



**US Environmental Protection Agency
Office of Pesticide Programs**

**Request for Proposal -
Tribal Pesticide Program Council (TPPC) Administrator**

April 23, 2009

Funding Opportunity Announcement

Tribal Pesticide Program Council (TPPC) Administrator

Overview Information

The following list provides key information concerning this funding opportunity:

A. Federal Agency and Office Name:

Environmental Protection Agency (EPA), Office of Prevention, Pesticides and Toxic Substances (OPPTS), Office of Pesticide Programs (OPP)

B. Funding Opportunity Title:

Tribal Pesticide Program Council (TPPC) Administrator; Request for Applications

C. Announcement Type: Initial Announcement

D. Funding Opportunity Number: EPA-OPP-2009-001

E. Catalog of Federal Domestic Assistance (CFDA) Number:

66.716-Surveys, Studies, Demonstrations, Educational Outreach, and Special Projects within the Office of Prevention, Pesticides and Toxic Substances

F. Statutory Authority:

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Section 20.

G. Dates:

Proposals must be received by e-mail at powell.mary@epa.gov on or before 5:00 PM Eastern Standard Time on **June 2, 2009**. Applicants that do not have internet capabilities to submit should contact Mary Powell at (703) 305-7384 for alternative submission methods. See Section IV for further information.

Brief Description

EPA's Office of Pesticide Programs (OPP) is soliciting proposals for an Administrator to support the Tribal Pesticide Program Council (TPPC). The TPPC is a forum for tribal pesticide and environmental officials to raise pesticide program implementation issues to EPA, offer input on national pesticide policy that affects tribes, offer a network for tribal pesticide officials to share information, and promote and enhance tribal pesticide program development. For more information on the TPPC, see section I.B.2 below. The estimated amount of funding for the cooperative agreement for the five-year period is \$1 million. There will be up to an additional \$20,000 in-kind contribution for the use of EPA conference rooms and audio-visual equipment for the five-year period. Approximately \$195,000 is expected to be available in fiscal year (FY) 2009. At the conclusion of the first-year period of performance, incremental funding of

approximately \$200,000 may be made available for each year, depending on the Agency's budget, allowing the project to continue for a total of five years

I. Funding Opportunity Description

A. Authority

EPA expects to make this award under the authority provided in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA, 7 U.S.C. 136r) Section 20 which authorizes the Agency to issue grants or cooperative agreements for research, public education, training, monitoring, demonstration and studies. Regulations governing these agreements are found at 40 CFR Part 31 for states and local governments. In addition, the provisions in 40 CFR Part 32, governing government wide debarment and suspension; and the provisions in 40 CFR Part 34, regarding restrictions on lobbying apply. All costs incurred under this program must be allowable under the applicable Office of Management and Budget (OMB) Cost Circulars: A-87 (states and local governments), 2 CFR § 225. Copies of this circular can be found at

<http://www.whitehouse.gov/omb/circulars/> In accordance with EPA policy and the OMB circulars, as appropriate, any recipient of funding must agree not to use assistance funds for lobbying, fund-raising, or political activities (e.g., lobbying members of Congress or lobbying for other Federal grants, cooperative agreements or contracts). See 40 CFR Part 34.

B. Program Description

1. Purpose and Scope.

The cooperative agreement awarded under this program is intended to provide financial assistance to support the TPPC as it raises tribal pesticide program implementation issues to EPA, offers input on national pesticide policy that affects tribes, offers a network for tribal pesticide officials to share information, and promotes and enhances tribal pesticide program development.

2. Goal and Objectives.

The objective of this project is for the TPPC Administrator to provide logistical and administrative support to the TPPC. The TPPC informs member tribes of pesticide issues, promotes pesticide education and awareness, and assists in the establishment, development, and implementation of comprehensive tribal pesticide programs. The TPPC also raises tribal pesticide program implementation issues to EPA, offers input on national pesticide policy that affects tribes and offers a network for tribal pesticide officials to share information. It serves as a tribal counterpart to the State-FIFRA Issues Research and Evaluation Group (SFIREG).

The TPPC includes about 40 authorized representatives from about 30 federally recognized tribes and Indian nations and intertribal organizations. Under its current Rules and Procedures, the purpose of the TPPC is to:

