

## FAQs – The Environmental Justice Government-to-Government (EJG2G) Program

### FAQ SECTIONS

ELIGIBILITY

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### Eligibility

- 1) **Who is eligible to apply for this opportunity?** Eligible entities include:
  - a) a partnership between — a state (includes the District of Columbia and a community-based nonprofit organization (CBO). The term *State* encompasses instrumentalities of state government as provided in 2 CFR 200.1 with the exception of state institutions of higher education.<sup>1</sup>
  - b) a partnership between — a federally recognized tribal government and a CBO
  - c) a partnership between — a local government (as defined by [2 CFR 200.1](#) - includes cities, towns, municipalities, and counties, public housing authorities, and councils of government) and a CBO
  - d) Puerto Rico
  - e) U.S. Territories – includes territorial and local governmental entities in American Samoa, Guam, the Commonwealth of Northern Mariana Islands, and the U.S. Virgin Islands
  - f) Freely Associated States (FAS) – includes state and local governmental entities in the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau
  - g) Tribal governments in remote areas (as defined in Section II.C of this RFA)
  - h) State recognized tribal governments
  
- 2) **Can applicants apply to this program for funding for a project currently under review for another EPA grant (e.g., a Brownfield Cleanup Grant)?** Technically, yes. However, there is a duplicate funding clause where OEJEER would decide with the Brownfields program who would fund the project. An applicant would not get double the funding for the same basic project.
  
- 3) **How are states eligible to apply and receive Inflation Reduction Act funding when section 138 of the Clean Air Act does not mention state eligibility?** The states will not receive funds under CAA 138 through the Inflation Reduction Act. Funding for states would come from grants authorized and funded through EPA annual appropriations acts. States are eligible for this source of funding.
  
- 4) **Does the EPA consider public/state institutions of higher education as government-created organizations which perform governmental functions but do not have full power of the state government to be eligible for funding under the EJG2G funding opportunity?** No, public and nonprofit institutions of higher education, including state and tribal colleges and universities, even if they are

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<sup>1</sup> Although under section 138(b)(3)(A) partnerships between institutions of higher education and CBOs are eligible entities, for policy reasons EPA is limiting eligibility for this RFA to partnerships between units of government and CBOs. Note that this limitation applies to institutions of higher education that are agencies and instrumentalities of state or tribal governments such as state universities and tribal colleges under this RFA.

instrumentalities of the state or tribal government, are not eligible to apply for this opportunity. (Please see Section III, page 17 for a complete list of ineligible entities.) But they can enter into non-CBO partnerships with eligible entities listed in Section III of the RFA.

- 5) Can non- federally recognized Tribes participate?** Yes. State-recognized Tribes are eligible to apply.
- 6) Is a school district eligible to apply?** Yes, a school district is an eligible entity (as a local government). Individual public schools that are part of a school district are not eligible to apply.
- 7) Are there any limitations on the number of applications per state, state agency, or tribe?** Applicants may submit only one application under this solicitation. If an applicant submits more than one, then they will be contacted by EPA prior to the evaluation process to determine which one to withdraw. However, an applicant organization may be a (non-CBO) partner on a single application or multiple applications. Additionally, applicants can only receive one award under this EJG2G announcement.

NOTE: Different agencies, departments and/or divisions within a state, local, tribal, or territorial government may submit one application each. However, each applying agency, department, and/or division must have their own UEI number. EPA will seek clarity from applicants where it appears applications are duplicative and/or were submitted by the same governmental entity. Applications that are duplicative will be considered ineligible.

- 8) Can a community-based nonprofit organization apply with local government? Or does the local government need to be the applicant?** The direct recipient of EPA funds must be the local government entity. This opportunity seeks to expand eligibility to applicants from all levels of government, to support and/or create government activities that lead to measurable environmental or public health results in their communities. (Note: This also applies to all other eligible entities under this opportunity.) Community-based nonprofit organizations that are interested in receiving a direct award should consider the EJCP program.
- 9) Can an interjurisdictional entity be defined as a local government and apply as the lead applicant?** Generally, yes. Depending on the local and/or state legislation that created them, interjurisdictional entities may be eligible to apply as *Local governments* (as defined by [2 CFR 200.1](#) – includes cities, towns, municipalities, and counties, intrastate districts public housing authorities, special districts, councils of government, and other agency or instrumentality of a multi-, regional, or intra-State government).

