Frequently Asked Questions About the 2020 Build to Scale (B2S) Program Updated 9 March 2020

1.	E	ELIGIBILITY	3
8	1.	Who is eligible to apply for funding?	3
b).	Are there other statutes and policy requirements that I need to know and that will impact these awards?	3
C	.	In order to apply as a nonprofit organization must I be legally organized as a 501(c)(3)?	3
C	l.	What is a public-private partnership and what documents should I submit to EDA to demonstrate my eligibility?	4
E	<u>)</u> .	How should organizations apply under a public-private partnership?	4
f		What is an economic development organization (EDO) and what documents should I submit to EDA to demonstrate my eligibility?	5
Ç	J.	What is a venture development organization (VDO) and what documents should I submit to EDA to demonstrate my eligibility?	5
ŀ	۱.	My organization has not yet formed, or we have formed, but the organization is not yet registered in the System for Award Management (SAM.gov) or on Grants.gov. May the organization still apply for a grant under this NOFO?	5
į.	i	Are previous Regional Innovation Strategies Program grantees with active grant projects eligible for the Build to Scale program?	5
j.		What distress criteria must be met in order to be eligible to receive EDA funding?	6
k	ζ.	Will any previous grants that EDA awarded my organization affect my organization's competitiveness for these new challenges?	6
1.		For the purposes of this Program, what is a consortium?	6
2.	(CO-APPLICANTS	6
8	1.	How do you determine who the co-applicant is and what forms are they required to submit?	6
b).	What if my organization plans to engage a third party that is not a co-applicant to perform a portion of the project activities? Is the third party considered a co-applicant?	6
3.	ŀ	APPLICATION MATERIALS AND SUBMISSION PROCESS	6
8	1.	Are applicants required to submit a separate application for each challenge?	6
b).	Are applicants limited to submitting one proposal per challenge?	7
4.	F	FUNDING AND BUDGET	7
8	1.	The NOFO discusses a maximum amount for an EDA grant, but can applicants apply for less than that amount?	7
b).	Are grant amounts allotted by year or for the entire project period?	7

	C.	The NOFO indicates that applicants must include a budget narrative, but the required SF-424A Budget Information Non-Construction Programs form seems to cover that information. Are those the same?	
	d.	What can be considered in-kind contributions?	7
	e.	Can the B2S Program fund construction projects?	7
	f.	How do you determine allowable expenses that can be charged to the award?	8
	g.	Is there a limitation on the amount of indirect costs I may claim?	8
	h.	What is the minimum match required?	8
	i.	What is required for a Commitment Letter?	8
	j.	Does EDA allow program income to be considered matching share or an addition to the award? .	8
	k.	May unrecovered indirect costs count towards the required matching share?	8
	l.	Are matching funds subject to grant usage restrictions?	9
	m.	Is a budget template available and am I required to use it?	9
5.		ADDITIONAL INFORMATION ON VENTURE CHALLENGE GRANTS	9
	a.	Can we use a Venture Challenge grant to support/market a small loan program?	9
	b.	Can the grant funding be used to capitalize a seed fund?	9
6.		CONCEPT PROPOSAL AND FULL APPLICATIONS	9
	a.	How are Full Applications and Concept Proposals reviewed?	9
	b.	Is a Concept Proposal required?	9
	C.	When is the deadline for submission and where do I submit the Full Application?	9
	d.	Where can I access the most up-to-date State Single Point-of-Contact (SPOC) list related to Executive Order 12372, "Intergovernmental Review of Federal Programs"?	9
	e.	How many letters of support from State or a political subdivision of a State are necessary if I'm applying as part of a consortium?	10
7.		AWARD NOTIFICATION	10
	a.	When and how will applicants be notified of Concept Proposal and Full Application Results?	10
8.		INFORMATIONAL WEBINAR	10
	a.	Will EDA conduct an informational webinar?	10
9.		CONTACT US	10
	а	What is the easiest way to contact EDA with questions during the application process?	10

1. ELIGIBILITY

a. Who is eligible to apply for funding?

