;
- market or industry research and analysis for larger economic development projects;
- creation or expansion of foreign direct investment, trade, or export initiatives;
- economic development projects that enhance density in the vicinity of other economic development;
- "strategy grants" to develop, update, or refine a Comprehensive Economic Development Strategy (CEDS) as described in EDA's regulations at 13 C.F.R. § 307.3; and
- development of projects that provide technical assistance to enhance the capacity of key economic development actors in the region to promote the region's locally owned strategies.

EDA recognizes that urgent infrastructure rebuilding needs exist throughout disaster impacted regions. In EDA's experience with post-disaster recovery, the most effective rebuilding efforts are based on long-term regional development or redevelopment strategies that leverage Federal funding in coordination

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<sup>1</sup> Note that this does not include COVID-19 disaster declarations.

<sup>2</sup> See 42 U.S.C. §§ 3149(c)(2), 3233.

with state, local and private sector resources. For this reason, EDA encourages the submission of applications based on long-term, regionally oriented, coordinated and collaborative economic development or redevelopment strategies that foster economic growth and resilience. EDA will regard applications that are substantively supported by such strategies as more competitive, while applications for rebuilding damaged infrastructure that are not demonstrably supported by or otherwise related to a long-term plan for economic growth and resilience will not be considered competitive.

In addition to implementation projects, applicants may also seek funding in the form of a “strategy grant” to develop, update, or refine a Comprehensive Economic Development Strategy (CEDS) that alleviates long-term economic deterioration or a sudden and severe economic dislocation, as described in EDA’s regulations at 13 C.F.R. § 307.3.<sup>3</sup> Depending on the needs of a region, Applicants may be eligible for an initial strategy grant and a subsequent implementation grant. For the purposes of this Disaster Supplemental NOFO, non-construction strategy grants may include the otherwise ineligible areas, due to not receiving a major disaster designation under the Stafford Act in calendar year 2021/2022, of an Economic Development District (EDD) when a majority of the counties of a defined region, such as an EDD, are otherwise eligible under this Disaster Supplemental NOFO. EDA will consider applications submitted by eligible applicants located in or acting on behalf of the disaster-affected regions, including one or more institutions of higher education; one or more States, cities or other units of local government; and economic development organizations, including but not limited to regional multi-jurisdictional District Organizations and public or private non-profit organizations working in cooperation with private for-profit organizations, local businesses, and industry leaders.

Prospective applicants should note that Section C of this Disaster Supplemental NOFO sets out eligibility criteria for applications seeking funding for disaster recovery assistance. Only applications meeting the eligibility criteria will be considered. EDA will evaluate and select applications according to the evaluation criteria set forth in Section E of this announcement. Further, EDA will give priority to applications that propose or reflect sound resilience planning for disasters and are ready for implementation of that plan.

As noted above, this Disaster Supplemental NOFO will support disaster economic recovery activities that address the impacts of Hurricanes Ian and Fiona, and of wildfires, flooding, and other natural disasters occurring in calendar years 2021 and 2022. For all other EDA program and investment opportunities, please review <https://www.grants.gov> (Grants.gov) or visit <https://www.eda.gov/funding/funding-opportunities>.

EDA may make changes or additions or cancel the Disaster Supplemental NOFO at any time. All changes will be communicated via Grants.gov.

#### **a. Resiliency**

To be competitive, applications must clearly incorporate principles for enhancing the resilience of the relevant community/region or demonstrate the integration of resilience principles into the investment project itself. Resilience is an essential component of any strategy for mitigating the potential for future

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<sup>3</sup> The regulations implementing the EAA program may be found at 13 C.F.R. part 307. Please note that Section 307.3 of EDA’s regulations describes the differences between an EAA implementation grant and an EAA strategy grant. See also 42 U.S.C. § 3149(b)(2) (EAA planning project is not required to be carried out in an area with a CEDS or be consistent with an existing CEDS).

disaster-related losses and adverse economic impacts for communities. Therefore, inclusion of resilience principles in the project is a necessary step to improve the capacity of the region to recover more quickly from future disaster events.

In terms of economic development, resilience is broadly defined as the ability of a community or region to anticipate, withstand, and bounce back from various disruptions to its economic base. These disruptions can be caused by a variety of things, including extreme weather events. Enhancing resilience, especially in light of the ongoing impacts of a changing climate, is a multi-dimensional effort emphasizing engagement and support from all aspects of the community, including economic development practitioners. Some examples include:

- Efforts to broaden the industrial base or local sectoral specialization with diversification initiatives (*e.g.*, moving away from a local or regional economy overly dependent on one industry that might be susceptible to economic downturns). This may include spurring economic and job creation opportunities in industries that help communities recover from disasters, become more climate resilient, and assist the transition to a lower carbon future.
- Enhancing business retention and expansion programs to strengthen existing high-growth sectors and industries, including increasing supplier diversification.
- Development and construction of high-performance and resilient infrastructure and buildings to mitigate future risk and vulnerability, including from impacts of climate change.
- Enhancing the development and adoption of new technologies that play a vital role in strengthening economic resilience (*e.g.*, through modern infrastructure like broadband and renewable energy), and nurturing technology ecosystems that support dynamic, diverse economies that better withstand acute disruptions.
- Comprehensive planning efforts that involve extensive engagement from the community to define and implement a collective vision for economic recovery and resiliency.
- Comprehensive vulnerability assessments to identify disaster and climate risks to economic assets, infrastructure, businesses, and industrial sectors, and planning, design, and construction projects to reduce these risks.
- Capacity building measures including disaster recovery/resiliency coordinators.
- Planning and design efforts that support voluntary placement of industrial parks and critical economic development infrastructure in more resilient locations.

One particular type of resilience is climate resilience. EDA expects every project it funds to be resilient to future disruptions, to the greatest extent possible, including the impacts of climate change. The manner in which this manifests will vary by project and may include considerations such as siting, construction methods, construction materials, elevation, etc. Applicants should demonstrate that they have sufficiently accounted for current and future weather- and climate-related risks, such as wildfires, droughts, extreme heat and cold, inland and coastal flooding, and the high-impact winds produced by weather events such as tornadoes and hurricanes. The proposed project application should include how new infrastructure assets will be designed, built, and operated to prove resilient to high-impact weather and climate changes that may occur over the asset's lifetime. Applicants should make use of available tools and resources from the National Oceanic and Atmospheric Administration (NOAA) and the Federal

Emergency Management Agency (FEMA), and other federal agencies, as well as applicant-level resources and centers of expertise, in drawing up their applications.<sup>4</sup>

Resilience (within the context of economic development) is strengthened when it includes methods and measures to mitigate the potential for future economic injury, including through disaster mitigation, promoting a faster “up-time” for economic anchors (*e.g.*, key businesses and/or industries), and strengthening local and regional capacity to troubleshoot and address vulnerabilities within the regional economy. Resilience includes assessing and addressing current and future risks to major industries, economic development infrastructure, business districts, and the workforce, and assisting the transition to economic opportunities that foster climate resilience and low-carbon alternatives.

As noted above, application submissions that explicitly incorporate resilience principles will be more competitive. Additional information about this subject is available at <https://www.eda.gov/node/10701>.

The project’s compliance with these resiliency principles should be documented in section B.2 of the ED-900 (as discussed below) and will be evaluated as part of the project’s competitiveness.

#### **b. Comprehensive Economic Development Strategy (CEDS)**

Except for a strategy grant as described above, each project funded under EAA must be consistent with the region’s current CEDS, or if a CEDS does not exist, an equivalent EDA-accepted regional economic development strategy meeting EDA’s CEDS or strategy requirements. Applicants must clearly detail how the proposed project will support the economic development needs and objectives outlined in the CEDS or equivalent strategy, and identify the CEDS or strategy and provide a copy of this planning document, either by attaching the document to the application, including the web link for the document. In addition, applicants should indicate if other Federal funds have been secured for, or have been requested to support, any portion of the project for which an EDA investment is proposed. Applicants should describe how the EDA investment will complement, leverage, or otherwise align with other public and private investments to accomplish the planned deliverables and outcomes. Where other Federal funding may be involved in the project, the applicant should provide the Federal program name and contact information with their application in order to facilitate interagency coordination and avoid duplication of resources.

#### **c. Workforce Projects**

To the extent that a project involves workforce development activities, both non-construction and construction, there are specific program objectives to consider.

