



Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia

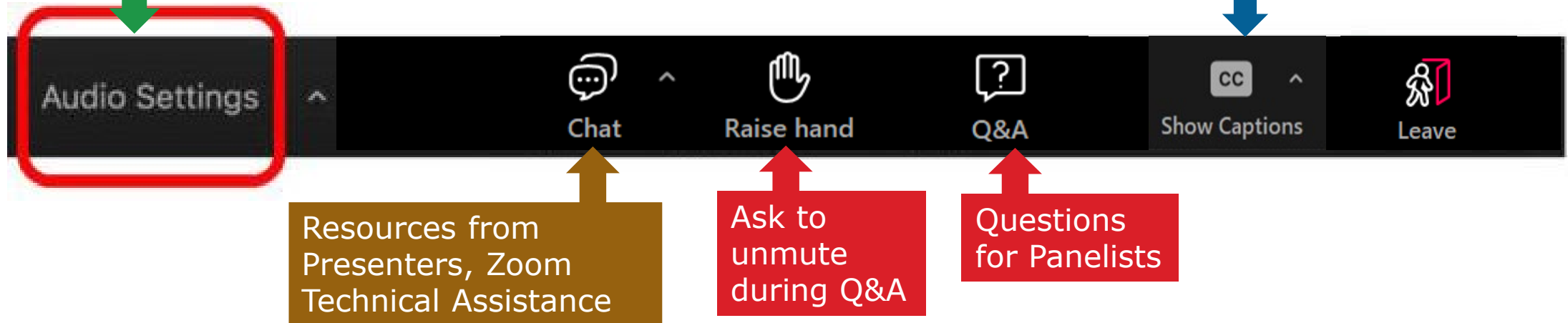
Notice of Funding Opportunity: Webinar #2

Resource Conservation and Sustainability Division
U.S. EPA Office of Resource Conservation & Recovery



Webinar Logistics

“Switch to Phone Audio”
if your computer’s
microphone/speakers
are not working



- **To ask a question:** Type your question in the Q&A Box or ask to be unmuted using the raise hand feature.
- Autogenerated closed captions are available.
- **Technical difficulties:** If you are having technical difficulties, please send a message through the Chat Box or email Julia.keane@erg.com.





Introduction



Agenda

- Funding Opportunity Overview
- Mandatory Documents
- Optional Documents and Resources
- Subawards & Procurement
- Cross-Cutting Federal Requirements
- Resources and Best Practices
- Questions and Answers



Previous Webinar Session

- Provided an overview of the request for applications, eligible entities, evaluation criteria, and the application process.
- This link (<https://www.epa.gov/infrastructure/grants-tribes-and-intertribal-consortia>) will take you to:
 - Presentation Slides for Webinar 1
 - Recording for Webinar 1 (*Coming soon!*)
 - Questions and Answers about this funding opportunity



Goals of the Webinar

1

Provide information on the Solid Waste Infrastructure for Recycling funding opportunity for **Tribes and Intertribal Consortia**

2

Clarify information and answer questions about attachments, optional resources, subawards, procurement, and other federal requirements



Solid Waste Infrastructure for Recycling (SWIFR) Grant Program

**SWIFR
Grant
Program**

Grants
for Political
Subdivisions

Grants for Tribes and
Intertribal Consortia

Grants for States and
Territories





Funding Opportunity Overview

Funding Opportunity Overview

*Section II. of
the NOFO*

Eligible Entities:

- Indian Tribes; and
- Intertribal consortia, consistent with the requirements in 40 CR 35.504(a).
- **Estimated Funding:** Approximately **\$20,000,000**
 - \$100,000 to \$1,500,000 per award
 - Approximately 20 assistance agreements, at least one award per EPA Region (depending on quality and quantity of applications received)
- **Applications Due: March 14, 2025**
- **Anticipated Award Date: March 2026**



Scope of Work

*Section I.E of
the NOFO*

Projects for Tribes and intertribal consortia **must** achieve one or more of the following objectives:

- **Develop or update plans** focused on encouraging environmentally sound post-consumer materials management such as source reduction (e.g., repair clinics, reuse centers), collection, storage, transportation, composting, recycling, and/or markets for recyclables;
- **Develop, strengthen, and/or implement comprehensive data collection** efforts that demonstrate progress towards the National Recycling Goal and Food Loss and Waste Reduction Goal;
- **Establish, increase, or expand materials management infrastructure**, such as facilities for reuse, recycling or composting; collection and storage bins for recyclable or organic material, purchasing and maintaining equipment or supplies such as scales, crushers, balers, and sorting equipment, trucks, forklifts, and safety equipment);
- **Establish or identify end-markets** for the use of recycled materials; or
- **Demonstrate an increase in the diversion** recycling rate, and/or quality of materials collected.