The following entities are eligible B2S Program grant recipients:

- 1. a State:
- 2. an Indian tribe:
- 3. a city or other political subdivision of a State;
- 4. an entity that
 - a. is
 - i. a nonprofit organization,
 - ii. an institution of higher education,
 - iii. a public-private partnership,
 - iv. a science or research park,
 - v. a Federal laboratory,
 - vi. a venture development organization, or
 - vii. an economic development organization or similar entity; and
 - b. has an application that is supported by a State or a political subdivision of a State; or
- 5. a consortium of any of the entities described in subparagraphs (1) through (4).

EDA has promulgated regulations that provide additional guidance on eligibility. 1

For-profit entities that are demonstrably institutions of higher education, parties to public-private partnerships, science or research parks, Federal laboratories, or economic development organizations or similar entities are eligible for funding; however, EDA strongly encourages for-profit entities to read these FAQs and the NOFO carefully, and to contact their EDA Economic Development Representative (EDR) early in the application process. *See* Question 9(a) of this document or Section G of the <u>NOFO</u>. Note that EDA is <u>NOT</u> authorized to provide grants to individuals under this Program.

b. Are there other statutes and policy requirements that I need to know and that will impact these awards?

Yes; as indicated in the NOFO, EDA award recipients must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance") at 2 C.F.R. part 200, the Department of Commerce Financial Assistance Standard Terms and Conditions, and the Pre-Award Notification Requirements for Grants and Cooperative Agreements. In addition, recipients must comply with applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program. These include but are not limited to laws prohibiting discrimination on the basis of race, color, national origin, disability, age, religion, or sex.

c. In order to apply as a nonprofit organization must I be legally organized as a 501(c)(3)?

No; however because EDA has adopted the definition of nonprofit organization as set forth in 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) at §200.70, any entity applying as a nonprofit must provide information that the organization is: (1) operated primarily for scientific, educational, service, charitable, or similar purposes in

¹ 13 C.F.R. §§ 312.3, .6.

the public interest; (2) not organized primarily for profit; and (3) uses its net proceeds to maintain, improve, or expand the operations of the organization.²

d. What is a public-private partnership and what documents should I submit to EDA to demonstrate my eligibility?

EDA defines a public-private partnership as a relationship formalized by contractual agreement between a public agency and a private-sector entity that reasonably defines the terms of collaboration in the delivery and financing of a public project.³ EDA will typically review agreements for items such as the purpose and objectives of the partnership, the binding/contractual nature of the relationship, the duties and responsibilities of each party, and the duration of the agreement. The scope of the relationship documented in the agreement may be limited to the proposal set forth in a given partnership's grant application or may encompass a broader program, initiative, or other set of activities or goals. In most cases, a letter of support from a public entity alone, without additional documentation demonstrating a formal, binding relationship between the parties, will be found insufficient to establish eligibility under this entity category. EDA reserves the right to request additional information from applicants to establish eligibility, as necessary. Applicants that have further questions concerning these documentation requirements should contact their EDA EDR. See Question 9(a) of this document or Section G of the NOFO.

e. How should organizations apply under a public-private partnership?

Organizations that plan to apply to any of the three challenges as a public-private partnership (PPP) may submit their applications in one of four ways:

- 1. The private entity that is party to the PPP applies on behalf of the PPP that includes the contractual agreement establishing the PPP, and that clearly documents the roles and responsibilities of each member of the PPP.
- 2. The public entity that is party to the PPP applies on behalf of the PPP that includes the contractual agreement establishing the PPP, and that clearly documents the roles and responsibilities of each member of the PPP.
- 3. The PPP applies as a single entity if:
 - a. the PPP is an established entity, independent of the parties to the PPP and with its own organizational structure and clearly defined management team; and
 - b. the application includes the contractual agreement establishing the PPP, and clearly documents the roles and responsibilities of each member of the PPP.
- 4. If the public and private partners are equally involved in the management and/or carrying out of the grant, then the entities of the PPP should submit as co-applicants. The application should include the contractual agreement establishing the PPP, and clearly document the roles and responsibilities of each member of the PPP.

