

**USEPA Office of Enforcement and Compliance Assurance
FY2009 State Environmental Enforcement Training Grant
Solicitation Notice**

OVERVIEW INFORMATION

A. Required Overview Information

Agency Name and Office: U.S. Environmental Protection Agency (EPA), Office of Enforcement and Compliance Assurance (OECA), Office of Compliance (OC), National Enforcement Training Institute (NETI)

Funding Opportunity Title: FY2009 State Environmental Enforcement Training Grant Program Solicitation Notice

Announcement Type: Request for Proposals (RFP) - Initial Announcement

Funding Opportunity Number: EPA-OECA-NETI-09-001

Catalog of Federal Domestic Assistance (CFDA) Number: 66.709

Dates: The closing date and time for submission of proposal packages is May 11, 2009, (midnight EDT) to EPA through www.grants.gov. If you are unable to submit your proposal package through Grants.gov and the Agency Contact has identified an alternate procedure for submission of your application, as described in Section IV C., EPA must receive your proposal package by this same deadline.

B. Optional Overview Information

1. Summary Description: The Office of Compliance (OC), within EPA's Office of Enforcement and Compliance Assurance (OECA), is soliciting proposals from applicants who can effectively use EPA financial assistance to strengthen states' ability to address environmental and public health threats through training of environmental enforcement personnel. EPA seeks proposals that will provide multi-disciplinary, environmental enforcement training opportunities on a nationwide basis throughout the 50 states, covering EPA's statutory environmental media/programs specified in Section I C. that involve enforcement by state governments. EPA is interested in proposals that include traditional classroom training, distance learning opportunities using computer-based technologies, and other forums for information exchange that will increase knowledge, skills, and abilities of environmental enforcement personnel. Projects under this Solicitation Notice will be used to build and expand the capacity and ability of the states to operate their environmental compliance and enforcement programs. The targeted audience to be trained shall encompass all of the following disciplines of environmental enforcement personnel (hereafter referred to as "*covered disciplines*"): regulatory inspectors, case development specialists, attorneys, civil/criminal investigators. Applicants may propose training for additional disciplines to enhance the quality of your proposal.

These funds cannot be used for the actual implementation of a compliance and enforcement program. Successful proposals may include training of non-state environmental enforcement personnel if space is available once all state enforcement personnel training priorities have been accommodated.

2. Award Information: Eligible entities include state governments, state consortia, federally recognized Indian Tribes and Intertribal Consortia, non-profit training organizations, and institutions of higher education. Associations of environmental regulatory professionals with enforcement and compliance assurance responsibilities or responsibilities that support state enforcement and compliance assurance are eligible only if they are incorporated as non-profits or are operating as part of a state government agency. Commercial or proprietary “for profit” training organizations are not eligible. The total estimated funding available under this competitive opportunity is approximately \$1,200,000, subject to the availability of funds and quality of proposals received. Funds will be awarded incrementally over a three year period depending on the availability of funds, and satisfactory performance. EPA intends to fund a comprehensive program with broad geographic and subject matter coverage for a variety of environmental enforcement personnel disciplines. Only proposals that provide training opportunities to all states and that will improve the capabilities across multiple media/programs/statutes, and which target all covered disciplines, will be considered. EPA reserves the right to make no awards under this solicitation. Matching funds are not required. EPA cannot predict that additional funds for training projects in future years will be available. Therefore, applicants should assume that these funds will be available on an annual basis only and should not propose projects requiring additional annual funding beyond the maximum three year period of the assistance agreement(s).

3. EPA Competition Policy: In accordance with EPA's Assistance Agreement Competition Policy (EPA Order 5700.5A1), EPA staff will not meet with individual applicants to discuss draft proposals, provide informal comments on draft proposals, or provide advice to applicants on how to respond to ranking criteria. Applicants are responsible for the contents of their proposals. To provide more detailed information to applicants, answers to Frequently Asked Questions (FAQs) have been prepared and are available at www.epa.gov/compliance/state/grants/seet.html. In addition, applicants may submit questions to Debra Ehlert (ehlert.debra@epa.gov) by April 15, 2009, 5:00 PM EDT and the answers will be added to the FAQs web page.

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SECTION I. FUNDING OPPORTUNITY DESCRIPTION

A. Background

EPA will only consider funding projects that address the training needs and projects described below. Proposals should describe in detail, proposed training projects to be conducted during the first year period of the grant. Applications need not be specific or detailed for years two and three, but should contain general information on proposed projects and continuation of their training proposal.

B. Project Description: State Environmental Enforcement Training

The National Enforcement Training Institute (NETI), in coordination with other OECA offices, is responsible for training federal, state, local, and tribal attorneys, inspectors, civil and criminal investigators, case development specialists, and technical experts in the enforcement of the nation's environmental statutes. To accomplish this mission, NETI conducts its own training program but also partners with external training organizations to provide training for state environmental enforcement personnel. This solicitation represents NETI's primary effort and investment of resources for enlisting training partners to serve the interests of state environmental enforcement personnel by performing the following activities: 1) assess training needs, 2) design/develop/deliver/evaluate training, and 3) provide networking opportunities for all state environmental enforcement personnel within all covered disciplines.

Due to limited resources, consideration will only be given to proposals that demonstrate the capacity to have the greatest impact for training personnel within state enforcement programs throughout the US (threshold criteria). In addition, EPA is interested in funding training for all covered disciplines and all media/programs/eligible statutes. For these reasons, unless your organization has the capability to deliver this broad range of services, EPA encourages you to form a coalition with other eligible organizations in order to propose this comprehensive array of training services. (Please see Section IV I. for information regarding applicability of subwards and partnerships.)