Documents and Optional Resources

Application Materials

*Section IV.D
of the NOFO*

Mandatory

- ❑ Application for Federal Assistance (Standard Form 424);*
- ❑ Budget Information for Non-Construction Programs (Standard Form 424A);*
- ❑ EPA Key Contacts Form 5700-54;*
- ❑ EPA Pre-award Compliance Review Report Form 4700-4;*
- ❑ Project Attachment Form (Summary Information Cover Letter + Narrative Proposal + Budget Table and Description)
 - See optional resources for these materials on [EPA's webpage](#).

**You can find the first 4 forms listed here in the NOFO listing in Grants.gov, under the "Packages" tab: <https://grants.gov/search-results-detail/356431>*



Application Materials

*Section IV.D
of the NOFO*

Optional Documents

- ❑ Documentation demonstrating that the applicant is an intertribal consortia (if applicable)
- ❑ Negotiated indirect cost rate agreement (if applicable)
- ❑ SWIFR Round 1 grantees: A copy of a financial record displaying the amount of previous SWIFR cooperative agreement funds drawn down (e.g., a report from the Automated Standard Application for Payments (ASAP) or general ledger entries).
- ❑ Timeline and Milestones attachment

Documents that will not be considered during review

- The following documents will not be considered during the review process:
 - References/works cited, letters of support, staff CV/resumes, solid waste plans, engineering reports, or feasibility studies



Optional Resources

- EPA has provided optional resources that can aid applicants in developing the following documents:
 - Summary Information Cover Letter
 - Narrative Proposal
 - Budget Table and Description
 - Milestones
 - Helpful Reminders Checklist

These resources are **optional**. Applicants who do not use these resources will not be penalized.

Resources can be found on EPA's website: <https://www.epa.gov/infrastructure/solid-waste-infrastructure-recycling-grants-tribes-and-intertribal-consortia#resources>



Project Narrative Attachment Form



SUMMARY INFORMATION
COVER LETTER



NARRATIVE PROPOSAL



BUDGET TABLE AND
DESCRIPTION



Summary Information Cover Letter

*Section IV.E.
of the NOFO*

- Should not exceed **1 page** in length.
- Must include:
 - i. Project Title
 - ii. Applicant Name
 - iii. Eligible Entity Type
 - iv. UEI Number
 - v. Project Summary
 - vi. Contact Information
 - vii. Project Location
 - viii. EPA Funding Requested
 - ix. Project Period
 - x. Program Objective Elements
 - xi. Statement of Non-duplication
 - xii. Cooperative Partners



Summary Information Cover Letter

- *Optional Resource:*
[SWIFR Project Narrative Attachment Form \(docx\)](#)
- Text that is italicized and bracketed should be deleted when submitting the application.

Summary Information Cover Letter

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Solid Waste Infrastructure for Recycling (SWIFR) Grants for Tribes and Intertribal Consortia
EPA-I-OLEM-ORCR-24-06

- Project Title.** *[Project title]*
- Applicant Name.** *[Name of organization]*
- Eligible Entity Type.** *[Identify the organization type from Section III.A: Eligible Applicants.]*
- Unique Entity Identification (UEI) Number.** *[UEI number.]*
- Project Summary.** *[Briefly describe your project in two to four sentences.]*
- Contact Information.** *[Include name, title, address, email address, phone number of the lead applicant. A primary and an administrative contact can be listed.]*
- Project Location.** *[Location where the project will take place. If project will occur in more than one location, indicate the city and state associated with the primary location.]*
- EPA Funding Requested.** *[Specify the dollar amount of funding requested from the EPA.]*
- Project Period.** *[Provide estimated beginning and ending dates.]*
- Program Objective Elements.** *[State the mandatory program objective elements addressed from Section I.E: Scope of Work.]*
- Statement of Non-duplication.** *[In response to Threshold Criterion #4.]*
- Cooperative Partners.** *[Provide names and phone numbers of individuals and organizations that have agreed to participate in the implementation of the project, if any.]*



