

FY24 Frequently Asked Questions About Technical Assistance for Tribal Nations and Entities Grant
(as of September 13, 2023)

EPA prepared these Frequently Asked Questions (FAQs) and answers to assist prospective applicants with preparing a Technical Assistance to Tribal Communities Addressing Brownfields Grant application. Please review the Fiscal Year 2024 (FY24) Notice of Funding Opportunity (NOFO) (also referred to as the Guidelines Request for Applications (RFAs)) when preparing your application. If the information in the FAQs differs from information in the statute, regulation, or the NOFO, then the statute, regulation, or the NOFO will take precedence. The FAQs will be updated periodically as we continue to receive questions.

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I. GENERAL INFORMATION

1. Who is eligible to apply for this grant?

The following information indicates which entities are eligible to apply for this cooperative agreement:

- Intertribal Consortia, comprised of eligible Indian Tribes other than in Alaska, Alaska Native Regional Corporations, Alaska Native Village Corporations, or the Metlakatla Indian community, are eligible for funding in accordance with EPA's policy for funding intertribal consortia published in the Federal Register on November 4, 2002, at 67 Fed. Reg. 67181.
- Nonprofit organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.
- Limited liability corporation in which all managing members are 501(c)(3) nonprofit organizations or limited liability corporations whose sole members are 501(c)(3) nonprofit organizations.
- Limited liability partnership in which all general partners are 501(c)(3) nonprofit organizations or limited liability corporations whose sole members are 501(c)(3) nonprofit organizations.
- Other Nonprofit organizations, who can show (For purposes of the Brownfields Grant Program, the term "nonprofit organization," consistent with the definition of *Nonprofit organization* at 2 CFR § 200.1 means any corporation, trust, association, cooperative, or other organization that is operated mainly for scientific, educational, service, charitable, or similar purpose in the public interest; is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization. The term includes nonprofit colleges, universities, and other educational institutions.)

2. How do Intertribal consortia demonstrate their eligibility?

Intertribal consortia must attach documentation that they meet the requirements in 40 CFR 35.504(a) and (c). All members of the Intertribal consortium must authorize submission of an application to provide nationwide technical assistance.

3. How do "other nonprofit organizations" who do not have tax exempt status demonstrate their eligibility?

Eligible nonprofit entities must attach documentation/evidence of nonprofit status under Federal, state, or Tribal law, as applicable.

4. Added on 9/13/2023 Can a group of eligible entities apply as a coalition? What documentation is required?

Yes. One organization may partner with and apply on behalf of a coalition. Each member of the coalition must be an eligible entity per Section III.A. of the NOFO. For example, the coalition may be comprised of Tribes, nonprofit organizations, and/or institutions of higher education. If selected, the lead entity will be the point of contact for the other coalition members. The lead entity will be the grant recipient and must administer the grant, and be accountable to EPA for effectively carrying out the scope of work and the proper financial management of the grant.

A Memorandum of Agreement (MOA) documenting the coalition's process must be in place prior to the expenditure and draw down of any funds that are awarded. The coalition members should identify and establish relationships necessary to achieve the project's goal. A process for successful execution of the project's goal, including a description and role of each coalition member, should be established along with the MOA. The purpose of the MOA is for coalition members to agree internally on the distribution of funds and the mechanisms for implementing the technical assistance.

5. Is an organization incorporated under state law and exempt from Federal taxation under section 501(c)(4) of the Internal Revenue Code that lobbies the Federal government eligible for Brownfield Grant funding if it qualifies as an “eligible entity” under CERCLA § 104(k)(1) as a quasi-governmental entity or otherwise?

No. An organization exempt from taxation under section 501(c)(4) of the Internal Revenue Code, as provided in the Lobbying Disclosure Act (LDA), 2 U.S.C. 1611, is ineligible for Federal grants if the organization engages in lobbying activities regardless of how those activities are financed. The term “lobbying activities” is defined at 2 U.S.C. 1602(7) and additional relevant information (the definition of “Lobbying contact”) is available at 2 U.S.C. 1602(8). EPA has determined that the prohibition in 2 U.S.C. 1611 on awarding grants to specified entities supersedes the general eligibility provisions for Brownfields Grants in CERCLA § 104(k)(1). An organization can be both an eligible entity defined in CERCLA § 104(k)(1) and be tax exempt under Federal law as a 501(c)(4), however, it is not eligible to receive Brownfield Grant if the organization lobbies as defined in the LDA.

