

**AGENCY:** ENVIRONMENTAL PROTECTION AGENCY (EPA)

**TITLE:** Community-Scale Air Toxics Ambient Monitoring

**ACTION:** Request for Proposals (RFP)

**RFP:** EPA-OAR-OAQPS-15-01

**CFDA:** 66.034

**SUMMARY:** Formal Agency responses to questions regarding the subject RFP

**DATE:** December 19, 2014

***Q1: Would an agency be able to apply for the Community-Scale Air Toxics grant to help make up for funds already spent?***

**A1:** No. The entire project's budget would be for pre-award costs, which require approval before the project is funded.

***Q2: Are cities eligible to apply?***

**A2:** 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>**

**Q3:** What constitutes a “Federal grant”. Are the annual Air Planning Agreements (Section 105 and 103) considered grants for the purposes of addressing the requirement in the RFP?

**A3:** Section 105 and 103 grants are federal grants and do meet the eligibility requirement referenced in the RFP.

**Q4:** Is it ok if agencies apply for not-yet purchased equipment for near road sites that are not yet up and going?

**A4:** An applicant may apply for a project under one of the four project categories and equipment purchases may be included, if necessary for the project.

**Q5:** Can an Agency apply for funds under this RFP to fund a study to analyze the data collected from near road and other toxics sites?

**A5:** Yes, category #4, Analysis of Existing Data and Implementation/Development of Tools allows for the analysis of existing data.

**Q6:** If a potential applicant would like to sub-grant some of the award, does that potential applicant have to name the subaward grantee(s) in the initial application?

**A6:** 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](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 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:

(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.

**Q7:** Can instrumentation be purchased as part of the grant?

**A7:** Yes. Appendix B of the RFP addresses equipment requirements.

**Q8:** The RFP seems to suggest that EPA intends to award about 15-20 assistance agreements with a total funding of \$4,000,000. Should I assume that it is preferable to submit proposals requesting ~200-250k in funding?

**A8:** Per the RFP, all proposals will be reviewed and awards will range from \$50,000 to \$750,000.

**Q9:** It seems to me that EPA is looking for very specific/highly focused proposals that address only a few specific objectives (e.g., perimeter monitoring of VOCs). Can you comment on that?

**A9:** Proposals will be considered for all four categories: 1) Community-Scale Monitoring; 2) Monitoring in the Near-road Environment; 3) Methods Evaluation; and 4) Analysis of Existing Data and Implementation/Development of Tools.

**Q10:** The RFP also states that "Proposals that address more than one category will be rejected." Would it be acceptable, for example, to conduct community-scale monitoring using technology that will be thoroughly evaluated prior to deployment? It seems to me that such proposal would address categories 1 and 3 (community-scale monitoring and methods evaluation, respectively).

**A10:** Proposals should address only one of the categories focusing the project on the intent of the category (i.e. Community-Scale Monitoring should be for actual

monitoring data collection where the focus of a Methods Evaluation proposal should be to evaluate a new method for collecting data).

**Q11:** To which extent can the scope/objectives of a proposal and the funding amount be negotiated after a proposal has been evaluated?

**A11:** If necessary, any such determinations will be made after all proposals have been evaluated and in accordance with agency policy, as well as the guidance outlined in the RFP Part II, Section B, EPA reserves the right to partially fund proposals by funding discrete portions or phases of proposed projects.

**Q12:** Should there be a clear distinction between lead-investigator, principal investigators, and co-PIs?

**A12:** Not required.

**Q13:** Would you be able to share a previous successful proposal so that I can take a look at its format?

**A13:** Awarded proposals from previous competitions are available on the AMTIC website. Link: <http://www.epa.gov/ttn/amtic/local.html>

**Q14:** Who will review all proposals?

**A14:** An EPA Evaluation Team, consisting of a minimum of 3 technical experts. Please review Sec V. Part B of the RFP for additional information.

**Q15:** Can I submit the SF forms via grants.gov and the narrative via express delivery?

**A15:** Complete proposal packages must be submitted either via hard copy express mail or via Grants.gov, not both. Please review the Threshold Eligibility Criteria, specifically #1 listed in Sec III. Part C of the RFP for additional information.

**Q16:** Regulation interpretation please: If the federally recognized tribe recognized Houston Advance Research Center as “AS AGENCY OF AN INDIAN TRIBE”, by Memorandum of Agreement between Tribe and Research Center, is that allowable and Research Center submits a grant proposal as Primary Contract and the Tribe is involved as partner and Secondary contract?

**A16:** The normal course is for the tribe to apply as the primary grantee with any other entities as subgrantees. The Houston Advance Research Center can be a secondary applicant or subgrantee, and the tribe could enter an MOU with HARC at its own discretion to serve in that role. See Q&A #6 above for more information on subgrants.