

Request for Proposals (RFP) for Brownfields Area-Wide Planning Pilot Program

Frequently Asked Questions (FAQs)

<http://www.epa.gov/oswer/grants-funding.htm>;

http://www.epa.gov/brownfields/areawide_grants.htm

Q1. For the purposes of the Brownfields Area-Wide Planning Pilot Program RFP, what does the term “EPA assistance” mean?

A. The term “EPA assistance” is used throughout this RFP to describe both grant funding and Agency provided contract support for research, training, and technical assistance activities.

Q2. Why is EPA offering recipients either grant funding or direct Agency contract support, or a combination of both types of assistance, to help develop area-wide plans?

A. Area-wide planning for a brownfields-impacted area must be a locally-driven, locally-led, and an inclusive partnership effort. The EPA assistance awarded under this RFP is designed to be flexible in order to respond to the specific needs of each community, including those with recent economic disruption who are currently challenged by reduced staff capacity and diminished resources. An applicant can apply to receive all or most assistance in grant funding if they have the capacity to manage the development of an area-wide plan via an EPA grant. However, an applicant may apply to EPA for direct Agency contract assistance in lieu of grant funding to support their existing area-planning efforts and alleviate project management aspects associated with an EPA grant.

Successful applicants may receive assistance via both a grant and direct Agency contract support. On a per-pilot basis, EPA will determine how much of the assistance will be made available to recipients through either grant funding or direct Agency contract support. The Agency may also decide to offer more contract support and less grant funding than the applicant requested based on EPA’s assessment of the applicant’s capability to effectively manage the project itself. Applicants must specify the amount requested in grant funding and direct Agency contract support, with the total EPA assistance request not exceeding \$175,000.

Q3. What is the maximum amount of money that an applicant may be awarded?

A. An applicant may be awarded up to \$175,000 in EPA grant funding, up to approximately \$175,000 in direct Agency contract support, or up to approximately \$175,000 via combination of grant funding and direct Agency contract support. See EPA Assistance award examples below.

<i>Project</i>	<i>Grant funding</i>	<i>(approximate) Direct Agency contract support</i>	<i>(approximate) Total EPA Assistance</i>
Example 1	\$175,000	\$0	\$175,000
Example 2	125,000	50,000	175,000
Example 3	75,000	100,000	175,000
Example 4	0	175,000	175,000

These are some examples; the value of contractual services the Agency will provide to each recipient may vary based on the needs the recipient identifies and the cost to EPA to provide the contractual assistance.

Q4. How should applicants determine the amount of grant funding and/or the amount of direct Agency contract support for purposes of determining the proposal total does not exceed \$175,000?

A. In the Transmittal Letter (see Section 4.B.1 in the RFP), applicants must first identify the amount of grant funding, if any requested, up to \$175,000. If an applicant requests grant funding below \$175,000, it may then request direct Agency contracted assistance for the balance of EPA assistance under this RFP. If no grant funding is requested, the applicant may request all EPA assistance under this RFP through direct Agency contract support. However, EPA does not require that applicants develop a detailed, task by task budget for the amount of contract support they request as the Agency does for grant funding.

Applicants must provide an amount for grant funding in section 4.B.1 2. Transmittal Letter (p. 16) of the RFP and a detailed budget for grant funding (in the sample format or otherwise) per section 4.B.2.6. "Resources" of the Narrative Proposal section of the RFP (pp. 20 and 21). However, the instructions for requesting contract support require narrative responses only.

Section 4.B.1. 2. a. instructs applicants to: "Briefly summarize the role and task(s), if any, for contracted assistance provided by EPA to assist with the pilot project and development of the area-wide plan."

Section 4.B.2.6 instructs applicants to: "Describe the proposed role, expertise, and/or tasks for EPA technical assistance via Agency contract support. Provide a detailed itemized proposal for how the Agency-furnished contract support will be used to facilitate community involvement in brownfields area-wide planning activities and/or assist with developing the area-wide plan, identifying next steps and resources needed for implementation, and/or final report."

Unlike the requirement that applicants provide a specific amount and budget for requesting grant funding, the "itemized proposal" applicants submit for direct Agency contract assistance should be in narrative form, without cost estimates for each function or activity. The applicant may identify an estimated or approximate amount (in dollars) of Agency contract assistance, such that the total request (grants funding + Agency contract support) does not exceed \$175,000.

However, applicants should not try to estimate hours needed, or hourly costs/rates, for the tasks the applicant identifies for direct Agency contract assistance.

The Agency will negotiate the level of contract support it will provide with successful applicants as part of the final work plan negotiations. EPA will then price the support when it provides task orders to the Agency contractor. Given the nature of providing direct contract assistance, EPA assistance that includes an Agency contract support component may not total precisely \$175,000.

Q5. How do I get help in understanding and responding to the RFP?

A. Applicants should review information on the EPA's brownfields website at <http://www.epa.gov/brownfields>. EPA staff may provide pre-proposal assistance to individual applicants regarding threshold eligibility requirements only. Contact information for EPA staff is provided in Section 7 of the RFP. In accordance with EPA's Competition Policy, EPA staff will not meet with individual applicants to discuss draft proposals. Agency personnel will not review drafted proposals.