6. Is an organization that is exempt from Federal taxation under section 501(c)(4), but does not lobby the Federal government eligible for Brownfield Grant funding?

Yes. EPA's General Term and Condition on Lobbying Restrictions states that “By accepting this award, the recipient affirms that it is not a nonprofit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986 as required by Section 18 of the Lobbying Disclosure Act; or that it is a nonprofit organization described in Section 501(c)(4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act.” An applicant/recipient that is exempt from Federal taxation under Section 501(4) must provide EPA (via the submitted application or the EPA Project Officer) with a legal opinion that states that the organization does not engage in lobbying activities in order for that organization to be eligible for a Brownfield Grant. The EPA Brownfields Program representative will then advise the applicant/recipient if the statement is acceptable or not.

7. Can we issue a subaward to a nonprofit organization that is exempt from Federal taxation under section 501(c)(4) of the Internal Revenue Code?

It depends. EPA's General Term and Condition on Lobbying Restrictions states that “...Nonprofit organizations exempt from taxation under section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities are ineligible for EPA subawards.” This term and condition is based on EPA's interpretation of the Lobbying Disclosure Act (LDA) as specified in [EPA's Subaward Policy](#), which is incorporated by reference in Term and Condition. The subrecipient must provide the applicant/grant recipient with a legal opinion that states that the organization does not engage in lobbying activities in order for that organization to be

eligible for a subaward that is funded through Brownfield Grant. The applicant/recipient must provide the legal opinion to the EPA Brownfields Program representative. The EPA Brownfields Program representative will then advise the pass-through entity if the statement is acceptable or not.

8. Does the applicant have to be available to provide technical assistance nationally to all Tribal communities with brownfields?

Yes. Applicants must be able to provide technical assistance nationwide to Federally recognized Indian Tribes, Alaska Native Villages, Alaska Native Regional Corporations, Alaska Native Village Corporations, the Metlakatla Indian community, and Intertribal Consortia.

9. Are state-recognized Tribes eligible to receive technical assistance through this grant?

No. State-recognized Tribes are not eligible to receive funding under CERCLA § 104(k) and 128(a). EPA has therefore made a program policy decision to not allow state-recognized Tribes to be beneficiaries of this technical assistance because this program is intended to provide technical assistance to entities eligible to receive Brownfield Grants.

10. Are Alaska Native Villages eligible to receive technical assistance through this grant?

Yes. There is a difference in Tribal eligibility under the CERCLA § 104(k) and CERCLA § 128(a). Alaska Native Villages are Indian Tribes as defined in CERCLA § 101(36) and are eligible for funding under CERCLA § 128(a). However, Indian Tribes in Alaska, with the exception of the Metlakatla Indian community, are not eligible entities to receive funding under CERCLA § 104(k)(1). Nonetheless, because Alaska Native Villages are eligible under CERCLA § 128(a), they can be beneficiaries for technical assistance under this grant.

11. Can applicants provide technical assistance beyond the five subject areas?

Yes. Applications must, at minimum, include technical assistance in each of the five general subject areas described in the NOFO. Applicants may, but are not required to, also propose additional technical assistance beyond the five areas EPA has described in the FY24 NOFO as long as the technical assistance is an eligible activity described in CERCLA § 104(k)(7).

12. What is the closing date of the NOFO?

The closing date and time for receipt of applications is **November 13, 2023** at 11:59 pm EST.

13. What is the total maximum award amount?

The maximum award for this competitive opportunity is \$4,000,000. The EPA anticipates awarding one cooperative agreement.

II. GENERAL BUDGET QUESTIONS AND INFORMATION ON PARTNERSHIPS

14. What activities cannot be paid for with Technical Assistance to Tribal Nations and Entities Addressing Brownfields Grant funds?