Project Narrative Attachment Form



SUMMARY INFORMATION COVER
LETTER



THE NARRATIVE
PROPOSAL



THE BUDGET TABLE AND
DESCRIPTION



Narrative Proposal

*Section IV.E.
of the NOFO*

- Should not exceed **10 pages** in length.
- Must **explicitly describe** the applicant's proposed project and **specifically address** each of the evaluation criteria disclosed in *Section V.A: Evaluation Criteria* and the threshold eligibility criteria in *Section III.C: Threshold Eligibility Criteria*.
- Applicants are encouraged to **use subheadings** under each criterion to aid the reviewers in effectively reviewing your application.
- Vague descriptions, redundancy, and failure to address each of the evaluation criteria will result in a **lower ranking**.



Narrative Proposal

- *Optional Resource:*
[SWIFR Project Narrative Attachment Form \(docx\)](#)
- Text that is italicized and bracketed should be deleted when submitting the application.

Narrative Proposal

[The Narrative Proposal should not exceed 10 pages. See Section IV.E and Section V.A of the NOFO for more details on each of the evaluation criteria. Applicants are encouraged to use subheadings under each criterion to aid the reviewers in effectively reviewing your application.]

Evaluation Criterion #1: Project Summaries and Approach. (40 points)

- a. A clearly written description of the overall project:
[Applicant's text goes here]
- b. Project meets the requirements in Section I.E: Scope of Work:
[Applicant's text goes here]
- c. Goals and objectives of the project and an effective, easily understood plan with well-reasoned steps and milestones to meet the stated objectives:
[Applicant's text goes here]
- d. Reasonable time schedule for the execution of the tasks associated with the project and for achieving the project goals and objectives by project end:
[Applicant's text goes here]

Evaluation Criterion #2: Impactful Approaches and Solutions. (25 points)

- a. How the project results will improve the environmental conditions of the Tribal community(/ies) in the short and long term, and any other community benefits associated with the anticipated project outcomes:
[Applicant text goes here]
- b. How the anticipated benefits of the project contribute to post-consumer materials management in Tribal communities:
[Applicant text goes here]



Budget Table and Description



SUMMARY INFORMATION COVER
LETTER



NARRATIVE PROPOSAL



BUDGET TABLE AND
DESCRIPTION*

**The Budget Table and Description is different from the SF-424A form.
Both must be submitted with your application.*



Budget Table and Description

*Section IV.E.
of the NOFO*

- The Budget Table and Description can be **up to 4 typed pages** (e.g., Word or pdf file) **OR** a **spreadsheet**. If you use a spreadsheet, there is no page limit.
- The detailed budget narrative should clearly explain how funds will be used.
- The successful applicant's budget description should identify:
 - Specific tasks for which EPA funding will be used
 - Costs associated with each task
 - What outputs will be produced as a result of each task
 - Refer to *Section I.H. Measuring and Reporting Environmental Results: Outputs and Outcomes* for a definition of outputs and outcomes.
- **Do not include cost-sharing or matching funds** anywhere in the application. Cost-sharing and matching funds will not be accepted or evaluated under this competition.



Budget Table and Description Overview

*Section IV.E.
of the NOFO*

- Applicants must itemize costs related to:
 - Personnel
 - Fringe benefits
 - Travel
 - Equipment
 - Supplies
 - Construction
 - Contractual costs
 - Other direct costs, indirect costs, and total costs

For more information, please refer to [EPA's Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#).



