

# 2023 BUILD TO SCALE PROGRAM

*Notice of Funding Opportunity*

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U.S. ECONOMIC DEVELOPMENT ADMINISTRATION

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*Office of INNOVATION and*  
**ENTREPRENEURSHIP**

**EXECUTIVE SUMMARY**

<b>Federal Awarding Agency Name</b>	U.S. Economic Development Administration (EDA), U.S. Department of Commerce (DOC)
<b>Funding Opportunity Title</b>	2023 Build to Scale Program
<b>Announcement Type</b>	2023 Notice of Funding Opportunity (NOFO) publishing EDA’s application submission requirements and application review procedures for EDA’s Build to Scale Program, through which EDA awards grants for activities designed to develop and support regional innovation initiatives, as authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. § 3722).
<b>Funding Opportunity Number</b>	EDA-HDQ-OIE-2023-B2S
<b>Catalog of Federal Domestic Assistance (CFDA) Number(s)</b>	11.024 Build to Scale
<b>Key Dates</b>	The application deadline is <b>11:59 P.M. EASTERN TIME ON JULY 28, 2023</b> . Applications received after this deadline will not be reviewed or considered. Applications will only be accepted electronically. Please carefully read the application submission information provided in section D.2 (p. 11) of this NOFO for full details.
<b>Funding Opportunity Description</b>	EDA’s Office of Innovation & Entrepreneurship is committed to furthering tech-based economic development initiatives that accelerate high-skill and high-wage job growth, create economic opportunity, and support the future of the next generation of industry leading companies. Funding is available for organizations that aid companies in developing the next generation of technologies. Under the Build to Scale Program, EDA is soliciting applications for two competitions, the <ul style="list-style-type: none"> <li>• 2023 Venture Challenge; and</li> <li>• 2023 Capital Challenge.</li> </ul>
<b>Cost Sharing and Matching</b>	Applicants must provide matching share equal to at least 50 percent of the total project cost, i.e., applicants must match each dollar requested with at least one dollar of applicant match. See section C.3 (p.10) of this NOFO.
<b>Eligible Applicants</b>	Eligible applicants for EDA financial assistance under this NOFO include: <ul style="list-style-type: none"> <li>• A State;</li> <li>• An Indian tribe;</li> <li>• A city or other political subdivision of a State;</li> <li>• An entity whose application is supported by a State or a political subdivision of a State and that is— <ul style="list-style-type: none"> <li>○ a nonprofit organization,</li> <li>○ an institution of higher education,</li> <li>○ a public-private partnership,</li> <li>○ a science or research park,</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ a Federal laboratory,</li> <li>○ a venture development organization, or</li> <li>○ an economic development organization or similar entity that is focused primarily on improving science, technology, innovation, or entrepreneurship; or</li> <li>● A consortium of any of the aforementioned entities.</li> </ul> <p>EDA is not authorized to provide grants or cooperative agreements to individuals under this Program. Requests from individuals will not be considered for funding.</p>
<b>Informational Webinar</b>	<p>EDA plans to conduct an informational webinar for this NOFO and expects to make available scheduling information and a link to a recording at <a href="https://www.eda.gov/funding/programs/build-to-scale">https://www.eda.gov/funding/programs/build-to-scale</a>.</p>
<b>Award Notification</b>	<p>Subject to the availability of funding, successful applicants should expect to receive grant award notification approximately 90-120 days following the application deadline set forth in this NOFO.</p>