Funds cannot be used for the payment of:

- Conducting site assessments or cleanups;
- Construction and land acquisition;
- Foreign travel;

- Direct costs for Federal, state or private grant application preparation with the exception of incidental use of data or guidance materials by grant applicants;
- Writing or reviewing grant applications;
- A penalty or fine;
- A federal cost share requirement (for example, a cost share required by other federal funds);
- Administrative costs, including all indirect costs and direct costs for cooperative agreement administration, in excess of five (5) percent of the total amount of EPA cooperative agreement funding, with the exception of financial and performance reporting costs (which are considered allowable programmatic costs and not subject to the 5% limitation);
- A cost of compliance with any federal law, excluding the cost of compliance with laws applicable to environmental cleanup; or
- Unallowable costs (e.g., lobbying) under 2 CFR Part 200, Subpart E.

15. What type of leverage funds is EPA looking for in this NOFO?

EPA is looking for leveraged funding that will complement activities related to the project(s) and technical assistance proposed by the applicant. This includes, but is not limited to, funds and other resources leveraged from other Federal agencies, foundations, non-profits, surrounding communities, local universities and colleges, or local businesses. Leveraged funding may include such things as funding to provide additional technical assistance to Tribal communities that beyond what is outlined in the NOFO; utilizing/combining the technical assistance provided through this cooperative agreement with that provided by other programs in order to provide a more robust comprehensive technical assistance program for communities; or use of another organization's facilities, outreach network, or services when providing technical assistance workshops, design charrettes, or other technical assistance forums.

16. Would it be acceptable to EPA for an applicant to work with another agency or organization as partners?

It depends. EPA awards funds to one eligible applicant as the "recipient" even if other eligible applicants are named as 'partners,' 'co-applicants,' members of a 'coalition,' or 'consortium.' The recipient is accountable to EPA for the proper expenditure of funds. Generally, applicants may work with another agency or organization as a partner. If cooperative agreement funding is to be used to provide a subaward to the partner organization, the recipient must comply with applicable requirements for subawards including those contained in 2 CFR Part 200.

17. Who is considered a "cooperative partner"? Can for-profit entities be listed partners?

A cooperative partner is an entity who will help you perform the technical assistance to support communities. If you intend to provide EPA funding to the cooperative partner, the transaction must comply with applicable requirements for procurement contracts or subawards depending on the nature of the transaction. In order for the EPA selection panel to consider the qualifications of consultants named as "cooperative partners" the applicant must demonstrate in its application that the consultants have been selected in compliance with the competitive procurement procedures in 2 CFR Part 200. If the cooperative partner

will receive a non-competitive subaward the arrangement must be consistent with EPA's interpretation of 2 CFR § 200.331 as reflected in [Appendix A of the EPA Subaward Policy](#). For profit firms and individual consultants are not eligible for subawards under this NOFO.

18. On cooperative partners listed in the narrative information sheet: should this include communities we will definitely be supporting (mentioned in the narrative), or will this be limited to entities helping to perform/deliver technical assistance?

This is limited to entities that will be helping you perform the technical assistance to support communities.

19. Can additional partners be added after the award?

Yes, depending on the relationship of the grant recipient and the new partner, the grant recipient may need to comply with the relevant grant regulations and EPA's policies.

20. Can consultants and other contractors providing technical assistance funded under this grant receive sole source contracts funded by Federal grants?

No, if the amount of the contract is more than \$10,000 or an otherwise authorized micro-purchase threshold under 2 CFR § 200.320(a). The recipient must also ensure that eligible technical assistance services provided under this award are performed in a manner that prevents conflicts of interest from tainting procurements financed with EPA funding. For example, if a consultant hired by the recipient provides technical assistance in the development of specifications for procurements of services that consultant may not submit a bid or offer on that procurement. Consultants and other contractors providing technical assistance funded under this grant may not receive sole source contracts based on their role in providing technical assistance. Recipients must include restrictions in their contracts that prevent consultants or other contractors from marketing their services or those of affiliated firms while providing EPA funded technical assistance.

21. If we are a successful applicant, will EPA reimburse us for the costs of paying a consultant to prepare our grant application?

