

## ANNOUNCEMENT OF FEDERAL FUNDING OPPORTUNITY

### EXECUTIVE SUMMARY

#### *American Recovery and Reinvestment Act of 2009*

- **Federal Agency Name:** Economic Development Administration (EDA), Department of Commerce.
- **Funding Opportunity Title:** *EDA American Recovery Program*—Availability of funds under the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009), for EDA's programs under sections 201 (42 U.S.C. § 3141) and 209 (42 U.S.C. § 3149) of the Public Works and Economic Development Act of 1965, as amended
- **Announcement Type and Date:** Initial announcement of federal funding opportunity (FFO) dated March 10, 2009.
- **Catalog of Federal Domestic Assistance (CFDA) Numbers:** 11.300, Investments for Public Works and Economic Development Facilities; 11.307, Economic Adjustment Assistance.
- **Application Submissions:** Applications are accepted on a continuing basis and processed as received. Applications may be submitted electronically in accordance with the instructions provided at [www.grants.gov](http://www.grants.gov) or mailed to the applicable EDA regional office listed in section VIII. of this FFO in paper (hard copy) format.
- **Funding Opportunity Description:** Pursuant to the American Recovery and Reinvestment Act of 2009, EDA announces general policies and application procedures for grant-based investments for the EDA American Recovery Program under the auspices of the Public Works and Economic Development Act of 1965, as amended, that will promote comprehensive, entrepreneurial and innovation-based economic development efforts to enhance the competitiveness of regions, resulting in increased private investment and higher-skill, higher-wage jobs in regions that have experienced sudden and severe economic dislocation and job loss due to corporate restructuring.

## FULL ANNOUNCEMENT TEXT

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### **I. Funding Opportunity Description**

#### **A. Agency Overview**

EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. In implementing this mission pursuant to its authorizing statute, the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121 *et seq.*) (PWEDA), EDA advances economic growth by assisting communities and regions experiencing chronic high unemployment and low per capita income to create an environment that fosters innovation, promotes entrepreneurship, and attracts increased private capital investment.

Under this announcement, EDA solicits applications for the EDA American Recovery Program under the auspices of PWEDA. Specifically, this FFO pertains to applications for funding under EDA's Public Works and Economic Adjustment Assistance programs only.

#### **B. Priority Considerations and Requirements under the American Recovery and Reinvestment Act of 2009 (Recovery Act or ARRA)<sup>1</sup>**

Under this competitive solicitation, EDA will give priority consideration to those applications that will significantly benefit regions "that have experienced sudden and severe economic dislocation and job loss due to corporate restructuring," as stipulated under the Recovery Act. EDA provides financial assistance to distressed communities in both urban and rural regions. Such distress may exist in a variety of forms, including high levels of unemployment, low income levels, large concentrations of low-income families, significant declines in per capita income, large numbers (or high rates) of business failures, sudden major layoffs or plant closures, trade impacts, military base closures, natural or other major disasters, depletion of natural resources, reduced tax bases, or substantial loss of population because of the lack of employment opportunities. EDA's experience has shown that regional economic development to help alleviate these conditions is effected primarily through investments and

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<sup>1</sup> American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (February 17, 2009).

decisions made by the private sector. EDA will give preference to applications that include cash contributions (over in-kind contributions) as the matching share. See section III.C. below for more information.

Under the EDA American Recovery Program, EDA will help restore, replace and expand economic activity in regions that have experienced sudden and severe economic dislocation and job loss due to corporate restructuring, and prioritize projects that will diversify the economic base and lead to a stronger, more globally competitive and resilient regional economy. EDA's economic development activities help create jobs by encouraging business inception and growth.

EDA will evaluate and select applications according to the investment policy guidelines and funding priorities set forth in section V. of this announcement. Set out below, the Recovery Act stipulates specific requirements with respect to any funds expended or obligated from appropriations made thereunder.

1. Limit on Use of Funds. For purposes of this FFO, none of the funds appropriated or otherwise made available under ARRA may be used by any State or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.<sup>2</sup>
2. Certification Requirement. Sec. 1511 mandates that with respect to any funds made available under ARRA to State or local governments for infrastructure investments, the Governor, mayor, or other chief executive, as appropriate, must certify that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. This certification must include a description of the investment, the estimated total cost, and the amount of funds to be used, and must be posted on the recipient's website and linked to <http://www.recovery.gov/>.<sup>3</sup> A State or local agency cannot receive infrastructure investment funding from funds made available under ARRA unless this certification is made and posted.
3. Reporting Requirement. As set out in sec. 1512(c) of ARRA, no later than ten (10) days after the end of each calendar quarter, any recipient that received funds under ARRA from EDA must submit a report to EDA that contains:
  - (i) The total amount of recovery funds received from EDA;
  - (ii) The amount of recovery funds received that were expended or obligated to projects or activities;
  - (iii) A detailed list of all projects or activities for which recovery funds were expended or obligated; and

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<sup>2</sup> Sec. 1604 of ARRA.