See Question 1(d) of this document for additional guidance on establishing a PPP through a formalized contractual agreement.

Note that regardless of the approach taken to submitting an application, each party to the PPP will be considered jointly and severally liable for fulfilling the terms of the award, including post-award grant reporting and all documentation requirements.

² 13 C.F.R. § 312.3 (referencing 2 C.F.R. § 200.70).

³ 13 C.F.R. § 312.3.

f. What is an economic development organization (EDO) and what documents should I submit to EDA to demonstrate my eligibility?

EDA defines an EDO as an organization whose primary purpose is to support the economic development of a community or region.⁴ In order to demonstrate eligibility status under this category, EDA will look to the organization's Articles of Incorporation, Charter, Resolutions, Bylaws, and/or other documents that may be relevant to establish the primary purpose of the organization. Applicants are encouraged to submit all relevant documentation to EDA for evaluation. EDA reserves the right to request additional information from applicants to establish eligibility, as necessary. If applicants have further questions concerning these documentation requirements, they should contact their EDA EDR. *See* Question 9(a) of this document or Section G of the NOFO.

g. What is a venture development organization (VDO) and what documents should I submit to EDA to demonstrate my eligibility?

A VDO is a State or nonprofit organization that contributes to regional or sector-based economic prosperity by providing services for the purposes of accelerating the commercialization of research.⁵

h. My organization has not yet formed, or we have formed, but the organization is not yet registered in the System for Award Management (SAM.gov) or on Grants.gov. May the organization still apply for a grant under this NOFO?

In order to be considered for funding, applicants must submit a concept proposal by 11:59 p.m. Eastern Time on Tuesday, March, 24, 2020 (which includes demonstrating SAM registration or proof that SAM registration has been initiated), and then submit a full application package by 11:59 p.m. Eastern Time on Sunday, June 14, 2020 (which includes demonstrating eligibility and Grants.gov registration). As a result, EDA strongly encourages applicants who are in the process of forming or have formed but are not yet registered on Grants.gov, to do so <a href="https://doi.org/10:05.00/20.0

i. Are previous Regional Innovation Strategies Program grantees with active grant projects eligible for the Build to Scale program?

Entities operating within the performance period of a previously-awarded Regional Innovation Strategies (RIS) Program grant are not eligible for award under the corresponding B2S challenge, but may be eligible under a different challenge (e.g. a 2019 i6 Challenge recipient cannot apply for a 2020 Venture Challenge grant, but can apply for a 2020 Capital Challenge grant).

Notwithstanding the above, RIS grantees operating within the performance period of a RIS Program award under a prior year's competition may apply for a grant under the corresponding challenge if the organization is part of a separate and distinct entity or group of entities, such as a public-private partnership or a consortium, so long as that separate and distinct entity or group of entities is not itself operating within the performance period of an active RIS program award under the corresponding challenge.

For example, Alpha University is a 2018 i6 Challenge grantee, and Beta Nonprofit has never been awarded a RIS Program grant. Alpha University is not eligible alone for a grant under the 2020 Venture Challenge.

⁴ 13 C.F.R. § 312.3.

⁵ 15 U.S.C. § 3722(a)(4).

However, if Alpha University and Beta Nonprofit apply as a consortium (i.e., apply as co-applicants), the consortium of Alpha University and Beta Nonprofit would be eligible for a grant under the 2020 Venture Challenge.

j. What distress criteria must be met in order to be eligible to receive EDA funding?

Unlike most of EDA's other programs which are authorized under the Public Works and Economic Development Act of 1965⁶, the B2S Program is authorized under Section 27 of the Stevenson-Wydler Technology Innovation Act of 1980⁷. This authorization does not require applicants to meet specific distress criteria to be considered eliqible.

k. Will any previous grants that EDA awarded my organization affect my organization's competitiveness for these new challenges?

No, unless you have an active project at the time of awards (see Question 1.i. of this document). However, the Grants Officer may take into consideration past performance on previous awards when making final selections.

I. For the purposes of this Program, what is a consortium?

A consortium is two or more eligible entities jointly applying for an award as co-applicants.

