

ANNOUNCEMENT OF FEDERAL FUNDING OPPORTUNITY

Public Works and Economic Adjustment Assistance Programs

EXECUTIVE SUMMARY

- **Federal Agency Name:** Economic Development Administration (EDA), U.S. Department of Commerce.
- **Program Announcement Title:** *Economic Development Assistance Programs*—Application submission and program requirements for EDA’s Public Works and Economic Adjustment Assistance programs.
- **Announcement Type and Date:** Initial FY 2012 Federal Funding Opportunity (FFO) announcement publishing EDA’s application submission requirements and review procedures for applications received under EDA’s (i) Public Works and (ii) Economic Adjustment Assistance programs, authorized under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121 *et seq.*). Effective date: November 18, 2011.
- **Catalog of Federal Domestic Assistance (CFDA) Numbers:** 11.300, Investments for Public Works and Economic Development Facilities and 11.307, Economic Adjustment Assistance.
- **Deadlines:** The deadlines for the remaining funding cycles of FY 2012 and the first funding cycle of FY 2013 are listed below. The first funding cycle of FY 2012 is covered under EDA’s FY 2011 Economic Development Assistance programs (EDAP) FFO dated October 14, 2010. EDA strongly encourages electronic submissions of applications through www.grants.gov. To be considered during a particular funding cycle, complete applications must be validated and time-stamped by www.grants.gov by 11:59 p.m. Eastern Time on the applicable funding cycle deadline. Alternatively, paper applications may be delivered with delivery confirmation to the applicable regional office listed in section X. of this FFO. Paper applications must be received at or before 5:00 p.m. local time in the applicable regional office on the funding cycle deadline. If your application is received after the deadline, it will be considered late and will not be reviewed by EDA for that funding cycle. EDA will not accept facsimile or email transmissions of applications. The next four funding cycle deadlines are:
 - December 15 for funding cycle 2 of FY 2012;
 - March 9 for funding cycle 3 of FY 2012;
 - June 8 for funding cycle 4 of FY 2012; and
 - September 14 for funding cycle 1 of FY 2013.

Please see section VI.A. for more information on application deadlines under this announcement.

Applications for financial assistance submitted under EDA's Planning, Partnership Planning, Local Technical Assistance, University Center, Research and National Technical Assistance programs, and any supplemental appropriations that EDA may receive, are not subject to the funding cycle deadlines listed above. EDA will publish separate FFO announcements in connection with these programs and supplemental appropriations (if any). Please contact the applicable regional office representative listed in section X. of this FFO for additional information.

- **Purpose and Intent:** EDA supports development in economically distressed areas of the United States by fostering job creation and attracting private investment. Specifically, under this FFO, EDA will consider construction, non-construction, and revolving loan fund investments under the Public Works and Economic Adjustment Assistance programs. Grants made under these programs will leverage regional assets to support the implementation of regional economic development strategies designed to create jobs, leverage private capital, encourage economic development, and strengthen America's ability to compete in the global marketplace. Under this FFO, EDA solicits applications from rural and urban communities to develop initiatives that advance new ideas and creative approaches to address rapidly evolving economic conditions.
- **Eligible applicants:** EDA is not authorized to provide grants to individuals or to for-profit entities. Such requests will not be considered for funding. Eligible applicants for EDA assistance under the Public Works and Economic Adjustment Assistance programs include a(n): (i) District Organization of a designated Economic Development District; (ii) Indian Tribe or a consortium of Indian Tribes; (iii) State, city, or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions; (iv) institution of higher education or a consortium of institutions of higher education; or (v) public or private non-profit organization or association acting in cooperation with officials of a political subdivision of a State. *See* section 3 of PWEDA (42 U.S.C. § 3122) and 13 C.F.R. § 300.3.

FULL ANNOUNCEMENT TEXT

**The Economic Development Administration’s (EDA)
Public Works and Economic Adjustment Assistance Programs**

TABLE OF CONTENTS:

I.	Announcement Description.....	1
II.	Program Information	2
III.	Eligibility Information.....	5
IV.	Application Requirements.....	7
V.	Application Review and Selection Process	13
VI.	Application Submission Information	16
VII.	Award Administration Information.....	21
VIII.	“Special Need” Criteria.....	22
IX.	Other Requirements	24
X.	Agency Contacts.....	27

I. Announcement Description

A. What is the purpose of this FFO?

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

EDA’s programs help provide distressed communities and regions with comprehensive and flexible resources to address a wide variety of economic needs that lead to the creation of jobs and enhanced private investment. The programs are designed to support local and regional economic development efforts to establish a foundation for durable economies throughout the United States. Through these programs, EDA supports *bottom-up* strategies that build on regional assets to spur economic growth and resiliency. EDA encourages its rural and urban partners throughout the country to develop initiatives that advance new ideas and creative approaches to address rapidly evolving economic conditions.

Note: In instances of urgent economic distress, EDA reserves the flexibility to make awards outside of the funding cycles described in this FFO. An example might be helping a

community respond to the sudden loss of a major employer by using Economic Adjustment Assistance to prepare a recovery strategy. Any such awards will be processed in accord with the evaluation criteria set out in section V. of this FFO.

B. Changes from the FY 2011 EDAP FFO dated October 14, 2010

As part of EDA's continuous efforts to streamline its processes, improve its customer service, and more efficiently allocate scarce resources, the agency has made some changes to its application review and selection process. EDA has modified the evaluation process and selection factors in order to place more emphasis on the quality of a project rather than the content of an application. For example, EDA's application review and initial project analysis process evaluates the extent to which a project addresses EDA's investment priorities, project feasibility, sustainability, and the applicant's organizational capacity.

II. Program Information

A. Program descriptions

This section provides detailed information on the two programs to which this FFO applies. For more information, contact the applicable regional office listed in section X. of this announcement.

1. Public Works and Economic Development Facilities¹

EDA will provide strategic Public Works investments to support the construction or rehabilitation of essential public infrastructure and facilities to help communities and regions leverage their resources and strengths to create jobs, drive innovation, become centers of competition in the global economy, and ensure resilient economies. For example, EDA may provide funding to a consortium of District Organizations to support the construction of a technology center that provides laboratory, office, and manufacturing space and leverages the resources of local universities, entrepreneurial networks, and the District Organizations themselves to provide assistance to technology-oriented businesses with significant growth potential. As another example, EDA may provide funding to a State-established non-profit to expand a rural economic development center, allowing the center to increase its capacity to provide services to the State's most underserved and vulnerable communities and small businesses.

2. Economic Adjustment Assistance²

Through the Economic Adjustment Assistance program, EDA provides a wide range of construction and non-construction assistance (including public works, technical assistance, economic recovery strategies, and revolving loan fund (RLF) projects) in regions experiencing severe economic dislocations that may occur suddenly or over time. This program provides

¹ CFDA No. 11.300; implementing regulations at 13 C.F.R. part 305.

² CFDA No. 11.307; implementing regulations at 13 C.F.R. part 307.

flexible tools to help communities respond to pressing economic recovery issues. For example, EDA might provide funding to a university or community college to launch a Regional Innovation Cluster strategy that supports or provides technical assistance to smaller manufacturers to promote the growth of varied industrial clusters, stem job losses in manufacturing businesses as a result of foreign competition, accelerate the commercialization of research, support high-growth entrepreneurship, and promote the successful diversification of the region's economy. As another example, EDA might provide funding to a city for the construction of a multi-tenant business and industrial facility to house early-stage businesses that successfully graduate from a business incubator that EDA also funded.

The agency will continue to consider applications from communities experiencing adverse economic changes due to base realignment and closures (BRAC) and Federally declared disasters when awarding assistance from FY 2012 Economic Adjustment Assistance program funds. EDA will help American workers, businesses, and communities affected by military base closures or realignments, defense contractor reductions in force, defense-related funding reductions, Federally declared disasters, or economic deterioration due to other disasters, by providing assistance for planning, coordinating the use of Federal resources available to support economic development recovery, and developing regionally focused economic recovery and growth strategies.

B. Funding information

1. What funding is available under this announcement?

Funding appropriated under the Department of Commerce Appropriations Act, 2012, which was included in the Consolidated and Further Continuing Appropriations Act, 2012 (Pub. L. No. 112-___, (signed by the President on November 18, 2011)), is available for EDA's programs.

EDA is allocating \$111,640,000 for the Public Works and Economic Development Facilities program in FY 2012. The average size of a Public Works investment in FY 2011 was approximately \$1.7 million, though investments ranged in size from \$500,000 to \$2,000,000.