<sup>3</sup> Under sec. 1526 of ARRA, the Recovery Accountability and Transparency Board (established in sec. 1521) must establish and maintain, no later than 30 days after enactment of ARRA, a user-friendly public-facing website to foster greater accountability and transparency in the use of funds expended or obligated from appropriations made under ARRA.

- (iv) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. No. 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

Recipients that must report information in accordance with paragraph (iv) above must register with the Central Contractor Registration database (<http://www.ccr.gov/>) or complete other registration requirements as determined by the Director of the Office of Management and Budget.<sup>4</sup> Sec. 1512(d) further requires that no later than thirty (30) days after the end of each calendar quarter, EDA must make the information in reports submitted under sec. 1512(c) of ARRA as outlined above publicly available by posting the information on a website. OMB Memo M-09-10, “*Initial Implementing Guidance for the American Recovery and Reinvestment Act of 2009*,” which can be accessed at <http://www.recovery.gov/>, provides additional information on requirements for federal agencies under ARRA.

- 4. *Timely Start and Completion of Projects.* In using funds made available under ARRA for infrastructure investments, recipients must give preference to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 days after the date of the enactment of the Act, which was February 17, 2009. Recipients of EDA investment assistance under this announcement also must use grant funds in a manner that maximizes job creation and economic benefit.<sup>5</sup>
- 5. *“Buy American” Restrictions.* Sec. 1605(a) stipulates that any ARRA-funded project “for the construction, alteration, maintenance, or repair of a public building or public work [must use] iron, steel, and manufactured goods...produced in the United States.”<sup>6</sup> The legislation allows for a waiver of this requirement if EDA determines that:
  - (i) Applying the requirement would be inconsistent with the public interest;
  - (ii) Iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
  - (iii) The inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.<sup>7</sup>

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<sup>4</sup> Sec. 1512(h) of ARRA.

<sup>5</sup> Sec. 1602 of ARRA.

<sup>6</sup> Sec. 1605 appears to combine the coverage of both the Buy American Act of 1933, as amended, and the Buy America requirements as set out in the Federal Transit Administration regulations at 49 C.F.R. part 661. Sec. 1605 applies to both federal ARRA-funded public building and works projects, and all state and local ARRA *grant-funded* public buildings and works projects.

<sup>7</sup> Sec. 1605(b).

EDA must publish a “detailed written justification” as to why the requirement in sec. 1605(a) is being waived based on a finding under paragraphs (i), (ii) or (iii) above.<sup>8</sup>

6. *Davis-Bacon Wage Rate Requirements.* As with all EDA investments in public works, economic adjustment assistance, and revolving loan fund (RLF) projects that finance construction, awards under this competitive solicitation will be subject to Davis-Bacon wage rate requirements. See section 602 of PWEDA (42 U.S.C. § 3212) and sec. 1606 of ARRA.

#### C. Statutory Authorities for EDA’s Programs under this Announcement

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

Unless otherwise provided in this FFO, applicant eligibility, program objectives and priorities, application procedures, evaluation criteria, selection procedures, and other requirements for all programs are set forth in EDA’s regulations (codified at 13 C.F.R. chapter III), and applicants must adhere to these requirements. EDA’s regulations and PWEDA are available at <http://www.eda.gov/InvestmentsGrants/Lawsreg.xml>. Please note that EDA funds may not be used directly or indirectly to reimburse any attorneys’ or consultants’ fees incurred in connection with obtaining investment assistance under this competitive solicitation. See 13 C.F.R. § 302.10.

## II. Award Information

### II.A. Funding Availability for the EDA American Recovery Program

The Recovery Act appropriated \$150,000,000 for the EDA American Recovery Program under the auspices of PWEDA. These funds shall remain available for obligation until September 30, 2010.<sup>9</sup> The law mandates that \$50,000,000 of the \$150,000,000 must be allocated for economic adjustment assistance under section 209 of PWEDA (42 U.S.C. § 3149). EDA will allocate the remaining \$100,000,000 to either the Public Works and Economic Development Facilities Program or the Economic Adjustment Assistance Program, depending on the needs demonstrated among EDA’s six regional offices, located in Atlanta, Austin, Chicago, Denver, Philadelphia and Seattle. Federally authorized regional economic development commissions may assist eligible applicants in submitting applications under this notice or may seek transfers directly from EDA.

