

Revised April 10, 2024

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

TITLE: Clean Ports Program: Climate and Air Quality Planning Competition

ANNOUNCEMENT TYPE: Request for Applications (RFA)

FUNDING OPPORTUNITY NUMBER: EPA-R-OAR-CPP-24-05

ASSISTANCE LISTING NUMBER: 66.051

Summary: This Notice makes amendments to the above referenced funding opportunity to update information about project narrative, budget detail, budget narrative, and evaluation criteria.

Specifically, amendments are made on the following pages:

Pages 23, 24, 32, 33, 44: Language was modified to reflect the approval of the Information Collection Request for the Supplemental Application Template and clarify that the template is now required.

Page 24: The phrase "Optional Attachments" was corrected to "Other Attachments" in the Project Narrative Instructions.

Pages 24, 33: References to a tab in the Supplemental Application Template were changed from "2a. Cover Sheet for App_CAQP" to "2. CAQP Supplemental App."

Page 39: A Construction category was added to the Budget Detail section.

Page 42: A Construction category was added to the Example Budget Table.

Page 45: The total possible points was corrected to 110 in the Evaluation Criteria section.

Page 48: The total possible points was corrected to 110 in the Review and Selection Process section.

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IMPORTANT DATES

February 28, 2024	Notice of Funding Opportunity (NOFO) Opens
March 28, 2024	Optional Notice of Intent to Apply is Due
May 6, 2024	Final Date to Submit Questions
May 28, 2024	NOFO Closes – Applications Due by 11:59 p.m. (ET)
August to September 2024	Anticipated Notification of Selection
December 2024	Anticipated Awards

Application packages must be submitted electronically to the EPA through Grants.gov (www.grants.gov) no later than **May 28, 2024, at 11:59 p.m. Eastern Time (ET)** in order to be considered for funding.

NOTICE OF INTENT TO APPLY: To allow for efficient management of the competitive process, the EPA requests submittal of an optional informal notice of an Intent to Apply by **March 28, 2024** to cleanports@epa.gov. Please use the subject line “Notice of Intent to Apply: Climate and Air Quality Planning.” Please include in the body of the email the name of the applicant, the estimated dollar amount of the anticipated funding request, and 1-2 sentences summarizing the project (if known). Submission of Intent to Apply is optional and non-binding; it is a process management tool that will allow the EPA to better anticipate the total staff time required for efficient review, evaluation, and selection of submitted applications.

NOTE: If the applicant intends to name a contractor (including consultants) or subrecipient in your application as a “partner,” the applicant should carefully review Section IV.d. of [EPA’s Solicitation Clauses](#) that are incorporated by reference in this announcement and discussed in relevant part here (see [Section I.E.](#) of this announcement). **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 2 CFR Part 200.**

Applicants are not required to identify subrecipients and/or contractors (including consultants) in their grant application. However, if an applicant does so, the fact that an applicant selected for award has named a specific subrecipient or contractor (including consultants) in the application the EPA selects for funding does not relieve the applicant of its obligations to comply with subaward and/or competitive procurement requirements as described in Section IV.d. of EPA's Solicitation Clauses. **Please note that applicants may not award sole source contracts to consulting, engineering, or other firms assisting applicants with the application solely based on the firm's role in preparing the application or based on an assertion that the individual or firm has "unique qualifications."**

The EPA will not consider the qualifications, experience, and expertise of named subrecipients and/or named contractor(s) during the application evaluation process unless the applicant provides documentation that it has complied with the EPA's competitive procurement requirements.

For additional guidance, applicants should review [EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#), [EPA's Subaward Policy](#), and [EPA's Subaward Policy Frequent Questions](#). The EPA expects recipients of funding to comply with competitive procurement contracting requirements in 2 CFR Parts 200 and 1500 as well as the EPA's rule on Participation by Disadvantaged Business Enterprises in EPA Programs in 40 CFR Part 33. **The Agency does not accept justifications for sole source contracts for services or products available in the commercial marketplace such as consulting, data analysis, or project management.**

In addition, applicants are encouraged to review the Questions and Answers document posted on the [Clean Ports Program website](#) for further clarification of this NOFO.

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I. FUNDING OPPORTUNITY DESCRIPTION

A. Background and Summary

The EPA Office of Transportation and Air Quality (OTAQ) is issuing this NOFO to announce the availability of funds and solicit applications from eligible entities to conduct climate and air quality planning activities under the EPA's Clean Ports Program. The EPA's Clean Ports Program will fund climate and air quality planning activities at United States ports – including emissions inventories, strategy analysis, community engagement, and resiliency measure identification – that will build the capacity of port stakeholders to continue to reduce pollution and transition to zero-emissions (ZE) operations over time. The Clean Ports Program will also fund ZE port equipment and infrastructure as part of a separate NOFO to reduce mobile source emissions (criteria pollutants, air toxics, and/or greenhouse gases) at United States ports, delivering cleaner air for communities across the country. This new funding opportunity, made possible by funding from the Inflation Reduction Act, builds on the EPA's [Ports Initiative](#), an ongoing program that helps our nation's ports, a critical part of our infrastructure and supply chain, address public health and environmental impacts on surrounding communities.

Ports are a vital part of the United States economy, serving as gateways for moving freight and passengers across the country and around the world. Ports are also places with high concentrations of mobile source equipment, including dray trucks, locomotives, cargo-handling equipment, and marine vessels. This equipment is largely powered by diesel and other fossil fuels. Older equipment, in particular, can emit significant amounts of air pollution, including fine particulate matter (PM_{2.5}), nitrogen oxides (NO_x), air toxics, and carbon dioxide (CO₂), which impact human health and the environment.

Section 60102 of the Inflation Reduction Act of 2022 (IRA) amended Section 133 of the Clean Air Act (42 U.S.C. 7433) to authorize the EPA's Clean Ports Program (or *Grants to Reduce Air Pollution at Ports*).

The EPA anticipates awarding up to \$150 million under this competition, subject to the availability of funds, the quantity and quality of applications received, and other applicable considerations. This NOFO announces the availability of funding for grants related to Climate and Air Quality Planning. The EPA has issued a separate NOFO under Funding Opportunity Number EPA-R-OAR-CPP-24-04 for a competition for ZE technology deployment. **Applicants are encouraged to apply to both grant competitions.** Across both competitions, at least \$750 million is available for projects in nonattainment areas for PM_{2.5} or ozone, as defined in [Section IV.C.2., Section 4](#).

This Clean Ports Program Climate and Air Quality Planning Competition is a competitive grant program. Funding for port equipment, infrastructure, and planning is also available through other [programs funded by the Bipartisan Infrastructure Law](#) and the [Inflation Reduction Act](#). The EPA's Ports Initiative has a [searchable table of funding opportunities](#) that can support emissions reductions at ports. In addition, the Department of Energy, in coordination with the

EPA and the Department of Transportation, developed a [webpage that summarizes federal funding opportunities for ports](#).

B. Program Goals and Objectives

The EPA's goals for the Clean Ports Program are to: (1) build a foundation for ports across the country to transition to fully ZE operations, positioning ports to serve as a catalyst for transformational change across the freight sector; (2) reduce mobile source pollution in near-port communities, especially disadvantaged communities; and (3) help ensure that meaningful community engagement and emissions reduction planning are port industry standard practices.

The Climate and Air Quality Planning Competition is designed to fund climate and air quality planning activities focused on one or more ports (as defined below) that fall under the categories of (1) emissions inventory and accounting exercises, (2) strategy analysis and goal-setting, (3) stakeholder collaboration and communication, and (4) resilience planning. The list below provides examples of the types of activities within these categories for which applicants may choose to seek funding under this NOFO. This list is not exhaustive.

Note that all applicants are required to include one or more emissions inventory and accounting exercises as part of the project. Applicants are also encouraged, but not required, to include activities in (2)-(4). Note also that selected applicants will be expected to engage with communities about the project and publicly share a detailed written summary of the results of the planning activities.

(1) Examples of emissions inventory and accounting exercises (one or more exercises required)

- Develop a new (or update an existing) port-wide, terminal-specific, and/or category of mobile source (e.g., dray trucks, cargo-handling equipment) inventory including, but not limited to:
 - Inventory of port equipment (i.e., collecting emissions-relevant characteristics such as age, fuel type, engine tier, annual usage hours or mileage, and projected remaining useful life)
 - Baseline emissions inventory following the [EPA Port Emissions Inventory Guidance](#)
 - Projected future year business-as-usual emissions inventory following the [EPA Port Emissions Inventory Guidance](#)
- Collect and/or process data to inform emissions inventory and accounting exercises, including, but not limited to:
 - Stakeholder interviews and surveys (e.g., terminal operators, vessel owner/operators)
 - Vessel registry and traffic information
 - Truck count/traffic study including origin and destination surveys (which may entail purchase of equipment such as cameras)
 - Tracking via GPS/telematics to inform fleet and duty cycle analysis

- Emissions monitoring devices (e.g., on or near trucks or vessels in the port area)

(2) Examples of emissions reduction strategy analysis and goal-setting (optional)

- Develop or update a comprehensive report outlining port emissions reduction goals and strategies informed by scenario analysis (i.e., analysis of different approaches to reducing emissions) and stakeholder engagement
- Assess cost and feasibility of a specific emissions reduction strategy, such as accelerated replacement of older dray trucks, installation of ZE infrastructure such as shore power for vessels at berth, and cargo handling equipment operational strategies
- Conduct scenario analysis: estimate reductions and compare multiple emissions reductions strategies
- Conduct other analyses to inform air quality and climate goal-setting for the port overall
- Identify performance metrics to evaluate impacts of specific strategies (e.g., total emissions reduced per unit of activity; percentages of new equipment purchases that are ZE)

(3) Examples of stakeholder collaboration and communication (optional)

- Create and support a formal structure or process (e.g., advisory groups, committees, series of engagements) to get input from near-port communities and other stakeholders on climate and air quality planning activities. Eligible expenses include, but are not limited to:
 - Staff time
 - Space rental and virtual platform licenses
 - Creating and maintaining a website and other outreach and communications materials
 - Support for community participation, such as stipend for community members to serve as long-term consultants, refreshments, childcare, and translation services
 - Conflict prevention and resolution services, including consultation and coaching, situation assessment, convening, neutral third-party facilitation, mediation, and training services
- Provide trainings and other capacity-building resources to help stakeholders engage effectively in port decision-making, such as a port tour or trainings that provide an overview of port operations and emissions sources (e.g., training based on [EPA's Ports Primer for Communities](#))
- For independent port-area businesses and community institutions, offer individualized assistance in assessing climate vulnerabilities and formulating mitigation plans
- Conduct community needs and/or environmental justice assessments
- Develop an air monitoring plan in consultation with community groups to help assess impacts of emissions reduction strategies in specific communities

- Develop a community benefits agreement/plan. Visit the [EPA Community Port Collaboration website](#) for examples
- Conduct local workforce planning analysis. For example, this can include engaging workers, labor unions, and other workforce stakeholders on potential emissions reductions projects, and collaboratively developing solutions for supporting high-quality jobs and workforce pathways

(4) Examples of resilience planning (optional)

- Assess climate change vulnerabilities, such as by gathering local climate data and assessing flood-prone areas
- Identify priority measures to protect port equipment, energy systems, and operations from climate vulnerabilities
- Identify priority measures to protect nearby communities from consequences of climate change that also impact ports
- Analyze scenarios of extreme weather impacts on the port and develop an action plan to mitigate risk

For purposes of this NOFO, a port is either a water port or a dry port, as defined below:

Water port: places on land alongside navigable water (e.g., oceans, rivers, or lakes) with one or more facilities in close proximity for the loading and unloading of passengers or cargo from ships, ferries, and other commercial vessels. This includes facilities that support non-commercial Tribal fishing operations.

Dry port: an intermodal truck-rail facility that is included in the 2024 Federal Highway Administration's (FHWA) Intermodal Connector Database based on meeting the criteria set in 23 CFR 470. These criteria include having more than 50,000 20-foot equivalent units per year or 100 trucks per day, or comprising more than 20 percent of freight volumes handled by any mode within a State.

A list of eligible dry port facilities is available on the [Clean Ports Program website](#).

Programmatic Priorities

The Clean Ports Program programmatic priorities under this NOFO are defined below. Applicants should address these priorities in their applications.

- **Environmental Justice and Disadvantaged Communities:** The EPA is committed to accelerating environmental justice (EJ) in communities overburdened by pollution through this program. This program is a covered program under the Justice40 Initiative as set forth in [Executive Order 14008: Tackling the Climate Crisis at Home and Abroad](#). The goal of the [Justice40 Initiative](#) is to ensure that 40 percent of the overall benefits of certain Federal investments flow to disadvantaged communities that are marginalized

by underinvestment and overburdened by pollution. The EPA is committed to meeting the objectives of the Justice40 Initiative.

Specifically, this program is seeking to prioritize projects that take place in or near communities overburdened by air pollution, including those in designated PM_{2.5} and Ozone nonattainment areas for the EPA's National Ambient Air Quality Standards, and with high concentrations of diesel particulate matter (PM).

The EPA will evaluate applications on their benefits to disadvantaged communities experiencing poor air quality and the quality and extent of community engagement efforts, as defined in [Section IV.C.2., Section 4](#) and under [Section V.A., Criterion 4](#) of this NOFO.