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<sup>4</sup> FEMA Hazard Mitigation Plan Information is available at: <https://www.fema.gov/emergency-managers/risk-management/hazard-mitigation-planning>. The Federal Flood Risk Management Standard resource is available at: <https://www.fema.gov/floodplain-management/intergovernmental/federal-flood-risk-management-standard>. NOAA’s Climate Mapping for Resilience and Adaptation is available at: <https://www.noaa.gov/news-release/biden-administration-launches-portal-to-help-communities-assess-exposure-to-climate-hazards>. The AT&T, FEMA and DOE Argonne National Laboratory, Climate Risk and Resilience Portal is available at: <https://about.att.com/story/2022/fema-argonne-climrr.html>. FEMA’s National Risk Index is available at: <https://www.fema.gov/flood-maps/products-tools/national-risk-index>.

Non-construction workforce projects eligible under this NOFO should support demand-driven sectoral partnerships that will support Americans in securing and retaining quality jobs, consistent with the Department of Commerce workforce principles.<sup>5</sup> For the purposes of this NOFO, “sectoral partnership” is defined as a partnership of employers from the same industry who join with other strategic partners to train and place workers into high-quality jobs that the employers need filled and intend to fill through the partnership. The strategic partners can include: government, education (including community and technical colleges), training organizations, economic development organizations, workforce development organizations, unions, labor management partnerships, industry associations, employer-serving organizations, and/or community-based organizations. A sectoral partnership is focused on one specific industry and one or more specific roles within that industry. The lead entity of a sectoral partnership (*i.e.*, Backbone Organization) serves as an intermediary across all the partners in the sectoral partnership and must be an EDA eligible applicant to receive funding through this NOFO. Sectoral partnerships are effective because: they are carefully built to include *all* necessary partners before workforce solutions are designed; they cut across traditional economic development, workforce, education, and social services system silos; they are targeted to in-demand sectors with high-quality jobs; and they consider the economic realities of a regional industry in assessing workforce demand and training needs.

A project that is entirely or partially intended to develop, deploy, expand, or initiate workforce training, must:

- connect trained workers with quality job<sup>6</sup> opportunities through a sectoral partnership;
- demonstrate employer leadership. EDA is seeking applications that have employer engagement in the development of the training and firm employer commitments to hire people who complete the training, which can come in different forms including earn-and-learn models like Registered Apprenticeships;
- include comprehensive wrap-around services (*e.g.*, childcare, transportation) to support vulnerable populations;<sup>7</sup>
- increase educational and workplace diversity, equity, accessibility, and inclusion, including through recruitment and retention efforts focused on underserved populations;
- carry out activities in one or both of the following categories:
  - **Program Design** funding for sectoral partnerships to identify the skills needed by industry and workers, develop the skills training curriculum and materials, and secure technical expertise needed to train workers with the skills needed by businesses, including providing professional development and capacity-building to trainers and educators, and/or

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<sup>5</sup> <https://www.commerce.gov/issues/workforce-development>.

<sup>6</sup> For more information on what constitutes a quality job, see <https://www.dol.gov/general/good-jobs/principles>.

<sup>7</sup> Note that not all wrap-around services will be eligible expenses. You will need to work with EDA to identify those that qualify as eligible participant support costs under 2 CFR 200.1 and 200.456.



- **Program Implementation** funding to deliver workforce training and wrap-around services that place workers into quality jobs through a new or expanded sectoral partnerships; and
- measure and evaluate outcomes such as workers' employment and earnings. Ensure that data is transparent, actionable, secure, and linked back to those executing programs.

If the project is a workforce project, its compliance with these workforce principles must be documented in section B.2 of the ED-900 (as discussed below) and will be evaluated as part of the project's competitiveness. See section E.1, Criteria.

EDA recognizes that in many circumstances having adequate, modernized facilities is a critical component of a successful workforce training program that responds to industry needs today and into the future. As such, equipment costs, expenses related to securing adequate space (*e.g.*, rent, leases), and other non-construction capital expenses are allowable expenses under workforce projects. Building-based construction projects (*i.e.*, any activity that disturbs the ground or modifies a structure) should be submitted as a construction project.

For construction projects, it is critical that any future programming that will occupy the facility also follow the above principles related to employer engagement and job commitments.

#### **d. Equity**

Consistent with Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government, and EDA's Equity Investment Priority, EDA expects projects to advance equity to underserved populations to the extent practicable. In this context, EDA is seeking projects that directly benefit: 1) one or more traditionally [underserved populations](#), including but not limited to women, Black, Latino, and Indigenous and Native American persons, Asian Americans, and Pacific Islanders or 2) underserved communities within [geographies](#) that have been systemically and/or systematically denied a full opportunity to participate in aspects of economic prosperity such as Tribal Lands, [Persistent Poverty Counties](#), and rural areas with demonstrated, historical underservice. Underserved and marginalized communities may be more vulnerable to the effects of natural disasters and climate change, and slower to recover.

A successful project will articulate which populations or communities will benefit (as noted above and <https://www.eda.gov/funding/investment-priorities>) and include a plan for inclusive community engagement in the project and ensuring that the economic benefits of the project will be shared by all communities in the project region, including any underserved communities. Your explanation should address the communities affected, barriers those communities may face in accessing benefits of the project, contemplated outreach efforts, and other planned steps to address identified barriers, as appropriate.

The project's compliance with these equity principles should be documented in section E.1 of the ED-900 (as discussed below) and will be evaluated as part of the project's competitiveness.

#### e. Puerto Rico

Given the unprecedented amount of federal funding flowing into Puerto Rico, the need to be coordinated across the archipelago and ensure that the most effective resiliency projects are selected, EDA expects Puerto Rico applications to identify how the proposed project fits in the greater landscape of funding activities occurring in Puerto Rico. Thus, either consistent with the CEDS requirement described above, or in lieu thereof, EDA expects Puerto Rico-related applications to reference a Puerto Rico-wide strategic planning document (such as “PROpósito,” available at: <https://ddec.pr.gov/proposito-en/> or “Transformation and Innovation in the Wake of Devastation: An Economic and Disaster Recovery Plan for Puerto Rico” available at: <https://www.rand.org/hsrd/hsoac/projects/puerto-rico-recovery.html>) and describe how the proposed project fits within the parameters of the strategic planning document.

#### f. Ineligible Projects

Some projects are generally ineligible under this NOFO, including projects that are primarily residential in nature (*e.g.*, housing), projects to create community amenities (*e.g.*, swimming pools, zoos, recreational centers), projects that support casinos or gaming, projects that support general governmental functions (see 2 C.F.R. 200.444), and requests for funding to supplement operating budgets or replace lost revenue (including lost tax revenue). Applicants who are unsure whether their proposed project is eligible under this NOFO should consult the appropriate EDA Regional Office Point of Contact (POC) listed in section G.

Funds may not be used, directly or indirectly as an offset for other funds, to support or oppose collective bargaining.

### 2. EDA Investment Priorities

EDA’s Investment Priorities are:

1. Equity
2. Recovery & Resilience
3. Workforce Development
4. Manufacturing
5. Technology-Based Economic Development
6. Environmentally-Sustainable Development
7. Exports & Foreign Direct Investment

**Under this NOFO, each project must be consistent with #2, Recovery & Resilience. Consistency with additional Investment Priorities may make a project more competitive.** Further, for workforce development projects, incorporation of the principles found in section A.1.c. of this NOFO will make the project more competitive.

More information about these Investment Priorities, including definitions, can be found at <https://www.eda.gov/funding/investment-priorities>. EDA’s website may be updated from time to time if there are any revisions to these Investment Priorities. While all are important, equity and recovery and resilience are also evaluation factors and incorporating such principles or elements into a project application may make it more competitive.

### **3. Statutory Authorities for EDA's Programs**

The statutory authority for the EAA program is Section 209 of PWEDA (42 U.S.C. § 3149). The statutory authorization of supplemental appropriations for disaster economic recovery activities is Section 703 of PWEDA (42 U.S.C. § 3233).

Applicant eligibility and program requirements are set forth in EDA's regulations (codified at 13 C.F.R. Chapter III), and all applicants must address these requirements. EDA's regulations are accessible at the U.S. Government Publishing Office (GPO) website at <https://www.gpo.gov/fdsys/>. Under "Browse," select the Code of Federal Regulations, choose the most recent year, and scroll down to find Title 13, Chapter III.

### **4. Federal Awarding Agency Contact**

Potential applicants should contact the EDA representative listed for their State (see Section G of this NOFO) to obtain additional information regarding any information in this NOFO.