Example Budget Table and Description

Optional Resource: [SWIFR Budget Table and Description Spreadsheet \(xlsx\)](#)

SUMMARY OF BUDGET		
The values in this summary table are from		
Section A - Budget Summary	Year 1	Federal
	Year 1	\$250,000
	Year 2	\$10,000
	Year 3	\$0
	Total	\$260,000
Section B - Budget Categories	Year 1	Year 2
CATEGORY	Year 1	Year 2
a. Personnel	\$250,000	\$10,000
b. Fringe Benefits	\$0	\$0
c. Travel	\$0	\$0
d. Equipment	\$0	\$0
e. Supplies	\$0	\$0
f. Contractual		
Sub-recipient	\$0	\$0
Vendor	\$0	\$0
FFRDC	\$0	\$0
Total Contractual	\$0	\$0
g. Construction	\$0	\$0
h. Other Direct Costs	\$0	\$0
Total Direct Costs	\$250,000	\$10,000
i. Indirect Charges	\$0	\$0
Total Costs	\$250,000	\$10,000

Detailed Budget Justification

a. Personnel

INSTRUCTIONS - PLEASE READ!!!

1. List project costs solely for employees of the entity completing this form. All personnel costs for subrecipients and vendors must be identified.
2. All personnel should be identified by position title and not employee name. Enter the amount of time (e.g., hours or % of time) and amount (e.g., actual salary, labor distribution report, state civil service rates, etc.) must also be identified.
3. If loaded labor rates are utilized, a description of the costs the loaded rate is comprised of must be included in the Additional Explanation column.
4. If a position and hours are attributed to multiple employees (e.g. Technician working 4000 hours) the number of employees for that position must be identified.
5. Each budget period is rounded to the nearest dollar.
6. Please fill out the "Project Narrative" column with roles and responsibilities for each position.

SOPO Task #	Position Title	Project Narrative	Year 1			Year 2		
			Time (Hrs)	Pay Rate (\$/Hr)	Total Budget Period 1	Time (Hrs)	Pay Rate (\$/Hr)	Total Budget Period 2
1	Sr. Engineer (EXAMPLE!!!)		2000	\$85.00	\$170,000	200	\$50.00	\$10,000
2	Technicians (2)		4000	\$20.00	\$80,000	0	\$0.00	\$0
					\$0			



Budget Best Practices

- Budgets are a critical piece of grant applications and are highly scrutinized during application review.
- EPA recommends you refer to these resources for developing robust budgets:
 - EPA's "How to Develop a Budget" Online Training Course:
<https://www.epa.gov/grants/how-develop-budget>
 - EPA's Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance:
<https://www.epa.gov/sites/default/files/2019-05/documents/applicant-budget-development-guidance.pdf>



General Principles for Cost Allowability

Costs must be:

- **Necessary** for the performance of the EPA award
- **Eligible**
 - Permitted by statute, program guidance, or regulations
- **Reasonable**
 - A cost is reasonable if it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.
 - For example, purchasing a van to transport conference attendees to site visits would not be reasonable, while hiring a bus for that purpose would be.

For more information, please refer to [EPA's Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#).



General Principles for Cost Allowability (cont.)

- **Allocable**

- A cost is “allocable” to an assistance agreement if the cost is incurred either directly or indirectly to carry out the scope of work.
- Costs must be distributed in reasonable proportion to the benefits.
- For instance, if you plan to use a vehicle 50% of the time for your SWIFR project and 50% of the time for a different purpose, only 50% of the purchase cost of that vehicle would be allocable to SWIFR.

- **Allowable** under:

- the Uniform Administrative Requirements;
- 2 CFR Part 200 (commonly known as the Uniform Grant Guidance (UGG)); and
- EPA’s implementing regulations at 2 CFR 1500.

For more information, please refer [to EPA’s Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#).




Timeline with Milestones

- Submitting a detailed timeline laying out project milestones is **optional**.
- Provide a schedule indicating start times and completion dates of significant tasks and responsibilities under your program.
- Any format that clearly lists the milestones and timelines is acceptable. See one example on EPA's webpage:**