- Strengthen and be a resource for tribal pesticide programs where they already exist;
- Assist Tribes and Indian nations who do not have pesticide programs in assessing whether they need to establish, develop, and implement a pesticide program; and if they do, how to accomplish that. If they don't have a need for such a program, the TPPC will assist with resolving any pesticide issues that they may have;
- Protect tribal communities from toxic chemicals;
- Promote pollution prevention and reduce risks;
- Help all Tribes and Indian nations to become knowledgeable about and have a better understanding of pesticides and related water, soil and air quality protection, and sustainable agriculture;
- Build effective and equitable partnerships as needed to advance tribal programs and target solutions to specific situations;
- Facilitate information exchange between EPA and Tribal Lead Agencies (TLA) for pesticides, as well as other tribal contact persons on pesticide issues. Tribal contacts may be other natural-resources regulatory personnel of the Tribes or Indian nations, or persons involved with the Tribe or Indian nation's tribal farm, agriculture program or department, Lands Committee, or environmental education department;
- Assist the Tribal Operations Committee, the Regional Tribal Operations Committees, EPA's American Indian Environmental Office, and the National Tribal Environmental Council, as well as any other tribal groups working on related concerns, in their efforts on behalf of Tribes and Indian nations with respect to pesticide issues, plans, and programs;
- Work with SFIREG to ensure good communications between Tribes and States on pesticide issues;
- Work cooperatively with EPA to ensure that, as appropriate, federal pesticide laws and regulations are applied at the tribal level and that tribal pesticide programs are effective; and
- Identify, analyze, and provide tribal comments to EPA, OPP, Tribal Pesticide Programs, and other tribal, state and federal programs on matters relating to pesticide registration, enforcement, training, certification, water quality, disposal, and other areas of environmental and/or public health concern related to pesticide manufacture, use, and disposal.

3. Activities to be Funded.

- Assist the TPPC with planning meetings, developing meeting agendas, and communicating meeting dates and agendas.
- Make, or assist in making, all travel arrangements for TPPC representatives for the biannual full TPPC meetings, TPPC Executive

Committee, and Working Group meetings; arrange for meeting space and facilities, and assist in making hotel arrangements.

- Provide funding for all travel-related expenses, such as travel, airfare, hotel and per-diem.
- Notify TPPC member tribes, EPA headquarters, the American Indian Environmental Office, the Tribal Operations Committee, the National Tribal Environmental Council, SFIREG, and other interested parties of TPPC meetings.
- Prepare minutes for all TPPC meetings, and after approval by the Executive Committee of the TPPC, send them, with appropriate attachments, to TPPC member tribes, EPA headquarters and regions, and other interested parties.
- Maintain up-to-date TPPC data bases, mailing lists and files.
- Serve as a clearinghouse for TPPC member tribal pesticide codes, laws, regulations, and policies, as well as pesticide education and training materials.
- Respond to phone inquiries relating to TPPC meetings and other TPPC matters.
- On occasion, distribute materials generated by the Agency to all TPPC member tribes upon request.
- Help TPPC member tribes keep abreast of funding opportunities for pesticide programs, and deadlines attached to those opportunities.
- Work annually with the Executive Committee to assist in preparation of a proposed budget for the TPPC; coordinate with the TPPC elected Chairperson and Executive Committee in finalizing any proposed budget and working out the details for approval and funding; and provide financial reporting to the TPPC as required by the TPPC and the Executive Committee.
- Review for accuracy all requests for disbursement of funds and supporting documentation; issue checks, with the signed approval of the TPPC Chairperson; ensure that reimbursement for expenses when properly presented and documented is provided within 30 days.
- Prepare reports for EPA as required by the cooperative agreement.
- Assist the Executive Committee of the TPPC in defining training needs and obtaining technical assistance where the Executive Committee requests such assistance.
- Act as Project Manager for the TPPC, serving as the Administrative Contact for the TPPC with EPA, including the OPP Liaison and Project/Grants Manager.
- Administer the appointments process for filling vacancies on any work groups.

C. History

OPP has significantly expanded its resources devoted to tribal pesticide programs and projects. In the past, tribal representatives expressed the need for a forum to present their pesticide issues and concerns and to discuss approaches for resolving them at the national level. Moreover, the Agency recognized the importance of the tribes' input in developing policies that would strengthen their current pesticide programs and provide guidance for tribes that do not have such programs.

In response to these concerns, the TPPC was formed in September 1999. Two competitions for TPPC Administrator were held five years apart, and a cooperative agreement was awarded both times to Native Ecology Initiative (NEI) to provide for the coordination and administration of the TPPC. The NEI agreement expires in September 2009.

The TPPC was modeled after SFIREG, which is funded through an EPA cooperative agreement with the Association of American Pesticide Control Officials. Since its inception in early FY 2000, the TPPC has developed a reputation as a very effective tribal environmental organization. The TPPC is governed by an 11-member elected Executive Committee, and an elected Chairperson and Vice-Chairperson.

D. EPA Strategic Plan Linkage and Anticipated Outcomes/Outputs.

1. The award to be made under this announcement is expected to support EPA Strategic Plan Goal 4 – Healthy Communities and Ecosystems; objective 4.1 – Chemical, Organism and Pesticide Risk: sub-objective 4.1.J1 – Protect Human health from Pesticide Risk, and 4.1.J2 – Protect the Environment from Pesticide Risk. To see EPA's 2006-2011 Strategic Plan, visit <http://www.epa.gov/ocfo/plan/plan.htm>.

2. Outcomes.

The term "outcome" means the result, effect or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related or programmatic in nature, but must be quantitative. They may not necessarily be achievable within an assistance agreement funding period.

Expected outcomes from this grant include, but are not limited to:

- a. Increased partnerships between EPA and tribes involved in various aspects of pesticide regulatory programs;
- b. Improved understanding for EPA on tribal pesticide concerns to more effectively protect human health and the environment in Indian country and Alaska Native Villages; and

- c. Enhanced capabilities of tribal participants through increased knowledge of how to implement quality pesticide regulatory programs, leading to better protection of human health and the environment in Indian country and Alaska Native Villages.