EDA is allocating \$50,060,000 to the Economic Adjustment Assistance program in FY 2012. The average size of an Economic Adjustment Assistance investment in FY 2011 was approximately \$550,000, though investments ranged from \$100,000 to \$1,250,000.³

Of the amounts appropriated for the above programs, the Department of Commerce Appropriations Act, 2012, allocates certain Economic Adjustment Assistance program funding for sections 26 and 27 of the Stevenson-Wydler Technology Innovation Act of 1980

³ Please note that the examples, average funding estimate, and range are informational only and are not intended to restrict future awards.

(15 U.S.C. §§ 3721 and 3722, respectively). Further, it is the intent of Congress that EDA set aside funding for repatriation grants.⁴

Under the Public Works and Economic Adjustment Assistance Programs, EDA expects to use approximately 30 percent of its FY 2012 appropriations to fund applications that were received on or before the September 15, 2011 deadline for the first funding cycle of FY 2012. The remaining 70 percent will be used to fund three funding cycles in FY 2012. During the second and third funding cycles, EDA expects to fund projects totaling approximately 30 percent of EDA's FY 2012 appropriation for the Public Works and Economic Adjustment Assistance Programs. In the fourth cycle, if funds remain, EDA expects to fund projects with the remaining 10 percent of the agency's FY 2012 appropriations and with any funds that may become available during the first two funding cycles of FY 2012. One way in which funds may become available is if a project was competitively selected in one of the first two funding cycles, but EDA ultimately was unable to make the award (e.g., in the case of a construction project in which the applicant is unable to resolve environmental issues).

The funding periods and funding amounts referenced in this announcement are subject to the availability of funds at the time of award, as well as to Department of Commerce (DOC) and EDA priorities. DOC and EDA will not be held responsible for application preparation costs. Publication of this announcement does not obligate DOC or EDA to award any specific grant or cooperative agreement, or to obligate all or any part of available funds.

2. *What type of funding instrument will be used to make awards and how long will project periods be?*

Subject to the availability of funds, EDA may award grants or cooperative agreements to eligible applicants to help support economic development activities. Project periods are dependent on the type of project, scope of work, and the EDA program under which the grant or cooperative agreement for the project is awarded. For example, the project period for a construction investment under EDA's Public Works program may last for three years until construction is completed satisfactorily, while a strategy investment under EDA's Economic Adjustment Assistance program may allow for one to three years for completion of the scope of work, depending on its complexity or urgency. EDA expects that all projects will proceed efficiently and expeditiously, and EDA encourages investments with demonstrated capacity to be implemented quickly and effectively, accelerating positive economic impacts.

⁴ In addition, the Department of Commerce Appropriations Act, 2012, includes appropriations for EDA's Planning, Technical Assistance, Research and Evaluation, and Trade Adjustment Assistance programs and for projects pursuant to section 703 of PWEDA (42 U.S.C. § 3233), for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121 *et seq.*). EDA will publish the program information and application requirements applicable to these programs in separate FFO announcements. Please see the Department of Commerce Appropriations Act, 2012 and the accompanying Conference Report (H. Rept. 112-284).

C. Statutory authorities for EDA's programs

The statutory authorities for the Public Works and Economic Development Facilities and Economic Adjustment Assistance programs are sections 201 (42 U.S.C. § 3141) and 209 (42 U.S.C. § 3149) of PWEDA, respectively.

Applicant eligibility and program requirements are set forth in EDA's regulations (codified at 13 C.F.R. chapter III) and all applicants must address these requirements. For EDA's Public Works and Economic Adjustment Assistance programs, this announcement supersedes the EDAP FFO announcement dated October 14, 2010, and EDA's current regulations on program objectives and priorities, application procedures, evaluation criteria, and selection procedures. EDA expects to update its regulations to reflect these changes in the near future. EDA's regulations and PWEDA are available on EDA's website at <http://www.eda.gov/InvestmentsGrants/Lawsreg.xml>.

III. Eligibility Information

A. Who is eligible to apply for funding under this competitive solicitation?

Pursuant to PWEDA, eligible applicants for and eligible recipients of EDA investment assistance under this FFO include a(n): (i) District Organization; (ii) Indian Tribe or a consortium of Indian Tribes; (iii) State, 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.⁵

EDA is not authorized to provide grants to individuals or for-profit entities. Such requests will not be considered for funding by EDA.

B. What sort of economic distress criteria must be demonstrated?

Applicants are responsible for demonstrating to EDA the nature and level of economic distress in the region in which the proposed project will be located. Applicants also are responsible for defining the region that the project will assist and must provide supporting statistics and other information, as appropriate. EDA will evaluate the economic distress in the region defined by the applicant and any supporting data provided by the applicant. To be eligible under this FFO, a project must be located in a region that, on the date EDA receives the application for investment assistance, meets one (or more) of the following economic distress criteria: (i) an unemployment rate that is, for the most recent 24-month period for which data are available, at least one percentage point greater than the national average unemployment rate; (ii) per capita income that is, for the most recent period for which data are available, 80 percent

⁵ See section 3 of PWEDA (42 U.S.C. § 3122) and 13 C.F.R. § 300.3.

or less of the national average per capita income; or (iii) a “Special Need,” as determined by EDA and as discussed in section VIII. of this FFO.⁶

EDA reviews project eligibility at the time a complete application is received in the regional office. For economic distress levels based on the unemployment rate or per capita income requirements, EDA will base its determination upon the most recent American Community Survey (ACS) published by the U.S. Census Bureau for either: the region impacted by the proposed project; the geographic area where substantial direct project-related benefits will occur; or the geographic area of poverty or high unemployment, as applicable. If a recent ACS is not available to determine project eligibility, EDA will base its decision on the most recent Federal data from other sources (e.g., data available from the U.S. Census Bureau and the Bureaus of Economic Analysis, Labor Statistics, and Indian Affairs). If no Federal data are available, an applicant must submit to EDA the most recent data available from the government of the State in which the region is located (i.e., conducted by or at the direction of the State government).⁷ Other data may be submitted, as appropriate, to substantiate eligibility based on a “Special Need” (*see* section VIII. of this announcement). The project must be eligible on the date EDA receives the application. In the case of an application received by EDA more than six months before the time of award, EDA will re-evaluate the project to determine continued eligibility for investment assistance before making an award. EDA will reject any documentation of eligibility that it determines is inaccurate or incomplete, which may cause the application to be rejected.

C. What is the cost sharing or matching requirement?

Generally, the amount of the EDA grant may not exceed 50 percent of the total cost of the project. Projects may receive up to an additional 30 percent, based on the relative needs of the region in which the project will be located, as determined by EDA.⁸

In the case of EDA investment assistance to a(n) (i) Indian Tribe, (ii) State (or political subdivision of a State) that the Assistant Secretary determines has exhausted its effective taxing and borrowing capacity, or (iii) non-profit organization that the Assistant Secretary determines has exhausted its effective borrowing capacity, the Assistant Secretary has the discretion to establish a maximum EDA investment rate of up to 100 percent of the total project cost.⁹ Potential applicants should contact the appropriate EDA regional office identified in section X. of this FFO to obtain additional information regarding these determinations.

In the application review process, EDA will consider the nature of the contribution (cash or in-kind) and the amount of the matching share funds. EDA will give preference to applications that include cash contributions (over in-kind contributions) as the matching share. While cash contributions are preferred, in-kind contributions, consisting of contributions of space, equipment, services, or forgiveness or assumptions of debt, may provide the required

⁶ See section 301 of PWEDA (42 U.S.C. § 3161) and 13 C.F.R. § 301.3.

⁷ See section 301 of PWEDA (42 U.S.C. § 3161) and 13 C.F.R. § 301.3.

⁸ See section 204(a) of PWEDA (42 U.S.C. § 3144) and 13 C.F.R. § 301.4(b)(1).

⁹ See sections 204(c)(1) and (2) of PWEDA (42 U.S.C. § 3144) and 13 C.F.R. § 301.4(b)(5).

non-Federal share of the total project cost.¹⁰ EDA will fairly evaluate all in-kind contributions, which must be eligible project costs and meet applicable Federal cost principles and uniform administrative requirements. Funds from other Federal financial assistance awards are considered matching share funds only if authorized by statute, which may be determined by EDA's reasonable interpretation of the statute.¹¹ The applicant must show that the matching share is committed to the project for the project period, will be available as needed and is not conditioned or encumbered in any way that precludes its use consistent with the requirements of EDA investment assistance.¹² Applicants intending to use in-kind contributions to satisfy the matching share requirement are encouraged to discuss their specific plans with the appropriate EDA contact listed in section X. of this FFO before submission of their respective application.

