

CBED Meeting Packet

For

Wednesday, June 24, 2020

- Minutes of May 7, 2020 Meeting
- MOA between DBEDT and FTHF
- FY20 PWEAA NOFO including NCC and CARES –
MR Highlights

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM (DBEDT)

**MINUTES OF THE COMMUNITY-BASED ECONOMIC DEVELOPMENT (CBED)
ADVISORY COUNCIL MEETING**

THURSDAY, MAY 7, 2020, AT 10:00 A.M.

VIA VIRTUAL APPLICATION ZOOM: VIDEO/AUDIO CONFERENCE

Advisory Members Present were:

Rachel James (Chair)	-	Advisory Council Member (Oahu)
Jane Horike	-	Advisory Council Member (Hawaii/Hilo)
Kaleokalani Kuroda	-	Advisory Council Member (Oahu)
Dennis Ling	-	Department of Business, Economic Development & Business (DBEDT)
Nancy Elvira Lo	-	Advisory Council Member (Oahu)
Matthew Loke	-	Department of Agriculture (Oahu)
Ernest Matsumura	-	Advisory Council Member (Hawaii/Hilo)
James Patterson	-	Office of Hawaiian Affairs & Department of Agriculture (Oahu)

Staff:

Margaret Ahn	-	Attorney General's Office
Lyle Fujikawa	-	DBEDT
Leslie Kawamoto	-	DBEDT
Mark Ritchie	-	DBEDT
Wayne Thom	-	DBEDT
Timothy Tiu	-	DBEDT
Selma Malcolm (Recording)	-	DBEDT

CALL TO ORDER:

The meeting was called to order at 10:00 a.m., by Mr. Mark Ritchie who welcomed and also thanked everyone present for joining the meeting via ZOOM.

Introduction of Council Members:

Everyone was provided an opportunity to identify/introduce themselves.

APPROVAL OF MAY 24, 2019 MEETING MINUTES:

Minutes of the Meeting held on Friday, February 24, 2019, were approved on a motion by Mr. Dennis Ling and seconded by Mr. Matthew Loke.

The motion was passed unanimously.

MANAGER'S REPORT:

Report on CBED Revolving Fund & the Status of the Loans:

Mr. Thom reported on the CBED Revolving Fund and the Status of the Loans. He advised the Council that as of 6/30/2019, the CBED Revolving Fund had a total of \$448,087.

From July 1 to December 31, 2019, the Department of Business, Economic Development and Tourism (DBEDT) received approximately \$19,000 (\$17,500/principal & \$1,500/interest) from the Department of Agriculture (DOA). The total amount in the CBED Revolving Fund is approximately \$467,000.

Regarding the status of the loans, Mr. Thom indicated that currently, there are five (5) loans and they are with: Kohala Meats and Deli, LLC, Chandara Farm, Luangrath Farm, Chanthabouasith Farm and Hawaiian Agricultural Products, LLC. Of the five (5) loans, all payments are current with consistent monthly payments except the Chandra Farm loan which went in default about 2-years ago with a balance of \$23,353.52. The loan was secured by farm equipment and personal assets, i.e., automobile. Mr. Thom also indicated that it was a partnership loan between DBEDT and DOA and the Attorney General's Office is currently pursuing the default.

Mr. Kuroda pointed out the dramatic increase in the CBED revenues for Fiscal Year 2019 and questioned whether it was the result of funds received from the Legislature.

Mr. Ritchie said no and explained that DBEDT introduced a bill that was passed that allowed all the funds recovered from loan programs eliminated by the legislature such as the capital loan fund be placed into the CBED Revolving Fund rather than putting it back in the general fund. Approximately \$1/2 million was recovered from the capital loan program.

OLD BUSINESS:

A. Report on Opportunity Zone Initiative & Contract with Hawaii Community Reinvestment Corporation (HCRC) / Heather Piper:

Mr. Ritchie stated that at our last meeting in 2019, the Council recommended resources in the amount of \$75,000 for Hawaii Community Reinvestment Corporation (HCRC) to assist DBEDT with marketing and identifying projects for Hawaii's Opportunity Zones. The Opportunity Zone is a federal tax incentive program that allows investors to reinvest their capital gains into opportunity funds and make investments in low-income/economically challenged areas of the State.

Mr. Ritchie advised the Council that DBEDT and HCRC/Heather Piper the Executive Director, completed a great deal of work on the program. Two (2) projects were posted on DBEDT's website at: invest.hawaii.gov/oz and 3-4 other projects are pending and as they were gaining traction and really started to work on the program, COVID-19 occurred and dried up any investments, given highly unstable market conditions.

In a discussion with HCRC, DBEDT realized that they needed to put the projects on hold for a while given market conditions. Given this, DBEDT decided to redeploy on an emergency basis, the remaining HCRC contract funds of \$25,000 from supporting Opportunity Zone projects to working with the community-based non-profits on stabilization and recovery and in particular, assist them with applying for the Small Business Administration (SBA) Economic Injury Disaster Loan (EIDL) and the Paycheck Protection Program (PPP) funds.

Mr. Ritchie also advised the Council that a supplementary contract was done for HCRC and certain deliverables were taken out and new deliverables were added which involved assisting the non-profit organizations on a financial basis for the next couple months with their challenges as a result of COVID-19. He commented that Ms. Piper is currently participating in several webinars as well as working individually with non-profits. Mr. Ritchie also suggested that Ms. Piper be invited to the next Council meeting to give a presentation on the initial opportunity zone work and her assistance to non-profits during their challenges with COVID-19 pandemic.

Ms. Horike stated that the non-profit organizations are receiving enough assistance from COVID-19 funding and questioned whether it was possible to place the HCRC contract on hold to resume sometime in the future, starting with the 3-4 projects that are currently in the pipeline since no one else is working on opportunity zone projects.

Mr. Ritchie pointed out that DBEDT is still working on opportunity zone projects, and felt that perhaps, it's going to be later in the summer before they can resume the work fully. Also, the contract with HCRC was expiring and DBEDT had already completed 2-extensions.

Ms. Horike questioned the 2-extensions and noted that the Council should have been consulted on the decision to switch to assisting non-profits due to COVID-19. She commented that several programs and companies are already providing support to non-profit organizations as a result of COVID-19. Ms. Horike also suggested that DBEDT cancel the contract with HCRC and return the \$25,000 to the CBED budget and revisit the contract in the future.

Ms. James agreed with Ms. Horike and stated that there is meaningful work in opportunity zones and although non-profits need assistance, similarly there are several programs and entities that are providing support for them. Also, it would seem more in alignment to end the contract and resume when the opportunity zone work could be done.

Motion was made by Ms. Horike and seconded by Mr. Ling to cancel the contract with HCRC and revisit opportunity zones when the market condition is improved.

Mr. Ritchie requested a roll call vote and the following council members agreeing to the motion: Ms. Horike, Ms. James, Mr. Ling, Mr. Kuroda Mr. Loke Ms. Lo, Mr. Matsumura and Mr. Patterson.

Motion was approved unanimously.

Mr. Ling then indicated that HCRC/Ms. Piper may have incurred some expenses, but DBEDT would determine what the amount is and address it accordingly.

Mr. Ritchie informed the Council that Ms. Piper prepared a report on opportunity zones and he would submit a copy to the Council before the next meeting.

B. Update on CBED Advisory Council Member Status and Vacancies:

Mr. Ritchie advised the Council that the membership for Ms. Lo and Mr. Kuroda has been extended to 2024, another four (4) years; DBEDT is currently trying to fill a vacancy for a member from Maui (member's term has expired) and that DBEDT is drafting testimony for the two (2) members as the Legislature may resume sometime in May 2020.

NEW BUSINESS:

A. Partnering with Feed the Hunger Foundation:

Mr. Ritchie explained that Feed the Hunger Foundation is a community development financial institution that provides participation loans. The organization is very active in Hawaii. Also, DBEDT is in the process of completing a memorandum of agreement (MOA) with Feed the Hunger Foundation which is currently in the Director's Office for signature.

Ms. Horike asked if the MOA with Feed the Hunger Foundation is for a loan that the Council will be obligated to pay back. Mr. Ritchie said no and explained that DBEDT will partner with Feed the Hunger Foundation in joint participation loans, as it does with the Department of Agriculture. Each joint loan would require a separate agreement between DBEDT and Feed the Hunger Foundation. Since there is no loan officer in-house, Feed the Hunger Foundation will service the loans for DBEDT, and the loan agreement will be very similar to the Department of Agriculture's loan agreement with DBEDT.

Mr. Thom noted that CBED can do participating loans with other lenders, but due to the limitations of DBEDT, i.e., we do not have a loan officer to service those loans, we will use loan officers from our participation loan partners, such as the Department of Agriculture. Normally, DBEDT's participation loans with other lenders are split 50-50 and are micro-loans. Mr. Thom also stated that Feed the Hunger's mission is pretty much aligned with DBEDT/CBED's mission. Feed the Hunger is an international organization with the ability to process loans statewide.

Mr. Thom advised the Council that he will be sending all the background information on Feed the Hungry along with their proposed MOA.

Ms. Horike said Hawaii County is trying to work out an agreement with Hawaii Community Assets with the possibility of assisting some small businesses.

B. Request for Ratification of Loan to Hawaii Agricultural Products, LLC (\$60,000):

Mr. Thom presented a loan request from Mr. Ken Hirata of Hawaiian Agricultural Products, LLC (HAP) to the Council for ratification. The loan will be used to purchase and install additional equipment to increase the production and distribution of Hawaiian shochu, a distilled alcohol beverage made from locally grown sweet potatoes and rice. The equipment will be purchased and shipped from Japan to Honolulu.

Mr. Thom expressed that the CBED micro-loan program will partner with the Department of Agriculture's Loan Division to do a participation loan of \$120,000. DOA will put up \$60,000 and CBED the other \$60,000. Regarding the terms and security, etc., of the loan, Mr. Thom advised that the loan will be secured by the brewery equipment and personal real estate, i.e., a condominium located in Waikiki valued over \$680,000 per 2020 tax assessment value. Mr. Thom also stated that the Hawaiian Agricultural Products distillery is located between Haliewa and Waialua (Oahu) and that Mr. Hirata is assisting several small farmers by purchasing Okinawan sweet potatoes and other products to produce shochu. Mr. Thom indicated that Mr. Hirata is a very hardworking person and has invested a significant amount of time, money and knowledge in HAP and uses only Hawaii grown sweet potatoes to produce shochu. Also, the shochu is of premium quality with a very high demand and with the purchase of new stainless-steel equipment, he will be able to double his brewing capacity from 6,000 bottles of shochu per year to 12,000 per year.

Motion was made by Mr. Ling and seconded by Ms. Horike to ratify the loan of \$60,000 for Hawaiian Agricultural Products, LLC/Ken Hirata to purchase new stainless-steel equipment to increase the production and distribution of shochu.

A roll call vote was requested with the following council members agreeing to the motion: Ms. Horike, Ms. James, Mr. Kuroda, Mr. Matsumura, Ms. Lo, Mr. Ling Mr. Loke and Mr. Patterson.

Motion was approved unanimously.

C. Recommendation for Approval for a Grant for Kula No Na Poe Hawaii (KULA)

Mr. Thom presented a grant request from Kula No Na Poe Hawaii (KULA) to the Council for approval. Mr. Thom advised that the amount must not exceed \$200,000 and that KULA is a non-profit community-based organization that provides educational and health services to residents (not only the native Hawaiians but to the different ethnicity groups within the region) of Papakolea. He noted that the funds will be used to support the expansion of work to assist kupuna of Papakolea with chronic diseases, by providing training for certified community healthcare workers to take care of elderly in their homes.

Mr. Ritchie explained that the fund was appropriated by the State Legislature for the project and that money would go into the CBED revolving fund in order not to encounter any fiscal deadlines in having to deploy it.

Motion was made by Ms. Horike and seconded by Mr. Ling to put the amount not exceeding \$200,000 in the CBED Revolving Fund.

A roll call vote was requested with the following council members agreeing to the motion: Ms. Horike, Ms. James, Mr. Kuroda, Mr. Matsumura, Ms. Lo, Mr. Ling Mr. Loke and Mr. Patterson.

Motion was approved unanimously.

Motion was made by Ms. Horike and seconded by Mr. Ling to approve a grant from the CBED Revolving Fund to KULA in an amount not to exceed \$200,000.

A roll call vote was requested with the following council members agreeing to the motion: Ms. Horike, Ms. James, Mr. Kuroda, Mr. Matsumura, Ms. Lo, Mr. Ling Mr. Loke and Mr. Patterson.

Motion was approved unanimously.

Ms. James left the meeting at 11:06 a.m.

D. Approval for up to \$60,000 in Grants to provide Technical Assistance to Non-Profits:

Mr. Thom requested the Council's approval of a grant up to \$60,000 to organizations that will provide technical assistance to non-profits to assist them in accessing new grants or loans in their recovery efforts after COVID-19. The proposed grant recipients are the Hawaii Farm Bureau and other organizations that will provide technical assistance to agricultural-non-profits. Ms. Horike recommended that the request be tabled for discussion at a later meeting.