Environmental enforcement training projects that NETI will support through this grant solicitation, encompass both "basic" (inspector training, negotiations training, litigation, regulatory media-specific enforcement training, investigations training, etc.) as well as "advanced" training such as intensive media or sector specific workshops, practical exercises, symposiums, and learning exchange forums. An ideal training program will reach both inexperienced, as well as seasoned, enforcement staff and will promote a continuous learning approach. The funds must be used for building the capacity and expertise of states to implement compliance assurance and enforcement programs. These funds cannot be used for the actual implementation of compliance monitoring and enforcement programs.

Proposals should discuss the method(s) to be used for determining the training needs of state environmental enforcement personnel. EPA recognizes the inherent differences among state enforcement programs and the challenges to achieving effective program results, and therefore expects to find a variety of effective methods for needs analysis. Training needs assessment/analysis will target the covered disciplines in all eligible environmental regulatory media/programs, and in all states or regions of the United States.

Proposals which address training needs by using existing training curriculum available to the training provider, should explain how the existing curriculum will meet the needs of state environmental enforcement personnel. Proposals may include the development and delivery/evaluation of one or more new courses that would address the needs of the state personnel in terms of subject matter, delivery

mechanisms and location. Proposals should estimate the number of state environmental enforcement personnel that will be trained and the number of training events that will be conducted.

In summary, EPA is soliciting proposals from state governments, state consortiums, state associations, federally recognized Indian Tribes and Intertribal Consortia, non-profit organizations, and institutions of higher education, to improve or strengthen the ability of state environmental enforcement professionals in the covered disciplines to perform compliance monitoring, compliance assistance, and enforcement activities, such as: conducting inspections, monitoring/assessing compliance, investigating regulatory violations and criminal activities, and developing/litigating/prosecuting cases. Proposals must address the following elements and activities:

1. Training plans that, as a minimum, cover all of the following *covered disciplines* of environmental enforcement personnel: regulatory inspectors, case development specialists, attorneys, civil/criminal investigators. Applicants may propose training for additional disciplines to enhance the quality of their proposals.
2. Assessing comprehensive training needs of state environmental enforcement personnel based on available material such as state oversight reviews and reports, recent training needs surveys, or other mechanisms/forums that have identified gaps in performance of critical environmental enforcement personnel. If training needs assessments are not currently available, the proposal must discuss a training needs assessment effort that will be undertaken.
3. Consideration of a variety of training delivery mechanisms and instructional methods, such as classroom, web-based, PC-based, lectures, and practical exercises.
4. Selection of existing training course(s) or design of specialized training course(s) intended to address the performance deficiencies and which is based on a cost-benefit analysis and well suited to achieving training objectives.
5. Delivery of training which includes a plan for ensuring student participation (e.g. travel scholarships).
6. Administration of tests or follow-up activities that will gauge whether training objectives have been achieved.
7. Sharing of training outcomes within the environmental enforcement community.
8. An estimate of the number of personnel to be trained and the number of training events to be conducted, on an annual basis.

Training activities relate generally to the transferring of information or advancing the state of knowledge. Grant proposals must emphasize a “learning” concept, as opposed to “fixing” an environmental problem via a well-established method. Funding priorities must be allowable under 66.709 (Capacity Building Grants and Cooperative Agreements for States and Tribes) of the CFDA.

Potential grantees should review and understand EPA Order 3500.1 *Training and Development for Compliance Inspectors/Field Investigators* at www.epa.gov/Compliance/resources/publications/monitoring/cwa/inspections/npdesinspect/npdesinspect_appa.pdf and the Guidance for Issuing Federal EPA Inspector Credentials to Authorize Employees of State/Tribal Governments to Conduct Inspections on Behalf of EPA - www.epa.gov/compliance/resources/policies/monitoring/inspection/statetribal_credentials.pdf. Potential grantees may also wish to review training curriculum and course information available from the National Enforcement Training Institute at www.netionline.com.

C. Statutory Authority:

As a threshold determination, to be selected for funding, a project must consist of activities within the statutory terms of these EPA grant authorities: Clean Air Act §103(b)(3), Clean Water Act §104(b)(3), Safe Drinking Water Act §1442(a)&(c), Solid Waste Disposal Act §8001, Toxic Substances Control Act §10, Federal Insecticide, Fungicide, and Rodenticide Act §20, and Marine Protection Research and Sanctuaries Act §203 . Please note that under this announcement, EPA cannot fund training for enforcement of non-federal leaking underground storage tank programs (Subtitle I of the Solid Waste Disposal Act) or for training under Section 311(b)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund).

D. EPA Strategic Plan Linkage

The funding of state environmental enforcement training is linked to the EPA Strategic Plan in the following areas:

Goal 5.1: Improve Compliance (Sub-objective 5.1.3 Monitoring and Enforcement)
Ensure a consistent level of effort among state enforcement and compliance assurance programs.

E. Measuring Environmental Results: Anticipated Outcomes/Outputs.

The following are potential output and outcome measures associated with the State Environmental Enforcement Training:

Outputs:

- Increased number of state environmental enforcement personnel trained to conduct inspections for enforcement and compliance assurance;
- Increased number of state environmental enforcement personnel trained to develop, manage, and reach settlement of enforcement cases;
- Increased number of state environmental professionals trained in program/media-specific (e.g. Solid Waste Disposal Act Subtitle C, CWA NPDES) and/or issue-specific (e.g. financial responsibility, negotiations) or priority enforcement areas.
- Development of a training measurement/evaluation system that demonstrates the effective transfer of skills.