The funding periods and funding amounts referenced in this announcement are subject to the availability of funds at the time of award, as well as to Department of Commerce and EDA priorities at the time of award. The Department of Commerce and EDA will not be held

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<sup>8</sup> Sec. 1605(c).

<sup>9</sup> Sec. 1603 of ARRA.

responsible for application preparation costs. Publication of this FFO does not obligate the Department of Commerce or EDA to award any specific grant or cooperative agreement or to obligate all or any part of available funds.

#### II.A.1. Public Works and Economic Development Facilities Program (CFDA No. 11.300)

EDA will provide Public Works investments to support the construction or rehabilitation of essential public infrastructure and facilities necessary to generate or retain private sector jobs and investments, attract private sector capital, and promote regional competitiveness, including investments that expand and upgrade infrastructure to attract new industry, support technology-led development, accelerate new business development, and enhance the ability of regions to capitalize on opportunities presented by free trade.

#### II.A.2. Economic Adjustment Assistance Program (CFDA No. 11.307)

The Economic Adjustment Assistance Program provides a wide range of technical, planning and infrastructure assistance (including assistance to establish RLFs) in regions experiencing adverse economic changes that may occur suddenly or over time. This program is designed to respond flexibly to pressing economic recovery issues and is well suited to help address challenges faced by U.S. communities and regions. Eligible applicants under PWEDA may apply for assistance under this program, including institutions of higher education (or a consortium of institutions of higher education), non-profit organizations acting in cooperation with officials of a political subdivision of a State, and State and local governments.

EDA also will continue its ongoing consideration of applications from communities experiencing adverse economic changes due to military base realignment and closures (BRAC) and federally declared disasters when awarding assistance from FY 2009 Economic Adjustment Assistance Program funds. EDA will help American workers, businesses, and communities affected by military base closures or realignments, defense contractor reductions in force, U.S. Department of Energy defense-related funding reductions, rapid growth related to such closures, realignments, or reductions, federally declared disasters, or economic deterioration due to other disasters, by providing assistance for planning, coordinating the use of federal resources available to support economic development recovery, and developing regionally focused economic recovery and growth strategies.

#### II.B. Types of Funding Instruments

Subject to the availability of funds, EDA may enter into either grants or cooperative agreements with eligible recipients in order to provide funding for eligible investment activities.

#### II.C. Project Periods

Project periods are dependent on the nature of the project and the EDA program under which the grant or cooperative agreement for the project is awarded.

### **III. Eligibility Information**

#### **A. Eligible Applicants**

Pursuant to PWEDA, eligible applicants for and eligible recipients of EDA investment assistance include a(n): (i) District Organization; (ii) Indian Tribe or a consortium of Indian Tribes; (iii) State, a city or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions; (iv) institution of higher education or a consortium of institutions of higher education; or (v) public or private non-profit organization or association acting in cooperation with officials of a political subdivision of a State. *See* section 3 of PWEDA (42 U.S.C. § 3122) and 13 C.F.R. § 300.3. Projects eligible for Public Works or Economic Adjustment investment assistance include those projects located in regions meeting “Special Need” criteria (as defined in 13 C.F.R. § 300.3), as set forth in section VII. of this announcement.

For-profit, private-sector entities and individuals do not qualify for investment assistance under the Public Works or Economic Adjustment Assistance programs, which are the programs applicable to this FFO. Therefore, requests from for-profit entities and individuals may be referred to State or local agencies, or to non-profit economic development organizations serving the region in which the project will be located.

#### **B. Economic Distress Criteria**

Potential applicants are responsible for demonstrating to EDA, by providing statistics and other appropriate information, the nature and level of economic distress in the region in which the proposed project will be located. For a Public Works (13 C.F.R. part 305; CFDA No. 11.300) or an Economic Adjustment investment (13 C.F.R. part 307; CFDA No. 11.307), the project must be located in a region that, on the date EDA receives the application for investment assistance, meets one (or more) of the following economic distress criteria: (i) an unemployment rate that is, for the most recent twenty-four (24) month period for which data are available, at least one (1) 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, eighty (80) percent or less of the national average per capita income; or (iii) a “Special Need,” as determined by EDA and as discussed in section VII. of this announcement. *See* section 301 of PWEDA (42 U.S.C. § 3161) and 13 C.F.R. § 301.3(a).

#### **C. Cost Sharing or Matching Share Requirement**

Generally, the amount of the EDA grant may not exceed fifty (50) percent of the total cost of the project. Projects may receive an additional amount that shall not exceed thirty (30) percent, based on the relative needs of the region in which the project will be located, as determined by EDA. *See* section 204(a) of PWEDA (42 U.S.C. § 3144) and 13 C.F.R. § 301.4(b)(1).