Timeline / Workflow	Year 1												Year 2												Year 3											
	M 1	M 2	M 3	M 4	M 5	M 6	M 7	M 8	M 9	M 10	M 11	M 12	M 1	M 2	M 3	M 4	M 5	M 6	M 7	M 8	M 9	M 10	M 11	M 12	M 1	M 2	M 3	M 4	M 5	M 6	M 7	M 8	M 9	M 10	M 11	M 12
Accept Award			█																																	
Project Kick-Off Meeting			█																																	
Update Solid Waste Management Plan			█	█	█	█	█	█	█	█	█																									
Planning and Organizing Logistics for Upcoming Training													█	█	█										█	█	█									
Attend Partner Monthly Meetings			█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Purchase Wood-Waste Hauling Tractor											█																									
Establish Recycling Bins at Tribal Households													█	█	█																					
Collect, Compile, Analyze Data																	█	█	█	█	█	█	█	█												
Draft Final Report																											█	█	█	█	█	█	█	█	█	█
Project Closeout																																				



Helpful Reminders Checklist

CHECKLIST QUESTIONS – Check before you submit!	
Did you address <u>all</u> Threshold Eligibility Criteria?	
Register in SAM.gov and Grants.gov – See Section IV.B. Submission Instructions of the NOFO.	
1. Does your organization have an active SAM.gov registration?	
2. Once your SAM.gov account is active, has your organization registered with Grants.gov? <i>Note: This process can take a month or more for new registrants, so be sure to register early.</i>	
Threshold Eligibility Criteria – See Section III. Eligibility Information in the Recycling Education and Outreach Notice of Funding Opportunity	
1. Does your application address at least one of the mandatory objectives described in <i>Section I.F: Scope of Work</i> ?	
2. Do you meet the eligibility criteria? <i>See Section III.A: Eligible Applicants.</i>	
3. Are federal funds requested between \$100,000 and \$1,500,000? Applications requesting federal funding below or in excess of this amount will not be considered.	
4. Does your application include a statement that their proposed project(s) do not duplicate other Federally funded grants received?	
5. Does your application substantially comply with the application submissions instructions and requirements set forth in <i>Section IV</i> ? Applications that do not comply will not be reviewed.	
6. Will your application be submitted through Grants.gov (unless you qualify for a limited circumstance where another mode of submission is allowed as explained in <i>Section IV</i>)?	

- Applicants can use the Helpful Reminders Checklist to keep track of some key application requirements.
- This abbreviated checklist provides a streamlined representation of the NOFO and offers helpful hints to address sections that have presented challenges to past applicants.
- This checklist does not supersede the requirements in the Notice of Funding Opportunity (NOFO). Applicants should address all criteria outlined in the NOFO.
- **The Helpful Reminders Checklist should not be submitted with your application.**



Where can I find the resources on EPA's webpage?



<https://www.epa.gov/infrastructure/solid-waste-infrastructure-recycling-grants-tribes-and-intertribal-consortia>