**FULL ANNOUNCEMENT TEXT  
2023 BUILD TO SCALE PROGRAM**

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## A. PROGRAM DESCRIPTION

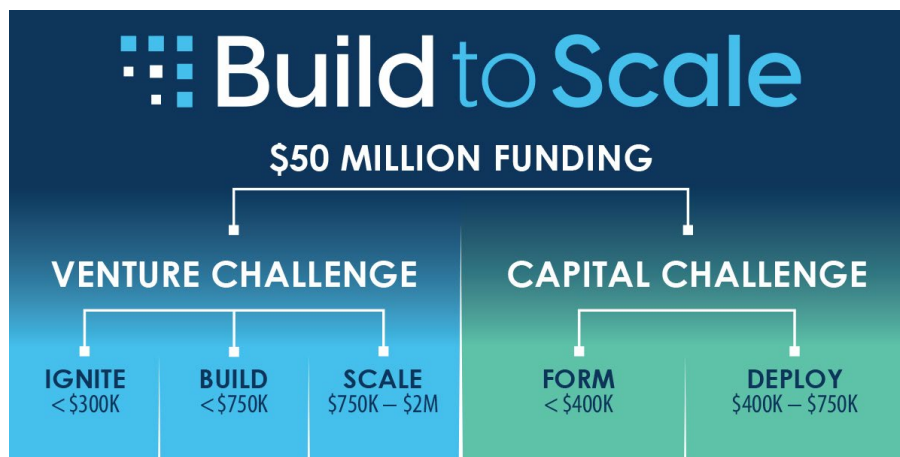
### 1. Overview

Entrepreneurs, especially technology entrepreneurs, flourish in healthy ecosystems. Technology-based economic development (TBED) grows ecosystems in which entrepreneurs can build and scale technology-driven businesses, which in turn create high-skill and high-wage jobs, economic opportunity, and the industries of the future. EDA's Office of Innovation and Entrepreneurship (OIE) awards grants through the Build to Scale (B2S) Program to foster technology-based ecosystems,<sup>1</sup> to advance the growth of connected, innovation-centric economies that accelerate technology, and to enable commercialization to increase regional and global competitiveness.<sup>2</sup>

EDA invites organizations that are aiding technology-based companies with high growth potential (including but not limited to startups) in developing the next generation of technologies to apply for Build to Scale Program funding. The Build to Scale program aims to:

- build public and private capacity for entrepreneurs and innovators to invent, improve, and bring to market new products and services in critical, emerging, and transformative sectors and industries;
- expand regional knowledge ecosystems to realize economic and job growth;
- accelerate the growth of regional economies that are focused on industries of the future;
- catalyze regional leadership through TBED strategies;
- empower communities to provide proof-of-concept and commercialization assistance to technology innovators and entrepreneurs; and
- equitably and inclusively increase access to capital for technology-enabled entrepreneurs.

Under the Build to Scale Program, EDA is soliciting applications for two separate competitions: (1) the Venture Challenge and (2) the Capital Challenge. Applicants may apply to both Challenges but may only



<sup>1</sup> Through the Build to Scale program, EDA “award[s] grants, on a competitive basis, . . . for activities designed to develop and support . . . regional innovation initiative[s].” 15 U.S.C. § 3722(c)(1). “The term ‘regional innovation initiative’ means a geographically-bounded public or nonprofit activity or program that addresses issues in the local innovation systems in order to— (A) increase the success of innovation-driven industry; (B) strengthen the competitiveness of industry through new product innovation and new technology adoption; (C) improve the pace of market readiness and overall commercialization of innovative research; (D) enhance the overall innovation capacity and long-term resilience of the region; (E) leverage the region’s unique competitive strengths to stimulate innovation; and (F) increase the number of full-time equivalent employment opportunities within innovation-based business ventures in the geographic region.” § 3722(a)(2).

<sup>2</sup> See 15 U.S.C. §§ 3720, 3722.

submit one application per Challenge, and each submitted application must have separate and distinct scopes of work, and match or cost share commitments. As set forth below, both Challenges are designed to develop and support regional innovation initiatives.

This grant program supports organizations that may be operating initiatives to unlock investment capital across a region or sector, operating programs to accelerate company growth, empowering the next generation of entrepreneurs, or otherwise enabling technology commercialization. Applicants should consider aligning their project work with key technology focus areas that the National Science Foundation (NSF) updates annually.<sup>3</sup>

Awards made under Build to Scale may only fund operational and programmatic costs related to developing and supporting regional innovation initiatives. Award funds may not be passed or transferred directly to beneficiaries (i.e., participant startup companies and individuals) served by the program being funded by award funds. In addition, award funds may not be used to subsidize such companies' expenses that are unrelated to program activities, including general operating expenses. A provider of matching share, including an entity providing cash or in-kind contributions, may not serve as a contractor under the same award, and may not be paid with award funds to provide goods or services to the award recipient. Funding may not duplicate other federal funding, including funding awarded under other TBED-centric EDA programs (STEM Talent Challenge, Tech Hubs), other Department of Commerce programs, or other federal agency programs. EDA will not fund activities that already are or will be paid for with other federal funds, or are or will be counted as cost share on another federal award.

