

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

TITLE: FISCAL YEAR (FY) 2014 BROWNFIELDS TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE GRANTS

ACTION: Request for Proposals (RFP) – Frequently Asked Questions

RFA NO: EPA-OSWER-OBLR-14-02

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NOS.: 66.814

SUMMARY: The following are frequently asked questions related to the subject solicitation.

1. Where can I find the language on partnerships referenced in Section II.D of the Application Guidelines?

The guidance is as follows:

EPA awards funds to one eligible applicant as the “recipient,” even if other eligible applicants are named as ‘partners,’ ‘co-applicants,’ members of a ‘coalition,’ or ‘consortium.’ The recipient is accountable to EPA for the proper expenditure of funds. Funding may be used to provide subgrants or subawards of financial assistance, which includes using subawards or subgrants to fund partnerships, provided the recipient complies with applicable requirements for subawards or subgrants including those contained in 40 CFR Parts 30 and 31. Applicants must compete contracts for services and products, including consultant contracts, and conduct cost and price analyses to the extent required by the procurement provisions of the regulations at 40 CFR Parts 30 and 31. The regulations also contain limitations on consultant compensation. Applicants are not required to identify subawardees/subgrantees and/or contractors (including consultants) in their proposal. However, if they do, the fact that an applicant selected for award has named a specific subawardee/subgrantee, contractor, or consultant in the proposal EPA selects for funding does not relieve the applicant of its obligations to comply with subaward/subgrant and/or competitive procurement requirements as appropriate. Please note that applicants may not award sole-source contracts to consulting, engineering, or other firms assisting applicants with the proposal solely based on the firm's role in preparing the proposal.

Successful applicants cannot use subgrants or subawards to avoid requirements in EPA grant regulations for competitive procurement by using these instruments to acquire commercial services or products from for-profit organizations to carry out its assistance agreement. The nature of the transaction between the recipient and the subawardee or subgrantee must be consistent with the standards for distinguishing between vendor transactions and subrecipient assistance in 2 CFR Subpart F- Audit Requirements Section 200.501(f) & Section 200.330, and the definitions of subaward at subgrant at 40 CFR 30.2 (ff) and 31.3. EPA will not be a party to these transactions. Applicants acquiring commercial goods or services must comply with the competitive procurement standards in 40 CFR Part 31.36 and cannot use a subaward/subgrant as the funding mechanism.

2. What is the closing date of the Brownfields Training, Research, and Technical Assistance grants solicitation?

The closing date and time for receipt of proposals is April 18, 2014 11:59 p.m. Eastern Time.

3. Why does the EPA commonly refer to this RFP and grant program as the “k6” program?

The EPA often refers to this program as the k6 program because the statutory authority for this program is the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(k)(6). CERCLA 104(k)(6) authorizes the EPA to fund training, research, and technical assistance that helps to facilitate the assessment, cleanup and remediation of brownfield sites.

4. What is the total maximum award amount?

The maximum amount for a grant awarded under this competitive announcement is \$1,000,000 with a 5 year project period. Applicants may request up to \$200,000 per year with a 5 year project period. Applicants requesting amounts exceeding \$200,000 per year, or in excess of \$1 million for the life of the grant, will not be considered.

5. Can an applicant submit more than one proposal related to one of the four topic areas being supported under this Request for Proposals (RFP)?

No, applicants may submit only one proposal that focuses on one of the four topic areas listed in the RFP. Applicants may not submit multiple proposals as referenced in Section I, page 5 of the RFP.

6. What organizations are eligible to apply for a Brownfields Training, Research, and Technical Assistance grant?

In accordance with CFDA 66.814, the following entities are eligible to apply:

- General Purpose Unit of Local Government (as defined under 40 CFR Part 31).
- Land Clearance Authority or other quasi-governmental entity that operates under the supervision and control of, or as an agent of, a general purpose unit of local government.
- Government entity created by State Legislature.
- Regional Council or group of General Purpose Units of Local Government.
- Redevelopment Agency that is chartered or otherwise sanctioned by a State.
- State.

- Indian Tribe other than in Alaska. (The exclusion of Alaskan tribes from grant eligibility is statutory at CERCLA §104(k)(1).) Intertribal Consortia are eligible for funding in accordance with EPA’s policy for funding intertribal consortia published in the Federal Register on November 4, 2002, at 67 Fed. Reg. 67181.
- Alaskan Native Regional Corporation, Alaska Native Village Corporation and the Metlakatla Indian Community. (Alaskan Native Regional Corporation and Alaska Native Village Corporation as those terms are defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 and following).)
- Nonprofit organizations. For purposes of this grant program, the term “nonprofit organization” means any corporation, trust, association, cooperative, or other organization that is operated mainly for scientific, educational, service, charitable, or similar purpose in the public interest; is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization. Public and nonprofit private educational institutions are eligible to apply. However, nonprofit organizations described in Section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995 are not eligible to apply. For-profit or proprietary training organizations or trade schools are not eligible to apply.