## **B. Federal Award Information**

### **1. What Funding Is Available Under this Announcement?**

Under the Disaster Relief Supplemental Appropriations Act, 2023 (Div. N of the Consolidated Appropriations Act, 2023, Pub. L. 117-328), Congress provided EDA with the following disaster-specific program appropriation to supplement its core FY23 appropriations:

*Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for "Economic Development Assistance Programs" for necessary expenses related to flood mitigation, disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation as a result of Hurricanes Ian and Fiona, and of wildfires, flooding, and other natural disasters occurring in calendar years 2021 and 2022 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$500,000,000, to remain available until expended: Provided, That within the amount appropriated under this heading in this Act, up to 3 percent of funds may be transferred to the "Salaries and Expenses" account for administration and oversight activities: Provided further, That the Secretary of Commerce is authorized to appoint and fix the compensation of such temporary personnel as may be necessary to implement the requirements under this heading in this Act, without regard to the provisions of title 5, United States Code, governing appointments in competitive service: Provided further, That within the amount appropriated under this heading in this Act, \$2,000,000 shall be transferred to the "Office of Inspector General" account for carrying out investigations and audits related to the funding provided under this heading in this Act.*

Consistent with the above, EDA has allocated \$483 million in EAA program funds under this Disaster Supplemental NOFO among its six Regional Offices that cover the applicable disaster areas, as described below in Section B.2 of this Disaster Supplemental NOFO. If an applicant is awarded funding, neither DOC nor EDA is under any obligation to provide any future funding in connection with that award or to make any future award(s). Amendments or renewals of an award to increase funding or to extend the period of performance are at the sole discretion of DOC and EDA.

Publication of this announcement does not obligate DOC or EDA to award any specific grant or cooperative agreement or to obligate all or any part of available funds. The award of any grant is subject to the availability of funds at the time of award as well as to DOC priorities at the time of award. Neither DOC nor EDA will be held responsible for application preparation costs. EDA plans on funding between 100 and 150 disaster recovery projects with this appropriation.

## 2. Initial EDA Regional Office Allocations

Applying a number of factors, including impact and distress, EDA has allocated the \$483 million in disaster supplemental program funds among six Regional Offices as follows:

Atlanta Regional Office — \$160,000,000  
Austin Regional Office — \$110,000,000  
Chicago Regional Office — \$18,000,000  
Denver Regional Office — \$57,000,000  
Philadelphia Regional Office — \$103,000,000  
Seattle Regional Office — \$35,000,000

**Note: When appropriate, EDA may exercise its discretion to adjust the allocations to the Regional Offices based on its experience in administering disaster supplemental appropriations to ensure funds are used to maximum effect, or to adjust to unforeseen changes in recovery efforts.**<sup>8</sup>

## 3. What Type of Funding Instrument Will Be Used to Make Awards? How Long Will a Project's Period of Performance Be?

*Funding Instrument:* Subject to the availability of funds, EDA may award grants or cooperative agreements to eligible applicants to help support economic development project-based activities. EDA will award a cooperative agreement on a case-by-case basis if substantial agency involvement is required. For a cooperative agreement, the nature of EDA's "substantial involvement" (to be included in the terms and conditions of the award) will generally be collaboration between EDA and the recipient on the scope of work. However, other possible examples of EDA's "substantial involvement" may include, but are not limited to: (i) authority to halt immediately an activity if detailed performance specifications are not met; (ii) stipulation that the recipient must meet or adhere to specific procedural requirements before subsequent stages of a project may continue; and (iii) operational involvement and monitoring during the project to ensure compliance with statutory requirements.

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<sup>8</sup> If EDA determines that an application is eligible for funding under another EDA NOFO (e.g., the Fiscal Year (FY) 2023 Public Works and Economic Adjustment Assistance NOFO), EDA may at its sole discretion transfer the application for processing from the original NOFO to another. EDA will document that the applicant is in compliance with the application requirements of the NOFO to which the application is transferred.

At EDA's sole discretion, EDA may also jointly fund a project under more than one NOFO if a project meets the eligibility requirements of each respective NOFO at time of award. This may arise where a disaster impacts a project previously funded under a separate NOFO or where an area has been impacted by multiple disasters across several years. EDA will document the project's eligibility under the respective NOFOs and that the applicant complied with the respective application requirements of all NOFOs under which funding is awarded.

*Period of Performance:* Under the EAA program, the project period of performance depends on the nature of the project for which the grant is awarded. Typically, disaster and economic recovery strategy grants may range in duration from 12 to 18 months with extensions considered on a case-by-case basis. Implementation grants involving construction of project facilities and infrastructure generally are expected to range from 12 to 48 months. EDA will work closely with the recipients to accommodate their projected timelines within reason and allowances of regulations and grant policies. EDA expects that all projects will proceed efficiently and expeditiously, and EDA encourages applicants to clearly document how quickly they will be able to start and complete the proposed project scope of work.

## **C. Eligibility Information**

### **1. Eligible Applicants**

Eligible applicants for EDA EAA investment assistance include a(n):

- a. District Organization;
- b. Indian Tribe or a consortium of Indian Tribes;
- c. State,<sup>9</sup> county, city, or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions;
- d. Institution of higher education or a consortium of institutions of higher education; or
- e. Public or private non-profit organization or association acting in cooperation with officials of a political subdivision of a State.<sup>10</sup>

### **2. Eligible Counties Based on Disaster Declarations**

The project of an eligible applicant must be able to meet area eligibility requirements to be considered for funding under this Disaster Supplemental NOFO. Such eligibility is predicated upon the project being located in or primarily serving one or more communities impacted by Hurricanes Ian and Fiona, and of wildfires, flooding, and other natural disasters occurring in calendar years 2021 and 2022.

More specifically, consistent with 13 C.F.R. parts 301 and 307, EDA will determine area eligibility pursuant to the applicable Federal disaster declaration under the Stafford Act, and the Federal Emergency Management Agency (FEMA) designation of areas as eligible for public assistance or individual assistance due to the declared disasters listed on FEMA's website ([www.fema.gov/disaster/](http://www.fema.gov/disaster/)). For construction projects (including design and engineering), the project must be located within an eligible county. For non-construction projects, the project's scope of work must primarily benefit eligible

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<sup>9</sup> Under section 3(10) of PWEDA (42 U.S.C. § 3122), the term "State" includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

<sup>10</sup> This may include labor unions to the extent they can provide proof that they are organized as and operating as a non-profit organization. See section D.2.c.v, Organizational Documentation, for documentation required to show eligibility.

counties, and stakeholders representing those eligible counties must be directly engaged in the project.<sup>11</sup>

### **3. Cost Sharing or Matching**

#### **a. EDA Investment Rate**

Funds for this Disaster Supplemental NOFO must be used to carry out paragraph (c)(2) of Section 209 of PWEDA, which provides, in relevant part, that EAA assistance may be provided for activities identified by communities, the economies of which are injured by “disasters or emergencies, in areas with respect to which a major disaster or emergency has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121 *et seq.*), for post-disaster economic recovery.” Subsection (b) of Section 703 of PWEDA provides that the Federal Share of the cost of activities funded with such amounts made available may be up to 100%, as described below.

Once applicant and area eligibility are established, EDA generally expects to fund up to 80% of the eligible costs of such assistance. However, EDA’s consideration of factors such as scale of the project, the extent of the impact of the relevant disaster on the region, total project cost, relative distress of the community, or geographic distribution of disaster funds, may cause EDA to fund projects at a grant rate that is lower than 80%. The remaining portion of the costs for the EDA scope of work must be borne by the recipient or provided to the recipient by a third party as a contribution for the purposes of and subject to the terms of the award. Further, in accordance with the agency’s statutory authority under Section 703 of PWEDA (42 U.S.C. § 3233), EDA may increase the investment rate up to a maximum of 100%. In determining whether to increase the Federal Share above 80%, EDA’s Grants Officer in the applicable Regional Office will consider on a case-by-case basis whether the circumstances of the proposed project warrant a Federal Share in excess of 80%, including whether the applicant has exhausted its effective taxing or borrowing capacity or meets other thresholds for elevated need based on the overall economic situation of the region. Additionally, EDA may establish a maximum investment rate of up to 100% for projects of Indian Tribes. The applicant is responsible for demonstrating to EDA that an enhanced grant rate is justified by providing statistics and other appropriate information on the nature and level of economic distress in the region, including information regarding other disaster-related needs facing the region and the level of resources available to address those needs.

#### **b. Documentation of Cost Share or Matching**

Applications must include commitment letters or equivalent documents that demonstrate, to the satisfaction of EDA, that all matching funds (whether cash, loans, bonds, or in-kind) from all sources (*e.g.*, any applicant, any co-applicants, and any other sources of matching funds) referenced in the application will be unencumbered, unrestricted, and committed at the time of award and that are signed by authorized representatives of the sources of the matching funds. Authorized representatives must have the authority to execute documents and to obligate and expend funds on behalf of their respective organizations.