IV. Application Requirements

A. What is the project narrative?

As outlined in section IV.B. of this FFO, all applicants must complete the *Application for Investment Assistance* (Form ED-900) as part of the application package, in order to be considered for funding. Section A of Form ED-900 provides structured questions designed to assess the need and impact of a proposed project. While Form ED-900 itself provides space for responses, the applicant may substitute an expanded narrative in a separate attachment that references the questions in the ED-900, if needed to ensure that its application includes a clear, compelling justification for the project. This justification must include the following:

1. A specific description of the region, including information on the geography and regional assets of the area, which may include clusters, and workforce, physical, educational and financial infrastructure;
2. An overview of the economic distress of the region and the need for the project;
3. A description of the proposed project and a summary of how it will help address the identified need(s), consistent with the applicant's strategic planning document as discussed under section IV.C.1 of this FFO;
4. A description of how the proposed project aligns with EDA's investment priorities. Applicants that propose projects that do not align with EDA's investment priorities will not be as competitive as those that do. Applicants are strongly encouraged to review EDA's investment priorities, available on EDA's website at <http://www.eda.gov/InvestmentsGrants/InvestmentPriorities.xml>; and
5. Where a proposed project will be located outside of an area that specifically meets EDA's statutory distress criteria, the application should clearly document how the project will link to the distressed portion of the region and ultimately mitigate the distress.

Applicants are strongly encouraged to provide a high-quality narrative that compellingly articulates a clearly defined regional economic gap, how the proposed project will meet this

¹⁰ See section 204(b) of PWEDA (42 U.S.C. § 3144).

¹¹ See 13 C.F.R. § 300.3.

¹² See 13 C.F.R. § 301.5.

need, and the expected outcome(s) that will result from the proposed project. This should be addressed in a concise manner; a voluminous application will not necessarily receive greater consideration.

B. What are the forms required for a complete application?

The applicant must complete and submit the Application for Investment Assistance (Form ED-900) and accompanying supplemental information, the applicable Federal grant assistance forms from the Standard Form (SF) 424 series listed below, and certain U.S. Department of Commerce (CD) forms, as appropriate, as part of a complete application package. The specific SF forms required with the Form ED-900 depend on whether the applicant seeks construction or non-construction assistance. The following forms are required for a complete application. Please see section VI.B. of this FFO for information on obtaining application packages.

1. Construction Assistance (including design and engineering assistance)

An applicant seeking assistance for a project *with* construction components is required to complete and submit the following by the applicable funding cycle deadline:

- a. Form **ED-900** (Application for Investment Assistance) and accompanying supporting documentation. One form per project is required. Please read the paragraphs below carefully for important information on submitting a complete Form ED-900.
- b. One Form **SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.
- c. Form **SF-424C** (Budget Information—Construction Programs). One form per project is required.
- d. One Form **SF-424D** (Assurances—Construction Programs) from each co-applicant, as applicable.
- e. One Form **CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.

2. Non-Construction Assistance

An applicant seeking assistance for a project *without* construction components is required to complete and submit the following by the applicable funding cycle deadline:

- a. Form **ED-900** (Application for Investment Assistance) and accompanying supporting documentation. One form per project is required. Please read the paragraphs below carefully for important information on submitting a complete Form ED-900.
- b. One Form **SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.
- c. Form **SF-424A** (Budget Information—Non-Construction Programs). One form per project is required.

- d. One Form **SF-424 B** (*Assurances—Non-Construction Programs*) from each co-applicant, as applicable.
- e. One Form **CD-511** (*Certification Regarding Lobbying*) from each co-applicant, as applicable.

In addition, applicants may be required to provide certain lobbying information using Form SF-LLL (*Disclosure of Lobbying Activities*). Form ED-900 provides detailed guidance to help assess whether Form SF-LLL is required and how to access it. Please note that, if applicable, one Form SF-LLL must be submitted for each co-applicant that has used or plans to use non-Federal funds for lobbying in connection with this FFO. Some applicants, including non-profits and first-time recipients of DOC funding, may be required to complete an individual background screening using Form CD-346 (*Applicant for Funding Assistance*) before an award may be made; however, please note that this form is not required for a complete application and EDA will request it when necessary.

All application forms must be signed by an Authorized Organizational Representative (AOR); please see section VI.C. of this FFO for information on AOR requirements. Paper applications must include original signatures. **Please refer to important information provided in section VI.C. to ensure that your application is received by EDA.**

3. *Content of Form ED-900 and Instructions for Submitting a Complete Application*

This section provides detailed instructions on completing the Form ED-900, which is divided into lettered sections that correspond to the specific EDA program for which an applicant is applying and that address EDA’s statutory and regulatory requirements. Applicants seeking funding under this FFO will select on the first page of section A of the form that they are applying for Public Works or Economic Adjustment assistance, and the correct sections and exhibits required will automatically populate the form. Based on program and project type, the following table details the sections and exhibits in Form ED-900 that the applicant must complete, as well as the required supporting documentation.

An application that does not have all of the required Form ED-900 sections complete and supplemental documentation included will be considered incomplete. However, EDA, in its sole discretion, may accept an application that contains a non-substantive technical deficiency if it can easily be rectified or cured.

EDA Program	Required Form ED-900 Sections
Public Works	Complete Sections A, B, and M and Exhibits A, D, and E.
Economic Adjustment Assistance	Complete Sections A, B, and K and Exhibit C. Also complete Sections M and Exhibits A, D, and E if the application has construction components and Section N if the application has only design/engineering requirements. Complete Section E if the application has no construction components.
For Design and Engineering Assistance under the Public Works	Complete Sections A, B, M, and N and Exhibit C.

or Economic Adjustment Assistance Programs	
Revolving Loan Fund Assistance under the Economic Adjustment Assistance Program	Complete Sections A, B, E, K, and L and Exhibit C.

Applicants should note that the expected outcomes – notably the anticipated job creation and private investment leveraging potential of an investment – provided by the applicant in Section B of the Form ED-900 must be reasonable, justifiable, and based on the most current and accurate information available. Estimates must reflect the expected impact from the EDA portion of the investment. If EDA determines during the review process that job and private investment estimates are inflated or unsubstantiated, those estimates will not be considered.¹³

In general, EDA does not reimburse pre-award project costs. Applicants that are in need of such reimbursement should work closely with EDA regional office staff to determine if their pre-award costs may be considered for reimbursement. In order for these costs to be eligible for reimbursement, the applicant must competitively procure services pursuant to the Federal government’s procurement procedures.¹⁴ Such costs are incurred at an applicant’s own risk, and these pre-award costs will be considered for reimbursement, in EDA’s sole discretion, only if an applicant receives an award. As noted under section II.B.1. of this FFO, neither EDA nor DOC will be held responsible for application preparation expenditures, which are distinguishable from pre-award project costs.

C. What supporting documentation is required for a complete application?

In addition to Form ED-900, applicants must submit certain supporting documentation for a complete application. All documentation required for a complete application, including any engineering reports and environmental narratives, must be current. Because of EDA’s new funding cycle application process, some instructions contained in Form ED-900 will be superseded by instructions set out in this FFO. All information required by Form ED-900, including documentation that Form ED-900 advises may be submitted at a later date if EDA selects the project for further consideration, **must be submitted by the funding cycle deadline in order to be considered for funding in that cycle.** The following list details the required submissions by project type:

¹³ EDA funding may not be used 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. EDA’s nonrelocation policy is discussed under section IX.F.2. of this FFO.

¹⁴ Procurement requirement for institutions of higher education and non-profits are set out at 15 C.F.R. §§ 14.40-14.48 and requirements for State and local governments are set out at 15 C.F.R. § 24.36.

1. For **all types of projects**, both construction and non-construction, the following are required:
 - Projects must be consistent with the region's **Comprehensive Economic Development Strategy (CEDS)** or alternate EDA-approved strategic planning document capable of meeting EDA's CEDS or strategy requirements. A summary of EDA's CEDS and strategy requirements may be found at <http://www.eda.gov/InvestmentsGrants/Grant%20Process.xml>. See also section A.3. of Form ED-900, which requires applicants to identify the relevant plan. If EDA does not already have the applicable plan, the applicant may be required to provide it. Please contact the applicable regional office representative listed in section X. of this FFO for more information.
 - **Documentation confirming non-EDA funding**, for example letters of commitment and other documentation, as necessary. For example, if bonds are contemplated as match, counsel opinion of the applicant's bonding authority and eligibility of the bonds for use as match, along with full disclosure of the type of bonds and the schedule of the applicant's intended bond issue, are required. Please contact the applicable regional office representative listed in section X. of this FFO with questions regarding this requirement. See also section A.9. of Form ED-900.
 - **Comments from the State Clearinghouse** to comply with Executive Order 12372, "Intergovernmental Review of Federal Programs," if applicable. If the comment period has not expired or comments were not received, a copy of the applicant's request for comments is sufficient; however, in that instance, the final determination will be required prior to award. Detailed information on the State Clearinghouse process can be accessed at http://www.whitehouse.gov/omb/grants_spoc.
2. For **construction (including design and engineering assistance) projects only**, the following also are required:
 - **Maps of the project site** (U.S. Geological Survey (USGS) map(s) and Federal Emergency Management Agency (FEMA) floodplain map(s)) with project components and beneficiaries noted (*see* section A.2. of Form ED-900).
 - **Letters of commitment and assurances of compliance** (Exhibit A to Form ED-900) from beneficiaries of the proposed project identified in section B.5. of Form ED-900 as providing the economic justification for the proposed project.
 - **Comments from the metropolitan area review/clearinghouse agency**, if applicable. If the comment period has not expired or comments were not received, a copy of the applicant's request for comments is sufficient (*see* section M.1. of Form ED-900); however, in that instance, the final determination will be required prior to award.