7. Is a registered 501(c)(6) organization eligible to apply for a Brownfields Training, Research, and Technical Assistance grant?

Yes, nonprofit trade associations exempt from taxation under Section 501(c)(6) of the internal revenue code that do not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995 are eligible to apply for funding under CERCLA 104(k)(6). Therefore, they would be eligible to apply for a Brownfields Training, Research, and Technical Assistance grant.

8. Would it be acceptable to EPA for an applicant to work with another agency or organization as partners?

Yes, however, EPA awards funds to one eligible applicant as the “recipient” even if other eligible applicants are named as ‘partners,’ ‘co-applicants,’ members of a ‘coalition,’ or ‘consortium.’ The recipient is accountable to EPA for the proper expenditure of funds. Generally, applicants may work with another agency or organization as a partner. If cooperative agreement funding is to be used to provide subgrants or subawards to the partner organization, the recipient must comply with applicable requirements for subawards or subgrants including those contained in 40 CFR Part 30 or 31, as applicable. The terms of the solicitation describe the rules that must be followed in these instances.

9. Can the Brownfields Training, Research, and Technical Assistance grant reimburse the indirect costs of a contractor?

Yes, the administrative cost prohibition applies only to the grant recipient's and any subgrantee’s indirect costs and not to the costs the grantee incurs under a contract for eligible programmatic costs. A grantee would be able to use grant funds to reimburse a contractor for his indirect costs if the contractor is performing programmatic activities, and the costs were reasonable and allocable to the task being performed. The EPA guidelines provide that eligible programmatic costs are expenditures for activities that are integral to achieving the purpose of the grant. A

contractor's indirect costs that are otherwise reasonable (e.g. are covered by an indirect cost rate agreement with its cognizant federal audit agency) and normally charged to cost reimbursement contracts are programmatic rather than administrative.

10. Does the applicant have to provide technical assistance on a national level or can the applicant propose to just serve a defined region within the United States?

Applicants should anticipate on providing technical assistance that is national in scope. Topics 1, 2, and 4 include providing technical assistance to a range of brownfields area-wide planning, brownfields cleanup, environmental workforce development and job training, and brownfields revolving loan fund grantees that are located throughout the United States. Therefore, proposed projects should propose technical assistance that will serve the appropriate types of grantees, depending on the topic area listed in the RFP, on a national scale and across all of EPA's ten regions.

11. Can applicants provide technical assistance beyond the four subject areas?

No, applicants that propose other topics for research or technical assistance will not be considered.

12. Can training be proposed under this competition?

While the title of the grants are Brownfields Training, Research, and Technical Assistance grants, under this competition, the EPA is not soliciting training projects at this time. For this specific solicitation, three of the focus areas in the RFP are for technical assistance and one focus area is on research.

13. What type of leverage funds is EPA looking for in this solicitation?

EPA is looking for leveraged funding that will complement activities related to the project(s) proposed by the applicant. This includes, but is not limited to, funds and other resources leveraged from other Federal agencies, foundations, non-profits, surrounding communities, local universities and colleges, or local businesses. Leveraged funding may include such things as funding to provide additional technical assistance to communities beyond the Brownfields Training, Research, and Technical Assistance program; utilizing/combining the technical assistance provided through the Brownfields Training, Research, and Technical Assistance program with that provided by other programs in order to provide a more robust comprehensive technical assistance program for communities; more robust research; or use of another organization's facilities, outreach network, or services when providing technical assistance workshops, or other technical assistance forums.

14. Where can I find more information about the Brownfields Training, Research, and Technical Assistance grants program?

Please see www.epa.gov/brownfields/trta_k6/index.htm for more information about projects that have been funded in the past.

15. How will my proposal be evaluated?

Each proposal undergoes two stages of evaluation. In the first stage, EPA staff review the threshold criteria responses. Threshold criteria are evaluated on a pass/fail basis. If a response fails to meet any of the threshold criterion listed in Section III.B, the proposal will be

disqualified from further consideration and the applicant will be notified within 15 business days of the determination. However, EPA representatives may seek clarification from an applicant regarding its response to a threshold criterion. Each proposal that passes all threshold criteria will then be evaluated on its responses to the evaluation criteria by a national review panel.

During the second stage of review, evaluation panels comprised of EPA headquarters and regional staff will evaluate the ranking criteria outlined in Section V of the Proposal Guidelines. The evaluation panel will score each proposal's responses against the ranking criteria. Applicants should make every effort to respond to each and every criterion to the best of their ability, even if it doesn't apply. Scores on each ranking evaluation criterion will be totaled to determine the panel's recommended proposal rankings. EPA will not seek clarification of responses to any ranking evaluation criteria. The highest ranking proposals in each focus area will be forwarded to the Selection Official and recommended for selection.