In the case of EDA investment assistance to a(n) (i) Indian Tribe, (ii) State (or political subdivision of a State) that the Assistant Secretary determines has exhausted its effective taxing and borrowing capacity, or (iii) non-profit organization that the Assistant Secretary determines has exhausted its effective borrowing capacity, the Assistant Secretary has the discretion to establish a maximum EDA investment rate of up to one hundred (100) percent of the total project cost. *See* sections 204(c)(1) and (2) of PWEDA (42 U.S.C. § 3144) and 13 C.F.R. § 301.4(b)(5). Potential applicants should contact the appropriate EDA regional office contact or Economic Development Representative listed in section VIII. of this FFO to present information for EDA's consideration.

While cash contributions are preferred, in-kind contributions, consisting of contributions of space, equipment, or services, or forgiveness or assumptions of debt, may provide the required non-federal share of the total project cost. *See* section 204(b) of PWEDA (42 U.S.C. § 3144). EDA will fairly evaluate all in-kind contributions, which must be eligible project costs and meet applicable federal cost principles and uniform administrative requirements. Funds from other federal financial assistance awards are considered matching share funds only if authorized by statute, which may be determined by EDA's reasonable interpretation of the statute. *See* 13 C.F.R. § 300.3. The applicant must show that the matching share is committed to the project for the project period, will be available as needed and is not conditioned or encumbered in any way that precludes its use consistent with the requirements of EDA investment assistance. *See* 13 C.F.R. § 301.5.

#### **IV. Form ED-900 Application Submission Information**

##### **A. Application Packages**

On October 1, 2008, EDA published a notice in the *Federal Register* (73 FR 57049) to introduce its new, streamlined *Application for Investment Assistance* (Form ED-900), which consolidates all EDA-specific requirements into a single application form. EDA will continue to require additional government-wide federal grant assistance forms from the Standard Form (SF) 424 family and certain Department of Commerce (CD) forms as part of the application package. Please see section IV.B. below for information on how to obtain an application package.

##### **1. Application Package for Construction Assistance**

Applicants seeking assistance for a project *with* construction components are required to complete and submit the following:

- Form ED-900 (*Application for Investment Assistance*)
- Form SF-424 (*Application for Federal Assistance*)
- Form SF-424C (*Budget Information—Construction Programs*)
- Form SF-424D (*Assurances—Construction Programs*)
- Form CD-511 (*Certification Regarding Lobbying*)

##### **2. Application Package for Non-Construction Assistance**

Applicants seeking assistance for a project *without* construction components are required to complete and submit the following:

- Form ED-900 (*Application for Investment Assistance*)
- Form SF-424 (*Application for Federal Assistance*)
- Form SF-424A (*Budget Information—Non-Construction Programs*)
- Form SF-424B (*Assurances—Non-Construction Programs*)
- Form CD-511 (*Certification Regarding Lobbying*)

In addition, applicants for both construction and non-construction assistance may be required to submit to an individual background screening using the form titled *Applicant for Funding Assistance* (Form CD-346) and to provide certain lobbying information using the form titled *Disclosure of Lobbying Activities* (Form SF-LLL). The new Form ED-900 provides detailed guidance to help the applicant assess whether Forms CD-346 and SF-LLL are required and how to access them.

#### B. Obtaining Application Packages

Applicants may request paper (hardcopy) application packages by contacting the designated point of contact listed in section VIII. of this FFO for the EDA regional office servicing your geographic area.

Alternatively, applicants may obtain the application packages electronically. All above-referenced forms in both application packages are available at [www.grants.gov](http://www.grants.gov). See section IV.D. of this FFO for paper or electronic submission requirements.

#### C. Content and Structure of the Form ED-900

The applicant is advised to read carefully the instructions contained in this FFO and in all forms contained in the appropriate application package. It is the sole responsibility of the applicant to ensure that the appropriate application package is complete and received by EDA.

The Form ED-900 is divided into lettered sections that correspond to specific EDA program components (e.g., Local or National Technical Assistance; Construction Assistance), which address all of EDA's statutory and regulatory requirements. Only the first section, Section A, solicits general information regarding a proposed project and must be completed by all applicants for any type of assistance. Section B solicits specific economic data to help EDA assess an applicant's regional eligibility for Public Works or Economic Adjustment Assistance, and Section C solicits information to help EDA determine the applicant's maximum allowable investment rate for Planning, Local and National Technical Assistance, University Center, or Research and Evaluation projects. Section D solicits documents from non-governmental applicants relevant to organizational capacity and structure. The remaining sections solicit information essential for EDA to assess project effectiveness and competitiveness by program type, such as project coordination with existing economic development strategies and potential impact. Sections E, F, G, H, I, J, K, L, M, and N solicit such information from applicants for Non-Construction, Planning, Short-Term Planning, State Planning, Local or National Technical,

University Center, Economic Adjustment, Revolving Loan Fund, Construction, and Design and Engineering Assistance, respectively. The Form ED-900 also contains a series of exhibits, which include EDA and Department of Commerce assurances and the Calculation of Estimated Relocation and Land Acquisition Expenses. The text of the Form ED-900 specifies which exhibits are required for each type of applicant.