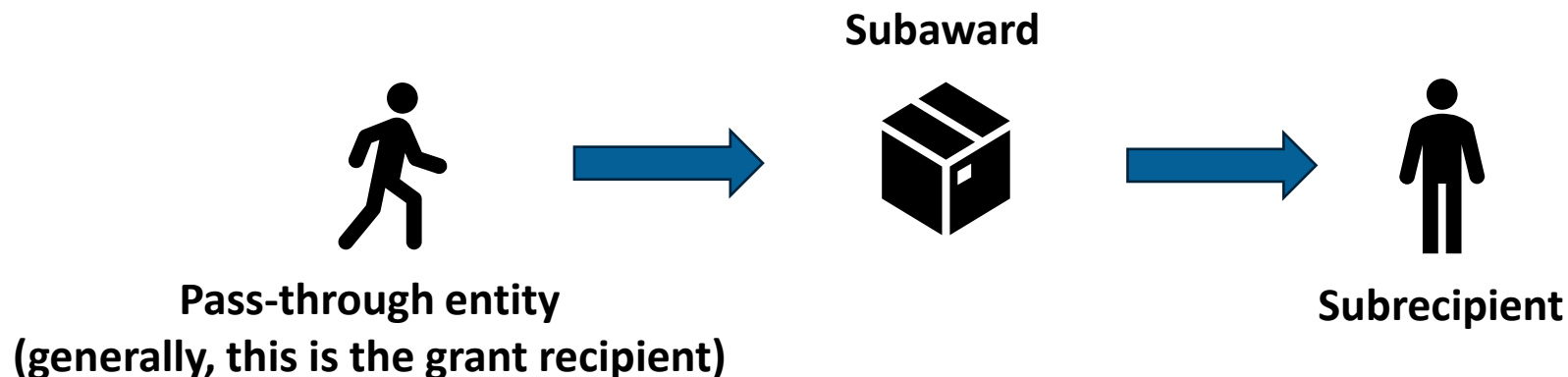


Subawards and Procurement

Subawards

*Section IV.E
of the NOFO*

- **Subrecipients (recipients of subawards)** only receive payment for their actual direct or approved indirect costs, such that they do not “profit” from the transaction.
- Subrecipients are subject to the same Federal requirements as the pass-through entity (i.e., the grantee).
- Subawards **must** be consistent with the definition of that term in 2 CFR Part 200.1 and comply with the [EPA’s Subaward Policy](#).
 - The pass-through entity that administers the grant and subawards will be accountable to the EPA for proper expenditure of the funds and reporting and will be the point of contact for the coalition.



Coalitions

*Section I.C
of the NOFO*

- **Groups of two or more eligible applicants** (see *Section III: Eligibility Information*) may choose to form a coalition and submit a single application under this NOFO; however, one entity **must** be responsible for the grant.
- Coalitions **must** identify which eligible organization will be the recipient of the grant (the “pass-through entity”) and which eligible organization(s) will be subrecipients of the recipient.
 - Changes to members of the coalition after selection have to be approved by EPA.
- Subawards must be consistent with the definition of that term in 2 CFR Part 200.1 and comply with the [EPA’s Subaward Policy](#).
- The pass-through entity (grantee/lead recipient) that administers the grant and subawards will be accountable to the EPA for proper expenditure of the funds and reporting and will be the point of contact for the coalition.



Procurements

*Section III.D
of the NOFO*

- **Procurement contractors** (including individual consultants) typically provide goods and services on commercial terms, operate in a competitive environment, and a reasonable profit is allowable.
- Recipients use procurement contracts to **acquire property** (including intellectual property such software licenses) **and services** needed to carry out the EPA funded project or program.
- As provided in [2 CFR Part 200.317](#), when procuring property and services under a federal award, a **Tribe must follow the same policies and procedures it uses for procurements from its non-federal funds.**
 - If such policies and procedures do not exist, Tribes must follow the procurement standards in [§§ 200.318](#) through [200.327](#).



Procurements (cont.)

*Section III.D
of the NOFO*

In addition to its own policies and procedures, a State or Indian Tribe must also comply with the following procurement standards, as stated in [2 CFR Part 200.317](#):

- Disadvantaged business enterprises ([200.321](#) and [40 CFR Part 33.304](#))
- Domestic preferences for procurements ([200.322](#))
- Procurement of recovered materials ([200.323](#))
- Contract provisions ([200.327](#))



Consultant Fee Cap (2 CFR 1500.10)

- **Limits the amount of compensation for individual consultants** that recipients may charge to EPA agreements to Level IV of the Federal Executive Level.
- This is a statutory requirements and **EPA cannot waive the requirement.**
- Cap does not include consultant's overhead or travel costs.
- When the Cap applies is based on whether the recipient selects, directs, or controls the consultant along the same lines as an employee.
- Consultants are contractors even if they receive an IRS 1099 from recipient – competitive procurement rules apply.
- **Contracts with multi-employee firms rarely trigger consultant fee cap** – the firm, rather than EPA recipient, selects, directs, and controls.



Other 2 CFR Part 200 Updates

- 1. Raises the de minimis rate from 10% to 15%** for indirect costs.
- 2. Allows Tribes to follow their own procedures on equipment management** under [2 CFR 200.313\(b\)](#).
- 3. Removes existing prohibition on geographic preference** contained at [2 CFR 200.319\(c\)](#).
- 4. Removes the requirement** in [2 CFR 200.324\(b\)](#) to **negotiate profit** as a separate element of the contract when only one bid is received in response to a competitive solicitation.
- 5. New provisions on:**
 - Project Labor Agreements and various hiring goals and preferences.
 - Scoring mechanism to reward bidders committing to specific numbers and types of U.S. jobs, minimum compensation, employee benefits, etc.
- 6. Threshold increases:**
 - Equipment and unused supplies from \$5,000 to \$10,000.
 - Fixed Amount Subawards from \$250,000 to \$500,000.