Motion was made by Ms. Horike and seconded by Mr. Patterson to table the request to approve up to \$60,000 in grants to provide technical assistance to non-profits.

A roll call vote was requested with the following council members approving the motion: Ms. Horike, Mr. Kuroda, Mr. Ling, Ms. Lo, Mr. Matsumura Mr. Loke, and Mr. Patterson.

Motion was approved unanimously.

E. Approval of up to \$25,000 to cover expenses for DBEDT to provide Technical Assistance:

Mr. Ritchie presented a request for the Council's approval of up to \$25,000 to cover expenses for DBEDT to provide technical assistance to/for Hawaii Small Business Fair, Council of Native Hawaiian Advancement, Agricultural Leadership Foundation's 2020 Hawaii Agricultural Conference and CBED Program website improvement.

Motion was made by Ms. Horike and seconded by Mr. Patterson to approve a total of up to \$25,000 to cover expenses for DBEDT to provide technical assistance to/for Hawaii Small Business Fair, Council of Native Hawaiian Advancement, Agricultural Leadership Foundation's 2020 Hawaii Agricultural Conference and CBED Program website improvement.

Mr. Ritchie requested a roll call vote with the following council members approving the motion: Ms. Horike, Mr. Kuroda, Mr. Ling, Ms. Lo, Mr. Loke, Mr. Matsumura and Mr. Patterson.

Motion was approved unanimously.

NEXT MEETING:

TBA

ADJOURNMENT:

The meeting was adjourned at 11:17 a.m., on a motion by Mr. Ling and seconded by Mr. Loke.

Motion was passed unanimously.

Respectfully submitted,



Rachel James
Chair

June 15, 2020

Date

MEMORANDUM OF AGREEMENT

Between the

**DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM,
Community-Based Economic Development Program**

And

FEED THE HUNGER FOUNDATION

This MEMORANDUM OF AGREEMENT ("MOA") is effective as of the 14th day of May, 2020, between the Hawaii Department of Business, Economic Development, and Tourism ("DBEDT"), Community-Based Economic Development Program ("CBED") and Feed the Hunger Foundation (FTHF).

WITNESSETH:

WHEREAS, CBED has the authority to provide loans for community-based economic development activities and community-based enterprises but lacks the personnel and expertise to carry out its loan functions:

WHEREAS, FTHF has the authority to provide loans and is experienced in analyzing loan applications and servicing loans:

WHEREAS, CBED and FTHF agree that it would be mutually beneficial to the State of Hawaii and community-based economic development loan borrowers to consider loan packages comprised of both CBED and FTHF loans:

WHEREAS, FTHF has agreed to assist CBED by performing loan application analyses and loan servicing for the CBED portion of the loans; and

WHEREAS, with the assistance of FTHF, CBED may provide loans to promote community-based economic development in the State of Hawaii.

NOW, THEREFORE, both CBED and FTHF deem it mutually advantageous to cooperate in this undertaking and hereby agree as follows:

A. FTHF agrees to:

1. PRE-APPLICATION.

- a. Conduct initial loan interviews to determine if potential applicants will meet FTHF and CBED program qualifications and if anticipated loan requests will meet loan amount and purpose parameters.
- b. Forward information on potential applications for a CBED loan to CBED to determine if potential applicants meet CBED program qualifications and if anticipated loan requests will meet loan amount and purpose parameters.

2. APPLICATION.

- a. Receive and review loan applications that CBED has determined meet CBED program qualifications, loan amounts and purpose parameters.
- b. Review loan applications for completeness including, but not limited to, required licenses and permits, business and other corporate documents, financial statements and tax returns.
- c. Conduct credit and financial analyses, reviews and investigations, including reviewing credit scores, financial statements, tax clearances, and education, experience or training.
- d. Complete appraisals of chattels and conduct analysis of collateral offered including real estate appraisals, lien positions and any other applicable valuations.
- e. Review credit denials and insurance requirements.

3. WRITE UP AND LOAN APPROVAL.

- a. Complete FTHF and CBED loan packages.
- b. Be responsible for its pro-rata share (based on the loan's participation percentage) of all third-party, out-of-pocket expenses incurred by FTHF for the benefit of analyzing both FTHF and CBED loans.
- c. Obtain approval from CBED, in writing, of all third-party, out-of-pocket expenses prior to incurring such expenses for CBED, which expenses are believed by FTHF to be necessary for an effective analysis of any CBED loan being considered.
- d. Submit loan package along with copies of all third-party, out-of-pocket expenses incurred by FTHF in preparing the loan package, to CBED for review by CBED staff and the CBED Council.

e. Submit complete loan package with FTHF's recommendation for funding to CBED for approval.

4. LOAN CLOSING.

- a. Finalize all required loan documents for both CBED and FTHF loans, and forward CBED loan documents to CBED for execution.
- b. Coordinate loan closing with CBED representative.
- c. Record and/or file any and all loan documents, as appropriate.
- d. Provide original documents and backups of the CBED loan to CBED for custodial safekeeping.

5. LOAN SERVICING.

- a. Enter into a Loan Servicing Agreement with CBED for each loan package the parties mutually deem acceptable.
- b. Monitor borrowers' compliance with all loan terms and conditions and inform CBED of any instances of non-compliance or other breach by borrower.

6. PAYMENT IN FULL.

- a. Retrieve all appropriate original loan documents from CBED upon satisfaction of all terms and conditions of the loans to mark as "paid in full", and prepare all documents necessary to release or otherwise evidence payment in full and compliance with all loan terms and conditions, and return all full-performance documents to CBED.

B. CBED agrees to:

1. PRE-APPLICATION.

- a. Conduct interviews with interested potential applicants that will likely meet CBED program qualifications, such as whether the applicant is a qualified community organization or business, if the anticipated loan request will meet loan amount and purpose parameters, whether the applicant's activity qualifies as a community economic development activity, and/or whether the proposed financing, conversion, expansion, acquisition or expenditure is the type of community economic development that the CBED loan program was intended to assist.

b. Determine whether the potential loan application does not qualify for a preference or priority pursuant to chapter 210D, Hawaii Revised Statutes, and chapter 15-120, Hawaii Administrative Rules.

c. Recognizing that all loan approvals are time-sensitive, time being of the essence, promptly notify FTHF, in writing, of whether the potential loan application qualifies for a CBED loan, and of CBED's determination on a potential loan's lack of preference or priority, which could impact a loan package consisting of both a CBED and FTHF loan.

2. APPLICATION.

a. CBED may accept FTHF's loan application or submit to FTHF a loan application that CBED has determined meets CBED program qualifications, loan amount and purposes parameters.

b. Where feasible, cooperate fully with all requests from FTHF to assist with information-gathering on loan applicants and proposed use of loan proceeds.

3. WRITE UP AND LOAN APPROVAL.

a. Be responsible for its pro-rata share (based on loan's participation percentage) of all third-party, out-of-pocket expenses incurred by for the benefit of analyzing both FTHF and CBED loans.

b. Upon receipt of the itemization, if any, of all third-party, out-of-pocket expenses to be incurred for the analysis of both the FTHF and the CBED loans, approve such expenses, in writing, or in the event approval is not granted, to discuss the concerns over such expenses immediately with FTHF to determine a course of action on the CBED portion of the loan.

c. Upon receipt from FTHF of a completed loan package along with copies of all third-party, out-of-pocket expenses incurred by FTHF in preparing the loan package, submit the loan package (without financials and personal information) to the CBED Council to assess whether the proposed business or enterprise is likely to achieve the purposes of the CBED program, and to make an informed recommendation to the DBEDT Director as to funding.

d. Promptly notify FTHF, in writing, of the CBED Council's recommendation.

e. Upon receipt of a complete loan package (with financials and personal information) from FTHF, CBED may conduct its own due diligence and analysis to determine whether the applicant's repayment ability and available security for the CBED loan is an acceptable risk for the CBED program, and forward the Council's recommendation and the complete loan package to the DBEDT Director for consideration and approval.

4. LOAN CLOSING.

- a. Ensure proper execution of all CBED loan documents from the proper, authorized representative of DBEDT, and promptly return the loan documents to FTTF.
- b. Coordinate all loan closings with FTTF representative(s).
- c. Receive and keep custody of all original documents of the CBED loan.

5. LOAN SERVICING.

- a. Enter into a Loan Servicing Agreement with FTTF for each loan package the parties mutually deem acceptable.
- b. Where feasible, prescribe and provide appropriate management counseling and monitoring of borrowers' business activities. CBED and FTTF shall coordinate their counseling and monitoring efforts wherever practical to avoid duplication of actions.
- c. Cooperate fully with all requests from FTTF in furtherance of the servicing of CBED's loans.

6. PAYMENT IN FULL.

- a. Transmit all appropriate original loan documents to FTTF upon satisfaction of all terms and conditions of the loans.

C. It is mutually agreed that:

1. CBED and FTTF shall enter into a Loan Servicing Agreement for each loan the parties mutually deem acceptable.
2. The Loan Servicing Agreements shall set forth the services that FTTF will provide in servicing CBED's loan, which at a minimum, shall include the services set forth in this MOA.
3. Compensation to FTTF for its services shall be as set forth in the Loan Servicing Agreement; no fees payable by CBED to FTTF shall be passed on to the borrower, and shall be borne, solely, by CBED.
4. FTTF shall not be responsible for any losses of principal or interest by CBED as a result of the CBED loans made pursuant to this MOA. CBED may rely on information provided to it by FTTF, but is responsible for conducting a thorough review of the loan request, making its own determination whether to rely on any assumptions or recommendations FTTF may make in underwriting the FTTF loan, and using its own

business judgment as to whether to make any loan in participation with FTTF pursuant to this MOA.

5. In any loan package developed pursuant to this MOA, payments received on account of both outstanding loans shall be applied to each loan, pro rata, first to any fees and extraordinary costs incurred, then to interest accrued, then to principal.
6. CBED shall take a joint collateral position with FTTF on all the collateral taken to secure repayment of the loans.
7. Each program shall be responsible for its own legal services, as each program shall deem necessary.
8. In the event collection efforts are required for any loan, FTTF shall be responsible for collection and to keep CBED informed of its collection efforts.
9. CBED and FTTF shall ensure that each loan package shall be in compliance with all applicable laws and administrative rules for the its own programs.
10. Either CBED or FTTF shall have the right to decline to approve a loan request.
11. This MOA shall be effective on the date appearing in the first paragraph and shall continue in effect until each Loan Servicing Agreement is terminated in accordance with the terms set forth therein. The MOA may be extended by mutual written agreement by the parties.
12. This MOA may be amended only by written amendment, mutually agreed to both parties.
13. This MOA and the rights and duties of the parties to this MOA shall be construed in accordance with the laws of the State of Hawaii.
14. The following individuals shall serve as representatives for this MOA, and all notices and communications required to be provided hereunder shall be provided to the following:

CBED:

Name: Mark J. Ritchie
Address: 250 S. Hotel Street, 5th Floor
Honolulu, HI 96813
Phone: (808) 587-2785
Fax: (808) 587-2589
Email: mark.j.ritchie@hawaii.gov

FEED THE HUNGER FOUNDATION:

Name: Patricia Chang
Address: 100 Montgomery St.,
The Presidio, San Francisco, CA 94129
Phone: (415) 432-8202
Fax: (415) 529-2930
Email: pattiechang@feed-hunger.com

THE PARTIES HERETO HAVE REVIEWED, AGREED TO, AND EXECUTED THIS
MEMORANDUM OF AGREEMENT EFFECTIVE ON THE DATE FIRST WRITTEN
ABOVE.

DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT, AND
TOURISM, STATE OF HAWAII

FEED THE HUNGER FOUNDATION

By: 
Mike McCartney
Director

By: 
Patricia Chang
CEO

Date: MAY 14 2020

Date: 3/13/2020

NOTICE OF FUNDING OPPORTUNITY
Public Works and Economic Adjustment Assistance Programs

EXECUTIVE SUMMARY

- **Federal Agency Name:** Economic Development Administration (EDA or the Agency), U.S. Department of Commerce (DOC).
- **Federal Funding Opportunity Title:** FY 2020 Public Works and Economic Adjustment Assistance Notice of Funding Opportunity (FY20 PWEAA NOFO).
- **Announcement Type and Date:** FY20 PWEAA NOFO publishing EDA's application submission requirements and review procedures for applications received under EDA's (i) Public Works and Economic Development Facilities (Public Works) and (ii) Economic Adjustment Assistance (EAA) programs, authorized under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121 *et seq.*). **Effective date: 5/7/2020**
- **Funding Opportunity Number:** PWEAA2020
- **Catalog of Federal Domestic Assistance (CFDA) Numbers:** 11.300, Investments for Public Works and Economic Development Facilities and 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 PWEAA NOFO, cancellation of this PWEAA NOFO, or all available funds have been expended. EDA intends to review applications within 60 days of receipt. Please see Section E of this NOFO for complete information on EDA's review process.
- **Funding Opportunity Description:** EDA provides strategic investments on a competitive merit basis to support economic development, foster job creation, and attract private investment in economically distressed areas of the United States. Under this NOFO, EDA solicits applications from applicants in order to provide investments that support construction, non-construction, planning, technical assistance, and revolving loan fund projects under EDA's Public Works program and EAA program (which includes Assistance to Coal Communities). Grants and cooperative agreements made under these programs are designed to leverage existing regional assets and support the implementation of economic development strategies that advance new ideas and creative approaches to advance economic prosperity in distressed communities, including those negatively impacted by changes to the coal economy.
- **Eligible applicants:** EDA is not authorized to provide grants or cooperative agreements under its Public Works or EAA programs to individuals or for-profit entities. Requests from such entities will not be considered for funding. 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 for EDA financial assistance under the Public Works and EAA programs include a(n): (i) District Organization of an EDA-designated Economic Development District; (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.