No. Proposal preparation costs of the applicant are prohibited administrative costs.

22. If our application is successful, will EPA reimburse us for eligible programmatic costs we incurred prior to the award?

It depends. Under [2 CFR § 1500.9](#), EPA may reimburse successful applicants for eligible programmatic pre-award costs incurred up to 90 days prior to award, even if the applicant did not request prior approval to incur pre-award costs provided the costs are eligible and allowable. For example, costs for contracts (including consultants) are allowable only if the contract was entered into in a manner that complies with the competitive procurement provisions of EPA's grant regulations (Procurement Standards in 2 CFR Part 200). If the Davis-Bacon prevailing wage requirements in CERCLA § 104(g) apply to any activities that were carried out prior to award, the recipient must comply with those requirements in order for the pre-award costs to be eligible. Selected applicants must include the pre-award costs in their final budget and workplan submitted to EPA and provide the date the pre-award costs were incurred. EPA's term and condition on pre-award costs provides:

PRE-AWARD COSTS

In accordance with 2 CFR § 1500.9, the recipient may charge pre-award costs (both Federal and non-Federal matching shares) incurred from *[INSERT START DATE]* to the actual award date provided that such costs were contained in the approved application and all costs are incurred within the approved budget period.

Costs incurred more than 90 days prior to award require specific approval of an EPA award official. Under 2 CFR § 200.458 pre-award costs must be incurred "...pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work." EPA interprets this provision to require that eligible pre-award costs be incurred after applicants for competitive funding receive notification of selection.

Please note that applicants incur pre-award at their own risk and that EPA is not obligated to reimburse applicants for pre-award costs that are not included in the workplan and budget EPA approves. EPA has no obligation to reimburse unsuccessful applicants for pre-award costs.

Selected applicants should discuss pre-award costs with their EPA Project Officer.

23. CONFLICTS OF INTEREST - Can a grant recipient (and/or its partners and subawardees) provide technical assistance to potential applicants on a funding competition (Federal, state, local or private foundation) and also apply for funding under THAT competition or be identified as a funded partner on another organization's application for funding under that same competition?

Generally, no, absent an approved Conflict of Interest mitigation Plan or measures that neutralize conflicts of interest. Such situations would be a conflict of interest (COI), or at a minimum create the appearance of a COI, and also create unfair competitive advantage concerns. EPA intends to add terms and conditions to the cooperative agreements requiring the grant recipient to provide, for EPA approval, a COI Management/Mitigation Plan within a specified period after the award addressing certain conflict of interest situations and how the recipient will respond to them and proposed mitigation strategies for potential situations. EPA believes that there may be possible mitigation measures for specific situations and that is something that will be addressed post-award. The term and condition will also indicate that to the extent the recipient's Conflict of Interest Management/Mitigation Plan does not address specific cases that may arise during grant performance the recipient will notify the EPA Project Officer of the issue and propose a mitigation strategy for resolving it subject to EPA Project Officer approval.

III. PARTICIPANT SUPPORT COSTS AND ADVISORY COUNCIL COSTS

24. What are participant support costs?

The Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Grants Guidance or UGG) define Participant Support Costs at 2 CFR § 200.1 as: "...direct costs for items such as stipends or subsistence allowances, travel allowances and registration fees paid to or on behalf of participants or trainees (but not employees) in connection

with conferences or training projects.” EPA regulations at 2 CFR § 1500.1 expand the definition of Participant Support Costs to include subsidies, rebates and other payments to program beneficiaries to encourage participation in statutorily authorized environmental stewardship programs.

Participant support costs are allowable under Technical Assistance Grants with prior approval by the EPA Award Official or Grants Management Officer as provided at 2 CFR § 200.456. An applicant may obtain that approval by clearly stating in the application budget justification that the organization intends to use EPA funds for the specific participant support costs (e.g., stipends for attendees at community meetings, stipends for childcare, food, etc.). Participant support costs may also be approved in response to a post-award written request for approval from a recipient.