## 2. Program Information

### i. Venture Challenge

Under the Venture Challenge, EDA seeks competitive proposals that support technology entrepreneurship and accelerate company growth in their community, region, or combination of regions. Competitive proposals will outline how the project will strengthen economic competitiveness through new product or service innovation or new technology adoption, enhancing research commercialization processes and outcomes, remediating structural barriers that inhibit regional innovation capacity and resilience, or leveraging regional competitive strengths to stimulate innovation and the creation of high-skill and high-wage jobs. Companies served by the applicant organization should be challenging the status quo of established markets or commercializing technologies, as well as furthering job creation within their businesses. Applicants should provide empirical evidence that illustrates how funds leveraged through this competition will not only launch new programming and/or scale existing programming, but also generate sustainable added value for the region's entrepreneurial ecosystem by augmenting existing regional assets for innovation and commercialization.

Funding for the Venture Challenge is available at three levels: **Build**, **Scale**, and **Ignite**. Venture Challenge **Build** applicants may request up to **\$750,000** over the period of performance, and Venture Challenge **Scale** applicants must request more than **\$750,000** and may request up to **\$2,000,000** over the period of performance. EDA expects the period of performance for these two levels to be approximately three years. Venture Challenge **Ignite** applicants may request up to **\$300,000** over the period of performance, which EDA expects will be approximately 18 to 24 months. If the applicant needs a shorter or longer period of performance, the applicant should include in the application a justification, and EDA will review and choose to accept that justification for any of the funding levels.

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<sup>3</sup> 42 U.S.C. § 19107; see also section D.2.iii.a.3.c) below.

Venture Challenge **Ignite** applicants

- may be establishing new partnerships across sectors, industries, and organizational types to build capacity;
- may be conducting community needs audits and assessments to develop a comprehensive technology-based economic development strategy for the region;
- may be establishing governance and other formal agreements and structures among partners and identifying regional TBED champions;
- may be establishing a new or reimagined commercialization and technology transfer function;
- may request up to **\$300,000** over the period of performance (expected to be approximately 18-24 months); and
- must provide a 1:1 match.

The Ignite Challenge provides operational and programmatic funding to support the development of nascent technology-based ecosystems. This program is open only to applicants that are not current or prior Build to Scale or Regional Innovation Strategies (RIS) program grantees and aims to strengthen organizations' capacities to design and implement Tech Based Economic Development (TBED) projects through feasibility studies, impact analyses, and planning to address regional innovation needs, including access to capital. These projects should focus on building partnerships, establishing governance, and identifying potential sources of matching funds that will enable the organization to implement TBED projects in the near future.

Venture Challenge **Build** applicants

- should pilot a solution to a demonstrated need **or** implement a proven solution to a demonstrated need in a new region or community;
- must demonstrate a commitment and ability to achieve, measure, and share data that support agreed upon impacts;
- may request up to **\$750,000** over the period of performance (expected to be approximately three years); and
- must provide a 1:1 match.

Venture Challenge **Scale** applicants

- should scale an existing initiative that has demonstrated prior success based on empirical evidence;
- must have a proven track record of successful deployment of programs;
- must demonstrate a commitment and ability to achieve, measure, and share data that support agreed upon program effects to accelerate technology-based economic development strategies;
- must request more than **\$750,000** and may request up to **\$2,000,000** over the period of performance (expected to be approximately three years); and
- must provide a 1:1 match.

Organizations interested in applying to the Venture Challenge as a Build or Scale applicant are encouraged to review project profiles of past awardees of the Venture Challenge and the i6 Challenge (the predecessor to the Venture Challenge) at <https://www.eda.gov/funding/programs/build-to-scale>.

**ii. Capital Challenge**

The Capital Challenge provides operational support for the formation, launch, or scale of investment funds that seek to raise equity-based capital to deploy in scalable startups (e.g., angel, seed, or venture funds) or



of organizations that expand equity-based capital access and deployment within a community, region, or regional industry (e.g., angel networks or investor training programs). The Capital Challenge does not support strictly debt-based capital.

Funding for the Capital Challenge is available at two levels: **Form** and **Deploy**. Capital Challenge **Form** applicants may request up to **\$400,000**, and Capital Challenge **Deploy** application must request more than **\$400,000** and may request up to **\$750,000** over the period of performance, which EDA expects will be approximately three years unless the applicant clearly justifies a shorter or longer period of performance and EDA accepts that justification. Although Capital Challenge applicants should operate investment vehicles that raise equity or equity-based capital and deploy that capital into scalable technology businesses, funding must primarily support operational and programmatic costs and **may not** be used as investment capital.