Please note that an applicant need not complete all sections of the Form ED-900. As noted above, the sections an applicant must complete is determined by the program under which funding is sought. The Form ED-900 provides detailed guidance on which sections each type of applicant needs to complete the information requirements under each section.

Based on the program type, the following table details the sections and exhibits in the ED-900 that the applicant must complete. This table also is provided on the first page of Section A of Form ED-900.

<b>EDA Program</b>	<b>Required Form ED-900 Sections</b>
Public Works	Complete Sections A, B, and M and Exhibits A, D and E.
Economic Adjustment	Complete Sections A, B, and K and Exhibit C. Also complete Sections M and Exhibits A, D, and E if request has construction components, and Section N if the request has only design/engineering requirements. Complete Section E if the request has no construction components.
Revolving Loan Fund	Complete Sections A, B, E, K, and L and Exhibit C.
Design and Engineering	Complete Sections A, B, and N and Exhibit C.

For a Public Works or an Economic Adjustment investment, EDA reviews project eligibility at the time an application for investment assistance is received in the regional office. For economic distress levels based upon the unemployment rate or per capita income requirements, EDA will base its determination upon the most recent American Community Survey (ACS) published by the U.S. Census Bureau for either: the region where the project is located, the geographic area where substantial direct project-related benefits will occur, or the geographic area of poverty or high unemployment, as applicable. If a recent ACS is not available to determine project eligibility, EDA will base its decision on the most recent federal data from other sources (e.g., data available from the Census Bureau and the Bureau of Economic Analysis, Labor Statistics, Indian Affairs). If no federal data are available, an applicant must submit to EDA the most recent data available through the government of the State in which the region is located (i.e., conducted by or at the direction of the State government). *See* section 301 of PWEDA (42 U.S.C. § 3161) and 13 C.F.R. § 301.3. Other data may be submitted, as appropriate, to substantiate eligibility based on a “Special Need” (*see* section VII. below). The project must be eligible on the date EDA receives the application. In the case of an

application received by EDA more than six months before the time of award, EDA will re-evaluate the project to determine continued eligibility for EDA investment assistance before making an award. EDA will reject any documentation of eligibility that it determines is inaccurate or incomplete, which may cause the application to be rejected.

#### D. Application Submission Dates and Requirements

Unless otherwise noted in this announcement, EDA's regional offices accept applications on an ongoing basis. Applications received after the date of this announcement will be processed in accordance with the requirements set forth herein. The content of applications is the same for paper submissions as it is for electronic submissions. EDA will not accept facsimile transmissions of applications.

##### 1. Paper Submissions

Under this competitive solicitation, applicants may submit a completed paper application to the applicable EDA regional office listed in section VIII. of this announcement. The applicant should download and print copies of the application package appropriate to the type of assistance sought, whether construction or non-construction, as detailed above in section IV.A. of this FFO. All components of the appropriate application package may be accessed and downloaded (in a screen-fillable format) at [http://www.grants.gov/applicants/apply\\_for\\_grants.jsp](http://www.grants.gov/applicants/apply_for_grants.jsp). If an applicant is required to submit either Form CD-346 or Form SF-LLL, the Form ED-900 provides detailed guidance on accessing both forms.

The applicant must submit one original and two copies of the appropriate completed application package via postal mail, shipped overnight, or hand-delivered to the applicable regional office, unless otherwise directed by EDA staff. Department of Commerce mail security measures may delay receipt of United States Postal Service mail for up to two weeks. Therefore, applicants who submit paper submissions are advised to use guaranteed overnight delivery services.

##### 2. Electronic Submissions

Applicants are encouraged to submit applications electronically in accordance with the instructions provided at [www.grants.gov](http://www.grants.gov). The preferred file format for electronic attachments is portable document format (PDF); however, EDA will accept electronic files in Microsoft Word, WordPerfect, or Microsoft Excel formats. EDA advises that applicants not wait until the application closing date to begin the application process through [www.grants.gov](http://www.grants.gov). Validation or rejection of your application by [www.grants.gov](http://www.grants.gov) may take additional days after your submission. Therefore, please consider the [www.grants.gov](http://www.grants.gov) validation/rejection process in developing your application submission time line.