Participant support costs must be necessary to the goals of the project, for a reasonable amount, and be adequately documented through receipts. Note that the same costs must not duplicate support provided through other Federal, state, Tribal or local programs. Additional information is available in [EPA’s Guidance on Participant Support Costs](#).

25. Are participant support costs allowable under this grant?

Yes, participant support costs are allowable this grant with prior approval by the EPA Award Official or Grants Management Officer as provided at 2 CFR § 200.456.

An applicant may obtain that approval by clearly stating in the application budget justification that the organization intends to use EPA funds for the specific participant support costs (e.g., stipends for attendees at community meetings, stipends for childcare, food, etc.). Participant support costs may also be approved in response to a post-award written request for approval from a recipient.

Participant support costs must be necessary to the goals of the project, for a reasonable amount, and be adequately documented through receipts. Note that the same costs must not duplicate support provided through other Federal, state, Tribal or local programs. Additional information is available in [EPA’s Guidance on Participant Support Costs](#).

Use of grant funds for eligible participant support costs include:

- Reasonable stipends to compensate beneficiaries for participating in technical assistance events. Note that stipends may only be paid for actual time spent at the technical assistance events and must not duplicate training support provided through other Federal, state, Tribal or local programs.
- Reasonable child-care subsidies. Note that child-care subsidies must not duplicate child-care support provided through other Federal, state, Tribal or local programs.
- Transportation for beneficiaries to and from technical assistance events in the form of partial or full stipends or other allowable direct costs are allowable only if the program participant cannot charge the cost to an existing EPA Grant.

26. Are stipends for childcare for community meeting attendees allowable participant support costs?

Yes. Childcare expenses necessary to encourage attendance at community meetings or charrettes may be eligible participant support costs. Although under 2 CFR § 200.432, Conferences, costs of providing dependent care for meeting attendees is generally unallowable, the regulation provides that exceptions may be made for children's programs when the costs are allowable under 2 CFR § 200.456, Participant support costs. [EPA's Guidance on Participant Support Costs](#) provides that stipends for attendees at community meetings are allowable. Childcare stipends as a participant support cost should be included as a separate line item in the budget justification/table in the "Other" budget category.

27. Can grant funds be used to pay for food provided at community meetings?

Yes. Participant support costs allow recipients to provide food (light refreshments and/or meals) to participants at community meetings subject to the requirements of the General Terms and Conditions "Light Refreshments and/or Meals." However, where to place the estimated costs in the budget depends on how the applicant intends to provide the food. If an applicant intends to hire a caterer to supply the food, the costs would be placed in the "Contractual" category. If the meeting venue provides the food as part of the lease for the facility the costs are included in the "Other" category.

28. What are advisory councils?

EPA interprets the term "advisory council" to include groups of individuals who are not employees of the recipient that provide strategic and policy advice to the organization.

29. Are advisory council costs allowable under this grant?

Yes, advisory council costs are allowable under this grant. Advisory councils must meet the following requirements:

- a. Costs for advisory councils that are integrated into the recipient's ongoing operations to provide advice on the overall direction of the organization should be classified as indirect costs since these activities benefit the recipient organization generally.
- b. If a recipient establishes an advisory council that provides advice solely on an EPA funded activity such as a training program or research project, the costs may be allocable to the EPA agreement and charged directly to the EPA award with AEO prior approval. The scope of work and related budget narrative must describe the advisory council's membership, functions, and costs and explain why the advisory council is necessary to carry out the EPA funded project.
- c. Allowable direct advisory council costs include reasonable stipends and travel support for council members while providing advice on the EPA funded project. Stipends that are structured as "retainer fees" that do not compensate the council member for actual work on an EPA funded project are not allowable as direct costs. Costs for meals and light refreshments for advisory council meetings are subject to the allowability criteria in Section 3, Entertainment and Section 5, Meals and light refreshments at conferences, of this guidance document.

Please review [EPA's Guidance on Selected Items of Cost for Recipients](#) for more information.

30. What is the maximum amount in stipends that can be paid to program participants and advisory council members?

As provided in 2 CFR § 200.403, participant support costs and advisory council member costs must be reasonable and conform to any limitations applicable to the EPA award. EPA considers stipends that exceed the amount allowable for individual consultants described in 2 CFR § 1500.10(a) to be unreasonable. Recipients must explain how they determined that the amounts for stipends are reasonable and reflect the benefit of the program.