#### Capital Challenge **Form** applicants

- should identify, educate, and connect investors and other potential sources of equity-based capital (whether traditional, hybrid, or new structures) within a regional technology cluster;
- should identify sources of potential investments (i.e., dealflow) and build capacity to conduct due diligence and close investment deals;
- must demonstrate a commitment and ability to achieve, measure, and share data that support agreed upon effects;
- may request up to **\$400,000** over the period of performance (expected to be approximately three years); and
- must provide a 1:1 match.

#### Capital Challenge **Deploy** applicants

- should raise and deploy equity or equity-based capital, whether through traditional or hybrid models, within a regional technology cluster via a fund or other collaborative investment framework;
- should deploy investment capital into technology startups based on an investment thesis that clearly supports and fosters the growth of a regional technology cluster and its entrepreneurship ecosystem;
- must **not** use B2S funding or matching share as investment capital but instead to operate or support one or more investment vehicles;
- should assess companies for high-growth potential as a central factor of their investment strategy;
- must demonstrate a commitment and ability to achieve, measure, and share data that support agreed upon effects;
- must request more than **\$400,000** and may request up to **\$750,000** over the period of performance (expected to be approximately three years); and
- must provide a 1:1 match.

Organizations interested in applying to the Capital Challenge are encouraged to review project profiles of past awardees of the Capital Challenge or Seed Fund Support competition (the predecessor to the Capital Challenge), at <https://www.eda.gov/funding/programs/build-to-scale/historical>.

### 3. Equity Investment Priority

Consistent with Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government, and EDA's Equity Investment Priority, EDA expects

projects to advance equity to underserved populations to the extent practicable. In this context, EDA is seeking projects that directly benefit: 1) one or more traditionally [underserved populations](#), including but not limited to women, Black, Latino, and Indigenous and Native American persons, Asian Americans, and Pacific Islanders; or 2) underserved communities within [geographies](#) that have been systemically and/or systematically denied a full opportunity to participate in aspects of economic prosperity such as Tribal Lands, [Persistent Poverty Counties](#), and rural areas with demonstrated, historical underservice.

A successful project will articulate which populations or communities will benefit (as noted above and <https://www.eda.gov/funding/investment-priorities>) and include a plan for inclusive community engagement in the project and ensuring that the economic benefits of the project will be shared by all communities in the project region, including any underserved communities. Your explanation should address the communities affected, barriers those communities may face in accessing benefits of the project, contemplated outreach efforts, and other planned steps to address identified barriers, as appropriate. Applicants should show a commitment to equity and diversity, and EDA will consider applicants' demonstration of prior concrete successes related to equity and diversity.

#### 4. Statutory Authority

The statutory authority for the Build to Scale program is section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. § 3722). The regulations governing the Build to Scale program are located at subparts A and B of 13 C.F.R. part 312.

### B. FEDERAL AWARD INFORMATION

#### 1. Available Funding Under this Announcement

EDA has been appropriated \$50 million for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980, pursuant to the Consolidated Appropriations Act, 2023.<sup>4</sup>

The funding periods and funding amounts referenced in this notice are subject to the availability of funds at the time of award as well as to DOC and EDA priorities at the time of award. DOC and EDA will not be held responsible for application preparation costs. Publication of this announcement does not obligate DOC or EDA to make any specific grant award or to obligate all or any part of available funds.

Subject to the availability of funding and based on applications received, EDA expects to make awards under this NOFO as follows:

##### i. Venture Challenge

EDA plans to award no less than **\$40,000,000** under the 2023 Venture Challenge. The maximum federal share of each Venture Challenge Build award is **\$750,000**; the maximum federal share of each Venture Challenge Scale award is **\$2,000,000**. Under Venture Challenge Ignite the maximum federal share is **\$300,000**.

##### ii. Capital Challenge

EDA plans to award no less than **\$8,000,000** under the 2023 Capital Challenge. The maximum federal share of each Capital Challenge **Form** award is **\$400,000**; the maximum federal share of each Capital Challenge **Deploy** award is **\$750,000**.

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<sup>4</sup> Public Law 117-328, division B, title 1 (December 29, 2022).

## 2. Type of Funding Instrument Used; Period of Performance

Under this NOFO, EDA may award grants to eligible applicants to support project activities. Periods of performance are dependent on the type of project and the scope of work of the grant award. See section F.1 (p. 26) of this NOFO for award notification information. EDA anticipates awards will typically have an initial period of performance of approximately three (3) years, with Venture Challenge Ignite having an expected period of performance of 18-24 months; all competitions under this NOFO have an anticipated start date of November 1, 2023 (subject to change).

