

**NOTICE OF FUNDING OPPORTUNITY  
EDA Planning and Local Technical Assistance Programs**

**EXECUTIVE SUMMARY**

- **Federal Agency Name:** Economic Development Administration (EDA), U.S. Department of Commerce (DOC).
- **Federal Funding Opportunity Title:** FY 2021 – FY 2023 EDA Planning and Local Technical Assistance Programs Notice of Funding Opportunity (NOFO).
- **Announcement Type and Date:** This NOFO publishes EDA’s application submission requirements and review procedures for applications received under EDA’s (i) Planning and (ii) Local Technical Assistance programs, authorized under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121 *et seq.*). **Effective date: March 15, 2021**
- **Funding Opportunity Number:**

<u>Regional Office</u>	<u>States Served</u>	<u>NOFO Number</u>
Atlanta Regional Office:	AL, FL, GA, KY, MS, NC, SC, TN	EDA-ATL-TA-ATRO-2021-2006846
Austin Regional Office:	AR, LA, NM, OK, TX	EDA-AUS-TA-AURO-2021-2006848
Chicago Regional Office:	IL, IN, MI, MN, OH, WI	EDA-CHI-TA-CRO-2021-2006849
Denver Regional Office:	CO, IA, KS, MO, MT, ND, NE, SD, UT, WY	EDA-DEN-TA-DRO-2021-2006850
Philadelphia Regional Office:	CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, PR, VI	EDA-PHI-TA-PRO-2021-2006851
Seattle Regional Office:	AK, AZ, CA, HI, ID, NV, OR, WA, AS, MP, GU, FM, MH, PW	EDA-SEA-TA-SRO-2021-2006853

- **Catalog of Federal Domestic Assistance (CFDA) Numbers:** 11.302, Economic Development Support for Planning Organizations; 11.303, Economic Development Technical Assistance.
- **Dates:** There are no submission deadlines. Applications will be accepted on an ongoing basis until the publication of a new Planning and Local Technical Assistance Programs NOFO, cancellation of this Planning and Local Technical Assistance Programs NOFO, or all available funds have been expended. Please see section E of this NOFO for complete information on EDA’s review process.

- **Funding Opportunity Description:** EDA makes planning and local technical assistance investments to support economic development, foster job creation, and attract private investment in economically distressed areas of the United States.

Under the Planning program, EDA makes Partnership Planning, Short-Term Planning, and State Planning awards to eligible recipients to create and implement regional economic development plans designed to build capacity and guide the economic prosperity and resiliency of an area or region. More specifically, EDA makes Partnership Planning investments to designated planning organizations (i.e., District Organizations) serving EDA-designated Economic Development Districts and to Indian Tribes to facilitate the development, implementation, revision, or replacement of Comprehensive Economic Development Strategies (CEDs), which articulate and prioritize the strategic economic goals of recipients' respective regions. EDA also makes Short-Term and State Planning awards for economic development planning activities that guide the eventual creation and retention of high-quality jobs, particularly for the unemployed and underemployed in the Nation's most economically distressed regions.

Under the Local Technical Assistance program, EDA makes awards to strengthen the capacity of local or State organizations, institutions of higher education, and other eligible entities to undertake and promote effective economic development programs through projects such as feasibility studies, impact analyses, disaster resiliency plans, and project planning.

- **Eligible Applicants:** Eligible applicants for EDA financial assistance under the Planning and Local Technical Assistance programs include a(n): (i) District Organization of an EDA-designated Economic Development District; (ii) Indian Tribe or a consortium of Indian Tribes; (iii) State, county, city, or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions; (iv) institution of higher education or a consortium of institutions of higher education; or (v) public or private non-profit organization or association acting in cooperation with officials of a political subdivision of a State.

Note that **eligible applicants for Partnership Planning awards are limited to EDA-designated District Organizations and Indian Tribes**; other entities are not eligible for Partnership Planning awards. Additionally, individuals and for-profit entities are not eligible for awards under this Planning and Local Technical Assistance Programs NOFO; requests from such entities will not be considered for funding.

**FULL ANNOUNCEMENT TEXT**  
**FY 2021 – FY 2023 Planning and Local Technical Assistance Programs NOFO**

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## **A. Program Description**

### **1. Overview**

This Notice of Funding Opportunity (NOFO) sets out application submission and review procedures for two of EDA's Economic Development Assistance Programs authorized under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121 *et seq.*) (PWEDA): (i) Planning; and (ii) Local Technical Assistance. EDA publishes separate NOFOs for other funding opportunities, including: Public Works and Economic Adjustment Assistance, Build to Scale (formerly Regional Innovation Strategies), University Center, Research and National Technical Assistance, and Disaster Recovery.

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

### **2. EDA Investment Priorities**

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

### **3. EDA Program Information**

This section provides detailed information on the two programs to which this NOFO applies. EDA staff provides technical assistance to prospective applicants to assist in application development and submission. Applicants are *strongly encouraged* to contact the EDA representative listed for their applicable State in section G of this NOFO before submitting an application.

Applicants should describe how the EDA investment will complement, leverage, or otherwise align with other public and private investments to implement the project. In addition, applicants should indicate if other Federal funds have been secured for, or have been requested to support, any portion of the project for which an EDA investment is proposed. Where other Federal funding may be involved in the project, the applicant should provide the Federal program name and contact information with their application to facilitate interagency coordination and avoid duplication of resources.

### **a) Planning Program<sup>1</sup>**

Through the Planning program, EDA provides assistance to eligible recipients to manage and coordinate the development and implementation of regional economic development plans.