Applicants should access the following link for assistance in navigating [www.grants.gov](http://www.grants.gov) and for a list of useful resources: [http://www.grants.gov/applicants/applicant\\_help.jsp](http://www.grants.gov/applicants/applicant_help.jsp). If you do not find an answer to your question under [Frequently Asked Questions](#), try consulting the [Applicant's User Guide](#). If you still cannot find an answer to your question, contact

[www.grants.gov](http://www.grants.gov) via email at [support@grants.gov](mailto:support@grants.gov) or telephone at 1-800-518-4726. The hours of operation for [www.grants.gov](http://www.grants.gov) are Monday-Friday, 7:00 a.m. to 9:00 p.m. (Eastern Time) (except for federal holidays).

#### E. Funding Restrictions

The general and administrative requirements for EDA awards are set forth in 13 C.F.R. parts 300–302. Specific application and award requirements for the Public Works, Planning, Local Technical Assistance, Economic Adjustment Assistance, and TAA Programs are provided in 13 C.F.R. parts 303-307, and 13 C.F.R. part 315. The uniform administrative requirements for Department of Commerce grants and cooperative agreements are codified at 15 C.F.R. parts 14 and 24, as applicable. Funds awarded cannot necessarily be used to reimburse all costs that the recipient may incur in the course of carrying out the project. EDA allowable costs are determined in accordance with the following regulations (incorporated by reference at 15 C.F.R. parts 14 and 24): (i) 2 C.F.R. part 220, “*Cost Principles for Educational Institutions (OMB Circular A-21)*”; (ii) 2 C.F.R. part 225, “*Cost Principles for State, Local and Indian Tribal Governments (OMB Circular A-87)*”; (iii) 2 C.F.R. part 230, “*Cost Principles for Nonprofit Organizations (OMB Circular A-122)*”; and (iv) Federal Acquisition Regulation Subpart 31.2, “*Contracts with Commercial Organizations*,” codified at 48 C.F.R. § 31.2. Applicable administrative requirements and federal cost principles are incorporated by reference into the terms and conditions of each EDA award. Generally, costs that are allowable include salaries, supplies and other expenses that are reasonable and necessary for the completion of the scope of work.

#### F. Intergovernmental Review

Applications for EDA assistance are subject to the State review requirements imposed by Executive Order 12372, “*Intergovernmental Review of Federal Programs.*” To find out more about a State’s process under Executive Order 12372, applicants may contact their State’s Single Point of Contact (SPOC). Names and addresses of some States’ SPOCs are listed at [www.whitehouse.gov/omb/grants/spoc.html](http://www.whitehouse.gov/omb/grants/spoc.html).

### V. Application Review Information

#### A. Evaluation and Selection Procedures

Each application package is circulated by a project officer within the applicable EDA regional office for review and comments. After all necessary information has been obtained, the application is considered by the regional office’s investment review committee (IRC), which is comprised of regional office staff. The IRC discusses the application and evaluates it on two levels to (a) determine if it meets the program-specific award and application requirements provided in 13 C.F.R. § 305.2 for Public Works investments, or 13 C.F.R. §§ 307.2 and 307.4 for Economic Adjustment Assistance; and (b) evaluate each application using the general evaluation criteria set forth in 13 C.F.R. § 301.8. These general evaluation criteria also are listed below in section V.B.

The IRC recommends to the Regional Director whether an application merits further consideration, documenting its recommendation. For quality control assurance, EDA Headquarters reviews the IRC's analysis of the project's fulfillment of the investment policy guidelines set forth below in section V.B. of this FFO and in 13 C.F.R. § 301.8. After receiving quality control clearance, the Selecting Official, who is the Regional Director, considers the evaluations provided by the IRC and the degree to which one or more of the funding priorities provided below are included, in making a decision as to which applications merit further consideration.

To limit the burden on the applicant, EDA requests additional documentation only if EDA determines that the applicant's project merits further consideration. The Form ED-900 provides detailed guidance on documentation, information, and other materials that will be requested if, and only if, EDA selects the project for further consideration. EDA will inform the applicant if its application has been selected for further consideration or if the application has not been selected for funding.