EDA expects all projects to proceed efficiently and expeditiously, and EDA expects applicants to document clearly in their applications a reasonable and appropriate timeline that includes the start and completion dates of the proposed scope of work. As a condition of their respective awards, grantees will be required to provide timely periodic progress reports and performance data as set forth in section F.3 (p. 27).

## C. ELIGIBILITY INFORMATION

### 1. Eligible Applicants

Entities that are eligible for funding include:

- a State;<sup>5</sup>
- an Indian tribe;
- a city or other political subdivision of a State;<sup>6</sup>
- an entity whose application is supported by a State or a political subdivision of a state and that is—
  - a nonprofit organization;
  - an institution of higher education;
  - a public-private partnership;<sup>7</sup>
  - a science or research park;

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<sup>5</sup> The term “State” means one of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States. 15 U.S.C. § 3722(a)(3). Departments within the State government (e.g., State’s Department of Labor, etc.) are considered part of the State.

<sup>6</sup> A “political subdivision of a state” is a unit of government created by and under the authority of a higher level of government. For example, counties, cities, etc.

<sup>7</sup> For the purposes of the Build to Scale program, EDA defines a public-private partnership (PPP) as a relationship formalized by contractual agreement between a public agency and a private-sector entity that reasonably defines the terms of collaboration in the delivery and financing of a public project. EDA will typically review agreements for items such as the purpose and objectives of the partnership, the binding/contractual nature of the relationship, the duties and responsibilities of each party, and the duration of the agreement. The scope of the relationship documented in the agreement may be limited to the proposal set forth in a given partnership’s grant application or may encompass a broader program, initiative, or other set of activities or goals. Organizations that plan to apply to this NOFO as a PPP may structure their applications in one of four ways: (1) The private entity that is party to the PPP applies on behalf of the PPP that includes the contractual agreement establishing the PPP, and that clearly documents the roles and responsibilities of each member of the PPP; (2) The public entity that is party to the PPP applies on behalf of the PPP that includes the contractual agreement establishing the PPP, and that clearly documents the roles and responsibilities of each member of the PPP; (3) The PPP applies as a single entity if the PPP is an established entity, independent of the parties to the PPP and with its own organizational structure and clearly defined management team; and the application includes the contractual agreement establishing the PPP, and clearly documents the roles and responsibilities of each member of the PPP; or (4) If the public and private partners are equally involved in the management and/or carrying out of the grant, then the entities of the PPP should submit as co-applicants. The application should include the contractual agreement establishing the PPP, and clearly document the roles and responsibilities of each member of the PPP.

- a Federal laboratory;
- a venture development organization;<sup>8</sup> or
- an economic development organization or similar entity that is focused primarily on improving science, technology, innovation, or entrepreneurship;<sup>9</sup> or
- a consortium of any of the aforementioned entities.<sup>10</sup>

EDA is not authorized to provide grants to individuals or other entity types that are not eligible under this NOFO, and such requests will not be considered for funding.

If an organization is currently implementing an OIE award (i.e., under a prior-year Build to Scale or Regional Innovation Strategies program funding opportunity) and submitting an application to the same or successor challenge<sup>11</sup> under this NOFO, EDA will not consider that application for award unless all activities under the existing award, including but not limited to final reporting requirements, are completed and submitted to EDA prior to October 1, 2023.

- To be eligible for the 2023 Venture Challenge, all current Venture Challenge, i6 Challenge, and Industry Challenge – Blue Economy recipients must have completed all activities within their current awards' SOWs and must have fulfilled their final reporting requirements by October 1, 2023.
- To be eligible for the 2023 Capital Challenge, all current Capital Challenge, Seed Fund Support grants, must have completed all activities within their current awards' SOWs and must have fulfilled their final reporting requirements by October 1, 2023.

## 2. Definitions

Under the Build to Scale program, lead applicants may choose to partner with co-applicants, subrecipients, or contractors, which can all potentially serve as federally funded partners under the grant (meaning part of the federal budget requested in the application would go to these partner entities). Applications may also include unfunded project partners (meaning they would not receive federal funds from this grant); please note the following definitions for help determining a partner's legal classification under this grant. Before disbursing any program funds, a case-by-case determination must be made as to whether the partner or party receiving the funds has the role of subrecipient or contractor, pursuant to factors listed in 2 CFR § 200.331, *Subrecipient and contractor determinations*.

