

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

TITLE: "TECHNICAL ASSISTANCE TO BROWNFIELDS COMMUNITIES"

ACTION: Request for Applications (RFA) - Questions and Answers

RFA NO: EPA-OSWER-OBCR-07-08

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

SUMMARY: The following are formal Agency responses to questions/comments regarding the subject solicitation.

1. What is the closing date of the Technical Assistance to Brownfields Communities solicitation?

The closing date and time for receipt of proposals is October 2, 2007, 5:00 pm EDT.

2. What is the total maximum award amount? Is it \$4 million for the five year grant period or is the amount \$4 million per year for the five year grant period for a total of \$20 million?

The maximum award amount for the entire five year grant period is estimated to be \$4 million.

3. If an applicant is submitting a proposal as a lead for one zone and is also submitting a proposal as a subaward partner with another university in a different zone will the subaward agreement need to be competed or will EPA view these agreements between higher education institutions differently?

Whether or not a partnership agreement needs to be competed depends on the nature of the transaction between the universities.

If the recipient university is providing financial assistance by way of proper subaward (i.e a subgrant) to another university, the applicable regulations (40 CFR 30.2(ff) and 40 CFR 30.5) do not require that the subaward be competed. To be a proper subaward the transaction must be consistent with the difference between subrecipient and vendor relationships described in ____210 of OMB Circular A-133. For example, a subaward between universities would be proper if the subaward supported the university subrecipient's Brownfields technical assistance, research or training program that the subrecipient university carries out as part of its educational mission. On the other hand, if the recipient university is acquiring accounting, information technology, legal or similar commercial type services from another university, then the arrangement is more characteristic of a procurement contract. Competition would be required in the latter case since these services are readily available in the commercial marketplace such that it would not be impracticable for the recipient university to obtain competition for its requirements. 40 CFR 30.43.

4. The RFA does not specifically address multiple proposal submissions to this RFA, but neither does it appear to restrict being a lead in one zone and a sub in different zone.

Nothing prevents/prohibits an entity from submitting a proposal as the lead organization in one zone and then serving as a partner organization on a proposal in another zone. Each proposal would need to be submitted separately and would be evaluated on its own individual merits.

5. Would an entity who currently has a brownfields cooperative agreement authorized under CERCLA Section 104(k)(6) be ineligible to apply for the Technical Assistance to Brownfields Communities grant because it would be viewed as a duplicative grant?

Entities who currently have a cooperative agreement authorized under CERCLA Section 104(k)(6) do not become ineligible by virtue of already having a Section 104(k)(6) agreement. As long as the entity meets the eligibility requirements cited under Section 3, A. Eligible Entities of the solicitation, they are eligible to apply for this grant opportunity. However, funding under this agreement cannot be used for activities which would duplicate projects under their current grant agreements.

6. Would an entity that is currently performing brownfields assessments for a community be eligible to apply for a Technical Assistance to Brownfields Communities grant?

Entities that meet the eligibility requirements cited under Section 3, A. Eligible Entities of the solicitation are eligible to apply for this grant opportunity. The fact that an entity is currently performing or assisting others in performing an assessment does not make them ineligible to apply for this grant.

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

Yes, non profit trade associations exempt from taxation under Section 501(c)(6) of the internal revenue code are eligible to apply for funding under CERCLA 104(k)(6), therefore, they would be eligible to apply for a Technical Assistance to Brownfields Communities grant.

8. Would it be acceptable to EPA for an applicant to work with another university and a non-profit as technical assistance partners?

It is acceptable for the applicant to partner with other entities (universities or non profit organizations) as long as the entity who is the Cooperative Agreement recipient meets the eligibility requirements. Whether or not a partnership agreement needs to be completed depends on the nature of the transaction between the universities or non-profit organization. (*Refer to Question 3 for more information.*)

9. Can grant money be used by the Technical Assistance to Brownfields Communities grantee to reimburse the indirect costs of a contractor?