Q6. What are the important deadlines?

A. Proposals must be received by EPA via email or postmarked by 5:00 p.m. ET on June 1, 2010.

Q7. What is EPA's anticipated schedule for making award decisions?

A. EPA anticipates making award decisions in August 2010. Applicants who fail to meet "threshold criteria" will be notified in June 2010.

Q8. What is a brownfield site?

A. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended under the Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Law), defines a brownfield at CERCLA § 101(39) as "...real property, the expansion, redevelopment or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant" and may include sites contaminated by controlled substances, petroleum, or mine-scarred land.

Q9. Per Threshold Criterion #2, how should an applicant "identify and describe the specific brownfield site(s) that meet the definition of that term per CERCLA § 101(39)"?

A. To meet threshold eligibility review, an applicant must identify and describe at least one brownfield site within the location of the proposed pilot project area that meets the definition of that term per CERCLA § 101(39). To meet the definition of CERCLA § 101(39), the applicant must affirm in the Narrative Proposal that at least one brownfields site(s) identified and described for the proposed pilot project is **not**:

- a facility listed (or proposed for listing) on the National Priorities List (NPL);
- a facility subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and
- a facility that is subject to the jurisdiction, custody, or control of the United States government. (Note: Land held in trust by the United States government for an Indian tribe is eligible for brownfields funding.)

The applicant should make this affirmation for at least one brownfield site identified and described in the Narrative Proposal.

If the brownfields site identified and described above falls into one of the following special classes of property, EPA will require a "Property-Specific Determination" to determine site eligibility for EPA assistance under this RFP:

- a property subject to planned or ongoing removal actions under CERCLA.
- a property with facilities that have been issued or entered into a unilateral administrative order, a court order, an administrative order on consent, or judicial consent decree or to which a permit has been issued by the United States or an authorized state under the Resource Conservation and Recovery Act (RCRA), the Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SDWA).
- a property with facilities subject to RCRA corrective action (§ 3004(u) or § 3008(h)) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures.
- a property that is a land disposal unit that has submitted a RCRA closure notification or that is subject to closure requirements specified in a closure plan or permit.
- a property where there has been a release of PCBs and all or part of the property is subject to TSCA remediation.
- a property that include a facility receiving monies for clean up from the Leaking Underground Storage Tank (LUST) trust fund.

Applicants should identify in their Narrative Proposal if the brownfield site identified and described above falls into one of these categories. If so, EPA will need to approve a Property-Specific Determination before the site would be considered eligible for EPA assistance. EPA approval of a Property-Specific Determination will be based on whether or not awarding EPA assistance under this RFP will protect human health and the environment and either promote economic development or enable the property to be used for parks, greenways, and similar recreational or nonprofit purposes. If the applicant is requesting a property-specific determination, the proposal must include information on how the project will protect human health and the environment and either promote economic development or enable the property to be used for parks, greenways, and similar recreational or nonprofit purposes.

Q10. Who can apply for EPA assistance under this RFP?

A. Entities eligible to apply for EPA assistance through this RFP include:

- General purpose unit of local government.
- Land clearance authority or other quasi-governmental entity that operates under the supervision and control of, or as an agent of, a general purpose unit of local government.
- Regional council or group of general purpose units of local government.
- Redevelopment agency that is chartered or otherwise sanctioned by a state.
- An Indian tribe (other than in Alaska), or an Alaskan Native Regional Corporation and an Alaska Native Village Corporation as those terms are defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 and following).
- The Metlakatla Indian Community.

- Nonprofit organizations. Nonprofit organizations must meet the definition of that term in Section 4(6) of the Federal Financial Assistance Management Improvement Act of 1999, Public Law 106-107, 31 U.S.C 6101

Individuals and profit making firms are not eligible to apply. See Section 3.A. of the RFP.

Q11. How does EPA interpret “general purpose unit of local government” for the purposes of applicant eligibility under this RFP?

A. The Agency follows the definitions of “local government” under 40 CFR Part 31.3 which provides the following: Local government means a county, municipality, city, township, local public authority (including any public and Indian housing agency under the United States Housing Act of 1937) school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under State law), any other regional or interstate government entity, or any agency or instrumentality of a local government.

Q12. How does EPA interpret “nonprofit organization” for the purposes of applicant eligibility under this RFP?

A. EPA uses the definition of nonprofit organizations contained in Section 4(6) of the Federal Financial Assistance Management Improvement Act of 1999, Public Law 106-107, 31 U.S.C 6101. This law defines nonprofit organizations to mean 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.

Nonprofit organizations exempt from taxation under Section 501(c)(4) of the Internal Revenue Code that lobby are not eligible for EPA grant funding.

Q13. Are public universities eligible to receive EPA assistance under this RFP?

A. Yes. Public universities who meet EPA’s interpretation of “non-profit organization” described above or who are instrumentalities of a state or tribal government under applicable law are eligible to receive EPA assistance under this RFP.