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<sup>8</sup> To be eligible for funding, a venture development organization must be a State or nonprofit organization that contributes to regional or sector-based economic prosperity by providing services for the purposes of accelerating the commercialization of research. 15 U.S.C. § 3722(a)(4).

<sup>9</sup> For purposes of the Build to Scale program, EDA defines an economic development organization as an organization with a primary purpose to support the economic development of a community or region. 13 C.F.R. § 312.3. To evaluate an organization's eligibility as an economic development organization or similar entity, EDA will look to the organization's Articles of Incorporation, Charter, Resolutions, Bylaws, and other documents that may be relevant to establish the primary purpose of the organization. Applicants are encouraged to submit all relevant documentation to EDA for evaluation. EDA reserves the right to request additional information from applicants to establish eligibility, as necessary. If applicants have further questions concerning these documentation requirements, they should contact the representative listed in section G (p. 27) of the NOFO.

<sup>10</sup> A consortium is two or more eligible entities jointly applying for an award as co-applicants.

<sup>11</sup> The Regional Innovation Strategies program's i6 Challenge is the predecessor of the B2S Venture and Industry Challenges (this NOFO considers the Venture and Industry challenges to be different versions of the same Challenge); the Regional Innovation Strategies program's Seed Fund Support Grant Competition is the predecessor of the B2S Capital Challenge.

### i. Subrecipients

To be considered a subrecipient, an organization must be an **eligible entity** under this NOFO (see section C.1 (p. 8)). A subrecipient is an entity that receives a subaward from a pass-through entity (i.e., the lead applicant) to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award.<sup>12</sup> Subrecipients generally carry out a portion of project activities on behalf of the applicant or co-applicant(s). Additional documentation may be required for each potential subrecipient. For more information on application requirements, see Appendix B. Please note: When deciding between applying as a co-applicant or relying on subrecipients to perform part of the scope of work, EDA prefers subrecipients.

### ii. Co-applicants

Each co-applicant must be an eligible entity under this NOFO (see section C.1 (p. 8)); generally, co-applicants **jointly manage** and implement the scope of work of an award. Co-applicants have a significant role in the project scope of work. Co-applicants are generally required to submit the same forms that the primary applicant must submit. See section D (p. 11) and Appendix B for specific application requirements and a comprehensive checklist of the documents required for all co-applicants. Co-applicants of an application that is awarded funding will be considered “Co-recipients.”

### iii. Contractors

Contractors are entities that receive a contract, defined as a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out a project or program under a Federal award (for definition of “contractor” see 2 CFR 200.1). Contractors do not have to meet eligibility requirements under this NOFO; however, all contracts (including with contractors listed in application materials) must be procured in accordance with the procurement standards at 2 CFR §§ 200.317-327. Please note: Contractors that receive federal funds under a B2S award cannot provide match or cost share for the same award.

### iv. Technology-Based Economic Development (TBED)

Technology-Based Economic Development (TBED) supports a climate where technology and innovation help drive an economy. Strategies often include a research base that generates new knowledge; mechanisms for transferring knowledge to the marketplace; an entrepreneurial culture; sources of risk capital; and a technically skilled workforce.<sup>13</sup>

## 3. Cost Sharing or Matching

A minimum one-to-one (1:1) match is required for all Build to Scale awards. Applicants must demonstrate at the time of the application a matching share of at least 50 percent of the total project cost; i.e., for every dollar of federal funds requested, applicants must demonstrate a commitment of at least one dollar of matching share. **Matching share greater than the 1:1 requirement will be accepted but is not necessary to qualify for funding and WILL NOT MAKE AN APPLICATION MORE COMPETITIVE.** EDA in its sole discretion may agree to reduce the matching share prior to, at, or during an award to no lower than 1:1.

<sup>12</sup> For full definition, see 2 CFR 200.1.

<sup>13</sup> <https://ssti.org/TBED>.

Applicants must provide documentation (e.g., a signed letter, resolution, MOU, etc.) to show that all matching share is committed, whether provided by the applicant or a third party. For full details on what is included and allowed to meet match requirements, see section D.2.i (p.11).

## **D. APPLICATION AND SUBMISSION INFORMATION**

### **1. Address to Request Application Package**

An applicant must submit a complete application, as detailed in Section D.2 (p.11) of this NOFO, to be considered for funding. EDA intends to review each application within 60 days after receiving the complete application. EDA may request additional documentation or information from the applicant to make an eligibility determination. EDA will reject any documentation that the agency determines is inaccurate or incomplete, which may cause the application to be rejected.