- A **preliminary engineering report** (all required elements are listed in section M.3. of Form ED-900; special formatting is not required). For additional guidance on preparing a preliminary engineering report, see EDA's website at <http://www.eda.gov/InvestmentsGrants/Grant%20Process.xml>.
 - An **environmental narrative** that will enable EDA to comply with its National Environmental Policy Act (NEPA) responsibilities. An environmental narrative outline that details required components may be accessed on EDA's website at <http://www.eda.gov/InvestmentsGrants/Grant%20Process.xml>. Please note that the environmental narrative required for a complete application does not need to include all applicable approvals at the time of submission. Applicants must include Appendix A (Applicant's Certification Clause) to the environmental narrative signed by each co-applicant, as applicable.
 - Copies of any existing **correspondence with or sign-offs/approvals from other agencies** with respect to the project, such as the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, or the State or Tribal Historic Preservation Officer. Please note that an applicant will not be required to submit all required sign-offs/approvals by a funding cycle deadline for an application to be considered complete. If the application does not include sign-offs/approvals from appropriate agencies and EDA subsequently determines that these are required, the applicant will be required to obtain them before EDA will approve an award. For additional information about this requirement, please contact the applicable Regional Environmental Officer listed in section X. of this FFO.
 - **Copies of any other environmental studies** that have already been completed for the project site, if available.
3. For **Revolving Loan Fund projects** only, the following also is required:
- An **RLF Plan** for the RLF's financial management. See EDA's regulation at 13 C.F.R. § 307.9 and section L of Form ED-900.
4. For **non-profit applicants only**, including each non-profit co-applicant, the following also are required:
- **Certificate of good standing** from the State in which the non-profit organization is incorporated, as applicable.
 - A copy of the non-profit organization's current **Articles of Incorporation** or other formation documents, as applicable, and **By-Laws**.
 - **Resolution** (or letter) from a general purpose subdivision of State government acknowledging that the non-profit organization is acting in cooperation with officials of that political subdivision.

As noted under section IV.A. of this FFO, applicants are expected to provide a clear and detailed explanation as to how the proposed project will meet EDA's investment priorities. EDA will consider applications that include such an explanation as more competitive than those that do not. Such an explanation should include supporting data, performance measures, and other deliverables, as applicable.

V. Application Review and Selection Process

Throughout the review and selection process, EDA reserves the right to seek clarification in writing from applicants whose applications are being reviewed and considered. EDA may ask applicants to clarify objectives and work plans, modify budgets or other specifics necessary to comply with Federal requirements, or provide required supplemental information.

A. Pre-application consultation with EDA

EDA offers eligible applicants the option of consulting with EDA and receiving written feedback on their respective application before a funding cycle deadline.¹⁵ To take advantage of this option, the applicant must submit the following forms at a minimum:

1. One Form **ED-900** (*Application for Investment Assistance*);
2. One Form **SF-424** (*Application for Federal Assistance*) from each co-applicant, as applicable; AND
3. One Form **SF-424A** (*Budget Information—Non-Construction Programs*), if the project is non-construction related, OR
4. Form **SF-424C** (*Budget Information—Construction Programs*) if the project is construction-related.

EDA will conduct a preliminary eligibility and technical review and perform an initial project analysis within 15 business days of its receipt of information provided. The applicant will receive notification detailing any technical deficiencies identified during the review (for example, an incomplete preliminary engineering report or the need for a co-applicant), as well as the results of EDA's analysis of the project using the evaluation criteria outlined in section V.C. of this FFO. Applicants will be told if their application is complete, eligible, and whether or not EDA would forward the application in its current state to the Investment Review Committee (IRC). Based on this feedback, the applicant may revise or supplement the application or submit a substantially revised application by the funding cycle deadline or in time for consideration in a subsequent funding cycle. EDA will apply the same evaluation criteria for pre-application consultations as used for reviewing complete applications received after the funding cycle deadline.

Applicants are *strongly* encouraged to seek feedback on their project and application package from EDA at least 30 days before the funding cycle deadline to allow adequate time to incorporate feedback received into their application before final submission. The consultation,

¹⁵ Ineligible applicants will be informed that they are ineligible for EDA funding. Please see section III.A. of this FFO for eligibility requirements.

review, and feedback described in this subsection are optional. Applicants need not seek preliminary feedback on their application in order to be successful. Please see section X. of this FFO for contact information for EDA’s regional office staff.

B. Application review and project analysis

EDA’s regional office staff will review for responsiveness all complete applications received from eligible applicants by a funding cycle deadline. Applicants that are ineligible for EDA funding will be informed that they are ineligible.

1. Application Review

EDA staff will conduct an eligibility and technical completeness review of all applications. Applications that do not contain all forms and required documentation listed in sections IV.B. and IV.C. of this FFO may be deemed non-responsive and excluded from further consideration. EDA expects all applicants to complete and include all required forms and documentation. However, EDA, in its sole discretion, may determine that an omission is a non-substantive technical deficiency if it can easily be rectified or cured, and therefore, may continue its consideration of the application in that funding cycle despite the deficiency.

2. Initial Project Analysis

EDA staff will evaluate applications based on the criteria outlined in section V.B.3. of this FFO, including their alignment with EDA’s investment priorities, the feasibility of the project, and the reasonableness and expected impact of the proposed project. Based on this assessment, EDA staff will evaluate applications and recommend ones to be forwarded to the IRC or denied.

EDA staff will notify applicants of the results of the initial project analysis. **Please note that an application forwarded to the IRC is not guaranteed funding—EDA receives far more applications than it can fund.**

3. Evaluation Criteria for Initial Project Analysis

EDA will evaluate applications based on their ability to satisfy the following core evaluation criteria, with each criterion given equal weight:

- a. The project’s demonstrated alignment with one of EDA’s current investment priorities as published on EDA’s website:
<http://www.eda.gov/InvestmentsGrants/InvestmentPriorities.xml>;
- b. The project’s demonstrated ability to foster job creation and promote private investment in the regional economy;
- c. The project’s feasibility;
- d. The project’s sustainability/durability;
- e. The applicant’s organizational capacity; and
- f. The project’s alignment with the regional CEDS or other relevant strategic plan.

For further information on the evaluation criteria outlined above, please see the “Helpful Hints” document on EDA’s website at <http://www.eda.gov/InvestmentsGrants/HelpfulHints.xml>, or contact the appropriate EDA representative listed in section X. of this FFO.

C. Investment Review Committee and Selection Factors

Each regional office will convene an IRC that consists of at least four Federal employees. Each IRC will discuss and evaluate each application that was forwarded (after the application review and initial project analysis) to determine if it meets the program-specific award and application requirements provided in 13 C.F.R. § 305.2 for Public Works investments and 13 C.F.R. §§ 307.2 and 307.4 for Economic Adjustment Assistance investments. The IRC also will apply the Selection Factors set out below:

1. Information assessed from the application review and project analysis;
2. A determination that the application meets the overall objectives of section 2 of PWEDA (42 U.S.C. § 3121);
3. Relative economic distress of the region;
4. Financial or management capability of the applicant;
5. Availability of program funding;
6. Geographic balance in distribution of program funds and EDA’s portfolio;
7. The feasibility of the applicant to achieve the outcomes identified in the application;
8. Balance of diverse project types in the distribution of program funds;
9. Balanced funding for a diverse group of organizations, to include smaller and rural organizations, which may form part of a broader consortium to serve diverse populations and areas within the regional office’s territory;
10. The applicant’s performance under previous Federal financial assistance awards, including whether the grantee submitted required performance reports;
11. Ability of the proposed project to realistically achieve the desired results and catalyze additional resources;
12. A determination that a project is more likely to start quickly and create jobs faster; and
13. Whether the project will enable communities to become more diversified and more economically prosperous.

The IRC will recommend to the Regional Director those applications that merit consideration for funding.

D. Grants Officer’s decision

Each region’s IRC makes its recommendations to the respective Regional Director, who is the Grants Officer under this announcement. The Regional Director makes the final decision on whether to fund an application. The Regional Director might select a project that was not recommended by the IRC, or decline to fund a project that was recommended, based on any of the Selection Factors described above. The Regional Director’s final decision must be consistent with EDA’s and DOC’s published policies. Anytime the Regional Director makes a selection

that differs from the IRC's recommendation, the Regional Director will document the rationale for the decision in writing.