*Partnership Planning:* EDA makes Partnership Planning investments to facilitate the development, implementation, revision, or replacement of Comprehensive Economic Development Strategies (CEDs), which are designed to help regions leverage their unique assets to help create and retain high-quality jobs. EDA provides Partnership Planning awards to designated District Organizations serving EDA-designated Economic Development Districts (EDD). In addition, EDA provides Partnership Planning awards to Indian Tribes to help organize and assist with the implementation of economic development activities within their areas. Only EDA-designated District Organizations and Indian Tribes are eligible recipients for Partnership Planning awards.

*Short-Term and State Planning:* The Planning program also assists eligible recipients with Short-Term and State Planning efforts to stimulate and guide the creation and/or retention of high-quality jobs and private investment attraction. For example, EDA might provide Short-Term Planning funding to a coalition of Tribal and regional organizations to plan a coordinated response to the sudden loss of a significant employer in the affected area. EDA also makes Short-Term Planning awards to support the preparation or update of a CEDs for regions not served by a District Organization.

### **b) Local Technical Assistance Program<sup>2</sup>**

The Local Technical Assistance program strengthens the capacity of local, regional, or State organizations and institutions to undertake and promote effective economic development programs through projects such as feasibility studies, impact analyses, disaster resiliency plans, and project planning. For example, EDA might provide funds to help a city prepare a feasibility study regarding the reuse of an abandoned manufacturing facility to advance local economic development.

## **4. Statutory Authorities for EDA's Programs**

The statutory authorities for the Planning and Local Technical Assistance programs are sections 203 (42 U.S.C. § 3143) and 207 (42 U.S.C. § 3147) of PWEDA, respectively.

Applicant eligibility and program requirements are set forth in EDA's regulations (codified at 13 C.F.R. chapter III), and all applicants must address these requirements. Specific program requirements for the Planning program are set out at 13 C.F.R. part 303 and for the Local Technical Assistance program at 13 C.F.R. part 306, subpart A. For EDA's Planning and Local Technical Assistance programs, this announcement supersedes the FY 2016 – FY 2019

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<sup>1</sup> CFDA No. 11.302. The regulations implementing the Planning program are found at 13 C.F.R. part 303.

<sup>2</sup> CFDA No. 11.303. The regulations implementing the Local Technical Assistance program are found at 13 C.F.R. part 306, subpart A.

EDA Planning Program and Local Technical Assistance Program Federal Funding Opportunity announcement dated March 20, 2018.

## **B. Federal Award Information**

### **1. What Funding Is Available Under This Announcement?**

For fiscal year 2021, EDA was appropriated \$33.5 million for Planning programs and \$10 million for Technical Assistance programs pursuant to the Consolidated Appropriations Act, 2021 (Pub. L. 116-260, Title 1 of Division B, 134 Stat. 1182 (December 27, 2020)) and its accompanying explanatory statement. EDA allocated approximately \$2.8 million of the planning funds for Short-Term and State Planning awards and approximately \$30.7 million for Partnership Planning awards. EDA allocated approximately \$1.6 million of the technical assistance funds for Local Technical Assistance awards.

The funding periods and amounts referenced in this NOFO are subject to the availability of funds at the time of award as well as DOC and EDA priorities at the time of award. Neither DOC nor EDA will be held responsible for application preparation costs. Publication of this announcement does not obligate DOC or EDA to award any specific grant or cooperative agreement or to obligate all or any part of available funds. DOC or EDA may cancel or withdraw this NOFO at any time.

The average award amounts set out below are provided only for information and may prove useful for planning purposes. EDA anticipates making awards in similar amounts, subject to the availability of funding. Actual amounts awarded may be higher or lower depending on the nature of the proposed project and the availability of funds. Applications for funding of activities related to existing awards may compete with applications for new awards. The large majority of funding under the Planning program is for Partnership Planning grants for EDA-designated District Organizations and Indian Tribes.

The median amount of Partnership Planning and Short-Term Planning investments has been approximately \$70,000. Historically, EDA has awarded funds for between 320 and 450 Planning projects a year, of which, approximately 310 have been for Partnership Planning awards.

The median amount of Local Technical Assistance investments has been approximately \$100,000. Historically, EDA has awarded funds for between 30 and 50 Local Technical Assistance projects a year.

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

*Funding Instrument:* Subject to the availability of funds, EDA may award grants or cooperative agreements to eligible applicants to help support economic development project-based activities. EDA will award a cooperative agreement on a case-by-case basis if substantial agency involvement is required. For a cooperative agreement, the nature of EDA's "substantial involvement" (to be included in the terms and conditions of the award) will generally be collaboration between EDA and the recipient on the scope of work. Other possible examples of

EDA's "substantial involvement" pursuant to a cooperative agreement may include, but are not limited to: (i) authority to halt immediately an activity if detailed performance specifications are not met; (ii) stipulation that the recipient must meet or adhere to specific procedural requirements before subsequent stages of a project may continue; (iii) involvement in the recipient's selection of key personnel; and (iv) operational involvement during the project to ensure compliance with statutory requirements.

*Period of Performance:* The period of performance for a given project will depend on the type of project, scope of work, and the EDA program under which the grant or cooperative agreement for the project is awarded. Partnership Planning investments generally range from one to three years in duration but typically are for three years. Other Planning investments and Local Technical Assistance investments are usually 12 to 18 months in duration, but a specific award may allow for up to three years for completion of the scope of work.

