

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

TITLE: Community-Scale Air Toxics Ambient Monitoring

ACTION: Request for Proposals (RFP)

RFP: EPA-OAR-OAQPS-17-03

CFDA: 66.034

SUMMARY: Formal Agency responses to questions regarding the subject RFP

DATE: February 27, 2017

Q1: Are cities/counties eligible to apply?

A1: Eligible entities under this RFP are air pollution control agencies, as defined by Section 302(b) of the Clean Air Act (see definition below), that are also eligible to receive grants under section 105 of the Clean Air Act, and/or federally recognized tribes.

Section 302(b)

The term “air pollution control agency” means any of the following:

(1) A single State agency designated by the Governor of that State as the official State air pollution control agency for purposes of this chapter.

(2) An agency established by two or more States and having substantial powers or duties pertaining to the prevention and control of air pollution.

(3) A city, county, or other local government health authority, or, in the case of any city, county, or other local government in which there is an agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of air pollution, such other agency.

(4) An agency of two or more municipalities located in the same State or in different States and having substantial powers or duties pertaining to the prevention and control of air pollution.

(5) An agency of an Indian tribe.

See Section 105 of the Clean Air Act at <http://www.epw.senate.gov/envlaws/cleanair.pdf>

Q2: Would a project on next generation optical particle detectors be suitable and interesting for this RFP under the New Technologies/Methods Evaluation category?

A2: Proposals submitted under the “New Technologies/Methods Evaluation” category should demonstrate the following:

New Technologies/Methods Evaluation. This category is intended to assist state, local and tribal agencies in evaluating emerging alternative sampling and analysis and/or monitoring methodologies that are of potential applicability to their particular situation as well as regionally and/or nationally. Successful proposals will demonstrate a clear and compelling need or justification, examples of which may include, but are not limited to:

- a. Assess new methods for sampling and analysis of select priority HAPs (i.e., those that emerged as national or regional drivers as a result of the 2011 National Air Toxics Assessment). HAPs for which methods work is most critical and are those which 1) account for a significant contribution to the National risk, and 2) often have either a) an existing method detection limit higher than the concentrations established for one in a million cancer risk or non-cancer hazard quotient of 0.1, b) uncertainties exceeding commonly accepted data quality limits, or c) onerous and/or unduly expensive sampling or analysis methodologies. Examples of pollutants which may meet some of these criteria include formaldehyde, acrolein, other polar compounds such as 1,3-butadiene, and naphthalene.
- b. Evaluate available advanced HAP monitoring technologies that can potentially operate on a routine basis. The target result of such projects is to ascertain the cost-effectiveness and accuracy (i.e., practical value) of existing innovative monitors, samplers, or analytical methods. This also can include next generation air monitoring equipment such as low cost sensors and real time continuous monitoring equipment.

Q3: Are non-government entities allowed as co-investigators (i.e., private contractors)?

A3: Section IV Proposal and Submission Information; Part E. Additional Provisions for Applicants Incorporated Into the Solicitation in the RFP covers the pertinent information regarding subawards. Specifically, http://www.epa.gov/ogd/competition/solicitation_provisions.htm provides the following information:

d. Contracts and Subawards:

a. 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 40CFR 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 A-133 , 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.

b. How will an applicant's proposed subawardees/subgrantees and contractors be considered during the evaluation process described in SectionV 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:

(i) 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.

(ii) 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 non-competitive 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.

Q4: Can the "Match" component of Clean Air Act Section 105 funding be used as "leverage" or "cost share" for this grant (EPA-OAR-OAQPS-17-03)?

A4: Per Section III Eligibility Information, B. Cost Sharing or Matching

Other leveraged funding/resources that are not identified as a voluntary cost share is another form of leveraging that may be met by funding from another federal grant, from an applicant's own resources, or resources from other third party sources. This form of leveraging should not be included in the budget and the costs need not be eligible and allowable project costs under the EPA assistance agreement. While this form of leveraging should not be included in the budget, the grant work-plan should include a statement indicating that the applicant is expected to produce the proposed leveraging consistent with the terms of the announcement and the applicant's proposal. If applicants propose to provide this form of leveraging, EPA expects them to make the effort to secure the leveraged resources described in their proposals. If the proposed leveraging does not materialize during grant performance, then EPA may reconsider the legitimacy of the award and take other appropriate action as authorized by 2 CFR Part 200 as applicable.

Q5: Is there a numbering error under Section IV.C Content of Proposal Submission?

A5: Yes. Under the Narrative proposal section, it references section 1-3 and mistakenly they are numbered 1,2 &4. #4 should be considered #3 in your proposal submission.

Q6: Negotiated Indirect Cost Rate Agreement Is this a letter from our Director on Health Department letterhead or a letter from EPA stating the specifics of our indirect cost rate agreement?

A6: Indirect Charges - If indirect charges are budgeted, indicate the approved rate and base. Indirect costs are those incurred by the grantee for a common or joint purpose that benefit more than one cost objective or project, and are not readily assignable to specific cost objectives or projects as a direct cost. In order for indirect costs to be allowable, the applicant must have a federal or state negotiated indirect cost rate (e.g., fixed, predetermined, final or provisional), or must have submitted a proposal to the cognizant Federal or State agency. Examples of Indirect Cost Rate calculations are shown below:

- Personnel ($\text{Indirect Rate} \times \text{Personnel} = \text{Indirect Costs}$)
- Personnel and Fringe ($\text{Indirect Rate} \times \text{Personnel \& Fringe} = \text{Indirect Costs}$)
- Total Direct Costs ($\text{Indirect Rate} \times \text{Total direct costs} = \text{Indirect Costs}$)
- Direct Costs minus distorting or other factors such as contracts and equipment
($\text{Indirect Rate} \times (\text{total direct cost} - \text{distorting factors}) = \text{Indirect Costs}$)