As part of the selection process, EDA reserves the right to seek clarifications in writing from applicants for those applications deemed to have highest merit in order to facilitate the selection process.

VI. Application Submission Information

A. Deadlines for submission

Complete applications must be received by the deadlines set out below in order to be considered in a particular funding cycle.¹⁶

EDA will review applications in accordance with its quarterly funding cycles. The next four deadlines are:

- December 15 for funding cycle 2 of FY 2012;
- March 9 for funding cycle 3 of FY 2012;
- June 8 for funding cycle 4 of FY 2012; and
- September 14 for funding cycle 1 of FY 2013.

EDA strongly encourages applicants to start early and not to wait until an approaching funding cycle deadline to review the instructions for submitting an application. To be considered during a particular funding cycle, complete applications must be validated and time-stamped by www.grants.gov by 11:59 p.m. Eastern Time on the applicable funding cycle deadline. Alternatively, paper applications may be delivered with delivery confirmation to the applicable regional office listed in section X. of this FFO. Paper applications must be received at or before 5:00 p.m. local time in the applicable regional office on the funding cycle deadline. Please see section VI.C.2. of this FFO for more information on how to submit a paper application. If your application is received after the deadline, it will be considered late and will not be reviewed by EDA for that funding cycle.

B. Obtaining an application package

An applicant may obtain the appropriate application package electronically at www.grants.gov. All components of the appropriate application package may be accessed and downloaded (in a screen-fillable format) at http://www.grants.gov/applicants/apply_for_grants.jsp. The preferred electronic file format for attachments is portable document format (PDF); however, EDA will accept electronic files in Microsoft Word, WordPerfect, or Microsoft Excel. The applicant must complete the www.grants.gov registration process to submit applications through www.grants.gov; however,

¹⁶ Applicants may submit applications for EDA's preliminary review at any time. See section V.A. of this FFO for information on pre-application consultations.

please note that registration is not required for an applicant to access, view, or download the application packages. Alternatively, an applicant eligible for assistance under this announcement may request a paper application package by contacting the applicable EDA regional office listed under section X. of this FFO.

C. How to submit an application

1. Electronic Submissions

EDA strongly encourages electronic submissions of applications through www.grants.gov. EDA will not accept facsimile or email transmissions of applications. Applications must be successfully validated and time-stamped by www.grants.gov no later than 11:59 p.m. Eastern Time on the applicable funding cycle deadline listed in section VI.A. of this FFO. An application that is not validated and time-stamped by www.grants.gov by a funding cycle deadline will not be processed during that funding cycle; however, EDA staff will provide feedback to the applicant and may advise the applicant to resubmit or provide additional documentation for consideration during the following funding cycle.

Once an application is submitted, it undergoes a validation process through www.grants.gov in which the application may be accepted or rejected by the system. Please be advised that the validation process may take 24 to 48 hours to complete. Applications that contain errors will be rejected by www.grants.gov, and will not be forwarded to EDA for review. The applicant must correct the error before www.grants.gov will accept and validate the application. EDA will not accept late applications that were rejected by www.grants.gov due to errors. Accordingly, EDA strongly suggests that applicants submit their applications at least 4-5 days before the funding cycle deadline to allow the application to be accepted and validated in the system and to allow time for any errors to be corrected. EDA will consider the time-stamp on the validation from www.grants.gov as the official submission time.

Register early and submit early. In order to submit an application through www.grants.gov, an applicant must register for a www.grants.gov user ID and password. **Note that this process can take between three to five business days or as long as four weeks if all steps are not completed correctly.** To avoid delays, EDA strongly recommends that applicants start early and not wait until an approaching funding cycle deadline date before logging in, registering, reviewing the application instructions, and applying. Information about the www.grants.gov registration process for organizations can be found at http://grants.gov/applicants/organization_registration.jsp. Please note that organizations already registered with www.grants.gov do not need to re-register; however, all registered organizations must keep their Central Contractor Registration (CCR) database registration up-to-date or their applications will not be accepted by www.grants.gov.

AOR requirement. Applicants must register as organizations, not as individuals. As part of the registration process, you will register at least one Authorized Organizational Representative (AOR) for your organization. AORs registered at www.grants.gov are the only officials with the authority to submit applications at www.grants.gov, so please ensure that your organization's application is submitted by an AOR. If the application is submitted by anyone

other than your organization's AOR, it will be rejected by the www.grants.gov system and cannot be considered by EDA. Note that a given organization may designate multiple individuals as AORs for www.grants.gov purposes.

EDA will not accept late submissions caused by www.grants.gov registration issues, including CCR and AOR issues.

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

- a. Navigate to www.grants.gov.
- b. Select "Apply for Grants" from the left-hand menu on www.grants.gov.
- c. Ensure that you have installed Adobe Acrobat Reader 8.1.3 on your computer as other versions of Adobe Acrobat Reader may cause errors, whether those versions are older or newer.
- d. Select the link "Download a Grant Application" package.
- e. Enter "FY2012EDAP111811" as the Funding Opportunity Number and click on [Download Package].
- f. Click on the "download" link under "Instructions and Applications" for the instructions and application specific to the type of project and EDA program (Public Works or Economic Adjustment Assistance) under which you are applying.
- g. A new window should pop up. In the new window, click on "Download Application Instructions" to review the instructions posted on www.grants.gov and "Download Application Package" when you are ready to begin the application.
- h. Save the applicable application package to your computer or network drive. Note that the package file can be shared among multiple users; however, each user must have Adobe Acrobat Reader 8.1.3 installed in order to save changes to the application package.
- i. Click on each of the documents in the "Mandatory Documents" box and, after selecting each one, click on the arrow to move these into the "Mandatory Documents for Submission" box.
- j. In the "Optional Documents" box, click on Form SF-LLL if non-Federal funds have been or are planned to be used for lobbying in connection with this competitive solicitation and then move this to the "Optional Documents for Submission" box. If you will be submitting your application via www.grants.gov, also click on "Attachments" and move this to the "Optional Documents for Submission" box. The Attachments form allows applicants to attach any documents required as attachments under this competitive solicitation, such as a CEDS or letters of support.
- k. The application package should pre-populate with all selected forms embedded. Complete all mandatory fields (highlighted in yellow) on the forms. Note that mandatory fields will vary based on the type of applicant and the type of assistance sought. On Form CD-511, type "not awarded yet" in the "project number" field.
Save the application package at regular intervals to avoid losing work.

- l. Attach any required attachments. The preferred file format for attachments is portable document format (PDF); however, EDA will accept electronic files in Microsoft Word, WordPerfect, or Excel formats.
- m. When all mandatory fields have been completed, scroll to the top and click on [Check Package for Errors].
- n. Click [Save].
- o. Click [Save and Submit]. At this point the applicant's AOR must be connected to the Internet and will be asked to enter their www.grants.gov user id and password in order to submit via www.grants.gov. As noted above, an AOR must submit the application for it to be validated by www.grants.gov and received by EDA.

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

An applicant should expect to receive two emails from www.grants.gov: the first will confirm receipt of the application, and the second will indicate that the application has either been successfully validated by the system before transmission to EDA or has been rejected due to errors. **Because it can take up to two business days after www.grants.gov receives an application for applicants to receive email notification of an error, applicants should time their submissions to allow for application correction and resubmission by the applicable funding cycle deadline.** Applicants will receive a third email once EDA has retrieved their applications.

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

It is the applicant's responsibility to verify that its submission was timely received and validated successfully at www.grants.gov. To see the date and time your application was received, log on to www.grants.gov and click on the "Track My Application" link from the left-hand menu. For a successful submission, the application must be received and validated by www.grants.gov, and an agency tracking number assigned. If the date and time your application is validated and time-stamped by www.grants.gov is later than 11:59 p.m. Eastern Time on the applicable funding cycle deadline, your application is late. If your application has a status of "Received" it is awaiting validation by www.grants.gov. Once validation is complete, the status will change to "Validated" or "Rejected with Errors." If the status is "Rejected with Errors," your application has not been received successfully. Some of the reasons www.grants.gov may

reject an application can be found at http://www.grants.gov/applicants/submit_application_faqs.jsp. For more detailed information on why an application may be rejected, please see “Troubleshooting Tips” at http://www.grants.gov/help/trouble_tips.jsp.