FULL ANNOUNCEMENT TEXT

FY 2020 Public Works and Economic Adjustment Assistance Programs

EXECUTIVE SUMMARY1

FULL ANNOUNCEMENT TEXT3

A. Program Description5

 1. Overview 5

 2. EDA Investment Priorities 5

 3. EDA Program Information 5

 4. Statutory Authorities for EDA’s Programs 9

B. Federal Award Information10

 1. What Funding Is Available Under This Announcement? 10

 2. What Type of Funding Instrument Will Be Used to Make Awards and How Long
 Will a Project’s Period of Performance Be? 11

C. Eligibility Information11

 1. Eligible Applicants 11

 2. Cost Sharing or Matching..... 12

 3. Economic Distress Criteria..... 13

D. Application Submission Information.....18

 1. Address to Request an Application 18

 2. Content and Form of the Application 19

 3. Unique Entity Identifier and System for Award Management (SAM) 26

 4. Submission Dates and Times 26

 5. Intergovernmental Review 27

 6. Funding Restrictions..... 27

 7. Other Submission Requirements 28

E. Application Review Information.....28

 1. Review and Selection Process 28

 2. Federal Awardee Performance and Integrity System (FAPIS) Review..... 31

F. Federal Award Administration Information31

 1. Federal Award Notification..... 31

 2. Administrative and National Policy Requirements 32

 3. Reporting 32

G. Federal Awarding Agency Contacts33

 Atlanta Regional Office..... 33

Austin Regional Office.....	34
Chicago Regional Office	34
Denver Regional Office.....	35
Philadelphia Regional Office	35
Seattle Regional Office	36
H. Other Information	37
1. Right to Use Information.....	37
2. Freedom of Information Act Disclosure	37
3. Notice of Government-Wide Procurement Restriction	38
4. Past Performance and Non-Compliance with Award Provisions.....	38
5. Restrictions Governing Making Grants to Corporations Convicted of Federal Felony and Federal Criminal Tax Violations, Unpaid Federal Tax Assessments, and Delinquent Federal Tax Returns.....	38
6. EDA’s Non-Relocation Policy	39
7. Audit Requirements.....	39
8. Implementing the Americans with Disabilities Act (ADA).....	39
I. Instructions for Application Submission via Grants.gov.....	40
Attachment 1. Certifications Regarding Federal Felony and Federal Criminal Tax Convictions, Unpaid Federal Tax Assessments and Delinquent Federal Tax Returns	43

A. Program Description

1. Overview

This Notice of Funding Availability (NOFO) 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 (Public Works) and (ii) Economic Adjustment Assistance (EAA). EDA publishes separate NOFO announcements for other funding opportunities, including: Regional Innovation Strategies, Planning and Local Technical Assistance, University Center, Research and National Technical Assistance, and Disaster Recovery.

EDA's Public Works and EAA programs provide economically distressed communities and regions with comprehensive and flexible resources to address a wide variety of economic needs. Projects funded by these programs will support the DOC Strategic Plan (2018-2022) by, among other things, advancing innovation, enhancing the manufacturing and export capacities of regions, providing workforce development opportunities, and growing ecosystems that attract foreign direct investment. Through these programs, EDA supports bottom-up strategies that build on regional assets to spur economic growth and resiliency. EDA encourages its grantees throughout the country to develop initiatives that present new ideas and creative approaches to advance economic prosperity in distressed communities.

2. EDA Investment Priorities

All projects considered for EDA funding under this NOFO must be consistent with at least one of EDA's Investment Priorities. EDA's Investment Priorities can be found at <https://www.eda.gov/about/investment-priorities.htm>. EDA's website will be updated on January 15, April 15, June 15, or September 15 of each year if there are any revisions to these Investment Priorities.

3. EDA Program Information

This section provides detailed information on the two programs to which this NOFO applies. Additional information about EDA's programs, including information about the eligibility of specific kinds of projects, is available through EDA staff.

EDA staff provides technical assistance to prospective applicants to assist in application development and submission. Applicants are *strongly encouraged* to contact the EDA representative listed for their applicable State in Section G of this NOFO before submitting an application to EDA to clarify technical matters involving their project, its alignment with EDA's mission and Investment Priorities, and all other relevant publicly available information relating to general technical matters.

Except for a "Strategy Grant," as described below, each project funded under Public Works and EAA must be consistent with the region's current Comprehensive Economic Development Strategy (CEDS) or equivalent EDA-accepted regional economic development strategy that meets EDA's CEDS or strategy requirements. Applicants must clearly detail how the project will support the economic development needs and objectives outlined in the CEDS or equivalent EDA-accepted regional economic development strategy. Applicants should

identify the CEDS or equivalent EDA-accepted regional economic development strategy and provide a copy of this planning document, either by attaching the document to the application or 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 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 in order to facilitate interagency coordination and avoid duplication of resources.

Under this NOFO, applicants may also seek funding in the form of a “Strategy Grant” to develop, update, or refine a 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.

Additional information and a summary of EDA’s CEDS and strategy requirements may be obtained through the appropriate EDA representative listed in Section G of this NOFO.

a) Public Works¹

Through the Public Works program, EDA provides catalytic investments to help distressed communities build, design, or engineer critical infrastructure and facilities that will help implement regional development strategies and advance bottom-up economic development goals to promote regional prosperity. The Public Works program provides resources to meet the construction and/or infrastructure design needs of communities to enable them to become more economically competitive. Prior examples of investments EDA has supported through the Public Works program include projects supporting water and sewer system improvements, industrial parks, high-tech shipping and logistics facilities, workforce training facilities, business incubators and accelerators, brownfield redevelopment, technology-based facilities, wet labs, multi-tenant manufacturing facilities, science and research parks, and telecommunications infrastructure and development facilities.

As noted above, investments made through the Public Works program must be aligned with a current CEDS or equivalent EDA-accepted regional economic development strategy and clearly lead to the creation or retention of long-term high-quality jobs. For example, under this program, EDA may provide funding to a consortium of eligible recipients to support the construction of a technology center that provides laboratory, office, and manufacturing space that leads to the creation of advanced manufacturing jobs. As another example, EDA may provide funding to a county government to support regional job creation in targeted cluster industries and expand those industries’ ability to export goods.

b) Economic Adjustment Assistance (EAA)²

Through the EAA program, EDA provides investments that support a wide range of construction and non-construction activities (including infrastructure, design and engineering,

¹ CFDA No. 11.300. The regulations implementing the Public Works program may be found at 13 C.F.R part 305.

² CFDA No. 11.307. 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 describe 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).

technical assistance, economic recovery strategies, and capitalization or re-capitalization of Revolving Loan Funds (RLF)) in regions experiencing severe economic dislocations that may occur suddenly or over time. EDA utilizes EAA investments to provide resources that help communities experiencing or anticipating economic dislocations to plan and implement specific solutions to leverage their existing regional economic advantages to support economic development and job creation. Like Public Works investments, EAA investments are designed to help communities catalyze public-private partnerships to foster collaboration, attract investment, create jobs, and foster economic resiliency and prosperity. For example, EDA might provide funding to a university or community college to create and launch an economic diversification strategy to promote and enhance the growth of emerging industries in a region facing job losses due to declines in regionally important industries. As another example, EDA might provide funding to a city to support the construction of a publicly-owned multi-tenant business and industrial facility to house early-stage businesses.

Nuclear Closure Communities (NCCs)

EDA provides assistance to nuclear closure communities (NCCs) under EAA. Closures of nuclear power plants (NPPs) throughout the United States have had a significant impact on the economic foundations of surrounding communities through sudden job losses and a reduction to the local tax base. To address this, EDA assists regions that have been impacted, or can reasonably demonstrate that they will be impacted, by NPP closure(s).

To be eligible for NCC funding, a project must meet the NCC Special Need eligibility criterion in Section C.3.b.k. NCC funds may be used to make awards for any activity eligible for award under EAA, described immediately above in Section A.3.b, including but not limited to early-stage strategic planning activities, public works (construction) investments, and economic diversification initiatives.

Assistance to Coal Communities (ACC)

EDA designates a portion of its EAA funding to support communities and regions that have been negatively impacted by changes in the coal economy.³ To be eligible for ACC funding, a project must meet the ACC Special Need eligibility criterion in Section C.3.b.j.

To support these projects, EDA prioritizes ACC implementation projects and activities that:

- Will produce multiple economic and workforce development outcomes, such as promoting regional economic growth and diversification, new job creation, and re-employment opportunities for displaced coal economy workers; and
- Are specifically identified under local and regional economic development plans that have been collaboratively produced by diverse local and regional stakeholders.

³ “Coal economy” is a term that reflects the complete supply chain of coal-reliant industries. This includes, but is not limited to: coal mining, coal-fired power plants, along with related transportation, logistics, and supply chain manufacturing. This NOFO represents the fifth consecutive fiscal year in which EDA has made grant funds available specifically to assist communities and regions negatively impacted by economic contractions in the coal economy. During earlier competitive funding cycles, EDA made these funds available through the POWER+ Initiative. Through this NOFO, EDA makes these funds available solely through ACC grants; although, other Federal agencies may still have POWER grants that are open for application.

Under this NOFO, EDA will also support ACC planning through Strategy Grants that develop, update, or refine a CEDS or an equivalent regional economic development strategy document.

ACC projects should respond to one or more of the following funding principles, as appropriate:

- *Collaborative Partnerships:* Competitive applications will successfully demonstrate that the applicant is engaged in collaborative relationships with a variety of local and regional stakeholders (public, private, for-profit, and non-profit) whose combined contributions will be invested to support the development and implementation of the proposed project.
- *Economic and Workforce Development Integration:* Competitive applications will clearly demonstrate how the project is designed to simultaneously address the workforce needs of local and regional businesses and the re-employment needs of local and regional workers who have been displaced by changes in the coal economy.
- *High Quality Jobs and Worker Advancement:* Numerous communities, regions, and states across the country have historically relied upon the coal industry to provide good, reliable jobs and economic prosperity. Contractions in the coal economy and the resulting loss of these jobs are particularly harmful to workers in the various sectors of the coal economy. Competitive applications will include those that propose to implement or otherwise incorporate workforce development strategies that prioritize:
 - The creation and growth potential of family-supporting jobs and careers;
 - Workforce development activities that offer workers “career pathways” upon re-employment – the provision of additional educational and skills attainment opportunities directly linked to employee career advancement and better paying jobs within the targeted industry; and
 - The provision of job training courses that equip workers with industry-recognized credentials that enhance their economic mobility and advancement.⁴
- *Multi-Jurisdictional Project Impact:* Among other factors, applications that strive to produce economic diversification and job creation on a multi-jurisdictional basis will be prioritized for selection and funding. “Multi-Jurisdictional” is a term that can include, but is not limited to:
 - Multiple communities within a county;
 - Multiple counties within a region;
 - Multiple regions within a State; and

⁴ EDA recognizes that the quality of jobs created in emerging industries is often evolving, and such industries typically do not yet have mature career pathways or skill standards. Applicants focused on emerging industries where these circumstances prevail should explain how their proposed strategies will create the conditions for increasing job quality and better defined pathways for worker advancement over the longer term (which may extend beyond the time frame of eligible funding).

- Multiple regions in two or more States.

ACC projects can include but are not limited to:

- Supporting the creation of new businesses and jobs in a variety of industry sectors, including, but not limited to advanced manufacturing, agriculture, energy, information technology (IT), health care, telecommunications, tourism and recreation, transportation, and cultural and natural assets.
- Implementing local and regional job creation and growth and economic diversification strategies targeted towards affected workers and businesses.
- Strengthening or developing existing or emerging industry clusters.⁵
- Developing business incubator programs.
- Enhancing access to and use of broadband services to support job growth through business creation and expansion.
- The generation of economic development diversification strategies in accordance with CEDS criteria.⁶
- Facilitating access to private capital investment and providing related capacity building and technical assistance to maximize the effective utilization of capital investment for business development and job creation.
- Facilitating and promoting market access for goods and services created and manufactured by businesses in the impacted community/region.

Applicants are strongly encouraged to contact the appropriate Regional Office ACC program point of contact (POC) listed in Section G of this NOFO for specific guidance pertaining to the eligible use of program funds.