### **Community-Based Nonprofit Organization qualifications**

- 1) Can a state-recognized tribe be considered a community-based nonprofit organization?** A state recognized tribe would be considered a community-based nonprofit organization if they are incorporated as a nonprofit organization and can provide that documentation.

- 2) **Is a quasi-governmental entity considered a community-based nonprofit?** No. A quasi-governmental entity (such as an instrumentality of a state or local government subject to the supervision and control of that unit of government) is considered a governmental entity.

## **Application Preparation**

- 1) **Will this funding opportunity be available in future years?** Yes. There are current plans to provide this opportunity in 2024.
- 2) **Can two state agencies submit a proposal together for annual appropriations funding, to work with one community-based nonprofit organization? Does this strengthen the application?** Only the state agency that submits the application through Grants.gov will be considered the applicant based on the Unique Entity Identifier used in the application. Two state agencies can work together, but a CBO must be a part of the coalition and receive a subaward for the overall project to be eligible. EPA cannot provide advice on whether strategic choices applicants make strengthens a competitive application.
- 3) **Can you please describe the type of competitive procurement process required for consulting and other for-profit firms. Must this happen before or after award to the government entity?** It is up to applicants to decide when to conduct competitive procurements as EPA does not require applicants to identify their contractors in proposals. The competitive procurement process for acquiring consulting services is outlined in competitive procurement requirements as outlined in the [Contracts and Subawards solicitation clause](#) and [EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#). As provided in 2 CFR 200.317, states follow the same competitive policies and procedures state agencies use for procurements with non-Federal funds. Other recipients are subject to the Procurement Standards in 2 CFR Part 200. Note also that competitive procurement requirements apply to contracts entered into prior to or after selection for award even if you do not name a contractor as a partner. Additionally, potential contractors who assist with preparing requests for proposals, quotations of similar documents (including providing sample procurement documents) must be excluded from competing for the procurement as required by 2 CFR 200.319.
- 4) **The RFA lists \$1 million as the max award, is there a minimum?** There is no minimum, however, we strongly encourage all applicants to budget for the maximum amount. IRA funds are time sensitive, and available to EPA for obligating CAA 138 grant funding only until September 30, 2026.
- 5) **Is the veteran community considered an underserved community for this grant?** Yes. However, all applicants must effectively characterize and describe the disproportionate impacts your target underserved community is impacted by. Just stating that the veteran community is underserved without additional explanation would negatively impact your score for that criterion.
- 6) **Is past performance limited to Federal grants/ opportunities?** Federal and/or Nonfederal grants over the last 3 years should be shared.
- 7) **Does a department of a local government have to register separately as an applicant under SAM.gov, even if the local government as a whole is registered under SAM.gov?** If there are two

agencies/offices within a local government that want to apply to the EJG2G opportunity separately, they will need separate registrations to BOTH be able to apply. Otherwise, the agency will be contacted by EPA prior to the evaluation process to determine which application to withdraw. A single applicant is only allowed to submit one application. You should coordinate with your local governmental offices if others within your governmental structure are interest in applying.

- 8) When does the application open and close for this opportunity?** The application period extends from January 10, 2023, to April 14, 2023.

## Partnerships

**1) What are the different types of partnerships EPA refers to in the EJG2G Notices of Funding Opportunity (NOFO)?**

- a. Mandatory partnerships are formal agreements between an eligible governmental applicant and a community based nonprofit organization (CBO) that require that the governmental applicant provide a subaward to at least one CBO that has such a formal agreement (as described on p. XXX of the NOFO) and a governmental applicant. Eligible governmental applicants subject to the mandatory partnership requirement include states, federally recognized Tribes, and local governments.
- b. Other pass-through partnership relationships that are not required for governmental units include subawards provided to institutions of higher education, tribal or local governments, nonprofit hospitals or research institutions and CBOs that do not have formal partnership agreements with the eligible governmental applicants.
- c. Procurement partnerships with for profit service vendors such as consulting firms or individual consultants. These financial transactions must comply with the competitive requirements in the Procurement Standards in 2 CFR Parts 200 and 1500 as interpreted in EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements (add link).
- d. Participant support cost partnerships with program beneficiaries such as representatives of disadvantaged communities who receive stipends to support attendance at meetings or businesses that receive subsidies or rebates for purchasing pollution control technology.
- e. Collaborative partnerships in which interested parties cooperate to achieve the goals of the EPA funded project but do not involve transfers of EPA funds.