Grants.gov systems issues. If you experience a www.grants.gov “systems issue” (technical problems or glitches with the www.grants.gov website) that you believe threatens your ability to complete a submission before an applicable funding cycle deadline, please (i) print any error message received; and (ii) call the www.grants.gov Contact Center at 1-800-518-4726 for immediate assistance. Ensure that you obtain a case number regarding your communications with www.grants.gov. **Please note: problems with an applicant organization’s computer system or equipment are not considered “systems issues.” Similarly, an applicant’s failure to: (i) complete the required registration, (ii) ensure that a registered AOR submits the application, or (iii) notice receipt of an email message from www.grants.gov, are not considered systems issues.** A www.grants.gov “systems issue” is an issue occurring in connection with the operations of www.grants.gov itself, such as the temporary loss of service by www.grants.gov due to unexpected volume of traffic or failure of information technology systems, both of which are highly unlikely.

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

2. *Paper Submissions*

An applicant has the option of submitting a completed paper application via postal mail or courier service to the applicable regional office listed in section X. of this FFO. The applicant may download the appropriate application package, whether construction or non-construction as provided in section IV.B. of this FFO, in a screen-fillable format from http://www.grants.gov/applicants/apply_for_grants.jsp, save it electronically, and print it for paper submission.

One original and two copies of the complete application must be mailed with delivery confirmation that indicates the application has been received at or before 5:00 p.m. local time in the applicable regional office on the funding cycle deadline. If your application is received after the deadline, it will be considered late and will not be reviewed by EDA for that funding cycle. DOC mail security measures may delay receipt of United States Postal Service mail for up to two weeks. Therefore, applicants that submit paper submissions are advised to use guaranteed overnight delivery services.

VII. Award Administration Information

A. How will EDA notify applicants?

Under this FFO, EDA expects to notify applicants of its decision in writing within 20 business days of a funding cycle deadline. Applicants are advised that though this letter may express the applicant's success in the competitive portion of the evaluation process, it will not legally obligate EDA to make an award to the applicant. Should an applicant be successful in the funding cycle competition, the applicant will be required to complete certain due diligence requirements and pass a set of technical reviews by EDA staff to ensure compliance with all applicable rules and regulations, including title verification, project ownership, environmental and other requirements. If the applicant successfully fulfills these additional requirements to EDA's satisfaction within the allotted time frame, the expectation is that EDA will proceed with the official award and obligation of funds.

If an application is selected for funding and the applicant successfully completes all due diligence requirements, the EDA Grants Officer will issue the grant award (Form CD-450), which is the authorizing financial assistance award document. By signing Form CD-450, the recipient agrees to comply with all award provisions. EDA will provide Form CD-450 by mail or 2-day delivery to the appropriate business office of the recipient's organization. The recipient must sign and return the Form CD-450 without modification within 30 days of the date of EDA's signature on the form.

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. The regional office will retain unsuccessful applications in accordance with EDA's record retention schedule. EDA, in its sole discretion, may advise a limited number of applicants that they have the option to carry over their applications for consideration in the next funding cycle. The number of applications that EDA may be able to carry over is limited by Congressional appropriations

B. What type of reports are recipients responsible for submitting?

All recipients are required to submit financial and performance (technical) reports in accordance with the terms and conditions of the grant award. All financial reports must be submitted to the EDA program officer, preferably in electronic format.

C. Information disclosure under the Freedom of Information Act

The Freedom of Information Act (5 U.S.C. § 552 and DOC's regulations at 15 C.F.R. part 4) (FOIA) sets forth the process and procedure DOC follows to make requested material, information, and records publicly available. Unless prohibited by law and to the extent required under the FOIA, contents of applications and other information submitted by applicants may be

released in response to FOIA requests. Applicants should be aware that EDA may make certain application information publically available. The applicant should notify EDA if it believes any application information is confidential.

VIII. “Special Need” Criteria

Applications for Public Works or Economic Adjustment Assistance investment assistance may be found eligible under a “Special Need” circumstance. To receive consideration for eligibility due to a “Special Need,” the applicant will be asked to present appropriate economic or demographic statistics to demonstrate a “Special Need,” and EDA will use this information to determine the maximum allowable investment rate for the proposed project.

A project may be eligible pursuant to a “Special Need” if the project is located in a region that meets one of the criteria described below:¹⁷

1. Closure or restructuring of industrial firms or loss of a major employer essential to the regional economy. A region has experienced either:
 - a. an actual closure or restructuring of a firm within the past 12 months prior to application, resulting in sudden job losses and meeting the dislocation criteria in 1.c; or
 - b. a threat of closure that results from a public announcement of an impending closure or restructuring of a firm expected to occur within two years of application; AND
 - c. such actual or threatened closure results in sudden job losses meeting the following dislocation criteria:
 - For regions with a population of at least 100,000, the actual or threatened dislocation is 500 jobs, or one percent of the civilian labor force (CLF), whichever is less.
 - For regions with a population up to 100,000, the actual or threatened dislocation is 200 jobs, or one percent of the CLF, whichever is less.
2. Substantial out-migration or population loss. An applicant seeking eligibility under this criterion will be asked to present appropriate and compelling economic or demographic data to demonstrate the Special Need.
3. Underemployment, meaning employment of workers at less than full-time or at less skilled tasks than their training or abilities permit. An applicant seeking eligibility under this criterion will be asked to present appropriate and compelling economic and demographic data to demonstrate the Special Need.
4. Military base closures or realignments, defense contractor reductions-in-force, or Department of Energy defense-related funding reductions.

¹⁷ The following criteria are published in accordance with 13 C.F.R. § 301.3(a)(1)(iii) and define what may constitute a “Special Need” (as defined in 13 C.F.R. § 300.3) sufficient to make a project eligible for Public Works or Economic Adjustment investment assistance, as described in section III.B. of this announcement.

- a. A military base closure refers to a military base that was closed or is scheduled for closure, realignment, or growth pursuant to the base closure and realignment process or other Department of Defense (DOD) process. Unless further extended by the Assistant Secretary, the region is eligible from the date of DOD's recommendation for closure, realignment or growth until five years after the actual date of closing of the installation or five years after the announced realignment or growth actually occurs.
 - b. A defense contractor reduction-in-force refers to a defense contractor(s) experiencing defense contract cancellations or reductions resulting from official DOD announcements and having aggregate value of at least \$10 million per year. Actual dislocations must have occurred within one year of application to EDA and threatened dislocations must be anticipated to occur within two years of application to EDA. Defense contracts that expire in the normal course of business will not be considered to meet this criterion.
 - c. A Department of Energy defense-related funding reduction refers to a Department of Energy facility that has experienced or will experience a reduction of employment resulting from its defense mission change. The area is eligible from the date of the Department of Energy announcement of reductions until five years after the actual date of reduced operations at the installation.
5. Natural or other major disasters or emergencies, including terrorist attacks. Unless further extended by the Assistant Secretary, a region that has received one of the following disaster declarations is eligible to apply for EDA assistance for a period of 18 months after the date of declaration:
 - a. A Presidentially Declared Disaster (Declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. § 5121 *et seq.*)); or
 - b. A Federally Declared Disaster (pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, as amended (16 U.S.C. § 1861a(a)); or pursuant to the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. § 1961); or pursuant to the Small Business Act, as amended (Pub. L. No. 85-536, 72 Stat. 384 (1958))).
 6. Extraordinary depletion of natural resources or other impact attributable to a new or revised Federal regulation or policy that will have a significant impact on a community to avoid an extraordinary depletion of natural resources. For example, in the case of a Federal fishing regulation designed to promote and sustain a community and its fishery in the long-term, EDA could quickly help a coastal community respond to any short-term economic dislocations.
 7. Communities undergoing transition of their economic base as a result of changing trade patterns. An area certified as eligible by the North American Development Bank (NADBank) Program or the Community Adjustment and Investment Program (CAIP).

8. Other Special Need. The area is experiencing other special or extraordinary economic adjustment needs, as determined by the Assistant Secretary.

IX. Other Requirements

A. Administrative and national policy requirements

Administrative and national policy requirements for all Department of Commerce awards are contained in the *Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements*, published in the *Federal Register* on February 11, 2008 (73 FR 7696). This notice may be accessed by entering the *Federal Register* volume and page number provided in the previous sentence at the following Internet website: <http://www.gpoaccess.gov/fr/index.html>.

B. Environmental and historic preservation requirements

All applicants for EDA construction assistance (including design and engineering assistance) are required to provide adequate environmental information. Each application will be reviewed by EDA for compliance with the National Environmental Policy Act of 1969, as amended (NEPA). During the NEPA review process, applicants may be instructed to contact the designated State Historic Preservation Officer (SHPO), 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.¹⁸ For further guidance and information, please contact the applicable Regional Environmental Officer listed in section X. of this FFO, or refer to the Environmental and Historic Preservation information on EDA's website, which is available at <http://www.eda.gov/InvestmentsGrants/Grant%20Process.xml>.

C. OMB Circular A-133 audit requirements

Single or program-specific audits shall be performed in accordance with the requirements contained in OMB Circular A-133, "*Audits of States, Local Governments, and Non-Profit Organizations*," and the related *Compliance Supplement*. OMB Circular A-133 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 \$500,000 or more in the recipient's fiscal year to conduct a single or program-specific audit in accordance with the requirements set out in OMB Circular A-133.