3. Outputs.

The term “output” means an environmental activity, effort, and/or associated work products related to an environmental goal and objective, that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative, but must be measurable during an assistance agreement funding period.

The anticipated output of this grant is to provide logistical and administrative support to the TPPC.

II. Award Information

A. Amount of Funding Available

The total expected amount available for award under this announcement is up to \$1 million. Approximately \$195,000 is expected to be available in fiscal year (FY) 2009. At the conclusion of the first one-year period of performance, incremental funding of approximately \$200,000 may be made available for each year, depending on the Agency’s budget, allowing the project to continue for a total of five years.

B. Funding Restrictions

Indirect costs must be included in the funding amount. In accordance with 40 CFR 30.25 (f), “Recipients are authorized without prior approval or a waiver to: (1) Incur pre-award costs 90 calendar days prior to award. (i) Pre-award costs incurred more than 90 calendar days prior to award require the prior approval of the EPA Award Official. (ii) The applicant must include all pre-award costs in its application. (iii) The applicant incurs such costs at its own risk (i.e., EPA is under no obligation to reimburse such costs if for any reason the recipient does not receive an award or if the award is less than anticipated and inadequate to cover such costs). (iv) EPA will only allow pre-award costs without approval if there are sufficient programmatic reasons for incurring the expenditures prior to the award (e.g., time constraints, weather factors, etc.), they are in conformance with the appropriate cost principles, and any procurement complies with the requirements of this rule.”

C. Funding Type

EPA will award funding in the form of an assistance agreement according to FIFRA Section 20. The award will be in the form of a cooperative agreement with substantial involvement between the EPA Project Officer and the selected applicant in the performance of the work supported. While EPA will negotiate precise terms and conditions relating to substantial involvement as part of the award process, the anticipated substantial Federal involvement would be:

1. Review of the project, measurements and quality assurance plans;
2. Close monitoring of the successful applicant's performance to verify the results proposed by the applicant;
3. Collaboration during performance of the scope of work;
4. Review and comment on reports prepared under the cooperative agreement;
5. Coordination with headquarters, regional and local EPA personnel; and
6. Project evaluation and other similar activities.

D. Total Number of Awards

EPA will make one award. Funding will be in the form of a cooperative agreement according to FIFRA Section 20. Selection will be based on the criteria established in this announcement.

E. Start Date/Project Duration

Award funds for the selected proposal are expected to be available in FY 2009. The proposed project period may be up to five years.

F. Disclaimer

EPA reserves the right to reject all proposals and make no award under this announcement.

III. Eligibility Information

A. Eligible Applicants.

EPA is soliciting applications from the following eligible entities under this announcement: States, U.S. territories or possessions, federally recognized Indian tribal governments and Native American Organizations, public and private universities and colleges, hospitals, laboratories, and other public or private non-profit institutions, local governments, and individuals and international entities.

Non-profit 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 are not eligible to apply.

B. Cost Sharing/Matching.

There are no cost share requirements for this project.

C. Threshold Eligibility Requirements.

These requirements, if not met by the time of application submission, will result in elimination of the application from consideration for funding. Only proposals that meet **ALL** of these criteria will be evaluated against the ranking factors in Section V of the announcement. Applicants deemed ineligible for

funding consideration as a result of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.

Applicants must be eligible (See Section III. A) to receive funding under this announcement.

1. The funding level requested for the first year may not exceed \$195,000
2. The proposed project period of performance must be for five years.
3. Only one application may be submitted per applicant. Additional ones will be rejected.
4. Applications must substantially comply with the proposal submission instructions and requirements set forth in Section IV of this announcement or else they will be rejected. However, where a page limit is expressed in Section IV with respect to the proposal and/or parts of the proposal, pages in excess of the page limitation will not be reviewed.
5. In addition, applications must be received by the EPA as specified in Section IV of this announcement on or before the proposal submission deadline published in Section IV of this announcement. Applicants are responsible for ensuring that their proposal reaches the designated person/office specified in Section IV of the announcement by the submission deadline.
6. Applications received after the submission deadline will be considered late and returned to the sender without further consideration unless the applicant can clearly demonstrate that it was late due to EPA mishandling. For hard copy or e-mailed submissions, where Section IV requires proposal [or application] receipt by a specific person/office by the submission deadline, receipt by an agency mailroom is not sufficient. Applicants should confirm receipt of their proposal with powell.mary@epa.gov as soon as possible after the submission deadline. Failure to do so may result in your proposal not being reviewed.

IV. Application and Submission Information

Applicants must submit a complete, detailed application to include all of the documents described in Section A below. The required forms are available through EPA's Office of Grants and Debarment at <http://www.epa.gov/ogd/AppKit/application.htm> .