31. What is the maximum participant support cost amount? What is the maximum advisory council cost amount?

Participant support costs and advisory council costs are allowable costs under this grant and combined will be capped at 35% of grant funds. The 35% cap encompasses both participant support costs and advisory council costs.

IV. ADMINISTRATIVE COSTS

32. Does the term “administrative cost” include both direct and indirect costs?

Yes. Administrative costs include certain direct costs of grants administration and all indirect costs.

- Direct Administrative Costs, including those in the form of salaries, benefits, contractual costs, supplies, and data processing charges, are costs that are not included in the recipient’s indirect cost pool and are necessary to comply with the provisions of the Uniform Administrative Requirements for Cost Principles and Audit Requirements for Federal Awards at 2 CFR Parts 200.
- Indirect Costs are those that are not specifically related to implementing the EPA award and are not readily identified with a specific project or organizational activity but incurred for the joint benefit of both projects and other activities. Overhead costs are a typical example of an indirect cost. Indirect costs are usually grouped into common pools and charged to benefiting objectives through an allocation process/indirect cost rate; 2 CFR § 200.414 and other provisions of the Uniform Guidance.

EPA’s interpretation of the term “Administrative Cost” in CERCLA § 104(k)(5)(B) is based on similar limitations on administrative costs contained in sections 119(a)(1), (d)(4) and (d) and 319(h)(12) on the Clean Water Act.

33. Are there limits on administrative costs for Brownfield Grants?

Yes. Under CERCLA § 104(k)(5)(E), recipients may use only up to 5% of the amounts of EPA funds made available under a Brownfields Grant to pay an administrative cost.

34. Our organization’s federally negotiated rate that is greater than 5%. Can we charge more than 5% for indirect costs?

No. EPA understands that many entities have negotiated indirect rates. However, the statutory authority for the competitive Brownfields Grants caps the **amount** of grant funds that can be spent on administrative costs to 5%. The 5% cap of administrative costs is for all administrative costs, including indirect rates and other administrative expenses. For example, if an entity wants to charge their indirect rate to the grant, and their negotiated indirect rate is 15%, then they may

charge their full negotiated rate (15%) but the total **amount** of allowable indirect costs is limited to 5% of the amount of the award amount (EPA funds plus, if applicable, the recipient's cost share). No other administrative expenses may be charged to the grant.

35. Does the limit on administrative costs for Brownfield Grants conflict with the requirement in 2 CFR § 200.414(c) for EPA to accept a recipient's negotiated indirect cost rate?

No. The regulation states that "[A] Federal awarding agency may use a rate different from the negotiated rate for a class of Federal awards or a single Federal award only when required by Federal statute . . . ". By statute, administrative costs for Brownfield Grants are limited to 5% of the amount of EPA funds made available under a Brownfields Grant.

36. What is the difference between a direct administrative cost and a programmatic cost?

Direct Administrative Costs.

- Direct administrative costs are direct costs, including those in the form of salaries, benefits, contractual costs, supplies, and data processing charges, incurred to comply with most provisions of the *Uniform Administrative Requirements, Cost Principles, And Audit Requirements For Federal Awards* contained in 2 CFR Part 200 and 2 CFR Part 200, Subpart E.
- Direct administrative costs are defined in the applicable OMB Cost Principles Circular.
- As required by 2 CFR § 200.403(d), recipients must classify administrative costs as direct or indirect consistently and may not classify the same types of cost in both categories. Please review 2 CFR § 200.412, *Classifications of Costs*, for more information.

Programmatic Costs.

- EPA has determined that costs for activities that are integral to achieving the purpose of the cooperative agreement are considered as "programmatic" costs; not administrative costs.
- As required by [2 CFR § 200.403\(d\)](#), recipients must classify administrative costs as direct or indirect consistently and may not classify the same types of cost in both categories. Please review [2 CFR § 200.412](#), *Classifications of Costs*, for more information.