Note: EDA's EAA program supports a wide range of technical, planning, and public works and infrastructure projects in regions that are experiencing adverse economic changes that may occur suddenly or over time, including communities experiencing economic distress as the result of contractions in the local/regional coal economy. For more information regarding the full scope of EAA along with EDA's other programs, as well as recent examples of awarded projects, applicants are encouraged to visit www.eda.gov.

4. Statutory Authorities for EDA's Programs

The statutory authorities for EDA's Public Works and EAA 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. Specific program requirements for the Public Works program are set out at 13 C.F.R. part 305 and for

⁵ Industry clusters are networks of interconnected firms and supporting institutions in a common geographic region. Clusters also are generally defined by and benefit from shared labor pools, infrastructure, and markets.

⁶ See 13 C.F.R. § 303.7.

the EAA program at 13 C.F.R. part 307. For EDA's Public Works and EAA programs, this announcement supersedes the EDAP NOFO announcement dated July 2, 2018. EDA's regulations are accessible at the U.S. Government Publishing Office website at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>.⁷ Under "Browse" select "Title 13 – Business Credit and Assistance," click "Go," and follow the link to parts "300-399."

B. Federal Award Information

1. What Funding Is Available Under This Announcement?

For FY 2020, EDA was appropriated \$118.5 million for the Public Works program, \$37 million for the EAA program, an additional \$30 million in EAA funds for ACC, and \$15 million for NCC pursuant to the Consolidated Appropriations Act, 2020 (P.L. 116-93) (Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2020) and its accompanying joint explanatory statement.

The funding periods and amounts referenced in this PWEAA NOFO are subject to the availability of funds at the time of award as well as DOC and EDA priorities at the time of award. Neither DOC nor EDA will 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.

The average award amounts set out below are provided only for your information and may prove useful for planning purposes. EDA anticipates making similar awards, subject to the availability of funding. Actual amounts awarded may be higher or lower depending on the nature of the proposed project and the availability of funds. Applications for funding of activities related to existing awards may compete with applications for new awards.

The average size of a Public Works investment has been approximately \$1.4 million and investments generally range from \$600,000 to \$3,000,000. Historically, EDA has awarded funds for between 80 and 150 Public Works projects a year.

The average size of an EAA investment has been approximately \$650,000 and investments generally range from \$150,000 to \$1,000,000. Historically, EDA has awarded funds for between 70 and 140 EAA projects a year.

In FY 2020, EDA will continue to support assistance to coal communities through the ACC program and expects to award grants generally ranging from \$500,000 to \$2,000,000 for implementation projects and from \$100,000 to \$350,000 for planning activities.

In FY 2020, EDA will support nuclear closure communities and expects to award grants generally ranging from \$500,000 to \$2,000,000 for implementation projects and from \$100,000 to \$350,000 for planning activities.

DOC or EDA may cancel or withdraw this NOFO at any time.

⁷ In the event of discrepancies between the instructions and information provided in this NOFO and EDA's regulations, EDA regulations will control.

2. What Type of Funding Instrument Will Be Used to Make Awards and 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. Other possible examples of EDA's "substantial involvement" pursuant to a cooperative agreement 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; (iii) involvement in the recipient's selection of key personnel; and (iv) operational involvement during the project to ensure compliance with statutory requirements.

Period of Performance: The period of performance for a given project will depend 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 period of performance for a construction investment under EDA's Public Works program may last for three years, while a strategy investment under the EAA program may allow for one to three years for completion of the scope of work, depending on its complexity or urgency. EDA will work closely with 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. All construction projects are expected to be completed within five years from the date of award.

C. Eligibility Information

1. Eligible Applicants

Eligible applicants for investment assistance under this PWEAA NOFO include a(n):

- a. District Organization;
- b. Indian Tribe or a consortium of Indian Tribes;
- c. 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;
- 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.⁸

Under its Public Works and EAA programs, EDA is **not** authorized to provide grants or cooperative agreements to individuals or to for-profit entities, and such requests will not be considered for funding.

⁸ See Section 3 of PWEDA (42 U.S.C. § 3122) and 13 C.F.R. § 300.3.

2. Cost Sharing or Matching

Cost sharing is an essential element of any EDA project, and the availability and committed nature of matching funds is a competitiveness factor in evaluating applications against each other. Generally, the amount of an EDA award may not exceed 50 percent of the total cost of the project. Projects may receive an additional amount that may not exceed up to 30 percent of the total project cost, based on the relative needs of the region⁹ in which the project will be located, as determined by EDA.

In general, EDA's maximum investment rate (percent of the total project cost) is determined by the average per capita income or unemployment rate of the region in which the project is located, as outlined in Table 1 below:¹⁰

TABLE 1

Projects located in regions in which:	Maximum allowable investment rates (percentage of total project cost)
(A) The 24-month unemployment rate is at least 225% of the national average; or	80
(B) The per capita income is not more than 50% of the national average.	80
(C) The 24-month unemployment rate is at least 200% of the national average; or	70
(D) The per capita income is not more than 60% of the national average.	70
(E) The 24-month unemployment rate is at least 175% of the national average; or	60
(F) The per capita income is not more than 65% of the national average.	60
(G) The 24-month unemployment rate is at least 1 percentage point greater than the national average; or	50
(H) The per capita income is not more than 80% of the national average.	50

For projects subject to a Special Need, as outlined in Section C.3 below, EDA will determine the maximum allowable investment rate, not to exceed 80 percent of the total project cost, based on the actual or threatened overall economic situation of the region in which the project is located.

In addition, the Assistant Secretary for Economic Development has discretion to establish a maximum EDA investment rate of up to 100 percent of the total project cost for

⁹ See 13 C.F.R. § 300.3 for definition of "region."

¹⁰ See Section 204(a) of PWEDA (42 U.S.C. § 3144) and 13 C.F.R. § 301.4(b)(1).

projects: (i) of a State (or political subdivision of a State) that the Assistant Secretary for Economic Development determines has exhausted its effective taxing and borrowing capacity or (ii) of a non-profit organization that the Assistant Secretary for Economic Development determines has exhausted its effective borrowing capacity.¹¹ Additionally, EDA's regulations provide discretion to establish a maximum EDA investment rate of up to 100 percent for projects of Indian Tribes.¹²

Potential applicants should contact the EDA representative listed for their State in Section G of this PWEAA NOFO to obtain additional information regarding these EDA investment rate determinations.

The applicant must document that the matching share will: (i) be committed to the project for the period of performance, (ii) be available as needed, and (iii) not be conditioned or encumbered in any way that may preclude its use consistent with the requirements of EDA investment assistance.¹³ In order to meet these requirements, applicants should submit for each source of the matching share a commitment letter or equivalent document signed by an authorized representative of the organization providing the matching funds.

Additional documentation may be requested by EDA in order 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. Please contact the appropriate EDA representative listed in Section G of this PWEAA NOFO with questions regarding EDA's matching share requirements.

Documented in-kind contributions may provide the required non-Federal Share of the total project cost, but they must be eligible project costs and meet applicable Federal cost principles and uniform administrative requirements. Examples of in-kind contributions can include space, equipment, services, or forgiveness or assumptions of debt.¹⁴ 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.¹⁵ To allow EDA to verify the value of in-kind matching share, the applicant should document the value of in-kind contributions in a matching share commitment letter and/or the budget narrative and also provide supporting documentation as appropriate.

Applicants are *strongly encouraged* to work with the appropriate EDA representative listed in Section G of this PWEAA NOFO to determine how in-kind contributions may be utilized to satisfy the matching share requirement for their application.

3. Economic Distress Criteria

In order to be eligible for funding under this PWEAA NOFO, an applicant must propose a project that meets EDA's distress criteria. Applicants must self-define the appropriate region geographically. The geographic area comprising a region need not be contiguous or defined by

¹¹ See Sections 204(c)(1) and (2) of PWEDA (42 U.S.C. § 3144) and 13 C.F.R. § 301.4(b)(5).

¹² See 13 C.F.R. § 301.4(b)(5).

¹³ See 13 C.F.R. § 301.5.

¹⁴ See Section 204(b) of PWEDA (42 U.S.C. § 3144) and the definition of "In-Kind Contribution" at 13 C.F.R. § 300.3.

¹⁵ See the definition of "Local Share or Matching Share" at 13 C.F.R. § 300.3. See also 2 C.F.R. § 200.306.

political boundaries but should constitute a cohesive area capable of undertaking self-sustained economic development. Applicants must provide third-party data that clearly indicate that the relevant region is subject to 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 or less of the national average per capita income; or (iii) a “Special Need,” as determined by EDA.¹⁶

EDA will review and evaluate documentation submitted by the applicant to determine eligibility. EDA will reject any documentation of eligibility that the agency determines is inaccurate or incomplete, which may cause the application to be rejected. **EDA reserves the right to request additional documentation or information from the applicant to make an eligibility determination.** The proposed project must meet EDA’s distress criteria as of the date EDA receives a complete application. However, if an award has not been made within six months of that date, EDA will then re-evaluate the project to determine continued eligibility for investment assistance. If the project no longer meets EDA’s distress criteria, the project will no longer be considered.

For construction projects (including design and engineering) the project must be located within an eligible region. For non-construction projects, the investment’s scope of work must primarily benefit an eligible region and stakeholders from that eligible area must be directly engaged. EDA suggests that applicants work closely with the EDA representative listed for their State as they define an eligible project in their region.

A proposed project may meet the regional eligibility criteria in one of the following three ways:

1. The proposed project will be located in a region that meets EDA’s economic distress criteria;
2. The proposed project is located in an Economic Development District (EDD) that is located in a region that does not meet EDA’s economic distress criteria, and EDA determines the proposed project will be of substantial direct benefit to a geographic area within the EDD that meets EDA’s economic distress criteria; or
3. The proposed project will be located in a geographic area of poverty or high unemployment that meets EDA’s economic distress criteria, but which is located in a region that overall does not meet EDA’s distress criteria.

Below are further details on economic distress criteria. See also 13 C.F.R. § 301.3(a).

a) Unemployment Rate & Per Capita Income

For economic distress levels based upon 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 economic distress levels based upon the unemployment rate, EDA will base its determination upon the most recent data published by the Bureau of Labor Statistics (BLS), within the U.S. Department of Labor. For eligibility based upon either per capita income

¹⁶ See Section 301(a)(3) of PWEDA (42 U.S.C. § 3161(a)(3)) and 13 C.F.R. § 301.3.

requirements or the unemployment rate, when the ACS or BLS data, as applicable, are not the most recent Federal data available, EDA will base its decision upon the most recent Federal data from other sources (including data available from the Census Bureau and the Bureaus of Economic Analysis, Labor Statistics, Indian Affairs, or any other Federal source determined by EDA to be appropriate). If no Federal data are available, an applicant must submit to EDA the most recent data available from the State. The required State data must be for the region where the project will be located, the geographic area where substantial direct project benefits will occur, or the geographic area of poverty or high unemployment, as applicable.¹⁷

b) “Special Need” Criteria

For the purposes of determining eligibility based on a “Special Need”, an applicant must provide current and appropriate economic and demographic statistics for the applicable region to support the identified Special Need. EDA will base its Special Need eligibility determination on whether the proposed project meets the specific requirements outlined below or, in cases where specific thresholds are not identified, on whether the data and information provided by the applicant presents a compelling case that the region meets the Special Need criteria, as defined by EDA.

A project may be eligible pursuant to a Special Need if the project is located in a region that meets one or more of the criteria described below:¹⁸

- a. Closure or restructuring of industries or the loss of a major employer essential to the regional economy as defined by:
 - i. a public announcement of an impending closure or restructuring of a firm expected to occur within four (4) years of review of an application submission; or
 - ii. an actual closure or restructuring of a firm within the 24 months prior to submission of an application, resulting in sudden job losses; AND
 - iii. such threatened or actual closure results in sudden job losses meeting the following dislocation criteria:
 1. For regions with a population of at least 100,000, the threatened or actual dislocation is 500 jobs, or one percent of the civilian labor force (CLF), whichever is less.
 2. For regions with a population up to 100,000, the threatened or actual dislocation is 200 jobs, or one percent of the CLF, whichever is less.
- b. Substantial out-migration or population loss.
- c. Underemployment, meaning employment of workers at less than full-time or at less skilled tasks than their training or abilities permit.
- d. Military base closures or realignments, defense contractor reductions-in-force, or Department of Energy defense-related funding reductions.

¹⁷ See Section 301 of PWEDA (42 U.S.C. § 3161) and 13 C.F.R. § 301.3.

¹⁸ 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 EAA investment assistance, as described in Section C.3 of this announcement.