16. Why does EPA discourage binders and color printing?

Each proposal is photocopied and distributed to members of the National Review Panel. Graphics, binders, charts, color copies, etc., do not photocopy well and may distort information submitted for reproduction.

17. Would my proposal/application be looked upon less favorably if my organization has never received any type of Federal or non-federal financial assistance?

No, if you have never received any type of federal or non-federal financial assistance, you must indicate this in the programmatic capability and past performance section of your proposal to receive a neutral score for these sub-criteria (6 points total). Failure to respond to this criterion will result in a score of zero. If you have received non-federal funding, such as funding from a foundation, this can still improve your scoring on this criterion and the national review panel will take this into consideration. So, make sure to include information related to whether you have received non-federal sources of funding and indicate your experience in managing financial funds in general to improve your score on this criterion.

18. Will EPA fund pre-award costs?

EPA may fund pre-award costs to the extent allowed by 40 CFR 30.25(f)(1) and EPA policies implementing 40 CFR 31.23 and OMB Circular A-87 (now 2 CFR Part 225) Appendix B, Item 31. Successful applicants may incur pre-award costs up to 90 days before award without prior EPA approval provided:

1. the applicant includes the pre-award costs in its proposal;
2. EPA agrees that the costs are eligible and allowable when the Agency approves the scope of work for the grant; and
3. any procurement contracts that are funded with pre-award costs comply with the competitive Procurement Standards at 40 CFR Part 30 or 40 CFR 31.36 as applicable.

Please note an applicant must obtain prior EPA approval to incur pre-award costs more than 90 days before award. Also, applicants incur pre-award at their own risk and EPA is under no obligation to reimburse applicants for pre-award costs if the applicant does not receive an award or if the amount of the award is less than the applicant anticipates.

19. Under Topic 3 in the RFP,

-Is the objective of the automated data collection and dataset creation:

- a) **To replace the data in ACRES?** No. The objective is not to replace the data in ACRES.
- b) **To supplement the ACRES data?** Yes.
- c) **To use the sites in the ACRES database to test the methodology and tool for documenting brownfields reuse?** Yes.

-Given the known weaknesses of any dataset such as ACRES, reliant as it is on compliance by grantees, is the intent of the RFP that the new tools and data use ACRES as "proof of concept"? EPA-OSWER-OBLR-14-02 is soliciting projects that would research brownfield reuse benefits and provide tools that a community can use to estimate the benefits of brownfield redevelopment. As stated on page 6 of the RFP, one of the goals of the project should incorporate the development of a national dataset with improved information about the current use for all properties including those in EPA's ACRES database. Projects proposed should incorporate necessary information to demonstrate proof of concept for testing.

-To what extent are the tools to be developed expected to be reliant on standardized national data sets and to what extent may the local economic social and environmental impact measures be based on locally-specific data that local officials gather and enter into an analytical framework that projects impacts? At minimum, the tools should use standardized national data sets and be widely available.

20. For topics 2 and 4 in the RFP, must the applicant provide technical assistance to brownfields grant recipients as referenced in the RFP?

Yes, applicants applying under topic 2, Technical Assistance on the Integration of Environmental Justice and Equitable Development for Brownfields-Impacted Communities, and Topic 4, Technical Assistance on Brownfields Financing and Economic Development Strategies for Brownfields-Impacted Communities, must provide technical assistance to brownfields area-wide planning (AWP) (Topic 2), brownfields cleanup (Topic 2), and brownfields revolving loan fund (RLF) grant recipients (Topic 4). While the focus of technical assistance should be to these grant recipients, applicants must also be able to provide technical assistance to other brownfields-impacted communities on a national scale.

21. Under all four topic areas listed in the RFP, is the intention to provide technical assistance to a specific community or state, or is the intention of the grants to provide technical assistance on a national scale?

The intention of the grants to be awarded under this RFP/competition are to provide technical assistance on the various subject areas/4 topics to communities on a national scale. While applicants may include focused technical assistance to a specific community, applicants must provide technical assistance to appropriate brownfields grant recipients (as referenced above in question 19.) and to other communities that do not have brownfields grant funding throughout the United States. Not every community will be able to receive one-on-one technical assistance

given the limited amount of funding available to each k6 grant recipient on a yearly basis where no more than \$200,000 per year will be incrementally provided. In short, technical assistance must be provided to communities on a national scale, including technical assistance to communities located in Alaska, Hawaii, U.S. territories, and tribes that may be located in rural communities throughout the United States