E-mail submissions must be submitted to powell.mary@epa.gov and be received on or before 5:00 PM Eastern Standard Time on **June 2, 2009**. All required documents listed in Section IV.A., of this announcement must be attached to the e-mail as separate Adobe PDF files. Please note that by submitting your materials via e-mail, you are accepting all risks attendant to e-mail submission including server delays and transmission difficulties. E-mail submissions exceeding 15MB will experience transmission delays which will affect when they are received by

the Agency. For these size submissions, applicants should submit their application materials via hardcopy because if they are sent via e-mail they may be received late and not considered for funding. Applicants submitting their application materials through e-mail should confirm receipt of the materials with Mary Powell as soon as possible after submission. If an applicant does not have the internet capabilities to submit their package by e-mail or their e-mail submissions exceed 15MB, contact Mary Powell at (703) 305-7384 for an alternate submission method, which will be subject to the same deadlines and requirements of this RFA.

A. Application Materials

All of the following forms and documents are required under this announcement. Detailed instructions for each follow this list:

1. Application for Federal Assistance (SF-424)
2. Budget Information for Non-Construction Programs (SF-424A)
3. EPA Key Contacts Form 5700-54
4. Assurances for Non-Construction Programs (SF-424B)
5. EPA Form 6600-06, Lobbying Form – Certification Regarding Lobbying
6. EPA Form 4700-4 – Preaward Compliance Review Report
7. Project Proposal – (prepared as described below)
8. Budget Detail
9. Disclosure of Lobbying Activities (SF-LLL), if applicable
10. Proposal Appendices
11. Negotiated Indirect Cost Rate Agreement.

1. Application for Federal Assistance (SF-424) (no page number) Complete the form. There are no attachments. Be sure to include organization fax number and email address in Block 5 of the form. Clearly state the total funding amount requested for the **ENTIRE** project period in Block 15.

Please note that the organizational Dun and Bradstreet (D&B) Data Universal Number System (DUNS) number must be included on the SF-424. Organizations may obtain a DUNS number at no cost by calling the toll-free DUNS number request line at 1-866-705-5711.

2. Budget Information for Non-Construction Programs (SF-424A) (no page number) Complete the form. There are no attachments. The total amount of federal funding requested for the project period should be shown on line 5(e) and on line 6(k) of SF424A. If indirect costs are included, the amount of indirect costs should be entered on line 6(j). The indirect cost rate (i.e., a percentage), the base (e.g., personnel costs and fringe benefits), and the total amount should also be indicated on line 22. If indirect costs are requested, a copy of the Negotiated Indirect Cost Rate Agreement must be submitted as part of the application package. (See instructions for document 11 below.)

3. EPA Key Contacts Form 5700-54 (no page number) Complete the form. There are no attachments. If additional pages are needed, attach these additional pages to your front page in the form of a Word document. Include a header on the additional pages with the form number and your name.

4. Assurances for Non-Construction Programs (SF-424B) (no page number) Complete the form. There are no attachments.

5. EPA Form 6600-06, Lobbying Form – Certification Regarding Lobbying (no page number) Complete the form. There are no attachments. Disregard the line in the upper right for inserting an EPA Project Control Number.

6. EPA Form 4700-4, Peward Compliance Review Report (no page number) Complete the form. There are no attachments.

7. Project Proposal

- a. **Cover Page** (Page 1). The cover page must list the following information with your letterhead:
EPA docket ID number: EPA-HQ-OPP-2009-0036
Project Title:
Project Coordinator:
Organization Name and Address:
Telephone No.: Fax No.: Email Address:
Project Duration (including Starting Date and Ending Date):
First-Year Funding Request:
Subsequent-Year Funding Requests, if applicable:
Total Funding Request (for the entire project):
- b. **Table of Contents** (Page 3): A one-page table listing the different parts of the proposal and the page number on which each part begins.
- c. **Executive Summary** (Page 4): The Executive Summary should be a stand-alone document, not to exceed one (1) page, containing the specifics of what is proposed and what you expect to accomplish regarding measuring results or movement toward achieving project goals.
- d. **Proposal Narrative** (Includes Part I-VI): Parts I-VI listed below **MUST NOT** exceed twelve (12) double-spaced pages.
 - i. **Part I. Project title.** Descriptive project title.
 - ii. **Part II. Objectives.** A numbered list (1, 2, etc.) of concisely written project objectives. In most cases, each objective can be stated in a single sentence. These objectives should be specific and clearly stated.

iii. Part III. Justification. Describe how the project goals and objectives will meet the goal and objectives listed in Section I.B.2, “Program Description,” and the outcomes and outputs identified in Section D.1 under “EPA Strategic Plan Linkage.”

iv. Part IV. Background Information. Explain your current state of knowledge of the proposed project. This may be in the form of a summary of past activities.

v. Part V. Resources. Describe the human resources, potential collaborators, partnerships, coalitions and/or existing networks you offer to increase possibility of project success. State the roles these people or organizations will play in the project.

vi. Part VI. Approach and Methods. Describe in detail how the project will be carried out.