Additional details on the contents of applications, including specifics on what should be included in the project narrative, are included in [Section IV.C.](#)

- **Nonattainment areas:** As required by the statute, the EPA plans to award a minimum of \$750 million for projects in nonattainment areas across this funding opportunity and Funding Opportunity Number EPA-R-OAR-CPP-24-04.
- **Emissions reductions:** The EPA encourages applicants to focus on and seek funds for planning projects that will best enable them to build capacity to reduce port emissions and transition to ZE operations over time. For example, applications primarily focused on resiliency planning will not score as favorably as those that include a strong focus on planning activities directly tied to emissions reductions and ZE technology deployment such as emissions inventory development, ZE technology feasibility assessments, and community engagement efforts to identify and prioritize emissions sources to address.

C. Environmental Results and Strategic Plan Information

Pursuant to Section 6.a. of EPA Order 5700.7A1, "Environmental Results under EPA Assistance Agreements," the EPA must link proposed assistance agreements with the Agency's Strategic Plan. The EPA also requires that grant applicants and recipients adequately describe environmental outputs and outcomes to be achieved under assistance agreements (see [EPA Order 5700.7A1, Environmental Results under Assistance Agreements](#)). Applicants must include specific statements describing the environmental results of the proposed project in terms of well-defined outputs and, to the maximum extent practicable, well-defined outcomes that will demonstrate how the project will contribute to the Strategic Plan goals listed below.

- 1. Linkage to the EPA Strategic Plan:** The activities to be funded under this announcement support the EPA's Fiscal Year (FY) 2022-2026 Strategic Plan. Awards made under this announcement will support Goal 1 "Tackle the Climate Crisis;" Objective 1.1 to "Reduce emissions that cause climate change" and, Goal 4, "Ensure Clean and Healthy Air for All Communities;" Objective 4.1, "Improve Air Quality and Reduce Localized Pollution and

Health Impacts.” Under Objective 1.1, the EPA will “aggressively reduce the emissions of greenhouse gases from all sectors while increasing energy and resource efficiency and the use of renewable energy.” Under Objective 4.1, the EPA will “reduce air pollution on local, regional, and national scales to achieve healthy air quality for people and the environment.” All applications must be for projects that support the goals and objectives above. For more information see [EPA’s FY 2022 - FY 2026 EPA Strategic Plan](#).

- 2. Outputs:** The term “output” means an environmental activity, effort, and/or associated work product 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.

Expected outputs from the projects to be funded under this announcement include, but are not limited to:

- Development of any of the following:
 - Completed or updated port emissions inventory and/or accounting exercise
 - Emissions reduction targets
 - Plan for reducing future port emissions
 - Port resiliency assessment and/or plan to increase resilience of port
 - Robust forums to engage stakeholders
 - Workforce impact analysis
- Development of publicly available document summarizing results of planning activities (required)
- Documented outreach efforts (e.g., workshops) undertaken to make local residents aware of project activities and updates and to solicit feedback

Other potential outputs may include but are not limited to:

- Summary of local residents and community-based organizations participating in the design, planning, and performance of the project
- The project’s inclusion in a broader, publicly-available strategy to reduce emissions at the port
- Establishing a clear point of contact in a public platform for community issues and complaints
- A publicly documented policy or process for collecting and addressing community input on port operations and projects that impact air quality
- Instances of dissemination of information on emissions reduction technologies and resiliency measures via listservs, websites, journals, and outreach events
- Staff hired to implement climate and air quality planning exercises
- Increased engagement with workers and/or their representatives at the port about the transition to cleaner technologies and operations

Progress reports and a final report will also be required outputs, as specified in [Section VI.C](#) of this NOFO.

- 3. 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 also be quantitative. They may not necessarily be achievable within an assistance agreement funding period.

Desired outcomes from the projects to be funded under this announcement include, but are not limited to:

- Increased community outreach and engagement
- Increased stakeholder participation in port planning and decision-making to advance environmental justice
- Increased capacity of the ports to make strategic long-term investments to reduce emissions
- Increased capacity of the ports to improve resilience to current and future climate change impacts
- Increased port staff and stakeholder understanding of current port emissions
- Increased transparency in port planning activities
- Increased awareness of how future emissions reductions activities could impact port workforce, and plan to preserve and create high-quality jobs

Other potential outcomes may include, but are not limited to:

- Financial plan to implement emissions reduction strategies
- Evidence of applicability of ZE technologies in port settings and duty cycles
- Increased understanding of the environmental or economic effectiveness of the implemented technology
- Increased public awareness of emissions reduction technologies and/or resiliency measures
- Training for surrounding community members related to planning practices, with an emphasis on workers from underserved populations
- New training and employment opportunities for members of near-port communities to prepare for future projects

D. Statutory Authority

The statutory authority for this action is Section 133 of the Clean Air Act, 42 U.S.C. 7433, added by the Inflation Reduction Act, Public Law 117-169, which authorizes the EPA to award rebates and grants to purchase or install ZE port equipment or technology, conduct planning or permitting in connection with the purchase or installation of ZE port equipment or technology, and develop qualified climate action plans.

E. Additional Provisions for Applicants Incorporated into the Solicitation

Additional provisions that apply to Sections III, IV, V, and VI, and/or awards made under this solicitation, can be found at [EPA Solicitation Clauses](#). These provisions are important for

applying to this solicitation and applicants must review them when preparing applications for this solicitation. If the applicant is unable to access these provisions electronically at the website above, they should contact the EPA point of contact listed in [Section VII](#) of this solicitation to obtain the provisions.

II. FEDERAL AWARD INFORMATION

A. Amount of Funding Available

The total estimated funding expected to be available for awards under this competitive opportunity is \$150 million. Funding is dependent upon funding availability, the quantity and quality of applications received, Agency priorities, and other applicable considerations.

As described in [Section I.A.](#) and per the statute, the EPA intends to award a minimum of \$750M for projects in nonattainment areas across both this NOFO (EPA-R-OAR-CPP-24-05 Clean Ports Program: Climate and Air Quality Planning Competition), and EPA-R-OAR-CPP-24-04 Clean Ports Program: Zero-Emission Technology Deployment Competition.

B. Number and Amount of Awards

The EPA anticipates awarding 50 to 70 grants or cooperative agreements under this announcement, subject to the availability of funds, the quantity and quality of applications received, Agency priorities, and other applicable considerations. The amount of federal funding requested per application must be at least \$200,000 and must not exceed \$3,000,000.

To ensure port type diversity in the award pool, the EPA plans to grant a minimum of 10 planning awards for projects taking place at small water ports. For applications that include planning activities for multiple ports, the primary project location (based on percentage of time/activity) will be used to determine whether the project qualifies as taking place at a small water port. A small water port is defined as:

- A water port located in a port area to and from which the average annual tonnage of cargo is less than 8,000,000 short tons for the most recent three calendar years of U.S. Army Corps of Engineers (USACE) data (2019, 2020, 2021), or
- A water port located outside of the port areas in USACE tonnage datasets.

A list of port areas that handle greater than 8,000,000 short tons is available on the [Clean Ports Program website](#).

To ensure further geographic and port type diversity in the award pool, the EPA plans to grant a minimum of one planning award per each of EPA's ten Regions, and a minimum of two planning awards to Tribal applicants. If an application includes projects in more than Region, the applicable Region will be determined by the primary project location (based on percentage of time/activity).

C. Partial Funding

In appropriate circumstances, the EPA reserves the right to partially fund applications by funding discrete portions or phases of proposed projects. If the EPA decides to partially fund an application, it will do so in a manner that does not prejudice any applicants or affect the basis upon which the application, or portion thereof, was evaluated and selected for award, thereby maintaining the integrity of the competition and selection process.

D. Additional Awards

The EPA reserves the right to make additional awards under this solicitation, consistent with Agency policy and guidance, if additional funding becomes available after the original selections are made. Any additional selections for awards will be made no later than 6 months after the original selection decisions. In addition, the EPA reserves the right to reject all applications and make no awards under this announcement or to make fewer awards than anticipated.

E. Award Funding and Incremental/Full Funding

Awards may be fully or incrementally funded, as appropriate, based on funding availability, satisfactory performance, and other applicable considerations.

F. Period of Performance

The estimated period of performance for awards resulting from this solicitation will be up to three years. The estimated project start date for awards is December 1, 2024.

G. Funding Type

It is anticipated that grants and cooperative agreements will be funded under this solicitation.

Successful applicant(s) will be issued a grant or cooperative agreement as appropriate. A cooperative agreement is an assistance agreement that is used when there is substantial federal involvement with the recipient during the performance of an activity or project. The EPA awards cooperative agreements for those projects in which it expects to have substantial interaction with the recipient throughout the recipient's period of performance. The EPA will negotiate the precise terms and conditions of "substantial involvement" as part of the award process. The anticipated substantial federal involvement for cooperative agreements under the Clean Ports Program may include close monitoring of the recipient's performance; collaboration during the performance of the scope of work; and in accordance with 2 CFR §200.317 and 2 CFR §200.318, as appropriate, reviewing proposed procurements, reviewing qualifications of key personnel, and/or reviewing and commenting on the content of printed or electronic publications prepared. The EPA does not have the authority to select employees or contractors employed by the recipient. The final decision on the content of reports rests with the recipient.

III. ELIGIBILITY INFORMATION

Note: Additional provisions that apply to this section can be found at [EPA Solicitation Clauses](#).

A. Eligible Entities

Consistent with Assistance Listing No. 66.051, the Clean Air Act Section 133(d) (as amended by the Inflation Reduction Act §60102), and [EPA's Policy for Competition of Assistance Agreements \(EPA Order § 5700.5A1\)](#), competition under this solicitation is available to:

1. Port authorities;
2. State, regional, local, or Tribal agencies that have jurisdiction over a port authority or a port, where "port" is defined in [Section I.B.](#);
3. Air pollution control agencies (as defined in CAA 302); and
4. Private entities that:
 - a. apply for a grant in a Statutory Partnership with an entity described in 1-3 above; **and**
 - b. own, operate, or use the facilities, cargo-handling equipment, transportation equipment, or related technology of a port.

The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa and includes the Commonwealth of the Northern Mariana Islands.

"Tribal agencies" are defined as any Indian Tribe, band, nation, or other organized group or community (including Alaska Native Villages), which are federally recognized as eligible for the special programs and services provided by the United States. The EPA has determined that based on the exclusion of Alaskan Native Corporations (ANCs) from the definition of "Indian tribe" in Section 302(r) of the Clean Air Act that ANCs are not eligible as a Tribal agency for direct grants from the EPA under this program. ANCs may be eligible as a private entity, however, and may receive subawards from eligible grantees.

For the purposes of this NOFO, "intertribal consortium" is defined as a partnership between two or more eligible Tribal agencies as defined above, that is authorized by the governing bodies of those Tribes to apply for and receive assistance under this program. Intertribal consortia are eligible to receive assistance under this program only if the consortium demonstrates that all members of the consortium meet the eligibility requirements for the program and authorize the consortium to apply for and receive assistance by submitting to the EPA documentation of (1) the existence of the partnership between Indian Tribal governments, and (2) authorization of the consortium by all its members to apply for and receive the assistance.

A private entity can include for-profit businesses and nonprofit organizations, as long as they meet the requirements described in [Section III.A.4.a-b](#). For example, a private marine terminal operator could be an eligible private entity.

A partnership between an eligible private entity (as defined above in [Section III.A.4](#)) and another eligible non-private entity (as defined above in [Section III.A.1-3](#)) is a Statutory Partnership. The Statutory Partnership application is comprised of one eligible private entity

who enters into a Statutory Partnership Agreement with one or more Statutory Partners (other eligible non-private entities). In a Statutory Partnership application, the eligible private entity is considered the grant recipient and is responsible for carrying out the grant activities if the application is selected for funding. If the application is selected for award, the applicant will enter into an agreement with the Statutory Partner that must contain the elements of the Statutory Partnership Agreement in [Appendix B](#). The applicant must include a copy of a written and signed Statutory Partnership Agreement with their application to be eligible for funding consideration.

Non-statutory partnerships are also allowable to ensure effective grant performance to meet the objectives of the program in [Section I](#). Non-statutory partnerships may be established between an applicant and a Collaborating Entity, which may include both eligible and non-eligible entities. Non-statutory partnerships may be constituted by both financial and non-financial forms of collaboration, however any subawards made by the applicant to Collaborating Entities to implement the project strategies and activities under the application must be made consistent with the grant regulations at 2 CFR 200.331 and as permitted in Appendix A of the [EPA Subaward Policy](#). Applicants may include an optional copy of a written and signed letter of commitment with each Collaborating Entity in their application.

Applicants should reference [Section IV.C](#) for further detail on project narrative instructions and related attachments.

For both Statutory Partnerships and non-statutory partnerships, if selected for award, the applicant will become the grant recipient, operating as a pass-through entity for purposes of 2 CFR Part 200 and the [EPA Subaward Policy](#), and taking responsibility for making subawards to Collaborating Entities, or if applicable, Statutory Partners. The applicant will also be accountable to the EPA for effectively carrying out the full scope of work and the proper financial management of the grant (including the subawards it makes under the grant, and contracts to consultants and procurement contractors selected in accordance with the competitive procurement requirements in 2 CFR Parts 200 and 1500 as well as the EPA's 40 CFR Part 33 Disadvantaged Business Enterprise rule). Additionally, as provided in 2 CFR § 200.332, the Collaborating Entities, and other subrecipients, will be accountable to the applicant for proper use of EPA funding. Note that pursuant to 2 CFR § 200.332(a)(2), as implemented in Items 2 and 4 of the EPA's "*Establishing and Managing Subawards*" [General Terms and Conditions](#), successful applicants in Statutory Partnerships and non-statutory partnerships must ensure that the terms and conditions of the grant agreement "flow down" to all subrecipients in the subawards. The EPA has developed an optional template for subaward agreements, available in Appendix D of the [EPA Subaward Policy](#).

Further information on procurement and distinguishing between subawards and procurement transactions can be found in the [Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) and in the [EPA Subaward Policy](#).

Note that an eligible entity may be listed as a Statutory Partner and/or Collaborating Entity on more than one application.

B. Voluntary Cost Sharing or Matching Funds

No cost sharing/matching funds or leveraged resources are required as a condition of eligibility under this competition.

C. Threshold Eligibility Criteria

All applications will be reviewed for eligibility and must meet the eligibility requirements described in Sections III.A., B., and C., to be considered eligible. If necessary, the EPA may contact applicants to clarify threshold eligibility questions prior to making an eligibility determination. Applicants deemed ineligible for funding consideration due to the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.

1. Applications must substantially comply with the application submission instructions and requirements set forth in [Section IV](#) or else they will be rejected. However, where a page limit is expressed in [Section IV.C.](#) with respect to the application, or parts thereof, pages in excess of the 15-page limitation will not be reviewed. Applicants are advised that readability is of paramount importance and should take precedence in application format, including selecting a legible font type and size for use in the application.
2. All applications must be submitted through Grants.gov as stated in [Section IV.A.](#) of this announcement (except in the limited circumstances where another method of submission is specifically allowed for as explained in [Section IV.B.](#)) on or before the application submission deadline published in [Section IV.B.](#) of this solicitation. Applicants are responsible for following the submission instructions in [Section IV.B.](#) of this solicitation to ensure that their application is timely and properly submitted. Please note that applicants experiencing technical issues with submitting through Grants.gov should follow the instructions provided in [Section IV.B.](#), which include both the requirement to contact Grants.gov and email a full application to the EPA prior to the deadline.

The EPA will only consider accepting applications outside of Grants.gov from applicants that are able to demonstrate that they are unable to submit through Grants.gov due to Grants.gov or relevant SAM.gov system issues or for unforeseen exigent circumstances, such as extreme weather interfering with internet access. Failure of an applicant to submit prior to the application submission deadline date because they did not properly or timely register in SAM.gov or Grants.gov is not an acceptable reason to justify acceptance of an application outside of Grants.gov. **NOTE: Registering in SAM.gov or Grants.gov can take a month or more. Applicants are advised to begin their registration process early so it does not interfere with submitting the application near the deadline.**

3. Applications must support Goal 1 “Tackle the Climate Crisis”; Objective 1.1 “Reduce Emissions that Cause Climate Change” and Goal 4 “Ensure Clean and Healthy Air for All Communities”; Objective 4.1: “Improve Air Quality and Reduce Localized Pollution and Health Impacts” of the EPA’s Strategic Plan described in [Section I.C.](#)
4. Applications which request EPA assistance funds less than \$200,000 or in excess of \$3,000,000, as specified in [Section II.B.](#) of this NOFO, are not eligible and will not be reviewed.
5. Applicants must include one or more emissions inventory or accounting exercises as part of the project. See examples in [Section I.B.](#)
6. Applications from applicants that use a logistics information platform described in [Section III.D.](#) are ineligible and will not be reviewed.
7. Applicants may submit up to two applications as long as the same port is not included in more than one application (i.e., all project activities taking place at a port must be grouped in one application). Applicants can include multiple types of projects within one application (either at a single port or multiple ports). Applicants that submit more than one application for projects that serve the same port, or more than two total applications, will be contacted prior to EPA review of any of the applications to determine which application(s) the applicant will withdraw from the competition. In the absence of direction from the applicant, the EPA will review the most recent application submitted for the port or the two most recent applications and deem the other applications ineligible.

D. Ineligible Activities and Other Considerations.

1. **Ineligible Costs or Activities.** If an application is submitted that includes any ineligible tasks or activities, that portion of the application will be ineligible for funding and may, depending on the extent to which it affects the application, render the entire application ineligible for funding. Activities and project costs ineligible for funding under this NOFO include:
 - a. **Ineligible project costs** related to climate and air quality planning include:
 - i. Activities that are not focused on one or more ports (see definition of “port” in [Section I.B.](#))
 - ii. Planning exercises related to emissions or emissions reductions where vehicles, vessels, and other mobile source port equipment are not included
 - iii. Development of an EJ mapping tool (applicants should instead rely on existing tools)

- iv. Vulnerability assessments not related to impacts from extreme weather and other climate-related events and conditions
 - v. Resiliency measure implementation (construction, equipment, purchase, information systems, etc.)
 - vi. Emissions reduction strategy implementation (e.g., the purchase of ZE mobile source equipment, which is eligible for funding under Funding Opportunity Number EPA-R-OAR-CPP-24-04).
- b. As proscribed in Section 825 of the National Defense Authorization Act, no funds may be awarded to an entity that uses in part or in whole: the national transportation logistics public information platform (commonly referred to as 'LOGINK'); any national transportation logistics information platform provided by or sponsored by the People's Republic of China, or a controlled commercial entity; or a similar system provided by Chinese state-affiliated entities.

IV. APPLICATION AND SUBMISSION INFORMATION

Note: Additional provisions that apply to this section can be found at [EPA Solicitation Clauses](#).

A. How to Register to Apply for Grants under this Competition

Note: The registration process can take a month or more. We advise you to start the process as soon as possible so that it does not overlap or interfere with finalizing your application.

Applicants should visit [How to Register to Apply for Grants](#) for additional information. All EPA grant applications must be submitted online, except in limited circumstances. Organizations must be registered in two government systems to apply for EPA grants:

1. The System for Award Management (SAM.gov) registers organizations to conduct business with the U.S. Government, which includes federal grants.
2. Grants.gov is the official system for managing all federal grant applications.

These two systems share information. Together, they provide access to everything needed to identify federal grant opportunities and to complete the online application process.

Note that individuals access both systems through a single user account set up in Login.gov. Creating a Login.gov account is easy. If you do not have a Login.gov account, you will be prompted to create one when you register with SAM.gov or Grants.gov. [Learn more about Login.gov](#).

If you have done business with the federal government previously, you can and should check your entity status using your government issued UEI to determine if your registration is active. SAM.gov requires you renew your registration every 365 days to keep it active. Organizations should ensure that their SAM.gov registration includes a current e-Business (EBiz) point of

contact name and email address. The EBiz point of contact is critical for Grants.gov Registration and system functionality. If the point of contact has changed, you may need to contact the [Federal Service Desk](#) for help with your SAM.gov account: (866) 606-8220. The Federal Service desk hours of operation are Monday – Friday 8am – 8pm ET.

Please note that SAM.gov registration is different than obtaining a UEI only. Obtaining an UEI only validates your organization’s legal business name and address. Please review the [Frequently Asked Questions](#) document for additional details.

Follow these steps to register to apply for EPA grants. **Start the registration process early.** The process can take a month or more. Errors or inconsistencies in registration in the two systems can prolong the process. Applicants are encouraged to start the registration process **before you begin your application.**

Step 1. Register Your Organization in SAM.gov

Organizations must register with SAM.gov to obtain a Unique Entity Identifier (UEI), which is a 12-character alphanumeric identifier assigned to each unique organization. There is no fee for registering with SAM.gov and registration must be renewed annually.

Registration in SAM.gov requires providing assertions, representations and certifications, and other information so that the federal government can verify the existence and uniqueness of the organization. Follow these steps to get started:

1. Go to the [SAM.gov Entity Registration](#) page. Review the “Before You Get Started” section and download the Entity Registration Checklist to help prepare.
2. Click the “Get Started” button when you are ready. You may be prompted to accept the usage terms and sign in through Login.gov. If necessary, click the “Get Started” button again after you sign in.
3. You will be prompted to choose what you want to do. Most grant applicants will select the option to “Register for Financial Assistance Awards Only.”
4. Select the appropriate option and click the Next button.
5. Proceed through the registration process by answering the questions and providing the necessary information.

Organizations will need to designate an E-Business Point of Contact (EBiz POC). The EBiz POC is likely to be your organization’s chief financial officer or authorizing official. There can be only one EBiz POC for each unique organization. The EBiz POC will:

- Manage the SAM.gov account and login.
- Set up the Grants.gov profile for the organization (see Step 2 below).
- Oversee all activities for the organization within Grants.gov.

- Assign all roles in Grants.gov for individuals from the organization who will be involved in applying for grants, including the Authorized Organization Representative (AOR), Expanded AOR roles, Workspace Manager, and Custom roles (see Step 3 below).

Note that the EBiz POC does not submit grant proposals for the organization. Proposals are submitted by the Authorized Organization Representative in Grants.gov. After the information submitted through the registration process is authenticated, the EBiz POC will receive an email from SAM.gov indicating that the registration is active.

Contact the [Federal Service Desk](#) for help with your SAM.gov account, to resolve technical issues or chat with a help desk agent: (866) 606-8220. The Federal Service desk hours of operation are Monday – Friday 8am – 8pm ET.

Once your SAM.gov account is active, you must register in Grants.gov. Grants.gov will electronically receive your organization information, such as EBiz POC email address and UEI.

Step 2. Create a User Account and Applicant Profile in Grants.gov

After obtaining a UEI, an organization must create an applicant profile in Grants.gov.

The EBiz POC will set up the applicant profile in 2 steps:

1. Create a user account in Grants.gov with the same email address used by the EBiz POC in SAM.gov. The email address is used to match the EBiz POC from SAM.gov to Grants.gov.
2. Create the applicant profile in Grants.gov using the UEI obtained from SAM.gov.

Grants.gov registration is FREE. If you have never applied for a federal grant before, please review the [Grants.gov Applicant Registration](#) instructions. As part of the Grants.gov registration process, the EBiz point of contact is the only person that can affiliate and assign applicant roles to members of an organization. In addition, at least one person must be assigned as an Authorized Organization Representative (AOR). Only person(s) with the AOR role can submit applications in Grants.gov. Please review the [Intro to Grants.gov-Understanding User Roles](#) and [Learning Workspace - User Roles and Workspace Actions](#) for details on this important process. Applicants need to ensure that the AOR who submits the application through Grants.gov and whose UEI is listed on the application is an AOR for the applicant listed on the application. Additionally, the UEI listed on the application must be registered to the applicant organization's SAM.gov account. If not, the application may be deemed ineligible.

Contact [Grants.gov](#) for assistance at 1-800-518-4726 or support@grants.gov to resolve technical issues with Grants.gov. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a Grants.gov representative by calling 606-545-5035. The Grants.gov Support Center is available 24 hours a day 7 days a week, excluding federal holidays.

Step 3. Create Individual Grants.gov Accounts for Organization Members

There is no fee for registering with Grants.gov. Each member of the organization who will participate in the online grant application process needs to register an individual account on Grants.gov.

1. Go to the [Grants.gov registration](#) page.
2. Complete the form, which includes specifying a username and password. This username and password is used to create the Grants.gov account. You will be prompted to link the Grants.gov account to your Login.gov account.
3. Associate your individual account with the organization's UEI. You will also enter the organization's Profile Name and your Job Title.

The organization's EBiz POC can delegate administrative roles to other Grants.gov users associated with the UEI, as necessary. Learn more about [managing roles in Grants.gov](#)

Step 4. Learn How to Use Workspace in Grants.gov

Workspace is the application in Grants.gov that an organization's grant team uses when applying for federal grants. Workspace is a role-based tool, in which the user's assigned role controls permissions to perform specific actions, such as accessing and editing application forms. As noted in Step 3 above, the EBiz POC has the initial responsibility to assign roles to individuals.

The core roles include:

- Expanded AOR: has the most privileges.
- Standard AOR: allows user to submit the final application and perform other actions.
- Workspace Manager: the minimum role required to create a workspace and begin work on an application.

Custom roles can also be created. Becoming familiar with Grants.gov Workspace roles and understanding the process will help applicants be better prepared to submit applications. The videos [on this page](#) are just two of many Grants.gov training resources to help applicants get started.

If your organization has no access to the internet or access is very limited, you may request an exception for the remainder of this calendar year by following the procedures outlined in [Exceptions to the Grants.gov Submission Requirement](#) website. Please note that your request must be received at least 15 calendar days before the application due date to allow enough time to negotiate alternative submission methods.

B. Application Process

To begin the application process under this grant announcement, go to [Grants.gov](#) and click the "Search Grants" tab. Search the opportunity number associated with this opportunity – EPA-R-

OAR-CPP-24-05. Once the opportunity has been selected, click the red “Apply” button at the top of the view grant opportunity page.

The electronic submission of your application to this funding opportunity must be made by an official representative of your organization who has been registered as an Authorized Organization Representative (AOR) and is authorized by your organization to sign applications for federal financial assistance. If the submit button is grayed out, it may be because you do not have the appropriate role to submit in your organization. Contact your organization’s EBiz point of contact or contact [Grants.gov](https://www.grants.gov) for assistance at 1-800-518-4726 or support@grants.gov

Applicants need to ensure that the AOR who submits the application through Grants.gov and whose UEI is listed on the application is an AOR for the applicant listed on the application, specifically on the SF-424. Additionally, the UEI listed on the application must be registered to the applicant organization's SAM.gov account. If not, the application may be deemed ineligible.

Applications submitted through Grants.gov will be time and date stamped electronically. Please note that successful submission of your application through Grants.gov does not necessarily mean your application is eligible for award. Any application submitted after the application’s time and date deadline will be deemed ineligible and not be considered.

Technical Issues with Submission

If applicants experience technical issues during the submission of an application that they are unable to resolve, follow these procedures **before** the application deadline date:

- a. Contact Grants.gov Support Center **before** the application deadline date.
- b. Document the Grants.gov ticket/case number.
- c. Send an email with “EPA-R-OAR-CPP-24-05” in the subject line to cleanports@epa.gov **before** the application deadline time and date. The email **must** include the following:
 - i. Grants.gov ticket/case number(s)
 - ii. Description of the issue
 - iii. The entire application package in PDF format.

Without this information, the EPA may not be able to consider applications submitted outside of Grants.gov. Any application submitted after the application deadline time and date deadline will be deemed ineligible and will **not** be considered.

Please note that successful submission through Grants.gov or email does not necessarily mean your application is eligible for award.

The EPA will make decisions concerning acceptance of each application submitted outside of Grants.gov on a case-by-case basis. The EPA will only consider accepting applications that were unable to submit through Grants.gov due to [Grants.gov](https://www.grants.gov) or relevant [SAM.gov](https://www.sam.gov) system issues or for unforeseen exigent circumstances, such as extreme weather interfering with internet

access. Failure of an applicant to submit prior to the application submission deadline date because they did not properly or timely register in SAM.gov or Grants.gov is not an acceptable reason to justify acceptance of an application outside of Grants.gov.

Application Materials

The following forms and documents are required under this announcement.

Mandatory Documents:

- Standard Form 424, *Application for Federal Assistance*. Please note that the organizational Unique Entity Identifier (UEI) must be included on the SF-424. Applicants are advised to begin the SAM.gov registration process early so they have an active UEI prior to beginning this step. Otherwise, progress can be delayed on other parts of the application. See [Section IV.A.](#) for information on SAM.gov registration.
- Standard Form 424A, *Budget Information for Non-Construction Programs*
- EPA Form 4700-4, *Pre-Award Compliance Review Report*
- EPA Form 5700-54, *Key Contacts Form*
- Project Narrative Attachment Form, *Project Narrative* – Prepared as described in [Section IV.C.](#) below (up to 15 pages).
- Grants.gov Lobbying Form
- Use the “*Other Attachments*” form for the following mandatory documents:
 - Statutory Partnership Agreement(s) – mandatory for eligible private entities, as described in [Section III.A.4.](#)
 - Intertribal Consortium documentation that meets requirements of [40 CFR 35.504](#) – mandatory for Tribes applying as part of an Intertribal Consortium, as described in [Section III.A.](#)
 - Supplemental Application Template, located on the [Clean Ports Program website.](#)

Optional Attachment Documents. Use the “*Other Attachments*” form identified under the Mandatory Documents tab to submit the following:

- Project Team Biographies
- Negotiated Indirect Cost Rate Agreement, if applicable. Note that this will be required in order to draw down indirect costs if application is selected for funding
- Letter(s) of commitment, if applicable
- Approval Letter to use alternate means to submit initial application, if applicable

Accepted file types for application documents include .docx, .pdf, .xlsx, .xls, .jpeg, and .png. When saving application files, please ensure that the following characters are **not** included in the file names: ~ “ # % & * : < > ? / \ { | }. Including these characters can cause problems with application files. Please try to name files in a way that concisely indicates their contents.

Applications submitted through [Grants.gov](https://www.grants.gov) will be time and date stamped electronically. If you wish to confirm receipt of your application from the EPA (not from [Grants.gov](https://www.grants.gov)), please contact the Agency contact in [Section VII](#) within 30 days of the close of this solicitation.

Your organization’s authorized official representative (AOR) must submit your complete application electronically to the EPA through [Grants.gov](https://www.grants.gov) no later than **May 28, 2024, 11:59 PM ET**.

C. Project Narrative Instructions, Format, and Content

Instructions: The project narrative should substantially comply with the instructions, format, and content described below. It should also address the evaluation criteria in [Section V.A.](#) of the NOFO. The project narrative, including the cover page, workplan, and budget table, and budget detail, must not exceed a maximum of 15 single-spaced typewritten pages. Pages in excess of the 15-page limit will not be reviewed. The EPA recommends applicants use the Calibri font, a font size of 11, and 1-inch margins.

Supporting materials, such as project team biographies, Statutory Partnership agreements, and negotiated indirect cost rate agreements can be submitted as attachments and are not included in the 15-page limit. Supporting materials should also be submitted using the “*Other Attachments*” form, as described in [Section IV.B.](#) above.

Applicants should ensure that their project narratives are written clearly using understandable terms. Doing so will help ensure that the evaluation team members understand the purpose, outputs, and outcomes of the proposed project.

Applicants are not required, but are highly encouraged, to use the project narrative format below. However, the EPA will not penalize or withhold a benefit from an applicant who provides information in another format.

(1) Cover Page:

The cover page should include the following information. Applicants are required to use the Supplemental Application Cover Sheet, located in the Supplemental Application Template (“2. CAQP Supplemental App.” tab) on the [Clean Ports Program website](#).

Project Title	<i>[One descriptive sentence only]</i>
Applicant Information	Applicant Name/Organization: Address (Street, City, State, Zip): Contact Name, Title, Phone Number, and Email Address:
Type of Eligible Applicant	<i>[Using the criteria outlined under Section III.A. of this NOFO, please indicate entity type below with an X to confirm eligibility. For private entities: The applicant should also list the other eligible entity they are partnering with (Statutory Partner).]</i> <input type="checkbox"/> Port authority

	<input type="checkbox"/> State, regional, or local agency with jurisdiction over a port authority or a port <input type="checkbox"/> Tribal agency with jurisdiction over a port authority or a port <input type="checkbox"/> Air pollution control agency <input type="checkbox"/> Private entity meeting the requirements in Section III.A. <i>[Please indicate your Statutory Partner]:</i> _____	
Budget Summary	<i>[Use the definitions provided in Section IV.C.2., Section 7 "Budget" to fill out this budget summary. The amount listed in this summary should match the amount listed in the budget table in Section 7.]</i> EPA Funding Requested: \$ <i>[As noted in Section II.B. of the NOFO, each application can request between \$200,000 and \$3,000,000.]</i>	
Project Location(s)	<i>[List the primary location(s) where the benefits of the project will be realized as well as the share of time or activity taking place within each county.]</i> Name of Port(s) (or other project location and port(s) served): Name of Port Authority, if applicable: County, City, State: Percent of time/activity in each county: <i>[Please indicate whether the application meet the requirements for a small water port project as described in Section II.B. of the NOFO]</i> <input type="checkbox"/> Small water port	
Project Period	Project Start Date:	Project End Date:
Short Project Description	<i>[Briefly describe the project in one to three sentences only, especially noting the expected outputs and outcomes.]</i> Please indicate which of the following planning activities are included in the project: <input type="checkbox"/> Emissions inventory and/or accounting practice <input type="checkbox"/> Emissions reduction strategy analysis <input type="checkbox"/> Development of emissions reduction target <input type="checkbox"/> Plan for reducing future port emissions <input type="checkbox"/> Port resiliency assessment <input type="checkbox"/> Plan to increase resilience of port <input type="checkbox"/> Formal stakeholder engagement <input type="checkbox"/> Workforce planning analysis <input type="checkbox"/> Other activity (please specify)	
Other Potential	<i>[If the applicant has applied or plans to apply for funding for this project (or</i>	

Federal Funding Sources	<i>portions of this project) from another federal funding source, the applicant should list the potential funding source(s). Otherwise, enter N/A]</i>
Use of Logistics Software	Does the applicant use LOGINK or any other prohibited logistics platform as described in Section III.D.1.b. of the NOFO? <input type="checkbox"/> Yes <input type="checkbox"/> No

(2) Workplan:

Applicants should ensure that the workplan addresses the evaluation criteria in [Section V.A.](#) of the NOFO. Applicants should use the section and subsection numbers and headings below which correspond with the evaluation criteria in Section V.A. of the NOFO. The workplan should be written clearly using understandable terms.

Section 1- Project Summary and Approach (29 possible points, from [Section V.A.](#) of the NOFO)

This section should contain a detailed project description of the following information:

a. Overall Project (15 possible points)

Provide a detailed project summary and description of the proposed activities to be undertaken, consistent with [Section I.B.](#) “Program Goals and Objectives” of the NOFO. Include details of every activity for which the applicant is seeking funding. This section should include details about how the planning activities will meet the program goals to (1) build a foundation for the port(s) to transition to fully ZE operations, positioning the port(s) to serve as a catalyst for transformational change across local freight operations; and (2) reduce mobile source pollution in near-port communities, especially disadvantaged communities.

Applicants should include information about emissions inventory or accounting practice activities (one or more activities required), community engagement activities, and any other planning activities.

As discussed in [Section I.B.](#), this NOFO is focused on pollution reduction. Applications focused primarily on resiliency planning, in lieu of emissions reductions, will not score as favorably as those that include a strong focus on planning activities directly tied to emissions reductions and ZE technology deployment such as emissions inventory development and ZE technology feasibility assessments.

Applications should primarily only include information in Section 1.a. of their workplan that will not be covered by another section of their workplan.

b. Partnerships and Collaboration (7 possible points)

Applicants should discuss their approach for promoting and/or obtaining collaboration and support from Statutory Partners and/or Collaborating Entities in performing the project. List the organizations that will be involved in the project and what each of the groups’ roles will

be in the project's staffing, funding, design, and implementation.

- Eligible private entities applying with a Statutory Partnership (as defined in [Section III.A.](#)) should describe each Statutory Partner's roles and responsibilities in the project. Eligible private entities must attach a signed copy of the Statutory Partnership Agreement described in [Appendix B](#).
- Applicants applying in coordination with Collaborating Entities (as defined in [Section III.A.](#)) should describe for each entity: the type of collaboration/support proposed, how the applicant will ensure that it will materialize during project performance, and what role it will play in the overall project. Any letters demonstrating evidence of collaboration and support from Collaborating Entities may be attached as letters of commitment under optional attachment documents listed in [Section IV.B](#).

Under this section, the applicant should explain their plans for making subawards, as necessary and appropriate (see [Appendix A](#)) to enhance project effectiveness and/or efficiency. An example of a collaboration or partnership that would be considered under this criterion would be a proposal by an applicant (a single entity) to use Clean Ports funding to make subawards to one or more identified governmental or nonprofit subrecipients that would work collaboratively with the applicant to implement an overarching plan. Applicants, not the EPA, will select their subrecipients and the applicant must demonstrate in its proposal and/or agreements and letters of commitment that the project partners are willing to accept the subaward and have the capacity to effectively administer and perform the agreement. Selected applicants who propose to make subawards must follow proper procedures in making subawards and will be expected to make the subawards consistent with their proposal. The EPA's award will include a term and condition requiring the applicant to make the subawards consistent with their proposal.

IF THE APPLICANT INTENDS TO PROVIDE EPA FUNDS TO ANY COLLABORATING ORGANIZATION, PLEASE CAREFULLY REVIEW [PROVISIONS ON "CONTRACTS AND SUBAWARDS."](#)

If the applicant does not plan on partnering or collaborating with other groups in project performance, the applicant should demonstrate its ability to effectively perform and complete the project without such collaboration.

Examples of partnerships and collaboration could include, but are not limited to:

- Partnerships between a fleet operator and an air pollution control agency to collect data for emissions inventory and accounting activities
- Collaboration with utilities and/or other state and local agencies on ZE technology feasibility assessments
- Collaboration with academic organizations on identifying vulnerabilities and resiliency measures

Applicants will be evaluated on the extent to which the application demonstrates that they will work in partnership with appropriate partners to effectively and efficiently implement the proposed project. Applicants that do not plan on partnering with other groups will be evaluated based on the extent to which they demonstrate how they will be able to effectively perform and complete the project without such collaboration.

c. Coordination with Complementary Initiatives (7 possible points)

Applicants should describe the extent of any coordination between their project and other programs or larger initiatives to support the proposed project activities or to help achieve the broader program goal of ensuring that meaningful community engagement and emissions reduction planning are port industry standard practices. Applicants will be evaluated based on the role that the described complementary initiatives will play in supporting the proposed project activities or broader program goal, as well as the likelihood the initiatives will materialize during grant performance. Applicants demonstrating confirmed initiatives (e.g., efforts already underway) will score higher than those with only prospective initiatives (e.g., efforts under consideration but not confirmed).

Examples could include, but are not limited to:

- Connection between the proposed project and planning efforts under the EPA’s Climate Pollution Reduction Grant program (e.g., planning joint stakeholder engagement or analytical efforts)
- Connection between the proposed project and complementary investments from businesses, state, tribal, and local governments, or other organizations
- Connection between the proposed project and state/local planning efforts

Section 2 – Environmental Results—Outcomes, Outputs and Performance Measures (20 possible points, from [Section V.A.](#) of the NOFO)

a. Expected Project Outputs and Outcomes (10 possible points)

Identify the expected quantitative and qualitative outcomes and outputs of the project as defined in [Section I.C.2.](#) and [3.](#) Of the NOFO. Specific outputs and outcomes should be provided and may include short- and longer-term activities. In addition to a narrative discussion of the outputs and outcomes, applicants are encouraged to include a table such as the following. However, the EPA will not penalize or withhold a benefit from an applicant who provides information in another format.

Example of Outputs and Outcomes Table

<i>Anticipated Outputs and Outcomes</i>		
<i>Activities</i>	<i>Output(s)</i>	<i>Outcome(s)</i>
<i>Develop port-wide inventory of emissions</i>	<i>Completed or updated emissions inventory of port</i>	<i>Increased understanding of current port emissions</i>

<i>Assess cost and feasibility of diesel emission reduction strategies</i>	<i>Plan for reducing future port emissions</i>	<i>Increased capacity to make strategic long-term investments to reduce emissions at ports</i>
<i>Assess climate change vulnerabilities and identify priority measures to protect port equipment from climate impacts</i>	<i>Plan to increase resilience of port</i>	<i>Increased capacity to improve resilience to current and future climate change impacts</i>
<i>Launch a formal process to get input from communities and other stakeholders on climate and air quality planning activities</i>	<i>Number of local residents and community-based organizations participating</i>	<i>Increased stakeholder participation in port planning and decision-making impacting environmental justice</i>
	<i>Number of events and tools supporting engagement with local residents to ensure their meaningful participation with respect to the design, planning, and performance of the project</i>	<i>Improved ability to incorporate community perspectives into decision-making</i>
<i>Engage port workers on climate and air quality planning activities</i>	<i>Plan to prepare the current workforce for impacts of future technologies/projects</i> <i>New workforce development initiatives to train current and incoming workers</i>	<i>Workers have better understanding of how their roles may evolve, worker voice is incorporated into decision-making, and worker safety and job-quality is prioritized</i>
<i>Prepare and publish documents summarizing results of climate and air quality planning activities</i>	<i>Publicly available document summarizing in detail the results of planning activities</i>	<i>Increased transparency in planning activities, including public-facing list of contacts by name and title for public questions and comments</i>

b. Performance Measures and Plan (5 possible points)

Applicants should describe the proposed performance measures, which will be the mechanism to track, measure, and report progress towards achieving the expected outputs and outcomes. Applicants should describe their plan for tracking and measuring progress toward achieving the expected project outputs and outcomes and how the results of the project will be evaluated, as described in [Section I.C.](#) of the NOFO and Section 2.a. of the workplan.

These performance measures will help gather insights and will be the mechanism to track progress concerning successful processes and output and outcome strategies and will provide the basis for developing lessons to inform future recipients. It is expected that the

description of performance measures will directly relate to the project outcomes and outputs (see [Section I.C.](#)), including, but not limited to:

- Overseeing subrecipients, and/or contractors and vendors;
- Tracking and reporting project progress on expenditures and purchases; and
- Tracking, measuring, and reporting accomplishments and proposed timelines/milestones.

The following are questions to consider when developing output and outcome measures of quantitative and qualitative results:

- What are the measurable short term and longer term results the project will achieve?
- How does the plan measure progress in achieving the expected results (including outputs and outcomes) and how will the approach use resources effectively and efficiently?
- What are the expected locations (county) of the outputs and outcomes?

c. Timeline and Milestones (5 possible points)

The applicant should include a detailed timeline for the project including milestones for specific tasks such as bidding, procurement, installation, and reports, along with estimated start and completion dates. Applicants should include scheduled time for semi-annual and final report preparation in the project timeline.

Section 3 – Programmatic Capability and Past Performance (8 possible points, from [Section V.A.](#) of the NOFO)

a. Past Performance and Reporting Requirements (5 possible points)

Submit a list of up to five federally funded and/or non-federally funded assistance agreements that the applicant is performing or has performed within the last three years. Assistance agreements include grants and cooperative agreements but not contracts. These assistance agreements should be awarded directly to the applicant. For each of the agreements, include:

- Project title
- Assistance agreement number
- Federal funding agency and assistance listing number (formally known as the CFDA number)
- Brief description of the agreement – no more than two sentences

For each listed agreement, explain whether, and if so how, the applicant was able to successfully manage and complete the work.

For each listed agreement, the applicant should also describe their history of meeting the reporting requirements under the agreement(s). This should include:

- Whether the applicant submitted acceptable final reports under those

- agreements;
- The extent to which the applicant adequately and timely reported on its progress towards achieving the expected outputs and outcomes under those agreements; and
- If progress was not being made, whether the applicant adequately reported why not.

Note: In evaluating applicants under the past performance factors in [Section V.A.](#) of the NOFO, 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 the applicant does not have any relevant or available past performance or past reporting information, the applicant should indicate this in the application and will receive a neutral score for these factors, which is half of the total points available for this sub-criterion in [Section V.A.](#) of the NOFO. If the applicant does not provide any response for these items, or if submitted information is found to be inaccurate, a score of 0 for these factors may be received.

b. Staff Expertise (3 possible points)

Include information on the applicant's organization, including a description of staff knowledge, expertise, qualifications, and resources and/or the ability to obtain them, to successfully achieve project goals. Biographical sketches, including resumes or curriculum vitae for key staff, managers and any other key personnel can be included as an optional project team biography attachment, as listed in [Section IV.B.](#) of the NOFO. The optional attachment does not count towards the 15-page limit of the project narrative.

Section 4 - Environmental Justice and Disadvantaged Communities (23 possible points from [Section V.A.](#) of the NOFO)

To advance environmental justice through this program, applicants will be evaluated on the extent to which project benefits will take place in disadvantaged communities and the extent to which applicants or their project partners have participated in or will participate in meaningful community engagement.

For purposes of this competition and the evaluation of applications, "disadvantaged communities" are defined as meeting **both** of the following criteria:

1. Any county that includes at least one of the following:

- A. Any census tract that is identified as disadvantaged in the [Climate and Economic Justice Screening Tool](#) (CEJST) version 1.0;
- B. Any census block group that is at or above the 90th percentile for any of [EJScreen's Supplemental Indexes](#) when compared to the nation or state; and/or

- C. Any geographic area within Tribal lands as included in EJScreen.

AND

2. Any county that meets at least one of the following:

- A. Contains at least one designated nonattainment area or maintenance area for any of the following National Ambient Air Quality Standards. Data is sourced from [EPA's Green Book of Nonattainment Areas for Criteria Pollutants](#):
- a. PM_{2.5} 1997 Standard (Annual: 15 µg/m³, 24-hour: 65 µg/m³)
 - b. PM_{2.5} 2006 Standard (Annual: 15 µg/m³, 24-hour: 35 µg/m³)
 - c. PM_{2.5} 2012 Standard (Annual: 12 µg/m³, 24-hour: 35 µg/m³)
 - d. Ozone (O₃) 2008 Standard (8-hour: 0.075ppm)
 - e. Ozone (O₃) 2015 Standard (8-hour: 0.070ppm); and/or
- B. Contains at least one census tract where the modeled ambient diesel PM concentration from the [2019 Air Toxics Screening Assessment](#) is above the 80th percentile (0.38 µg/m³ for 2019) for census tracts nationwide. The 80th percentile is a programmatic cutoff designed to help evaluate those areas that are most likely to have higher concentrations of diesel PM in the year of analysis (i.e., the year for which data are available); this level was not chosen based on risk or other health-based criteria or thresholds. [AirToxScreen](#) is a screening tool and there are limitations and uncertainties associated with it; see: [AirToxScreen Limitations](#).

Counties that qualify in whole or in part as disadvantaged communities under one or more of the criteria listed above are identified on the EPA's Clean Ports Program Disadvantaged Community County List, found on the [Clean Ports Program website](#). This list also identifies whether counties qualify as extreme or severe nonattainment areas. For evaluation criteria 4.a. and 4.b., applicants should demonstrate the extent to which the project takes place in a disadvantaged community by providing the following Port Location Information for each project site:

- Facility Name. If Site is not a port, please indicate port(s) served.
- City, State, Zip Code
- County
- Description of project activity
- Share of project activity
- Does county contain PM_{2.5} or Ozone nonattainment area? (Y/N) If so, does it contain a severe or extreme nonattainment area? (Y/N)
- Does county contain PM_{2.5} or Ozone maintenance area? (Y/N)
- Does county contain high ambient diesel PM concentration based on AirToxScreen? (Y/N)

Applicants are required to provide this information using the Supplemental Application Cover

Sheet, located in the Supplemental Application Template (“2. CAQP Supplemental App.” tab) on the [Clean Ports Program website](#). This template will automatically identify whether the project is located in a disadvantaged community based on the county provided and the criteria above.

a. Disadvantaged Communities: Nonattainment Areas (7 possible points)

Applicants should describe the extent to which projects are located in counties that meet the disadvantaged communities definition based on meeting the criterion that they contain ozone or PM_{2.5} nonattainment or maintenance areas. Applicants should also describe the extent to which projects are located in severe or extreme nonattainment areas. Information for this part of the workplan must be provided using the **Supplemental Application Cover Sheet, located in the Supplemental Application Template (“2. CAQP Supplemental App.” tab) on the [Clean Ports Program website](#)**. Note that a list of counties that meet these criteria can be found on the [Clean Ports Program website](#).

Projects that take place in counties that contain severe or extreme nonattainment areas will receive more points than projects that do not. If projects will take place in more than one county, applicants should describe the percentage of the project activity that will occur in counties containing nonattainment areas or maintenance areas. Partial points may be awarded under this criterion based on the percentage of time that the project takes place in one of these counties.

b. Disadvantaged Communities: Areas with Air Toxics Concerns (5 possible points)

Applicants should describe the extent to which projects are located in counties that meet the disadvantaged communities definition based on meeting the criterion that they contain areas with air toxics concerns. Information for this part of the workplan must be provided using the **Supplemental Application Cover Sheet, located in the Supplemental Application Template (“2. CAQP Supplemental App.” tab) on the [Clean Ports Program website](#)**. Note that a list of counties that meet these criteria can be found on the [Clean Ports Program website](#).

If projects will take place in more than one county, applicants should describe the percentage of the project activity that will occur in counties containing air toxics concerns. Partial points may be awarded under this criterion based on the percentage of time that the project takes place in one of these counties.

c. Community Engagement Prior to Application and During Project (7 possible points)

This section should include details about how the activities will meet the program goal to help ensure that meaningful community engagement is a standard practice at the port(s). Applicants should describe the quality and extent of meaningful engagement with near-port communities, particularly disadvantaged communities. Meaningful engagement means seeking out and facilitating the involvement of people potentially affected by the project; informing them about the project; giving them an opportunity to participate in the project,

contribute, and provide feedback; and enabling them to influence decisions about future projects that may affect their environment and/or health. Meaningful engagement is a process, not a single event.

Community engagement can include engagement **prior to application**, in which input was sought and the proposed project is responsive to comments and concerns of near-port communities. Examples of community engagement **prior to application** include, but are not limited to:

- Results from a community engagement process with local residents to discuss port operations and community concerns and interests related to port climate and air quality planning, such as a charrette, focus group, key person interview, public hearing, and/or survey.
- Any efforts prior to the application to build community consensus around the proposed project, meet the interests of port stakeholders, and/or identify community priorities and benefits related to the project.

See additional examples below under community engagement **during the project** and in criterion d. **Long-term Community Engagement**.

Applicants may explain any hurdles that prevented the applicant from engaging with the public.

Community engagement can also include plans to meaningfully engage with near-port communities, especially and disadvantaged communities, **during the execution of the proposed project**.

Examples of community engagement during the project include, but are not limited to:

- A communications plan that presents a process for disseminating information to the community
- Forums to understand how the community sees potential benefits of the project and how they can engage (e.g., health benefits, new employment opportunities)
- Tabling events, briefings, workshops, forums, and other outreach to present the planned project for early input and to share results
- A hotline or text updates
- A clear point of contact for the public, communicated via regular newsletters, social media posts, and other outreach conveying project updates
- Hiring community members as staff or consultants, to contribute their expertise throughout the project period
- Site visits to share updates and to provide opportunities for community members to interact with port staff
- Honoraria to incentivize community members to participate in program activities, and mitigation stipends to cover expenses like childcare, transportation, or internet access

Applicants will score more highly if they can describe how they have engaged with the community **prior to application**, as well as how they will engage with the community **during the project**.

Applicants that provide specific details on the process as well as time and resource commitments will score higher than just providing letters of support. Applicants should consult the [Environmental Justice Primer for Ports and the Ports Primer for Communities](#) as resources for conducting meaningful community engagement.

d. Long-term Community Engagement (4 possible points)

This section should include details about how the activities will meet the program goal to help ensure that meaningful community engagement is a standard practice at the port(s). Applicants should either (1) describe an established long-term policy or process for meaningful community engagement (as defined in Section 4.c. of the workplan), particularly with disadvantaged communities, to get community input on port operations and projects that impact air quality and address community concerns or, if they do not have such a policy or process in place, (2) describe their plans to establish such a policy or process before the end of the project period. Examples of long-term community engagement include, but are not limited to:

- A community engagement liaison or equity program director who is responsible for assisting port staff with their long-term community engagement
- A community advisory committee or other standing forum for two-way engagement that includes representation from local residents and/or local community groups
- A clear point of contact in a public forum (e.g., hotline, website) for community issues, feedback, and complaints
- A community benefits agreement/commitment (other than those specific to workforce development described in Section 6 of the workplan)
- A budget to support community engagement training for staff

Section 5 – Project Sustainability (5 possible points, from [Section V.A.](#) of the NOFO)

This section should include details about how the activities will meet the program goal to help ensure that emissions reduction planning is a standard practice at the port(s). Applicants should describe the extent to which the applicant and project partners have the ability to continue planning activities or implement results of the planning project after EPA funding for this project has ended.

Examples could include, but are not limited to:

- A description of how the planning activities fit into a broader, publicly available strategy to reduce emissions at the port.
- A description of plans to use results of the planning activities to implement emissions reduction strategies or resiliency measures.

- A description of plans to periodically update emissions inventories.

Section 6 – Workforce Development (5 possible points from [Section V.A.](#) of the NOFO)

- **Climate and Air Quality Measure Workforce Impact Analysis:** The EPA encourages applicants to prepare for the workforce impacts that may result from their proposed planning activities. Under this sub-criterion, the EPA will evaluate applicants on the quality and extent to which the application will carry out a workforce impact analysis related to ZE technology deployment or other emissions reduction efforts as part of the project. Applications may request funding to support workforce planning activities tied to a proposed activity, including, but not limited to:
 - Analyzing how implementing recommendations from the planning activities could impact the current workforce and developing strategies and protections for mitigating harmful impacts. For example, clarifying protections to ensure existing workers are not replaced or displaced because of new technologies
 - Conducting detailed job and skills-based needs assessments to identify potential workforce gaps for future port activities to reduce emissions
 - Identifying additional sources of funding for workforce development programs to meet the needs of implementing recommendations from the planning activities, including high-quality models that increase accessibility for individuals from near-port communities such as pre-apprenticeship programs
 - Identifying and building relationships with partners necessary for workforce development activities at the port (e.g., labor unions, public workforce system, community colleges, community-based organizations)

If an applicant does not believe that workforce impact analysis is relevant for their proposed project, they should indicate this in the application and provide a clear justification why their proposal will not impact their workforce (e.g., conducting an emissions inventory may not impact the workforce directly).

- **Equitable Workforce Development Pathways as Part of Project:** Applicants are also encouraged to identify opportunities for individuals from disadvantaged communities, including near-port communities, to gain exposure to careers related to environmental quality at ports, such as paid internships with the applicant or educational outreach related to the planning activities conducted as part of the project. Applicants should describe the extent to which they will work with partners to recruit participants, such as community colleges, Minority Serving Institutions, community-based organizations, and other similar groups. Stipends or other compensation is an allowable use of funds and can be included in the budget.

Applicants may attach letters of commitment from workforce development organizations they plan to partner with, such as State/local workforce boards or labor unions, as optional

attachments (does not contribute to the workplan 15-page limit).

Section 7 - Budget (20 possible points from [Section V.A.](#) of the NOFO)

This section of the project narrative is a detailed description of the budget found in the SF-424A. It must include a discussion of the applicant's approach to ensuring proper management of grant/cooperative agreement funds, a detailed budget narrative, and the itemized budget table below. Selected applicant(s) will need to submit a copy of the current approved indirect cost rate that has been negotiated with a federal cognizant agency prior to award. The cognizant agency is the federal agency responsible for reviewing, negotiating, and approving indirect cost proposals on behalf of all federal agencies (see [2 CFR 200.1](#)). Additional guidance for developing the project budget is available in [RAIN-2019-G02, "Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance."](#)

a. Budget Detail (5 possible points)

This section of the project narrative provides a detailed breakout by funding type included in the proper budget category for each activity requesting funds. Applicants should consult [EPA's Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#).

Applicants should provide a detailed breakout by funding type and budget category for each activity. Applicants should use the instructions, budget object class descriptions, and example table below to complete the detailed budget section of the project narrative. The budget detail and the budget table should be included in the project narrative and will count towards the 15-page limit. Additional budget documents, excluding the SF-424 and SF-424A forms, and any budget information in the project narrative beyond the page limit will not be reviewed, as explained in [Section III.C.](#) of the NOFO. Applicants should include rows for each applicable budget category in their budget table to accurately reflect the proposed project budget. Applicants must itemize costs related to personnel, fringe benefits, travel, equipment, installation or labor supplies, contractual costs, other direct costs (i.e., subawards, participant support costs), indirect costs, and total costs.

For applicants proposing to implement a participant support cost or rebate program, the rebates are appropriately listed under the "Other" budget category as "Participant Support Costs." See [Appendix A](#) for more information on participant support costs and [RAIN-2018-G05, "EPA Guidance on Participant Support Costs."](#)

- **Personnel – List all staff positions by title. Provide annual salary (and percentage of time) or hourly rate (and number of hours) assigned to the project, and total cost for the budget period.** This category includes only direct costs for the salaries of those individuals who will perform work directly for the project (paid employees of the applicant organization as reflected in payroll tax records). If the applicant is providing staff time (in-kind services) as a cost share, this should be included as

Personnel costs. Personnel costs do not include: (1) costs for services of contractors (including individual consultants), which are included in the “Contractual” category; (2) costs for employees of subrecipients under subawards or non-employee program participants (e.g., interns or volunteers), which are included in the “Other” category; or (3) effort that is not directly in support of the proposed project, which may be covered by the organization’s negotiated indirect cost rate. The budget detail must identify in the personnel category, the personnel type by Full Time Equivalent (FTE), including percentage of FTE for part-time employees, number of personnel proposed for each category, and the estimated funding amounts.

- **Fringe Benefits – Identify the percentage(s) of wage or salary represented as Fringe, any other basis for its computation, and the types of benefits included.** Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits may include, but are not limited to, the cost of leave, employee insurance, pensions, and unemployment benefit plans. If the applicant’s fringe rate does not include the cost of leave, and the applicant intends to charge leave to the agreement, it must provide supplemental information describing its proposed method(s) for determining and equitably distributing these costs.
- **Travel – Specify the mileage or fares, per diem, estimated number of trips in-state and out-of-state, number of travelers, and other costs for each type of travel.** Travel may be integral to the proposed project (e.g., site visits), related to the proposed project (e.g., attendance at meetings), or for technical training or attendance at workshops that supports effective implementation of the project activities. Only include travel costs for employees in the Travel category. Travel costs do not include: (1) costs for contractor travel (including consultants), which are included in the “Contractual” category; (2) travel costs for employees of subrecipients under subawards and non-employee program participants (e.g., trainees), which are included in the “Other” category. Further, travel does not include bus rentals for group trips, which would be covered under the Contractual category. Finally, if the applicant intends to use any funds for travel outside the United States, it must be specifically identified. All proposed foreign travel must be approved by the EPA’s Office of International and Tribal Affairs prior to being taken.
- **Equipment – Identify each item to be purchased which has an estimated acquisition cost of \$5,000 or more per unit and a useful life of more than one year.** Equipment also includes accessories necessary to make the equipment operational. Equipment does not include: (1) equipment planned to be leased/rented, including under a lease/purchase agreement; or (2) equipment service or maintenance contracts that are not included in the purchase price for the equipment. These types of proposed costs should be included in the “Other” category. Items with a unit cost of less than \$5,000 should be categorized as

supplies, pursuant to the 2 CFR § 200.1 definition of “Equipment.” The budget detail must include an itemized listing of all equipment proposed under the project. If installation costs are included in the equipment costs, labor expenses shall be itemized with the detailed number of hours charged and the hourly wage. If the applicant has written procurement procedures that define a threshold for equipment costs that is lower than \$5,000, then that threshold takes precedence.

- **Supplies – “Supplies” means all tangible personal property other than “equipment.”** The budget detail should identify categories of supplies to be procured (e.g., tools or office supplies). Non-tangible goods and services associated with supplies, such as printing service, photocopy services, and rental costs should be included in the “Other” category.
- **Contractual – Identify each proposed contract and specify its purpose and estimated cost.** Contractual services (including consultant services) are those services to be carried out by an individual or organization, other than the applicant, in the form of a procurement relationship. [EPA’s Subaward Policy and supplemental Frequent Questions](#) provide detailed guidance for differentiating between contractors and subrecipients. The EPA does not require applicants to identify specific contractors. The applicant should list the proposed contract activities along with a brief description of the anticipated scope of work or services to be provided, proposed duration, and proposed procurement method (competitive or non-competitive), if known. Any proposed non-competed/sole-source contracts in excess of \$3,500 must include a justification. Note that it is unlikely that the EPA will approve use of sole source contracts for goods and services (e.g., consulting) that are widely available in the commercial market. Refer to [EPA’s Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) for the EPA’s policies on competitive procurements and encouraging the use of small and disadvantaged business enterprises. Leased or rented goods (equipment or supplies) should be included in the “Other” category.
- **Construction - Anticipated costs for hiring general contractors and other contractors performing activities described in the DBE Rule’s definition of Construction will be categorized as “Construction”.** Note, EPA’s Disadvantaged Business Enterprise (DBE) rule at 40 CFR [33.103](#) provides definitions for construction, services, and equipment costs for the purpose of categorizing costs on the SF-424A budget form. Anticipated costs for hiring general contractors and other contractors performing activities described in the DBE Rule’s definition of *Construction* will be categorized as “Construction.” Other construction-related anticipated costs may be categorized under “Construction,” “Contractual,” or “Equipment,” depending on whether the cost falls under the DBE Rule’s definition of *Construction, Services, or Equipment*. For example, anticipated costs for pre-

construction architectural and engineering *Services* as defined in the DBE Rule will be categorized as “Contractual.”

- **Other – List each item in sufficient detail for the EPA to determine the reasonableness and allowability.** This category should include only those types of direct costs that do not fit in any of the other budget categories. Examples of costs that may be in this category include: insurance; rental/lease of equipment or supplies; equipment service or maintenance contracts; printing or photocopying; participant support costs such as non-employee training stipends and travel; and subaward costs. Applicants should describe each item listed in the “Other” category and list the estimated, aggregated costs of participant support costs and subawards in a separate line item within the “Other” category. Additional information about participant support costs is contained in [RAIN-2018-G05, “EPA Guidance on Participant Support Costs.”](#)

Subawards (e.g., subgrants) and participant support costs are a distinct type of cost under this category. The term “subaward” means an award of financial assistance (money or property) by any legal agreement made by the recipient to an eligible subrecipient even if the agreement is casually referred to as a contract. Please refer to [Appendix A](#) for detailed guidance on funding projects and partnerships and how to correctly categorize these costs in the workplan budget. “Other” does not include procurement purchases, technical assistance in the form of services instead of money, or other assistance in the form of revenue sharing, loans, loan guarantees, interest subsidies, insurance, or direct appropriations. Subcontracts are not subawards and belong in the contractual category. Refer to [EPA’s Subaward Policy and supplemental Frequent Questions](#) for additional guidance.

- **Indirect Charges – If indirect charges are budgeted, indicate the rate and base.** Indirect costs are those incurred by the recipient for a common or joint purpose that benefit more than one cost objective or project and are therefore not readily assignable to specific cost objectives or projects as a direct cost. Examples of Indirect Cost Rate calculations are shown below:
 - Personnel (Indirect Rate x Personnel = Indirect Costs)
 - Personnel and Fringe (Indirect Rate x Personnel & Fringe = Indirect Costs)
 - Total Direct Costs (Indirect Rate x Total direct costs = Indirect Costs)
 - Direct Costs, less distorting or other factors such as contracts and equipment
(Indirect Rate x (total direct cost – distorting factors) = Indirect Costs)

Additional indirect cost guidance is available in [RAIN-2018-G02, “Indirect Cost Guidance for Recipients of EPA Assistance Agreements.”](#)

The budget table summarizes, by line item, all proposed costs within each applicable budget category. Additional information to explain and justify each line item should be provided in the

narrative budget description.

Example Budget Table¹ (part of the 15-page limit)

Line Item & Itemized Cost	EPA Funding ²
Personnel	
(1) Project Manager (PM) @ \$40/hr x 10 hrs/wk x 156 wks	\$62,400
(2) Project Staff @ \$30/hr x 40 hrs/wk x 156 wks	\$187,200
TOTAL PERSONNEL	\$249,600
Fringe Benefits	
Full-time Employees @ 20% of Salary and Wages x Total Personnel - Retirement, Health Benefits, FICA ³ , SUI ⁴	\$49,920
TOTAL FRINGE BENEFITS	\$49,920
Travel	
Mileage for PM: 25 miles/wk @ \$.17/mi x 208 wks	\$663
Mileage for Staff: 50 mi/wk @ \$.17/mi x 208 wks	\$1,326
TOTAL TRAVEL	\$1,989
Equipment	
TOTAL EQUIPMENT	\$0
Supplies	
Outreach Materials and Supplies	\$10,000
TOTAL SUPPLIES	\$10,000
Contractual	
Contractor to perform emission inventory, including truck traffic data collection (\$100,000), port equipment inventory (\$100,000), collection and analysis of land-side emission sectors (including drayage and cargo handling; \$205,000), collection and analysis of emissions from water-side sectors (marine vessel data, harbor craft; \$45,000)	\$450,000
Contractor to perform detailed electrical power distribution system assessment	\$66,560
Contractor to perform initial strategy analysis and feasibility assessment for reducing port emissions	\$150,000
Contractor to develop and maintain a website presence	\$50,000
Contractor to organize and conduct community meetings	\$25,000
Contractor to assess climate change vulnerabilities	\$100,000

Line Item & Itemized Cost	EPA Funding ²
Contractor to identify measures to increase resilience	\$150,000
TOTAL CONTRACTUAL	\$991,560
Construction	
TOTAL CONSTRUCTION	\$0
Other	
Participant Support Costs for community members to participate in a community advisory group (6 community members @ \$100/month for 36 months)	\$21,600
TOTAL OTHER	\$21,600
Indirect Charges	
(Federal Negotiated Indirect Cost Rate = 20%)	
Federal Indirect Cost Rate x Personnel = Indirect Costs	\$49,920
TOTAL INDIRECT	\$49,920
TOTAL FUNDING	\$1,374,589
TOTAL PROJECT COST⁵	\$1,374,589

- ¹ The EPA will not penalize or withhold a benefit from an applicant who provides information in another format.
- ² EPA Funding amount must be included on the SF-424 in Section 18.a and SF-424A in cell 5(e) under Section A – Budget Summary; and Column (1) under Section B – Budget Categories.
- ³ Federal Insurance Contributions Act expenses
- ⁴ State Unemployment Insurance expenses
- ⁵ Total Project Cost must be included on the SF-424 in Section 18.g and SF-424A in cell 5(g) under Section A – Budget Summary; and column (5), Row k under Section B – Budget Categories.

Note on Management Fees: When formulating budgets for 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 federal audit agency, or at the rate provided for by the terms of the agreement negotiated with the 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 cannot 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 workplan.

b. Expenditure of Awarded Funds (5 possible points)

Applicants should provide a detailed description of the approach, procedures, and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner.

c. Reasonableness of Costs (10 possible points)

The EPA will evaluate the reasonableness of the project budget based on the applicant's narrative description of the budget and detailed breakout, and justification of requested funding for each work component or task. Provide a detailed description of every itemized cost, including how every cost relates to the project narrative and specific activities. Instructions for what to include in the budget detail are described above in [Section IV.C.2](#), [Section 7.a](#).

Applicants must itemize the cost categories as listed below on the SF-424A form: personnel, fringe benefits, contractual costs, travel, equipment, supplies, construction costs, other direct costs (subawards, participant support costs), indirect costs, and total costs. Round up to the nearest dollar and do not use any cents.

Recipients may issue subawards, contracts, or participant support costs to implement projects. Please refer to [Appendix A](#) for detailed guidance on these funding options and how to correctly categorize these costs in the workplan budget.

The reasonableness of cost will be evaluated based on how many planning elements are included (e.g., emissions inventory and stakeholder collaboration only versus an emissions inventory, emissions reduction strategy analysis, stakeholder collaboration, and resilience planning), the scope of the proposed planning effort (e.g., multi-sector, port-wide scope versus a single terminal), and the proposed depth of the planning effort (e.g., conducting a truck count versus using telematics tracking). For example, the EPA expects that applications requesting over \$2,000,000 will include multiple planning elements, a port-wide scope, and more detailed data collection and/or analysis. Projects requesting closer to \$200,000 might rely on existing data, be narrower in scope, and/or include only one or two planning elements.

Section 8 - Attachments (As listed in [Section IV.C](#) of the NOFO; this information does not count towards the project narrative 15-page limit):

Statutory Partnership Agreement (Required, if applicable): Eligible private entity applicants must include a copy of a written and signed Statutory Partnership Agreement (as described in [Section III.A.](#)) with their application, including the elements of the Statutory Partnership Agreement defined in [Appendix B](#).

Intertribal Consortium documentation (Required, if applicable): Eligible tribal applicants applying in partnership as an Intertribal Consortium must include a copy of written and signed documentation consistent with [40 CFR 35.504](#). The document must show: (1) The existence of the partnership between Indian Tribal governments, and (2) Authorization of the Consortium by all its members to apply for and receive the grant(s) for which the Consortium has applied.

Supplemental Application Template (Required): Applicants are required to use the Supplemental Application Template, located on the [Clean Ports Program website](#), to provide information for the Cover Page and Sections 4.a. and 4.b. of the workplan.

Project Team Biographies: Optional. Provide resumes or curriculum vitae for key staff, managers, and any other key personnel. If submitted, this should be referenced under Section 3 “Programmatic Capability and Past Performance” of the workplan.

Negotiated Indirect Cost Rate Agreement: Optional. The applicant may be required to submit this agreement if their application is selected for funding in order to draw down indirect costs.

Letters of Commitment: If applicable, letters of commitment that demonstrate strong, continuous support throughout the project from key project partners (i.e., Collaborating Entities) are encouraged. Letters should specifically indicate how project partners and supporting organizations will participate or materially aid in the design and performance of the project, or how obtaining support from Collaborating Entities will allow the applicant to perform the project more effectively. Letters should be addressed to the applicant organization and included as attachments to the application. Please do not ask partners to submit letters directly to the EPA. If applicable, such letters should be referenced under the appropriate sections of the project narrative.

D. Releasing Copies of Applications

In concert with the EPA’s commitment to conducting business in an open and transparent manner, copies of applications submitted under this NOFO may be made publicly available on the Clean Ports Program website or other public website for a period of time after the selected applications are announced. The EPA recommends that applications not include trade secrets or commercial or financial information that is confidential or privileged, or sensitive information, if disclosed, that would invade another individual’s personal privacy (e.g., an individual’s salary, personal email addresses, etc.). However, if such information is included, it will be treated in accordance with [40 CFR § 2.203](#). (Review EPA clause IV.a., Confidential Business Information, under [EPA Solicitation Clauses](#).)

The applicant should clearly indicate which portion(s) of the application is claimed as confidential, privileged, or sensitive information, or state ‘n/a’ or ‘not applicable’ if the application does not have confidential, privileged, or sensitive information. As provided at 40 CFR § 2.203(b), if no claim of confidential treatment accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to the submitter.

E. Sharing of Application Information with other Federal Agencies

Except for information marked as confidential as described in [Section IV.D.](#) of this NOFO, the EPA may share application information with other Federal agencies if the EPA determines that

sharing is relevant to the respective program’s objectives, including to assess potential duplicative or complementary federal funding for projects.

V. APPLICATION REVIEW INFORMATION

Note: Additional provisions that apply to this section can be found at [EPA Solicitation Clauses](#).

Only eligible entities whose application(s) meet the threshold criteria in [Section III.C](#) of this NOFO will be evaluated using the criteria set forth below. **Applicants should explicitly address these criteria as part of their submitted application package in the project narrative, following the content requirements set forth in [Section IV.C](#).** Each application will be rated using a point system. Applications will be evaluated based on a total of 110 points possible.

A. Evaluation Criteria

Criteria	Points
Total Possible Points	110
<p>1. <u>Project Summary and Approach:</u> Under this criterion, the EPA will evaluate applications based on the extent and quality of the applicant’s project summary and overall approach. Specifically, the EPA will evaluate:</p> <ul style="list-style-type: none"> a. Overall Project (15 points) The extent and quality of the overall proposed project description, consistent with Section I.B. Applications primarily focused on resiliency planning will not score as favorably as those that include a strong focus on planning activities directly tied to emissions reductions and ZE technology deployment such as emissions inventory development, ZE technology feasibility assessments, and community engagement efforts to prioritize among identified emissions reduction strategies. b. Partnerships and Collaboration (7 points) The extent to which the applicant demonstrates that they will work in partnership with appropriate partners to effectively and efficiently implement the proposed project. Applicants that do not plan on partnering with other groups will be evaluated based on the extent to which they demonstrate how they will be able to effectively perform and complete the project without such collaboration. c. Coordination with Complementary Initiatives (7 points) The extent and quality of coordination with other programs or larger initiatives with respect to supporting proposed project activities or broader program goals, as well as the likelihood the initiatives will materialize during grant performance. 	29

<p>2. Environmental Results – Outcomes, Outputs and Performance <u>Measures:</u> Under this criterion, the EPA will evaluate:</p> <ul style="list-style-type: none"> a. Expected Project Outputs and Outcomes (10 points) The extent and quality to which the applicant identifies and proposes outputs and outcomes, as described in Section I.C.2. and 3. b. Performance Measures and Plan (5 points) The quality of the proposed performance measures and effectiveness of the applicant’s plan for tracking and measuring its progress toward achieving the expected project outputs and outcomes, including those identified in Section I.C. of this announcement. c. Timeline and Milestones (5 points) The reasonableness of the proposed timeline including key milestones for specific tasks and the likelihood of completion of the project’s goals and objectives by project end. 	<p>20</p>
<p>3. Programmatic Capability and Past Performance: Under this criterion, the EPA will evaluate applicants based on their ability to successfully complete and manage the proposed project considering their:</p> <ul style="list-style-type: none"> a. Past Performance and Reporting Requirements (5 points) Past performance in successfully completing and managing the assistance agreements identified in the project narrative, and history of meeting the reporting requirements under the assistance agreements identified in the project narrative as described in Section IV.C. of the announcement. In evaluating applicants under this criterion, the EPA will consider whether the applicant submitted acceptable final technical reports under those agreements and the extent to which the applicant adequately and timely reported on their progress towards achieving the expected outputs and outcomes under those agreements and if such progress was not being made whether the applicant adequately reported why not. b. Staff Expertise (3 points) Organizational experience, including staff expertise and qualifications, staff knowledge, and resources or the ability to obtain them, to successfully achieve the goals of the proposed project. <p>Note: In evaluating applicants under item a. of this criterion, the EPA 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 the applicant does not have any relevant or available past performance or reporting information, the applicant should</p>	<p>8</p>

<p>indicate this in the application and they will receive a neutral score for sub-criterion a. (a neutral score is half of the total points available in a subset of possible points). If the applicant does not provide any response for these items, they may receive a score of 0 for this sub-criterion.</p>	
<p>4. <u>Environmental Justice and Disadvantaged Communities:</u> Under this criterion, the EPA will evaluate applications based on the extent to which:</p> <ul style="list-style-type: none"> a. <u>Disadvantaged Communities: Nonattainment Areas (7 points)</u> Projects are located in counties that meet the disadvantaged community definition based on meeting the criteria of containing Ozone or PM_{2.5} <u>nonattainment or maintenance areas</u>, as described in Section IV.C.2., Section 4. Projects that take place in counties that contain severe or extreme nonattainment areas will receive more points than projects that do not. Partial points may be awarded for this criterion depending on how much of the project occurs in the priority areas. b. <u>Disadvantaged Communities: Areas with Air Toxics Concerns (5 points)</u> Projects are located in counties that meet the disadvantaged community definition based on meeting the criteria of containing areas with <u>air toxics concerns</u>, as described in Section IV.C.2., Section 4. Partial points may be awarded for this criterion depending on how much of the project occurs in the priority areas. c. <u>Community Engagement Prior to Application and During Project (7 points)</u> The application demonstrates meaningful community engagement, especially with disadvantaged communities, as described in Section IV.C.2., Section 4. More points will be awarded for descriptions of community engagement that include activities conducted prior to the application as well as engagement planned to take place during the project. d. <u>Long-term Community Engagement (4 points)</u> The application demonstrates the applicant and/or its project partner(s) has established – or commits to establish before the end of the project period – a long-term policy or process for meaningful community engagement that includes community input on port operations and projects that impact air quality and to address community concerns. 	<p>23</p>
<p>5. <u>Project Sustainability:</u> Under this criterion, the EPA will evaluate applicants based on the extent to which the applicant and project partners have the ability to continue planning activities or implement results of the planning project after the EPA’s funding for the project has ended.</p>	<p>5</p>

<p>6. <u>Workforce Development:</u> Under this criterion, the EPA will evaluate applicants based on the quality and extent to which the application will carry out a workforce impact analysis related to ZE technology deployment or other emissions reductions efforts as part of the project. Applicants will also be evaluated on the quality and extent to which they will identify opportunities for workforce development pathways and will work with partners to recruit participants.</p>	<p>5</p>
<p>7. <u>Budget:</u> Under this criterion, the EPA will evaluate applicants based on the extent and quality to which:</p> <ul style="list-style-type: none"> a. <u>Budget Detail (5 points)</u> The proposed budget provides a detailed breakout by funding type in the proper budget category for each activity for which the applicant is requesting funding. b. <u>Expenditure of Awarded Funds (5 points)</u> The applicant’s approach, procedures, and controls will ensure that awarded grant funds will be expended in a timely and efficient manner. c. <u>Reasonableness of Costs (10 points)</u> The proposed costs are reasonable to accomplish the proposed goals, objectives, and measurable environmental outcomes. The reasonableness of cost will be evaluated based on how many planning elements are included (e.g., emissions inventory and stakeholder collaboration only versus an emissions inventory, emissions reduction strategy analysis stakeholder collaboration, and resilience planning), the scope of the proposed planning effort (e.g., multi-sector, port-wide scope versus a single terminal), and the proposed depth of the planning effort (e.g., conducting a truck count versus using telematics tracking). 	<p>20</p>

B. Review and Selection Process

Applications will first be evaluated against the threshold criteria listed in [Section III.C.](#) of this NOFO. Only those applications which meet all of the threshold criteria will be evaluated using the evaluation criteria listed above by an evaluation team of EPA and/or other federal and/or non-federal external reviewers.

Each application will be given a numerical score and will be rank ordered by the review panel. Applications will be evaluated and scored out of 110 possible points, as described in the evaluation criteria under [Section V.A.](#) Preliminary funding recommendations will be provided to the EPA selection official based on these reviews and rankings.

To ensure geographic and port type diversity, the EPA plans to award a minimum of one award per each of EPA's ten Regions, a minimum of 2 awards to Tribal applicants, and a minimum of 10 awards to projects taking place at small water ports.

Final funding decisions will be made by the EPA selection official based on the rankings, the statutory requirement to award \$750 million to nonattainment projects as described in [Section I.B.](#), and the other factors listed in [Section V.C.](#) below.

C. Other Factors

In making the final funding decisions, the EPA headquarters selection official may also consider geographic diversity of projects, port type diversity, applicant type diversity, number and size of awards, duplicative or complementary federal funding from other sources, and Agency and programmatic priorities.

D. Anticipated Announcement and Federal Award Dates

The EPA anticipates it will announce selection decisions in August to September 2024 and tentatively plans to issue awards by December 2024.

VI. AWARD ADMINISTRATION INFORMATION

Note: Additional provisions that apply to this section can be found at [EPA Solicitation Clauses](#).

A. Award Notices

The EPA anticipates notification to successful applicants will be made via electronic mail by the EPA Office of Air and Radiation (OAR). The notification will be sent to the original signer of the application or the project contact listed in the application. This notification, which informs the applicant that its application has been selected and is being recommended for award, is not an authorization to begin work. The official notification of an award will be made by the EPA Regional Grants Management Officer or the EPA's Office of Grants and Debarment. Applicants are cautioned that only a grants officer is authorized to bind the government to the expenditure of funds; selection does not guarantee an award will be made. For example, statutory authorization, funding, or other issues discovered during the award process may affect the ability of the EPA to make an award to an applicant. The award notice, signed by an EPA grants officer, is the authorizing document and will be provided through electronic or postal mail. The successful applicant may need to prepare and submit additional documents and forms (e.g., a revised workplan), which must be approved by the EPA, before the grant can officially be awarded. The time between notification of selection and award of a grant can take up to 90 days or longer.

B. Combining Successful Applications into One Award

If an applicant submits multiple applications under this competition, and multiple applications are selected for funding, the EPA may award a single assistance agreement that combines separate applications for different tasks/activities.

C. Reporting Requirement

Semi-annual progress reports and a detailed final report will be required. Semi-annual reports summarizing technical progress, planned activities for the next quarter and a summary of expenditures are required. Progress reports will cover the performance measures described in the approved project workplan. The final report shall be submitted to the EPA within 120 calendar days of the completion of the period of performance. The final report must include a summary of the project or activity, outcomes achieved and costs of the project or activity. In addition, the final report shall discuss the problems, successes, and lessons learned from the project or activity that could help overcome structural, organizational, or technical obstacles to implementing a similar project elsewhere. The schedule for submission of semi-annual reports will be established by the EPA, after the grants are awarded. Award recipients may be provided with additional information and guidance on reporting performance measures and project progress after award.

VII. CONTACT INFORMATION

For further information, applicants should email written questions to: cleanports@epa.gov. The EPA will publicly respond to questions from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission of the application, and requests for clarification of any of the language or provisions in the announcement through the Questions and Answers (Q&A) document associated with this NOFO. Information regarding this NOFO obtained from sources other than these Agency Contacts may not be accurate. Please type "Clean Ports NOFO Question" in the subject line of your email. All questions submitted via email will be answered via reply email as well as posted in the online Q&A document. The online Q&A document will be revised approximately weekly during the open competition period to reflect new questions received and answered. The deadline for submitting questions via email is May 6, 2024, at 11:59 p.m. (ET). The final posting of the Q&A document will be approximately May 17, 2024.

All applicants are encouraged to periodically review the initial and revised Q&A document posted on [the Clean Ports Program website](#) for further clarification of this NOFO.

The Q&A document will be updated until the closing date of this announcement and posted at the [OAR Grants/Funding webpage](#).

APPENDIX A – Further Information Regarding Contracts, Subawards, and Participant Support Costs

I. Background

The Standard Form 424A (SF-424A) includes a separate row for “contractual” costs and “other” costs. As noted in [Section IV.C.2, Section 7](#), the “Other” cost category on the SF-424A should be used to cover both subawards and participant support costs. This appendix helps clarify these differences. Additional information about participant support costs is contained in [RAIN-2018-G05, “EPA Guidance on Participant Support Costs.”](#)

If a recipient intends to fund planning activities that will be conducted by an outside party, the recipient has the option to: (1) issue a contract; (2) make a subaward to an eligible entity; or (3) provide participant support costs to a program beneficiary.

II. Contracts

As described in 2 CFR § 200.331, a contract is for the purpose of obtaining goods and services for the recipient’s own use and creates a procurement relationship with the contractor. Characteristics indicative of a procurement relationship between the recipient and a contractor are when the contractor:

- Provides the goods and services within normal business operations;
- Provides similar goods or services to many different purchasers;
- Normally operates in a competitive environment;
- Provides goods or services that are ancillary to the operation of the federal program; and
- Is not subject to compliance requirements of the federal program as a result of the agreement, though similar requirements may apply for other reasons.

Grant recipients that enter into procurement contracts, must comply with the applicable procurement provisions in 2 CFR § 200.317 through 200.327.

As noted on pages 1-2 of this NOFO, if the applicant intends to name a contractor (including consultants) or subrecipient in their application as a “partner,” they should carefully review Section IV.d. of [EPA’s Solicitation Clauses](#) that are incorporated by reference in this announcement and discussed in relevant part here (See [Section I.E.](#) of this announcement). **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 2 CFR Part 200.**

Applicants are not required to identify subrecipients and/or contractors (including consultants) in their grant application. However, if an applicant does so, the fact that an applicant selected for award has named a specific subrecipient or contractor (including consultants) in the application the EPA selects for funding does not relieve the applicant of its obligations to

comply with subaward and/or competitive procurement requirements as described in Section IV.d. of EPA's Solicitation Clauses. **Please note that applicants may not award sole source contracts to consulting, engineering, or other firms assisting applicants with the application solely based on the firm's role in preparing the application or based on an assertion that the individual or firm has "unique qualifications."**

The EPA will not consider the qualifications, experience, and expertise of named subrecipients and/or named contractor(s) during the application evaluation process unless the applicant provides documentation that it has complied with the EPA's competitive procurement requirements.

For additional guidance, applicants should review [EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#), [EPA's Subaward Policy](#), and [EPA's Subaward Policy Frequent Questions](#). The EPA expects recipients of funding to comply with competitive procurement contracting requirements in 2 CFR Parts 200 and 1500 as well as the EPA's rule on Participation by Disadvantaged Business Enterprises in EPA Programs in 40 CFR Part 33. **The Agency does not accept justifications for sole source contracts for services or products available in the commercial marketplace such as consulting, data analysis, or project management.**

III. Subawards

Additional details are provided in [Grants Policy Issuance 16-01: EPA Subaward Policy for EPA Assistance Agreement Recipients](#). Under 2 CFR § 200.1, subrecipient is a non-federal entity that receives a subaward from a grantee to carry out part of a federal program but does not include program beneficiaries receiving participant support costs; see Section IV of this appendix below. Recipients of federal grants under this NOFO may make subawards to subrecipients to carry out a portion of the grant project; in such case, the direct recipient is also known as a "pass-through entity." Subawards establish a financial assistance relationship under which the subrecipient's employees and contractors implement programs and projects to accomplish the goals and objectives of the federal grant. It is important to bear in mind that subrecipients are subject to the same federal requirements as is the pass-through entity.

Under this competition, a non-federal entity is eligible to receive a subaward even if it is not eligible to receive a grant from the EPA directly. While there may be some situations in which a subaward to an individual may be appropriate, those situations are rare, and most subawards are made to organizations.

Subrecipients only receive reimbursement for their actual direct or approved indirect costs and do not "profit" from the transaction. For-profit entities participating in grant activities are typically contractors rather than subrecipients.

The EPA's Award Official must approve subawards to for-profit entities and individuals on the basis of either a precise description of the subaward in the EPA approved budget and project narrative, or on a transaction-by-transaction basis.

The applicant's project narrative and budget narrative should include detailed descriptions of any proposed subawards and include cost estimates for subawards as line items under the "Other" budget category in the SF-424A; see [Section IV.C.2.](#), [Section 7](#). Should a recipient decide to make a subaward that was not described in the approved project narrative and budget, the recipient must obtain prior written approval from the EPA's Award Official for the subaward.

If a recipient chooses to pass funds from its grant to other entities through subawards, the recipient must comply with applicable subaward provisions of 2 CFR Part 200, the EPA Subaward Policy, and the EPA's National Term and Condition for Subawards. Note that under 2 CFR § 200.331 through 200.333, there are extensive requirements for subrecipient monitoring and management that apply to pass-through entities.

Many of the federal administrative grant regulations in 2 CFR Part 200 and 2 CFR Part 1500, as well as the grant terms and conditions in the assistance agreement, "flow down" to subrecipients receiving a subaward. Such requirements need to be identified in the written subaward agreement between the recipient and the subrecipient. Additionally, if a subrecipient intends to procure goods or services using these funds, the subrecipient must comply with the applicable federal procurement standards in 2 CFR Part 200, 2 CFR Part 1500, and 40 CFR Part 33 as these requirements also "flow down" to subrecipients.

There is no requirement for recipients to compete subawards under this NOFO; however, pass-through entities may choose to select subrecipients competitively provided this practice is consistent with applicable statutes, regulations, and the terms and conditions of their Clean Ports Program grant.

Recipients may use the subaward template contained in Appendix D of EPA's Subaward Policy to assist them in complying with the "subaward content" requirements; however, the EPA does not mandate the use of this template.

IV. Participant Support Costs

Recipients may provide participant support costs (PSCs) to program beneficiaries to enable beneficiaries to participate in the recipient's program or project. PSCs include rebates, subsidies, stipends, or other payments to program beneficiaries by the grantee, subrecipient, or contractor. For example, PSCs might be used for costs to support community participation in planning activities.

PSCs differ from subawards in that the beneficiary is participating in the grant recipient's

project or program instead of implementing their own project or program. Program beneficiaries may include but are not limited to residents in the near-port community or other stakeholders; however, program beneficiaries are not employees, contractors or subrecipients of the grant recipient.

Recipients may also use PSCs to make purchases on behalf of program beneficiaries. In some situations, this approach allows grant recipients to achieve economies of scale and/or take advantage of existing purchase contracts. Federal or equivalent competitive procurement requirements apply to the grant recipient when the recipient takes this approach.

The federal administrative grant regulations in 2 CFR Part 200 and 2 CFR Part 1500, as well as the grant terms and conditions in the recipient's grant agreement, generally do not "flow down" to program beneficiaries receiving PSCs except that costs must be reasonable and incurred within the grant project period. Requirements for compliance with civil rights laws and ensuring that program beneficiaries are eligible to receive federal financial assistance are applicable as explained in the [EPA Guidance on Participant Support Costs](#). In addition, program beneficiaries must abide by requirements to ensure that the funds are used only for authorized purposes.

If a grantee, subrecipient, or contractor is paying PSCs to a program beneficiary, a written agreement covering that transaction must be in place. The written agreement should not be structured as a subaward agreement and should not refer to program beneficiaries as subrecipients consistent with 2 CFR § 200.1, "Subrecipient." In addition, the written agreement should not include language requiring the program beneficiary to comply with the federal grant regulations at 2 CFR § Part 200, 2 CFR § Part 1500, or the terms and conditions found in the award between the EPA and the recipient, other than requiring that the costs must be reasonable, necessary, and allocable. The written agreement should include the following:

- A description of the activities, goods and services that will be supported by the PSC, and their costs;
- The program and/or statutory requirements that the program beneficiary must abide by in order to ensure that the funds are used only for authorized purposes;
- Source documentation requirements (e.g., invoices) to ensure proper accounting of the PSCs; and
- Any reporting that must be submitted by the program beneficiary to the direct grant recipient, subrecipient, or contractor.

The EPA Award Official must approve a plan to award PSCs on the basis of either a precise description of the PSCs in the EPA approved budget and work plan, or on a transaction-by-transaction basis. The applicant's project narrative and budget narrative should include detailed descriptions of any plan to award PSCs and include cost estimates for PSCs as line items under the "Other" budget category. Should a recipient decide to issue PSCs that were not described in the approved work plan and budget, the recipient must obtain prior written approval from the EPA's Award Official. Moreover, after a grant is awarded, should a recipient decide to modify

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the amount approved (upwards or downwards) for PSCs, prior written approval from the EPA's Award Official is also required.

When creating budgets, applicants/recipients must exclude PSCs from Modified Total Direct Costs for calculation of indirect costs as required by 2 CFR § 200.1, "Modified Total Direct Costs."

Resources:

[RAIN-2018-G05, "EPA Guidance on Participant Support Costs."](#)

[Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#)

[Grants Policy Issuance 16-01: EPA Subaward Policy for EPA Assistance Agreement Recipients,](#)

with attachments, includes:

- EPA Subaward Policy
- Appendix A: Distinctions Between Subrecipients and Contractors
- Appendix B: National Term and Condition for Subawards
- Appendix C: Model Programmatic Subaward Reporting Requirement
- Appendix D: Subaward Agreement Template

APPENDIX B – Statutory Partnership Agreement between a Private Entity Applicant and Statutory Partner

To be eligible for funding, a private entity applicant must include in the application a copy of a written and signed Statutory Partnership Agreement with the Statutory Partner that is legally binding. At a minimum, the Partnership Agreement must specify the following:

- Who will be the applicant and the Statutory Partner.
- The applicant is responsible for the overall management, performance, oversight, and reporting responsibilities under the grant, and for making subawards to Statutory Partners and Collaborating Entities.
- The applicant will be responsible for the receipt of federal funds from the EPA and the proper expenditure of these funds and will bear liability for unallowable costs.
- The roles and responsibilities of the applicant and Statutory Partner for project activities and how disputes between them will be handled and resolved. Please note that the EPA is not a party to the Partnership Agreement, and any disputes between the parties must be resolved under the law applicable to the Partnership Agreement.
- The applicant is responsible for compliance and legal issues, and managing risks associated with the project. It must also describe the procedures for replacing a Statutory Partner with another Statutory Partner, and for ensuring the replacement has the comparable expertise, experience, knowledge, and qualifications of the replaced Statutory Partner to ensure successful grant completion within 3 years. Replacement may be necessary for various reasons including performance issues. Note that replacement requires prior approval by an authorized EPA official pursuant to 2 CFR § 200.308(c)(6).
- The applicant and Statutory Partner's agreement, if the proposed application is selected for award, to enter a subaward that complies with the subaward requirements in the grant regulations at 2 CFR § 200.331 and in the EPA's subaward Policy and related guidance and that contains terms and conditions including those above.