2. CO-APPLICANTS

a. How do you determine who the co-applicant is and what forms are they required to submit?

If the other entities in question will be partnered with the lead applicant in the management and/or carrying out of the grant, then that entity may be considered a co-applicant. For assistance identifying co-applicants, please reach out to your EDA EDR. See Question 9(a) of this document or Section G of the NOFO. Co-applicants are generally required to submit the same forms that the primary applicant must provide. See Section D.2 and Appendix D of the NOFO for specific requirements and a comprehensive checklist of the documents required for all co-applicants. All co-applicants must meet the eligibility requirements described above.

b. What if my organization plans to engage a third party that is not a co-applicant to perform a portion of the project activities? Is the third party considered a co-applicant?

If your organization intends to enter into an agreement with a third party to accomplish a portion of a project's activities, then the third party is not considered a co-applicant. Third parties must be retained pursuant to a process that is in compliance with the Uniform Guidance.

3. APPLICATION MATERIALS AND SUBMISSION PROCESS

a. Are applicants required to submit a separate application for each challenge?

If you plan to apply to more than one challenge under the NOFO, you must submit a separate application packet for each challenge. Applicants may apply under more than one challenge under the B2S Program.

⁶ 42 U.S.C. § 3121, et seq.

⁷ 15 U.S.C. § 3722.

b. Are applicants limited to submitting one proposal per challenge?

Yes, applicants are generally limited to submitting one Concept Proposal and one Full Application per challenge. However, an entity may also submit an application as part of a separate and distinct entity or group of entities, such as a public-private partnership or a consortium, although that separate and distinct entity or group of entities may not itself submit more than one application per challenge.

4. FUNDING AND BUDGET

a. The NOFO discusses a maximum amount for an EDA grant, but can applicants apply for less than that amount?

Yes, an applicant can apply for less than the maximum amount stated in the <u>NOFO</u>. EDA encourages applicants to develop compelling proposals that efficiently use federal dollars.

b. Are grant amounts allotted by year or for the entire project period?

The total Federal grant awarded (up to \$1,500,000 for Venture Challenge at the Scale level, \$600,000 for Venture Challenge at the Build level, \$300,000 for Capital Challenge, and \$600,000 for Industry Challenge) is based on the entire project period, not per year.

c. The NOFO indicates that applicants must include a budget narrative, but the required SF-424A Budget Information Non-Construction Programs form seems to cover that information. Are those the same?

No, the Budget Narrative and the SF-424A (Budget Information Non-Construction Programs) are separate and distinct required documents. The SF-424A identifies the totals per budget line item. The budget narrative identifies and justifies how the funds in each budget line item will be used to support the proposed project and links each line item to its relevant commitment letter or funding source. Budget narrative line items and whole budget totals should mathematically match the total project costs listed in the appropriate totals fields of the SF-424A and Question 18, Line g ("TOTAL") of the SF-424. Applicants are strongly encouraged to review the "Application and Submission Information" (Section D) in the NOFO for further quidance.

d. What can be considered in-kind contributions?

In-kind contributions provided by the applicant may be used to meet the required non-Federal share of the total project costs. In-kind contributions consist of non-cash contributions directly related to the proposed project, and typically include items such as space, equipment, or services. The market value of space can be used as in-kind contribution for the life of the project. All itemized valuations of any in-kind matching funds should be included in the Budget Narrative. All in-kind contributions must be eligible project costs and meet applicable Federal cost principles and uniform administrative requirements and will be evaluated by EDA in accordance with these requirements.

e. Can the B2S Program fund construction projects?

There is no funding available for construction projects under this program, including projects related to the design or renovation of buildings. However, certain structural modifications may be eligible in some circumstances.⁸

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⁸ See 13 C.F.R. § 312.7(a)(9) and (b)(3).

f. How do you determine allowable expenses that can be charged to the award?

Allowable costs incurred are subject to <u>2 C.F.R. 200, Subpart E.</u> If applicants have questions concerning whether a particular cost is allowable, they should contact their State's respective Economic Development Representative (EDR). *See* Question 9(a) of this document or Section G of the <u>NOFO</u>.

g. Is there a limitation on the amount of indirect costs I may claim?