Outcomes:

- Improved knowledge, skills, and abilities of environmental staff in inspection, case management, or legal protocols will improve environmental enforcement decision making, including how to respond to environmental compliance needs in a more timely and appropriate manner;
- Improved understanding of compliance and enforcement responsibilities will improve the ability of regulatory agencies to take appropriate action to address and resolve non-compliance.

SECTION II. AWARD INFORMATION

The total assistance agreement award to be funded is \$1,200,000 and will be awarded to one eligible applicant that meets all threshold criteria and ranks highest on evaluation criteria. EPA will incrementally fund the grant over a three year period at \$400,000 per year, beginning in FY2009. EPA reserves the right to reject all proposals and make no awards under this solicitation. EPA cannot predict that additional funds will be available in future years. Therefore, applicants should assume that these funds will be available on a one-time only basis (FY2009 increment of \$400,000) and shall only propose general projects for annual funding beyond FY2009. It is anticipated that this solicitation will result in the awarding of a grant, however, EPA may determine that the proposal would require designation as a cooperative agreement if substantial federal involvement with the recipient during the performance of an activity or project is required. Substantial federal involvement could include: monitoring by EPA, joint operational involvement, EPA prior review or approval of project phases or collaboration regarding the course curriculum. Please go to www.epa.gov/ogd for more guidance on when substantial involvement may be required and what that involvement might entail.

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

B. Additional Awards: EPA reserves the right to make additional awards under this announcement consistent with Agency policy, if additional funding becomes available. Any additional selections for awards will be made no later than four months from the date of the original selection. EPA also reserves the right to reject all proposals and make no awards.

SECTION III. ELIGIBILITY CRITERIA

A. Eligible Entities: Applicants may include state governments, multi-state governments (consortia), non-profit organizations, federally recognized Indian Tribes and Intertribal Consortia, and associations of environmental regulatory/legal/investigatory professionals with enforcement and compliance assurance responsibilities or responsibilities that support enforcement and compliance assurance of environmental statutes. In addition, public universities and colleges with expertise in compliance assurance and enforcement issues, including compliance assistance and training to state environmental professionals are eligible to apply. For-profit training providers are not eligible to apply or be members of a consortia or coalition but may provide services to the successful applicant provided the successful applicant complies with the competitive procurement provisions of 40 CFR Part 30 or 40 CFR Part 31 as applicable.

B. Cost Sharing Information: While there is no cost matching requirement, applicants are encouraged to make a commitment of resources towards the total project cost. Applicants will be evaluated on their ability to produce leveraging funds. This can be employee personnel salary dedicated to the project, cash contribution to the project budget, or other “in-kind” contributions. The value of donated or “in-kind” services in the performance of a project shall be considered in accordance with OMB Circular A-87, “Cost Principles for State, Local, and Indian Tribal Governments.” Leveraged funding or other resources need not be for eligible and allowable project costs under the EPA assistance agreement unless the Applicant proposes to provide a voluntary cost share or match. If EPA accepts an offer for a voluntary

cost share/match/participation, applicants must meet their matching/sharing/participation commitment as a condition of receiving EPA funding. Applicants may use their own funds or other resources for voluntary match/cost share/participation if the standards at 40 CFR 30.23 or 40 CFR 31.24, as applicable, are met. Only eligible and allowable costs may be used for voluntary matches/cost shares/participation. Other Federal grants may not be used as voluntary matches or cost shares without specific statutory authority (e.g. HUD's Community Development Block Grants).

Any form of proposed leveraging that is evaluated under a Section V ranking criteria must be included in the proposal and the proposal must describe how the applicant will obtain the leveraged resources and what role EPA funding will play in the overall project.

C. Threshold Eligibility Criteria

These are requirements that if not met by the time of proposal submission will result in elimination of the proposal from consideration for funding. Only proposals from eligible entities (see A. above) that meet all threshold eligibility criteria will be evaluated against the ranking factors in Section V of this announcement. Applicants deemed ineligible for funding consideration as a result of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.

1. Proposals must specify projects that are consistent with the projects described in Section I B. and comply with the statutory requirements set forth in Section I C. Proposals must be for projects that: a) propose training opportunities for all covered disciplines (as described in Section I B.) of environmental enforcement personnel, b) are available throughout all state jurisdictions, and c) cover all authorized media and/or programs (as described in Section I C.).
2.
 - a. Proposals must substantially comply with the proposal submission instructions and requirements set forth in Section IV of this announcement or else they will be rejected. However, where a page limit is expressed in Section IV with respect to the proposal or parts thereof (e.g., narrative proposal), pages in excess of the page limitation will not be reviewed.
 - b. In addition, proposals must be received by the EPA or received through www.grants.gov/, as specified in Section IV of this announcement, on or before the proposal submission deadline published in Section IV of this announcement. Applicants are responsible for ensuring that their proposal reaches the designated person/office specified in Section IV of the announcement by the submission deadline.
 - c. Proposals received after the submission deadline will be considered late and returned to the sender without further consideration unless the applicant can clearly demonstrate that it was late due to EPA mishandling or because of technical problems solely attributable to grants.gov and not the applicant. For hard copy submissions, where Section IV requires proposal receipt by a specific person/office by the submission deadline, receipt by an agency mailroom is not sufficient. Applicants should confirm

receipt of their proposal with Debra Ehlert (303-236-6790) as soon as possible after the submission deadline—failure to do so may result in your proposal not being reviewed.