Each matching share commitment letter must state whether the contribution is cash, loans, bonds, or in-kind; if in-kind, provide a valuation for in-kind contributions. In-kind match must consist of

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<sup>11</sup> See also 13 C.F.R. § 301.3(a).

contributions directly related to the proposed project, such as services, equipment, or space. EDA will fairly evaluate all in-kind contributions, which must be eligible project costs and which must meet applicable federal cost principles and uniform administrative requirements. Funds from other federal financial assistance awards may be considered matching share funds only if authorized by statute, which may be determined by EDA's reasonable interpretation of the statute.

Additional documentation may be requested by EDA to substantiate the availability of the matching funds. For example, if bonds are contemplated as match, counsel opinion of the applicant's bonding authority and eligibility of the bonds for use as match, along with full disclosure of the type of bonds and the schedule of the applicant's intended bond issue, are required.

A provider of matching share, including an entity providing cash or in-kind contributions, may not serve as a contractor under the same award, and may not be paid with award funds to provide goods or services to the award recipient.

In addition, applicants should indicate if other Federal funds have been secured for, or have been requested to support, any portion of the project for which an EDA investment is proposed. Applicants should describe how the EDA investment will complement, leverage, or otherwise align with other public and private investments to implement the project. Where other Federal funding may be involved in the project, the applicant should provide the Federal program name and contact information with their application to facilitate interagency coordination and avoid duplication of resources. Note that consistent with 2 CFR § 200.306, not all sources of Federal funding may be allowed as match and applicants shall raise any concerns as early as possible with their EDA Regional Office POC listed in section G.

#### **D. Application Submission Information**

**Please note that all submissions under this Disaster Supplemental NOFO are subject to EDA's review process for EAA projects.**

An applicant must submit a complete application, as detailed in Section D.2.a of this NOFO, to be considered for funding. EDA intends to review each application expeditiously after receiving the complete application. EDA may request additional documentation or information from the applicant to make an eligibility determination. EDA will reject any documentation of eligibility that the agency determines is inaccurate or incomplete, which may cause the application to be rejected. Please see Section E of this NOFO for more information on award criteria, and the review and selection process.

##### **1. Obtaining an Application and Electronic Submission through EDGE**

An applicant must obtain, complete, and submit an application electronically through the Economic Development Grants Experience (EDGE) at [sfgrants.eda.gov](https://sfgrants.eda.gov). EDA will not accept paper, facsimile, or email transmissions of applications except as provided below. In order to obtain and submit an application through EDGE, an applicant must register for an EDGE account at [sfgrants.eda.gov](https://sfgrants.eda.gov). As part of the registration process, you will register one Authorized Representative for your organization, however, multiple points of contact may be registered or added by the applicant to the application workspace to view or work on completing the application. The Authorized Representative will be the only official with the authority to submit applications.

### **a. Verification of Submission**

Applicants should save and print written proof of an electronic submission made through EDGE. Applicants, specifically the Authorized Representative submitting the application and materials, will receive a time and date stamped email from EDGE confirming the submission and receipt of the application and other required documents.

Applicants should save and print both the confirmation screen provided on EDGE after the applicant has submitted an application and the confirmation email sent when the application has been successfully submitted.

It is the applicant's responsibility to verify that its submission was timely received and submitted successfully through EDGE. To see the date your application was submitted, log on to EDGE and click on the Submitted Application section from the Home Page.

If you experience a systems issue with EDGE, see Section D.8. below for instructions.

### **b. Alternatives to Submission through EDGE**

To accommodate an applicant's accessibility requirements, a paper version of this application may be obtained by contacting the appropriate POC listed in section G of this NOFO. Or if an applicant is otherwise unable to submit an application through EDGE for reasons beyond the control of the applicant, EDA, in its sole discretion, may pre-approve in writing submission via an alternate method (e.g., email).

## **2. Content and Form of Application Submission**

### **a. Application Format and Signatures**

All relevant forms must be signed electronically by the applicant's Authorized Representative, as identified per Section D.1 of this NOFO.

The preferred electronic file format for attachments is Adobe portable document format (PDF); however, EDA will accept electronic files in Microsoft Word, WordPerfect, or Microsoft Excel formats. All documentation and data submitted should be current and applicable as of the date submitted.

### **b. Required Documents**

The following application forms must be submitted for all project types in addition to any other forms required for your specific project type:

- Form SF-424 (Application for Federal Assistance)
- Form ED-900 (General Application for EDA Programs)
- Budget Narrative
- Match Commitment Letter and supporting documentation (See section C.2.)
- Form CD-511 (Certification Regarding Lobbying)

*ED-900 Information.* Each section of the ED-900 must be filled out. Please also note the following additional instructions for the ED-900:



- Every project must discuss resiliency principles detailed in section A.1.a. above incorporated into the project in section B.2 of the ED-900.
- In section B.2, for construction projects only, explain whether and/or how the project will incorporate strong labor standards, including project labor agreements and community benefit agreements, that offer wages at or above the prevailing rate and include local hire provisions, and a description of the applicant’s workforce plans and practices, including the use of Registered Apprenticeships.
- If the project is a workforce project, in order to be competitive, the ED-900 must discuss in section B.2 its compliance with the workforce principles detailed in section A.1.c. above, including any plans to establish a Registered Apprenticeship program.
- In order to receive competitive consideration for inclusion of equity principles discussed in section A.1.d. above, the project must explain in section E.1 of the ED-900 the steps that you will take to ensure inclusive community engagement in the project, and that the economic benefits of the project will be shared by all communities in the project region, including any underserved communities such as women, Black, Latino, and Indigenous and Native American persons, Asian Americans, Pacific Islanders, or any underserved communities within geographies that have been systemically and/or systematically denied a full opportunity to participate in economic prosperity. Your explanation should address the communities affected, barriers those communities may face in accessing benefits of the project, contemplated outreach efforts, and other planned steps to address identified barriers, as appropriate.

If a project requires or anticipates the payment of federal funds to third parties (such as partners, consultants, vendors, and/or service providers), it is the applicant’s responsibility to determine whether a third party should be characterized as a subrecipient or a contractor. The characterization must be reflected in the terms of each agreement made with each third party. (See 2 C.F.R. § 200.1 for definitions of contract, contractor, subaward, and subrecipient; see also 2 C.F.R. § 200.331, Subrecipient and contractor determinations.)

All subawards must receive EDA prior approval. If selected for award, and before initial disbursement of any funds by EDA for any costs incurred by a subrecipient, EDA may request documentation demonstrating that the subrecipient is an entity eligible to receive EDA assistance.

In addition to the four forms required for all applications, Table 2 below provides a complete list of documents required based on the type of EDA assistance:

**TABLE 2**

	<b>Construction</b>	<b>Design &amp; Engineering</b>	<b>Non-Construction (including sectoral partnerships)</b>	<b>Revolving Loan Fund</b>
SF-424 (Application for Federal Assistance)	X	X	X	X
ED-900 (General Application for EDA Programs)	X	X	X	X

Match Commitment Documentation	X	X	X	X
CD-511 (Certification Regarding Lobbying)	X	X	X	X
SF-LLL (If Applicable)	X	X	X	X
SPOC Documentation (If Applicable)	X	X	X	X
Indirect Cost Rate Documentation (If Applicable)		X	X	X
Organizational Documentation (If Applicable) (See below for examples)	X	X	X	X
SF-424A (Budget Information— Non-Construction Programs)			X	X
SF-424C (Budget Information— Construction Programs)	X	X		
SF-424D (Assurances— Construction Programs)	X	X		
ED-900B (Beneficiary Information Form) from each beneficiary, as applicable	X			
ED-900C (EDA Application Supplement for Construction Programs) and supporting documentation, <i>e.g.</i> , Preliminary Engineering Report (PER).	X			
ED-900D (Requirements for Design and Engineering Assistance)		X		
ED-900E (Calculation of Estimated Relocation and Land Acquisition Expenses)	X			
ED-900F (Additional EDA Assurances for Revolving Loan Fund Applications)				X
Environmental Narrative	X	X		
Certification Clause (with environmental narrative)	X	X		
Map	X	X		
Draft RLF Plan				X
Budget Narrative (See below)	X	X	X	X

\*Co-applicants will be required to submit their own SF-424, CD-511, SF-LLL (if applicable), SF-424D (if applicable), Applicant Certification Clause as part of the Environmental Narrative (if applicable), and organizational documentation.

The Draft RLF plan must address all components required by EDA’s regulation at 13 C.F.R. § 307.9.