- i. 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 for Economic Development, 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.
 - ii. A defense contractor reduction-in-force refers to a defense contractor(s) experiencing defense contract cancellations or reductions resulting from official DOD announcements that have aggregate value of at least \$10 million per year. Actual dislocations must have occurred within one year of the date an application is submitted to EDA for and threatened dislocations must be anticipated to occur within two years of submittal of an application to EDA. Defense contracts that expire in the normal course of business will not be considered to meet this criterion.
 - iii. 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 region 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.
- e. Natural or other major disasters or emergencies. A region that has received one of the following disaster declarations is eligible:
- i. 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
 - ii. A Federally declared disaster (pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, as amended (16 U.S.C. § 1861a(a)); the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. § 1961); or the Small Business Act, as amended (Pub. L. No. 85-536, 15 U.S.C. § 631 *et seq.*, 72 Stat. 384 (1958)).
- Applicants must demonstrate a clear nexus between the needs created by the declared disaster and the proposed project.
- f. 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's ability to prevent 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.
 - g. Communities undergoing transition of their economic base as a result of changing trade patterns.
 - h. A project located in a persistent poverty county is eligible. For purposes of determining Special Need, the term "persistent poverty county" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates.

- i. The project i) is located in or ii) is proximate to and intended to directly and substantially benefit a designated “Qualified Opportunity Zone.” A current list of Qualified Opportunity Zones designated by the U.S. Department of the Treasury can be found at <https://www.cdfifund.gov/pages/Opportunity-Zones.aspx>.
- j. For ACC applications only, communities or regions that have been impacted,¹⁹ or can reasonably demonstrate that they will be impacted, by coal mining or coal power plant employment loss, or employment loss in the supply chain industries²⁰ of either. Applications seeking ACC funding must provide appropriate third party economic and demographic statistics for the applicable community or region in order to document the extent to which contractions in the coal economy have negatively impacted the community or region.²¹ Applicants are encouraged to cite federal data resources that may include, but are not limited to: (i) U.S. Department of Commerce (Bureau of Economic Analysis, <http://www.bea.gov/>; U.S. Census Bureau, American Community Survey (ACS), <https://www.census.gov/programs-surveys/acs/>); (ii) U.S. Department of Labor (Bureau of Labor Statistics (BLS), <http://www.bls.gov/>); (iii) U.S. Department of Energy (Energy Information Administration (EIA), <https://www.eia.gov/>); (iv) U.S. Department of Labor (Mine Safety Health Administration, <https://arlweb.msha.gov/OpenGovernmentData/OGIMSHA.asp>; Bureau of Indian Affairs (BIA)- American Indian Population and Labor Force Reports, <http://www.bia.gov/WhatWeDo/Knowledge/Reports/index.htm>).
- k. For NCC applicants only, regions that have been impacted, or can reasonably demonstrate that they will be impacted, by NPP closure(s). Applicants must demonstrate the manner and extent to which a region has been impacted or will be impacted by NPP closure(s). Geographic proximity to an NPP closure is by itself insufficient to demonstrate eligibility for NCC funds.
 - i. Applicants seeking NCC funding in regions that have been impacted by NPP closure(s) must provide appropriate third-party economic and/or demographic data for the applicable region to document the extent to which NPP closure(s) have negatively impacted the region. Such applicants are encouraged to cite federal data resources that may include, but are not limited to: (i) U.S. Department of Commerce (Bureau of Economic Analysis, <http://www.bea.gov/>; U.S. Census Bureau, American Community Survey (ACS), <https://www.census.gov/programs-surveys/acs/>); (ii) U.S. Department of Labor (Bureau of Labor Statistics (BLS), <http://www.bls.gov/>); (iii) U.S. Department of Energy (Energy

¹⁹ In general, EDA will consider applications for projects in communities and regions where the primary coal economy contraction “event” (e.g., closure of a coal mine or a coal-fired power plant, closure of various coal economy supply chain businesses, etc.) took place within 1-15 years prior to the application submission date.

²⁰ Examples of supply chain industries include, but are not necessarily limited to, manufacturers of mining equipment and parts for coal-fired power plants and transportation companies that carry coal. Note, this timeframe is a range during which projects will generally be eligible; applicants may propose projects outside this timeframe, but should take special care to demonstrate that the primary coal economy contraction “event” continues to tangibly impact the community.

²¹ Examples of the types of acceptable data that applicants can use to demonstrate the negative impacts of local and/or regional coal industry contractions include (and are not limited to) economic indicators, labor market analyses, official announcements made by local and regional industries and firms, demographic, and industry data.

Information Administration (EIA), <https://www.eia.gov/>); (iv) U.S. Department of Labor (Mine Safety Health Administration, <https://arlweb.msha.gov/OpenGovernmentData/OGIMSHA.asp>); (v) Bureau of Indian Affairs (BIA)-American Indian Population and Labor Force Reports, <http://www.bia.gov/WhatWeDo/Knowledge/Reports/index.htm>); (vi) StatsAmerica, <http://www.statsamerica.org>; and (vii) US Nuclear Regulatory Commission, <http://www.nrc.gov>. If federal data is not available, applicants may consider demonstrating the negative impacts of nuclear power plant closure(s) using data including but not limited to local/regional economic indicators, labor market analyses, official announcements made by local and regional industries and firms, and demographic and industry data.

- ii. Applicants seeking NCC funding in regions that will be impacted in the future by NPP closure(s) must provide documentation demonstrating that the region will be negatively impacted in the future by NPP closure(s). Such documentation may, but is not required to, take the form of an announcement of future NPP closure and should be substantiated to the extent possible by third-party data sources as listed in above in Section C.3.b.k.i.
- l. Other Special Need. The area is experiencing other special or extraordinary economic adjustment needs, as determined by the Assistant Secretary for Economic Development.

In addition to the above, all applications for funding based on Special Need must demonstrate how the project will address the economic development needs of the region resulting from that Special Need.

D. Application Submission Information

An applicant **must submit a complete application**, as detailed in Section D.2.a of this PWEAA NOFO, to be considered for funding. EDA intends to review an application within 60 days of EDA's receipt of the **complete application**. EDA may seek additional information or documentation from the applicant to clarify information presented in the application. Please see Section E of this PWEAA NOFO for more information on EDA's review and selection process.

EDA strongly encourages applicants to consult with the EDA representative for their State to discuss whether their project is in alignment with EDA's Investment Priorities, eligibility requirements, cost-sharing requirements, property standards, or other requirements outlined in this PWEAA NOFO. This consultation is limited to clarification of technical matters involving their proposed project, project alignment with EDA's mission and Investment Priorities, and all other relevant and publicly available information relating to general technical matters.

1. Address to Request an Application

An applicant may obtain the appropriate application electronically at Grants.gov. Applicants may search for this funding opportunity on Grants.gov using Funding Opportunity Number "PWEAA2020". All components of the appropriate application may be accessed and

downloaded (in a screen-fillable format) at <https://www.grants.gov/web/grants/search-grants.html>.

Applicants are advised that they **must complete the registration process prior to submitting an application through Grants.gov**; please note, however, registration is not required for an applicant to access, view, or download the application. Even though an applicant may be able to view and download an application, if the applicant has not correctly completed the Grants.gov registration process, the applicant will not be able to submit the application electronically for EDA's review. Alternatively, an applicant eligible for assistance under this announcement may request a paper application by contacting the EDA representative listed for their State under Section G of this PWEAA NOFO.

2. Content and Form of the Application

EDA has developed a suite of forms designed to address all types of assistance the agency provides. In addition, Federal grant assistance forms from the Standard Form (SF) 424 family and certain Department of Commerce Forms (CD) forms are required as part of a complete application. The tables in Section D.2.a below describe all the forms and other documentation required for a complete application for each type of assistance EDA will provide under this NOFO and may serve as a checklist for applicants in preparing their submissions.

All relevant forms must be signed electronically by the applicant's Authorized Organizational Representative (AOR); please see Section I of this PWEAA NOFO for information on AOR requirements. 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. EDA will not accept paper, facsimile, or email transmissions of applications. Please refer to important information on submitting your application provided in Section D.4 of this PWEAA NOFO.

All documentation and data submitted should be current and applicable as of the date submitted. Applicants are encouraged to contact the EDA representative for their State for technical assistance before submitting an application under this PWEAA NOFO. EDA staff members are available to provide applicants with technical assistance regarding application requirements. Additionally, EDA may reach out to the applicant to clarify application materials received.

a) What is Required for a Complete Application?

The following table provides a complete list of documents required for a complete application based on the type of EDA assistance: construction, design and engineering (without a construction component), non-construction, and RLF.

Applications for **construction assistance** (including applications for design and engineering with construction activities) must include:

1. **One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.

2. **One Form SF-424C** (Budget Information—Construction Programs) per project.
3. **One Budget Narrative** that clearly identifies and justifies how funds in each line item of the budget (Form SF-424C) 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-424C (“Total Project Costs”). 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. *Please note: In lieu of a separate Budget Narrative, this information may be included in the Preliminary Engineering Report as required by Section C of the ED-900C.
4. **One Form SF-424D** (Assurances—Construction Programs) from each co-applicant, as applicable.
5. **One Form ED-900** (General Application for EDA Programs). Applicants seeking ACC funding should note this information as a part of their response to Section B.1 of the form.
6. **One Form ED-900A** (Additional EDA Assurances for Construction or Non-Construction Investments) from each co-applicant, as applicable.
7. **One Form ED-900B** (Beneficiary Information Form) from each beneficiary of the proposed project, as applicable.
8. **One Form ED-900C** (EDA Application Supplement for Construction Programs) and accompanying supporting documentation, e.g., Preliminary Engineering Report. Form ED-900C requires, among other things, a description of real property acquisition, which should include any past or proposed use of eminent domain.
9. **One Form ED-900E** (Calculation of Estimated Relocation and Land Acquisition Expenses).
10. **Documentation of Matching Share** for each matching share source, such as a commitment letter, board resolution, proof of bonding authority, or similar document, as applicable. This should be attached to Form ED-900 (Section B.10.d of the form).
11. **One Environmental Narrative** that will enable EDA to comply with its NEPA responsibilities. A narrative outline that details required components may be accessed in EDA’s website at: http://www.eda.gov/files/012_Environmental_Narrative_Template.zip.

12. **One Applicant's Certification Clause** (see Appendix A to the environmental narrative noted above) completed separately and signed by each co-applicant, as applicable.
13. **One Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.
14. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, if applicable.
15. **Map of project site.**

Applications for **design and engineering assistance only** (without a construction component) must include:

1. **One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.
2. **One Form SF-424C** (Budget Information—Construction Programs).
3. **One Budget Narrative** that clearly identifies and justifies how funds in each line item of the budget (Form SF-424C) 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-424C ("Total Project Costs"). 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.
4. **One Form SF-424D** (Assurances—Construction Programs) from each co-applicant, as applicable.
5. **One Form ED-900** (General Application for EDA Programs). Applicants seeking ACC funding should note this information as a part of their response to Section B.1 of the form.
6. **One Form ED-900A** (Additional EDA Assurances for Construction or Non—Construction Investments) from each co-applicant, as applicable.
7. **One Form ED-900D** (Requirements for Design and Engineering Assistance).
8. **Documentation of Matching Share** for each matching share source, such as a commitment letter, board resolution, proof of bonding authority, or similar

document, as applicable. This should be attached to Form ED-900 (Section B.10.d of the form).

9. **An Environmental Narrative** that will enable EDA to comply with its NEPA responsibilities. A narrative outline that details required components may be accessed in EDA's website at: http://www.eda.gov/files/012_Environmental_Narrative_Template.zip.
10. **One Applicant's Certification Clause** (see Appendix A to the Environmental Narrative noted above) completed separately and signed by each co-applicant, as applicable.
11. **One Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.
12. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, as applicable.

Applications for **non-construction assistance** must include:

1. **One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.
2. **One Form SF-424A** (Budget Information—Non-Construction Programs).
3. **One Budget Narrative** that clearly identifies and justifies how funds in each line item of the budget (Form SF-424A) 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 ("Totals"). 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.
4. **One Form SF-424B** (Assurances—Non-Construction Programs) from each co-applicant, as applicable, unless as part of the registration process for SAM each co-applicant has already completed the assurances for non-construction programs. In that case, each co-applicant must inform EDA that this was completed in SAM.
5. **One Form ED-900** (General Application for EDA Programs). Applicants seeking ACC funding should note this information as a part of their response to Section B.1 of the form.

6. **One Form ED-900A** (Additional EDA Assurances for Construction or Non—Construction Investments) from each co-applicant, as applicable.
7. **Documentation of Matching Share** for each matching share source, such as a commitment letter, board resolution, proof of bonding authority, or similar document, as applicable. This should be attached to Form ED-900 (Section B.10.d of the form).
8. **One Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.
9. **One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, as applicable.

Applications for **RLF assistance** must include:

1. **One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.
2. **One Form SF-424A** (Budget Information—Non-Construction Programs).
3. **One Budget Narrative** that clearly identifies and justifies how funds in each line item of the budget (Form SF-424A) 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 (“Totals”). 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.
4. **One Form SF-424B** (Assurances—Non-Construction Programs) from each co-applicant, as applicable, unless as part of the registration process for SAM each co-applicant has already completed the assurances for non-construction programs. In that case, each co-applicant must inform EDA that this was completed in SAM.
5. **One Form ED-900** (General Application for EDA Programs).
6. **One Form ED-900A** (Additional EDA Assurances for Construction or Non—Construction Investments) from each co-applicant, as applicable.
7. **One Form ED-900F** (Supplement for Revolving Loan Fund Applications).
8. **Documentation of Matching Share** for each matching share source, such as a commitment letter, board resolution, proof of bonding authority, or similar

document, as applicable. This should be attached to Form ED-900 (Section B.10.d of the form).