3. Proposals must support Goal 5 of EPA’s Strategic Plan: Improve Compliance (Sub-objective 5.1.3 Monitoring and Enforcement) - Ensure a consistent level of effort among state enforcement and compliance assurance programs.

SECTION IV. PROPOSAL AND SUBMISSION INFORMATION

Grant proposal packages must be submitted through www.grants.gov. The due date for submitting the package through www.grants.gov is May 11, 2009, midnight, EDT. All forms and proposal preparation and submission instructions are located at the www.grants.gov web site and are included below in subsections A and C. Applicants without access to a computer or otherwise unable to submit an application through www.grants.gov should contact Debra Ehlert (303-236-6790 or ehlert.debra@epa.gov) for an alternate procedure for submission of your proposal which must also be received by EPA by May 11, 2009, 5:00 PM. MDT at the following address: NETI-West, 12345 W. Alameda Parkway, Suite 111, Lakewood, Colorado 80228.

A. Application Materials:

The complete grants application package can be downloaded from EPA’s Office of Grants and Debarment website at www.epa.gov/ogd/grants/how_to_apply.htm and by mail upon request by calling the Grants Administration Division at (202) 564-5320. All forms are also available through the Grants.gov website for those submitting proposals electronically.

The application package must be made up of three items: SF 424, SF 424-A, and the Proposal Narrative. See Section IV C. for instructions on preparing the SF 424 and SF 424-A.

Submission Format for Proposal Narrative:

Proposals must not exceed 14 pages prepared in Microsoft Word or WordPerfect, and follow the format 12 point font, on 8.5 by 11 inch paper. Proposals shall address the following information (also described in Section I B.):

1. Project Information to be included:

- Applicant Name:
- Title of Project:
- Total Funds Requested from EPA;
- Total Project Cost in Annual increments (including applicant cash and in-kind contributions);
- Contact Person: *(name, title, address, phone, fax, & email)*

2. Summary of Project Proposal:

- Summary of Need
- Summary of project goal(s);
- Summary of project components;

- Summary of how the project components will address the need and attain the goals.

3. Environmental Results—Outcomes and Outputs

Identify the expected quantitative and qualitative outcomes of the project (See Section I E.), including what measurements will be used to track your progress towards achieving the expected outcomes and how the results of the project will be evaluated. Identify the expected project outputs and how progress towards achieving the expected outputs will be tracked and measured.

4. Past Performance

- Programmatic Capability*: Submit a list of federally funded assistance agreements (assistance agreements include Federal grants and cooperative agreements but not Federal contracts) similar in size, scope and relevance to the proposed project that your organization performed within the last three years (no more than 5, and preferably EPA agreements) and describe (i) whether, and how, you were able to successfully complete and manage those agreements and (ii) your history of meeting the reporting requirements under those agreements including submitting acceptable final technical reports.

** In evaluating applicants under these factors in Section V, EPA will consider the information provided by the applicant and may also consider relevant information from other sources, including information from EPA files and from current and prior Federal agency grantors (e.g., to verify and/or supplement the information provided by the applicant). If you do not have any relevant or available past performance or reporting information, please indicate this in the narrative proposal and you will receive a neutral score for these factors under Section V. If you do not provide any response for these items, you may receive a score of 0 for these factors.*

- Reporting on Environmental Results--Outcomes and Outputs**: Submit a list of federally funded assistance agreements (assistance agreements include Federal grants and cooperative agreements but not Federal contracts) that your organization performed within the last three years (no more than 5, and preferably EPA agreements), and describe how you documented and/or reported on whether you were making progress towards achieving the expected results (e.g., outputs and outcomes) under those agreements. If you were not making progress, please indicate whether, and how, you documented why not.

*** In evaluating applicants under this factor in Section V, EPA will consider the information provided by the applicant and may also consider relevant information from other sources, including information from EPA files and from current and prior Federal agency grantors (e.g., to verify and/or supplement the information provided by the applicant). If you do not have any relevant or available environmental results past performance information, please indicate this in the narrative proposal and you will receive a neutral score for this factor under Section V. If you do not provide any response for these items, you may receive a score of 0 for these factors.*

5. Summary Work Plan:

- Proposed activities - list and describe activities and how they relate to the evaluation criteria;
- Projected number of students and courses, to be done each year.
- Sharing results - how will the results of the project be shared across states or tribes?

6. Project Milestones: OECA is looking to fund projects for 3 years or less. List project milestones with estimated dates, including estimated duration of project. The proposed projects for the first year should have sufficient detail to comprise an approvable workplan; proposed activities for years two and three can be general in nature;

7. Project Costs:

- Include a detailed itemized budget for all project costs and complete the SF 424A (budget information) -- distinguish the funds requested from any applicant contributions

(in-kind or other)

8. Addressing the Section V Ranking Criteria:

Ranking criteria are presented in Section V below. Applicants must address all ranking criteria. In addition to the ranking criteria specific to the projects requested, there are several standard criteria that apply. These are past grants reporting, plan for measuring environmental results, and leveraging funds or resources. The plan for measuring environmental results must describe how the project will measure its results and success and how it will address the outputs and outcomes in Section I of this Notice.

B. Submission Dates and Times

Deadline for submitting proposal packages described in Section IV A. of the announcement to EPA thru www.grants.gov is May 11, 2009, midnight EDT.