## **C. Eligibility Information**

### **1. Eligible Applicants**

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

- a. District Organization;
- b. Indian Tribe or a consortium of Indian Tribes;
- c. State, county, city, or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions;
- d. Institution of higher education or a consortium of institutions of higher education;  
or
- e. Public or private non-profit organization or association acting in cooperation with officials of a political subdivision of a State.<sup>3</sup>

Note that eligible applicants for Partnership Planning awards are limited to EDA-designated District Organizations and Indian Tribes; other entities are not eligible for a Partnership Planning award.

Individuals and for-profit entities are not eligible for awards under this Planning and Local Technical Assistance Programs NOFO; requests from such entities will not be considered for funding.

### **2. Cost Sharing or Matching**

Cost sharing is an essential element of any EDA project. The availability and committed nature of matching funds is a competitiveness factor in evaluating applications against each other, as discussed in section E.1.a.v of this NOFO. Although meeting specific economic distress criteria is not a prerequisite for funding under the Planning and Local Technical Assistance

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<sup>3</sup> See section 3(4) of PWEDA (42 U.S.C. § 3122(4)(a)) and 13 C.F.R. § 300.3 (Eligible Recipient).

programs, the economic distress level of the region impacted by a project serves as the basis for establishing the EDA share of the total cost of a project.

**a) EDA Investment Rate for Planning Awards**

The Federal share of a Planning award generally may not exceed 50 percent of the total cost of the project. However, the Federal share may be increased to an amount not to exceed 80 percent of the total cost of the project. EDA’s maximum investment rate for a Planning award is determined by the average per capita income or unemployment rate of the most economically distressed county (or equivalent political unit, e.g. parish) within the region served by the project, as outlined in Table 1 below:<sup>4</sup>

TABLE 1

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

**b) EDA Investment Rate for Local Technical Assistance**

The Federal share of a Local Technical Assistance award generally may not exceed 50 percent of the total cost of the project. However, this rate may be increased to an amount not to exceed 80 percent of the total cost of the project based on the relative needs of the region<sup>5</sup> in which the project will be located, as determined by EDA. In making this determination, EDA will take into consideration the severity and duration of the unemployment rate and the extent to which per capita income is below the national average pursuant to Table 1 in section C.2.a, and such other factors as EDA deems relevant in determining the relative needs of the region in

<sup>4</sup> See section 204(a) of PWEDA (42 U.S.C. § 3144) and 13 C.F.R. § 301.4(b)(1).

<sup>5</sup> See 13 C.F.R. § 300.3 for definition of “region.”

which the project is located (for example, outmigration of the population and the extent to which such outmigration is causing economic injury in the region).<sup>6</sup>

### **c) Other Factors Affecting EDA Investment Rate**

The Assistant Secretary for Economic Development has discretion to establish a maximum EDA investment rate of up to 100 percent of the total project cost for projects: (i) of a State (or political subdivision of a State) that the Assistant Secretary for Economic Development determines has exhausted its effective taxing and borrowing capacity or (ii) of a non-profit organization that the Assistant Secretary for Economic Development determines has exhausted its effective borrowing capacity.<sup>7</sup> Additionally, EDA's regulations provide discretion to establish a maximum EDA investment rate of up to 100 percent for projects of Indian Tribes.<sup>8</sup>

Potential applicants should contact the appropriate EDA representative listed in section G of this NOFO to obtain additional information regarding these EDA investment rate determinations.

### **d) Documentation of Matching/Cost Share**

An applicant must document that matching share will: (i) be committed to the project for the period of performance, (ii) be available as needed, and (iii) not be conditioned or encumbered in any way that may preclude its use consistent with the requirements of EDA investment assistance.<sup>9</sup> To meet these requirements, an applicant should submit for each source of matching share a commitment letter or equivalent document signed by an authorized representative of the organization providing the matching funds. If state or private grants will be used as matching funds, copies of the grant agreements should be provided. Funds from other Federal financial assistance awards may be considered matching share funds only if authorized by statute, which may be determined by EDA's reasonable interpretation of the statute.<sup>10</sup> EDA may request additional documentation to substantiate the availability of the matching funds.

Documented in-kind contributions may provide the required non-Federal share of the total project cost, but they must be eligible project costs and meet applicable Federal cost principles and uniform administrative requirements. Examples of in-kind contributions can include space, equipment, or professional services.<sup>11</sup> To allow EDA to verify the value of in-kind matching share, the applicant should document the value of in-kind contributions in a matching share commitment letter and/or the budget narrative and also provide supporting documentation.

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

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<sup>6</sup> 13 C.F.R. § 301.4(b)(1).

<sup>7</sup> See sections 204(c)(1) and (2) of PWEDA (42 U.S.C. § 3144) and 13 C.F.R. § 301.4(b)(5).

<sup>8</sup> See 13 C.F.R. § 301.4(b)(5).

<sup>9</sup> See 13 C.F.R. § 301.5.

<sup>10</sup> See the definition of "Local Share or Matching Share" at 13 C.F.R. § 300.3. See also 2 C.F.R. § 200.306.

<sup>11</sup> See section 204(b) of PWEDA (42 U.S.C. § 3144) and the definition of "In-Kind Contribution" at 13 C.F.R. § 300.3.

### 3. Economic Distress Criteria

Although meeting specific distress criteria is not a prerequisite for funding under this NOFO, the economic distress level of the region impacted by a project serves as the basis for establishing the EDA share of the total cost of a project, as discussed in section C.2 of this NOFO. Additionally, awards under EDA's Planning and Local Technical Assistance programs must benefit economically distressed regions, demonstrate the probability of effecting positive economic development impacts, and help promote regional economic resiliency. Applicants are responsible for defining the region that the project will assist by providing supporting statistics and other information, as appropriate.