The Budget Narrative must identify and justify how funds in each line item of the budget will be used to support the proposed project. The Budget Narrative should specifically address each budget line item (including both the Federal Share and matching Non-Federal Share), and the narrative total should match the total project costs listed in both the SF-424 question 18, line g, and SF-424A or SF-424C, as applicable. This includes describing any other Federal funds that have been secured or requested to support the project (see Section A.1). The Budget Narrative should include itemized valuations of any in-kind matching funds. The non-Federal Share, whether in cash or in-kind, is expected to be paid out at the same general rate as the Federal Share; however, if the applicant's Budget Narrative proposes otherwise, applicants must also include information that clearly indicates what project elements the matching share funds will support and explain why deviation from paying out at the same general rate is required for the project to be implemented. For construction projects, the budget narrative may be included in the Preliminary Engineering Report.

#### **i. Additional Requirements for Incubators and Accelerators**

In addition to the required forms listed above, applications for **a business technology, or other type of incubator or accelerator**, must also include the following:

1. A feasibility study establishing the market demand for the specific start-up companies proposed for incubation (technology, general business, bio-tech, manufacturing, etc.) and the presence of necessary resources and community support;
2. Documentation with detailed demonstration that the applicant has the financial capacity to operate the facility (if applicable) and reach a positive cash flow within a reasonable period of time, which EDA generally expects to be three years; and
3. A management plan for operation that, at a minimum, includes a/an:
  - Tenant/client selection policy that includes a description of the types of businesses sought and any established selection criteria;
  - Tenant lease or license agreement (if applicable) that enumerates the shared services to be provided; delineates the business assistance policy, including the provision of management, technical, and training assistance, and the graduation policy; and establishes periodic access to the tenant's business records to permit assessment of the financial and operational viability of the tenant's business;
  - Business assistance policy that outlines the various types of assistance that will be provided to start-up firms, including how support will be provided to tenants/clients with access to capital needed to grow their businesses successfully;
  - Staffing plan that details the talent and resources that will be dedicated to supporting the startup companies accepted;
  - Tenant graduation policy that is documented as a provision of the tenant lease or license agreement (if applicable) with clear requirements for tenant graduation from the facility or services; and
  - Performance plan that includes how the entity will track the success of tenants/clients, specifically identifying what performance measurement data are proposed to be collected from tenants/clients and for what period of time during and after the service period the data will be collected. This should also include members of any oversight or policy board that will be responsible for setting performance goals, selecting or

approving selections of staff, establishing and reviewing policy, and monitoring performance.

**c. Conditionally Required Documents**

These documents may be required for a complete application, depending on the circumstances:

**i. Form SF-LLL (Disclosure of Lobbying Activities)**

A form SF LLL is required if an applicant has retained a registered lobbyist in conjunction with the proposed project.

**ii. SPOC Compliance Documentation**

If a project’s primary service area is located within one or more States that participate in the intergovernmental review process established by Executive Order 12372, “Intergovernmental Review of Federal Programs,” an applicant must submit documentation demonstrating compliance with that State’s or those States’ processes. See section D.5 “Intergovernmental Review” of this NOFO. The current list of participating States and their Single Points of Contact (SPOC) can be found at <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>. Each State may participate for all or a subset of federal grant programs. EDA strongly encourages applicants to contact SPOCs early in the application period to determine the relevant State’s or States’ processes.

Based on the applicant’s State, EDA requires the following documentation:

State does not participate	No documentation required—check SF-424 box 19(c).
State participates; this grant program not subject to review	Documentation ( <i>e.g.</i> , a State executive order, a letter from the SPOC) showing that this grant program is not subject to review—provide the documentation as an attachment to the application and check SF-424 box 19(b).
State participates; this grant program subject to review	Documentation ( <i>e.g.</i> , a letter from the SPOC) with comments or indicating that this project was not selected for review, or, if the comment period has expired or comments were not received, a copy of the applicant’s request for comments ( <i>e.g.</i> , email)—provide the documentation as an attachment to the application and check SF-424 box 19(a).

**iii. Indirect Cost Rate Documentation**

If indirect costs are included in the budget, the applicant must include documentation to support the indirect cost rate they are using (unless claiming the 10 percent de minimis indirect cost rate, discussed below). The applicant must submit a copy of its current, approved, and negotiated indirect cost rate agreement (NICRA). The maximum dollar amount of allocable indirect costs for which EDA will reimburse a recipient will be the lesser of the (i) line-item amount for the federal share of indirect costs contained in the EDA approved budget for the award, or (ii) federal share of the total allocable indirect costs of the award based on either (i) the indirect cost rate approved by EDA (or applicable cognizant

federal agency), provided that the cost rate is current at the time the costs were incurred and provided that the rate is approved on or before the award end date, or (ii) other acceptable documentation as indicated below.

If the applicant does not have a current or pending NICRA, it may propose indirect costs in its budget; however, the applicant must prepare and submit an allocation plan and rate proposal for approval within ninety calendar days from the award start date (unless claiming the 10 percent de minimis indirect cost rate, discussed below). See 2 C.F.R. part 200 Apps. III, IV, V, VI, VII for guidance. The allocation plan and the rate proposal shall be submitted to EDA's Office of Regional Affairs (or the applicable cognizant federal agency). The applicant should include a statement in its Budget Narrative that it does not have a current or pending NICRA and will submit an allocation plan and rate proposal to EDA or the applicant's cognizant federal agency for approval.

In accordance with 2 CFR § 200.414(f), an applicant that does not have a current negotiated or provisional NICRA, may elect to charge a de minimis rate of 10 percent of modified total direct costs (subject to the exceptions of § 200.414(f)). No documentation is required to justify the 10 percent de minimis indirect cost rate; however, an applicant electing to charge a de minimis rate of 10 percent must include a statement in its Budget Narrative that it does not have a current negotiated (including provisional) rate and is electing to charge the de minimis rate.

If the applicant is a state or local unit of government that receives less than \$35 million in direct federal funding per year it may submit any of the following:

- a NICRA;
- a Certificate of Indirect Costs from the Department of the Interior (DOI) or EDA (See: <https://www.eda.gov/sites/default/files/filebase/archives/2021/files/tools/grantee-forms/Certificate-of-Indirect-Costs-template.pdf>);
- an acknowledgment received from EDA and a Certificate of Indirect Costs in the form prescribed at 2 C.F.R. pt. 200, app. VII; or
- a Cost Allocation Plan approved by a federal agency (note that cost allocation plans or indirect cost rates approved by state agencies are not acceptable).

As noted in EDA's Standard Terms and Conditions for Construction Projects (Construction ST&Cs), indirect costs are generally not applicable to construction awards.

#### **iv. Environmental and Historic Preservation Documentation**

All applicants for EDA construction assistance (and design and engineering assistance) are required to provide adequate environmental information. This includes filling out an environmental narrative attached to section H of the ED-900C and a certification clause found on Appendix A to the environmental narrative. Each application will be reviewed by EDA for compliance with the National Environmental Policy Act (NEPA) of 1969, as amended. During the NEPA review process, applicants may be instructed to contact the designated State and/or Tribal Historic Preservation Officer (SHPO/THPO), provide approvals from other governmental agencies, or provide more detailed environmental information. EDA, after compliance with requirements for consultation with Federally recognized Indian Tribes, may require applicants to participate in Tribal consultation, as necessary. The implementing regulations of NEPA require EDA to provide public notice of the availability of project-specific

environmental documents, such as environmental impact statements, environmental assessments, findings of no significant impact, and records of decision, to the affected public.

#### **v. Organizational Documentation**

Depending on the type of organization, an applicant may need to provide documentation that supports its organizational status as an eligible entity:

- States, federally-recognized Indian tribes, cities or other political subdivisions of States, and institutions of higher education that are 100% publicly controlled are not required to submit organizational documentation.
- Nonprofit organizations, including unions, must submit documentation that demonstrates their status as nonprofit organizations. This must include articles of incorporation, bylaws, and certificate of good standing, or equivalent. It may also include proof of tax-exempt status.
  - Nonprofit or for-profit tribal entities, may need to submit similar documentation that demonstrate the entity is wholly owned by and operated for the benefit of the tribe.
- Other entities, including institutions of higher education that are not 100% publicly controlled, must provide documentation that demonstrates their organization type.

Regardless of entity type, EDA reserves the right to request documentation or additional proof of organizational status.