Q14. What types of tasks or activities are considered “ineligible uses of EPA Assistance” under this RFP?

A. Under this RFP, EPA assistance cannot be used for conducting site assessments, actual cleanups, or area-wide plan implementation. EPA assistance also cannot be used for conducting response activities often associated with cleanups (i.e., landscaping, demolition, and groundwater extraction); costs that are unallowable (e.g., lobbying, fund-raising, alcoholic beverages) under Cost Principles 2 CFR Part 220 (universities), 2 CFR Part 225 (state, tribal, and local governments), or 2 CFR Part 230 (nonprofit organizations), as applicable; matching

any other Federal funds unless there is specific statutory authority for the match (CERCLA does not provide this authority); proposal preparation costs; projects that duplicate grants awarded under other EPA Brownfields grant programs described in CFDA Nos. 66.818, “Brownfields Assessment, Revolving Loan Funds, and Cleanup Grants” and 66.815, “Brownfields Job Training Grant” or other Federally funded environmental training, research, or technical assistance programs in their target community or communities (projects may, however, complement community wide planning activities EPA funds under CERCLA 104(k)(2) assessment grants); and administrative costs, penalties, or fines (see Appendix to RFP).

EPA Assistance under this RFP is not for tasks, activities or projects related to exploring, testing and implementing smart growth policies and applications, and projects EPA funds under CFDA No. 66.611, “Environmental Policy and Innovation Grants” or through Smart Growth technical assistance. For the purposes of the Brownfields Area-Wide Planning Pilot Program, the tasks and activities performed during each pilot using EPA assistance must inform the assessment, cleanup, and subsequent reuse of the brownfields properties within the brownfields-impacted area. Therefore, EPA assistance under this RFP cannot be provided for developing a smart growth approach to an area-wide plan where that approach will not inform the assessment, cleanup, and subsequent reuse of the brownfield sites. EPA assistance under this RFP may also not be used other smart growth-related activities such as:

- Training and technical assistance to communities to revise local and state development regulations such as zoning and building codes;
- Studies of regulatory or market barriers to infill redevelopment;
- Development of screening or evaluation tools and programs that assess post cleanup redevelopment designs for overall consistency with smart growth principles; and
- Development of screening or evaluation tools of programs that assess post cleanup opportunities for infill development within one or multiple neighborhoods

Q15. How will my proposal be evaluated?

A. Evaluation panels will be comprised of EPA staff and may include representatives from other Federal agencies. The evaluation panels will assess how well each proposal meets the ranking criteria outlined in Section 5 of the RFP. There are two different types of criteria-“threshold criteria” and “ranking criteria.” Threshold and ranking criteria are clearly indicated. If a response fails to meet any of the threshold criterion listed in Section 3.C., the proposal will be disqualified from further consideration and the applicant will be notified. However, EPA representatives may seek clarification from an applicant regarding its response to a threshold criterion. EPA will not seek clarification of responses to any ranking criteria.

The evaluation panels will determine which proposals have the potential to effectively use the limited funds EPA has available for awards. Scores on each ranking criterion will be totaled to determine the panel’s recommended proposal rankings. EPA senior management will determine the final ranking of proposals, taking into consideration the recommendations of the review panel. In making final selection recommendations, EPA’s Selection Official may consider the following factors if, and as, appropriate:

- Fair distribution of funds between urban and non-urban areas;
- Fair geographic distribution of funds across EPA's ten Regions;
- Fair distribution of funds between new applicants and previous brownfields grant recipients;
- Whether the applicant is a federally recognized Indian Tribe or United States Territory;
- Whether the applicant proposes to serve an area affected by natural disasters and/or recent economic disruption, and
- Whether the applicant proposes to serve an area designation as a Federal, state or local Empowerment Zone or Renewal Community

Q16. What is the project period for awards?

A. The maximum project period for each pilot is 24 months. Applicants should plan for project completion in 24 months per the assistance agreement terms and conditions. See Section 2.C. of the RFP for additional information.

Q17. May organizations submit more than one proposal?

A. Yes. Applicants may submit more than one proposal so long as each one is for a different project and is submitted separately.

Q18. How do I submit my proposal?

A. You must submit your proposal either in hard copy or electronically through email to bfcompetition@epa.gov (see Section 4.A in the RFP for additional information). Only one method should be used for submission of the original, complete proposal. Submittal addresses for hard copy proposals are listed in Section 7 of the RFP. The deadline for proposals is June 1, 2010, 5:00 p.m. ET.

Q19. Why does EPA discourage binders and color printing?

A. Each proposal is photocopied and distributed to members of the National Review Panel. Graphics, binders, charts, color copies, etc., do not photocopy well and may distort information submitted for reproduction.

Q20. If I name a consulting or law firm as a "partner" in the proposal is it proper to award that firm a sole source contract on that basis?