C. Grants.gov submission: The electronic submission of your proposal package must be made by an official representative of your institution who is registered with Grants.gov and is authorized to sign applications for Federal assistance. For more information, go to www.grants.gov and click on “Get Registered” on the left side of the page. *Note that the registration process may take a week or longer to complete.* If your organization is not currently registered with Grants.gov, please encourage your office to designate an AOR and ask that individual to begin the registration process as soon as possible.

To begin the proposal process under this grant announcement, go to www.grants.gov and click on the “Apply for Grants” tab on the left side of the page. Then click on “Apply Step 1: Download a Grant Application Package” to download the compatible Adobe viewer and obtain the application package. **To apply through grants.gov you must use Adobe Reader applications and download the compatible Adobe Reader version (Adobe Reader applications are available to download for free on the Grants.gov website. For more information on Adobe Reader please visit the Help section on grants.gov at www.grants.gov/help/help.jsp or www.grants.gov/aboutgrants/program_status.jsp.**

Once you have downloaded the viewer, you may retrieve the application package by entering the Funding Opportunity Number, EPA-OECA-NETI-09-001, or the CFDA number that applies to the announcement (CFDA 66.709), in the appropriate field. You may also be able to access the proposal/application package by clicking on the Application button at the top right of the synopsis page for this announcement on www.grants.gov (to find the synopsis page, go to <http://www.grants.gov> and click on the “Find Grant Opportunities” button on the left side of the page and then go to Search Opportunities and use the Browse by Agency feature to find EPA opportunities).

Application/Proposal Submission Deadline: Your organization’s AOR must submit your complete proposal electronically to EPA through Grants.gov (www.grants.gov) no later than May 11, 2009, midnight EDT. If you are unable to submit an application through Grants.gov, contact Debra Ehlert (303-236-6790 or ehlert.debra@epa.gov) for an alternate procedure for submission of your proposal. As stated in Section IV B., EPA must receive your complete proposal package by this same deadline.

Please submit *all* of the proposal materials described below. To view the full funding announcement, go to www.epa.gov/compliance/state/grants/seet.html or go to www.grants.gov and click on “Find Grant Opportunities” on the left side of the page and then click on Search Opportunities/Browse by Agency and

select Environmental Protection Agency.

Proposal Materials

The following forms and documents are required to be submitted under this announcement:

1. **Standard Form (SF) 424, Application for Federal Assistance:** Complete the form. There are no attachments. Please be sure to include organization fax number and email address in Block 5 of the Standard Form SF 424.

Please note that the organizational Dun and Bradstreet (D&B) Data Universal Number System (DUNS) number must be included on the SF-424. Organizations may obtain a DUNS number at no cost by calling the toll-free DUNS number request line at 1-866-705-5711 or by visiting the web site at www.dnb.com.

2. **Standard Form SF 424A – Budget Information:** Complete the form. There are no attachments. The total amount of federal funding requested for the project period should be shown on line 5(e) and on line 6(k) of SF-424A. If indirect costs are included, the amount of indirect costs should be entered on line 6(j). The indirect cost rate (i.e., a percentage), the base (e.g., personnel costs and fringe benefits), and the amount should also be indicated on line 22. If indirect costs are requested, a copy of the Negotiated Indirect Cost Rate Agreement must be submitted as part of the application package.

3. **Narrative Proposal:** The proposal must address all components as described in **Section IV.A.** of this announcement. The document should be readable in PDF, MS Word or Word Perfect WP6/7/8 for Windows and consolidated into a single file.

Proposal Preparation and Submission Instructions

Documents 1 through 3 listed under Proposal Materials above should appear in the “Mandatory Documents” box on the Grants.gov Grant Application Package page.

For documents 1 and 2, click on the appropriate form and then click “Open Form” below the box. The fields that must be completed will be highlighted in yellow. Optional fields and completed fields will be displayed in white. If you enter an invalid response or incomplete information in a field, you will receive an error message. When you have finished filling out each form, click “Save.” When you return to the electronic Grant Application Package page, click on the form you just completed, and then click on the box that says, “Move Form to Submission List.” This action will move the document over to the box that says, “Mandatory Completed Documents for Submission.”

For document 3, you will need to attach electronic files. Prepare your narrative proposal as described above in **Section IV.A.** of the announcement and save the document to your computer as an MS Word, PDF or WordPerfect file. When you are ready to attach your proposal to the application package, click on “Project Narrative Attachment Form,” and open the form. Click “Add Mandatory Project Narrative File,” and then attach your proposal (previously saved to your computer) using the browse window that appears. You may then click “View Mandatory Project Narrative File” to view it. Enter a brief descriptive title of your project in the space beside “Mandatory Project Narrative File Filename;” the filename should be no more than 40 characters long. If there other attachments that you would like to submit to accompany your proposal, you may click “Add Optional Project Narrative File” and proceed as

before. When you have finished attaching the necessary documents, click “Close Form.” When you return to the “Grant Application Package” page, select the “Project Narrative Attachment Form” and click “Move Form to Submission List.” The form should now appear in the box that says, “Mandatory Completed Documents for Submission.”

Once you have finished filling out all of the forms/attachments and they appear in one of the “Completed Documents for Submission” boxes, click the “Save” button that appears at the top of the Web page. It is suggested that you save the document a second time, using a different name, since this will make it easier to submit an amended package later if necessary. Please use the following format when saving your file: “Applicant Name – FY09 – Assoc Prog Supp – 1st Submission” or “Applicant Name – FY 09 Assoc Prog Supp – Back-up Submission.” If it becomes necessary to submit an amended package at a later date, then the name of the 2nd submission should be changed to “Applicant Name – FY09 Assoc Prog Supp – 2nd Submission.”