Yes. The administrative cost prohibition applies only to the grant recipient's indirect costs and not to the costs the grantee incurs under a contract for eligible programmatic costs. A grantee would be able to use grant funds to reimburse a contractor for his indirect costs if the contractor is performing programmatic activities, and the costs were reasonable and allocable to the task being performed. The EPA guidelines provide that eligible programmatic costs are expenditures for activities that are integral to achieving the purpose of the grant. A contractor's indirect costs that are otherwise reasonable (e.g. are covered by an indirect cost rate agreement with its cognizant federal audit agency) and normally charged to cost reimbursement contracts are programmatic rather than administrative.

10. Can a grantee or subgrantee who directly charges the amount of their building lease be reimbursed for those costs under the Technical Assistance to Brownfields Communities grants or would the lease costs be considered an ineligible administrative cost? The building lease costs are not part of the negotiated overhead rate. They are charged as direct costs with no overhead costs applied.

If a grantee or subgrantee normally treats lease costs for space needed for specific grants as a direct cost of carrying out the grant, these costs are considered programmatic rather than administrative. However, the grantee or subgrantee must treat lease costs for non-university space consistently as direct costs rather than as part of its General and Administrative overhead.

11. Is the Technical Assistance to Brownfields Communities grants a very competitive program? What percentage of applications receive funding?

Prior to this competitive solicitation, technical assistance support to communities was provided through a larger Hazardous Substance Research Center (HSRC) grant that provided support for both Superfund and Brownfields programs. The HSRC's were selected through a limited competition process. Under this announcement, EPA is conducting a full and open competition and the Agency encourages all interested and eligible applicants to apply. Because this is the first full and open competition for "Technical Assistance to Brownfields Communities" under the new Brownfields statute, we are unable to provide you with information regarding the percentage of Technical Assistance to Brownfields Communities applications that have historically received funding. (*Refer to Question 13 for more information.*)

12. Is the Technical Assistance to Brownfields Communities grant program offered each year, and if so, do the funding amount and application requirements generally stay the same?

The Technical Assistance to Brownfields Communities grants are anticipated to have a five year project period and, therefore, are not competed annually. As the end of the project period approaches, EPA will evaluate the need to re-compete the grant. EPA will also review the funding available and application requirements at that time. It is unknown at this time whether or not these will remain the same as this solicitation.

13. What types of entities usually receive the majority of funding?

The previous solicitation limited the eligible entities to universities, therefore, universities received the majority of funding. The current Technical Assistance to Brownfields Communities grant solicitation has expanded those eligible to apply to include general purpose local unit of government; a land clearance authority or other quasi-governmental entity that operates under the supervision and control of, or as an agent of, a general purpose unit of government; a governmental entity created by a state legislature; a regional council or group of general purpose units of local government; a development agency that is chartered or otherwise sanctioned by a state; a state; an Indian tribe (other than in Alaska), or an Alaskan Native Regional Corporation and an Alaska Native Village Corporation as those terms are defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 and following; the Metlakatla Indian Community, non profit organizations that meet the definition of the term in Section 4(6) of the Federal Financial Assistance Management Improvement Act of 1999, Public Law 106-107, 31 U.S.C. 6101; and public and non profit private educational institutions. EPA does not know, based on the expanded eligibility, what types of entities will receive the majority of the funding.

14. It appears the RFP requires discussions about staff expertise to be included in the narrative section which is limited to 15 pages. However, it does not appear that inclusion of curriculum vitae (CVs) are mentioned as being an allowable part of the proposal or not in the RFP. Can CVs be included in the Attachments section? And if so, would there be a page limitation per CV or a limitation on the number of CVs that could be included?

There is no separate provision for attaching curriculum vitae. The applicant would need to incorporate information they feel is relevant regarding staff experience, education, and expertise into the body of the proposal within the 15 page limit.