Subawards vs. Procurement Contracts

- The chart shows which option is most likely, based on the entity type, that will be receiving funds from the pass-through entity.
 - Transactions between recipients and **for-profit firms or individual consultants** are in almost all cases **procurement contracts**.
 - Need to exercise judgment based on the substance of the agreement, but EPA has tried to simplify the characterization.
 - The fact that the agreement between the pass-through entity and the other party is called a “contract” is **not** determinative.
- Approval by EPA’s Grants Management Office is required before making a subaward to an individual. **Approval can be provided at time of award if the type of transaction is described in the scope of work and/or budget narrative.**

Entity Type	Subaward	Procurement Contract
For-profit		✓
Individual Consultant		✓
Non-profit	✓	
Institute of Higher Education	✓	
Federally Funded Research & Development Center		✓
Tribal Government	✓	





Cross-Cutting Federal Requirements

Build America, Buy America Act (BABA)

*Section VI.F
of the NOFO*

- The 2021 Infrastructure Investment and Jobs Act (IIJA or BIL) included BABA.
- BABA requirements apply to all Federal Financial Assistance (e.g., grants) for infrastructure projects.
 - BABA applies to an entire infrastructure project, even if it is funded by both federal and non-federal funds, or funded under more than one federal award.
 - An infrastructure project is any activity related to the construction, alteration, maintenance, or repair of infrastructure (infrastructure being structures, facilities, and equipment for buildings, utilities, energy generation, waste management facilities/systems).
 - Not Infrastructure: services, labor, projects that serve private homes, temporary items removed before project completion (e.g., scaffolding), equipment/furnishings that are not integral to the infrastructure project (e.g., laptops, chairs, desks)
 - Might be Infrastructure: rolling stock that is integral to the infrastructure project is most likely going to trigger BABA; equipment integral to the infrastructure project is most likely going to trigger BABA
- EPA uses a “Purpose, Time, and Place” test to determine the scope of a “project.”



BABA (cont.): Responsibilities

Grant Recipient Responsibilities:

- Comply with BABA, like all other federal cross-cutters in the grant terms and conditions
- Maintain documentation of BABA compliance
- Issue RFPs or contract solicitations that include BABA as a requirement
- Ensure subaward or loan recipient compliance with BABA and submit applicability questions, waiver requests, etc., on their behalf
- Provide information to EPA to justify any waiver requests
- Allow audits and inspections of the project site to verify compliance, if needed



BABA (cont.): Plan, Budget, Time, and Document

Plan your project with BABA in mind

- Err on the side of caution and assume BABA will apply if your project is likely to involve construction or purchasing critical pieces of equipment
- Conduct due diligence and have Requests for Proposals (RFPs) include reference to BABA and seek BABA compliant materials, with certifications requested
- Initial research and RFP solicitations will help with future waivers, if needed

Budget

- BABA compliant products may cost more than foreign sourced
- Initial research may help provide cost estimates reflecting BABA compliant products
- Waivers based on cost are only considered if the cost of the BABA compliant product causes the **total** project cost to be 25% more than with foreign-sourced product

Time

- BABA compliant products may take longer to obtain
- If BABA compliant products are not available (based on initial research), plan time for waiver request, which can add months to the process

Document

- If you do find products that are BABA compliant, obtain certification from the supplier/manufacturer (manufacturer is strongly preferred) and keep with your grant files
- Highly recommend certification reference the BABA statute and regulations at 2 CFR Part 184
- “Made in the USA” or “made in a US-based plant” or other related statements are not necessarily indicative of a BABA compliant product

Davis-Bacon Act

*Section VI.G
of the NOFO*

- The Davis-Bacon Act applies to SWIFR grants as required by 33 U.S.C. 4282(e)(1) & (2).
- The Davis-Bacon Act gives the U.S. Department of Labor the responsibility for determining **prevailing wages** and issuing regulations and standards to be observed by federal agencies that award or fund projects.
- EPA must ensure that all laborers and mechanics employed on construction projects funded directly, **or assisted in whole or in part**, by a SWIFR grant be **paid wages at rates not less than those prevailing on projects** of a character similar in the locality as determined by the Secretary of Labor.
- A **term and condition** specifying Davis-Bacon Act compliance requirements will be included in SWIFR cooperative agreements that fund construction activities.
 - The Davis-Bacon Act applies to contractors and subcontractors performing work on federally-funded or assisted **construction contracts in excess of \$2,000.**