## B. Evaluation Criteria

EDA will select applications competitively based on the investment policy guidelines identified in this section and funding priority considerations identified in section V.C. below. EDA will evaluate the extent to which a project embodies the maximum number of investment policy guidelines and funding priorities possible and strongly exemplifies at least one of each. All investment applications will be competitively evaluated primarily on their ability to satisfy one (1) or more of the following investment policy guidelines, each of equivalent weight and which also are set forth in 13 C.F.R. § 301.8:

1. ***Be market-based and results driven.*** An EDA investment will capitalize on a region's competitive strengths and will positively move a regional economic indicator measured on EDA's Balanced Scorecard, such as: an increased number of higher-skill, higher-wage jobs; increased tax revenue; or increased private sector investment resulting from the EDA investment.
2. ***Have strong organizational leadership.*** An EDA investment will have strong leadership, relevant project management experience, and a significant commitment of human resources talent to ensure a project's successful execution.
3. ***Advance productivity, innovation and entrepreneurship.*** An EDA investment will embrace the principles of entrepreneurship, enhance regional industry clusters, and leverage and link technology innovators and local universities to the private sector to create the conditions for greater productivity, innovation, and job creation.
4. ***Look beyond the immediate economic horizon, anticipate economic changes, and diversify the local and regional economy.*** An EDA investment will be part of an overarching, long-term comprehensive economic development strategy that enhances a region's success in achieving a rising standard of living by supporting existing industry clusters, developing emerging new clusters, or attracting new regional economic drivers.
5. ***Demonstrate a high degree of local commitment by exhibiting:***

- High levels of local government or non-profit matching share funds and private sector leverage;
- Clear and unified leadership and support by local elected officials; and
- Strong cooperation between the business sector, relevant regional partners and local, State and federal governments.

### C. Funding Priorities

Priority consideration will be given to areas of the Nation that have experienced sudden and severe economic dislocation and job loss due to corporate restructuring. In addition, successful applications must meet one or more of the following core criteria (investment applications that meet more than one core criterion will be given more favorable consideration):

#### 1. ***Investments in support of long-term, coordinated and collaborative regional economic development approaches:***

- Establish comprehensive regional economic development strategies that identify promising opportunities for long-term economic growth.
- Exhibit demonstrable, committed multi-jurisdictional support from leaders across all sectors:
  - i. Public (e.g., mayors, city councils, county executives, senior state leadership);
  - ii. Institutional (e.g., institutions of higher learning);
  - iii. Non-profit (e.g., chambers of commerce, development organizations); and
  - iv. Private (e.g., leading regional businesses, significant regional industry associations).
- Generate quantifiable positive economic outcomes.
- Make a persuasive case that the project would not have occurred “but for” EDA’s investment assistance (e.g., a project in which EDA’s assistance represents a substantial share of the total public infrastructure investment and which are unlikely to attract public investment absent specific and discrete EDA involvement).

#### 2. ***Investments that support innovation and competitiveness:***

- Develop and enhance the functioning and competitiveness of leading and emerging industry clusters in an economic region.
- Advance technology transfer from research institutions to the commercial marketplace.
- Bolster critical infrastructure (e.g., transportation, communications, specialized training) to prepare economic regions to compete in the world-wide marketplace.
- Leverage local partnerships and other federal programs (e.g., Economic Development District Organizations, Trade Adjustment Assistance Centers, Small Business Development Centers, federally authorized regional economic development commissions, University Centers, the U.S. Department of

Labor's Workforce Innovation in Regional Economic Development (WIRED) initiative) that increase the project's probability of success, as well as its probability of bringing substantial benefits to the distressed community in which it is located.

3. ***Investments that encourage entrepreneurship:***

- Cultivate a favorable entrepreneurial environment consistent with regional strategies.
- Enable economic regions to identify innovative opportunities, including use of business incubators, to promote growth-oriented small and medium-size enterprises.
- Promote community and faith-based entrepreneurship programs aimed at improving economic performance in an economic region.
- Link the economic benefits of the project to the distressed community in which it is located.

4. ***Investments that support strategies that link regional economies with the global marketplace:***

- Enable businesses and local governments to understand that ninety-five (95) percent of our potential customers do not live in the United States.
- Enable businesses, local governments and key institutions (e.g., institutions of higher education) to understand and take advantage of the numerous free trade agreements.
- Enable economic development professionals to develop and implement strategies that reflect the competitive environment of the 21<sup>st</sup> Century global marketplace.

Additional consideration will be given to applications that also:

- Enable BRAC-impacted communities to transition from a military to civilian economy.
- Advance the goals of linking historic preservation and economic development as outlined by Executive Order 13287, "Preserve America."
- Support the economic revitalization of brownfields.

## **VI. Award Administration Information**

### **A. Award Notices**

Applicants will be notified if their applications are selected for further consideration. Unsuccessful applicants will be notified that their applications were not recommended for funding. Unsuccessful applications will be retained in the EDA regional office in accordance with EDA's record retention schedule.

If the application is selected for funding, the EDA Grants Officer will issue the grant award (Form CD-450), which is the authorizing financial assistance award document. By signing the Form CD-450, the recipient agrees to comply with all award provisions. EDA will provide the Form CD-450 by mail or overnight delivery to the appropriate business office of the recipient's organization. The recipient must sign and return the Form CD-450 without modification within thirty (30) days of receipt.