A. No. All contracts for professional services must be awarded competitively to the maximum extent practicable and in compliance with requirements to consider small and disadvantaged businesses and cost or price analyses. The market for consulting and legal services is robust and it is unlikely that competition is impractical. Please refer to Section 2.E. in the RFP.

Q21. If my organization is successful in obtaining EPA assistance, will EPA reimburse me for the costs incurred for a consultant to prepare our grant proposal?

A. No. Costs for preparing proposals are an unallowable administrative cost. Additionally, post-selection grant application package preparation is administrative and is an ineligible cost.

Q22. If my proposal is selected as a pilot and is awarded EPA assistance in the form of a grant, will EPA reimburse me for eligible programmatic costs I incurred prior to the award of the grant?

A. It depends. EPA may reimburse successful applicants for 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 cost area eligible, allowable, and included in the approved budget and workplan for the grant. For example, costs for contracts are allowable only if the contract was entered into in a manner that complies with the competitive procurement provisions of EPA's grant regulations.

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 the Agency approves. EPA is under no obligation to reimburse applicants for pre-award costs if the applicant does not receive an award or if the amount of the award is less than the applicant anticipates.

Q23. What is the Administrative Cost Prohibition?

A. The Brownfields Law prohibits the use of any "part of a grant or loan" for the payment of an administrative cost. In implementing this prohibition, EPA has made a distinction between prohibited administrative costs and allowable programmatic costs. See the Appendix attached to the RFP for more information.

Q24. What are the allowable programmatic costs under this RFP?

A. EPA has determined that the administrative cost prohibition does not apply to "programmatic" costs, (i.e., costs for activities that are integral to achieving the purpose of the grant), even if the Agency considered the costs to be "administrative" under the prior Brownfields Program.

1. The prohibition does not apply to direct costs for developing a brownfield site(s) area-wide plan to inform site assessment, cleanup, and subsequent reuse. For example, costs for program management salaries (to the extent that such costs are included in the scope of work for the brownfields area-wide planning grant), materials and supplies for public meetings, necessary travel and transportation expenses are programmatic, not administrative.
2. Direct costs, as defined in the applicable OMB Cost Principle Circular, for the following programmatic activities are not subject to the administrative cost prohibition. These costs, however, must be allowable under the scope of work for the grant. Costs incurred for complying with procurement provisions of 40 CFR Part 30 and Part 31 are considered eligible programmatic costs only if the procurement contract is for services or products

that are direct costs for training as described above. Costs for performance and financial reporting required under 40 CFR 30.51 and 30.52, and 40 CFR 31.40 and 31.41 are eligible programmatic costs. Performance and financial reporting are essential programmatic tools for both the recipient and EPA to ensure that grants are carried out in accordance with statutory and regulatory requirements.

Q25. What grant activities cannot be paid for with Brownfields grant funds?

A. Grant funds may not be used for the payment of:

- a penalty or fine.
- a Federal cost-share requirement (for example, a cost share required by other Federal funds).
- an administrative cost (see below)
- a response cost at a brownfields site for which the recipient of the grant is potentially liable under CERCLA Section 107.
- a cost of compliance with any Federal law, excluding the cost of compliance with laws applicable to the cleanup.
- unallowable costs (e.g., lobbying and fund raising) under OMB Circulars A-21, A-87 or A-122, as applicable.

Q26. If my proposal is selected for EPA assistance and I properly contract with a contractor to perform services within the scope of the grant (such as assisting with facilitating community involvement in the development of an area-wide plan), does the prohibition on administrative costs prevent the recipient from using the grant money to reimburse the indirect costs of the contractor?

A. No. The administrative cost prohibition applies to the grant recipient's indirect costs and not to costs the grantee incurs under a contract for eligible programmatic costs.

Q27. Must the applicant or community own the brownfield site or sites for which they would like to conduct the planning activities?

A. No, neither the applicant nor the community needs to own the brownfield site or sites for the purposes of developing an area-wide plan.

Q28. How should an applicant demonstrate that an "informal agreement" exists for a brownfields area-wide planning partnership, for the purpose of meeting Threshold Criterion #3?

A. Per Threshold Criterion #3, EPA requires the applicant to provide "a description of the history of the brownfields area-wide planning partnership including the dates and means (e.g., formal or informal agreements, local ordinances, state laws, etc) by which the partnership was established." Note that an "informal agreement" is included as one of the ways to meet this threshold.

If the city can produce a record (meeting dates, agendas, attendee lists) showing an ongoing dialogue with the affected community groups within the brownfields-impacted area, and can get the letters of support as required, then that could demonstrate an "informal agreement" and the proposal will pass this Threshold Criterion.

In an applicant's response to Threshold #3, please include a summary of the information from the "record" (meeting dates/notes, agendas, attendees, etc) and describe how the ongoing dialogue has resulted in an area-wide planning partnership for the brownfields-impacted area. Do not include the entire record (e.g., do not include meeting notes/agendas/attendee lists) in your proposal submission. However, the applicant should maintain these items from the record in their files, in case EPA needs to ask the applicant for clarifying information.