### D. Application Submission Information

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

EDA strongly encourages applicants to consult with the appropriate EDA representative listed in section G of this NOFO to discuss whether their project is in alignment with EDA's investment priorities, cost-sharing requirements, and other requirements outlined in this NOFO. This consultation is limited to clarification of technical matters involving their proposed project, project alignment with EDA's mission, and other relevant and publicly available information relating to general technical matters.

#### 1. Address to Request an Application

An applicant may obtain an application electronically at Grants.gov. Applicants may search for this funding opportunity on Grants.gov using the Funding Opportunity Number for the applicable EDA Regional Office listed in the Executive Summary of this NOFO. All components of the appropriate application may be accessed and downloaded (in an electronically-fillable format) at <https://www.grants.gov/web/grants/search-grants.html>.

Applicants are advised that they **must complete the registration process prior to submitting an application through Grants.gov**; please note, however, registration is not required for an applicant to access, view, or download the application. Even though an applicant may be able to view and download an application, if the applicant has not correctly completed the Grants.gov registration process, the applicant will not be able to submit the application electronically for EDA's review. Potential applicants may request a paper application by contacting the appropriate EDA representative listed in section G of this NOFO, but applications must be submitted in accordance with the provisions of section D.4 of this NOFO.

#### 2. Content and Form of the Application

The table in section D.2.a below describes all the forms and other documentation required for a complete application and may serve as a checklist for applicants in preparing their submissions.

All relevant forms must be signed electronically by the applicant's Authorized Organizational Representative (AOR); please see section I of this NOFO for information on AOR requirements. The preferred electronic file format for attachments is Adobe portable document format (PDF); however, EDA will accept electronic files in Microsoft Word, WordPerfect, or Microsoft Excel formats. EDA will not accept paper, facsimile, or email transmissions of applications.

**a) What is Required for a Complete Application?**

The following table provides a complete list of documents required for a complete application.

- 1. One Form SF-424** (Application for Federal Assistance) from each co-applicant, as applicable.
- 2. One Form SF-424A** (Budget Information—Non-Construction Programs).
- 3. One Budget Narrative** that clearly identifies and justifies how funds in each line item of the budget (Form SF-424A) will be used to support the proposed project. The Budget Narrative should specifically address each budget line item, and the narrative total should match the total project costs listed in both the SF-424 question 18, line g, and SF-424A. The Budget Narrative should also describe any other Federal funds that have been secured or requested to support the project (see section A.1 of this NOFO) and should include itemized valuations of any in-kind matching funds. The non-Federal share, whether cash or in-kind, is expected to be paid out at the same general rate as the Federal share; however, if the applicant's Budget Narrative proposes otherwise, applicants must also include information that clearly indicates what project elements the matching share funds will support and explain why deviation from paying out at the same general rate is required for the project to be implemented.
- 4. Documentation of Matching Share** for each matching share source, such as a commitment letter, board resolution, or similar document, as applicable. This should be attached to Form ED-900 (section B.10.d of Form ED-900 as of the date of publication of this NOFO).
- 5. One Form ED-900** (General Application for EDA Programs).
- 6. One Form ED-900A** (Additional EDA Assurances for Construction or Non—Construction Investments) from each co-applicant, as applicable.
- 7. One Form CD-511** (Certification Regarding Lobbying) from each co-applicant, as applicable.
- 8. One Form SF-LLL** (Disclosure of Lobbying Activities) from each co-applicant, as applicable. Form SF-LLL is only required if an applicant has reportable lobbying activities.

## **b) Environmental Requirements**

Each application will be reviewed by EDA for compliance with the National Environmental Policy Act (NEPA) of 1969, as amended. Most planning and technical assistance activities funded under this NOFO will not require an environmental impact statement (EIS) or an environmental assessment (EA), as EDA's experience has shown such activities do not significantly affect the quality of the human environment. However, EDA will be alert to extraordinary circumstances that would require an EIS or an EA for activities funded under this NOFO, and EDA may require an applicant to submit additional information related to environmental review.

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

If indirect costs are included in the budget, the applicant must include documentation to support the indirect cost rate it is using (unless claiming the 10 percent de minimis indirect cost rate, discussed below). For most applicants, this will entail the submission of a copy of its current, approved, and negotiated indirect cost rate agreement (NICRA). The maximum dollar amount of allocable indirect costs for which EDA will reimburse a recipient shall be the lesser of the (1) line-item amount for the Federal share of indirect costs contained in the EDA approved budget for the award or (2) Federal share of the total allocable indirect costs of the project based on either (a) the indirect cost rate approved by EDA (or applicable cognizant Federal agency), provided that the cost rate is current at the time the costs were incurred and provided that the rate is approved on or before the award end date, or (b) other acceptable documentation as indicated below.

If the applicant does not have a current or pending NICRA, it may propose indirect costs in its budget; however, the applicant must prepare and submit an allocation plan and rate proposal for approval within 90 days of the award start date (unless claiming the 10 percent de minimis indirect cost rate, discussed below). See 2 C.F.R. part 200 Apps. III, IV, V, VI, VII for guidance. The allocation plan and the rate proposal must be submitted to EDA's Office of Regional Affairs (or the applicant's cognizant Federal agency). If the applicant chooses to pursue this option, it should include a statement in its Budget Narrative that it does not have a current or pending NICRA and will submit an allocation plan and rate proposal.