In general, indirect costs are allowed based on the rate approved by your cognizant agency; EDA requires copies of the applicant's or co-applicant's currently approved indirect cost rate agreement or agreements, if any, at the time of application. However, indirect cost rate requirements vary by type of applicant entity and whether an entity has had an approved indirect cost rate in the past. If applicants are new to the Federal grant process, or do not have a current indirect cost rate, we encourage them to discuss this process with their designated EDA EDR well before the end of the application window. See Question 9(a) of this document or Section G of the NOFO.

h. What is the minimum match required?

Applicants must provide a minimum of one-to-one (i.e. 50 percent of the total project) in matching share for all challenges. Applicants must demonstrate that this matching share (cash, in-kind, or a combination of cash and in-kind contributions) is **available**, **unencumbered**, and **committed** to the project. Applicants should also consider the nature and source of the matching share, as funds from Federal sources often cannot be considered as matching funds for other Federal projects. The budget narrative, SF-424A, and commitment letters should clearly and consistently document the total project budget and should delineate and substantiate matching share, both cash and in-kind, including appropriate valuations.

i. What is required for a Commitment Letter?

A Commitment Letter must demonstrate that matching share (whether cash or in-kind) referenced in the SF-424, SF-424A, Project and Budget Narratives, and elsewhere in the application will be available, unencumbered, and committed at the time of the award and that is signed by an authorized representative of the organization providing the matching share (e.g., the applicant, co-applicant, or third-party organization). Where an application relies on multiple organizations for matching share, multiple Commitment Letters—one from each organization providing matching share—are required. Commitment Letters do not count towards the Budget Narrative's 4-page limit; these letters can be uploaded as attachments in Grants.gov.

j. Does EDA allow program income to be considered matching share or an addition to the award?

Because EDA requires that matching share must be available, unencumbered, and committed at the time of award, EDA does **not allow** for program income to be considered as matching share (i.e., matching share cannot consist of funds that may be collected at a future date).

k. May unrecovered indirect costs count towards the required matching share?

In accordance with 2 C.F.R. 200.306(c), unrecovered indirect costs may only be applied toward the matching share with EDA's prior approval, and therefore applicants seeking to apply unrecovered indirect costs to the matching share should seek EDA's guidance early in the application process.

I. Are matching funds subject to grant usage restrictions?

Non-Federal matching funds are governed by the same principles and requirements as the Federal/EDA funds.9

m. Is a budget template available and am I required to use it?

An optional budget template is provided in the 2020 NOFO. Applicants are not required to use the budget template.

5. ADDITIONAL INFORMATION ON VENTURE CHALLENGE GRANTS

a. Can we use a Venture Challenge grant to support/market a small loan program?

Unfortunately, the Venture Challenge is designed for proposals that support or take equity in the business they will support. Projects must focus on investing in equity capital rather than debt; therefore, loan or revolving loan programs would not meet that criteria and would not qualify for a grant. However, funds that deploy convertible notes as part of their investment strategy do qualify as equity-based, because those debt instruments are intended to convert to equity.

b. Can the grant funding be used to capitalize a seed fund?

EDA funds cannot capitalize a seed fund (i.e., EDA funds and matching funds cannot be used to invest in startups or any other companies). The technical assistance and operational costs funded by EDA can jumpstart the creation or expansion of a seed fund by funding operations to raise capital for a fund, to market the fund to potential startups and investors, to educate potential seed

6. CONCEPT PROPOSAL AND FULL APPLICATIONS

a. How are Full Applications and Concept Proposals reviewed?

Applications and Concept Proposals will be reviewed based on the process and evaluation criteria outlined in Section E of the NOFO.

b. Is a Concept Proposal required?

Yes, a Concept Proposal must be submitted in order for an applicant to be eligible to submit a full application.

c. When is the deadline for submission and where do I submit the Full Application?