Describe how the administrative activities will be carried out. Include a well-conceived work plan that is realistic and appropriate to achieving the identified objective.

vii. Part VII. Performance Measures and Expected

Outcomes/Output: State how you will evaluate, track, and measure the success of the project in terms of measurable environmental results. (See Section I.D.) You should include performance measures that demonstrate the progress or environmental benefits of the project. At a minimum, all applications should include the following elements for the reporting of project measures:

1. Documentation of how you would provide logistical and administrative support to the TPPC, and
2. A plan for tracking and measuring your progress toward achieving the expected project outcomes and outputs identified in Section I.D.

Part VIII. Programmatic Capability and Environmental

Results Past Performance. Submit a list of federally funded assistance agreements similar in size, scope and relevance to the proposed project that your organization performed within the last three years (no more than three and preferably EPA agreements) and describe: (i) whether, and how, you were able to successfully complete and manage those agreements and (ii) your history of meeting the reporting requirements under those agreements including whether you adequately and timely reported on your progress towards achieving the expected outputs and outcomes of those agreements (and if not, explain why not) and whether you

submitted acceptable final technical reports under the agreements. In evaluating applicants under these factors in Section V, the EPA will consider the information provided by the applicant and may also consider relevant information from other sources, including information from EPA files and from current/prior grantors (e.g. to verify and/or supplement the information provided by the applicant). If you do not have any relevant or available past performance or past reporting information, please indicate this in the proposal and you will receive a neutral score for these factors under Section V (a neutral score is half of the total points available in a subset of possible points). If you do not provide any response for these items, you may receive a score of 0 for these factors.

In addition, provide information on your organizational experience and plan for timely and successfully achieving the objectives of the proposed project, and your staff expertise/qualifications, staff knowledge, and resources or the ability to obtain them, to successfully achieve the goals of the proposed project.

8. Budget Detail:

In addition to the SF-424A form, prepare a detailed, itemized budget, linking the cost of each objective with the budget. Explain the need for funding under each of the appropriate budget categories. Under travel, include the travel location(s), estimated number of trips, estimated total mileage and number of nights' lodging required throughout the entire project period. For guidelines and a sample budget, see <http://www.epa.gov/ogd/AppKit/budget%20sample.pdf>.

NOTE on Management Fees: When formulating budgets for proposals/applications, applicants must not include management fees or similar charges in excess of the direct costs and indirect costs at the rate approved by the applicant's cognizant audit agency, or at the rate provided for by the terms of the agreement negotiated with EPA. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs that are not allowable under EPA assistance agreements. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

9. Disclosure of Lobbying Activities (SF-LLL)

Complete the form if your organization is involved in lobbying activities.

10. Proposal Appendices

These appendices must be included in the grant proposal as attachments to the project proposal and will not count as part of the page limit for the project proposal. There is no page limit to these attachments:

Appendix A: Timetable

Appendix B: Additional information

11. Negotiated Indirect Cost Rate Agreement Attach a copy of your organization's Indirect Cost Rate Agreement.

B. Coalitions.

Groups of two or more eligible applicants may choose to form a coalition and submit a single application for this assistance agreement. However, one entity must be responsible for the grant. Coalitions must identify which eligible organization will be the recipient of the cooperative agreement, and which eligible organization(s) will be subawardees of the recipient. Subawards or subgrants must be consistent with the definition of that term in 40 CFR Parts 30.2(ff) and 31.3. The recipient must administer the cooperative agreement, is accountable to the EPA for proper expenditure of the funds and reporting, and will be the point of contact for the coalition. As provided in 40 CFR Parts 30.2(gg) and 31.3, subrecipients or subgrantees are accountable to the recipient or grantee for proper use of EPA funding.

Coalitions may not include for-profit organizations that will provide services or products to the successful applicant. For-profit organizations are not eligible for subawards. Any contracts for services or products funded with EPA financial assistance must be awarded under the competitive procurement procedures of 40 CFR Parts 30 and 31. The regulations also contain limitations on consultant compensation. Applicants are not required to identify contractors or consultants in the proposal. Moreover, the fact a successful applicant has named a specific contractor or consultant in the proposal EPA approves does not relieve it of its obligation to comply with competitive procurement requirements or consultant compensation limitations.

C. Intergovernmental Review. Applicants must comply with the Intergovernmental Review Process and/or consultation provisions of Executive Order 12372 or Section 204 of the Demonstration Cities and Metropolitan Development Act, if applicable, which are contained in 40 CFR Part 29. Further information regarding this requirement will be provided if your proposal is selected for funding.

D. Allowable Costs. EPA grant funds may only be used for purposes set forth in the assistance agreement, and must be consistent with the statutory authority for the award. Assistance agreements funds may not be used to match funds for other federal grants, lobbying or intervention in federal regulatory or adjudicatory proceedings. In addition, federal funds may not be used to sue the Federal government or any other governmental entity. All costs identified

in the budget must conform to applicable Federal Cost Principles contained in OMB Circular A87, A122, and A21 as appropriate.

E. Confidential Business Information. In accordance with 40 CFR 2.203, applicants may claim all or a portion of their application/proposal package as confidential business information. EPA will evaluate confidentiality claims in accordance with 40 CFR Part 2. Applicants must clearly mark applications/proposals or portions thereof that they claim as confidential. If no claim of confidentiality is made, EPA is not required to make the inquiry to the applicant otherwise required by 40 CFR 2.204(c)(2) prior to disclosure. However, competitive proposals/applications are considered confidential and protected from disclosure prior to the completion of the competitive selection process.