Q29. Can Brownfields Area-Wide Planning Pilot Program assistance be used to complement funding provided by the state for work in the same brownfields-impacted area?

A. Yes. EPA assistance can complement state funding within the brownfields-impacted area the applicant identifies. However, the applicant cannot charge the same costs for the same activities or tasks to both the state funding and the Federal funding.

Q30. Can Brownfields Area-Wide Planning Pilot Program assistance be used as a match for a proposed project whose purpose, design and location match the EPA's program, but which would be funded primarily by a state?

A. It depends on the laws of the state. There is no barrier in Federal law for Brownfields Area-Wide Planning Pilot Program funding being used as match for a state grant. Applicants need to determine if the state law allows for Federal funding to serve as a match for the proposed project.

Q31. Please explain what is meant by the term "entirely" in Theshold Criterion #4.

A. EPA assistance under the Brownfields Area-Wide Planning Pilot Program cannot be used for any site assessment, site cleanup, or plan implementation activities. Under this RFP, costs for these activities are ineligible and will not be funded (See Section 1.C. in the RFP); EPA assistance will be given for planning assistance only. The term "entirely" in Threshold #4 refers to proposals that are submitted where the only requests made are for doing site assessment, cleanup, or area-wide plan implementation activities.

Q32. Is the Brownfields Area-Wide Planning Pilot Program funded through the American Recovery and Reinvestment Act (ARRA)?

A. No.

Q33. Would a brownfields-impacted area (neighborhood, district, city block, corridor, etc) be eligible for EPA assistance if it is part of multiple jurisdictions?

A. Yes. A brownfields-impacted area that is multi-jurisdictional is eligible to receive EPA assistance. The applicant must demonstrate in the proposal that the area is affected by a single large or multiple brownfields sites (and identify the site or sites), and that the EPA assistance will not be used for city-wide or regional planning, in order to meet Threshold Criterion #2. As EPA is targeting assistance towards brownfield-impacted areas on scale with areas smaller than a city or region, applicants are encouraged to designate a portion of a large district or corridor when submitting their proposal for developing an area-wide plan.

Q34. Will EPA impose any deadlines on awardees for implementation of the area-wide plans developed using this EPA assistance?

A. No. EPA will not impose deadlines on the awardees for area-wide plan implementation. Since EPA is not funding implementation of the area-wide plans, EPA cannot impose a deadline on when the plans would actually be implemented.

Q35. May an applicant apply for this assistance if they are the recipient of another EPA grant?

A. Yes. Applicants may apply for the Brownfields Area-Wide Planning Pilot Program even if they have received another grant from EPA. Applicants cannot include within their brownfields area-wide planning proposal any duplicate tasks or activities that are part of another EPA grant.

Q36. May an applicant propose to develop an area-wide plan for a brownfields-impacted area that happens to be the same area covered by a different EPA grant (such as a Brownfields Assessment grant)?

A. Yes. An applicant may propose a brownfields-impacted area that is the same area as another EPA grant (e.g., a Brownfields Assessment grant). Applicants cannot include within their brownfields area-wide planning proposal any duplicate tasks or activities that are part of another EPA grant.

Q37. May an applicant use a brownfields inventory they created under a prior EPA grant to help identify and describe the brownfields-impacted area and/or specific brownfield site(s)?

A. Yes.

Q38. If an applicant identifies a brownfields-impacted area that contains a NPL, Federally-owned, or other site ineligible for funding under this RFP, will the proposal be disqualified?

A. No. The brownfield-impacted area may contain a NPL, Federal facility, and/or other site that does not meet the definition of “brownfield site” and is thus ineligible for funding under this RFP. However, EPA’s assistance for area-wide planning cannot be used to for any site reuse planning activities, such as site reuse visioning, programming, design charrettes, etc., at any ineligible site. Per Threshold Criterion #2, the applicant must demonstrate that the brownfield-

impacted area contains one or more “brownfield site(s)” (refer to RFP pg 14 and FAQ questions 8-9).

Q39. Will an applicant’s proposal be disqualified if they own(ed) or operate(d) the brownfield site or sites they identify within the brownfields-impacted area?

A. No. The applicant will not be disqualified from evaluation if they own(ed) or operate(d) the brownfield site or sites they identify within the brownfields-impacted area. Applicants should identify within their proposal whether or not they own(ed) or operate(d) the site or sites they identify. Once an applicant is selected to receive EPA assistance, the applicant must reveal the following to EPA prior to grant and/or contract workplanning:

- which site or sites within the brownfields-impacted area they have identified for site reuse planning activities (i.e., site visioning/programming or design charrettes), as part of developing the area-wide plan, and
- which of the site or sites they own(ed) or operate(d).

Q40. As referenced in Threshold Criterion #3, can an "existing, inclusive area-wide planning process" and partnership be one that is currently engaged in planning activities within the brownfields-impacted area, but has not yet focused on one or more brownfield site(s)?

A. Yes. Threshold Criterion #3 requires that the applicant is part of an existing, inclusive area-wide partnership planning process for the brownfields-impacted area. Demonstrating this type of partnership already exists within the brownfields-impacted area is the key to meeting this threshold criterion; see the requirements for what to provide on pg 14 of the RFP.