National Environmental Policy Act (NEPA)

*Section VI.H
of the NOFO*

- The National Environmental Policy Act (NEPA) applies as a general matter to federal actions, including actions funded by federal agencies.
- The SWIFR grants are **subject to compliance** with NEPA.
- While EPA as the funding agency is responsible for NEPA compliance, recipients will likely need to provide information to support this process.
- **EPA will address NEPA compliance with selected applicants** as part of the negotiation of the selectee's final workplan and budget.
- The level of NEPA review required for a proposed action will vary depending on the potential for significant environmental effects. For the SWIFR grants, it is anticipated that construction activities may require a **Categorical Exclusion (CATEX)** determination or may be covered under **SWIFR's Programmatic Environmental Assessment (PEA)**.
- NEPA requirements must be met **before any construction, fixed equipment, or ground disturbance activities can occur**, per 40 CFR Part 6. NEPA requirements **may take 3-6 months to complete**, and applicants should account for this when developing their project timeline.



EPA's Disadvantaged Business Enterprises (DBE) Program

- EPA's **Disadvantaged Business Enterprises (DBE)** regulations are found at [40 CFR Part 33](#).
- These regulations ensure nondiscrimination and help remove barriers to the participation of DBEs in the award of contracts under EPA financial assistance agreements.
- The DBE program provides appropriate flexibility to recipients of EPA financial assistance in establishing and providing contracting opportunities for DBEs.
- The DBE regulations include such things as good faith efforts, reporting and recordkeeping, contract administration, and fair share objectives (FSOs).



Fair Share Objectives (FSOs)

- Under the DBE Program, applicable grant recipients will negotiate **Fair Share Objectives** if they receive an EPA financial assistance agreement in the amount of \$250,000 or more for any single assistance agreement, or of more than one financial assistance agreement with a combined total of \$250,000 or more in any one fiscal year.
- A fair share objective is **not a quota**.
- A recipient cannot be penalized for not meeting its fair share objectives.
- Once negotiated, fair share objectives remain in place for **three fiscal years**.
- DBE requirements (including FSOs) will be incorporated into the terms and conditions if you receive an award.



Quality Assurance Project Plans (QAPPs)

*Section VI.J
of the NOFO*

- In accordance with 2 C.F.R. 1500.12, projects that include the generation or use of environmental data are required to submit a QAPP.
- A QAPP describes how environmental information operations are planned, implemented, documented, and assessed during the life cycle of a project.
- EPA Project Officers will work with all selected recipients on quality assurance (QA) requirements.
- Selected applicants cannot begin environmental information operations until EPA approves the QAPP.



Audit Requirements

From [EPA's General Terms and Conditions](#), page 17:

19. Audit Requirements:

- In accordance with 2 CFR 200.501(a), the recipient hereby agrees to obtain a single audit from an independent auditor, if their organization expends \$1,000,000 or more in total Federal funds in their fiscal year for that year.
- The recipient must submit a single audit report within 9 months of the end of the recipient's fiscal year or 30 days after receiving the report from an independent auditor. The single audit report **MUST** be submitted using the Federal Audit Clearinghouse available at: <https://fac.gov/>.
- For complete information on how to accomplish the single audit submissions, the recipient will need to visit the Federal Audit Clearinghouse Web site: <https://fac.gov/>





Resources

Pre-Application Assistance

*Section IV.F
of the NOFO*



[SWIFR Tribal
webpage](#)



[SWIFR Tribal
NOFO Webinar
1 & 2: Recording
and slides](#)



[Questions and
Answers: SWIFR
Grants for Tribes and
Intertribal Consortia](#)



**Thriving Communities
Technical Assistance
Centers (TCTACs):
[Regional](#) and [NIHB](#)**





Questions?

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THANK YOU!