In accordance with 2 CFR § 200.414(f), an applicant that does not have a current negotiated (including provisional) rate may elect to charge a de minimis rate of 10 percent of modified total direct costs (unless the applicant is a state or local unit of government or an Indian tribe that receives less than \$35 million in direct federal funding per year, discussed below). No documentation is required to justify the 10 percent de minimis indirect cost rate; however, an applicant electing to charge a de minimis rate of 10 percent must include a statement in its Budget Narrative that it does not have a current negotiated (including provisional) indirect cost rate and is electing to charge the de minimis rate.

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

- i. A Certificate of Indirect Costs from DOI or EDA;
- ii. Acknowledgment received from EDA and Certificate of Indirect Costs in the form prescribed at 2 C.F.R. pt. 200, app. VII;
- iii. Cost Allocation Plan approved by a Federal agency (note that cost allocation plans or indirect cost rates approved by state agencies are not acceptable); or
- iv. NICRA.

EDA reserves the right to require District Organizations to submit a cost allocation plan or a full indirect cost rate proposal if, in EDA's judgment, a NICRA is required to verify the District Organization's proposed indirect cost rate.

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

To enable the use of a universal identifier and to enhance the quality of information available to the public as required by the Federal Funding Accountability and Transparency Act of 2006, applicants are required to: (i) be registered in the SAM before submitting their application; (ii) provide a valid unique entity identifier in their application; and (iii) continue to maintain an active SAM registration with current information at all times during which they have an active Federal award or an application or plan under consideration by a Federal awarding agency. EDA may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements, and if an applicant has not fully complied with the requirements by the time EDA is ready to make an award, EDA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making an award to another applicant. Recipients will be subject to reporting requirements, as identified in OMB guidance published at 2 C.F.R. parts 25 and 170.

### **4. Submission Dates and Times**

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

#### **a) Requirement to Submit Applications Electronically**

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

Once an application is submitted, it undergoes a validation process through Grants.gov during which the application may be accepted or rejected by the system. Please be advised that the validation process may take 24 to 48 hours to complete. Applications that contain errors will be rejected by Grants.gov and will not be forwarded to EDA for review. The applicant must correct any errors before Grants.gov will accept and validate the application.

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

## **b) Alternatives to Electronic Submission.**

If an applicant is unable to submit an application electronically for reasons beyond the control of the applicant, EDA, in its sole discretion, may **pre-approve in writing** submission via an alternate method (e.g., email).

## **5. Intergovernmental Review**

Applications submitted under this NOFO are subject to the requirements of Executive Order (EO) 12372, “Intergovernmental Review of Federal Programs,” if a State has adopted a process under EO 12372 to review and coordinate proposed Federal financial assistance and direct Federal development (commonly referred to as the “single point of contact review process”). All applicants must give States and local governments a reasonable opportunity to review and comment on the proposed Project, including review and comment from area-wide planning organizations in metropolitan areas. To find out more about a State’s process under EO 12372, applicants may contact their State’s Single Point of Contact (SPOC). Names and addresses of some States’ SPOCs are listed on OMB’s website at <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>. Applicants document compliance with EO 12372 by completing section E.3. of Form ED-900.

## **6. Funding Restrictions**

In general, EDA does not reimburse pre-award project costs. Applicants that are in need of such reimbursement should work closely with the appropriate EDA representative listed in section G of this NOFO to determine if their pre-award costs may be considered for reimbursement. For contracted pre-award costs to be eligible for reimbursement, the applicant must procure services in accordance with the minimum requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) as set forth in 2 C.F.R. part 200. All pre-award costs are incurred at an applicant’s own risk and will be considered for reimbursement, in EDA’s sole discretion, only if an applicant receives an award and such costs are approved by EDA in writing. Under no circumstances will EDA or DOC reimburse application preparation expenditures, which are distinguished from pre-award project costs.

## **7. Other Submission Requirements**

After EDA reviews an application, EDA may contact the applicant to request additional documentation to clarify or substantiate submitted application materials. Examples of additional documentation may include documentation of the value of in-kind contributions, evidence that all funding is available and committed to the project, or documentation required for environmental or legal compliance. EDA will provide applicants a reasonable amount of time to provide any additional documentation. Failure to provide complete and accurate supporting documentation in a timely manner when requested by EDA may result in the denial of an application.

## **E. Application Review Information**

Throughout the review and selection process, EDA reserves the right to seek clarification in writing from applicants whose applications are being reviewed. This may include proposing applicants seek funding under a different EDA program or other Federal financial assistance program under which they may be more competitively assessed. EDA may additionally ask applicants to modify budgets or other specifics necessary to comply with Federal requirements. Before applications are reviewed as described below, EDA will conduct an initial screening to verify that all required forms are complete and all required documentation is included. Applications that do not contain all elements listed in section D.2.a of this NOFO may not be considered for funding.

For Partnership Planning awards to currently designated District Organizations and Indian Tribes, EDA will handle the award process in accordance with current practice for institutional awards, rather than follow the competitive process outlined in this section. EDA will contact each currently designated District Organization and Indian Tribe that receives Partnership Planning awards to provide specific application submission requirements and award procedures. EDA's requirements for designating Economic Development Districts and District Organizations are set out at 13 C.F.R. part 304.

### **1. Review and Selection Process**

#### **a) Investment Review Committee (IRC)**

Each EDA Regional Office will convene periodic IRCs, as necessary depending on the volume of applications, that consist of at least three EDA staff members to review each complete application submitted (except for Partnership Planning applications, which are institutional awards as discussed above in section E).