¹⁸ As specified in 40 C.F.R. § 1506.6(b).

The applicant is reminded that EDA or DOC's Office of Inspector General also may conduct an audit of an award at any time.

D. Universal Identifier and Central Contractor Registration requirements and reporting under the Transparency Act

1. *DUNS Numbers and CCR Registration*

All applicants for Federal financial assistance are required to obtain a universal identifier in the form of Dun and Bradstreet Data Universal Numbering System (DUNS) numbers and maintain a current registration in the Central Contractor Registration (CCR) database. To be compliant with these requirements,¹⁹ each applicant must:

- Be registered in the CCR before submitting an application;
- Maintain an active CCR registration with current information at all times during which it has an active Federal award or an application under consideration by an agency; and
- Provide its DUNS number in each application or plan it submits to the agency.

2. *Reporting Under the Transparency Act*

All recipients of a Federal award made on or after October 1, 2010 are required to comply with reporting requirements under the Federal Funding Accountability and Transparency Act of 2006 (Transparency Act).²⁰ In general, all recipients are responsible for reporting sub-awards of \$25,000 or more. In addition, recipients that meet certain criteria are responsible for reporting executive compensation. Applicants must ensure they have the necessary processes and systems in place to comply with the reporting requirements should they receive funding.

E. Intergovernmental review

Applications submitted under this FFO are subject to the requirements of Executive Order (EO) 12372, "*Intergovernmental Review of Federal Programs*," if a State has adopted a process under EO 12372 to review and coordinate proposed Federal financial assistance and direct Federal development (commonly referred to as the "single point of contact review process"). All applicants must give State and local governments a reasonable opportunity to review and comment on the proposed Project, including review and comment from area-wide planning organizations in metropolitan areas.²¹ To find out more about a State's process under EO 12372, applicants may contact their State's Single Point of Contact (SPOC). Names and addresses of some States' SPOCs are listed on the Office of Management and Budget's home page at http://www.whitehouse.gov/omb/grants_spoc. Section A.11. of Form ED-900 provides more information and allows applicants to demonstrate compliance with EO 12372.

¹⁹ Per requirements set out in 2 C.F.R. part 25; please see also the *Federal Register* notice published September 14, 2010 at 75 FR 55671.

²⁰ Per requirements set out in 2 C.F.R. part 170; please see also the *Federal Register* notice published September 14, 2010 at 75 FR 55663.

²¹ As provided for in 15 C.F.R. part 13.

F. Other restrictions on what EDA funds can be used to support

1. Regulations, administrative requirements, and costs principles

Specific regulations, administrative requirements,²² and cost principles²³ govern the use of EDA funds.²⁴ Note that EDA funds may not be used directly or indirectly to reimburse any attorneys' or consultants' fees incurred in connection with expediting applications for investment assistance.²⁵ Funds awarded cannot necessarily pay for all the costs that the recipient may incur in the course of carrying out the project. Applicable administrative requirements and Federal cost principles are incorporated by reference into the terms and conditions of each EDA award. Generally, costs that are allowable include salaries, supplies, and other expenses that are reasonable and necessary for the completion of the scope of work. Indirect costs are not allowed on construction projects under this FFO, and indirect costs are not allowed on awards to implement a strategic plan that involves construction projects.

2. Nonrelocation

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

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

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

²² The uniform administrative requirements for DOC grants and cooperative agreements are codified at 15 C.F.R. parts 14 and 24, as applicable. For EDA's purposes, 15 C.F.R. part 14 governs awards made to institutions of higher education and non-profit organizations and 15 C.F.R. part 24 governs awards made to States and local governments.

²³ Allowable costs under an EDA award are determined in accordance with the following regulations (incorporated by reference at 15 C.F.R. parts 14 and 24): (i) 2 C.F.R. part 220, "*Cost Principles for Educational Institutions (OMB Circular A-21)*"; (ii) 2 C.F.R. part 225, "*Cost Principles for State, Local and Indian Tribal Governments (OMB Circular A-87)*"; (iii) 2 C.F.R. part 230, "*Cost Principles for Nonprofit Organizations (OMB Circular A-122)*"; and (iv) Federal Acquisition Regulation Subpart 31.2, "*Contracts with Commercial Organizations,*" codified at 48 C.F.R. § 31.2.

²⁴ The general and administrative requirements for EDA awards are set forth in 13 C.F.R. parts 300–302. Specific application and award requirements for the Public Works and Economic Adjustment Assistance Programs are provided in 13 C.F.R. parts 305 and 307, respectively.

²⁵ See 13 C.F.R. § 302.10.

will create or save 100 or more permanent jobs as a result of the investment assistance, provided that such employer also is specifically named in the application as benefiting from the project, or 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. In smaller communities, EDA may extend this policy to the relocation of 50 or more jobs.

X. Agency Contacts

This competitive solicitation is for EDA's Public Works and Economic Adjustment Assistance programs only. For more information on these programs, you may contact the appropriate regional office contact or Economic Development Representative listed below. EDA's website at www.eda.gov provides additional information on EDA and its programs.

H. Philip Paradice, Jr., Regional Director, Atlanta Regional Office, 401 West Peachtree Street, NW, Suite 1820, Atlanta, Georgia 30308-3510, Telephone: (404) 730-3002, Fax: (404) 730-3025, Internet Address: pparadice@eda.doc.gov

 Economic Development Representatives or Regional Office
 Contacts:

States covered:

COOLEY, Robin.....	North Carolina, South Carolina.
1835 Assembly Street	
Suite 1075	
Columbia, SC 29201	
Telephone: (803) 253-3640	
Internet Address: rcooley@eda.doc.gov	
CORSO, Jonathan.....	Georgia.
401 West Peachtree Street, NW	
Suite 1820	
Atlanta, GA 30308-3510	
Telephone: (404) 730-3023	
Internet Address: jcorso@eda.doc.gov	
DENNIS, Bobby G.....	Alabama.
401 West Peachtree Street, NW	
Suite 1820	
Atlanta, GA 30308-3510	
Telephone: (404) 730-3020	
Internet Address: bdennis@eda.doc.gov	
FARMER, Pamela.....	Kentucky.
401 West Peachtree Street, NW	
Suite 1820	
Atlanta, GA 30308-3510	
Telephone: (404) 730-3026	
Internet Address: pfarmer@eda.doc.gov	
TRADER, Philip T.....	Florida.

401 West Peachtree Street, NW
Suite 1820
Atlanta, GA 30308-3510
Telephone: (404) 730-3017
Internet Address: ptrader@eda.doc.gov

PATTERSON, Gilbert (Gil).....Mississippi.

401 West Peachtree Street, NW
Suite 1820
Atlanta, Georgia 30308-3510
Telephone: (404) 730-3032
Internet Address: gpatterson@eda.doc.gov

PARTIN, Bertha.....Tennessee.

401 West Peachtree Street, NW
Suite 1820
Atlanta, Georgia 30308-3510
Telephone: (404) 730-3010
Internet Address: bpartin@eda.doc.gov

DYCHE, KeithRegional Environmental Officer

401 West Peachtree Street, NW
Suite 1820
Telephone: (404) 730-3029
Internet Address: kdyche@eda.doc.gov

Pedro R. Garza, Regional Director, Austin Regional Office, 504 Lavaca, Suite 1100, Austin, Texas 78701-2858, Telephone: (512) 381-8144, Fax: (512) 381-8177, Internet Address: pgarza@eda.doc.gov

Area Directors:

States covered:

FRERKING, Sharon T.....Arkansas,
Austin Regional Office Texas (North),
504 Lavaca, Suite 1100 New Mexico,
Austin, Texas 78701-2858 Oklahoma.

Telephone: (512) 381-8176
Internet Address: sfrerking@eda.doc.gov

AYALA, Jorge.....Louisiana,
Austin Regional Office Texas (South).

504 Lavaca, Suite 1100
Austin, Texas 78701-2858
Telephone: (512) 381-8150
Internet Address: jayala@eda.doc.gov

MARKLEY, Jonathan.....Regional Environmental Officer

Austin Regional Office
504 Lavaca, Suite 1100
Austin, Texas 78701-2858
Telephone: (512) 381-8156

Internet address: jmarkley@eda.doc.gov

Jeannette P. Tamayo, Regional Director, Chicago Regional Office, 111 North Canal Street, Suite 855, Chicago, IL 60606, Telephone: (312) 353-8143 Ext. 121, Fax: (312) 353-8575, Internet Address: jtamayo@eda.doc.gov

Economic Development Representatives or Regional Office

Contacts:

States covered:

OVERALL, Patricia..... Indiana.