Once your proposal package has been completed and saved, send it to your AOR for submission to U.S. EPA through Grants.gov. Please advise your AOR to close all other software programs before attempting to submit the application package through Grants.gov.

In the “Application Filing Name” box, your AOR should enter your organization’s name (abbreviate where possible), the fiscal year (e.g., FY08), and the grant category (e.g., Assoc Prog Supp). The filing name should not exceed 40 characters. From the “Grant Application Package” page, your AOR may submit the application package by clicking the “Submit” button that appears at the top of the page. The AOR will then be asked to verify the agency and funding opportunity number for which the application package is being submitted. If problems are encountered during the submission process, the AOR should reboot his/her computer before trying to submit the application package again. [It may be necessary to turn off the computer (not just restart it) before attempting to submit the package again.] If the AOR continues to experience submission problems, he/she may contact Grants.gov for assistance by phone at 1-800-518-4726 or email at www.grants.gov/help/help.jsp or contact Debra Ehlert (303-236-6790).

Proposal packages submitted thru grants.gov will be time/date stamped electronically.

If you have not received a confirmation of receipt from EPA (*not from grants.gov*) within 30 days of the proposal/application deadline, please contact Debra Ehlert (303-236-6790). Failure to do so may result in your proposal not being reviewed.

D. Intergovernmental Review: Not applicable

E. Confidential Business Information Provision

In accordance with 40 CFR 2.203, applicants may claim all or a portion of their application/proposal package as confidential business information. EPA will evaluate confidentiality claims in accordance with 40 CFR Part 2. Applicants must clearly mark applications/proposals or portions thereof that they claim as confidential. If no claim of confidentiality is made, EPA is not required to make the inquiry to the applicant otherwise required by 40 CFR 2.204(c)(2) prior to disclosure. However, competitive proposals are considered confidential and protected from disclosure prior to the completion of the competitive selection process.

F. Additional Application Submissions at the Time of Selection

After the grant proposals have been reviewed and the selections have been made, the grantees selected will need to provide the remainder of the grant/cooperative agreement application. Some of the standard forms may not be applicable to all grantees and will not need to be submitted. Further submission instructions will be provided at that time.

G. Pre-proposal Assistance and Communications

In accordance with EPA's Assistance Agreement Competition Policy (EPA Order 5700.5A1), EPA staff will not meet with individual applicants to discuss draft proposals, provide informal comments on draft proposals, or provide advice to applicants on how to respond to ranking criteria. Applicants are responsible for the contents of their proposals. However, EPA will respond to questions in writing from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission for the proposal, and requests for clarification about the announcement. Applicants may submit those questions to Debra Ehlert (ehlert.debra@epa.gov) by April 15, 2009 and the answers will be added to the Frequently Asked Questions web page at www.epa.gov/compliance/state/grants/seet.html.

H. Management Fees

Management Fees: When formulating budgets for proposals/applications, applicants must not include management fees or similar charges in excess of the direct costs and indirect costs at the rate approved by the applicants cognizant audit agency, or at the rate provided for by the terms of the agreement negotiated with EPA. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs that are not allowable under EPA assistance agreements. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work

I. Contracts and Sub-awards:

1. Applicability for subawards, contract services, or partnerships

EPA awards funds to one eligible applicant as the recipient even if other eligible applicants are named as partners or co-applicants or members of a coalition or consortium. The recipient is accountable to EPA for the proper expenditure of funds.

Funding may be used to provide sub-grants or sub-awards of financial assistance, which includes using sub-awards or sub-grants to fund partnerships, provided the recipient complies with applicable requirements for sub-awards or sub-grants including those contained in 40 CFR Parts 30 or 31, as appropriate. Applicants must compete contracts for services and products, including consultant contracts, and conduct cost and price analyses, to the extent required by the procurement provisions of the regulations at 40 CFR Parts 30 or 31, as appropriate. The regulations also contain limitations on consultant compensation. Applicants are not required to identify sub-awardees/sub-grantees and/or contractors (including consultants) in their proposal/application. However, if they do, the fact that an applicant selected for award has named a specific sub-awardee/sub-grantee, contractor, or consultant in the proposal/application EPA selects for funding does not relieve the applicant of its obligations to comply with sub-award/sub-

grant and/or competitive procurement requirements as appropriate. Please note that applicants may not award sole source contracts to consulting, engineering or other firms assisting applicants with the proposal solely based on the firm's role in preparing the proposal/application.

Successful applicants cannot use sub-grants or sub-awards to avoid requirements in EPA grant regulations for competitive procurement by using these instruments to acquire commercial services or products from for-profit organizations to carry out its assistance agreement. The nature of the transaction between the recipient and the sub-awardee or sub-grantee must be consistent with the standards for distinguishing between vendor transactions and sub-recipient assistance under Subpart B Section .210 of OMB Circular A-133 , and the definitions of sub-award at 40 CFR 30.2(ff) or sub-grant at 40 CFR 31.3, as applicable. EPA will not be a party to these transactions. Applicants acquiring commercial goods or services must comply with the competitive procurement standards in 40 CFR Part 30 or 40 CFR Part 31.36 and cannot use a sub-award/sub-grant as the funding mechanism.