F. Pre-proposal/Application Assistance and Communications. In accordance with EPA's Assistance Agreement Competition Policy (EPA Order 5700.5A1), EPA staff will not meet with individual applicants to discuss draft proposals, provide informal comments on draft proposals, or provide advice to applicants on how to respond to ranking criteria. Applicants are responsible for the contents of their applications/proposals. However, EPA will respond to questions in writing from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission of the proposal, and requests for clarification about the announcement.

G. Contracts and Subawards.

1. Can funding be used for the applicant to make subawards, acquire contract services, or fund partnerships? EPA awards funds to one eligible applicant as the recipient even if other eligible applicants are named as partners or co-applicants or members of a coalition or consortium. The recipient is accountable to EPA for the proper expenditure of funds.

Funding may be used to provide subgrants or subawards of financial assistance, which includes using subawards or subgrants to fund partnerships, provided the recipient complies with applicable requirements for subawards or subgrants including those contained in 40 CFR Parts 30 or 31, as appropriate. Applicants must compete contracts for services and products, including consultant contracts, and conduct cost and price analyses, to the extent required by the procurement provisions of the regulations at 40 CFR Parts 30 or 31, as appropriate. The regulations also contain limitations on consultant compensation. Applicants are not required to identify subawardees/subgrantees and/or contractors (including consultants) in their proposal/application. However, if they do, the fact that an applicant selected for award has named a specific subawardee/subgrantee, contractor, or consultant in the proposal/application EPA selects for funding does not relieve the applicant

of its obligations to comply with subaward/subgrant and/or competitive procurement requirements as appropriate. Please note that applicants may not award sole source contracts to consulting, engineering or other firms assisting applicants with the proposal solely based on the firm's role in preparing the proposal/application.

Successful applicants cannot use subgrants or subawards to avoid requirements in EPA grant regulations for competitive procurement by using these instruments to acquire commercial services or products from for profit organizations to carry out its assistance agreement. The nature of the transaction between the recipient and the subawardee or subgrantee must be consistent with the standards for distinguishing between vendor transactions and subrecipient assistance under Subpart B Section 210 of OMB Circular A133, and the definitions of subaward at 40 CFR 30.2(ff) or subgrant at 40 CFR 31.3, as applicable. EPA will not be a party to these transactions. Applicants acquiring commercial goods or services must comply with the competitive procurement standards in 40 CFR Part 30 or 40 CFR Part 31.36 and cannot use a subaward/subgrant as the funding mechanism.

2. How will an applicant's proposed subawardees/subgrantees and contractors be considered during the evaluation process described in Section V of the announcement? Section V of the announcement describes the evaluation criteria and evaluation process that will be used by EPA to make selections under this announcement. During this evaluation, except for those criteria that relate to the applicant's own qualifications, past performance, and reporting history, the review panel will consider, as appropriate and relevant, the qualifications, expertise, and experience of:
 - a. An applicant's named subawardees/subgrantees identified in the proposal/application if the applicant demonstrates in the proposal/application that if it receives an award that the subaward/subgrant will be properly awarded consistent with the applicable regulations in 40 CFR Parts 30 or 31. For example, applicants must not use subawards/subgrants to obtain commercial services or products from for profit firms or individual consultants.
 - b. An applicant's named contractor(s), including consultants, identified in the proposal/application if the applicant demonstrates in its proposal/application that the contractor(s) was selected in compliance with the competitive Procurement Standards in 40 CFR Part 30 or 40 CFR 31.36 as appropriate. For example, an applicant must demonstrate that it selected the contractor(s) competitively or that a proper noncompetitive sole-source award consistent with the regulations will be made to the contractor(s), that efforts were made to provide small and disadvantaged

businesses with opportunities to compete, and that some form of cost or price analysis was conducted. EPA may not accept sole source justifications for contracts for services or products that are otherwise readily available in the commercial marketplace.

EPA will not consider the qualifications, experience, and expertise of named subawardees/subgrantees and/or named contractor(s) during the proposal/application evaluation process unless the applicant complies with these requirements.

V. Application Review Information

The Agency Contact listed in Section VII will send an email acknowledgment to each applicant upon receipt of their application.