37. What are examples of allowable programmatic costs that are not subject to the 5% administrative cap?

EPA has determined that direct costs for activities that are integral to achieving the purpose of the cooperative agreement are considered as "programmatic" costs; not administrative costs. Direct costs are defined at [2 CFR § 200.413](#). As required by 2 CFR § 200.403(d), recipients must classify administrative costs as direct or indirect consistently and may not classify the same types of cost in both categories. Please review 2 CFR § 200.412, *Classifications of Costs*, for more information.

The following are examples of eligible programmatic costs:

- In the case of a cooperative agreement for the implementation of Brownfields Programs under CERCLA §104(k)(7), expenses for providing training, research, and technical assistance.

- Costs incurred for complying with the procurement standards of 2 CFR §§ 200.317 through 200.326 are considered eligible programmatic costs only if the procurement contract is for services or products that are direct costs for performing eligible programmatic activities under the cooperative agreement.
- Costs for performance and financial reporting required under 2 CFR § 200.328 and 2 CFR § 200.328 are eligible programmatic costs. Performance and financial reporting are essential programmatic tools for both the recipient and EPA to ensure that cooperative agreements are carried out in accordance with statutory and regulatory requirements.
- Other examples of programmatic costs include:
 - Expenses for travel, training, equipment, supplies, reference materials, and contractual support if those costs are reasonable and allocable to tasks specified in a grant recipient's EPA-approved workplan.
 - Salaries and fringe benefits of employees working on eligible activities under the EPA award.
 - Operation of a public repository associated with the remediation of a site.
 - Maintenance of the brownfields project website. (This is an allowable community involvement cost.)
 - Title search. For example, in an RLF Grant, post-award costs for title searches the recipient incurs in connection with making a loan or a subaward.
 - Legal services. For example, post-award legal services such as reviewing contracts under all types of grants, or subaward agreements (loans or subgrants) or CERCLA § 107 (hazardous substances)/petroleum liability analyses in the RLF Grants. For further information on these prohibitions, contact your Regional Brownfields Contact.

V. INFORMATION ON SUBMITTING THE APPLICATION ON GRANTS.GOV

38. How do we submit our application?

Applications must be submitted electronically through www.grants.gov by the organization's Authorized Organization Representative (AOR) and be successfully received by 11:59 p.m. Eastern Time on February 14, 2023. This is the only method EPA will accept applications; unless the applicant has an approved waiver to submit the application by mail under the Limited Exception Procedure policy (outlined in Appendix 1 of the NOFO). Occasionally, technical and other issues arise when using www.grants.gov. EPA encourages applicants to submit their application early. Refer to Appendix 1 in the NOFO for specific instructions on the use of www.grants.gov and guidance on how to navigate common difficulties experienced when transmitting the application(s) through www.grants.gov.

39. I know my organization is registered in www.sam.gov. Should we check to make sure the account is active?

Yes! You can only successfully submit an application package if your organization has an active account in www.sam.gov. The registration must be renewed annually by the E-Business Point of Contact, so make sure the account does not expire before the application submission deadline.

40. How do we know if our application was received by the deadline?

The grant application and the required federal forms comprise your application package. Your organization's Authorized Organization Representative (AOR) must submit the application package electronically through www.grants.gov. If submitted successfully, the AOR will receive a Submission Receipt email confirming the application package was initially received. Note, you can track the status of your application package anytime by using the link provided at the bottom of the email.

Next, www.grants.gov will process the application package to ensure it is error-free. If the application package passes this step, the AOR will receive a Submission Validation Receipt for Application email. Alternatively, if the application package has an error, the AOR will receive an email indicating the application package was "rejected with errors" and what those errors are. This gives you the opportunity to resolve the error and for the AOR to re-submit the application package before the submission deadline.

If you did not receive a confirmation email, then your application has NOT been accepted. If you need assistance with submitting your application package, or have questions, contact the www.grants.gov Help Desk at 1-800-518-4726 or support@grants.gov. The Help Desk is open 24 hours a day, 7 days a week; closed on federal holidays. You must contact the Help Desk if you have difficulty submitting your application.