- 2) Can a governmental entity partner with multiple community-based nonprofit organizations to provide a suite of different services/programs under a single application?** Yes, that is one of the desired partnership coalitions for EJG2G projects. Please also note that at least one of the community based nonprofit organizations must receive a subaward from state, federally recognized tribal government, or local government entities that are selected for award. This requirement does not apply

to state recognized Tribes, FAS, U.S. territories, Puerto Rico, and remote tribal governments (federally recognized or state recognized).

- 3) **What are the different types of stakeholder groups?** Examples of different stakeholder groups include grassroots community groups, business, academia, government. (Please refer to page 17-18 of the RFA for more examples of eligible stakeholder groups.)
- 4) **You specifically state that Federally recognized Tribes must enter into a mandatory partnership agreement with a community-based nonprofit organization. What about state recognized Tribes?** State recognized Tribes are not required to enter into a partnership agreement with CBOs in order to receive an award. However, EPA strongly encourages state recognized Tribes to enter into other types of partnerships as described above with CBOs and other stakeholder groups.
- 5) **Are academic universities considered community-based nonprofit organizations or state governments? Public universities and/or private?** No, institutions of higher education are not eligible to compete for EJG2G funding directly from EPA or receive subawards as mandatory partners with state governments. However, eligible entities can enter into other types of partnerships as described above with public and nonprofit institutions of higher education as appropriate.
- 6) **Beyond this main community-based nonprofit organization partner, could eligible applicants also provide subawards to research entities as a member of an evaluation team?** Yes, there is no limit to the number of subawards an applicant can propose in addition to the one for the mandatory partner. However, for CAA 138 IRA funding, an eligible entity **MUST** enter into a mandatory partnership agreement with at least one CBO (via a subaward) to be eligible. We encourage a diverse partnership coalition.
- 7) **What is meant by a Threshold Eligibility Qualifying CBO Partnership?** For the purposes of the Environmental and Climate Justice Block Grants programs authorized by section 138 of the Clean Air Act that are covered by this RFA, a “mandatory partnership” is a formal relationship between a state, federally recognized tribal government, or local government and a CBO that is memorialized in writing and is legally binding under applicable law. This requirement does not apply to state recognized Tribes, FAS, U.S. territories, Puerto Rico, and remote tribal governments (federally recognized or state recognized).
- 8) **Does there need to be a formal partnership through an MOU or other?** For qualifying “mandatory partnerships”, the name given to a document is not the determining factor—it is the legal effect of the agreement under state law. We recommend that you consult with an attorney licensed to practice law in the state in which your organization is incorporated to obtain advice on what document(s) qualify as legally binding under applicable law. EPA does not provide guidance on matters of state law.
- 9) **If a government partners with nonprofits, does the government need to go through competitive process, regardless of dollar value? Or is competitive process only required if partnering with a for-profit partner?** No. Subawards to CBOs can be entered into noncompetitively if that approach is consistent with state, tribal, or local law. Procurement partnerships with for-profit businesses and individual consultants that involve contracts more than \$10,000 require competition except in extremely rare cases. Refer to [EPA’s Best Practice Guide for Procuring Services, Supplies, and](#)

[Equipment Under EPA Assistance Agreements](#) for guidance on requirements for competitive procurements.

- 10) Does partnering with three community-based nonprofit organizations count as one stakeholder group of the 3 required?** Yes.
- 11) Do partners have to have a SAM.gov registration?** Partners who will receive subawards must, at a minimum, have a Unique Entity Identifier (UEI) number to receive a federal subaward. Partners must register for a UEI number on SAM.gov. However, registering for a UEI is a streamlined process and does not require those entities receiving subawards to go through the full SAM.gov registration.
- 12) Does the community-based nonprofit organization need to be a registered 501(c)(3) organization? Or if it's an organization of community citizens like-minded (as described in the RFA) that's sufficient?** No. The CBO can be a state recognized nonprofit corporation as well. An unincorporated organization of like-minded citizens would not qualify as a mandatory partner eligible to receive a subaward because such a group lacks the capacity to enter into a legally binding agreement that includes a subaward for Federal funding.
- 13) Can a local government partner with a remote tribal government and have that count towards the mandatory CBO partnership requirement?** No. The remote tribal government is not a community-based nonprofit organization, so this partnership does not satisfy the mandatory CBO partnership requirement.