### **3. Unique Entity Identifier (UEI) and System for Award Management (SAM)**

Applicants are required to: (i) be registered in SAM before submitting an application; (ii) provide a valid unique entity identifier (UEI) in the application; (iii) make certain certifications (see also section H.5 of this NOFO); and (iv) continue to maintain an active SAM registration with current information at all times during which they have an active federal award, or an application or plan under consideration by a federal awarding agency. EDA may not make a federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements and, if an applicant has not fully complied with the requirements by the time the EDA is ready to make an award, EDA may determine that the applicant is not qualified. Recipients will be subject to reporting requirements, as identified in OMB guidance published at 2 C.F.R. parts 25 and 170. All subawardees must have a UEI before any subawards are made.

### **4. Submission Dates and Times**

There are no submission deadlines under this NOFO. Applications are accepted on a rolling basis until the publication of a new Disaster Supplemental NOFO, cancellation of this Disaster Supplemental NOFO or all available funds have been expended. EDA may cancel, modify, or withdraw this NOFO at any time. Due to the volume of declared disasters between 2021-2022, EDA anticipates strong demand for this program and encourages applicants to submit proposals as soon as they are viable and ready, and to work with their local Economic Development Representatives (EDR) to prepare a competitive proposal. EDA anticipates it will begin making awards in August 2023.

### **5. Intergovernmental Review**

Applications submitted under this NOFO are subject to the requirements of Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs," if a State has adopted a process under EO 12372 to

review and coordinate proposed Federal financial assistance and direct Federal development (commonly referred to as the “single point of contact review process”). All applicants must give States and local governments a reasonable opportunity to review and comment on the proposed Project, including review and comment from area-wide planning organizations in metropolitan areas. To find out more about a State’s process under EO 12372, applicants may contact their State’s Single Point of Contact (SPOC). Names and addresses of some States’ SPOCs are listed on OMB’s website at <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>. Question 19 of Form SF-424 allows applicants to demonstrate compliance with EO 12372.

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

See section D.2.c.ii. of this NOFO for instructions on how to comply with this requirement.

## **6. Funding Restrictions**

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

It is DOC policy that funds may not be used to pay for management fees in excess of costs or profits, unless statutorily authorized. Funds may not be used, directly or indirectly as an offset for other funds, to support or oppose collective bargaining. Additionally, the use of project funds to make equity or hybrid investments in businesses is not an allowable cost.

See section A.1.f. for project types that are generally ineligible.

## **7. Other Submission Requirements**

After EDA reviews an application, EDA may contact the applicant to request additional documentation to clarify or substantiate submitted application materials, depending on the type of project proposed. Examples of additional documentation may include, but are not limited to, title verification, documentation of the value of in-kind contributions, evidence all funding is available and committed to the project, or documentation required for environmental or legal compliance. This additional documentation will be required to ensure that the proposed project complies with all applicable rules and regulations prior to EDA’s issuance of an award. EDA will provide applicants a reasonable amount of

time to provide any additional documentation. Failure to provide complete and accurate supporting documentation in a timely manner when requested by EDA may result in the denial of an application.

## **8. EDGE Systems Issues**

If you experience a systems issue with EDGE (*i.e.*, a technical problem or glitch with the webpage) that you believe threatens your ability to complete a submission before a deadline, please (i) print any error message received; (ii) email the help desk at [GrantHDSupport@eda.gov](mailto:GrantHDSupport@eda.gov); and (iii) contact EDA using the contact information in Section G. of this NOFO. Please be sure to track your issue using a case number given to you by the help desk. Please note that problems with an applicant's computer system or equipment are **not** considered systems issues. Similarly, an applicant's failure to, *e.g.*, (i) complete the required registration, (ii) ensure that a registered Authorized Representative submits the application, or (iii) notice receipt of an email message from EDGE are **not** considered systems issues. An EDGE issue is an issue occurring in connection with the operations of the website itself, such as the temporary loss of service due to unexpected volume of traffic or failure of information technology systems, both of which are highly unlikely. In the event of a confirmed systems issue, EDA reserves the right to accept an application in an alternate format.

Applicants should go to [sfgrants.eda.gov](http://sfgrants.eda.gov) and click on the Resources page for assistance in navigating EDGE and for a list of useful resources.

## **E. Application Review Information**

Throughout the review and selection process, EDA reserves the right to seek clarification in writing from applicants whose application packages are being reviewed. This may include reaching out to applicants and proposing they seek funding under a different EDA program or other federal financial assistance program under which they may be more competitively assessed. EDA may additionally ask applicants to clarify application materials, objectives, and work plans, or modify budgets or other specifics necessary to comply with Federal requirements. After applications are reviewed during the Competitiveness Review but before the Investment Review Committee as those processes are described below, EDA will screen applications to verify that all required forms are complete and all required documentation is included. Applications that do not contain all elements listed in section D.2.a will not be reviewed.

As discussed further in the sections below, the review and selection process will consist of a Competitiveness Review and an Investment Review Committee (IRC).

### **1. Criteria**

#### **a. Competitiveness Review Criteria**

Each project will be reviewed on a pass/fail basis according to the following criteria in the Competitiveness Review process (detailed below):

- i. Whether the project is responsive to this NOFO, including whether the proposed project budget is consistent with EDA's funding guidelines, and whether the project demonstrates area eligibility pursuant to an applicable Federal disaster declaration;
- ii. The project's demonstrated alignment with EDA's Recovery & Resiliency Investment Priority as outlined at <https://www.eda.gov/funding/investment-priorities>;



- iii. The availability and committed nature of proposed matching funds; and
- iv. The project's alignment with the regional CEDS or other CEDS equivalent EDA-accepted economic development strategy if a CEDS does not exist.

**Only applications that pass competitiveness review will be reviewed further, according to the following additional criteria in an IRC (detailed below).**

**b. Investment Review Committee (IRC) Criteria**

**For construction and non-construction projects** (except proposals for preparation or revision of a CEDS), the following criteria will receive equal weight:

- i. The project's feasibility or likelihood that it will achieve its projected outcomes on the proposed schedule;
- ii. The extent to which the project is responsive to the needs of communities impacted by the relevant disasters regarding disaster relief, long-term economic recovery, resilience to future disasters, and restoration and enhancement of infrastructure;
- iii. The extent to which the project demonstrates support from and involvement with regional stakeholders, *e.g.* private, public, and non-profit entities, civil rights- and equity-focused organizations, community-based organizations, civil society and consumer-focused groups, unions and worker organizations, workforce boards, economic development organizations, schools, community colleges, neighborhood and housing associations, and the communities that stand to benefit;
- iv. The project's alignment with the regional CEDS or other CEDS equivalent EDA-accepted economic development strategy, including the extent to which the project is aligned with and integrated into other public or private investments currently ongoing or planned for the community and region;
- v. The extent to which the project incorporates resiliency principles articulated in section A.1.a. of this NOFO and demonstrates resiliency to future sudden and severe economic dislocations, *e.g.*, closures of major local employers, climate change, etc.;
- vi. The significance of the project's impact on the region's recovery from the relevant disaster;
- vii. The project's demonstrated ability to foster job creation and retention, including whether the project will create union and well-paying, quality jobs with good benefits, and Registered Apprenticeships when possible;
- viii. The likelihood that the project is capable of starting quickly and the immediacy of its impacts;
- ix. The applicant's organizational capacity, including its financial and management capacity;
- x. The extent to which the project will enable the community/region to become more economically diversified, prosperous, and resilient to disasters;
- xi. The degree of economic distress experienced in the project region;
- xii. The extent to which the application articulates a plan for ensuring that the project's benefits are shared across all affected communities, with a priority given to serving historically

underserved areas, rural areas, minority populations, and women as discussed in section A.1.d. of this NOFO; and

- xiii. The project's demonstrated alignment with Investment Priorities beyond the Recovery & Resiliency Investment Priority (see: <https://www.eda.gov/funding/investment-priorities>).

In addition to the above criteria, for workforce projects only, EDA will consider the following criterion equal to the combined weight of the above thirteen criteria:

- i. The extent to which the project incorporates the workforce principles articulated in section A.1.c. of this NOFO, including the number of job placements expected and the number and type of employer commitments, relative to the capacity of the region.

In addition to the above criteria, for Puerto Rico projects only, EDA will consider the following criterion to be 25% of the combined weight of the above fourteen criteria:

- i. The project's alignment with a Puerto Rico-wide strategic planning document as described in section A.1.e. of this NOFO.