If an applicant is awarded funding, neither the Department of Commerce 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 the Department of Commerce and of EDA.

#### B. Environmental and National Historic Preservation Requirements

All applicants for EDA assistance are required to provide adequate environmental information and contact federal and State regulatory agencies, including the designated State Historic Preservation Officer or Tribal Historic Preservation Officer (SHPO/THPO), as appropriate. Applications that may involve the National Environmental Policy Act of 1969, as amended (NEPA), or implicate the National Historic Preservation Act of 1966, as amended, may require the submission of additional information early in the application process. 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, as specified in 40 C.F.R. § 1506.6(b). For further guidance and information, please contact the Regional Environmental Officer (REO) in the appropriate EDA regional office listed in section VIII. below.

#### C. Administrative and National Policy Requirements

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

#### D. Reporting Requirements

All recipients are required to submit financial and performance (technical) reports in accordance with the terms and conditions of the grant award. All financial reports must be submitted in triplicate (one original and two copies) to the EDA Program Officer. See 13 C.F.R. § 302.16.

#### E. OMB Circular A-133 Audit Requirements

Single or program-specific audits shall be performed in accordance with the requirements contained in OMB Circular A-133, “*Audits of States, Local Governments, and Non-Profit Organizations*,” and the related *Compliance Supplement*. OMB Circular A-133 requires any non-federal entity (i.e., non-profit organizations, including non-profit institutions of higher education and hospitals, States, local governments and Indian tribes) that expends federal awards of \$500,000 or more in the recipient’s fiscal year to conduct a single or program-specific audit in accordance with the requirements set out in the Circular.

Applicants are reminded that EDA or the Department of Commerce’s Office of Inspector General also may conduct an audit of an award at any time.

## **VII. Special Need Criteria Information**

The following criteria are published in accordance with 13 C.F.R. § 301.3(a)(1)(iii) and define what may constitute a “Special Need” (as defined in 13 C.F.R. § 300.3) sufficient to make a project eligible for Public Works or Economic Adjustment investment assistance, as described in section III.B. of this announcement. Only applications for Public Works or Economic Adjustment investment assistance may be found eligible under a “Special Need,” and EDA will determine the maximum allowable investment rates for such projects. The applicant will be asked to present appropriate economic or demographic statistics to demonstrate a “Special Need.”

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

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

- a. A military base closure refers to a military base that was closed or is scheduled for closure or realignment pursuant to the base closure and realignment process or other Department of Defense (DOD) process. Unless further extended by the Assistant Secretary, the region is eligible from the date of DOD's recommendation for closure until five (5) years after the actual date of closing of the installation.
  - b. A defense contractor reduction-in-force refers to a defense contractor(s) experiencing defense contract cancellations or reductions resulting from official DOD announcements and having aggregate value of at least \$10 million per year. Actual dislocations must have occurred within one year of application to EDA and threatened dislocations must be anticipated to occur within two (2) years of application to EDA. Defense contracts that expire in the normal course of business will not be considered to meet this criterion.
  - c. A Department of Energy defense-related funding reduction refers to a Department of Energy facility that has experienced or will experience a reduction of employment resulting from its defense mission change. The area is eligible from the date of the Department of Energy announcement of reductions until five (5) years after the actual date of reduced operations at the installation.
5. Natural or other major disasters or emergencies, including terrorist attacks. Unless further extended by the Assistant Secretary, a region that has received one of the following disaster declarations is eligible to apply for EDA assistance for a period of 18 months after the date of declaration:
- a. A Presidentially Declared Disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. § 5121 *et seq.*); or
  - b. A Federally Declared Disaster pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, as amended (16 U.S.C. § 1861a(a)); or
  - c. A Federally Declared Disaster pursuant to the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. § 1961); or
  - d. A Federally Declared Disaster pursuant to the Small Business Act, as amended (Pub. L. No. 85-536, 72 Stat. 384 (1958)).
6. Extraordinary depletion of natural resources.
7. Communities undergoing transition of their economic base as a result of changing trade patterns. An area certified as eligible by the North American Development Bank (NADBank) Program or the Community Adjustment and Investment Program (CAIP).
8. Other special need. The area is experiencing other special or extraordinary economic adjustment needs, as determined by the Assistant Secretary.

### **VIII. EDA Regional Office Contacts and Economic Development Representatives**

EDA's Internet website at [www.eda.gov](http://www.eda.gov) contains additional information on EDA and its programs. You also may contact the appropriate EDA regional office or Economic Development Representative at the addresses provided below for your geographic area.

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