2. Evaluation of proposed sub-awardees/sub-grantees and contractors

Section V of the announcement describes the evaluation criteria and evaluation process that will be used by EPA to make selections under this announcement. During this evaluation, except for those criteria that relate to the applicant's own qualifications, past performance, and reporting history, the review panel will consider, as appropriate and relevant, the qualifications, expertise, and experience of:

(i) an applicant's named sub-awardees/sub-grantees identified in the proposal/application if the applicant demonstrates in the proposal/application that if it receives an award that the sub-award/sub-grant will be properly awarded consistent with the applicable regulations in 40 CFR Parts 30 or 31. For example, applicants must not use sub-awards/sub-grants to obtain commercial services or products from for profit firms or individual consultants.

(ii) an applicant's named contractor(s), including consultants, identified in the proposal/application if the applicant demonstrates in its proposal/application 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), that efforts were made to provide small and disadvantaged businesses with opportunities to compete, and that 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, and expertise of named sub-awardees/sub-grantees and/or named contractor(s) during the proposal/application evaluation process unless the applicant complies with these requirements.

SECTION V. APPLICATION AND REVIEW INFORMATION

Section V provides information about the evaluation criteria, the additional selection factors as well as the review and selection process. Evaluation ranking criteria under this Solicitation are provided in this Section. These criteria highlight the important factors that proposals must address. The reviewers of the

proposals will be using these criteria and the corresponding point values during the selection process as the sole basis of their ranking.

A. Ranking Criteria

Evaluation and Ranking Criteria for State Environmental Enforcement Training : All eligible proposals will be evaluated and ranked based on the six criteria outlined below.

Evaluation Criteria	100 point scale
Criterion One: Project Description	20 Points
<p>Under this criterion, EPA will evaluate the extent to which the proposal effectively addresses the scope of work activities described in Section I of this announcement. Proposals will be evaluated based on the quality and extent to which the proposal:</p> <ul style="list-style-type: none"> • Provides a clear and concise description of realistic training goals, activities, budget, and project milestones. (10 points) • Considers a variety of training delivery mechanisms and instructional methods, such as classroom, web-based, PC-based, lectures, practical exercises. (10pts) 	
Criterion Two: Technical and Organizational Capability	50 Points
<p>This criterion refers to the technical and organizational capability of an applicant or recipient to successfully carry out the proposed project taking into account such factors as the applicant's:</p> <ul style="list-style-type: none"> • Organizational experience in multi-state networking on a wide array of environmental enforcement issues and in managing training programs, workshops, and conferences and how administration of the proposed project will further the recipient's mission (15 pts) • Demonstrated ability to work with other training organizations toward a common goal. (10 pts) • Trainer/Instructor Staff experience as practitioners of environmental enforcement activities. (15 pts.) • Training Staff expertise/qualifications/knowledge, and/or resources (or the ability to obtain them) to successfully achieve the goals of the project. (10 pts.) 	
Criterion Three: Measurement	5 Points
<p>Proposals will be evaluated on the quality and extent to which they clearly specify anticipated outcomes and outputs as described in <i>Section 1 E., Measuring Environmental Results: Anticipated Outcomes/Outputs</i>. Describe how success in achieving project outcomes and outputs will be evaluated and measured. Include a description of any planned reports or other deliverables that measure and track the project success and, document achievement of expected/outputs identified in <i>Section 1 E., Measuring Environmental Results: Anticipated Outcomes/Outputs</i>.</p>	
Criterion Four: Environmental Results Past Performance.	15 Points
<p>Proposals will be evaluated based on the extent and quality to which they adequately documented and/or reported on their progress towards achieving the expected results (<i>e.g.</i>, outcomes and outputs) under federally and/or non-federally funded assistance agreements (an assistance agreement is a grant or cooperative agreement and not a contract) <u>performed within the last three years</u>, and if such progress was not being made whether the applicant adequately documented and/or reported why not. Note: In evaluating applicants under this criterion, EPA will consider the information provided by the applicant and may also consider relevant information from other sources including agency files and prior/current grantors (<i>e.g.</i>, to verify and/or supplement the information supplied by the applicant). Applicants with no relevant or available past performance reporting history will receive a neutral score for this factor.</p>	
Criterion Five: Budget/Resources	5 Points
<p>The proposal clearly describes the budget using appropriate categories; a detailed write-up; and appropriate funding amounts to achieve the project's objectives. The budget proposal demonstrates the ability to effectively sustain the proposed project. The budget proposal includes cost estimates for each of the proposed project activities to be conducted using EPA funds. The budget describes the applicant's plan on managing the budget.</p>	

The budget proposal describes how the applicant will manage the budget within cost parameters.	
Criterion Six: Leveraging	5 Points
Under this criteria, applicants will be evaluated based on the extent they demonstrate (i) how they will coordinate the use of EPA funding with other Federal and/or non Federal sources of funds to leverage additional resources to carry out the proposed project(s) and/or (ii) that EPA funding will complement activities relevant to the proposed project(s) carried out by the applicant with other sources of funds or resources.	

B. Review and Selection Process – All proposals are initially reviewed for meeting the threshold eligibility requirements in Section III. Proposals that successfully pass this review will then be evaluated on the evaluation criteria (Section V A. and B.) by program experts familiar with the project funding areas. In general, program experts are composed of EPA Headquarters and Regional program analysts, environmental protection specialists, and computer analysts who are experts in their respective areas and proficient in the technical subjects they are reviewing. Each reviewer assigns a numeric score to each ranking criteria area. These program experts will then convene as a consensus panel to finalize their evaluation and scoring and prepare a list of recommended projects based on the ranking of the final scores. These recommendations will be submitted to the Selection Official. The Selection Official will have the final authority to make the selection. In making the final funding decisions, the Selection Official will consider the panel rankings and scores and may also take into consideration programmatic priorities.