9. One Draft RLF plan that addresses all components required by EDA's regulation at 13 C.F.R. § 307.9.

10. One Form CD-511 (Certification Regarding Lobbying) from each co-applicant, as applicable.

11. One Form SF-LLL (Disclosure of Lobbying Activities) from each co-applicant, as applicable.

In addition, **an application to support a business incubator**, technology, or other type of incubator or accelerator, regardless of the type of assistance being requested (i.e., construction or non-construction) must also include:

- a. 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;
- b. 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*
- c. A management plan for operation that, *at a minimum*, includes a/an:
 - i. *Tenant/client selection policy* that includes a description of the types of businesses sought and any established selection criteria;
 - ii. *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;
 - iii. *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;
 - iv. *Staffing plan* that details the talent and resources that will be dedicated to supporting the startup companies accepted;
 - v. *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
 - vi. *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.

Any applicant that proposes a project to support a business incubator, technology, or other type of incubator or accelerator is *strongly encouraged* to contact the EDA representative listed for their applicable State in Section G of this PWEAA NOFO to clarify technical matters involving their proposed project.

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 (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. For further guidance and information, please contact the appropriate Regional Environmental Officer listed in Section G of this PWEAA NOFO. Applicants will be notified of any changes to these requirements via Grants.gov.

c) Copy of Negotiated Indirect Cost Rate Agreement (if applicable)

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

If indirect costs are included in the budget for a non-construction project, the applicant must include documentation to support the indirect cost rate it is using. For most applicants, this will entail the submission of 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 shall be the lesser of the (1) line-item amount for the Federal Share of indirect costs contained in the EDA approved budget for the award, or (2) Federal Share of the total allocable indirect costs of the award based on either (a) 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 (b) 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 90 days from the award start date. 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 applicable cognizant Federal agency). If the applicant chooses to pursue this option, it 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.

If the applicant (1) does not have a current NICRA and (2) has never received a negotiated indirect cost rate, the applicant may alternatively elect to charge a *de minimis* rate of 10% of modified total direct costs subject to the exceptions of 2 C.F.R. § 200.414(f). The applicant should include a statement in its Budget Narrative that it does not have a NICRA; it has never received a negotiated indirect cost rate; and it is electing to charge the *de minimis* rate.

Note if the applicant is a State or local unit of government (or a Tribe) that receives less than \$35,000,000 in direct Federal funding per year it may submit any of the following:

- i. A Certificate of Indirect Costs from DOI or EDA;
- ii. Acknowledgment received from EDA and Certificate of Indirect Costs;
- iii. Cost Allocation Plan approved by a Federal agency; or
- iv. NICRA.

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

To enable the use of a universal identifier and to enhance the quality of information available to the public as required by the Federal Funding Accountability and Transparency Act of 2006, to the extent applicable,²² applicants are required to: (i) be registered in the SAM before submitting their application; (ii) provide a valid unique entity identifier in their application; and (iii) 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 unique entity identifier and SAM requirements, and if an applicant has not fully complied with the requirements by the time EDA is ready to make an award, EDA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making an award to another applicant. Recipients will be subject to reporting requirements, as identified in OMB guidance published at 2 C.F.R. parts 25 and 170. The guidance set out at 2 C.F.R. parts 25 and 170 can be found at the U.S. Government Publishing Office website at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>. Under “Browse” select “Title 2 – Grants and Agreements,” then click “Go” and follow the link to parts “2-199.” Note that SAM now encompasses the Central Contractor Registration (CCR) and that the unique entity identifier is commonly referred to as the Data Universal Numbering System (DUNS) Number. The recipient must keep its SAM registration current.

4. Submission Dates and Times

There are no application deadlines under this PWEAA NOFO. EDA plans to accept applications on a rolling basis subject to the availability of funds or until the NOFO is amended in relevant part or a new PWEAA NOFO is published. EDA may cancel or withdraw this NOFO at any time.

²² Individuals who apply for or receive agency awards or direct subawards are exempt from the requirements of the unique entity identifier and SAM. See 2 C.F.R. § 25.110(b). However, individuals are not eligible to receive awards under EDA’s Public Works and EAA programs.

a) How to Submit an Application?

i. Electronic Submission

EDA accepts electronic submissions of applications through Grants.gov. EDA will not accept paper, facsimile, or email transmissions of applications except as provided below.

Once an application is submitted, it undergoes a validation process through Grants.gov during 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 Grants.gov and will not be forwarded to EDA for review. The applicant must correct any errors before Grants.gov will accept and validate the application.

Please see Section I of this PWEAA NOFO for more detailed instructions and information on the requirements for submitting applications electronically via Grants.gov.

ii. Alternatives to Electronic Submission.

If an applicant is unable to submit an application electronically 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).

5. Intergovernmental Review

Applications submitted under this PWEAA 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.²³ 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/2019/02/SPOC-February-2019.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 project 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.

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

²³ As provided for in 15 C.F.R. part 13.

determine if their pre-award costs may be considered for reimbursement. In order 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.

7. Other Submission Requirements

After EDA reviews your application, EDA may contact the applicant to request any necessary 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.

EDA may make changes or additions to this PWEAA NOFO. All changes will be communicated through Grants.gov.

E. Application Review Information

Throughout the review and selection process, EDA reserves the right to seek clarification in writing from applicants whose applications 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. Before applications are reviewed as described below, EDA will conduct an initial screening 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 of this PWEAA NOFO will not be reviewed.

1. Review and Selection Process

a) Investment Review Committee (IRC)

Each Regional Office will convene periodic IRCs as necessary depending on the volume of applications, that consist of at least four EDA staff members (except in the case of an IRC to review ACC applications, which need only consist of three EDA staff members) to review each complete application. Before the IRC reviews an application EDA will conduct an administrative review to determine that the application is complete.

All IRC members will review each complete application before the IRC discussion and evaluation. 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

provided in 13 C.F.R. part 305 for Public Works investments and 13 C.F.R. part 307 for EAA investments.

For construction and non-construction projects (including NCC and ACC projects), except Strategy Grant proposals, the IRC will use the following criteria in its review, with each criterion receiving equal weight:

- i. The project's sustainability/durability, including the extent to which the project demonstrates support from regional stakeholders (private, public, and non-profit entities, etc.);
- ii. The applicant's organizational capacity, including its financial and management capacity;
- iii. The project's alignment with the regional CEDS or 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;
- iv. The project's demonstrated alignment with EDA's current Investment Priorities;
- v. The project's demonstrated ability to foster creation and/or retention of high-quality jobs and promote private investment in the regional economy;
- vi. The extent to which the project will enable the community/region to become more economically diversified and prosperous; and
- vii. The project's feasibility, which may include the availability and committed nature of proposed matching funds.

In addition to the above criteria, for ACC projects only, the IRC also will equally weigh:

- viii. The integration and/or alignment of the impacted region's workforce development needs and priorities with the economic development strategy referenced in the application;
- ix. The extent to which the project objectives are designed to create jobs that pay family-supporting wages, create career pathways for workers, and are linked to industry-recognized credentials for high-demand positions; and
- x. The geographic impact and resulting economic benefit of the proposed scope of work.

Note: Throughout the application review and selection process, ACC, EAA, NCC, and Public Works projects will be evaluated independently. While separate, these evaluations may occur concurrently. As stated above, each ACC project evaluation will be conducted based on both EAA and ACC evaluation criteria.

Based on its consideration of the above factors, the IRC will prepare a priority order of funding recommendations for the Regional Director. EDA's final decision on whether to fund a project is dependent upon the ability of the applicant to provide sufficient documentation of the project's compliance with applicable rules and regulations.

EDA intends to provide applicants written notification of the outcome of the IRC within 60 days of EDA's receipt of the **complete application and any additional materials and information required for the review.**

b) Due Diligence

If the IRC recommends an application, the applicant still may have to complete certain due diligence requirements before EDA can make an award. After an applicant has been notified that its application has been recommended by the IRC, EDA may request that the applicant submit additional documents and information to allow EDA to fully evaluate compliance with applicable rules and regulations.

For example, in the case of construction projects, such additional due diligence may include:

- i. Title verification;
- ii. Proof of project ownership;
- iii. Documentation of matching funds; and
- iv. Documentation required for environmental or legal compliance. This may include, but is not limited to: 404 Clean Water Act permits from the U.S. Army Corps of Engineers and accompanying environmental documentation (environmental assessment or environmental impact statement), Phase I and Phase II environmental assessments, State environmental assessment documentation (for compliance with State environmental statutes such as the Massachusetts Environmental Policy Act (MEPA) or the California Environmental Quality Act (CEQA)), archeological and biological surveys, and proof of coordination with resource agencies.

If the applicant provides the requested information and supporting documentation in a timely fashion and EDA determines the project is fully compliant with applicable rules and regulations, the application will be forwarded to the Regional Director for a final decision and 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 their application has been denied.

c) 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 PWEAA 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:

1. The relative economic distress of the region;
2. For Public Works projects, the extent to which the selection of the application, alone or in the context of other applications, supports EDA's compliance with appropriations law requirements and report language guidance;
3. The likelihood a given project will start quickly, realistically achieve project goals, and catalyze additional resources;
4. The extent to which the application meets the overall objectives of Section 2 of PWEDA (42 U.S.C. § 3121);
5. For ACC projects, the extent to which the project proposes an implementation activity that supports economic diversification, job creation, capital investment, and workforce development and re-employment opportunities;

6. The applicant's performance under previous Federal financial assistance awards, including whether the grantee submitted required performance reports and data;
7. The availability of program funding; and
8. 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.

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.

2. Federal Awardee Performance and Integrity System (FAPIS) Review

EDA, prior to making a Federal award with a total amount of Federal Share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIS). 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. § 200.205.

F. Federal Award Administration Information

1. Federal Award Notification

If an application is selected for funding and the applicant successfully and timely completes all due diligence requirements, the expectation is that the EDA Grants Officer will issue the grant award (Form CD-450), 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), or the EDA Construction ST&Cs, as described in Section F.2.b, below.

By signing Form CD-450, the applicant agrees to comply with all award provisions. EDA will provide Form CD-450 via the award package to the applicant's authorized representative. The applicant's authorized representative must sign and return the Form CD-450 without modification within 30 calendar 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 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. See a copy of these regulations at: <https://www.gpo.gov/fdsys/pkg/CFR-2016-title2-vol1/pdf/CFR-2016-title2-vol1-part200.pdf>. Please note that the Uniform Guidance superseded DOC's Uniform Administrative Requirements, which were found at 15 C.F.R. parts 14 and 24.

b) DOC Financial Assistance Standard Terms and Conditions

For all projects except construction awards, DOC will apply 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.

For RLF awards, in addition to the DOC ST&Cs, EDA will apply the EDA RLF ST&Cs. The RLF ST&Cs may be accessed at <https://www.eda.gov/tools/grantee-forms/> under the header "Standard Terms and Conditions for RLF and Construction Projects".

For construction awards, EDA will apply the Construction ST&Cs. The Construction ST&Cs may be accessed at <https://www.eda.gov/tools/grantee-forms/> under the header "Standard Terms and Conditions for RLF and Construction Projects".

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>.

3. Reporting

- a. 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. The Federal Funding Accountability and Transparency Act of 2006 includes a requirement for awardees of applicable Federal grants to report information about first-tier subawards²⁴ and executive compensation under Federal assistance

²⁴ A first-tier subaward means an award provided by the recipient to a subrecipient for the subrecipient to carry out as part of a Federal award.

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 on all sub-awards over \$25,000. Please see the OMB guidance published at 2 C.F.R. part 170 (2015), which can be accessed at <http://www.gpo.gov/fdsys/pkg/CFR-2015-title2-vol1/pdf/CFR-2015-title2-vol1-part170.pdf>.

- c. EDA may require additional data on activities, outputs, and actual impact of the funded investment, pursuant to the Government Performance and Results Act (GPRA), as well as specified under the specific terms and conditions of the EDA grant award. For example, recipients may be expected to continuously track their engagement activities within the scope of work, other beneficiaries, and project-related stakeholders. They may also be expected to collect data on the outputs and impacts of their activities, such as, for example, the number of beneficiary strategic plans developed, the number of new business partnerships formed, or new capabilities acquired using surveys of beneficiaries or clients if necessary. EDA will specify the data collection techniques and reporting mechanisms to be used.

G. Federal Awarding Agency Contacts

For questions concerning this PWEAA NOFO, or more information about EDA programs, you may contact the appropriate EDA representative listed below. An EDA contact for each State is provided for PW and non-ACC EAA projects. An EDA contact for each EDA Regional Office is provided for ACC projects and environmental inquiries. Updated contact information can be found on EDA's website at <https://www.eda.gov/contact/>.

