

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

TITLE: "OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE (OSWER) PROGRAM TRIBAL SUPPORT GRANTS"

ACTION: Request for Proposals (RFP) - Questions and Answers.

RFA NO: EPA-OSWER-IPCO-08-06

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NO: 66.808; 66.813; 66.814; 66.816

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

1. Is there is a chance the submission deadline may be extended?

The closing date and time for receipt of proposals has been extended from August 11, 2008 @ 5:00 p.m. to August 26, 2008 @ 5:00 p.m.

2. What is the total maximum award amount?

The total estimated funding available under this competitive opportunity is approximately \$1,750,000. The total estimated value for the Project One agreement is \$1,000,000. The total estimated value for the Project Two agreement is \$750,000.

3. We understand that the narrative proposals are not to exceed 17 typed, single-line spaced, 8 ½ x 11" pages. Would you please clarify if this 17 page limit applies to each proposal individually or does the 17 page limit apply to both proposals cumulatively?

All applicants are required to develop and submit separate proposals and applications for each project. The 17 page limit applies to each proposal individually.

4. How should we interpret eligible entities from the following sentence in the RFA? "Proposals will be accepted from federally recognized tribal governments with the exception of Indian Tribes in Alaska, intertribal consortia that are not comprised of Indian Tribes in Alaska, public and private non-profit universities and colleges, and other public or private nonprofit institutions."

For further clarification, proposals will NOT be accepted from:

- Alaska Indian Tribes (Except for the Metlakatla Indian Community)
- Intertribal consortia comprised of Tribes from Alaska
- For profit organizations, including proprietary training schools

- Nonprofit organizations described in Section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995

Proposals WILL be accepted from:

- Indian tribes (other than Indian Tribes in Alaska)
- The Metlakatla Indian Community
- An Alaska Native Regional Corporation [as defined in the Alaska Native Claims Settlement Act, (ANCSA)]
- An Alaska Native Village Corporation [as defined in the ANCSA]
- Intertribal consortia comprised of Tribes from lower 48-state Tribes
- Public and private non-profit universities and colleges
- Other public or private nonprofit institutions

One of the funding authorities for this RFP is from the Brownfields law, 42 U.S.C. 9604(k)(1)(G) (which amended the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)). Under Subtitle A of this Brownfields law, the definition of eligible entity for funding grants includes Indian Tribes, but specifically excludes tribes in Alaska. Therefore, Tribes in Alaska are not eligible to apply for Brownfields assessment, revolving loan fund, direct clean-up and research, training and technical assistance grants under CERCLA §104(k), and, by extension, Tribes in Alaska are not eligible to apply for this RFP.

5. Please explain what smart growth policies and applications would not be eligible for funding under the OSWER program tribal support projects.

Funding under this announcement is not available for projects related to exploring, testing and implementing smart growth policies and applications that EPA funds under CFDA No. 66.611, “Environmental Policy and Innovation Grants.” An example of such projects is the RFP for EPA-OPEI-07-03, “Educational Campaign on Policy Barriers to Redevelopment of Vacant Properties”, available at <http://www.epa.gov/dced/grants/opei0703.htm>.

Further examples of smart growth policies and applications that are not eligible under this announcement include:

- piloting of innovative in-fill development demonstration programs, policies, tools, or techniques to determine transferability to multiple sites in the neighborhood, community, municipality, county, region, or state;
- site design, community involvement and redevelopment planning activities associated with post cleanup activities on single or multiple infill parcels;
- studies of the regulatory and market barriers to infill redevelopment;

- training and technical assistance to communities to evaluate and revise local and state development regulations, e.g., zoning and building codes;
- development of screening or evaluation tools or programs that assess post cleanup redevelopment designs for consistency with smart growth principles;
- development of screening or evaluation tools or programs that assess opportunities for infill development within one or multiple neighborhood(s); and
- community involvement and visioning efforts associated with neighborhood or community planning efforts associated with general redevelopment of an area (as distinguished from community involvement and community planning for inventories, assessments, remediation or site preparation limited to brownfields properties).

6. Regarding indirect costs, Section D. requires the applicant to forego 11% of its approved indirect charges but does not otherwise prohibit indirect costs. However, Section E (2) (a), Administrative costs appears to exclude indirect costs as an allowable cost. Please advise whether we may charge our federally approved “other” rate of 28.5% MTCS for Proposal One.

No, you must reduce your 28.5% indirect rate by 11%.

(a) If indirect costs are allowable, please clarify how applicants are to calculate the indirect costs. We believe the requirement is that we reduce the calculated indirect cost by 11% and would appreciate confirmation of that interpretation.

You are correct.

(b) May we include foregone indirect as part of our voluntary commitment?

No. The requirement that you reduce your indirect rate by 11% stems from the statutory prohibition on charging brownfields grants for administrative costs. Approximately 11% of the funds that EPA will use to support the successful applicant's activities described in Proposal One will be awarded under the brownfields grant authority.

7. Regarding the administrative costs discussed in Section E, Prohibited Use of Funds. The two subsections in this section address (a) administrative costs and (b) programmatic costs, and both reference CFR 40 Part 30. Administrative (and indirect) costs are prohibited under subsection (a); however, it's not clear from subsection (b) whether administrative costs that are directly related to providing services are allowable. Will you clarify what administrative costs are allowable charges for Proposal One?

EPA considers costs directly related to providing services to be programmatic rather than administrative even if the costs are for the salaries of "administrative" personnel. Please note, however, that:

- The administrative employee's salary must not also be included in your cost pool for your indirect rate, and
- NAU directly charges the EPA grant only for the time the administrative employee actually spends on activities directly related to providing services.
- NAU maintains time sheets or other records to support the direct charges for the administrative employee.

8. We're considering developing a comprehensive outreach, training and technical assistance program under this RFP that all federally recognized tribes would have access to. We want to make sure that under this RFP the types of programs and services that we would like to develop would be accessible to all tribes, including Alaskan Native Villages. Is there any prohibition for service delivery under this RFP to Alaskan Native Villages or other tribes due to certain statutes and regulations that govern the OSWER tribal programs?

No, there are no prohibitions for service delivery to federally recognized tribes. All federally-recognized tribes are able to have access to outreach, training and technical assistance under this RFP.

9. For Proposal One, it is my understanding that we will forego 11% of our approved indirect cost rate on this proposal?

Correct.

10. What are STAG funds?

STAG funds are monies appropriated to EPA's State and Tribal Assistance Grant account. The Agency will fund the brownfields work that is covered in Proposal One with STAG funds.

11. We are allowed to pay a salary for the grant administrator (who is reporting) with these funds if I'm reading it correctly. If not, explain what the "exception of reporting" means under Section D (Funding Restrictions).

You are correct provided:

- Your grant administrator's salary is not included in your cost pool for your indirect rate, and

- You directly charge the EPA grant only for the time the grant administrator actually spends on reporting, and
- You maintain time sheets or other records to support the direct charges for the hours your grant administrator spent on reporting.

12. For Proposal Two, are we allowed to charge the full indirect rate?

Yes.

13. On Page 10, under “D. Funding Restriction,” it states that “the successful application will be required to forego 11% of its approved indirect charges due to the administrative cost limitations of STAG (k)(6) funds for the agreement for Project Proposal One.” Does this mean we have to reduce our negotiated indirect cost rate by 11% for Proposal One?

Yes.