**For proposals to prepare or revise a CEDS (i.e., a strategy grant),** the following criteria will receive equal weight:

- i. The quality of the proposed scope of work for the development, implementation, revision, or replacement of a strategic or economic development recovery, mitigation, or resilience plan;
- ii. The project's potential to increase the capacity of the community or region to promote job creation, private investment in the regional economy, and resilience to sudden and severe economic dislocations;
- iii. The project's feasibility and the likelihood that the project will achieve its projected outcomes;
- iv. The project's demonstrated alignment with EDA's current Investment Priorities as outlined at <https://www.eda.gov/funding/investment-priorities>;
- v. The ability of the applicant to successfully implement the proposed project;
- vi. The extent to which the project demonstrates support from regional stakeholders (private, public, and non-profit entities, etc.); and
- vii. The extent to which the project articulates a plan for ensuring that the needs of all affected communities are considered in strategy development, including by providing opportunities for meaningful participation by those communities in strategy development, and the extent to which the project demonstrates the capacity to account for the unique needs of historically underserved areas and populations.

Note: Throughout the application review and selection process, strategy grants will be evaluated independently from all other applications and will be reviewed based on the above specified strategy grants evaluation criteria.

## **2. Review and Selection Process**

### **a. Competitiveness Review (CR) Process**

**For construction and non-construction projects, except proposals for preparation or revision of a CEDS, EDA will conduct a Competitiveness Review (CR).**

In CR, each Regional Office will review applications for their region. This review will be conducted by at least two EDA staff members. This CR team will review each application against the pass/fail evaluation criteria described above. Applications that the two reviewers agree fail any of the listed criteria will be deemed “Not Competitive” and will not receive further consideration. Projects that pass all criteria will be deemed “Competitive” and will advance to a full merit review by an Investment Review Committee (described below). Grants for the preparation or revision of a CEDS are not subject to CR.

### **b. Investment Review Committee (IRC) Process**

**For projects deemed Competitive after the CR, and all proposals for preparation or revision of a CEDS,** each EDA Regional Office will convene periodic IRCs consisting of at least three EDA staff members. The IRC will make a group evaluation of the merits of each application based on the extent to which the application meets the program specific award and application requirements. Specifically, the IRC will evaluate and rate projects according to the criteria listed in E.1 above.

Note: Throughout the application review and selection process, strategy grants will be evaluated independently from all other applications and will be reviewed based on specified strategy grants evaluation criteria.

### **c. Additional Review Information**

Among construction projects, Applicants are encouraged to utilize Registered Apprentices on the jobsite.

Based on consideration of the above factors, the IRC will prepare a ranking or other categorization of applications (*e.g.*, fund, don't fund, or carry forward) to assist the Regional Director in making funding decisions. EDA's final decision on whether to fund a project is dependent upon the ability of the applicant to provide sufficient documentation.

EDA intends to provide applicants written notification of the collective outcome of the CR and IRC expeditiously after receipt of a complete application. Applications for complex or large dollar value projects may require a longer review time.

## **3. Due Diligence**

EDA may request that an applicant submit additional documents and information to allow EDA to fully evaluate compliance with applicable rules and regulations. If the applicant provides the requested information and supporting documentation in a timely fashion and EDA determines that the project is fully compliant with applicable rules and regulations, the application will be forwarded to the Grants Officer for a final decision and potential award approval. Applicants that do not provide the additional information and supporting documentation in a timely fashion or who are deemed not to be in compliance with applicable rules and regulations will receive notification that their application was not successful.

#### **4. Grants Officer's Decision**

Applications recommended by the IRC and deemed fully compliant with applicable rules and regulations will be forwarded to the Regional Director, who is the designated Grants Officer under this NOFO. Each Regional Director has been delegated the final authority regarding funding of applications and may select a project for funding that differs from the IRC's recommendations based on any of the following selection factors:

- i. Responsiveness to the NOFO;
- ii. The extent to which the application meets the overall objectives of Section 2 of PWEDA (42 U.S.C. § 3121);
- iii. The extent to which resilience is integrated, as defined in Section A.1.a. of this NOFO, into the project scope of work;
- iv. The applicant's performance under previous Federal financial assistance awards, including whether the grantee submitted required performance reports and data;
- v. The availability of program funding;
- vi. The extent to which the project supports EDA's goals of geographic balance in distribution of program funds, project types, organizational type (to include smaller and rural organizations) and the overall portfolio;
- vii. The extent to which the application articulates a plan for ensuring that the project's benefits are shared across all affected communities and the extent to which the application demonstrates the capacity to account for the unique needs of historically underserved areas and populations as discussed in section A.1.d.; and
- viii. The relative economic distress of the area.

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

#### **5. Review of Responsibility/Qualification Information in SAM.gov**

Before making an award with a total amount of Federal Share greater than the simplified acquisition threshold (currently \$250,000 but periodically adjusted), EDA is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (formerly FAPIIS). See 41 U.S.C. § 2313.

Each applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. EDA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.206.

## **F. Federal Award Administration Information**

### **1. Federal Award Notification**

If an applicant successfully and timely completes all due diligence requirements and the application is selected for funding, EDA will notify the successful applicant in writing. This notice is not an authorization to begin work, however; work should not be undertaken until the award is signed by EDA and the applicant's authorized representative, as discussed below.

The EDA Grants Officer will issue the award (Notice of Award), which is the authorizing financial assistance award document and includes Specific Award Conditions and, as applicable, the DOC Financial Assistance Standard Terms and Conditions (DOC ST&Cs), the EDA Revolving Loan Fund Financial Assistance Award Standard Terms and Conditions (RLF ST&Cs), and/or the EDA Construction ST&Cs, as described in Section F.2.b, below.

By accepting the Notice of Award, the applicant agrees to comply with all award provisions. EDA will provide the Notice of Award to the applicant's authorized representative. The applicant's authorized representative must review and accept the Notice of Award without modification within 30 calendar days of the date of receipt.

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

EDA will notify unsuccessful applicants in writing to the applicant's authorized representative. EDA will retain unsuccessful applications in accordance with EDA's record retention schedule.

### **2. Administrative and National Policy Requirements**

#### **a. Uniform Administrative Requirements, Cost Principles and Audit Requirements**

Recipients of an EDA award will be bound by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) as set forth in 2 C.F.R. part 200.

#### **b. DOC Financial Assistance Standard Terms and Conditions and EDA Standard Terms and Conditions for RLF and Construction Projects**

Recipients of all non-construction EDA awards will be bound by the DOC ST&Cs applicable on the date of the award. The DOC ST&Cs may be accessed at the following website:  
[http://www.osec.doc.gov/oam/grants\\_management/policy/default.htm](http://www.osec.doc.gov/oam/grants_management/policy/default.htm).

Recipients of an RLF award will be bound by the DOC ST&Cs and the EDA RLF ST&Cs. The RLF ST&Cs may be accessed at <https://www.eda.gov/funding/programs/revolving-loan-fund/guidance> under the header "Standard Terms and Conditions for RLF and Construction Projects."

Recipients of an EDA construction award will be bound by EDA's Construction ST&Cs. The Construction ST&Cs may be accessed at <https://www.eda.gov/grant-resources/find-grant-resources/grantee->

[guidance/construction-awards](#) under the header “Standard Terms and Conditions for RLF and Construction Projects.”

Recipients of DOC financial assistance are obligated to comply with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin, and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against people with disabilities, in Federally assisted programs or activities.

#### **c. DOC Pre-Award Notification Requirements**

DOC will apply the Pre-Award Notification Requirements for Grants and Cooperative Agreements effective December 26, 2014, 79 Fed. Reg. 78,390. The Pre-Award Notice may be accessed at the Government Printing Office (GPO) website at <http://www.gpo.gov/fdsys/pkg/FR-2014-12-30/pdf/2014-30297.pdf>.

#### **d. Build America, Buy America Requirements Inapplicable**

Projects funded under this NOFO are not subject to the Build America, Buy America Act because they are post disaster expenditures pursuant to a major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistant Act.

### **3. Reporting**

#### **a. Financial, Performance, and Impact Reports**

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

#### **b. Federal Funding Accountability and Transparency Act of 2006**

The Federal Funding Accountability and Transparency Act of 2006 includes a requirement for awardees of applicable Federal grants to report information about first-tier subawards and executive compensation under Federal assistance awards issued in FY 2011 or later. All awardees of applicable grants and cooperative agreements are required to report to the Federal Subaward Reporting System (FSRS) available at [www.FSRS.gov](http://www.FSRS.gov) on all subawards over \$30,000. See 2 C.F.R. part 170.