Atlanta Regional Office

H. Philip Paradice, Jr., Regional Director
401 West Peachtree Street, NW, Suite 1820, Atlanta, GA 30308-3510
(404) 730-3002 Main Office
(404) 730-3025 Fax

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404-730-3009

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Kentucky and ACC

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South Carolina
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North Carolina
Hillary Sherman
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404-730-3013

Tennessee
Lucas Blankenship
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404-730-3010

Environmental Officer
Keith Dyche
kdyche@eda.gov
404-730-3029

Austin Regional Office

Jorge Ayala, Regional Director
903 San Jacinto, Suite 206, Austin, TX 78701
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Louisiana and Arkansas
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Oklahoma, North Texas and ACC
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512-381-8168

South Texas
Robert Peche
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512-568-7732

Environmental Officer
Corey Dunn
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512-381-8169

Chicago Regional Office

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312-789-9752

Michigan, Wisconsin

Lee Shirey
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312-789-9751

Environmental Officer and ACC

Robin Bush
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312-789-9750

Denver Regional Office

Angela Belden Martinez, Regional Director
1244 Speer Boulevard, Suite 431, Denver, CO 80204
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Montana, Wyoming and ACC

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**Nebraska, Kansas, Western
Missouri**

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**North Dakota, South Dakota,
Western Iowa**

Alex Smith
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Environmental Officer

Jenny Benz
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Philadelphia Regional Office

Linda Cruz-Carnall, Regional Director
Robert N.C. Nix Federal Building
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Pennsylvania

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Puerto Rico, Virgin Islands

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215-435-2212

Vermont

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Virginia

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215-764-0427

West Virginia and ACC

Tracey Rowan
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304-533-4497

Environmental Officer

Megan Coll
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Seattle Regional Office

A. Leonard Smith, Regional Director
Jackson Federal Building
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206-220-7682

California (Northern and Central Coast)

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916-235-0088

California (Southern and Central Valley), Nevada

Wilfred Marshall
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310-348-5386

Hawaii, Guam, Northern Mariana Islands, American Samoa, Marshall Islands, Federated States of Micronesia, Palau

Herbert Thweatt
hthweatt@eda.gov
808-541-3391

Oregon, Idaho

Frances Sakaguchi – Acting EDR
fsakaguchi@eda.gov
206-220-7693

Environmental Officer

Rowena DeFato
rdefato@eda.gov
206-220-7703

ACC

Brian Parker
BParker3@eda.gov
206-220-7675

H. Other Information

1. Right to Use Information

DOC reserves the right to use information contained in applications submitted under this opportunity, as well as all reports and performance data submitted by recipients to undertake an evaluation of its programs, either through its staff or by hiring a third party. The applicant acknowledges and understands 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 DOC in conducting reviews and evaluations of its financial assistance programs. For this purpose, applicant information and data may be accessed, reviewed and evaluated by DOC employees, other Federal employees, Federal agents and contractors, and/or by non-Federal personnel, all of whom enter into appropriate confidentiality and nondisclosure 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 DOC and external program evaluators. In accordance with 2 C.F.R. § 200.303(e), applicants 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 DOC Federal financial assistance award.

2. Freedom of Information Act Disclosure

The Freedom of Information Act (5 U.S.C. § 552) (FOIA) and DOC's implementing regulations at 15 C.F.R. part 4 set forth the rules and procedures to make requested material, information, and records publicly available. Unless prohibited by law and to the extent permitted

under FOIA, contents of applications submitted by applicants may be released in response to FOIA requests. In the event that an application contains information or data that the applicant deems to be confidential commercial information, that information should be identified, bracketed, and marked as “Privileged, Confidential, Commercial or Financial Information.” Based on these markings, the confidentiality of the contents of those pages will be protected 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 and 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 PWEAA 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. Restrictions Governing Making Grants to Corporations Convicted of Federal Felony and Federal Criminal Tax Violations, Unpaid Federal Tax Assessments, and Delinquent Federal Tax Returns

In accordance with current Federal appropriations law, execution by an applicant of the Certification Regarding Federal Felony and Federal Criminal Tax Convictions, Unpaid Federal Tax Assessments and Delinquent Federal Tax Returns (see Attachment I) will be required in a format requested by EDA before any award will be made under this PWEAA NOFO.

Specifically, if an applicant is a corporation as defined in the Certification, it is required to sign and return the Attachment I, Part I Certification. In addition, all applicants applying for financial assistance awards in excess of \$5 million are required to sign the Attachment I, Part II

certification. The applicant will be required to submit these certifications, signed by its AOR, after being contacted by EDA that the IRC has recommended its application as described in Section E.1 of this PWEAA NOFO.

6. EDA's Non-Relocation Policy

Should an application be 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. 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.

8. Implementing the Americans with Disabilities Act (ADA)

The U.S. Department of Justice has issued revised regulations implementing Title II of the ADA (28 C.F.R. Part 35; 75 Fed. Reg. 56,164 (Sep. 15, 2010), as amended by 76 Fed. Reg. 13,285 (Mar. 11, 2011)) and Title III of the ADA (28 C.F.R. Part 36; 75 Fed. Reg. 56,236 (Sep. 15, 2010), as amended by 76 Fed. Reg. 13,286 (Mar. 11, 2011)).

I. Instructions for Application Submission via Grants.gov

Register early and submit early. In order to submit an application through Grants.gov, an applicant must register for a 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 this process as soon as possible before applying. Information about the Grants.gov registration process for organizations can be found at <http://www.grants.gov/web/grants/applicants/organization-registration.html>. Please note that organizations already registered with Grants.gov do not need to re-register; however, all registered organizations must keep their registration for SAM, which includes the CCR database, up-to-date through sam.gov or their applications will not be accepted by Grants.gov.

Authorized Organizational Representative (AOR) requirement. Applicants must register as organizations, not as individuals. As part of the registration process, you will register at least one AOR for your organization. AORs registered at Grants.gov are the only officials with the authority to submit applications at 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 Grants.gov system and cannot be considered by EDA. Note that a given organization may designate multiple individuals as AORs for Grants.gov purposes.

The most up-to-date instructions for application submission via Grants.gov can be found at <https://www.grants.gov/web/grants/applicants/workspace-overview.html>. In order to begin, complete, and submit your application:

- Navigate to <https://www.grants.gov/web/grants/applicants/workspace-overview.html>;
- Click "Get Application Package";
- In "Funding Opportunity Number" field, enter "PWEAA2020";
- Click "Search";
- Under the "Actions" column, click the "Apply" link that corresponds with this opportunity;
- Enter your email address (if you would like to receive updates from Grants.gov regarding this grant opportunity) or check the box that indicates you do not wish to provide it, then click "Submit";
- Choose to apply using Workspace by clicking "Login to Apply Now";
- Follow the instructions provided on the Grants.gov website and on each webpage to complete and submit your application;
- For detailed step-by-step guidance on how to create a workspace, an application, and submit a workspace package, see the Grants.gov Online User Guide. Navigate to www.grants.gov and select "Apply for a Grant with Workspace" located in the banner or see <https://www.grants.gov/help/html/help/index.htm?callingApp=custom#t=Applicants%2FGrantApplications.htm>.

Field limitations and special characters. Please be advised that [Grants.gov](https://www.Grants.gov) provides the following notice with respect to form field limitations and special characters:

Are there restrictions on file names for any attachment I include with my application?

Please limit file names to 50 characters and do not use special characters (example: &, -, *, %, /, #) in attachment names and application form fields (including periods (.), blank spaces and accent marks) or attach documents with the same name. An underscore (example: my_Attached_File.pdf) may be used to separate a file name. Please note that if these guidelines are not followed, your application may be rejected.

What kind of information can be entered into form fields within my application?

Grants.gov applications offer fields to enter a set amount of data. When the limit is reached for a certain field, you will no longer be able to enter data into that field. For every form, there are different limitations to the data that you are allowed to enter (this varies between agency and form). Refer to the agency instructions available for download with the application for more detail.

Do not use special characters (example: &, -, *, %, /, #) within the application form fields including periods (.), blank spaces and accent marks; an underscore may be used. Please note that if these guidelines are not followed, your application may be rejected.

In EDA's experience, use of apostrophes (') in file names and fillable fields of required forms has resulted in application submission issues. Accordingly, please periodically check the status of your application to make sure it has been validated, and use file naming conventions that do not negatively affect your application submission.

If a response exceeds the field limit requirements of any form, including Form ED-900, the applicant is advised to include the response as an attachment to the application. The applicant should check the 'Attachments' box under 'Optional Documents for Submission' in the application, and clearly indicate in the form field that the information is included as an electronic file.

Verify That Your Submission Was Successful. Applicants should save and print written proof of an electronic submission made at 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 initial emails from 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. Applicants should be aware that it may take up to two business days after Grants.gov receives an application for applicants to receive email notification of an error. Applicants will receive a third email once EDA has retrieved their application.

EDA requests applicants refrain from submitting multiple copies of the same application. Applicants should save and print both the confirmation screen provided on the Grants.gov website after the applicant has submitted an application and the confirmation email sent by Grants.gov when the application has been successfully received and validated in the system. If an applicant receives an email from Grants.gov indicating the application was received and subsequently validated, but does not receive an email from Grants.gov indicating that EDA has retrieved the application within 72 hours of that email, the applicant may contact the appropriate EDA representative listed in Section G 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 Grants.gov. To see the date and time your application was received, log on to 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 Grants.gov, and an agency tracking number assigned. If your application has a status of "Received," it is awaiting validation by Grants.gov and has not yet been received by EDA. Once validation is complete, the status will change to "Validated" or "Rejected with Errors." If the status is "Rejected with Errors," an application has not been received successfully. For more detailed information on why an application may be rejected, please see "Encountering Error Messages" at <https://www.grants.gov/applicants/encountering-error-messages.html> and "Frequently Asked Questions by Applicants" at <https://www.grants.gov/web/grants/applicants/applicant-faqs.html>.

Grants.gov systems issues. If you experience a Grants.gov systems issue (i.e., a technical problem or glitch with the Grants.gov website) that you believe threatens your ability to complete a submission before a deadline, please (i) print any error message received; (ii) call the Grants.gov Contact Center at (800) 518-4726 for immediate assistance; and (iii) contact EDA using the contact information in Section G. of this PWEAA NOFO. Applicants should obtain a case number regarding their communications with Grants.gov. 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 AOR submits the application, or (iii) notice receipt of an email message from Grants.gov are **not** considered systems issues. A Grants.gov systems issue is an issue occurring in connection with the operations of Grants.gov itself, such as the temporary loss of service by Grants.gov 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 access the following link for assistance in navigating Grants.gov and for a list of useful resources: <http://www.grants.gov/web/grants/support.html>. The following link lists "Frequently Asked Questions by Applicants": <https://www.grants.gov/web/grants/applicants/applicant-faqs.html>. If you do not find an answer to your question there, contact Grants.gov by email at support@grants.gov or telephone at (800) 518-4726. The Grants.gov Contact Center is open 24 hours a day, seven days a week, except on Federal holidays.

Attachment 1. Certifications Regarding Federal Felony and Federal Criminal Tax Convictions, Unpaid Federal Tax Assessments and Delinquent Federal Tax Returns

As discussed in Part I and Part II below, current Federal appropriations law contains certain funding prohibitions and certification requirements applicable to financial assistance awards issued with appropriated funds. Based on these requirements, DOC requires the following certifications from prospective financial assistance award recipients (also referred to below as applicants):

PART I-Certifications from Corporations

None of the appropriated funds made available by relevant appropriations Acts may be used to issue a financial assistance to any corporation that:

- (a) Was convicted of a felony criminal violation under any 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) Has 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 purposes of the below certification, a corporation is defined as an entity that has filed articles of incorporation in one of the fifty States, the District of Columbia, or the various territories of the United States or associated independent republics including American Samoa, Federated States of Micronesia, Guam, Midway Islands, Northern Mariana Islands, Puerto Rico, Republic of Palau, Republic of the Marshall Islands, and the U.S. Virgin Islands. (Note that this includes both for-profit and non-profit organizations.)

The below certification is required for all new financial assistance awards and for all amendments to existing financial assistance awards, that are made to corporations (as defined above) and that are funded with appropriated funds made available to the Department of Commerce pursuant to relevant appropriations Acts. This certification is further required to the extent that other appropriation Acts contain the same or substantively similar prohibitions against the issuance of financial assistance awards to certain corporations.

Instructions: All recipients that are corporations (as defined above) must complete paragraphs (1) and (2) below, which must be signed below by an authorized representative of the corporation. Recipients that are not corporations are not required to complete this representation.

(1) _____ [insert name of corporation] certifies that it is is not (check one) a corporation that was convicted of a felony criminal violation under a Federal law within the 24 months preceding the signature date of this Representation.

(2) _____ [insert name of corporation] certifies that it is is not (check one) a corporation that has 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.