All applications will first be reviewed for eligibility purposes (see Section III) by the Agency Contact listed in Section VII. Each application that meets the eligibility requirements set forth in Section III will be subjected to a technical and programmatic review by a panel of EPA staff using the selection criteria listed below. The following criteria will be used in the evaluation process:

- A. Selection Criteria.** Each eligible proposal will be evaluated according to the criteria set forth below. Applicants must directly and explicitly address these criteria as part of their application package submittal. Each proposal will be rated under a points system, with a total of 105 points possible.
1. ***Project Description and Objectives (15 points)*** – Under this criterion, applicants will be evaluated based on their ability to successfully meet the following measures:
 - a. Clearly and concisely address the goal and objectives as stated in Section I.B.2. (10 points) and
 - b. Demonstrate realistic tasks, budget timelines and scope.(5 points)
 2. ***Proposed Approach to Supporting the TPPC and its Goals and Objectives (40 points)*** – Under this criterion, applicants will be evaluated based on their ability to successfully demonstrate:
 - a. Previous work experience with tribes, tribal organizations and their peoples, and awareness of cultural differences among them (15 points);
 - b. Excellent communication skills among a variety of stakeholders, including tribes, tribal organizations, states and the federal government (10 points);
 - c. The ability to help build and maintain effective partnerships as needed to advance tribal programs and target solutions to specific situations (10 points); and

- d. The use of technology (e.g., telephone, e-mail, fax, Internet, appropriate computer software) to foster communication and achieve the wide variety of administrative, budgetary, project-management and communication activities necessary to meet the project objective (5 points).
3. ***Programmatic Capability (25 points)*** - Under this criterion, applicants will be evaluated based on their ability to successfully complete and manage the proposed project, taking into account the following factors:
 - a. Past performance in successfully managing and completing federally funded assistance agreements similar in size, scope, and relevance to the proposed project performed within the last three years (5 points);
 - b. History of meeting reporting requirements under federally funded assistance agreements similar in size, scope, and relevance to the proposed project performed within the last three years and submitting acceptable final technical reports under those agreements (5 points);
 - c. Organizational experience and plan for timely and successfully achieving the objectives of the proposed project (5 points); and
 - d. Staff expertise/qualifications, staff knowledge, and resources or the ability to obtain them, to successfully achieve the goals of the proposed project (10 points).

Note: In evaluating applicants under this criterion, the Agency will consider the information provided by the applicant and may also consider relevant information from other sources including agency files and prior/current grantors (e.g., to verify and/or supplement the information supplied by the applicant). If you do not have any relevant or available past performance or past reporting information, please indicate this in the proposal and you will receive a neutral score for these sub-factors (items a and b above-a neutral score is half of the total points available in a subset of possible points). If you do not provide any response for these items, you may receive a score of 0 for these factors.

4. ***Environmental Results Past Performance Criterion (10 points)*** - Under this criterion, applicants will be evaluated based on the extent and quality to which they adequately documented and/or reported on their progress towards achieving the expected results (e.g., outcomes and outputs) under federal agency assistance agreements performed within the last three years, and if such progress was not being made, whether the applicant adequately documented and/or reported why not.

Note: In evaluating applicants under this criterion, the Agency will consider the information provided by the applicant and may also consider relevant information from other sources including agency files and

prior/current grantors (e.g., to verify and/or supplement the information supplied by the applicant). If you do not have any relevant or available past performance or past reporting information, please indicate this in the proposal and you will receive a neutral score for this factors (a neutral score is half of the total points available in a subset of possible points). If you do not provide any response for these items, you may receive a score of 0 for this factor.

5. ***Performance Measures Outcomes and Outputs (15 points)*** – Under this criterion, applicants will be evaluated based on the extent to which the project includes methods for tracking and measuring the applicant’s progress toward achieving the expected project outcomes and outputs identified in Section I.D.

- B. Selection Official.** The final funding decision will be made from the group of top rated proposals (as determined by the OPP review team) by the Chief of the Government and International Services Branch, Field and External Affairs Division, OPP. In making the final funding decisions, the Selection Official may also consider funding availability and program balance.

VI. Award Information

- A. Award Notices.** Once all of the applications have been reviewed, evaluated, ranked and a selection is made, applicants will be notified of the outcome of the competition via email. The notification is not an authorization to begin performance on the selected project. The notice of award sent via U.S. Mail to the applicant’s authorized representative and signed by the EPA award official is the authorizing document.

The grantee information for the successful proposal will be posted on the EPA website at the conclusion of the competition.

EPA reserves the right to negotiate a decrease in the total amount of available funding, partially fund proposals, and reject all proposals and make no awards.

- B. Administrative and National Policy Requirements.** The award and administration of the assistance agreement will be governed by the Uniform Administrative Requirements for Grants and Cooperative Agreements to states, tribes, and local governments set forth at 40 CFR part 31. In addition, the provision in 40 CFR part 32, governing government wide debarment and suspension, and the provisions in 40 CFR part 40 regarding restrictions on lobbying, apply.

All costs incurred under this program must be allowable under the applicable OMB Cost Circular A87. Copies of this circular can be found at <http://www.whitehouse.gov/omb/circulars/>. In accordance with the EPA

policy and the OMB circular, any recipient of funding must agree not to use assistance funds for fundraising, or political activities such as lobbying members of Congress or lobbying for other federal grants, cooperative agreements, or contracts. See 40 CFR part 34.

Nonprofit applicants that are recommended for funding under this announcement will be subject to pre-award administrative capability reviews consistent with Sections 8.b, 8.c, and 9.d of EPA Order 5700.8, 'EPA Policy on Assessing Capabilities of Non-Profit Applicants for Managing Assistance Awards' which can be found at http://www.epa.gov/ogd/grants/award/5700_8.pdf . Nonprofit applicants that qualify for funding, depending on the size of the award, may be required to fill out and submit to the Grants Management Office the Administrative Capability Form, with supporting documents, contained in Appendix A of EPA Order 5700.8.