## **Project**

- 1) What constitutes a “small scale” construction project, as listed in eligible activities?** The \$1 million maximum amount of EJ G2G funding is a relatively modest amount for construction projects. Keep that in mind. For example, building a recycling facility to prevent solid waste from being disposed in a landfill would probably require far more than \$ 1 million. Building shelters for public transit riders, on the other hand, to reduce air pollution caused by reliance on motor vehicles could be undertaken as a small construction project for the purposes of the EJ G2G competition.
- 2) Can these funds be used for abatement (radon, asbestos, lead paint) within a person's home?** Yes. However, be mindful that \$1 million may not be enough to abate contamination in a large number of homes.
- 3) Can a government agency apply to this opportunity with multiple projects?** Applicants may submit only one application under this solicitation although that single application may request funding for multiple projects as long as the proposed budget does not exceed \$1 million. If an applicant submits more than one application, then they will be contacted by EPA prior to the evaluation process to determine which one to withdraw.

NOTE: Different agencies, departments and/or divisions within a state, local, tribal, or territorial government may submit one application each. However, each applying agency, department, and/or division must have their own UEI number. EPA will seek clarity from applicants where it appears

applications are duplicative and/or were submitted by the same governmental entity. Applications that are duplicative will be considered ineligible and one of the duplicative applications must be withdrawn.

- 4) **Are the "Environmental Results" to be attained within the 3-year period?** The long-term outcomes of the project would be beyond the 3-year period. However, the outputs and short-term outcomes should be within the 36-months of the performance period.
- 5) **Are staffing costs allowable?** Yes, staffing costs are allowable. However, EPA strongly encourages applicants to budget at least 20% of the requested EPA funding for subawards to community based nonprofit organizations.
- 6) **Are there insurance requirements?** There are no specific insurance requirements to receive funding under this opportunity. However, applicants should ensure that they meet any insurance/licensing/permit requirements established by state, tribal, or local law related to their proposed project activities.
- 7) **Would any form of PFAS testing be eligible for this funding?** Yes, projects addressing PFAS concerns are eligible under the EJG2G opportunity.

### **Fiscal/ Grant Expenditures**

- 1) **Is there a minimum or maximum subaward amount for a qualifying CBO?** EPA strongly encourages applicants to budget at least 20% of the requested EPA funding for subawards to community based nonprofit organizations. These funds may be distributed to at least one community-based nonprofit organization but can also be split among multiple CBOs. Passing through more than 20% is permissible as well.
- 2) **Are there requirements related to the distribution of funding (e.g., at least XX% needs to go to primary applicant; only XX% can go to CBOs/other partners)?** EPA strongly encourages applicants to budget at least 20% of the requested EPA funding for subawards to community based nonprofit organizations. Applicants are more than welcome to provide more than 20% to CBOs. The other 80% can go to staff, contracts, travel for staff, etc.
- 3) **Are there any restrictions on the usage of funds in terms of administrative and staff costs vs. direct costs like paying for materials?** No. However, we recommend keeping in mind the max award amount (\$1M) and the max project period (3 years) in making determinations on your proposed project and budget scope.
- 4) **Can funding support stipends for community members to participate in the project?** Yes, those are considered participant support costs. Budget for those under the "Other" category. Refer to [EPA Guidance on Participant Support Costs](#) for additional information particularly with regard to maintaining necessary accounting records for documenting stipend payments.

- 5) **Can the \$1 million grant funds be carried over to multiple years?** Each EJG2G project is limited by statute for CAA 138 IRA funding or policy for annual appropriations act funding to a 3-year performance period.
- 6) **Is there a budget allocation minimum for subawards to stakeholder groups (like universities) that are not community-based nonprofits?** No.
- 7) **What category in the budget should subawards go to?** Other. If funding is going to contracts for-profit businesses and individual consultants, those costs should be listed in the “Contractual” category.
- 8) **Does \$1 million need to be spent evenly across the 3-year project period (\$333,000 /year)?** No. Funds should be used on an as-needed basis for project activities listed in the workplan.
- 9) **Please clarify/confirm that the amount of funds available for the EJG2G award is up to \$1 million per award with the award period being 3 years and not up to \$1 million per year for each of the three years.** Correct, the total award is up to \$1M for the duration of the project (3 years).
- 10) **Can funding support hiring new staff to implement the project?** Yes, this would be considered personnel costs. Applicants should also include the qualifications of proposed staff in the workplan under the “programmatic capability” section of their workplan.
- 11) **Is there a minimum required match for this opportunity?** No. EJG2G does not require a match.