Chicago Regional Office
111 North Canal Street, Suite 855
Chicago, IL 60606
Telephone: (312) 353-8143, ext. 145
Internet Address: poverall@eda.doc.gov

JOHNSON, Ean..... Illinois.

Chicago Regional Office
111 North Canal Street, Suite 855
Chicago, IL 60606
Telephone: (312) 353-8143, ext. 128
Internet Address: ejohnson@eda.doc.gov

SHIREY, Lee.....Indiana,
Ohio.

Chicago Regional Office
111 North Canal Street, Suite 855
Chicago, IL 60606
Telephone: (312) 353-8143, ext. 156
Internet Address: lshirey@eda.doc.gov

FOLDENAUER, Dennis.....Minnesota,
Wisconsin.

Chicago Regional Office
111 North Canal Street, Suite 855
Chicago, IL 60606
Telephone: (312) 353-8143, ext. 139
Internet Address: dfoldenauer@eda.doc.gov

BUSH, Robin.....Regional Environmental Officer.

Chicago Regional Office
111 North Canal Street, Suite 855
Chicago, IL 60606
Telephone: (312) 353-8143, ext. 146
Internet Address: rbush@eda.doc.gov

Robert Olson, Regional Director, Denver Regional Office, 410 17th Street, Suite 250, Denver, Colorado 80202, Telephone: (303) 844-4714, Fax: (303) 844-3968, Internet Address: rolson@eda.doc.gov

Economic Development Representatives or Regional Office

Contacts:

States covered:

STEIN, Laura.....Iowa,
Federal Building, Room 823 Eastern and Central Missouri.
210 Walnut Street
Des Moines, IA 50309
Telephone: (515) 284-4746
Fax: (515) 284-6641
Internet Address: lstein@eda.doc.gov

WERTHMANN, Mark.....Western Missouri,
Charles Even Whittaker Courthouse Kansas,
400 E. 9th Street, Suite 9353 Nebraska.
Kansas City, MO 64106
Telephone: (816) 471-2623
Fax: (816) 471-7867
Internet Address: mwerthmann@eda.doc.gov

ROGERS, John C.....Montana,
P.O. Box 578 Wyoming,
301 S. Park Avenue, Room 123 North Dakota.
Helena, MT 59624
Telephone: (406) 449-5380
Fax: (406) 449-5381
Internet Address: jrogers@eda.doc.gov

KORBAS, Trisha.....Colorado,
410 17th Street, Suite 250 Utah,
Denver, CO 80202 South Dakota.
Telephone: (303) 844-4902
Fax: (303) 844-3968
Internet Address: tkorbas@eda.doc.gov

BENZ, Jenny.....Regional Environmental Officer.
Denver Regional Office
410 17th Street, Suite 250
Denver, CO 80202
Telephone: (303) 844-5363
Internet Address: jbenez@eda.doc.gov

Willie C. Taylor, Regional Director, Philadelphia Regional Office, Curtis Center, 601 Walnut Street, Suite 140 South, Philadelphia, PA 19106, Telephone: (215) 597-4603, Fax: (215) 597-1063, Internet Address: wtaylor@eda.doc.gov

Economic Development Representatives or Regional Office
Contacts:

States covered:

BRIGHAM, Alan.....Maine,
U. S. Department of Commerce New Hampshire.
Economic Development Administration
100 Middle Street

East Tower – 2nd Floor
 Portland, ME 04101
 Telephone: (207) 347-3139
 Internet Address: ABrigham@eda.doc.gov

CAVALIER, Anne.....West Virginia.
 U. S. Department of Commerce
 Economic Development Administration
 405 Capitol Street, Suite 411
 Charleston, WV 25301
 Telephone: (304) 347-5252
 Internet Address: ACavalier@eda.doc.gov

GITTLER, Robert.....Virginia.
 Philadelphia Regional Office
 The Curtis Center-Suite 140 South
 601 Walnut Street
 Philadelphia, PA 19106
 Telephone: (215) 597-4360
 Internet Address: RGittler@eda.doc.gov

EDGHILL, Calvin.....New Jersey,
 Philadelphia Regional Office New York City/Long Island.
 The Curtis Center-Suite 140 South
 601 Walnut Street
 Philadelphia, PA 19106
 Telephone: (215) 597-6769
 Internet Address: CEdghill@eda.doc.gov

JACKSON, Jarrett.....Connecticut.
 Philadelphia Regional Office
 The Curtis Center-Suite 140 South
 601 Walnut Street
 Philadelphia, PA 19106
 Telephone: (215) 597-1074
 Internet Address: JJackson6@eda.doc.gov

MARSHALL, Harold J.....New York,
 620 Erie Boulevard West, Suite 104 Vermont.
 Syracuse, NY 13204-2442
 Telephone: (315) 448-0938
 Internet Address: HMarshal@eda.doc.gov

MCGINLEY, Marguerite.....Rhode Island.
 Philadelphia Regional Office
 The Curtis Center-Suite 140 South
 601 Walnut Street
 Philadelphia, PA 19106
 Telephone: (215) 597-8822
 Internet Address: mmcginle@eda.doc.gov

PLUMMER, Alma.....District of Columbia,
 Philadelphia Regional Office Maryland,

The Curtis Center-Suite 140 South
601 Walnut Street
Philadelphia, PA 19106
Telephone: (215) 597-7538
Internet Address: APlummer@eda.doc.gov

Puerto Rico,
Virgin Islands.

REID, Andrew.....Pennsylvania.

Philadelphia Regional Office
The Curtis Center-Suite 140 South
601 Walnut Street
Philadelphia, PA 19106
Telephone: (267) 687-4317
Internet Address: AREid@eda.doc.gov

SUCHODOLSKI, Matt.....Massachusetts.

Philadelphia Regional Office
The Curtis Center-Suite 140 South
601 Walnut Street
Philadelphia, PA 19106
Telephone: (215) 597-1242
Internet Address: MSuchodolski@eda.doc.gov

WALLACE, Jerome.....Delaware.

Philadelphia Regional Office
The Curtis Center-Suite 140 South
601 Walnut Street
Philadelphia, PA 19106
Telephone: (215) 597-2808
Internet Address: JWallace1@eda.doc.gov

HUMMEL, Edward.....Regional Environmental Officer.

Philadelphia Regional Office
The Curtis Center-Suite 140 South
Philadelphia, PA 19106
Telephone: (215) 597-6767
Internet Address: EHummel@eda.doc.gov

A. Leonard Smith, Regional Director, Seattle Regional Office, Jackson Federal Building,
Room 1890, 915 Second Avenue, Seattle, Washington 98174, Telephone: (206) 220-7660, Fax:
(206) 220-7669, Internet Address: LSmith7@eda.doc.gov

Economic Development Representatives or Regional Office

Contacts:

States covered:

PORTER, David.....Oregon,

One World Trade Center
Suite 244
121 SW Salmon Street
Portland, OR 97204
Telephone: (503) 326-3078
Clark County and Eastern Washington.

Internet Address: dporter@eda.doc.gov
 FARNWORTH-MARTIN, David California (Northern and Coastal).
 Seattle Regional Office
 Jackson Federal Building
 915 Second Avenue, Room 1890
 Seattle, WA 98174
 Telephone: (206) 220-7699
 Internet Address: dfarnworth-martin@eda.doc.gov

FUJITA, Gail S.....Hawaii, Guam,
 Federal Building, Room 5180 American Samoa,
 300 Ala Moana Boulevard Marshall Islands,
 P.O. Box 50264 Micronesia,
 Honolulu, HI 96850 Northern Marianas,
 Telephone: (808) 541-3391 Republic of Palau.
 Internet Address: gfugita@eda.doc.gov

MACIAS, Jacob.....Arizona,
 Seattle Regional Office Western Washington (except Clark County).
 Jackson Federal Building
 915 Second Avenue, Room 1890
 Seattle, WA 98174
 Telephone: (206) 220-7666
 Internet Address: jmacias@eda.doc.gov

MARSHALL, Wilfred.....California (Central and Southern).
 5777 West Century Boulevard
 Suite 1675
 Los Angeles, CA 90045
 Telephone: (310) 348-5386
 Internet Address: wmarshall@eda.doc.gov

KELLY, Shirley.....Alaska.
 510 L Street, Suite 444
 Anchorage, AK 99501
 Telephone: (907) 271-2272
 Internet Address: skelly@eda.doc.gov

TREMBLAY, Richard B.....Idaho,
 550 W. Fort Street, Room 111 Nevada.
 Boise, ID 83724
 Telephone: (208) 334-1035
 Internet Address: rtremblay@eda.doc.gov

FITZGERALD, Shannon.....Regional Environmental Officer.
 Seattle Regional Office
 Jackson Federal Building
 915 Second Avenue, Room 1890
 Telephone: (206) 220-7703
 Internet Address: sfitzgerald@eda.doc.gov