#### **c. Government Performance and Results Act**

EDA will require additional data on activities, outputs, and actual impact of the funded investment, in part to fulfill the requirements of the Government Performance and Results Act (GPRA). EDA anticipates that recipients will be expected to track their engagement activities within the scope of work, with project beneficiaries, and other project stakeholders. EDA further anticipates recipients will be expected to collect data, using surveys of beneficiaries or clients if necessary, on the outputs and outcomes of their activities, such as the number of strategic plans or economic development tools developed, the number of new business partnerships formed, or the range of new capabilities acquired. EDA plans to collect this information using Forms ED-915 (Public Works, Economic Adjustment Infrastructure and Revolving Loan Fund Investments) ED-916 (Semi-annual Program Outputs Questionnaire for EDA

grantees), ED-917 (Annual Capacity Outcomes Questionnaire for EDA Grantees serving clients), and ED-918 (Annual Capacity Outcomes Questionnaire for EDA Grantees). For more information, please refer to <https://www.eda.gov/performance/gpra>. EDA may also engage with leading research institutions to perform third-party program evaluations, which will require cooperation between the grantee, organizations within their service area, and the evaluating institution.

**d. Requirements for Recipients with More than \$10 Million in Federal-wide Funding**

As required by appendix XII to 2 C.F.R. part 200, a recipient with more than \$10 million in federal-wide funding must maintain the currency of information reported to SAM that is made available in the designated integrity and performance system (formerly FAPIIS) about civil criminal, or administrative proceedings.

**G. Federal Awarding Agency Contacts**

For questions concerning this NOFO, including technical assistance with application requirements, you may contact the appropriate EDA representative listed on EDA's website at <https://www.eda.gov/contact/>.

**H. Other Information**

**1. Right to Use Information**

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

**2. Freedom of Information Act Disclosure**

EDA may publish any applications it receives, including any supporting documentation, on its website or through other means.

In addition, Department of Commerce regulations implementing the Freedom of Information Act (FOIA), 5 U.S.C. § 552, are found at 15 C.F.R. part 4, Public Information. These regulations set forth rules for the Department regarding making requested materials, information, and records publicly available under the FOIA. Applications submitted in response to this Notice of Funding Opportunity may be subject to

requests for release under the Act. In the event that an application contains information or data that the applicant deems to be confidential commercial information that should be exempt from disclosure under FOIA, that information should be identified, bracketed, and marked as Privileged, Confidential, Commercial or Financial Information. In accordance with 15 C.F.R. § 4.9, the Department of Commerce will protect from disclosure confidential business information contained in financial assistance applications and other documentation provided by applicants to the extent permitted by law.

### **3. Notice of Government-Wide Procurement Restriction**

The general rule for Federal financial assistance is that contractors that develop draft specifications, requirements, statements of work, invitations for bids or requests for proposals are prohibited from competing for the final procurement. For instance, a professional engineer or architect who prepared the Preliminary Engineering Report for an EDA application would be excluded from bidding on the same work under the award under 2 C.F.R § 200.319. Under 2 C.F.R. 200.317, only State recipients are expressly exempt from this prohibition. Local governments and Indian Tribes may also take advantage of the exemption in two narrow circumstances: (i) if they are required (by statute, for example) to follow the State's procurement rules in full and without exception; or (ii) if they are required to follow a specific State procurement rule that creates an explicit conflict with the prohibition in 2 C.F.R. § 200.319(a) (*i.e.*, there is a statute that requires or permits the local government or Indian Tribe to award the final procurement to the same contractor that developed the draft specifications). Absent one of these two scenarios, the local government or Indian Tribe must comply with the prohibition. Applicants are encouraged to contact the EDA representative listed for their applicable State in Section G of this NOFO with any questions regarding application of this regulation.

### **4. Past Performance and Non-Compliance with Award Provisions**

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

### **5. Certifications Required by Annual Appropriations Acts for Corporations and for Awards over \$5 Million**

As discussed in section D.2.d, all applicants are required to be registered in SAM before applying under this NOFO. SAM requires registering entities to certify compliance with all limitations imposed by annual appropriation acts. For corporations, this certification includes that the corporation:

- (a) Was not convicted of a felony criminal violation under a Federal law within the preceding 24 months, unless a Federal agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government; and/or
- (b) Does not have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax



liability, unless a Federal agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

For financial assistance awards in excess of \$5 million, this certification includes that the entity:

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

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

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

## **6. EDA's Non-Relocation Policy**

If an application is selected for award, the recipient will be required to adhere to a specific award condition relating to EDA's non-relocation policy as follows:

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

For purposes of ensuring that EDA assistance will not be used to merely transfer jobs from one location in the United States to another, each applicant must inform EDA of all employers that constitute primary beneficiaries of the project assisted by EDA. EDA will consider an employer to be a "primary beneficiary" if: (i) the employer is specifically named in the application as benefitting from the project, and the applicant estimates that the employer will create or save 100 or more permanent jobs as a result of the investment assistance (if the jobs in question were originally located in a smaller community, EDA may extend this policy to the relocation of 50 or more jobs); or (ii) the employer is or will be located in an EDA-assisted building, port, facility, or industrial, commercial, or business park constructed or improved in whole or in part with investment assistance prior to EDA's final disbursement of funds.

## **7. NOFO Changes Communicated on Grants.gov**

EDA may make changes or additions to this NOFO. All changes will be communicated on Grants.gov. It is recommended that applicants set up a Grants.gov account and subscribe to this funding opportunity in order to be notified of any updates or changes. DOC or EDA may cancel, modify, or withdraw this NOFO at any time. EDA is not obligated to make any federal award or commitment as a result of this announcement.

## **8. Disclosure of Information**

For the purpose of achieving rigorous program evaluations, all applications (including those not selected for funding) may be shared with EDA staff, outside parties contracted by EDA for the purposes of evaluation, and other federal agencies.

## **9. Audit Requirements**

Single or program-specific audits shall be performed in accordance with the requirements contained in the Uniform Guidance (see 2 C.F.R. part 200, Subpart F, "Audit Requirements").

The Uniform Guidance requires any non-Federal entity (*i.e.*, non-profit organizations, including non-profit institutions of higher education and hospitals, States, local governments, and Indian Tribes) that expends Federal awards of \$750,000 or more in the recipient's fiscal year to conduct a single or program-specific audit in accordance with the requirements set out in the OMB Uniform Guidance. Applicants are reminded that EDA or the DOC's Office of Inspector General also may conduct an audit of an award at any time.

## **10. Fraud Awareness Training**

Consistent with 2 CFR part 200, in signing a financial assistance award, Recipient personnel responsible for managing the Recipient's finances and overseeing any contractors, sub-contractors or sub-grantees, will be required to complete the training PowerPoint entitled "Compliance with EDA Program Requirements" and return the signed Certificate of Training Completion to EDA as instructed by the Agency. Further, Recipient will be required to monitor award activities for common fraud schemes and report suspicious activity to EDA and the Office of Inspector General.

## **11. Office of Inspector General Rights and Responsibilities**

The U.S. Department of Commerce Office of Inspector General (OIG) seeks to improve the efficiency and effectiveness of the Department's programs, including deterring and detecting fraud, waste, abuse, and mismanagement. The OIG accomplishes this mission primarily through investigations, audits, and inspections of Department activities, including grants, cooperative agreements, loans, and contracts.

### **a. Disclosures**

Recipients of financial assistance originating from the U.S. Department of Commerce, including EDA, shall timely disclose, in writing, to the OIG and awarding agency, whenever, in connection with the award, performance, or closeout of this grant or sub-award thereunder, the recipient has credible evidence that a principal, employee, agent, or sub-recipient has committed:

(i) A violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code; or

(ii) A violation of the civil False Claims Act (31 U.S.C. §§ 3729-3733).

### **b. Reporting**

The OIG maintains a hotline to receive allegations of fraud, waste, or abuse. To report such allegations, please visit <https://www.oig.doc.gov/Pages/Hotline.aspx>. Upon request, the OIG will take appropriate measures to protect the identity of any individual who reports misconduct, as authorized by the Inspector General Act of 1978, as amended. Reports to the OIG may also be made anonymously.

**c. Whistleblower Protection**

Recipients, sub-recipients, and employees working on this grant award will be subject to the whistleblower rights and remedies established under 41 U.S.C. § 4712.

An employee of a recipient or sub-recipient may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of: gross mismanagement of a federal contract or award; a gross waste of federal funds; an abuse of authority (*i.e.*, an arbitrary and capricious exercise of authority that is inconsistent with the mission of EDA or the U.S. Department of Commerce or the successful performance of a contract or grant awarded by EDA or the Department) relating to a federal contract or award; a substantial and specific danger to public health or safety; or a violation of a law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

The recipient or sub-recipient shall inform its employees and contractors, in writing, in the predominant language of the workforce or organization, of employee whistleblower rights and protections under 41 U.S.C. § 4712, as described above and at <https://www.oig.doc.gov/Pages/Whistleblower-Protection-Program.aspx>.