Although the existing partnership does not need to already focus on a specific brownfield site or sites prior to the applicant submitting their proposal, the applicant must demonstrate that the area that will be covered by the EPA-funded planning activities contains one or more brownfield sites, and that the partnership will focus on a specific brownfield site or sites as they develop the area-wide plan for the brownfields-impacted area.

For the purposes of meeting Threshold Criterion #2 (pg 14 of the RFP), the applicant must identify the brownfields-impacted area and at least one brownfield site. (See FAQ questions 8-9 for more information). Once a pilot project is selected, the EPA assistance must be used to develop area-wide plans that focus on brownfields assessment, cleanup and subsequent reuse. Consequently, the Brownfields Area-Wide Planning Partnership must focus on a brownfield site or sites after the award of EPA assistance.

Q41. Please describe the type of "direct Agency contract support" that may be available under this RFP.

A. The direct Agency contract support will be provided by EPA's existing mission support contractors who have expertise in areas such as planning, economic development, real estate development, understanding site environmental conditions, facilitation, etc. The type of contract support provided will depend on the needs identified by the applicant and the project tasks

agreed to during pilot project workplanning with selected applicants. Some types of assistance EPA may provide through contract are activities related to those described on pages 4-5 of the RFP, under the *Flexible brownfields area-wide planning framework*. For example, the contractors may be able to assist with activities associated with planning to identify potential future uses for brownfields, creating a set of area-wide strategies, developing strategies for facilitating the reuse of existing infrastructure, and determining next steps and identifying resources needed.

Q42. What does EPA mean by “assistance agreements” under Programmatic Capability and Past Performance (Section 4.B.2.5.) of the RFP?

A. EPA uses the term "assistance agreement" to describe a Federal grant or cooperative agreement. When EPA transfers funds for a public purpose, it uses a legal instrument called an assistance agreement, which may be in the form of a grant or cooperative agreement. EPA is requesting applicants to submit a list of up to five grants or cooperative agreements that were funded by Federal agencies similar in size, scope, and relevance to the proposed project. If your organization has not received Federal funding before, you may include information regarding projects funded by non-Federal entities such as state, tribal or local governments or private foundations. See Section 4.B.2.5 for specific information on what to provide.

Q43. Will photos and graphics be considered if included in the proposal submission?

A. No. Photos, graphics, and extraneous materials will not be considered. See page 16 in the RFP.

Q44. May an applicant include a map within the proposal?

A. An applicant may submit a black and white map (for ease with photocopying) of the brownfields-impacted area within the proposal. Please be aware the map will count against stated page limits. Oversized or specialty maps cannot be considered.

A map, for the purposes of helping to describe or clarify the brownfields-impacted area, is not the type photo graphic artwork that the Agency meant to exclude, as per page 16 of the RFP (see Q43).

Q45. May an applicant select a contractor or subawardee/subgrantee prior to submission of their proposal?

A. Yes. An applicant may select a contractor or subawardee/subgrantee in accordance with Section 2.F. of the RFP, *Evaluation of Subawardees or Contractors*.

If awarding a subaward/subgrant, the applicant must demonstrate in its proposal that it will properly award the subaward/subgrant, consistent with the applicable regulations in 40 CFR Parts 30 or 31. For example, applicants must not use subawards/subgrants to obtain commercial services or products from for-profit firms or individual consultants.

If awarding a contract, the applicant must demonstrate in its proposal that the contractor(s) was selected in compliance with the competitive procurement standards in 40 CFR Part 30 or 40 CFR 31.36 as appropriate. For example, an applicant must demonstrate that:

- it selected the contractor(s) competitively or that a proper non-competitive sole-source award consistent with the regulations will be made to the contractor(s),
- efforts were made to provide small and disadvantaged businesses with opportunities to compete, and
- some form of cost or price analysis was conducted. EPA may not accept sole source justifications for contracts for services or products that are otherwise readily available in the commercial marketplace.

EPA will not consider the qualifications, experience, or expertise of named subawardees/ subgrantees and/or named contractor(s) during the proposal evaluation process unless the applicant complies with these requirements.

Q46. To whom should the letters of support be addressed?

A. The letters of support may be addressed to the applicant (as the support letters are being written in support of the project proposed), or to the U.S. EPA Office of Brownfields and Land Revitalization.

Please note the letters of support must be submitted with your proposal. Letters of support count against page limits as posted in the RFP (pg 15-16) and they may not be submitted separately.

Q47. Can two nearby communities go in together for one grant?

A. It depends. Two communities can apply together only if one community is named as the lead "applicant" and the other community is named a "partner" or "co-applicant." EPA will only award funds to one eligible applicant (the lead applicant) as the "recipient"-- see Section 2.E. in the RFP. The recipient is accountable to EPA for the proper expenditure of funds and is also responsible for working closely with EPA as EPA develops the work assignment and directs the Agency contract support component of the technical assistance.