### **2. Content and Form of Application Submission**

An applicant must obtain, complete, and submit an application electronically through the Economic Development Grants Experience (EDGE) at [sfgrants.eda.gov](http://sfgrants.eda.gov). EDA will not accept paper, facsimile, or email transmissions of applications except as provided below. In order to obtain and submit an application through EDGE, an applicant must register for an EDGE account at [sfgrants.eda.gov](http://sfgrants.eda.gov). As part of the registration process, you will assign one Authorized Representative for your organization, however, multiple points of contact may be registered or added by the lead applicant to the application workspace to view or work on completing the application. The Authorized Representative will be the only official with the authority to submit applications. The required electronic file format for attachments is text-searchable Portable Document Format (PDF), word, and where appropriate, Microsoft Excel.

#### **i. Verify That Your Submission Was Successful**

Applicants should save and print written proof of an electronic submission made through EDGE. Applicants, specifically the Authorized Representative submitting the application and materials, will receive a time and date stamped email from EDGE confirming the submission and receipt of the application and other required documents.

Applicants should save and print both the confirmation screen provided on EDGE after the applicant has submitted an application and the confirmation email sent when the application has been successfully submitted.

It is the applicant's responsibility to verify that its submission was timely received and submitted successfully through EDGE.

#### **ii. Alternatives to Submission through EDGE**

To accommodate applicants' accessibility requirements, a paper version of the application may be obtained by contacting EDA's Office of Innovation and Entrepreneurship (OIE) via email at [oie@eda.gov](mailto:oie@eda.gov) or via phone at (202) 482-8001.

All Build to Scale applications, whether under the Venture or Capital Challenges, must include the following documents to be considered for funding (also, see Appendix B for application checklist):

Project Design and Substance
Project Narrative
Budget Narrative and Staffing Plan
Matching Share Commitment Letters
State/Local Government Support (if applicable, depending on your organization type)
Forms and Supporting Documentation
SF-424 (Application for Federal Assistance)
SF-424A (Budget Information Non-Construction Programs)
CD-511 (Certification Regarding Lobbying)
SF-LLL (Disclosure of Lobbying Activities)
State Single-Point-of-Contact (SPOC)/Executive Order 12372 Compliance Documentation (if applicable) <sup>14</sup>
Organizational Documentation (if applicable, depending on your organization type) <sup>15</sup>
Indirect Cost Rate (ICR) Documentation (if applicable)
Project Service Area and FIPS Codes

### iii. Project Design and Substance

Document	Number
Project Narrative	One per application
Budget Narrative and Staffing Plan	One per application
Matching Share Commitment Letters	One per match source
State/Local Government Support (if applicable, depending on your organization type)	One per application

#### a. Project Narrative

All applicants must provide a Project Narrative of no more than ten (10) total pages with margins no less than one-half inch (0.5”) using Arial, Calibri, Times New Roman, or a similar font of size no less than eleven (11) points to be considered for funding. **Material beyond the tenth page will not be read or considered.** Any appendices will not be considered in scoring. Applicants are strongly encouraged to provide a clear and concise narrative that includes a compelling justification for the project and articulates a clearly defined regional economic gap, how the proposed project will uniquely meet this need, and the expected outcome(s) that will result from the proposed project. Lengthy applications will not receive greater consideration. Project Narratives must address the following areas:

#### 1) Project Description and Overview

##### a) Executive Summary

Provide an **executive summary** of no more than 250 words that includes a **project title** and the name of the Challenge and funding level to which the application is being submitted (i.e., Venture Challenge Build,

<sup>14</sup> Only certain States participate in the SPOC compliance process. See section D.2.ii (p.17).

<sup>15</sup> Only non-public, eligible entities are required to submit organization documents, and the documentation required varies by eligible entity type. See section Appendix B.

Venture Challenge Scale, Venture Challenge Ignite, Capital Challenge Form, Capital Challenge Deploy). If the application is selected for funding, EDA may publish this executive summary, including but not limited to on its or other websites and via social media.