In accordance with 40 CFR 30.54 and 31.45, projects that include the generation or use of environmental data are required to submit a Quality Assurance Project Plan (QAPP). This includes efficacy and performance data, surveys and similar results. The award recipient must develop and implement quality assurance and quality control procedures, specifications and documentation that are sufficient to produce data of adequate quality to meet project objectives. The QAPP is the document that provides comprehensive details about the quality assurance/quality control requirements and technical activities that must be implemented to ensure that project objectives are met. The QAPP should be prepared in accordance with EPA QA/R5: EPA Requirements for Quality Assurance Project Plans. The QAPP must be submitted to the EPA Project Officer at least 30 days prior to the initiation of data collection or data compilation. Requirements for QAPPs can found at http://www.epa.gov/quality1/qa_docs.html.

If a conference or workshop is an element of the project, the applicant will be required to answer the following questions: Who is initiating the conference/workshop/meeting? How will it be advertised? Whose logo will be on the agenda and materials? What is the percentage of participants, i.e. federal, state, local or public? Will the grant recipient prepare the proceedings and disseminate the information back to the targeted community? Will program income be generated from this event?

If indirect costs are budgeted in the assistance application and the nonprofit organization or educational institute does not have a previously established indirect cost rate, it agrees to prepare and submit its indirect cost rate proposal and/or cost allocation plan in accordance with the appropriate Federal cost principle, OMB Circular A122, "Cost Principles for Non-Profit Organizations" or OMB Circular A21, "Cost Principles for Educational

Institutions” within ninety (90) days from the effective date of the award for this assistance agreement.

If a local government does not have a previously established indirect cost rate, it will need to prepare its indirect cost rate proposal and/or cost allocation plan in accordance with OMB Circular A87, “Cost Principles for State, Local, and Indian Tribal Governments.” The local government recipient whose cognizant Federal agency has been designated by OMB must develop and submit its indirect cost rate proposal for approval to its cognizant Federal agency within six (6) months after the close of the governmental unit’s fiscal year. If the cognizant Federal agency has not been identified by the OMB, the local government recipient must still develop (and when required, submit) its proposal within that period.

EPA awards funds to one eligible applicant as the “recipient” even if other eligible applicants are named as “partners” or “co-applicants” or members of a “coalition” or “consortium”. The recipient is accountable to EPA for the proper expenditure of funds.

Funding may be used to acquire services or fund partnerships, provided the recipient follows procurement and subaward or subgrant procedures contained in 40 CFR Parts 30 or 31, as applicable. For-profit organizations are not eligible for subawards or subgrants under this announcement but may enter into procurement contracts with recipients.

Successful applicants must compete contracts for services and products and conduct cost and price analyses to the extent required by these regulations. The regulations also contain limitations on consultant compensation. Applicants are not required to identify contractors or consultants in their proposal. Moreover, the fact that a successful applicant has named a specific contractor or consultant in the proposal EPA approves does not relieve it of its obligations to comply with competitive procurement requirements.

Subgrants or subawards may be used to fund partnerships with non profit organizations and governmental entities. Successful applicants cannot use subgrants or subawards to avoid requirements in EPA grant regulations for competitive procurement by using these instruments to acquire commercial services or products to carry out its cooperative agreement. The nature of the transaction between the recipient and the subgrantee must be consistent with the standards for distinguishing between vendor transactions and subrecipient assistance under Subpart B Section .210 of OMB Circular A133, and the definitions of “subaward” at 40 CFR 30.2(ff) or “subgrant” at 40 CFR 31.3, as applicable. EPA will not be a party to these transactions.

Human Subjects: A grant recipient must agree to meet all EPA requirements for studies using human subjects prior to implementing any work with these subjects.

These requirements are given in 40 C.F.R. 26. For observational studies involving children and/or pregnant women, please refer to Subparts B & D of 40 C.F.R. 26. No work involving human subjects, including recruiting, may be initiated before the EPA has received a copy of the applicant's Institutional Review Board's (IRB) approval of the project and the EPA has also provided approval. Where human subjects are involved in the research, the recipient must provide evidence of subsequent IRB reviews, including amendments or minor changes of protocol, as part of annual reports.

C. Reporting Requirements. The successful applicant will be required to submit quarterly progress reports throughout the duration of the project. Progress reports are due 30 days post each quarter of the project period. Reports should include a description of project activities including accomplishments, successes and lessons learned along with any problems and/or delays. Data on performance measures should be reported in table format whenever possible. Quarterly Financial Status Reports (FSRs) will also be required. A final project report is also required 90 days following the end of the project period according to the same format. All reports can be submitted either electronically or by hard paper copy.

D. Dispute Resolution Process. Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3269, 3630 (January 26, 2005) which can be found at <http://www.epa.gov/ogd/competition/resolution.htm> . Copies of these procedures may also be requested by contacting the EPA contact listed in Section VII.

VII. Agency Contact

If you have questions or need additional information regarding this announcement, please contact:

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