If the lead applicant chooses, they may use their EPA funding to provide subgrants or subawards of financial assistance, which includes using subawards or subgrants to fund partnerships, provided the recipient complies with applicable requirements for subawards or subgrants including those contained in 40 CFR Parts 30 or 31, as appropriate.

Please also refer the FAQ question #33 This answer provides some additional information for applicants who will identify a brownfields-impacted area that is part of multiple jurisdictions.

Q48. Per Section 3.A. of the RFP ("Who Can Apply?" page 11-12), are Alaskan Native Regional Corporations and Alaska Native Village Corporations eligible to apply for EPA assistance under this RFP?

A. Yes.

Q49. Are Alaskan native communities eligible to apply for EPA assistance under this RFP?

A. No. EPA may only award grants under CERCLA 104(k)(6) to an "eligible entity" as that term is defined in CERCLA 104(k)(1) or a "nonprofit organizations" as that term is defined in Section 4(6) of the Federal Financial Assistance Management Improvement Act of 1999, Public Law 106-107, 31 U.S.C 6101. Alaskan native communities are not among the eligible entities listed in CERCLA 104(k)(1).

However, an Alaskan native community that:

- has formed a non-profit organization, or
- is a unit of local government, or
- other eligible entity under Alaska law with the capacity to enter into a legally binding financial assistance agreement with EPA

is eligible to apply through their designation as an eligible non-profit or unit of government.

Q50. May an eligible entity partner with an ineligible entity within its sphere of influence (e.g., may an eligible city or Alaskan Native Regional Corporation partner with an ineligible Alaskan native community)?

A. Yes. Eligible entities may include areas which lie within the jurisdiction or boundaries of an ineligible entity (e.g., an Alaskan native community) within the brownfields-impacted area they identify for area-wide planning. The applicant may also propose to partner with the ineligible entity by involving it in the planning process. However, if the applicant successfully competes for brownfields area-wide planning pilot project assistance, the applicant may not make any subawards or subgrants with EPA funding to an ineligible entity.

Q51. Please explain what is meant by an “existing, inclusive area-wide planning process for the brownfields-impacted area” per Threshold Criterion #3.

A. The area-wide planning process and partnership must exist prior to the applicant's proposal submission. Threshold criterion #3 (pg 14 of the RFP) requires applicants provide:

- a description of the history of the brownfields area-wide planning partnership (including the date and means by which the partnership was established - see also FAQ#28);
- a list of individuals, local community organizations, and government entities involved in the existing area-wide planning partnership; and
- appropriate letters of support

Please also see Evaluating Criterion #3, *Leadership of an Inclusive Brownfields Area-Wide Planning Partnership*, on pg 28 of the RFP, for additional evaluation factors.

Q52. Would an Exclusive Negotiation Agreement or Development Agreement be a “planning document” with a developer?

A. It depends. An applicant may describe the extent to which this type of agreement is "progress made through the brownfields area-wide planning partnership in working towards generating an area-wide plan for the brownfields-impacted area" under Evaluation Criterion #3.

Q53. Is an applicant allowed to include a partner on their “Brownfields Area-Wide Planning Partnership List” but also pay that partner like a consultant to assist with completing some of the eligible brownfields area-wide planning activities?

A. It depends. If an applicant's partner is eligible to receive EPA assistance under this RFP (see Section 3.A. *Who can apply?*), then the partner may be eligible to receive a subaward/subgrant of financial assistance to perform some of the brownfields area-wide planning activities. The subaward/subgrant would be subject to the OMB Cost Principles and EPA's grant regulations. However, the partner could not function as a "consultant" to assist the applicant in a manner similar to that of a commercial vendor of professional services, such as providing consulting services on a profit-making basis in the commercial marketplace.

Applicants who include a “partner” who will provide consultant services to the pilot project on commercial terms must identify that partner as a contractor rather than a subawardee/subgrantee. Applicants must select contractors for the project using competitive procurement requirements. See RFP Sections 2.E, *Use of Funds to Make Subawards, Contract Services, or Fund Partnerships* and 2.F, *Evaluation of Subawardees or Contractors*, and FAQ #45. Naming any entity providing commercial services as a "partner" in the proposal does not exempt the transaction from competition requirements.

Q54. May a non-profit organization provide evidence other than 501(c)(3) documents to demonstrate they are an eligible entity applying for this assistance?

A. Yes. While 501(c)(3) documents are one way to demonstrate that an applicant is a non-profit, other evidence may be provided. The evidence an applicant provides must establish that it is recognized as a non-profit in its state of incorporation. Evidence of non-profit status must accompany the proposal.

Q55. Per the "Application for Federal Assistance" (SF-424), what is the “Catalog of Federal Domestic Assistance Number” and the “CFDA Title”?

A. The “Catalog of Federal Domestic Assistance (CFDA) Number “is 66.814 (see pg 1 of the RFP) and the “CFDA Title” is Brownfields Training, Research, and Technical Assistance Grants and Cooperative Agreements.