**b) Vision, Mission, Goals, Roles**

What are your organization's **vision and mission for this project**? How are you positioned to support a technology entrepreneurship ecosystem and lead this project work? What are the program **goals**? Describe the **roles** you currently play in the innovation ecosystem, and how those roles enable you to achieve those goals. How are you positioned to support a technology entrepreneurship ecosystem? Will other organizations be involved in this work and if so, what roles and responsibilities will they have? Please include any funded partners' organizational type, formal relationship, and Unique Entity Identifier (UEI) number (Ex: 501(c)(3) non-profit, subrecipient, UEI: ABC12345) Describe how the proposed programming leverages and builds upon regional assets, and uses data to support claims.

**2) Ecosystem Resources and Assets**

Describe the project's **location** and **region**, including its **primary service area**, the communities or regions served (e.g., assets, financial and business resources, workforce, and infrastructure), stakeholders leveraged, and the region's assets and opportunities. The location and region should directly correspond to Questions 14 and 16 of the SF-424. If the applicant expects impacts beyond the noted region, the applicant should note the region of expected impact.

**3) Proposed Solution**

**a) Problems and Solutions**

What problems is your project trying to solve? What solutions are being proposed to further innovation ecosystem development and support commercialization? To what extent do the solutions align with any of EDA's investment priorities?<sup>16</sup> To what extent does existing evidence suggest that the proposed actions will address the problems you are trying to solve? Describe in detail how the solutions align with specific regional opportunities or tackle structural challenges. Explain how achievable the solution is. For example, has the idea already been piloted in the area? Do you have examples of where this or similar solutions have been implemented before? If the solution is completely new, what research has been done that leads you to believe the outcomes are achievable?

**b) Affected Groups**

Describe the specific communities and groups that the solution will serve and affect, and explain the rationale for how participants are targeted. Provide an estimate of how many people, organizations, and communities will be affected by the project either directly or indirectly, and indicate to what extent, if any, you expect the solution to serve and benefit historically underserved populations and increase the diversity, equity, inclusion, and accessibility of your regional innovation economy.

**c) Region-Opportunity Alignment**

Why is this opportunity ripe for the region? Identify the factors through data that contribute to the region's innovation and job creation strengths and challenges (e.g., ecosystem resources, emerging sectors, R&D systems and infrastructure, other regional assets). How will the lead applicant leverage available regional

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<sup>16</sup> U.S. Econ. Dev. Admin., Investment Priorities, <https://www.eda.gov/funding/investment-priorities>.



resources to support ecosystem efforts? What technology area(s) will your project focus on? How do the area(s) align with the NSF-identified key technology focus areas?<sup>17</sup>

#### 4) Partnerships

Describe any former, current, or future partnerships or working relationships with public and private entities at the national, State, regional, and local level that will be working on this project. Provide a brief description of each entity and specific detail on the roles and responsibilities of these collaborators including effectiveness of past collaboration efforts.

#### 5) Outcomes

What are the anticipated goals you hope to achieve (i.e., outcomes) and what outputs do you plan to measure to assess to demonstrate progress towards those outcomes? Anticipated outcomes should be specific, measurable, attainable, relevant and timebound (SMART), and the application should indicate why and how these outcomes were selected, including existing evidence that suggests these outcomes are appropriate. Include baseline measures that describe the current state to help you assess any potential changes.. How will your organization achieve those outcomes? Applicants selected for funding must employ a data and client management system to track their metrics in a machine-readable format; applicants should include a description of their respective systems and, if no such system exists, should include their acquisition and implementation in the project narrative and budget. Applicants should also be prepared to participate in a program evaluation activities required by EDA.

#### 6) Program Sustainability

Provide a program sustainability plan, including anticipated challenges, potential barriers, a forecast of post-award period operations. What is the vision for this program after the grant period ends? Explicitly indicate how you plan to continue and evolve operations after you have spent all Build to Scale grant funds, including any existing long-term funding commitments.

#### 7) Scope of Work (1 page)

Applicants must submit no more than one (1) page as the scope of work for the project. This document should outline all activities that will be conducted under this program and a timeline to support its implementation. The scope of work should include work performed by the applicant, any subrecipient(s), any co-applicant(s), and any unfunded project partner(s), and should outline roles and responsibilities. The scope of work should align with and support claims made in the project narrative and the budget narrative. EDA may incorporate this section into any award if selected for funding.

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<sup>17</sup> 42 U.S.C. § 19107 lists the initial set of key technology focus areas:

- (1) Artificial intelligence, machine learning, autonomy, and related advances;
- (2) High performance computing, semiconductors, and advanced computer hardware and software;
- (3) