

Questions and Answers: Clean Ports Program Competitions

January 8, 2025

Zero-Emission Technology Deployment Competition

(Funding Opportunity Number: EPA-R-OAR-CPP-24-04)

AND

Climate and Air Quality Planning Competition

(Funding Opportunity Number: EPA-R-OAR-CPP-24-05)

The following Questions and Answers have been compiled for the benefit of stakeholders seeking information about the above two Notices of Funding Opportunities (NOFOs): Zero-Emission Technology Deployment Competition (ZE) and Climate and Air Quality Planning Competition (CAQP).

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Please note that many questions are variations of each other so your exact question may not be listed; please look for similar questions. We realize that applicants will continue to have questions that are not answered in this document. Applicants should do their best to provide enough information for the EPA to evaluate the eligibility and merits of the activities described in the application.

1. Applicant Eligibility

1.1. What types of entities are eligible to apply for the Clean Ports Program?

Answer: Eligible recipients of the Clean Ports Program funds include:

- Port authority
- State, regional, local, or Tribal agency that has jurisdiction over a port authority or port
- Air pollution control agency
- Private entity that:
 - Applies for a grant in partnership with an eligible entity above, and
 - Owns, operates, or uses facilities, cargo-handling equipment, transportation equipment, or related technology of a port

(See ZE or CAQP NOFOs section III.A)

Date Posted: 2/28/2024

1.2. How does the Clean Ports Program define a port?

Answer: For the purposes of both Clean Ports Program NOFOs, 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.

(See ZE or CAQP NOFOs section I.B)

For the purposes of both Clean Ports Program NOFOs, a small water port is defined below:

- A water port (see definition above) 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.

(See ZE NOFO section I.B or CAQP NOFO section II.B)

A list of eligible dry port facilities and a list of port areas that handle greater than 8,000,000 short tons are available on the [Clean Ports Program website](#).

Date Posted: 2/28/2024

1.3. Can two or more port authorities or other eligible entities partner on one application?

Answer: Yes. Eligible private entities must apply in a Statutory Partnership with another eligible non-private entity. Non-statutory partnerships are also allowable to ensure effective grant performance to meet the objectives of the program. Non-statutory partnerships may be established between an applicant and a Collaborating Entity, which may include both eligible and non-eligible entities. 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.

(See ZE or CAQP NOFOs section III.A. for more information related to requirements for Statutory Partnerships and non-statutory partnerships).

Date Posted: 2/28/2024

1.4. Can one applicant submit one application to fund several different ports? Is there a limit to the number of ports that can be included in one application?

Answer: Yes, an applicant can include project activities at more than one port in a single application. There is no limit to the number of ports where project activities can take place in a single application.

Date Posted: 2/28/2024

1.5. Can one applicant submit multiple applications for different ports?

Answer: For each NOFO, applicants may submit up to two applications as long as the same port is not included in more than one application per NOFO (i.e., all project activities taking place at or serving a port must be grouped in one application). Applicants can include multiple types of projects within one application (either at a single or at 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 the 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 application(s) ineligible.

(See ZE NOFO and CAQP NOFO section III.C)

Date Posted: 2/28/2024

1.6. Can one applicant apply for both the ZE Tech competition and the CAQP competition? Can planning funds be used to plan cost and feasibility assessments for equipment funded by the ZE competition?

Answer: Applicants can apply for both competitions to receive funding for planning projects and ZE technology deployment projects, however, applicants requesting funding for technology deployment under the ZE Tech competition are expected to have conducted necessary cost and feasibility assessments prior to applying and should not be planning to conduct further assessments prior to deployment.

Date Posted: 2/28/2024

1.7. What is the difference between a sub-recipient and a partnership? What entities are eligible sub-recipients of Clean Ports Program funds?

Answer: A partnership may be constituted by financial and/or non-financial forms of collaboration. A subrecipient is a non-federal entity that receives a subaward from a grantee to carry out part of a federal program. 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. Subrecipients only receive reimbursement for their actual direct or approved indirect costs and do not “profit” from the transaction.

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 the purchase of eligible technologies, in which case, program beneficiaries, rather than the grant recipient, would own the new technology.

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 individual truck owner/operators, private or public fleet owners, or residents in the applicable area; however, program beneficiaries are not employees, contractors or subrecipients of the grant recipient.

Date Posted: 2/28/2024

1.8. Are airport operators considered a “port authority” for the purposes of an eligible applicant for the grant?

Answer: Generally, airport operators would not meet the definition of port authority unless their authority includes overseeing a water or dry port as defined in the NOFO (see Q 1.2 for port definition).

Date Posted: 2/28/2024

1.9. Are rail operators considered an eligible applicant for the grant?

Answer: Private rail operators may be an eligible recipient of Clean Ports Program funding. Eligible private entities must apply in a Statutory Partnership with another eligible non-private entity, and all projects must serve a water port or dry port, (See Q 1.2 for definition of water port and dry port. See ZE or CAQP NOFOs section III.A. for more information related to requirements for Statutory Partnerships).

Date Posted: 2/28/2024

1.10. Where can I find information about US EPA funding opportunities?

Answer: Information about US EPA funding opportunities can be found at: <https://www.epa.gov/grants>. The EPA's Ports Initiative also has a searchable table of federal, state, and local funding opportunities that can support emissions reductions at ports, which can be found at: <https://www.epa.gov/ports-initiative/funding-opportunities-ports-and-near-port-communities>.

Date Posted: 3/22/2024

1.11. How can I determine if a port qualifies as a “small water port”?

Answer: The EPA has created a [document](#) with detailed information about small water port eligibility. For an application to qualify as a project taking place at a small water port, the primary water port project location may not take place in one or more of the large water port areas listed in the document. (See ZE NOFO section I.B. or CAQP NOFO section II.B.)

Date Posted: 3/22/2024

1.12. How do I know if my dry port/intermodal facility is eligible under this program?

Answer: Dry ports are defined as 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. EPA has created a [list](#) of eligible dry ports. Please refer to this list to determine whether your dry port/intermodal facility is eligible.

Date Posted: 3/22/2024

1.13. Are projects allowed at port facilities that serve passenger vessels (e.g., ferries, cruise ships)?

Answer: Yes. For purposes of the Clean Ports Program, a water port is defined as 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. (See ZE or CAQP NOFOs section I.B)

Date Posted: 3/22/2024

1.14. Does a water port need to be included in U.S. Army Corps of Engineers datasets to be eligible?

Answer: No. Any project that serves an area that meets the definition of water port would be eligible for funding assuming the project meets other eligibility requirements. For the purposes of the Clean Ports Program, water ports are defined as 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. (See ZE or CAQP NOFOs section I.B)

Date Posted: 3/22/2024

1.15. Is a port that has not been constructed yet eligible for funding?

Answer: If a project is anticipated to serve a facility that would, during the grant project period, meet the definition of a water port once constructed, the project would be eligible assuming the project meets other eligibility requirements. In the application, the applicant should explain why they believe the facility will be operational and meet the definition of a water port within the project period and provide any evidence that supports this. For the ZE technology competition, applicants that sufficiently identify risks and mitigation strategies in their proposal (including risks associated with port construction timelines) will be scored more favorably.

A project at a dry port facility that has not been constructed yet is not eligible for funding unless the facility is part of or related to the expansion of an existing facility included in the 2024 Federal Highway Administration's (FHWA) Intermodal Connector Database. See FAQ 1.2 for definitions of water port and dry port. A list of eligible dry port facilities is available on the [Clean Ports Program website](#).

Date Posted: 4/2/2024

1.16. For the ZE Technology Deployment competition, does the applicant need to have a zero-emissions plan already approved and in place at their port before applying?

Answer: No, the applicant does not need to have a zero-emissions plan approved at their port before applying. However, applications that describe a publicly available plan to reduce port mobile source emissions (including specific greenhouse gases, PM2.5 and/or NOx emission targets) that the applicant or project partners finalized after 2019 or commit to completing one before the end of the project period will receive points under evaluation criterion 5.b.

Date Posted: 4/2/2024

1.17. How can a private entity comply with the Statutory Partnership requirement if the private entity is applying to cover multiple projects at multiple ports, where multiple states and organizations are involved across the projects?

Answer: Only one Statutory Partnership per application is required for private entities. However, more partnerships and collaborations are encouraged. Points will be awarded for promoting and/or obtaining collaboration and support from Statutory Partners and/or Collaborating Entities in performing the project. (See ZE NOFO or CAQP NOFO section III.A. and section IV.C.2, workplan section 1.b.).

Date Posted: 4/2/2024

1.18. Which private entities are eligible to apply?

Answer: To be eligible to apply, a private entity must own, operate, or use facilities, cargo handling equipment, transportation equipment, or related technology of a port (where “port” is defined in FAQ 1.2). In addition, a private entity must apply in partnership with a non-private eligible entity. (See ZE or CAQP NOFOs section III.A.)

Date Posted: 4/2/2024

1.19. What does it mean for a state, regional, local, or Tribal agency to have “jurisdiction” over a port authority or port?

Answer: In the Clean Ports Program definition of eligible applicants, “jurisdiction” means that the state, regional, local, or Tribal agency has the power to exercise authority over the port authority or port. For example, a state may exercise authority over a port by enacting laws or issuing regulations that govern port operations. Metropolitan Planning Organizations (as defined at 49 U.S.C. 5303(b)) and Councils of Governments that manage areas containing a port authority or port are generally examples of state, regional, or local agencies that have jurisdiction over a port authority or port. Metropolitan Planning Organizations and Councils of Governments are encouraged to coordinate with the port(s) where the project will take place before applying.

Date Posted: 4/2/2024, Updated: 5/21/24 (Added detail on Metropolitan Planning Organizations and Councils of Governments)

1.20. Do ports need to be located in nonattainment areas to be eligible for funding?

Answer: No, ports do not need to be located in nonattainment areas to be eligible for funding. Projects that take place in nonattainment areas for PM2.5 and/or Ozone may receive priority points if they meet the program’s definition of “disadvantaged communities” (see question 4.2 and ZE or CAQP NOFOs IV.C section 4 for more detail). In addition, as required by the statute and to help ensure the program’s goal of deploying ZE technologies in communities burdened by poor air quality, the EPA plans to award a minimum of \$750 million for projects in nonattainment areas across both Clean Ports Program competitions.

Date Posted: 4/2/2024

1.21. Are non-profits considered private entities when applying for the Clean Ports Program?

Answer: A non-profit applying to the Clean Ports Program as the primary applicant is considered a private entity and must apply in a Statutory Partnership with an eligible non-private entity (such as with a port authority). The private entity (in this case, the non-profit) must also own, operate, or use the facilities, cargo-handling equipment, transportation equipment, or related technology of a port. See NOFO section III.A.

However, if the primary applicant is a public eligible entity, a Statutory Partnership is not required. In this case, the applicant may establish a non-statutory partnership with a Collaborating Entity (including a non-profit), which may include both eligible and ineligible entities.

Date Posted: 4/16/2024

1.22. If an eligible entity is a Statutory Partner on an application for a given port, can the eligible entity submit their own separate application for that same port, or must the projects be combined into one application? How do partnerships impact the number of allowable applications per applicant?

Answer: The limitation of one application per port location and two applications per applicant applies only to *primary* applicants. Applicants may combine multiple port locations into a single application. There is no limit on the number of applications that an entity may join in a partnership, including a Statutory Partnership. If an eligible entity is a partner on an application, including a Statutory Partner, then that eligible entity may still submit up to 2 applications as the primary applicant. An eligible entity may both partner on an application for a project taking place at a specific port and submit their own application for a project at that same port as a primary applicant, as long as the same project activity is not included on multiple applications.

Date Posted: 4/16/2024

1.23. What is the definition of an “air pollution control agency”?

Answer: Under Section 302 of the Clean Air Act, the term "air pollution control agency" means any of the following:

1. A single State agency designated by the Governor of that State as the official State air pollution control agency for purposes of this chapter.
2. An agency established by two or more States and having substantial powers or duties pertaining to the prevention and control of air pollution.
3. A city, county, or other local government health authority, or, in the case of any city, county, or other local government in which there is an agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of air pollution, such other agency.
4. An agency of two or more municipalities located in the same State or in different States and having substantial powers or duties pertaining to the prevention and control of air pollution.
5. An agency of an Indian tribe.

Date Posted: 4/16/2024

1.24. Are federal entities eligible to apply for the Clean Ports Program?

Answer: Federal entities are not eligible applicants, even if they have jurisdiction over a port. However, federal agencies may serve as partners/subawardees in limited cases. If a Federal agency has statutory authority to provide services to non-Federal entities on a reimbursable basis or otherwise receive and use funds from non-Federal entities then assistance agreement recipients may use EPA funds for subawards to other Federal agencies. Please refer to Section 7.0(b) of the EPA's Subaward Policy.

Date Posted: 4/16/2024

1.25. Is there a minimum size for port eligibility?

Answer: There is no minimum size for port eligibility. The project must take place at a port, as defined in FAQ 1.2.

Date Posted: 4/16/2024

1.26. Are DOE national laboratories eligible for funding as a subrecipient?

Answer: National laboratories that are considered organizations within federal agencies are eligible for subawards, as provided in 2 CFR Part 25, Appendix A and the definition of subrecipient in 2 CFR 200.1.

The laboratory must have statutory authority to provide services to non-Federal entities on a reimbursable basis or otherwise receive and use funds from non-Federal entities in order for assistance agreement recipients to use EPA funds for subawards to other Federal agencies. Appendix VIII to 2 CFR Part 200 exempts some national labs from 2 CFR 200 Subpart E (“Cost Principles”). If the contractor who administers the lab (e.g., a private party) would be receiving the subaward, that contractor would need to be an eligible recipient. For questions regarding DOE Order 481.1E and other DOE policies and authorities, please contact DOE.

Date Posted: 4/25/2024

1.27. If my project takes place at a port facility that handles less than 8,000,000 tons annually but is located in USACE "port area" with greater than 8,000,000 ton annually, can it qualify as a small port project under the Clean Ports Program?

Answer: A small water port is defined in the 2024 Clean Ports Program 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. If there is USACE data for a standalone facility that indicates it handles less than 8,000,000 short tons annually, then an application where the primary project location takes place at the facility would qualify as a small water port project. If there is no USACE data for a standalone facility located within a USACE “port area” that handles more than 8,000,000 short tons annually, then an application where the primary project location takes place at the facility would not qualify as a small water port project. Tonnage data is sourced from the [USACE Waterborne Commerce Statistics Center](#).

Date Posted: 4/25/2024

1.28. UPDATED Can an applicant include a water port and a dry port in the same ZE Technology Deployment Competition application?

Answer: An applicant seeking funding for ZE Technology Deployment project activities at water ports and project activities taking place at dry ports should ideally submit two separate applications, one for the activities at water port(s) and one for the dry port(s). However, for Tier B and Tier C of the ZE Tech competition, the EPA will still consider applications that include both project activities at water ports and project activities at dry ports. An application that includes activities only at dry ports will be limited to requesting no more than \$149,999,999 as specified under #4 of the threshold criteria in Section III.C. of the ZE Technology Deployment NOFO.

If an application includes multiple types of ports, the primary project location (based on percentage of time/activity) will be used to determine whether the project will be considered as taking place at a small water port or not. (See FAQ 5.6).

Date Posted: 4/25/2024, Updated: 5/23/2024 (Amended to allow for mixed water and dry port applications)

1.29. Does a port qualify as a “water port” if it only handles one type of cargo?

Answer: Yes

Date Posted: 5/10/2024

1.30. What if my dry port is not on the list of eligible dry port facilities on the [Clean Ports Program website](#)?

Answer: Projects must serve either a water port or a dry port, as defined in FAQ 1.2. The only eligible dry ports are those on the list of eligible dry port facilities. However, if all project activities serve a water port or eligible dry port but also have connections to dry ports that are not on the list of eligible dry port facilities, those dry ports can be included in the application. For more information about how the Clean Ports Program defines “serving a port” see question 2.3.3.

Date Posted: 5/21/2024

1.31. Are foreign companies eligible to apply for the Clean Ports Program?

Answer: Foreign companies are eligible to apply under the Clean Ports Program if they meet the eligibility requirements for private entities described in FAQ 1.1, other than the restrictions related to foreign countries of concern described in FAQ 2.3.22. Grant funding must be spent domestically.

Date Posted: 5/21/2024

1.32. Can community groups apply for funding? What is the role of community groups in the Clean Ports Program?

Answer: While community groups are not eligible to apply directly for funding, the Clean Ports Program has been designed to ensure that near-port community engagement and equity considerations are key elements of the program. Priority points will be awarded to projects that take place in disadvantaged communities experiencing poor air quality. Applicants are strongly encouraged to engage with local communities to inform their project, and EPA will evaluate applications on the extent and quality of meaningful engagement activities *before* applying, *during* the project, and *after* project completion to ensure that community concerns are considered in proposed projects and beyond. See question 4.1 for the Clean Ports Program definition of “meaningful community engagement.”

Additionally, the Clean Ports Program’s Climate and Air Quality Planning Competition is designed to fund stakeholder collaboration and communications work that is focused on one or more ports’ climate and air quality planning. Eligible expenses for the Climate and Air Quality Planning Competition’s stakeholder collaboration and communications work include, but are not limited to:

- Creating and supporting 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
- Providing 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](#))

- Conducting community needs and/or environmental justice assessments
- Developing a community benefits agreement/plan. Visit the [EPA Community-Port Collaboration website](#) for examples

Date Posted: 5/21/2024

1.33. Can an eligible private entity enter into a Statutory Partnership with an eligible government agency even if the private entity does not operate at the port within the eligible government agency's jurisdiction?

Answer: Statutory Partners of eligible private entities must be an eligible public entity, as described in question 1.1. 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. See NOFO section IV.C., section 1.b. of the workplan.

Date Posted: 5/23/2024

2. Project Eligibility

2.1. Both Competitions

2.1.1. Can awards cover administrative costs? If so, what administrative costs are eligible?

Answer: Eligible project costs are those costs directly related to the implementation, management, and oversight of the project, including recipient and subrecipient personnel and benefits, equipment, contractual, travel, supplies, subgrants and rebates, and indirect costs. If selected, costs are reviewed for appropriateness and reasonableness prior to award.

Date Posted: 2/28/2024

2.1.2. Can an eligible entity with a proposed project in a nonattainment area apply and be considered for both attainment and nonattainment funding pools?

Answer: Yes. A minimum of \$750 million will be awarded to projects in nonattainment areas across both competitions. Projects in a nonattainment area may receive funds from either the nonattainment funding pool or the general funding pool. Projects not in a nonattainment areas may only receive funds from the general funding pool.

Date Posted: 2/28/2024

2.1.3. Are rail projects eligible for funding?

Answer: Yes, ZE technology deployment and climate and air quality planning activities focused on rail operations at water and dry ports are generally eligible for Clean Ports Program funding. Please see the NOFOs for more details on eligible and ineligible activities, including what would not qualify as "serving a port" for the ZE Technology Competition. A list of eligible dry port facilities (i.e., large intermodal truck-rail facilities) is available on the [Clean Ports Program website](#).

Date Posted: 2/28/2024

2.1.4. Are airport projects eligible?

Answer: Projects focused on airports are not eligible for Clean Ports Program funding under either competition. To be eligible for funding, projects must focus on or serve either a water port or a dry port, as defined in the NOFO (See Q 1.2 for port definition and Q 2.3.3 for what qualifies as "serving a port" in the ZE Tech competition).

Date Posted: 2/28/2024

2.1.5. Can an applicant apply for funding from the Clean Ports Program for one project and simultaneously apply for funding from a complementary funding program for a separate project?

Answer: Yes. When applying to the Clean Ports Program, applicants should describe the extent of any relation between the proposed project and other projects funded by complementary programs or initiatives. Applicants will be evaluated on the extent and quality of the coordination between projects and related initiatives, and the likelihood that the complementary resources will materialize during the period of grant performance. (See ZE NOFO section IV.C.)

Date posted: 3/22/2024

2.1.6. Are sales tax and federal excise tax an eligible expense? For the ZE Technology Deployment Competition, are costs associated with delivery of eligible mobile equipment and/or infrastructure an eligible expense?

Answer: Yes, as long as the costs can meet the "General Principles of Cost Allowability" from 2 CFR Part 200. Details are available on page 4 of the EPA budget guidance:

<https://www.epa.gov/sites/default/files/2019-05/documents/applicant-budget-development-guidance.pdf>.

Date Posted: 4/2/2024, Updated: 4/25/2024 (Added delivery costs to the question)

2.1.7. Where the NOFOs state that "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" (ZE NOFO IV.C.Section 8.a or CAQP NOFO IV.C.Section 7.a), what is meant by "except to the extent authorized as a direct cost of carrying out the workplan"?

Answer: When a workplan has been negotiated with a grantee, costs need to support the approved workplan. Costs must be allowable, allocable, and reasonable, as described in 2 CFR Part 200 and here:

<https://www.epa.gov/sites/default/files/2019-05/documents/applicant-budget-development-guidance.pdf>

Date Posted: 4/2/2024

2.1.8. Will the EPA allow applications that take place across more than one EPA Region?

Answer: Yes, proposed projects may span more than one EPA Region.

Date Posted: 4/25/2024

2.1.9. Is funding available for the design and engineering phase of projects?

Answer: Design and engineering studies are a type of emissions reduction strategy assessment that is eligible under the Planning competition (see Planning NOFO section 1.B). Under the ZE technology competition, feasibility assessments (preliminary exploration of a candidate technology to determine its merits and viability for successful deployment in regular service) are not eligible (see ZE technology NOFO sections I.B. and III.D). The EPA will evaluate the reasonableness of the project budget (including design and engineering costs) based on the applicant's narrative description of the budget and detailed breakout, and justification of requested funding for each work component or task (See ZE technology deployment NOFO section IV.C, section 8.c and Planning NOFO section IV.C., section 7.c).

Date Posted: 5/10/2024

2.1.10. Can grant money be used for lobbying?

Answer: No, lobbying is not an allowable cost. See page 5 of the [EPA budget development guidance](#).

Date Posted: 5/10/2024

2.1.11. Are activities from an existing Community Benefits Agreement eligible for funding or for cost share?

Answer: That depends on the types of activities in the Community Benefits Agreement. Costs must support the approved workplan and must be allowable, allocable, and reasonable, as described in 2 CFR Part 200 and here: <https://www.epa.gov/sites/default/files/2019-05/documents/applicant-budget-development-guidance.pdf>.

For both competitions, if an applicant commits to conducting community engagement activities during the execution of the proposed project as part of evaluation criterion 4.c., then expenses for those activities are eligible for funding and for cost share. Please see CAQP or ZE NOFO section IV.C., section 4.c of the workplan for examples of community engagement during the project.

In the Climate and Air Quality Planning Competition, there are additional eligible expenses related to community engagement. See CAQP NOFO section I.B. for examples of eligible activities.

Date Posted: 5/23/2024

2.1.12. How does EPA define “mobile equipment” for purposes of the Clean Ports Program?

Answer: For purposes of this assistance program, zero-emission mobile equipment is that which:

1. produces zero tailpipe emissions of any criteria pollutant, air toxics, or greenhouse gas other than water vapor;
2. has an onboard powertrain and is:
 - a. self-propelled by the powertrain;
 - b. intended to be propelled while performing its function; or
 - c. portable or transportable, meaning designed to be and capable of being carried or moved from one location to another (e.g., has wheels, skids, carrying handles, dolly, trailer or platform) and is moved as part of normal operations (i.e., it does not stay in one location for more than 12 consecutive months or the full annual operating period of a seasonal operation); and
3. is limited to electric and hydrogen fuel cell technologies for which there is an equivalent model with an internal combustion engine available in the marketplace.

This definition is derived from the definitions of “Mobile sources” in 40 CFR § 51.491 and “Nonroad engine” in 40 CFR § 1068.30.

Date Posted: 12/23/2024

2.2. Climate and Air Quality Planning (CAQP)

2.2.1. What activities are eligible under a Climate and Air Quality Planning grant?

Answer: Activities eligible for funding under the Clean Ports Program Climate and Air Quality Planning competition include:

- Emissions inventory and accounting practices (one or more required)
- Stakeholder collaboration and communication, including workforce planning analysis, with a focus on near-port communities
- Strategy analysis and goal-setting
- Resiliency planning

See section I.B of the CAQP NOFO for more examples of eligible CAQP activities and section III.D for details on ineligible activities.

Date Posted: 2/28/2024

2.2.2. Is workforce development, planning, and/or training an eligible use of funds?

Answer: For Climate and Air Quality Planning, workforce impact analysis is an eligible expense. The EPA encourages applicants to prepare for the workforce impacts that may result from their proposed planning activities. 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)

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. Stipends or other compensation is an allowable use of funds and can be included in an applicant's budget.

(See CAQP NOFO sections I.B and IV.C.2, section 6)

Date Posted: 2/28/2024

2.2.3. Is an expansion of the scope of an emissions inventory eligible for the Planning Competition?

Answer: Yes, updating, or expanding the scope, of an existing port-wide, terminal-specific, and/or category of mobile source (e.g., dray trucks, cargo-handling equipment) inventory is eligible under the Climate and Air Quality Planning Competition.

Date Posted: 4/2/2024

2.2.4. Are recipients of the Climate and Air Quality Planning grants required to follow through on the activities they plan?

Answer: Applicants are only required to follow through on activities included in the work plan. Applicants are encouraged to continue planning activities or implement results of the planning project after EPA's funding for the project has ended, and will be evaluated on this under evaluation criterion 5. See Planning NOFO section V.A. and section IV.C. section 5 of the workplan.

Date Posted: 5/10/2024

2.2.5. Can planning grant funds be used to assess the capacity of the electrical grid to plan for the deployment of electric equipment?

Answer: Yes, assessing the capacity of the electrical grid is an eligible activity as part of a planning project to reduce emissions at an eligible port. Note that projects funded under the Climate and Air Quality Planning Competition must include one or more activities related to emissions inventories or

accounting practices.

Date Posted: 5/10/2024

2.2.6. Is an expansion of scope of an existing climate action plan an eligible expense under the Climate and Air Quality Planning competition, or are only new plans eligible?

Answer: Expansions of scope or updates to existing climate action plans are eligible under the Climate and Air Quality Planning competition.

Date Posted: 5/21/2024

2.3. Zero-Emission Technology Deployment

2.3.1. What are eligible zero-emissions (ZE) port technology deployment project costs?

Answer: Project activities eligible for funding under this NOFO include:

1. ZE Mobile Equipment: Eligible project costs include the purchase and deployment of new eligible battery-electric or hydrogen fuel cell vehicles, vessels, powertrains, and other mobile equipment that directly serve a port, which fall in these general categories:

- Cargo handling equipment (e.g., terminal tractors, forklifts, top handlers, side picks, straddle carriers)
- Drayage trucks
- Locomotives and railcar movers
- Harbor craft and other vessels (e.g., commercial and Tribal fishing vessels, tugs, ferries, patrol boats, workboats, dredges, pilot boats, barges)

2. ZE Infrastructure Serving Mobile Equipment: Eligible project costs include the purchase and installation of new or expanded electric charging and/or hydrogen fueling infrastructure serving eligible zero-emission port equipment purchased as part of the applicant's grant award, as well as shore power infrastructure for marine vessels. Equipment not purchased as part of the grant award may also utilize the fueling infrastructure. (Applicants should note applicable Buy America requirements for eligible infrastructure expenses, as described in Section VI.D. of the ZE NOFO) Specifically:

- Eligible electric charging infrastructure should be located at or behind the meter (i.e., customer side of the meter). Eligible costs include but are not limited to: electric supply infrastructure for the new electric equipment, including the unit and charging cable, mount and/or pedestal, electrical panels, and their installation; upgrades to existing electrical panels or electrical service, wiring/conduit and its installation; the physical meter and its housing unit (if located on the customer side); and installation, such as design and engineering or labor (i.e., infrastructure costs associated with work on the customer's side of the electrical meter); and charge management software, either as standalone or part of the charging unit. Costs for minor grid upgrades in front of the meter (utility side) may be considered if the work necessary to connect an eligible charging station to the electric distribution network.
- Funds may be used for battery energy storage systems associated with new equipment funded in the program, as well as solar and wind power generation systems that are installed to primarily power mobile equipment.
- Eligible hydrogen fueling infrastructure includes but is not limited to hydrogen storage tanks, liquid and gaseous hydrogen pumps and vaporizers, compressors, heat exchangers, piping and pipelines within a port facility, high-pressure dispensers (including hose, nozzles, and meters), chillers, and point-of-sale systems. Eligible costs include the purchase price and installation, such as design and engineering or labor expenses.

3. ZE Technology Deployment Support Activities: Eligible project costs include ZE technology deployment project support activities directly related to the implementation of an eligible ZE technology project, including acquiring eligible zero-emission equipment and infrastructure, or deploying the technology into regular service. Eligible project costs related to support may include, but are not limited to, the following activities:

- Project-specific public engagement
- Safety planning and protocol development
- Operational planning and protocol development
- Workforce training
- Project performance monitoring
- Project management and administrative costs
- Collection and analysis of in-use operational data to optimize/refine zero-emission technology implementation
- Infrastructure testing and approval
- Permit applications

These activities must (1) serve a port, (2) be human-operated and human-maintained (i.e., not fully automated) and (3) not be first-of-a-kind demonstration and pilot projects or research and development projects. Applicants should refer to ZE NOFO section III.D. for further detail on ineligible costs and activities, including what would not qualify as “serving a port”.

(See ZE NOFO section I.B)

Date Posted: 2/28/2024

2.3.2. Is workforce development and training an eligible use of funds?

Answer: For Zero-Emission Technology Deployment, workforce development related to the project activities is an eligible use of program funds, and applicants may request funding to be used to support workforce training as well as safety planning and protocol development as part of their proposal. Additionally, applicants will be evaluated on the extent to which they commit to supporting high-quality jobs and expanding access to training and employment for people in low-income and disadvantaged near-port communities.

(See ZE NOFO sections I.B and IV.C.2, section 6)

Date Posted: 2/28/2024

2.3.3. How does the Clean Ports Program define “serving a port”?

Answer: Zero-emission equipment and infrastructure eligible for the Clean Ports Program ZE Technology Deployment competition must directly serve at least one port (see definition of “port” in question 1.2 or ZE NOFO section I.B) for a minimum of 3 years based on the following parameters:

- **Cargo Handling Equipment (Terminal Tractors, Forklifts, Top handlers, Side picks, Straddle carriers):** At least 90% annual usage (hours) will take place at the port(s) identified in the application.
- **Drayage Trucks:** At least 100 visits/year will take place at the port(s) identified in the application.
- **Locomotives (Switchers, Railcar movers):** (1) At least 75% of its annual usage (hours) will take place at the port(s) identified in the application, (2) visits will take place at minimum 200 days per year at the port(s) identified in the application, or (3) will exclusively perform short-haul runs between the port(s) identified in the application and a second point of rest, e.g., a terminal, interchange, or yard.

- **Harbor craft and other vessels (Commercial fishing boats, Tugs, Ferries, Patrol boats, Workboats, Dredges, Pilot boats, and Barges):** At least 60% of its annual usage (hours or port visits) will take place at the port(s) identified in the application.
- **Other eligible mobile source equipment:** At least 90% annual usage (hours or operating days) will take place at the port(s) identified in the application.
- **Electric Charging and Hydrogen Fueling Infrastructure (Shore power; Electric vehicle charging stations and pedestals; Electric panels; Battery energy storage systems; Hydrogen storage and fueling stations):** With the exception of vessel shore power, fueling infrastructure must serve ZE mobile equipment purchased as part of the grant. Projects that propose only infrastructure without accompanying equipment will not be eligible, with the exception of applications for vessel shore power. Equipment not purchased as part of the grant may also utilize the fueling infrastructure. Fueling infrastructure must be located on-site or in close proximity to the port facilities identified in the application, with the exception of infrastructure serving drayage trucks and locomotives. Zero-emission fueling infrastructure for drayage trucks and locomotives must be located in close proximity to port facilities identified in the application or at the first point of rest away from the port(s) identified in the application (i.e., a terminal, depot, interchange, or yard where an eligible ZE mobile equipment purchased as part of the grant will fuel).

(See ZE NOFO section III.D)

Date Posted: 2/28/2024

2.3.4. Will ZE equipment and infrastructure projects have to meet Build America, Buy America Act (BABA) Requirements under the Clean Ports Program?

Answer: All applicants are expected to comply with BABA statutory requirements. All iron, steel, manufactured products, and construction materials used in funded projects must be produced in the United States. However, EPA's market research shows that a number of mobile source products may not be currently available from domestic manufacturers. The Agency plans to publish a draft waiver for public comment covering these products and intends to finalize a waiver informed by public comments prior to closing the application. (See ZE NOFO section VII.B for more info)

Date Posted: 2/28/2024

2.3.5. Can grant funds be used to pay for equipment that has already been ordered?

Answer: No. Any funding awarded under this announcement must be used for activities that will take place within the approved project period and may not be used for unauthorized pre-award costs. However, funding could be used for a new component of an on-going project. For example, if the applicant has plans to purchase a fleet of 20 electric yard tractors and has already ordered 10, the applicant can apply for funds to purchase the remaining 10 vehicles.

Date Posted: 2/28/2024

2.3.6. Are demonstration, pilot, or research and development projects eligible for funding? How will the EPA evaluate the merits and viability of the proposed technology?

Answer: First-of-a-kind demonstration projects, pilot projects, and research and development projects are ineligible for funding. For each proposed technology, applicants should explain the merits and viability of the technology for successful deployment in port-related regular service, including by describing the location of prior deployments, the date and duration of prior deployments, and, to the extent possible, any known details about the extent to which the proposed technology met applicable safety, performance, and durability expectations for successful deployment. Applications including examples of at least three successful prior deployments in regular port-related service may be scored more favorably than those with examples of non-port-related service or examples that only include prior

pilot/demonstration phase projects. (Please see ZE NOFO section IV.B.2 Section 1 – Project Summary and Approach)

Date Posted: 2/28/2024

2.3.7. How does the EPA define human-operated and human-maintained?

Answer: Human-operated and human-maintained means that the equipment is not fully automated.

The EPA will not fund fully automated equipment.

(See ZE NOFO section III.D)

Date Posted: 2/28/2024

2.3.8. Are engine replacements (also known as repowers or engine upgrades) eligible for funding?

Answer: Expenses related to replacing internal combustion engines in nonroad equipment, locomotives, and marine vessels with ZE powertrains are eligible. Expenses related to repowering and/or replacing engines for existing onroad vehicles are not eligible.

Date Posted: 2/28/2024

2.3.9. Is electricity production infrastructure eligible for funding?

Answer: Solar and wind power generation systems that primarily power mobile equipment and serve at least one port are eligible for funding (see Q 2.2.3 for what qualifies as “serving a port” in the ZE Tech competition). Solar and wind power generation systems that are not located on land (e.g., off-shore wind, floating solar/wind project) in close proximity to port facilities are not eligible for funding.

Date Posted: 2/28/2024

2.3.10. Is hydrogen production infrastructure eligible for funding?

Answer: Hydrogen production systems (e.g., electrolyzers, conversion facilities), associated infrastructure, and their installation are ineligible for funding. Transmission (e.g., piping and pipelines) and/or transportation of hydrogen outside of the port is also ineligible for funding. Applicants are encouraged to use hydrogen with low lifecycle greenhouse gas emissions (e.g., electrolytic green hydrogen) and to describe, if known, their planned source of hydrogen.

Date Posted: 2/28/2024

2.3.11. Is the retirement of existing vehicles (also known as “scrappage”) required to qualify for funding under the ZE Technology Deployment Competition?

Answer: Scrappage of existing vehicles is optional to qualify for funding. However, to receive points under the scrappage evaluation criterion and increase the likelihood of being selected for funding, existing internal combustion engine vehicles/equipment must be scrapped at the same port where the new vehicles/equipment will be located. (See ZE NOFO Appendix C and section IV.C.2, workplan section 2).

Date Posted: 3/22/2024, Updated: 4/25/2024 (Scrapped equipment must be from same port where new equipment will be located)

2.3.12. Is the purchase of light-duty vehicles an eligible use of funds? How are light-duty vehicles defined?

Answer: Light-duty vehicles are ineligible expenses. EPA standards define light-duty vehicles as vehicles with a Gross Vehicle Weight Rating (GVWR) of 8500 lbs or less.

Date Posted: 3/22/2024

2.3.13. Can this program fund electric charging infrastructure for equipment that is not purchased as part of the grant award?

Answer: Eligible electric charging infrastructure includes (1) shore power and (2) electric charging infrastructure that serves equipment purchased as part of the grant award. Equipment not purchased as part of the grant award may also use the electric charging infrastructure. With the exception of shore power, if the electric charging infrastructure does not serve equipment purchased as part of the grant award, then it is not an eligible expense.

Date Posted: 3/22/2024

2.3.14. Does shore power infrastructure have to serve specific types of vessels (e.g., container ships, cruise ships, ferries) in order to be eligible for funding?

Answer: No, shore power infrastructure for any type of marine vessel is an eligible expense.

Date Posted: 3/22/2024

2.3.15. Does wireless charging infrastructure meet the requirement of being human-operated and human-maintained?

Answer: Yes, for purposes of the Clean Ports Program, wireless charging is considered human-operated and human-maintained as long as the mobile equipment is moved to a charger by a human or the charger is moved to the mobile equipment by a human.

Date Posted: 4/2/2024

2.3.16. What constitutes “minor grid upgrades in front of the meter (utility side)” so that the expense is allowable?

Answer: An example of a minor grid upgrade is work that is necessary to connect an eligible charging station to the electricity distribution network. Ineligible electric charging infrastructure costs include, but are not limited to, major grid upgrades to utility-owned power distribution equipment (such as longer power line extensions, improvements to offsite power generation, bulk power transmission, or substations); transformers located on the utility side of the meter and their installation; and operation and maintenance performed on utility systems.

Date Posted: 4/2/2024

2.3.17. Would an incentive fund to maintain the operation of existing equipment be an eligible expense, or must all equipment be newly procured?

Answer: No. ZE technology projects may only include new equipment, with the exception of repowering and/or replacing engines to a ZE configuration for existing nonroad equipment. See also question 2.3.5 for information on prohibitions on paying for equipment that has already been ordered or purchased.

Date Posted: 4/2/2024

2.3.18. How much can applicants propose to spend on equipment versus infrastructure?

Answer: The EPA will evaluate proposals more favorably if the applicant proposes to use at least 50% of program funds for the purchase and installation of ZE equipment or shore power infrastructure for vessels. This includes costs for shore power purchase and installation, and costs described under “ZE Mobile Equipment” in FAQ 2.3.1. Applicants are encouraged to propose using no more than 50% on other expenses such as ZE technology deployment support activities, other types of eligible infrastructure, and project administration.

Date Posted: 4/16/2024; Updated: 5/10/2024 (Clarified what costs are included in the 50%)

2.3.19. Is there guidance on what “close proximity to a port” entails?

Answer: We do not have strict criteria for what would be considered in close proximity to a port. The reasonableness of the assertion that the location is in “close proximity to a port” will be considered when the application is scored.

Date Posted: 4/16/2024

2.3.20. Are bonnet systems (also known as capture-and-control technology for vessel exhaust emissions) eligible?

Answer: No, the only eligible technologies for funding under the Clean Ports ZE Technology Deployment Competition are mobile source port equipment that produce zero tailpipe emissions of any criteria pollutant, air toxics, or greenhouse gas other than water vapor (specifically electric and hydrogen fuel cell technologies); electric charging and/or hydrogen fueling infrastructure serving zero-emissions mobile equipment purchased as part of the applicant’s grant award; and shore power infrastructure for marine vessels.

Date Posted: 4/16/2024

2.3.21. How does the Clean Ports Program define zero-emissions?

Answer: For the purpose of this funding opportunity, “ZE equipment” means a mobile source that produces zero tailpipe emissions of any criteria pollutant, air toxics, or greenhouse gas other than water vapor, specifically electric and hydrogen fuel cell technologies. ZE infrastructure includes new or expanded electric charging and/or hydrogen fueling infrastructure serving eligible ZE port equipment purchased as part of the applicant’s grant award, as well as shore power infrastructure for marine vessels. See ZE technology NOFO section I.B.

Date Posted: 4/16/2024

2.3.22. What specific restrictions are there related to foreign countries of concern (China, Iran, North Korea, Russia)?

Answer: As stated in Section VI.F of the NOFO, EPA will not award financial assistance under the Clean Ports Program—

- A. to any entity owned by, controlled by, or subject to the direction of a government of a foreign country of concern;
- B. to any entity headquartered in a foreign country of concern; or
- C. for the purchase of any crane manufactured by an entity covered by (A) or (B).

This policy treats parent companies as extensions of their subsidiaries (See questions 2.3.38 and 2.3.39). By applying under this NOFO, applicants attest that they are not (A) owned by, controlled by, or subject to the direction of a government of a foreign country of concern, or (B) headquartered in a foreign country of concern. Additionally, awarded funds may not be used for the purchase of a crane manufactured by (A) any entity owned by, controlled by, or subject to the direction of a government of a foreign country of concern; or (B) any entity headquartered in a foreign country of concern. All types of cranes are included in this restriction. These restrictions apply to the direct recipient of the funds (i.e., the applicant). See ZE NOFO section VI.F for more information.

Date Posted: 4/16/2024; Updated: 5/10/2024 (Clarified that parent companies are treated as extensions of subsidiaries)

2.3.23. Are electric-powered, rail-mounted cranes eligible for funding? For instance, cranes that are used to unload breakbulk cargo from ocean going vessels.

Answer: Yes, these cranes would be considered an eligible project under the Zero-Emission Technology Deployment Competition. Please also see question 2.3.22 for restrictions on crane manufacturers.

Date Posted: 4/25/2024

2.3.24. Is leasing vehicles or equipment an eligible expense? Can an entity purchase vehicles or equipment using grant funding and then lease them to other parties?

Answer: Leasing vehicles or equipment is not an eligible expense (see ZE NOFO section III.D.). If an entity purchases vehicles or equipment using grant funding and then leases them to other parties, program income limits will apply. See Question 5.18 for information about program income requirements.

Date Posted: 4/25/2024

2.3.25. Is an electric transport refrigeration unit (eTRU) eligible for funding? Is eTRU electric infrastructure eligible for funding?

Answer: An eTRU that is mounted to either a trailer or a container is not eligible for funding. An eligible drayage truck (e.g., a zero-emission box truck that makes at least 100 visits/year to the port or ports identified in the application) that is equipped with a zero-emission eTRU may be eligible for funding, provided neither the truck nor the eTRU are demonstration, pilot, or research and development projects. eTRU electric infrastructure is not eligible for funding unless the infrastructure also serves as charging infrastructure for eligible zero-emission port equipment purchased as part of the applicant's grant award.

Date Posted: 5/10/2024

2.3.26. Are extended warranties an eligible cost?

Answer: Yes, extended warranties for eligible equipment and infrastructure purchased as part of the applicant's grant award are an eligible cost. The EPA will evaluate the reasonableness of the project budget (including an extended warranty) based on the applicant's narrative description of the budget and detailed breakout, and justification of requested funding for each work component or task (See ZE technology deployment NOFO section IV.C, section 8.c). For purposes of determining the apportionment among cost categories (see ZE technology deployment NOFO section IV.C, section 8), extended warranties would be considered ZE technology support activities. Extended warranty pricing must be commensurate with appropriate comparable market pricing as well.

Date Posted: 5/10/2024

2.3.27. Are zero-emission mobile conveyor belt systems for loading ships eligible for funding?

Answer: Yes, zero-emission mobile conveyor belt systems for loading ships are eligible for funding. Stationary conveyor belt systems are not eligible.

Date Posted: 5/10/2024

2.3.28. Are charging network fees and other operation and maintenance expenses eligible costs?

Answer: Eligible project costs include ZE technology deployment project support activities directly related to the implementation of an eligible ZE technology project, including acquiring eligible ZE equipment and infrastructure, or deploying the technology into regular service.

The following examples of operation and maintenance costs to support the deployment of eligible equipment and infrastructure purchased as part of the applicant's grant award are eligible costs during the period of performance:

- Network fees or other similar fees necessary to provide communications between charging stations and charging network providers;
- Maintenance and repair costs, including service agreements with equipment manufacturers and third-party contractors.

No grant-supported payments may be made after the end of the grant period. The EPA will evaluate the reasonableness of the project budget (including operation and maintenance expenses) based on the applicant's narrative description of the budget and detailed breakout, and justification of requested funding for each work component or task (See ZE technology deployment NOFO section IV.C, section 8.c). For purposes of determining the apportionment among cost categories (see ZE technology deployment NOFO section IV.C, section 8), operation and maintenance expenses would be considered ZE technology support activities.

Date Posted: 5/10/2024

2.3.29. Would a new or larger version of an existing type of technology be eligible for funding?

Answer: For all the technologies included in an application, including variations of existing technologies that have been previously deployed in port-related operation, the applicant should provide sufficient information to demonstrate that the proposed technology is not a first-of-a-kind demonstration, pilot, or research and development project. This information should explain the merits and viability of the technology for successful deployment in regular port-related service. Applications that include examples of at least three successful prior deployments in regular port-related service may be scored more favorably than those with examples of non-port-related service or examples that only include prior pilot/demonstration phase projects.

Date Posted: 5/10/2024

2.3.30. Can the Clean Ports Program fund a non-zero-emission mobile piece of equipment, such as a hybrid, if the equipment will be permanently modified to have a fully zero-emission powertrain before it becomes operational?

Answer: Yes. The program may fund the purchase of a non-zero-emission mobile piece of equipment provided, as part of the grant-funded project, the equipment is permanently modified to have a fully zero-emission powertrain before it becomes operational in implementing the grant project, and the equipment is not an onroad vehicle (see FAQ 2.3.8).

Date Posted: 5/10/2024

2.3.31. Is the construction or demolition of port infrastructure (e.g. buildings, rail lines, roof replacement to support solar panels) used to support ZE technology and infrastructure deployment an eligible expense?

Answer: ZE Technology Deployment Support activities, including construction or demolition activities directly related to the purpose of selected project applications are eligible under the ZE Technology Deployment competition. Eligible project costs include ZE technology deployment project support activities directly related to the implementation of an eligible ZE technology project, including acquiring eligible zero-emission equipment and infrastructure, or deploying the technology into regular service. Eligible project costs related to support may include, **but are not limited to**, the following activities:

- Project-specific public engagement
- Safety planning and protocol development
- Operational planning and protocol development
- Workforce training

- Project performance monitoring
- Project management and administrative costs
- Collection and analysis of in-use operational data to optimize/refine zero-emission technology implementation
- Infrastructure testing and approval
- Permit applications

Costs must be allowable, allocable, and reasonable, as described in 2 CFR Part 200 (“General Principles of Cost Allowability) and in the EPA budget development guidance (see page 4). 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 (See ZE technology deployment NOFO section IV.C, section 8.c). See FAQs 2.1.3, 2.1.6, and 2.1.7 for related information.

Date Posted: 5/10/2024

2.3.32. Is the acquisition of real estate to support ZE technology deployment an eligible expense?

Answer: The acquisition of real estate in support of ZE Technology Deployment Support activities is potentially eligible under the ZE Technology Deployment competition. Eligible project costs include ZE technology deployment project support activities directly related to the implementation of an eligible ZE technology project, including acquiring eligible zero-emission equipment and infrastructure, or deploying the technology into regular service. Limited real state acquisition, such as utility or transportation right of way expansion or limited growth to an existing facility footprint for the provision of ZE technology deployment is an eligible project cost if it is directly related to the implementation of an eligible ZE technology project.

Costs must be allowable, allocable, and reasonable, as described in 2 CFR Part 200 (“General Principles of Cost Allowability) and in the [EPA budget development guidance](#) (see page 4). 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 (See ZE technology deployment NOFO section IV.C, section 8.c). See FAQ 2.3.1 for related information.

Date Posted: 5/10/2024

2.3.33. When there is infrastructure for multiple pieces of mobile equipment to plug into for power source while in operation, would that infrastructure be considered shore power, even if it is not for a marine vessel?

Answer: In the ZE technology competition, shore power refers to marine vessel shore power. Other infrastructure must directly serve eligible ZE mobile equipment purchased as part of the grant award.

Date Posted: 5/10/2024

2.3.34. Are Battery Electric Locomotives ineligible based on the technology readiness requirements?

Answer: For all the technologies included in an application, including battery electric locomotives, the applicant should provide sufficient information to demonstrate that the proposed technology is not a first-of-a-kind demonstration, pilot, or research and development project. This information should explain the merits and viability of the technology for successful deployment in regular port-related service. Applications that include examples of at least three successful prior deployments in regular port-related service may be scored more favorably than those with examples of non-port-related service or examples that only include prior pilot/demonstration phase projects. Information such as inclusion on a state air agency list of eligible commercial-ready technologies for funding or evidence from non-U.S.

deployments can be used to support the merit and viability of a proposed technology.

Date Posted: 5/10/2024

2.3.35. Is there a limit on the ratio of chargers and/or hydrogen fuel dispensers to ZE mobile equipment purchased as part of the award that are eligible to include in the proposed project?

Answer: No, there is no limit on the ratio of chargers and/or dispensers to ZE mobile equipment.

However, applications will be evaluated on whether the budget achieves the target apportionment of a minimum of 50% of program funds for expenses related to the purchase and installation of ZE equipment or shore power infrastructure for vessels. See ZE NOFO section IV.C. section 8.

Date Posted: 5/10/2024

2.3.36. What counts as “a government of a foreign country of concern” in FAQ 2.3.22?

Answer: A “government of a foreign country of concern” means, with respect to China, Iran, North Korea, or Russia—

- A national or subnational government;
- An agency or instrumentality of a national or subnational government;
- A dominant or ruling political party (e.g., Chinese Communist Party) of a foreign country; or
- A current or former senior foreign political figure. “Senior foreign political figure” means—
 - i. a senior official, either—
 - in the executive, legislative, administrative, military, or judicial branches of a foreign government (whether elected or not); or
 - of a dominant or ruling foreign political party; or
 - ii. an immediate family member of any individual described in (i).

Date Posted: 5/10/2024

2.3.37. What does it mean for an applicant to be “owned by, controlled by, or subject to the direction of” a government of a foreign country of concern in FAQ 2.3.22?

Answer: An entity is “owned by, controlled by, or subject to the direction of” a government of a foreign country of concern if 25% or more of the entity’s board seats, voting rights, or equity interest are cumulatively held by a government of a foreign country of concern.

Date Posted: 5/10/2024

2.3.38. What if an entity’s parent company is headquartered in a foreign country of concern, but the subsidiary entity is headquartered elsewhere? Will EPA’s policy priority foreclose an award to the subsidiary entity?

Answer: Yes. For purposes of this policy priority, EPA is treating parent companies as extensions of their subsidiaries. Accordingly, if a parent company meets one of the criteria in (A) or (B) of FAQ 2.3.22, then EPA will not award financial assistance under this program to the parent company or any of its subsidiaries. This approach helps to avoid circumvention of the policy priority and facilitates compliance.

Date Posted: 5/10/2024

2.3.39. What if an entity’s parent company is owned by, controlled by, or subject to the direction of a government of a foreign country of concern — but the subsidiary is not? Will EPA’s policy priority foreclose an award to the subsidiary entity?

Answer: Yes. For purposes of this policy priority, EPA is treating parent companies as extensions of their

subsidiaries. Accordingly, if a parent company meets one of the criteria in (A) or (B) of FAQ 2.3.22, then EPA will not award financial assistance under this program to the parent company or any of its subsidiaries. This approach helps to avoid circumvention of the policy priority and facilitates compliance.

Date Posted: 5/10/2024

2.3.40. Does the prohibition on making awards to entities associated with foreign countries of concern only apply to applicants, or does it also apply to collaborating entities or subrecipients?

Answer: The prohibition applies to entities receiving direct financial assistance from EPA, and to cranes manufactured by covered entities.

Date Posted: 5/10/2024

2.3.41. Can an applicant purchase mobile equipment or infrastructure from a company headquartered in a foreign country of concern?

Answer: EPA will not award financial assistance for the purchase of any crane manufactured by either (A) any entity owned by, controlled by, or subject to the direction of a government of a foreign country of concern; or (B) any entity headquartered in a foreign country of concern.

Additionally, as discussed in questions 2.3.22, 2.3.38 and 2.3.39, for purposes of avoiding circumvention and facilitating compliance this policy treats parent companies as extensions of their subsidiaries.

Accordingly, where a parent company is covered by (A) or (B), EPA will not award financial assistance for the purchase of any crane manufactured by that parent company's subsidiary.

Date Posted: 5/10/2024

2.3.42. Is an incentive fund for the purchase of ZE equipment an eligible project if the ultimate operators of the equipment are chosen after the awards are made?

Answer: A recipient may award participant support costs such as rebates, subsidies, and similar one-time, lump-sum payments to program beneficiaries for ZE equipment. Beneficiaries may be selected after awards are made. Details on beneficiaries will need to be included in semi-annual progress reports. 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. See Section VI.C. of the ZE Technology NOFO for more information. As part of the focus on prevention of fraud, waste and abuse in EPA grant programs, contractor, awardee, and recipient accountability is expected at all stages of grant implementation. Compliance with the terms of a contract or grant is expected and all work being performed as outlined and planned must be ensured.

Date Posted: 5/10/2024

2.3.43. Are labor costs for equipment operation eligible as cost-share funds?

Answer: Costs that are eligible for funding through the competition may be used as cost share. Operating expenses to support the deployment of eligible equipment and infrastructure purchased as part of the applicant's grant award are eligible costs during the period of performance. The EPA will evaluate the reasonableness of the project budget (including operating expenses) based on the applicant's narrative description of the budget and detailed breakout, and justification of requested

funding for each work component or task (See ZE technology deployment NOFO section IV.C, section 8.c). See questions 2.3.1 and 2.3.28.

Date Posted: 5/21/2024

2.3.44. Can applicants request reimbursement for the remaining book value of scrapped equipment?

Answer: No, applicants cannot request reimbursement for the remaining value of scrapped equipment. Scrappage is encouraged, but optional under the ZE Technology NOFO.

Date Posted: 5/23/2024

2.3.45. Would vessels without shore power capabilities be allowed to dock at a berth that includes shore power technology funded by the EPA?

Answer: Yes. However, applications will be evaluated on the environmental benefits of the proposed project (See question 4.19). For shore power, this may include the frequency that the shore power is used. Awardees will be expected to report on the performance measures described in the approved project workplan.

Date Posted: 5/23/2024

2.3.46. The EPA allows “solar and wind power generation systems that are installed to primarily power mobile equipment.” What is the definition of “primarily”?

Answer: We do not have strict criteria for what would be considered “primarily”. The reasonableness of the adequately detailed assertion that the solar or wind power generation system primarily powers mobile equipment will be considered during application review, when determining whether or not the activity is eligible.

Date Posted: 5/23/2024

2.3.47. How is “emergency” defined within the allowance for emergency backup power?

Answer: Emergency backup power is generally considered a power source used exclusively to support the safe operation of equipment in the event of a power failure or outage to safely return to the base of operation and/or until repairs can be completed. Emergency backup power ensures a continuous supply of power to safeguard equipment, ensure the safety of equipment operators, and provide constant voltage for emergency systems such as navigation equipment, communication devices, lighting, and fire detection and alarm systems. Emergency backup power is not intended to be used in non-emergency operation such as when the engine is idling, to power auxiliary loads, such as air conditioning and heating systems, or to extend operations to complete the assigned duty cycle.

Date Posted: 5/23/2024

2.3.48. Can grant funding be used to install charging infrastructure in a building that the applicant or partner is leasing?

Answer: Grant funding may be used to install charging infrastructure on or in leased property. Applicants or partners should, however, consult their lease agreement. EPA will not be involved in any lease agreements or arrangements.

Date Posted: 5/23/2024

2.3.49. What activities and project costs are not eligible in the ZE Technology Deployment competition?

Answer: For a complete list of activities and project costs that are not eligible, please see the ZE Technology Deployment NOFO section III.D.

Date Posted: 5/23/2024

2.3.50. Is automated equipment eligible for Clean Port Program grant funding?

Answer: Equipment must be both human-operated and human-maintained (i.e., not fully automated) to be eligible for funding under the Zero-Emission Technology Deployment Competition. For example, mobile equipment would be ineligible for funding if it does not have a human operator working alongside or onboard the equipment but is instead operated from an offsite control room.

Date Posted: 6/17/2024

3. Application Package and Process

3.1. How long is the application period? When are applications due?

Answer: Both NOFOs will be open for 90 days from the release date. All applications must be submitted through Grants.gov by 11:59 PM on May 28, 2024.

Date Posted: 2/28/2024

3.2. Can applicants apply for both of the Clean Ports Program funding opportunities? Can applicants submit one application and be considered for both the Climate and Air Quality Planning competition and the Zero-Emission Technology Deployment competition?

Answer: Applicants who are interested in applying for both the ZE Technology Deployment and Climate and Air Quality Planning competitions will need to submit a separate application for each funding opportunity. Applicants may apply for and receive funding from both opportunities (for separate project activities).

Date Posted: 2/28/2024

3.3. What documentation and letters of support are required in the application package?

Answer: For both competitions, eligible private entities must submit a Statutory Partnership Agreement. Elements of a Statutory Partnership Agreement are described in Appendix B of the NOFOs. Tribes applying as part of an Intertribal Consortium must submit documentation that shows: (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.

In addition to these required attachments, applicants are encouraged to submit letter(s) of commitment that demonstrate strong, continuous support throughout the project from key project partners (i.e., Collaborating Entities). 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.

Date Posted: 2/28/2024

3.4. How specific must applications be regarding the type and supplier? Can these details develop over the project period? Can these details change (for example, if technology is unavailable due to manufacturing delays)?

Answer: Applicants should provide as much information as possible regarding the specific equipment and infrastructure proposed for funding. Applicants are strongly encouraged to use the sample format for the fleet and infrastructure description found in the Supplemental Application Template on the

[Clean Ports Program website](#). Applicants are also strongly encouraged to carefully review the ineligible activities in section III.D. of the NOFO. Any changes made after selection must be within the scope of the original application. If details develop or change, the EPA can work with grant recipients on a case-by-case basis. The project officer must approve any changes made after selection.

Date Posted: 2/28/2024, Updated: 4/2/2024, Updated: 4/16/2024 (Supplemental Application Template is no longer optional)

3.5. How do I submit my application?

Answer: The Notices of Funding Opportunities (NOFOs) contains all project eligibility and application submission information. The NOFOs, as well as sample project narratives and a Supplemental Application Template may be found on the [Clean Ports Program website](#). Applicants must download an application package, which contains standard forms (SF) 424, SF 424A, EPA Form 4700-4, and EPA form 5700-54 from Grants.gov under Funding Opportunity Number EPA-R-OAR-OTAQ-24-04 and/or EPA-R-OTAQ-24-05. The project narrative and any supporting documents should be attached to the application package, and the full package submitted to the EPA through Grants.gov using the “Workspace” feature. You will find instructions to submit your application via Grants.gov in Section IV of the NOFO. Please refer to the list of application materials in Section IV.B. of the NOFOs to ensure that all required information is included in your package. If your organization is not currently registered with Grants.gov, please begin the registration process as soon as possible. Please note that the registration process also requires that your organization have a Unique Entity Identifier (previously known as the DUNS number).

Organizations applying to this funding opportunity must have an active System for Award Management (www.sam.gov) registration. If you have never done business with the Federal Government, you will need to register your organization in SAM.gov. If you do not have a SAM.gov account, then you will create an account using the government sign in service (www.login.gov) to complete your System for Award Management (www.sam.gov) registration. The registration is FREE. The process for entity registrations includes obtaining Unique Entity ID (UEI), a 12-character alphanumeric ID assigned an entity by SAM.gov, and requires assertions, representations and certifications, and other information about your organization. Please review the Entity Registration Checklist for details on this process. It is recommended to begin the System for Award Management (www.sam.gov) registration process prior to applying to this grant competition; registration may take more than a month to complete.

Date Posted: 2/28/2024, Updated: 4/16/2024 (Supplemental Application Template is no longer optional)

3.6. I am encountering issues registering for SAM.gov. What should I do if the Federal Service Desk (FSD) is not resolving the issue?

Answer: The Federal Service Desk (FSD) is the official government support resource for SAM.gov. While awaiting a response from them, you may want to review the help resources on sam.gov found here:

<https://sam.gov/content/help>

Date Posted: 2/28/2024

3.7. How should applicants outline the feasibility for partial funding?

Answer: EPA reserves the right, in appropriate circumstances, to partially fund applications by funding discrete portions of proposed projects. If 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 was evaluated and selected for award, thereby maintaining the integrity of the competition and selection process. Applicants should describe whether the project is scalable and the minimum amount of funding they would accept. An example of a scalable project would be purchasing a smaller number of pieces of

the same type of equipment. This flexibility may provide a benefit to the applicant in the event that the EPA cannot fund the full project amount. Applicants could include this information in the cover page of the application (such as in cell H15 of “3. Cover Sheet for App_ZE” in the 2024 Clean Ports Program Supplemental Application Template). Applicants could also provide additional information in Section 8.a. (Budget Detail) of the workplan.

Date Posted: 4/2/2024, Updated: 4/16/2024 (Supplemental Application Template is no longer optional)

3.8. Can applicants make edits to the supplemental application template (for example, adding additional rows as needed)?

Answer: Applicants may add additional rows to the template by right clicking on the row number and selecting insert (rather than just adding a few cells). Alternatively, applicants may add additional information below the tables in the template.

Please keep the following pointers in mind when working with the Supplemental Application Template to avoid errors:

- Be sure that you are using the latest available version of the file, available on the [Clean Ports Program webpage](#)
- When downloading and saving a copy of the file, save the Excel files as ‘.xlsx’ files to ensure optimal performance and functionality.
- For best performance, do not delete any tabs from the workbook, as there are hidden tabs used for auto-populating select fields.
- Be cautious when copy/pasting information into the provided templates, as there may be formula and/or formatting that can be overwritten. When pasting, we recommend pasting only values into the workbook.
- In the event the workbook does not auto-populate as intended, information can be added to the yellow fields manually. For Tables 3a and 3b (Port/ Port Facility Location(s) and Additional Project Locations), a list of 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](#).

Date Posted: 4/16/2024; Updated: 4/25/2024 (Pointers for Supplemental Application Template); Updated: 5/10/2024 (Added instructions about auto-populating fields)

3.9. Is a Statutory Partnership Agreement required at the time of application? Will the EPA provide a template or examples of a Statutory Partnership Agreement?

Answer: A Statutory Partnership Agreement is required for eligible private entities at the time of application. Applicants should refer to Appendix B of the ZE technology NOFO for information about what should be included in a Statutory Partnership Agreement.

Date Posted: 5/10/2024

3.10. Can applicants submit visuals pertaining to the project as part of their application package? If so, where should these visuals be included?

Answer: Visuals may be included in the project narrative where appropriate. Applicants should refer to section IV.C. of the NOFOs for instructions on what should be included in the project narrative.

Date Posted: 5/10/2024

3.11. Is there a limit on the number of letters of commitment or letters of support that can be included in the application package?

Answer: No, there is no limit on the number of letters of commitment or letters of support that can be included.

Date Posted: 5/10/2024

3.12. Is an emissions inventory required at the time of the application for the ZE Technology Deployment competition or can it be conducted during the project performance period?

Answer: An emissions inventory is not required at the time of application. Under evaluation criterion 5a, the EPA will evaluate applicants based on whether the application demonstrates that the applicant and/or project partner(s) has a publicly available baseline port mobile source emission inventory for greenhouse gases, PM2.5 and/or Nox that was completed after 2019 **OR** a commitment to complete one before the end of the project period. See NOFO section V.A.

Date Posted: 5/10/2024

3.13. Is a Negotiated Indirect Cost Rate Agreement and approved indirect cost rate required at the time of the application if the applicant wants to recoup indirect costs or can this be submitted after it is selected for an award?

Answer: A Negotiated Indirect Cost Rate Agreement is required at the time of award but not at the time of application. Additional indirect cost guidance is available in [RAIN-2018-G02, "Indirect Cost Guidance for Recipients of EPA Assistance Agreements."](#)

Date Posted: 5/10/2024

3.14. Do applicants need to identify all cost share sources and how the cost share will be used?

Answer: For applicants that provide a cost share the budget narrative must include a detailed description of how the applicant will obtain the cost share and how the cost share funding will be used. See ZE Technology Deployment NOFO section IV.D. section 8.c.

Date Posted: 5/10/2024

3.15. For the Infrastructure tab of the Supplemental Application Template, what should I do if I'm not sure which columns should include which costs?

Answer: Include all relevant costs in the template, and do your best to put the costs under the most appropriate category. If the costs you enter do not exactly match the description in the column header, then you should describe in the Budget section of the Project Narrative what the costs include.

Date Posted: 5/10/2024

3.16. If the project location is in close proximity to a port, what should be listed as the primary place of performance?

Answer: Under Table 3a in the supplemental application template (Port/ Port Facility Location(s)) the port(s) being served should be listed as the primary place of performance. Under Table 3b (Additional Project Locations) any project locations outside a port (including those in close proximity to a port) should be listed.

Date Posted: 5/10/2024

3.17. What parts of the application count towards the application page limit?

Answer: All sections of the project narrative are included in the page limit (15 pages for the CAQP competition, 25 pages for the ZE Technology Deployment competition), as described in Section IV.C. of the NOFOs. Attachments, as listed in section IV.C section 9 of the NOFOs, are not included in the page limit. Information included in the Supplemental Application Template, such as the cover page, fleet description and infrastructure description, will not count towards the page limit and does **not** need to also be included in the project narrative document.

Date Posted: 5/10/2024

3.18. How can I include multiple activities in a single application? Should there be a separate Project Narrative for each type of activity?

Answer: Only one Project Narrative can be included in each application, and the page limit must be followed (See question 3.17). Please note that any eligible entity may submit up to two applications per competition, however all project activities that take place at the same port must be grouped in the same application. If a project covers multiple port areas, applicants may decide to submit separate applications (See questions 1.5, 1.22 and 5.14 for relevant information).

Date Posted: 5/10/2024

3.19. What information should be marked as CBI in the application?

Answer: CBI is considered confidential business information and trade secrets. In the grants application, EPA encourages the use of public information whenever possible. However, an applicant believes they need to include CBI and such information is included in an application, it will be treated in accordance with [40 CFR § 2.203](#). Note that if CBI is claimed inappropriately in an application, EPA has a process for withdrawing the CBI designation that we may pursue if warranted. For further information, see the EPA clause IV.a., Confidential Business Information, under [EPA Solicitation Clauses](#).

Date Posted: 5/10/2024

3.20. Can a Community Benefits Agreement/Commitment document be included in the Other Attachments?

Answer: No. However, applicants with a Community Benefits Agreement/Commitment are encouraged to describe the agreement/commitment under Section 4.d of the workplan ("Long-term Community Engagement").

Date Posted: 5/21/2024

3.21. Is the Supplemental Application Template mandatory?

Answer: Yes, the Supplemental Application Template is mandatory for both competitions.

Date Posted: 5/21/2024

3.22. Are applicants able to upload Letters of Support from members of the community, elected officials, etc.?

Answer: Letters of support that demonstrate community engagement, as described in NOFO section IV.C. (workplan section 4.c.) may be included. Other letters of support will not be evaluated.

Date Posted: 5/21/2024

3.23. Can you clarify the specific requirements or guidance from the EPA regarding the level of detail in the 424A for subrecipients? In other words, are all costs of subrecipients and contractors to be lumped

into the contractual line in the 424A, or will the EPA require subrecipients to detail their personnel, fringe, travel, supplies, etc.?

Answer: EPA policy is to require that pass-through entities include the aggregate amount for subawards in the “Other” budget category of their Standard Form (SF) 424A. See the [EPA’s Subaward Policy](#).

Date Posted: 5/23/2024

3.24. How should I fill out the share of project activity in the Supplemental Application Template (Column H in Tables 3a and 3b of “2. CAQP Supplemental App.” and “3. Cover Sheet for App_ZE”)?

Answer: The value entered in this column should be a value between 0 and 1, where 1 represents 100%. This value should represent the percent of the **total grant activities** that are taking place at that location. The sum of all the values in column H across both Tables 3a and 3b should equal 1 (100%). The EPA encourages applicants to estimate these values to the best of their ability.

Date Posted: 5/23/2024

4. Evaluation Criteria

4.1. What qualifies as meaningful community engagement?

Answer: Meaningful community engagement means seeking out and facilitating the involvement of people potentially affected by the project; informing them about the project; educating them about the benefits of the project to the surrounding community; 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. In both competitions, applicants will be evaluated on the extent to which the application demonstrates and/or commits to meaningful community engagement prior to the application, during the project, and in the long term. Examples of activities that are considered meaningful community engagement are given in Section IV.C.2, sections 4.c. and 4.d. of the NOFOs.

Date Posted: 2/28/2024

4.2. How are disadvantaged communities defined?

Answer: For purposes of these Clean Ports Program competitions, “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 the [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](#).

Date Posted: 2/28/2024

4.3. How are areas with nonattainment or air toxics concerns defined?

Answer: Nonattainment areas are defined based on the National Ambient Air Quality Standards for PM2.5 and Ozone. Data is sourced from the EPA's Green Book of Nonattainment Areas for Criteria Pollutants:

- a. PM2.5 1997 Standard (Annual: 15 µg/m³, 24-hour: 65 µg/m³)
- b. PM2.5 2006 Standard (Annual: 15 µg/m³, 24-hour: 35 µg/m³)
- c. PM2.5 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);

Areas with air toxics are defined as areas 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.

Date Posted: 2/28/2024

4.4. Will successful application details (excluding sensitive business information) be made public for community groups and partners?

Answer: 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 the 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.

Date Posted: 2/28/2024

4.5. What are connections between the EPA's Clean Ports Program and funding programs from other agencies?

Answer: The US Department of Energy (DOE), the US Department of Transportation (DOT), and the EPA developed an [interagency ports webpage](#) to provide stakeholders with information about complementary funding opportunities, direct stakeholders to individual program websites, and provide a platform for future information sharing. Applicants should review the specific eligibility criteria for each funding opportunity to determine which program best fits their project. The EPA Clean Ports Program will award points to applicants who can demonstrate they are coordinating their proposed project with complementary programs, such as projects awarded or under consideration for DOT's Port Infrastructure Development Program, DOE's Regional Clean Energy Hydrogen Hubs Program, and the upcoming National Zero-Emission Freight Corridor Strategy.

Date Posted: 2/28/2024

4.6. What are the connections between the Clean Ports Program and other EPA programs such as CPRG and DERA?

Answer: EPA's Clean Ports Program is one of multiple EPA programs that can provide funding for emissions reductions at ports. Port emission reduction projects may also be eligible for Diesel Emissions Reduction Act (DERA) and Climate Pollution Reduction Grants (CPRG) funding. We encourage applicants to review the eligibility for each program to determine which is most applicable to your project. If you think your project is eligible for funding from Clean Ports and CPRG, please consider applying to both programs. Please keep in mind that if your project is selected for funding from one program, it will no longer be eligible for funding from the other, but you are welcome to apply to both programs to increase your chances of success.

Date Posted: 2/28/2024

4.7. To receive points for voluntary scrappage under the ZE Technology Deployment Competition, must the equipment being replaced be physically destroyed?

Answer: To be eligible for points under the scrappage evaluation criterion, the equipment being replaced must be scrapped or rendered permanently disabled. Cutting a three-inch-by-three-inch hole in the engine block (the part of the engine containing the cylinders) is the preferred method. Disabling the chassis may be completed by cutting through the frame or frame rails on each side at a point located between the front and rear axles. Recipients seeking approval for alternate scrappage methods must submit an alternative scrappage plan to the EPA project officer detailing how the method will destroy and/or disable the engine.

Date Posted: 3/22/2024

4.8. If a project takes place in multiple locations, how will the benefits to disadvantaged communities be calculated?

Answer: If projects will take place in more than one county, applicants should include all locations and an estimate of the share of the project taking place in each location in the Supplemental Application Template ("2. CAQP Supplemental App." tab for CAQP and "3. Cover Sheet for App_ZE" tab for ZE Technology). This template will automatically identify which counties meet the disadvantaged communities definition. Partial points may be awarded based on the percentage of time that the project takes place in one or more of these counties. See section IV.B.Section 4.a-b of the CAQP or ZE NOFO for more detail.

Date Posted: 4/16/2024

4.9. For the ZE Technology Deployment Competition, how should applicants demonstrate prior deployment of the proposed technologies?

Answer: For each proposed technology, applicants should explain the merits and viability of the technology for successful deployment in port-related regular service, including by describing the location of prior deployments, the date and duration of prior deployments, and, to the extent possible, any known details about the extent to which the proposed technology met applicable safety, performance and durability expectations for successful deployment. Example sources for the above information could include a technical document published by one or more of the following: manufacturer, port, equipment owner, equipment operator, state or federal government agency or department, research organization, or academic institution. Additional information demonstrating technology viability could also include a narrative report, webpage, press release, presentation or case study. Applicants should provide citations for sources where applicable. (See ZE NOFO section IV.C.)

Date Posted: 4/25/2024

4.10. Will applications be scored more highly if they include a voluntary cost share or leveraged resources?

Answer: Each project under the ZE Technology Deployment Competition will be held to the applicable mandatory cost share (See ZE NOFO section III.B). Coordination with complementary initiatives, including leveraged resources, will be evaluated under Section IV.C.2., Section 1c of the ZE NOFO. Applicants should refer to Section III.B of the ZE NOFO for the distinction between voluntary cost share (which is treated as binding, can only be spent on eligible expense activities, and must be included in the project budget detail) versus leveraged resources (which may be spent on activities not listed as eligible expenses, and should not be included in the project budget detail). Voluntary cost share and leveraging are not evaluated in the Planning competition.

Date Posted: 4/25/2024

4.11. What if an applicant does not have prior experience receiving grants?

Answer: An applicant that does not have prior experience with federally funded or non-federally funded grants or cooperative agreements should indicate this in section 3.a. of the workplan. Applicants without prior experience will receive a neutral score (i.e., half of the total possible points) for this sub-criterion. Applicants that do not provide any response to this part of the workplan will receive zero points for this sub-criterion. See NOFO section IV.C. and V.A.

Date Posted: 5/10/2024

4.12. Are there cases where the Statutory Partnership requirement can be waived for private entities?

Answer: No. In order to be eligible to submit an application, private entities must apply in partnership with an eligible public entity. See NOFO section III.A. and FAQ 1.1.

Date Posted: 5/10/2024

4.13. Can the qualifications, experience, and expertise of a partner or subrecipient be included in an application to demonstrate that the applicant is qualified to receive an award?

Answer: If the applicant intends to name a contractor (including consultants) or subrecipient in the application as a “partner,” the applicant should carefully review Section IV.d. of the [EPA’s Solicitation Clauses](#) (see also Section I.E. of the NOFOs). The EPA will evaluate the roles and responsibilities of named partners under criterion 1.b. of the NOFOs. The Programmatic Capability and Past Performance criterion only considers the primary applicant’s programmatic capability and past experience.

Date Posted: 5/10/2024

4.14. What kind of funding can be used to meet the ZE Technology Deployment competition cost share requirement?

Answer: In general, state, tribal, local and private funds may be used as a cost share. Other federal grants may not be used as cost share unless the statute authorizing the other federal funding provides that the federal funds may be used to meet a cost share requirement on a federal grant.

Date Posted: 5/10/2024

4.15. For the ZE Technology Deployment competition, will applicants that are unable to secure power transmission from utilities until after the four-year performance period expires be judged less favorably?

Answer: Applicants should use the Project Risk Mitigation section of their Project Summary and Approach to discuss any potential barriers to successful project implementation, and strategies for overcoming those barriers. At a minimum, the application should:

- Identify and discuss key risks that could reasonably lead to delays or interruptions in the project or impact its cost and effectiveness,
- Discuss the extent to which the deployment of purchased ZE technology may be affected by these risks, and
- Identify the strategies that will be used to mitigate each risk and discuss their likely adequacy.

Example risks could include interconnection timelines and utility provider capacity. Applications that sufficiently identify risks and mitigation strategies in their proposal will be scored more favorably. Grantees will be expected to meet the deliverables in the approved workplan, including any deliverables related to deployment of technology.

Date Posted: 5/21/2024

4.16. For the ZE Technology Deployment competition, will the EPA favor one type of technology over another (e.g., battery electric equipment versus hydrogen fuel cell equipment)?

Answer: Proposed technologies will be evaluated based on the criteria described in Section V.A. of the NOFO. For all the technologies included in an application, the applicant should provide sufficient information to demonstrate that the proposed technology is not a first-of-a-kind demonstration, pilot, or research and development project. This information should explain the merits and viability of the technology for successful deployment in regular port-related service. Applications that include examples of at least three successful prior deployments in regular port-related service may be scored more favorably than those with examples of non-port-related service or examples that only include prior pilot/demonstration phase projects. Information such as inclusion on a state air agency list of eligible commercial-ready technologies for funding or evidence from non-U.S. deployments can be used to support the merit and viability of a proposed technology. See also question 4.19 on how EPA will evaluate environmental benefits from proposed ZE Technology Deployment projects.

Date Posted: 5/21/2024

4.17. For the ZE Technology Deployment competition, if a planned project includes both ZE equipment and shore power installation, how will points be awarded under the Scrappage criterion (2.d.)?

Answer: Points will be awarded based on the extent to which the applicant plans to scrap existing equipment (see questions 2.3.11 and 4.7). Applicants with projects dedicated to shore power infrastructure (i.e., projects that do not include the purchase of mobile equipment) will receive a neutral

score, which is half of the total points available for this sub-criterion. See ZE Tech NOFO section IV.C, workplan section 2.d.

Date Posted: 5/21/2024

4.18. Can funding from multiple federal programs be combined or “stacked”?

Answer: Coordination with complementary initiatives, including leveraged resources, will be evaluated under Section IV.C.2., Section 1c of the ZE NOFO. Applicants should refer to Section III.B of the ZE NOFO for the distinction between voluntary cost share (which is treated as binding, can only be spent on eligible expense activities, and must be included in the project budget detail) versus leveraged resources (which may be spent on activities not listed as eligible expenses, and should not be included in the project budget detail). Voluntary cost share and leveraging are not evaluated in the Planning competition. Expenses funded by a Clean Ports Program grant cannot also be subsidized or paid for by other funding.

Date Posted: 5/21/2024

4.19. How will the EPA evaluate environmental benefits of applications to the Zero Emission Technology Deployment (ZE Tech) Competition?

Answer: To be eligible for Clean Ports Program ZE Technology Deployment funding, projects must support EPA’s Strategic Plan goals and objectives related to reducing air pollution and greenhouse gas emissions (see Section I.C. of the ZE Tech NOFO on Environmental Results and the EPA Strategic Plan; and Section III.C on Threshold Eligibility Criteria). Applications will be evaluated on several criteria related to environmental results, including how the proposed project activities will meet the program goal of reducing mobile source pollution in near-port communities (evaluation criteria 1.a), expected project outputs and outcomes (evaluation criteria 2.a), and the extent to which the applicant plans to scrap existing internal combustion engine equipment (evaluation criteria 2.d). For example, an application requesting funding to expand a fleet of electric equipment for a port operation where it is already standard practice to use electric equipment will likely receive a lower score compared to a project where the electric equipment is replacing older internal combustion engines at a port.

Date Posted: 5/21/2024

4.20. How can applicants demonstrate that the project will support high-quality jobs?

Answer: For the ZE Technology competition, please see NOFO Section IV.C., section 6.a. of the workplan for examples of how applicants can demonstrate that the project will support high-quality jobs.

Date Posted: 5/23/2024

4.21. Can Volkswagen Environmental Mitigation Trust Funds be used as a cost share for the Clean Ports Program?

Answer: Yes, VW Mitigation funds can be used as cost share for the Clean Ports Program.

Date Posted: 5/23/2024

4.22. Can proceeds earned from salvaging scrapped equipment be used as matching funds for grant applications?

Answer: Program income requirements apply to proceeds earned from salvaging scrapped equipment. See question 5.18.

Date Posted: 5/23/2024

5. Project Administration and Reporting

5.1. What reporting will be required of applicants and awardees?

Answer: Awardees will be required to submit semi-annual progress reports and a detailed final report. 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.

(See Section VI.C. of the NOFOs)

Date Posted: 2/28/2024

5.2. Would projects funded under the Clean Ports Program be required to undergo environmental review via the National Environmental Policy Act (NEPA) or similar state and local environmental reviews?

Answer: Projects funded under the Clean Ports Program are not subject to NEPA because NEPA does not apply to projects funded under the Clean Air Act. An applicant should contact their appropriate state or local agency if they have questions regarding whether a proposed project is subject to state or local environmental reviews.

Date Posted: 2/28/2024

5.3. Are there cost share or matching fund requirements?

Answer: There are cost sharing requirements for the Zero-Emission Technology Deployment competition. Projects under this competition are subject to the mandatory cost share requirement based on total project costs shown below. For territory applicants (the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands), up to \$5 million of the applicant cost share will be waived, in accordance with the policies of the Omnibus Territories Act. In-kind administrative and implementation costs count towards the applicant cost share. State, Tribal, local, and private funds may be used as the applicant cost share. Other federal grants may not be used as the cost share unless the statute authorizing that federal funding provides that the funds may be used to meet cost share requirements on a federal grant.

Cost Share Requirements:

Tier	Port Type	Applicant Type	EPA Funding Range per Award	EPA Share of Total Project Cost (Maximum)	Mandatory Applicant Share of Total Project Cost (Minimum)	Anticipated Number of Awards
Tier A	Water ports only	Any eligible entity	\$150,000,000 - \$500,000,000	80%	20%	5-10
Tier B	Water or dry ports	Any eligible entity	\$10,000,000 - \$149,999,999 (Projects at small water ports: \$5,000,000 - \$149,999,999)	90%	10%	25-70
Tier C	Water or dry ports	Tribal applicants only	\$2,000,000 - \$50,000,000	100%	0%	2-10

Under the Climate and Air Quality Planning competition, no cost sharing/matching funds or leveraged resources are required.

(See ZE NOFO and CAQP NOFO section III.B)

Date Posted: 2/28/2024

5.4. How long do grant awardees have to spend the funds after they have been awarded?

Answer: All project activities are to be completed during the period of performance (3 years for CAQP, 4 years for ZE Tech) and all funds must be spent by the end of the period of performance. See Period of Performance definition under 2 CFR 200.1. Grantees have up to 120 days after the period of performance to draw down their funds for activities that were conducted during the period of performance. Grantees may request no cost extensions to their award to extend the period of performance (see 2 CFR 200.308(e)(2)) if the grantee needs more time due to unforeseen circumstances. Grantees cannot put the money in an endowment. Applicants should review the definition of "Expenditures" under 2 CFR 200.1 and the "Financial" section of EPA's General Terms and Conditions, which applies to all EPA grants. Grantees can only draw down funds for the minimum amount needed for actual and immediate obligations, and can only drawdown within 5 business days of an obligation. The money remains in EPA's accounts until the grantee draws down funds.

Date Posted: 2/28/2024

5.5. Can an applicant request funding for an amount that is outside the eligible funding range for a given project type?

Answer: No. The following applications are not eligible:

- a. Applications that request more than \$500M;
- b. Applications from applicants other than Tribes or at locations other than small water ports that request less than \$10M;
- c. Applications for projects at dry ports that request more than \$150M;
- d. Applications from Tribes that request less than \$2M;
- e. Applications for small water port projects that request less than \$5M.

Date Posted: 3/22/2024

5.6. If a project takes place at multiple water ports, how will the EPA determine whether the project qualifies as taking place at a small water port?

Answer: For applications that include projects taking place at multiple water 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.

Date Posted: 3/22/2024, Updated: 4/25/2024 (Question is specific to water ports)

5.7. If a project is awarded, how will funding be distributed?

Answer: Grant funds are typically distributed as reimbursements. The recipient initiates an electronic payment request and funds are credited to the recipient organization. These funds can be used by the recipient to pay for valid invoices and other valid grant expenses. The grantee may be paid in advance, provided it maintains or demonstrates the willingness to maintain 1) written procedures that minimize the time between the transfer of funds and disbursement by the grantee, and 2) financial management systems that meet the standards for fund control and accountability as established in 2 CFR Part 200. Advance payments to a grantee must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the grantee in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the grantee for direct program or project costs and the proportionate share of any allowable indirect costs.

Date Posted: 4/2/2024

5.8. To fulfill the federal competitive procurement requirements, can a recipient use a purchasing cooperative to procure goods and/or services?

Answer: Yes, if the purchasing contract meets the requirements in 2 CFR Part 200. For more information, see Appendix A of the NOFOs and [EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#).

Date Posted: 4/16/2024

5.9. If an application is selected for partial funding, could that change the application's tier?

Answer: Applications will compete in the Tier that reflects their full funding request.

Date Posted: 4/16/2024

5.10. Will EPA provide a teaming partner list or other assistance with matchmaking to develop partnerships for Clean Ports Program applicants?

Answer: No. In order to preserve fairness under grant competition rules, EPA cannot help facilitate partnerships for applicants to the Clean Ports Program.

Date Posted: 4/16/2024

5.11. When applicants apply in a partnership, who would be the grant recipient?

Answer: If an application is selected for funding, the primary applicant would be the grant recipient.

Date Posted: 4/16/2024

5.12. If a port authority wishes to partner with a private marine terminal operator, what is the relationship between these entities? Does the port need to competitively bid the projects among its marine terminal tenants?

Answer: If the port authority is the primary applicant, a Statutory Partnership is not required. In this case, the marine terminal operator would be a Collaborating Entity.

The port authority (recipient) may establish a subaward with the private marine terminal operator. In a subaward, the subrecipient is subject to the same Federal terms and conditions as the recipient. Alternatively, a port authority may award participant support costs (e.g., rebates) to a private marine terminal operator. Subawards and participant support costs do not have to be competed. For more information, see Appendix A of the NOFOs and the following EPA resources:

- [The EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#)
- [The EPA's Subaward Policy](#)
- [The EPA's Subaward Policy Frequent Questions](#)
- [The EPA Guidance on Participant Support Costs](#)

Partners may be selected at the time of application, and partnerships are encouraged. Points will be awarded for promoting and/or obtaining collaboration and support from Statutory Partners and/or Collaborating Entities in performing the project. (See ZE NOFO or CAQP NOFO section IV.C.2, workplan section 1.b.).

Date Posted: 4/16/2024

5.13. Can a port choose to work with a grant writer, engineering firm, or vendor with whom they have a longstanding relationship or a retainer without a competitive bid? Is a consultant who prepares a Clean Ports Program grant application eligible to complete the work if the grant is awarded?

Answer: If the services of consultants, contractors, or vendors predating EPA assistance were procured competitively consistent with federal financial assistance procurement standards (2 CFR 200.317-327), those consultants/contractors could be used by the recipient. See also Appendix A of the NOFOs and the [EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#).

Date Posted: 4/16/2024

5.14. Is there a limit on the number of applications that an entity can support as a project partner? Does the EPA funding cap apply for project partners?

Answer: Project partners may be listed as a Statutory Partner and/or Collaborating Entity on more than one application; we do not limit the number of applications or total amount of funding that partners may contribute to a project. In contrast, each applicant may submit no more than two applications per competition. The EPA funding cap applies to each application, not to the applicant or partner.

Date Posted: 4/25/2024

5.15. Will applicants and grantees be required to report emissions reductions? How will emissions reductions and other benefits be calculated and reported for the Clean Ports Program?

Answer: Applicants are not required to provide estimates of emission reduction benefits for their projects; however, applicants are encouraged to share this information as it relates to outputs, outcomes, and performance measures described in sections I.C.2, I.C.3, and V.A.2 of the ZE Technology Deployment NOFO. The EPA will provide information and guidance on reporting performance measures and project progress after award (see question 5.1). Zero Emission Technology Deployment grantees will be required to submit data to the EPA on ZE equipment type, technical characteristics, and usage levels, which EPA can use to estimate emissions. Additionally, grantees committing to voluntary scrappage of existing port equipment will be required to submit data that will allow the EPA to estimate emissions reductions from the retirement of existing equipment.

Date Posted: 4/25/2024

5.16. Are mobile source emissions inventories required to follow EPA's Port Emissions Inventory Guidance?

Answer: Yes, grantees must follow the [EPA Port Emissions Inventory Guidance](#) if their proposed project for the Climate and Air Quality Planning competition includes developing a mobile source emissions inventory. This guidance describes the data inputs, methods, and analysis approaches available for developing emission inventories of varying levels of detail based on user capacity, available resources, and the intended end use of the inventory. A variety of scales are included, such as project, terminal, sector, port, and regional levels. Those preparing inventories may elect to use this guidance in whole or in part depending on the purpose and scope of the port-related emissions inventory.

Date Posted: 4/25/2024

5.17. What project partners, subcontractors, or consultants must be competitively bid?

Answer: If a recipient or subrecipient is procuring goods and services (e.g., purchasing vehicles and equipment or hiring consultants to conduct an emissions inventory), then they need to comply with federal procurement requirements. If a recipient is awarding a subaward to a subrecipient (e.g., a port subawarding funds to a terminal operator for the purchase of equipment), the recipient is not required to compete the subaward. If a recipient is awarding participant support costs (e.g., rebates) the beneficiary is not subject to 2 CFR part 200 and therefore is not required to compete their procurements. Applicants are not required to compete project partners or Collaborating entities except for the above situations. For more information, see Appendix A of the NOFOs and the following EPA resources:

- [The EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#)
- [The EPA's Subaward Policy](#)
- [The EPA's Subaward Policy Frequent Questions](#)
- [The EPA Guidance on Participant Support Costs](#)

Specifically, see pages 3-5 of the [EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment under EPA Assistance Agreements](#) for additional information to distinguish between procurement contracts and other financial transactions.

Date Posted: 4/25/2024

5.18. In Appendix C of the ZE Technology NOFO, what is meant by "program income requirements apply"?

Answer: Program income is money earned from activities under a grant. Program income is described further here: <https://www.epa.gov/sites/default/files/2019-05/documents/applicant-budget-development-guidance.pdf>. The Terms and Conditions of the grant will include specific requirements for program income.

Date Posted: 4/25/2024

5.19. How do private entities get a Negotiated Indirect Cost Rate Agreement?

Answer: Information about indirect cost rate proposals is available at <https://www.epa.gov/grants/indirect-cost-rate-proposal-information> and 2 CFR 200. For additional questions about negotiating an indirect cost rate with EPA, please email OGD_IndirectCost@epa.gov.

Date Posted: 4/25/2024

5.20. Is a Quality Assurance Project Plan (QAPP) required for projects funded under the Clean Ports Program's Climate and Air Quality Planning Competition?

Answer: It is EPA policy that all work funded by EPA in which environmental data will be collected, evaluated, used, or reported (including the use of existing data and modeling), or which involves the design, construction, and operation of environmental technology, have approved QAPPs, or equivalent documents as defined by the funding organization's Quality Management Plan, quality manual, or similar quality system description. An approved QAPP is required prior to the start of environmental data generation. For general information, please visit: [EPA's Quality Program website](#).

Date Posted: 5/10/2024

5.21. For Statutory Partnerships, to what extent does the EPA expect the Statutory Partners to participate in the project?

Answer: Eligible private entities applying with a Statutory Partnership should describe each Statutory Partner's roles and responsibilities in Section 1.b. of the workplan. While the EPA expects that the extent and nature of a Statutory Partnership will vary for each application, 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. See ZE Technology NOFO section IV.D. and Appendix B.

Date Posted: 5/10/2024

5.22. If a private company operates a public or semi-public port authority, would equipment purchased through the grant belong to the private company or the port authority?

Answer: If the grant recipient purchases equipment with the grant funding, then the recipient owns the equipment. If the grant recipient provides participant support costs to a program beneficiary to purchase equipment, then the program beneficiary, rather than the grant recipient, would own the new technology. For more information, see the [EPA's Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#).

Date Posted: 5/10/2024

5.23. Is there a cap on the total amount of funding that a subrecipient can receive?

Answer: No, there is no cap on the total amount of funding that a subrecipient can receive.

Date Posted: 5/10/2024

5.24. Are there limits to the number of partners an applicant can have?

Answer: No, there are no limits to the number of partners an applicant can have. Applicants will be evaluated on the extent to which the application applicant demonstrates in the application that they will work in partnership with appropriate the named partners to effectively and efficiently implement the proposed project. See ZE Technology NOFO section IV.D.

Date Posted: 5/10/2024

5.25. Does EO 12–2 -- Intergovernmental review of Federal programs apply to the Clean Ports Program?

Answer: EO 12372 does apply to the Clean Ports Program when proposed financial assistance involves installation of electric vehicle charging infrastructure or involves other land use planning or construction.

Date Posted: 5/10/2024

5.26. If an application is selected for partial funding, will the applicant or the EPA decide how to scale back the project?

Answer: The applicant will work with the project officer to negotiate any changes to the proposed project and finalize the workplan and grant application for award.

Date Posted: 5/10/2024

5.27. If multiple ports are included in an application, does each project or port need to meet the minimum funding amount listed in section II.B. of the NOFO?

Answer: No. The total funding request for an application must meet the minimum funding amount, but the amount going to a specific port can be less than the minimum funding amount.

Date Posted: 5/10/2024

5.28. Does a Collaborating Entity need to competitively bid equipment and infrastructure procurement?

Answer: If a Collaborating Entity is receiving funding through a subaward, the procurement requirements in 2 CFR part 200 apply to the Collaborating Entity (the subrecipient). If a Collaborating Entity is awarded participant support costs, then they are not required to compete their procurements. See questions 1.7, 5.12, and 5.17, ZE NOFO or CAQP NOFO Appendix A and [EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#).

Date Posted: 5/21/2024

5.29. For projects that take place equally at multiple sites, how should the applicant determine which one to list as the “primary place of performance” in the Supplemental Application Template?

Answer: All places of performance should be listed in the Supplemental Application Template, with an estimate of the percent share of the project activity at each location. If projects take place equally at multiple sites, any of the locations with the greatest share of activity could be listed as the “primary place of performance” as long as all locations are listed. For vehicles and equipment, multiple places of performance can be listed (columns L, T, and AB).

Date Posted: 5/21/2024

5.30. For the ZE Technology Deployment Competition, does the maximum award listed mean the maximum amount that the EPA will fund, or the maximum project cost?

Answer: The maximum award amount is the maximum amount of funding that the EPA will contribute. Any mandatory cost share would make the total project cost more than the EPA contribution. For example, if an applicant is applying for the maximum amount of funding under Tier A (\$500,000,000) and contributes the minimum amount of cost share (\$125,000,000), then the total project cost, would be \$625,000,000.

Date Posted: 5/21/2024

5.31. If a private entity (lead applicant) applies in a Statutory Partnership, who receives the funds if the grant is awarded?

Answer: The lead applicant (in the case, the private entity) would be the grant recipient and receive the funds.

Date Posted: 5/21/2024

5.32. Do subrecipients need to provide documentation of a negotiated indirect cost rate agreement?

Answer: The subrecipient's indirect cost rate may be a rate negotiated and approved by the subrecipient's cognizant Federal agency (i.e., the Federal agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals. See [2 CFR Part 200.1](#) for information on the assigned cognizant agency for indirect costs). If the subrecipient does not have a Federal indirect cost rate, the pass-through entity may negotiate an indirect cost rate with the subrecipient that complies with [2 CFR Part 200, Subpart E](#) or use the 10% de-minimis indirect cost rate described at [2 CFR 200.414\(f\)](#). See [EPA's Subaward Policy](#).

Date Posted: 5/21/2024

5.33. Can EPA provide project-specific advice to applicants? For example, expected lead time for charging equipment?

Answer: The EPA cannot provide information about equipment or installation, including lead times. Applicants are encouraged to do their own market research.

Date Posted: 5/21/2024

5.34. For the ZE Technology Deployment competition, can an emissions inventory be considered as part of the applicant's mandatory cost share?

Answer: If an applicant commits to conducting an emissions inventory before the end of the project period as part of evaluation criterion 5.a., then the expenses for the emissions inventory can be considered as part of the mandatory cost share.

Per the ZE Technology Deployment competition's Notice of Funding Opportunity, the mandatory cost share and any voluntary cost share must be met with eligible and allowable costs. Therefore, if an activity is eligible for funding under the grant, then the applicant can include it as an eligible cost share. If the activity is not eligible for funding under the grant, then the applicant cannot use it as a cost share. However, leveraged resources do not need to be spent on eligible or allowable costs. See ZE Tech NOFO Section III.B

Date Posted: 5/23/2024

5.35. What are the requirements for equipment funded through the grant at the end of the performance period? What are the disposition requirements?

Answer: Equipment must serve at least one port for a minimum of three years (see ZE Technology NOFO Section III.D.). Equipment disposition requirements will be described in the Terms and Conditions of the award.

Date Posted: 5/23/2024

5.36. Could a Greenhouse Gas Revolving Fund (GGRF) recipient or subrecipient provide a bridge loan to a Clean Ports Program participant that could be repaid with a Federal tax credit?

Answer: Yes. Loans, unlike grants, are expected to be repaid and the recipient is thus ultimately using their own funds once the tax credit is earned, and thus the restriction on stacking Federal funds does

not apply to federally funded loans, federally guaranteed loans, or other instruments that require repayment with non-federal funds.

Date Posted: 12/23/2024

5.37. Can applicants begin the designing and engineering phases of their projects before the recipients are selected?

Answer: In general, any purchases made before final awards are made will not be reimbursable using EPA Clean Ports Program funds and will be at the expense of the applicant. 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 work plan), 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. In some cases, selected applicants may be approved for pre-award costs, as described in 2 CFR 1500.9. Selected applicants should contact their Regional project officer to discuss timelines and next steps.

Date Posted: 12/23/2024

6. Terms and Conditions

6.1. Are there supplier diversity subcontracting requirements (i.e. DBE) for planning, design, and infrastructure improvements?

Answer: Please see number 27 of EPA's [General Terms and Conditions](#): Utilization of Disadvantaged Business Enterprises. This requirement applies to all procurement activities under the award, including procurement by subrecipients.

Date Posted: 12/23/2024

6.2. How can I tell if an electric vehicle / other electric mobile equipment is BABA-compliant? How are battery packs treated?

Answer: As defined in [2 CFR Part 184.3](#), a BABA-compliant manufactured product must meet two requirements: (1) 55% of the total cost of all its *components* must be manufactured in the US and (2) the *final manufacturing* of the product must occur in the US. Per [2 CFR Part 184.3](#), a "component" means an article, material, or supply, whether manufactured or unmanufactured, that is *incorporated directly* into a manufactured product during final assembly. As much of the value in electric vehicles (EVs) and other mobile equipment is concentrated in the battery pack system, it is important to identify what is a component vs. a subcomponent of the final product.

When determining what is a component vs. a subcomponent of an EV / other electric mobile equipment, manufacturers should consider whether the item is incorporated directly into the vehicle or other mobile equipment itself *or* if it is incorporated into another item before being incorporated directly into the EV / other electric mobile equipment (i.e., is a subcomponent). For example, battery modules that are incorporated into a battery pack would *not* be considered a component of the EV, as they are not directly incorporated into the EV. By contrast, a battery pack system that is incorporated directly into the vehicle during final assembly would be considered a component.

The component cost test is based on components that are directly incorporated in the final EV; it does *not* consider the origin of subcomponents. For example, for a battery pack system to be considered domestically produced for the component cost test, battery modules and other sub-components need *not* be domestically produced so long as the final battery pack system manufacturing occurs in the US.

Examples of subcomponents that *may* be included in a battery pack system for EVs and other types of electric mobile equipment are listed below, but each OEM should consider the nuances of their manufacturing when assessing BABA compliance:

- Battery module
- Battery management systems (BMS)
- Battery thermal management system
- Battery housing or cover
- Battery Junction box
- Pack connectors
- Pack interconnection cables
- Motor inverter
- Battery disconnects

Date Posted: 12/23/2024

6.3. Does air, emissions, and traffic monitoring equipment purchased under the Clean Ports Program need to meet BABA requirements?

Answer: Consistent with OMB's guidance in M-24-02, air, emissions, and traffic monitoring equipment funded under the Clean Ports Program generally would not fall under Build America, Buy America (BABA) oversight unless this equipment is permanently incorporated into an infrastructure project. Many types of monitoring equipment funded by the Clean Ports Program, including but not limited to the examples below, are not considered an integral part of the infrastructure and do not generally involve construction, alteration, maintenance, or repair of infrastructure.

It is expected that equipment under this program will be used for emissions inventory development and could include a wide variety of non-permanent equipment, such as:

- Air quality monitoring devices
- Emissions monitoring devices placed on or near vehicles, vessels, or equipment.
- Telematics equipment like GPS tracking or CAN logging devices.
- Cameras

If a grant recipient is contemplating equipment that is more permanently affixed, grant recipients would need to seek EPA guidance.

Importantly, any modification to any structure to support the use of this equipment would need to be BABA compliant (e.g., additional electrical outlets needed to power monitoring equipment or other electrical upgrades, support structures or shelters for monitoring equipment, or repair or installation of a reinforced concrete pad). In this instance, the monitoring equipment itself is not subject to BABA unless the equipment is permanently installed into the structure.

Date Posted: 12/23/2024

6.4. Does the Clean Ports Program have a requirement for a warranty on ZE equipment?

Answer: Recipients must ensure the proper operation and maintenance of equipment and devices funded under this program. Warranties are an eligible cost (See 2.3.26).

Date Posted: 12/23/2024

6.5. NEW What does “manufactured in the United States” mean in terms of BABA compliance and why does it matter for Clean Port projects?

Answer: Recipients of Clean Ports funding must comply with the Build America, Buy America Act (BABA) by ensuring that all of the iron, steel, manufactured products, and construction materials incorporated into the infrastructure project are “produced in the United States” (2 CFR 184.3 “Produced in the United States”). Mobile port equipment and infrastructure are likely to fall under the manufactured product category.

For manufactured products, “produced in the United States” means: 1) the product was “manufactured in” the United States and 2) the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product (2 CFR 184.3 “Manufactured products”).

The [BABA General Applicability Public Interest Waiver for EPA’s Clean Ports Program](#) provides an alternative for BABA compliance by waiving the 55% content requirement (#2 above) for certain types of zero-emissions mobile port equipment. However, all mobile port equipment covered by this waiver must still be manufactured in the United States (#1 above) unless covered by another provision in this waiver or a [separate waiver](#).

For mobile port equipment that is delivered to the port as a single, complete unit : A product can be considered “manufactured in the United States” if the manufacturer (i.e., “the entity that performs the final manufacturing process that produces a manufactured product,” 2 CFR 184.3 “Manufacturer”) performs the final manufacturing process in the U.S.; in other words, the manufactured product must be the result of “articles, materials, or supplies that have been (i) processed into a specific form and shape; or (ii) combined with other articles, materials, and supplies to create a product with different properties than the individual articles, materials, or supplies” in the U.S. (2 CFR 184.3 “Manufactured products”).

For mobile port equipment delivered to the port as a “kit”: A kit is defined as “a product that is acquired for incorporation into an infrastructure project from a single manufacturer... that is manufactured or assembled from constituent components on the work site by a contractor” (88 FR 57750). A product that is acquired from a manufacturer as a kit is considered “manufactured in the United States” if final assembly or installation of the product occurs at the U.S. port. The manufacturer of the equipment must be able to demonstrate upon request that 1) delivering the equipment as a kit (i.e., in separate components for assembly at the U.S. port) is standard business practice in the industry versus delivering the product as a single, complete unit, and 2) the manufacturer produces components of the kit and / or is meaningfully involved in the manufacturing process of the components.

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