All IRC members will review each complete application before the IRC discussion and evaluation. The IRC will make a group evaluation of the merits of each application based on the extent to which the application meets the program-specific requirements provided in 13 C.F.R. part 303 for Planning investments and 13 C.F.R. part 306 for Local Technical Assistance investments.

The IRC will use the following criteria in its review, with each criterion receiving equal weight:

- i. The project's sustainability/durability, including the extent to which the project demonstrates support from regional stakeholders (private, public, and non-profit entities, etc.);
- ii. The applicant's organizational capacity, including its financial and management capacity;
- iii. The extent to which the project aligns with EDA's current Investment Priorities;
- iv. The project's potential to increase the capacity of the community or region to foster creation and/or retention of high-quality jobs and promote private investment in the regional economy; and

- v. The project's feasibility and the likelihood that the project will achieve its projected outcomes, which may include the availability and committed nature of proposed matching funds.

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

#### **b) Due Diligence**

After an applicant has been notified that its application has been recommended by the IRC for further consideration, EDA may request that the applicant submit additional documents and information to allow EDA to fully evaluate compliance with applicable rules and regulations. If the applicant provides the requested information and supporting documentation in a timely fashion and EDA determines the project is fully compliant with applicable rules and regulations, the application will be forwarded to the Regional Director for a final award decision. Applicants that do not provide the additional information and supporting documentation in a timely fashion or who are deemed not to be in compliance with applicable rules and regulations will receive notification their application has been denied.

#### **c) Grants Officer's Decision**

Applications recommended by the IRC and deemed compliant with applicable rules and regulations will be forwarded to the Regional Director, who is the designated Grants Officer under this NOFO. Each Regional Director has the final authority regarding funding of applications and may select a project for funding that differs from the IRC's recommendations based on any of the following selection factors:

1. The relative economic distress of the region;
2. The likelihood a given project will start quickly, realistically achieve project goals, and catalyze additional resources;
3. The extent to which the application meets the overall objectives of section 2 of PWEDA (42 U.S.C. § 3121);
4. If the applicant is a previous recipient of Federal financial assistance, the applicant's performance under previous awards, including whether the grantee submitted required performance reports and data;
5. The availability of program funding; and
6. The extent to which the project supports EDA's goals of geographic balance in distribution of program funds, project types, organizational type (to include smaller and rural organizations), and the overall portfolio.

The Regional Director's final decision must be consistent with EDA's and DOC's published policies.

## **2. Federal Awardee Performance and Integrity System (FAPIIS) Review**

EDA, prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS). See 41 U.S.C. § 2313.

Each applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM.

EDA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.205.

## **F. Federal Award Administration Information**

### **1. Federal Award Notification**

If an application is selected for funding and the applicant successfully and timely completes all due diligence requirements, EDA anticipates that the Grants Officer will issue an award using Form CD-450, which is the authorizing financial assistance award document and includes Specific Award Conditions and the DOC Financial Assistance Standard Terms and Conditions (DOC ST&Cs).

By signing Form CD-450, the applicant agrees to comply with all award provisions. EDA anticipates that Form CD-450 will be provided via email through Grants Online or a successor electronic grants management system. The email will provide the applicant's authorized representative with instructions on how to create an account with Grants Online to view and sign the award. The applicant must sign and return the Form CD-450 without modification within 30 days of the date of EDA's signature on the form.

If an applicant is awarded funding, neither DOC nor EDA is under any obligation to provide any additional future funding in connection with that award or to make any future award(s). Amendment or renewal of an award to increase funding or to extend the period of performance is at the discretion of DOC and EDA.

EDA will notify unsuccessful applicants in writing to the applicant's authorized representative.

### **2. Administrative and National Policy Requirements**

Recipients of an EDA award will be bound by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) as set forth in 2 C.F.R. part 200.

For all projects, DOC will apply the DOC ST&Cs applicable on the date of the award. The DOC ST&Cs may be accessed at the following website: [https://www.osec.doc.gov/oam/grants\\_management/policy/](https://www.osec.doc.gov/oam/grants_management/policy/).

DOC will apply the Pre-Award Notification Requirements for Grants and Cooperative Agreements effective December 26, 2014, 79 Fed. Reg. 78,390. The Pre-Award Notice may be accessed at <http://www.gpo.gov/fdsys/pkg/FR-2014-12-30/pdf/2014-30297.pdf>.

### **3. Reporting**

All recipients are required to submit financial, performance, and impact reports in accordance with the terms and conditions of the grant award, generally no less than semi-annually. All project progress and financial reports must be submitted to the applicable EDA program officer in an electronic format to be determined at the time of award.

The Federal Funding Accountability and Transparency Act of 2006 includes a requirement for awardees of applicable Federal grants to report information about first-tier subawards<sup>12</sup> and executive compensation under Federal assistance awards issued in FY 2011 or later. All awardees of applicable grants and cooperative agreements are required to report to the Federal Subaward Reporting System (FSRS) available at [www.FSRS.gov](http://www.FSRS.gov) on all sub-awards over \$25,000. Please see the OMB guidance published at 2 C.F.R. part 170, which can be accessed at <https://www.ecfr.gov/cgi-bin/text-idx?SID=40023e1db665ebc89de0d086aaabf96a&mc=true&node=pt2.1.170&rgn=div5>.

EDA will require additional data on activities, outputs, and actual impact of the funded investment, in part to fulfill the requirements of the Government Performance and Results Act (GPRA). EDA anticipates that recipients will be expected to track their engagement activities within the scope of work, with project beneficiaries, and other project stakeholders. EDA further anticipates recipients will be expected to collect data, using surveys of beneficiaries or clients if necessary, on the outputs and outcomes of their activities, such as the number of strategic plans or economic development tools developed, the number of new business partnerships formed, or the range of new capabilities acquired. EDA plans to collect this information using Forms ED-916 (Semi-annual Program Outputs Questionnaire for EDA grantees), ED-917 (Annual Capacity Outcomes Questionnaire for EDA Grantees serving clients), and ED-918 (Annual Capacity Outcomes Questionnaire for EDA Grantees). For more information, please refer to <https://www.eda.gov/performance/>.

### **G. Federal Awarding Agency Contacts**

For questions concerning this NOFO, or more information about EDA programs, potential applicants are encouraged to contact the appropriate EDA Economic Development Representative listed at <https://www.eda.gov/contact/>.

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<sup>12</sup> A first-tier subaward means an award provided by the recipient to a subrecipient for the subrecipient to carry out as part of a Federal award.

Alternatively, potential applicants may contact the appropriate EDA Regional Office listed below.

**Atlanta Regional Office**

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

**Austin Regional Office**

Jorge Ayala, Regional Director  
903 San Jacinto, Suite 206, Austin, TX 78701  
(512) 381-8150 Main Office

**Chicago Regional Office**

Susan Brehm, Regional Director  
230 South Dearborn Street, Suite 3280, Chicago, IL 60604-1512  
(312) 353-8143 Main Office

**Denver Regional Office**

Angela Belden Martinez, Regional Director  
1244 Speer Boulevard, Suite 431, Denver, CO 80204  
(303) 844-4715 Main Office

**Philadelphia Regional Office**

Linda Cruz-Carnall, Regional Director  
Robert N.C. Nix Federal Building  
900 Market Street, Room 602, Philadelphia, PA 19107  
(215) 597-4603 Main Office

**Seattle Regional Office**

Kerstin Millius, Acting Regional Director  
Jackson Federal Building  
915 Second Avenue, Room 1890, Seattle, WA 98174-1012  
(206) 220-7660 Main Office

**H. Other Information**

**1. Right to Use Information**

The applicant acknowledges and understands that information and data contained in applications for financial assistance, as well as information and data contained in financial, performance and other reports submitted by applicants, may be used by the Department of

Commerce in conducting reviews and evaluations of its financial assistance programs. For this purpose, applicant information and data may be accessed, reviewed and evaluated by Department of Commerce employees, other Federal employees, and also by Federal agents and contractors, and/or by non-Federal personnel, all of whom enter into appropriate conflict of interest and confidentiality agreements covering the use of such information. As may be provided in the terms and conditions of a specific financial assistance award, applicants are expected to support program reviews and evaluations by submitting required financial and performance information and data in an accurate and timely manner, and by cooperating with Department of Commerce and external program evaluators. In accordance with 2 C.F.R. § 200.303(e), applicants are reminded that they must take reasonable measures to safeguard protected personally identifiable information and other confidential or sensitive personal or business information created or obtained in connection with a Department of Commerce financial assistance award.

## **2. Freedom of Information Act Disclosure**

Department of Commerce regulations implementing the Freedom of Information Act (FOIA), 5 U.S.C. Sec. 552, are found at 15 C.F.R. Part 4, Public Information. These regulations set forth rules for the Department regarding making requested materials, information, and records publicly available under the FOIA. Applications submitted in response to this Notice of Funding Opportunity may be subject to requests for release under the Act. In the event that an application contains information or data that the applicant deems to be confidential commercial information that should be exempt from disclosure under FOIA, that information should be identified, bracketed, and marked as Privileged, Confidential, Commercial or Financial Information. In accordance with 15 CFR § 4.9, the Department of Commerce will protect from disclosure confidential business information contained in financial assistance applications and other documentation provided by applicants to the extent permitted by law.

## **3. Past Performance and Non-Compliance with Award Provisions**

Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding. Failure to comply with any provisions of an award may have a negative impact on future funding and may be considered grounds for taking any or all of the following actions: (1) establishing an account receivable; (2) withholding payments to the recipient under any DOC award(s); (3) changing the method of payment from advance to reimbursement only; (4) imposing other specific award conditions; (5) suspending any active DOC award(s); and (6) terminating any active DOC award(s).

## **4. Certifications Required by Annual Appropriations Acts for Corporations and for Awards over \$5 Million**

As discussed in section D.3, all applicants are required to be registered in SAM before applying under this NOFO. SAM requires registering entities to certify compliance with all limitations imposed by annual appropriation acts. For corporations, this certification includes that the corporation:

- (a) Was not convicted of a felony criminal violation under a Federal law within the preceding 24 months, unless a Federal agency has considered suspension or

debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government; and/or

(b) Does not have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, unless a Federal agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

For financial assistance awards in excess of \$5 million, this certification includes that the entity:

(a) To the best of its knowledge and belief, has filed all Federal tax returns required during the three years preceding the certification;

(b) Has not been convicted of a criminal offense under the Internal Revenue Code of 1986; and/or

(c) Has not been notified, more than 90 days prior to certification, of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

## **5. EDA's Non-Relocation Policy**

**Should an application be selected for award, the recipient will be required to adhere to a specific award condition relating to EDA's non-relocation policy as follows:**

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

For purposes of ensuring that EDA assistance will not be used to merely transfer jobs from one location in the United States to another, each applicant must inform EDA of all employers that constitute primary beneficiaries of the project assisted by EDA. EDA will consider an employer to be a "primary beneficiary" if: (i) the employer is specifically named in the application as benefitting from the project, and the applicant estimates that the employer will create or save 100 or more permanent jobs as a result of the investment assistance (if the jobs in question were originally located in a smaller community, EDA may extend this policy to the relocation of 50 or more jobs); or (ii) the employer is or will be located in an EDA-assisted

building, port, facility, or industrial, commercial, or business park constructed or improved in whole or in part with investment assistance prior to EDA's final disbursement of funds.

## **6. Audit Requirements**

Single or program-specific audits shall be performed in accordance with the requirements contained in the Uniform Guidance (see 2 C.F.R. part 200, subpart F, "Audit Requirements"). The Uniform Guidance requires any non-Federal entity (i.e., non-profit organizations, including non-profit institutions of higher education and hospitals, States, local governments, and Indian Tribes) that expends Federal awards of \$750,000 or more in the recipient's fiscal year to conduct a single or program-specific audit in accordance with the requirements set out in the OMB Uniform Guidance. Applicants are reminded that EDA or the DOC's Office of Inspector General also may conduct an audit of an award at any time.

### **I. Instructions for Application Submission via Grants.gov**

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

1. navigate to <https://www.grants.gov/web/grants/applicants/apply-for-grants.html>;
2. click "Search for Opportunity Package";
3. in the "Funding Opportunity Number" field, enter the Funding Opportunity Number for the applicable EDA Regional Office listed in the Executive Summary of this NOFO;
4. click "Search";
5. click the "Apply" link that corresponds to the competition to which you wish to apply;
6. enter your email address (if you would like to receive updates from Grants.gov regarding this grant opportunity) or check the box that indicates you do not wish to provide it, then click "Submit";
7. choose to apply using Workspace by clicking "Login to Apply Now" or choose to download the legacy application package by clicking "Download Package"; and
8. follow the instructions provided on the Grants.gov website and on each webpage to complete and submit your application.

#### **1. Register Early and Submit Early**

To submit an application through <https://www.grants.gov/> (Grants.gov), an applicant must register for a Grants.gov user ID and password. Note that this process can take between **three to five business days** or **as long as four weeks** if all steps are not completed correctly. Information about the Grants.gov registration process for organizations can be found at <https://www.grants.gov/web/grants/applicants/organization-registration.html>. Please note that organizations already registered with Grants.gov do not need to re-register; however, all registered organizations must keep their SAM registration, which includes the CCR database registration, up to date through [sam.gov](http://sam.gov) or their applications will not be accepted by Grants.gov.

## 2. AOR Requirement

Applicants must register as organizations, not as individuals. As part of the registration process, you will register at least one AOR for your organization. AORs registered at Grants.gov are the only officials with the authority to submit applications at Grants.gov; please **ensure that your organization's application is submitted by an AOR. If the application is submitted by anyone other than your organization's AOR, it will be rejected by the Grants.gov system and cannot be considered by EDA.** Note that a given organization may designate multiple individuals as AORs for Grants.gov purposes.

## 3. Field Limitations and Special Characters

Please be advised that Grants.gov provides the following notice with respect to form field limitations and special characters: <https://www.grants.gov/web/grants/applicants/submitting-utf-8-special-characters.html>.

## 4. Verify That Your Submission Was Successful

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

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

It is the applicant's responsibility to verify that its submission was timely received and validated successfully at Grants.gov. To see the date and time your application was received, navigate to <https://www.grants.gov> and click on the "Track My Application" link under the "Applicants" tab. For a successful submission, the application must be received and validated by Grants.gov, and an agency tracking number must be assigned. Once validation is complete, the status will change to "Validated" or "Rejected with Errors." If the status is "Rejected with Errors," your application has not been received successfully. For more detailed information about why an application may be rejected, please see "Encountering Error Messages" at <https://www.grants.gov/web/grants/applicants/encountering-error-messages.html> and "Frequently Asked Questions by Applicants" at <https://www.grants.gov/web/grants/applicants/applicant-faqs.html>.

## 5. Grants.gov Systems Issues

If you experience a Grants.gov systems issue (i.e., a technical problem or glitch with the Grants.gov website) that you believe threatens your ability to complete a submission in a timely manner, please (i) print any error message received; (ii) call the Grants.gov Contact Center at (800) 518-4726 for assistance; and (iii) contact EDA using the contact information in section G of this NOFO. Ensure that you obtain a case number regarding your communications with Grants.gov. Please note that problems with an applicant's computer system or equipment are **not** considered systems issues. Similarly, an applicant's failure to, e.g., (i) complete the required registration, (ii) ensure that a registered AOR submits the application, or (iii) notice receipt of an email message from Grants.gov are **not** considered systems issues. A Grants.gov systems issue is an issue occurring in connection with the operations of Grants.gov itself, such as the temporary loss of service by Grants.gov due to unexpected volume of traffic or failure of information technology systems, both of which are highly unlikely. In the event of a confirmed systems issue, EDA reserves the right to accept an application in an alternate format.

Applicants should access the following link for assistance in navigating Grants.gov and for a list of useful resources: <https://www.grants.gov/web/grants/support.html>. The following link lists "Frequently Asked Questions by Applicants": <https://www.grants.gov/web/grants/applicants/applicant-faqs.html>. If you do not find an answer to your question there, contact Grants.gov by email at [support@grants.gov](mailto:support@grants.gov) or telephone at (800) 518-4726. The Grants.gov Contact Center is open 24 hours a day, seven days a week, except on Federal holidays.