By: _____
[Typed name and title of the signing individual]
[Typed phone number of the signing individual]
[Typed email address of the signing individual]

Date: _____

PART II-Certifications for Awards Over \$5 Million

For financial assistance awards in excess of \$5 million, the Department of Commerce is required to obtain written certification from all recipients that:

- (a) To the best of its knowledge and belief, the recipient has filed all Federal tax returns required during the three years preceding the certification;
- (b) The recipient has not been convicted of a criminal offense under the Internal Revenue Code of 1986; and/or
- (c) The recipient has not, more than 90 days prior to certification, been notified 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 proceeding.

The below certification is required from all recipients receiving financial assistance awards in excess of \$5 million and funded with applicable appropriations. This certification is further required to the extent that other appropriation acts contain the same or substantively similar prohibitions against the issuance of financial assistance to certain recipients of financial assistance awards in excess of \$5 million.

Instructions: All applicants receiving financial assistance awards in excess of \$5 million and funded with applicable appropriations must complete paragraphs (1), (2) and (3) below, which must be signed below by an authorized representative of the applicant.

(1) _____ [insert name of applicant] certifies that it has has not (check one) filed all Federal tax returns required during the three years preceding this certification;

(2) _____ [insert name of applicant] certifies that it has has not (check one) been convicted of a criminal offense under the Internal Revenue Code of 1986, as amended; and/or

(3) _____ [insert name of applicant] certifies that it has has not (check one) been notified, more than 90 days prior to this certification, of any Federal tax assessment for which 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 proceeding.

By: _____
[Typed name and title of the signing individual]
[Typed phone number of the signing individual]
[Typed email address of the signing individual]

Date: _____

**Addendum to the FY 2020 Public Works and Economic Adjustment Assistance
Notice of Funding Opportunity (FY20 PWEAA NOFO)
for the Economic Development Administration’s (EDA)’s Coronavirus Aid, Relief, and Economic
Security Act (CARES Act) Recovery Assistance**

EDA’s CARES Act Recovery Assistance is an agency effort to assist communities impacted by the coronavirus pandemic.¹ The pandemic has caused, and will continue to cause, economic injury to U.S. regions and communities in devastating and unprecedented ways.

EDA’s CARES Act Recovery Assistance is designed to provide a wide-range of financial assistance to communities and regions as they respond to, and recover from, the impacts of the coronavirus pandemic. Under this announcement, EDA solicits applications under the authority of its Economic Adjustment Assistance (EAA) program, which is intended to be flexible and responsive to the economic development needs and priorities of local and regional stakeholders.

Through the EAA program, EDA provides investments that support a wide range of non-construction and construction activities, including Revolving Loan Funds, in regions experiencing severe economic dislocations, such as those brought about by the coronavirus pandemic. As part of CARES Act Recovery Assistance, EDA will also fund projects that qualify for EAA funding but are similar to the kinds of projects funded under other EDA programs, such as Public Works, Research and National Technical Assistance, Planning, Local Technical Assistance, University Centers, and Build to Scale (formerly Regional Innovation Strategies (RIS)).² In addition to projects with a regional focus, EDA anticipates making awards for projects of national scope as part of this funding opportunity.

In general, except as discussed below, EDA’s CARES Act Recovery Assistance serves as an addendum to and follows the same rules as the FY 2020 Public Works and Economic Adjustment Assistance Notice of Funding Opportunity (FY20 PWEAA NOFO) (link below). For more information, please see EDA’s website at <https://www.eda.gov/programs/eda-programs/> or contact the EDA representative for your region who can be found at <https://www.eda.gov/contact/>.

Funding Availability

The CARES Act (P.L. 116-136) provided EDA with \$1,500,000,000, to remain available until September 30, 2022, to “prevent, prepare for, and respond to coronavirus, ... including for necessary expenses for responding to economic injury as a result of coronavirus.” EDA intends to make these funds available through the EAA program using the existing procedures specified in the FY20 PWEAA NOFO (link below).³ Under the EDA’s CARES Act Recovery Assistance addendum, EDA expects on a case-by-case basis to receive applications that exceed the historical averages described in section B.1 of the FY20 PWEAA NOFO.

¹ Section 23005 of the CARES Act, Pub. L. 116-136 (March 27, 2020), defines “coronavirus” as “SARS-CoV-2 or another coronavirus with pandemic potential.”

² Only applicants who are eligible to receive funding under the Economic Adjustment Assistance program are eligible to receive grants under EDA’s CARES Act Recovery Assistance. EDA will work to ensure that its funding is not duplicative of other Federal assistance through grant conditions and certifications by applicants as well as recipients of RLF loans.

³ To expedite funding to affected communities and regions, EDA may invite existing or past grantees, such as Economic Development Districts currently in receipt of Partnership Planning awards, operators of existing EDA-funded Revolving Loan Funds, and EDA-funded University Centers, to apply using specific procedures. EDA will independently contact such grantees with instructions.

EDA has allocated \$1,467,000,000⁴ in supplemental program funds among its offices as follows:

Atlanta Regional Office – \$248,000,000
Austin Regional Office – \$236,000,000
Chicago Regional Office – \$225,000,000
Denver Regional Office – \$193,000,000
Philadelphia Regional Office – \$259,000,000
Seattle Regional Office – \$266,000,000
Headquarters – \$40,000,000

Note: When appropriate, EDA may exercise its discretion to adjust the allocations to its offices based on its experience in administering the supplemental appropriations to ensure funds are used to maximum effect, or to adjust to unforeseen changes in recovery efforts.

Eligible Applicants

Eligible applicants under the EAA program include a(n):

- a. District Organization;
- b. Indian Tribe or a consortium of Indian Tribes;
- c. 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;
- 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.

EAA Program and Application Requirements for EDA’s CARES Act Recovery Assistance

The following EAA program requirements are specific to EDA’s CARES Act Recovery Assistance. This is an addendum to the FY20 PWEAA NOFO (link below), and unless otherwise stated below, the requirements of the FY20 PWEAA NOFO apply. Please see the FY20 PWEAA NOFO for information on other EAA program requirements, award information, and the content and form of application submissions.

CARES Act Recovery Assistance Projects

Successful applications will enable affected communities to respond to the impacts of the coronavirus pandemic by supporting affected businesses and communities, including by providing technical assistance to retain existing and hire new employees; by providing a range of skills-training and workforce development projects to help employees compete for high-quality jobs; and by developing and implementing strategies to diversify regional economies to create jobs in new or existing industries. EAA investments are designed to help communities catalyze public-private partnerships to foster collaboration, attract investment, create jobs, and foster economic resiliency and prosperity. Examples of projects that may be funded through CARES Act Recovery Assistance include economic recovery planning and preparing technical strategies to address economic dislocations caused by the coronavirus pandemic,

⁴ Congress authorized up to \$30,000,000 to cover EDA’s administrative and oversight activities related to these awards and a transfer of \$3,000,000 to the Department of Commerce’s Office of the Inspector General for related investigations and audits.

preparing or updating resiliency plans to respond to future pandemics, implementing entrepreneurial support programs to diversify economies, and constructing public works and facilities that will support economic recovery, including the deployment of broadband for purposes including supporting telehealth and remote learning for job skills.

Economic Distress Criteria and Special Need; Pandemic Response Requirement

Section C.3. of the FY20 PWEAA NOFO (starting on pg. 13) sets out the economic distress criteria for the EAA program, including “Special Need” criteria. EDA has determined that economic injury from the coronavirus pandemic constitutes a “Special Need,” and eligibility may be established on that basis without reference to the other economic distress criteria specified in the FY20 PWEAA NOFO. This determination of nationwide eligibility for these funds is consistent with the President’s March 13, 2020 [Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease \(COVID-19\) Outbreak](#) that established a national emergency for all states, tribes, territories, local governments, and the District of Columbia (<https://www.fema.gov/news-release/2020/03/13/covid-19-emergency-declaration>).

To be eligible for funding under EDA’s CARES Act Recovery Assistance, applicants must explain clearly in their application how the proposed project would “prevent, prepare for, and respond to coronavirus” or respond to “economic injury as a result of coronavirus.” This explanation is required to assist reviewers in understanding how a proposed project aligns with the goals of EDA’s CARES Act Recovery Assistance. For example, if Smith County has experienced significant small business closures as a result of the pandemic, Smith County must demonstrate how the project addresses small business recovery and resilience priorities and objectives established under a Comprehensive Economic Development Strategy (CEDS) or other strategy acceptable to EDA (see below for information on strategy requirements). Projects that consider economic recovery in general must address the direct consequences of the coronavirus pandemic itself and how the project will contribute the community’s recovery and resiliency. **The extent to which a proposed project responds to needs caused by the coronavirus pandemic is one factor that EDA will consider when evaluating applications for funding.**

Cost Sharing or Matching

Section C.2. of the FY20 PWEAA NOFO (starting on pg. 11) sets out the cost sharing requirements for EDA projects. For EDA’s CARES Act Recovery Assistance, given the extent of the economic impact and in accordance with the agency’s statutory authority under Section 703 of the Public Works and Economic Development Act of 1965 (PWEDA) (42 U.S.C. § 3233), EDA generally expects to fund at least 80%, and up to 100%, of eligible project costs. In determining whether to fund a project’s Federal share above 80%, EDA’s Grants Officers 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, the extent of the impact of the coronavirus pandemic on the region, or whether the region meets other thresholds for elevated need based on the relative economic distress of the region. Additionally, EDA may establish a maximum investment rate of up to 100% for projects of Indian Tribes. Any portion of the costs for the EDA scope of work funded below 100% 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.

The applicant is responsible for demonstrating to EDA that a grant rate above 80% is justified by providing statistics and other appropriate information on the nature and level of economic distress in the

region, including information regarding other recovery-related needs facing the region and the level of resources available to address those needs.

Comprehensive Economic Development Strategy (CEDS) Requirements

Except for a “Strategy Grant” to develop, update, or refine a CEDS, each project must be consistent with the region’s current CEDS or equivalent EDA-accepted regional economic development strategy that meets EDA’s CEDS or strategy requirements. Please see Section A.3. of the FY20 PWEAA NOFO (starting on pg. 5) for more information on CEDS requirements. In addition, in accordance with 13 CFR § 303.7(c)(1), in certain circumstances EDA may accept a non-EDA-funded CEDS that does not contain all the elements EDA requires of a CEDS.⁵

Application Information, Review and Selection Process, and Link to FY20 PWEAA NOFO

Applications are accepted on a rolling basis. Unless otherwise directed by EDA, all applicants for CARES Act Recovery Assistance must follow instructions included within the FY20 PWEAA NOFO, which can be found on:

<https://www.grants.gov/web/grants/view-opportunity.html?oppId=321695>. As necessary, each EDA Regional Office will periodically convene investment review committees (IRCs) that consist of at least three EDA staff members. After EDA determines an application is complete, it will be reviewed by the IRC, which will make a recommendation to the Grants Officer regarding funding.⁶

Along with other controlling law, EDA’s CARES Act Recovery Assistance awards will be governed by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements as set forth in 2 C.F.R. part 200. For additional information, please contact the EDA representative for your region who can be found at <https://www.eda.gov/contact/>. Applicants should note that the Office of Management and Budget (OMB) has provided flexibility with respect to System of Award Management (SAM) registration at the time of application; however, at the time of award, the requirements of 2 C.F.R. § 200.205, *Federal awarding agency review of risk posed by applicants*, will continue to apply, including the requirement for SAM registration. In addition, current registrants in SAM with active registrations that expire before May 16, 2020 will be afforded an automatic one-time extension of 60 days.

Instructions for Applicants:

- Download the FY20 PWEAA Notice of Funding Opportunity (NOFO) and application package from <https://www.grants.gov/web/grants/view-opportunity.html?oppId=321695>.
- In Form ED-900, section B.3.b., include a description of the economic impacts in the region from the coronavirus pandemic and describe how the proposed project scope of work will respond to those impacts and support pandemic recovery and resilience efforts. Applicants may also provide a separate narrative statement, not to exceed one page in length, of the economic impacts in the region from the coronavirus pandemic and how the proposed project scope of work responds to those impacts.
- Additionally, in Form ED-900, section B.6, explain how the proposed project would meet EDA’s Recovery and Resilience investment priority, which all CARES Act Recovery Assistance projects are expected to meet. You may also explain in this space how the proposed projects will meet any of EDA’s other investment priorities.

⁵ In doing so, EDA shall consider the circumstances surrounding the application for Investment Assistance, including emergencies or natural disasters and the fulfillment of the requirements of section 302 of PWEDA.

⁶ See 13 C.F.R. § 302.2 (“When non-statutory EDA administrative or procedural conditions for Investment Assistance awards under PWEDA cannot be met by an Eligible Applicant as the result of a disaster, EDA may waive such conditions.”).

Consultation with Regional Office

As with all EDA funding opportunities, prospective applicants are strongly encouraged to contact their applicable EDA Regional Office representatives to discuss their needs and project plans to help further refine the scope and intended outcomes of proposed projects. Prospective applicants can find current contact information for EDA Regional Office staff at <https://www.eda.gov/contact/>.