Additionally, the www.grants.gov website has a series of videos on various aspects of the submission process at <https://www.grants.gov/web/grants/applicants/applicant-training.html>.

41. Can we use another organization's UEI number to submit the application package?

No. You must use the UEI number assigned to the organization that is submitting the application package.

42. What is the "Catalog of Federal Domestic Assistance Number" and the "CFDA Title that should be used on the Application for Federal Assistance (SF-424)?"

The "Catalog of Federal Domestic Assistance (CFDA) Number" is 66.814 and the "CFDA Title" is Technical Assistance for Tribal Communities Addressing Brownfields.

43. If the title of the person responsible for submitting the application does not have Executive Director as their official title, is some other designation ok?

Yes, another title is okay. What's most important is that the person who submits the application is officially designated as an AOR in grants.gov. Only the E-business point (as listed in sam.gov) can designate an AOR in grants.gov.

44. What documents do we need to include with our application?

The following documents must be included and are available in the Grants.gov Workspace:

1. Application for Federal Assistance (SF-424)
2. Budget Information for Non-Construction Programs (SF-424A)
3. EPA Key Contacts Form 5700-54
4. Pre-award Compliance Review Report (EPA Form 4700-4) [Guidance on how

to complete this form is available at www.epa.gov/grants/tips-completing-epa-form-4700-4.]

5. Project Narrative Attachment Form – attach the Narrative Information Sheet, the Narrative, and required attachments (including responses to the threshold criteria) as one file, if possible.

The following documents are optional to upload in Grants.gov:

6. Grants.gov Lobbying Form – To be submitted by applicants requesting **more than** \$100,000 of EPA grant funding.
7. Negotiated/Proposed Indirect Cost Rate Agreement – To be submitted using the Project Narrative Attachment Form by applicants proposing to charge indirect costs to the EPA grant. Please note that applicants may budget for indirect costs pending approval of their Indirect Cost Rate Agreement by the cognizant Federal agency or an exception granted by EPA under section 6.3 or 6.4 of [EPA's Indirect Cost Policy for Recipients of EPA Assistance Agreements](#). However, recipients may not draw down indirect costs until their rate is approved or EPA grants an exception.

45. What do we attach to the Project Narrative Attachment Form?

In addition to the documents listed in FAQ #43 above, you should prepare the following attachments as applicable:

1. **Narrative Information Sheet** (3-page limit, single-spaced)
2. Responses to the **threshold** criteria
 - a. Attach documentation of applicant eligibility, if applicable.
 1. Eligible nonprofit applicants must attach documentation/evidence of nonprofit status under Federal, state or Tribal law. Please refer to FAQ #1 for the list of eligible nonprofit entities.
 2. Intertribal consortia must attach documentation that they meet the requirements in 40 CFR 35.504(a) and (c). All members of the Intertribal consortium must authorize submission of an application to provide nationwide technical assistance.
 - b. If a contractor has been procured, attach a copy of (or link to) the solicitation documents and the signed executed contract.
3. The Narrative, which includes the responses to all **ranking** criteria (15-page limit, single-spaced)
 - a. Attach a milestones schedule. The milestones must indicate the start and completion dates of significant tasks under your program. [Note, the milestones schedule will not count against the 15-page narrative limit and does not have an individual page limitation.]

46. How should we upload the Narrative Information Sheet, the Narrative, and associated attachments (Project Narrative Attachment Form) in www.grants.gov?

EPA recommends combining the Narrative Information Sheet, the Narrative, and associated attachments (including responses to the threshold criteria) into a single file and uploading the single file to the “Project Narrative Attachment Form”. This ensures that EPA receives your entire submission, and the submission is in the order that you intended. Please review the [Grants.gov Tip Sheet](#) for additional application submission tips.

47. Can we include letters of support or commitment (e.g., to document leveraging) in the attachments even though they are not required?

EPA will not review support or commitment letters even if you include them. The only attachments that will be reviewed are documentation of applicant eligibility, attachments related to contractor procurement, and the milestones schedule. Extraneous materials, including photos, graphics, and attachments not listed, will not be considered.