The review process is designed to evaluate each application for the potential grantees’ ability to demonstrate how they will fulfill the requirements in each criteria category. The applicant must explain how they will fulfill the requirements by including timetables, schedules, interim products, and planned activities. The review process also is designed to evaluate each applicant on their knowledge, experience, and familiarity with the program funding area to assure that projects are completed successfully and in a timely manner.

SECTION VI. AWARD ADMINISTRATION INFORMATION

A. Award Notices

All applicants, including those who are not selected for funding, will be notified once selection decisions have been made. EPA anticipates notification to successful applicant(s) will be made via e-mail or mail within 15 calendar days of the selection decision. This notification, which advises that the application has been selected and is being recommended for award, is not an authorization to begin performance. The award notice signed by the EPA Award Official is the authorizing document and will be provided through postal mail. EPA also anticipates notification to unsuccessful applicant(s) will be made via e-mail or mail within 15 calendar days of the selection decision. The notification will be sent to the original signer of the application.

EPA reserves the right to negotiate appropriate changes in work plans after the selection and before the final award consistent with EPA Order 5700.5A1, Section 11. In addition, successful applicants will be required to certify that they have not been Debarred, Suspended, or otherwise restricted from participation in federal assistance awards in accordance with 40 CFR Part 32.

The applicant will then need to complete the full application through www.grants.gov.

B. Administrative and National Policy Requirements

The general award and administration process for assistance agreements are governed by regulations at 40 CFR Part 30 (Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations), 40 CFR Part 31 (States, Tribes, interstate agencies, intertribal consortia and local governments), OR 40 CFR Part 45 (Training Grants). A listing and description of general EPA Regulations applicable to the award of assistance agreements may be viewed at: www.epa.gov/ogd/AppKit/applicable_epa_regulations_and_description.htm.

C. Reporting

Award recipients will be required to submit semi-annual and final progress reports to their Project Officer and to Debra Ehlert, at ehlert.debra@epa.gov or (303) 236-6790. Information topics to be covered will be e-mailed to all recipients. Recipients will also be required to complete annual financial status reports. All reports must be prepared in either Word or WordPerfect formats and delivered electronically to the appropriate project officer.

D. Dispute Resolution Provision

Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3629, 3630 (January 26, 2005) which can be found at:

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-1371.htm>

E. Administrative Capability Review

Nonprofit applicants that are recommended for funding **for the first time** will be subject to pre-award administrative capability reviews consistent with Sections 8.b, 8.c, and 9.d of EPA Order 5700.8 - Policy on Assessing Capabilities of Non-Profit Applicants for Managing Assistance Awards (http://www.epa.gov/ogd/grants/award/5700_8.pdf). In addition, nonprofit applicants that qualify for funding may, depending on the size of the award, be required to fill out and submit to the Grants Management Office the Administrative Capabilities Form with supporting documents contained in Appendix A of EPA Order 5700.8.

SECTION VII. AGENCY CONTACTS

Questions about this solicitation notice or the grant program in general may be addressed to Debra Ehlert, at ehlert.debra@epa.gov. EPA will respond to questions from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission of the application, and requests for clarification about the announcement. Questions must be submitted in writing via e-mail and must be received by the Agency Contact before April 15, 2009, 5:00 PM EDT. Frequently asked questions (FAQs) will be added to the FAQs web page.

SECTION VIII. OTHER INFORMATION

A. Data Sharing

All recipients of assistance agreements under this announcement will be required to share with EPA any data generated through this funding agreement as a defined deliverable in the final narrative statement. EPA will protect critical infrastructure information from public disclosure to the extent allowed by applicable statutes and regulations.

B. Copyrights

EPA reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal Government purposes in accordance with 40 CFR 31.34: (a) the copyright in any work developed under a grant, subgrant, or contract under a grant or subgrant; and (b) any rights of copyright to which a grantee, subgrantee or a contractor purchases ownership with grant support.

C. Quality Assurance/Quality Control (QA/QC)

Quality Assurance/Quality Control requirements are applicable to these cooperative agreements (see 40 CFR 30.54 and 40 CFR 31.45). If selected for award, the applicant will be required to develop and demonstrate an EPA approved Quality System, consisting of systematic procedures and tests that allow the recipient the ability to ascertain the uncertainty of the data. QA/QC requirements apply to the collection of environmental data. Environmental data are any measurements or information that describe environmental processes, location, or conditions; ecological or health effects and consequences; or the performance of environmental technology. Environmental data include information collected directly from measurements, produced from models, and compiled from other sources such as databases or literature. Applicants should allow sufficient time and resources for this process. The components of a Quality System are a Quality Management Plan (QMP) and a Quality Assurance Project Plan (QAPP). Guidance on Quality Systems is available at www.epa.gov/quality/qa_docs.html.

D. Exchange Network

EPA, states, territories, and tribes are working together to develop the National Environmental Information Exchange Network, a secure, Internet- and standards-based way to support electronic data reporting, sharing, and integration of both regulatory and non-regulatory environmental data. States, tribes and territories exchanging data with each other or with EPA, should make the Exchange Network and the Agency's connection to it, the Central Data Exchange (CDX), the standard way they exchange data and should phase out any legacy methods they have been using. More information on the Exchange Network is available at www.exchangenetwork.net.