Q56. How should applicants answer question 19 on the "Application for Federal Assistance" (SF-424)?

A. Question 19 on the SF-424 (a required proposal attachment per pg 22 of the RFP) references Executive Order 12372, Intergovernmental Review of Federal Programs. This review is not required with the initial application and as such, applicants should not answer question 19. However, this intergovernmental review may be applicable to awards resulting from this

solicitation. Applicants selected for funding may be required to provide a copy of their proposal to their State Point of Contact (SPOC) for review, pursuant to Executive Order 12372, Intergovernmental Review of Federal Programs. This review is not required with the initial application and not all states require such a review.

Q57. What “start” date should an applicant use when compiling the Milestone Schedule (as required on pg 22 of the RFP)?

A. Applicants may provide a “start” date of October 1, 2010 or after. If selected applicants have not been awarded assistance by October 1, 2010, EPA will work with the selected applicants to appropriately adjust the Milestones Schedule.

Q58. Is there a limit to personnel funds that can be included in the Cooperative Agreement Budget (per pg 20-21 and 29 in the RFP)?

A. No. While there is no limit on the amount of funds that may be used for personnel costs, the overall budget will be evaluated on its cost-effectiveness in achieving the goals of the pilot project.

Q59. Is travel to EPA Brownfield conferences and workshops, etc an allowable and eligible use of cooperative agreement funding under this solicitation?

A. Yes. Travel for Brownfield conferences and workshops for the recipient’s personnel would be considered an allowable staff training expense under the Brownfields Area-Wide Planning Pilot Program cooperative agreement. It is up to the applicant if it wants to use a reasonable portion of this grant to cover those types of trips.

Q60. If a select applicant seeks direct Agency contract assistance, will EPA assign an individual via Interagency Personnel Agreement (IPA) to work with the local government or community?

A. No. Direct Agency contract assistance will be provided by EPA through existing contractors to EPA. EPA will not assign an IPA to a local government or community under this RFP.

Q61. In areas with a long history of multiple land uses and multiple brownfield properties, should applicants use this EPA assistance to focus on 1 or 2 particular sites, rather than a more general strategy of addressing multiple sites?

A. It depends on the needs of the project. Site reuse planning for at least one brownfield site within the brownfields-impacted area is part of the EPA assistance provided under this solicitation. It is up to each applicant to decide how many sites to include for site reuse planning. The extent to which the applicant chooses to hone in on one site or several sites is up to the applicant and should be described in the project proposal.

Q62. Will this assistance be administered by the EPA Regional staff or by EPA staff at HQ in Washington, D.C.?

A. The assistance will be administered by EPA HQ staff in Washington DC, in coordination with EPA Regional staff.

Q63. Is there a preferred percentage of the \$175,000 that EPA requires to procure the services of a professional planning firm?

A. No.

Q64. Are past or current recipients of Brownfields funds more likely to be considered for this pilot program than applicants who have not been awarded any Brownfields funding?

A. All applicants will be evaluated based on the criteria listed in the Section 5.B. of the RFP. The criteria include "Programmatic Capability and Past Performance" of managing past or current Federal or non-Federal assistance agreements similar in size, scope and relevance to the proposed project that the organization performed within the last three years. As such, current and past recipients of Brownfields grants will be evaluated on "Programmatic Capability and Past Performance" on their history of managing past or current Federal grants. Those applicants who do not have relevant or available past performance or past reporting information (and so indicate that in the proposal) will receive a neutral score in this area (see pg 29 of the RFP) to avoid prejudice. EPA's Selection Official may also consider additional factors, such as a fair distribution of funds between new applicants and previous brownfield grant recipients, in making final funding decisions (see pg 30 in the RFP).

Q65. May an applicant cite within their proposal other EPA grants they have received for projects within the same brownfields-impacted area as leveraged funds?

A. Yes. The applicant may list all the other EPA grants they have (as well as other sources of funding) within the same brownfields-impacted area as leveraged funding if they desire. However, applicants cannot include within their brownfields area-wide planning proposal any duplicate tasks or activities that are part of another EPA grant. Please see the FAQs #35 and 36 in particular, for more information. Also, please closely review the RFP for additional information on leveraging -- Sections 3.B, 4.B.2.7. and 5.B.7.

Q66. Is EPA's Brownfields Area-Wide Planning Pilot Program assistance related to the U.S. Housing and Urban Development's (HUD) Sustainable Communities Planning Grant Program?

A. Not directly. This EPA funding opportunity for area-wide planning is unrelated to the upcoming HUD funding opportunity for sustainable communities. These two funding opportunities may, however, be complementary. EPA's Brownfields Area-Wide Planning Pilot Program is focused on site reuse planning through the development of an area-wide plan for a brownfields-impacted area (such as a neighborhood, district, city block, or corridor), and identification of next steps and resources needed to implement the plan. EPA assistance under the Brownfields Area-Wide Planning Pilot Program cannot be used for city-wide comprehensive or regional planning. Conversely, HUD's Sustainable Communities Planning Grant program will support regional planning efforts.