Concept Proposals must be submitted by 11:59 p.m. Eastern Time on Tuesday, March, 24, 2020 to the following email address: applyB2S@eda.gov. Full Applications should be submitted electronically via www.grants.gov (Grants.gov) and must be received by 11:59 p.m. Eastern Time on Sunday, June 14, 2020. EDA will not accept paper, facsimile or email transmissions of applications for this program except as provided in the NOFO. Concept Proposals and Applications received after the applicable closing date and time will not be considered for funding.

d. Where can I access the most up-to-date State Single Point-of-Contact (SPOC) list related to Executive Order 12372, "Intergovernmental Review of Federal Programs"?

The most recent list is available at https://www.whitehouse.gov/wp-content/uploads/2019/02/SPOC-February-2019.pdf. Note that "States that are not listed on [the Intergovernmental Review (SPOC List)]

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⁹ See Subpart E of the Uniform Guidance.

page have chosen not to participate in the intergovernmental review process, and therefore do not have a SPOC. If you are located within a State that does not have a SPOC, you may send application materials directly to a Federal awarding agency."¹⁰

e. How many letters of support from State or a political subdivision of a State are necessary if I'm applying as part of a consortium?

Generally, only one letter will be necessary so long as the letter demonstrates that the applicant's or coapplicant's application is supported by a State or a political subdivision of a State (e.g., a county or a municipality) that encompasses all or a substantial portion of the region served by the project.

7. AWARD NOTIFICATION

a. When and how will applicants be notified of Concept Proposal and Full Application Results?

All applicants should expect to receive an encourage or discourage letter related to their Concept Proposal approximately 40 days from the Concept Proposal deadline set forth in the <u>NOFO</u>. OIE will notify applicants via email using the email address which submitted the Concept Proposal. For more information on this process please see Section D of the NOFO.

Regarding Full Applications, all applicants should expect to receive grant award notification approximately 60-90 days from the application close data set forth in the <u>NOFO</u>. OIE will notify applicants via email using the email addresses provided for the authorized representative and application point-of-contact on the SF-424 form.

8. INFORMATIONAL WEBINAR

a. Will EDA conduct an informational webinar?

EDA has conducted an informational webinar for prospective applicants. A recording of this webinar is now available via OIE's <u>B2S Program website</u>.

9. CONTACT US

a. What is the easiest way to contact EDA with questions during the application process?

Please note, to support a fair, national competition, EDA cannot provide strategic advice, or partnership development support during the competition, and must limit support efforts to administrative and technical concerns about the competition and application process.

EDA encourages communities to start with their respective EDR listed below, but during the competition phase immediate responses may be challenging to provide due to the higher volume of inquiries. If you require immediate support, or have unique technical questions, please contact the program office by email at oie@eda.gov.

HEADQUARTER CONTACT					
Headquarters	Office of Innovation and Entrepreneurship	oie@eda.gov	(202) 482-8001		

¹⁰ Office of Management and Budget, Intergovernmental Review (SPOC List), https://www.whitehouse.gov/wp-content/uploads/2019/02/SPOC-February-2019.pdf.

ATLANTA REGION CONTACTS					
State(s)	Point of Contact	Email	Phone		
Alabama	Michael Mills	mmills@eda.gov	(404) 730-3020		
Florida	Greg Vaday	gvaday@eda.gov	(404) 730-3009		
Georgia	Jonathan Corso	jcorso@eda.gov	(404) 730-3023		
Kentucky	Bertha Partin	bpartin@eda.gov	(404) 730-3026		
Mississippi	Gilbert (Gil) Patterson	gpatterson2@eda.gov	(404) 730-3032		
North Carolina	Hillary Sherman	hsherman@eda.gov	(404) 730-3013		
South Carolina	Robin Cooley	rcooley@eda.gov	(803) 253-3640		
Tennessee	Lucas Z. Blankenship	lblankenship@eda.gov	(404) 730-3010		
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New Mexico, Texas (West)	Trisha Korbas	tkorbas@eda.gov	(720) 626-1499		
Oklahoma, Texas (North)	Jessica R. Falk	jfalk@eda.gov	(512) 516-1562		
Texas (South)	Robert Peche	rpeche1@eda.gov	(512) 568-7732		
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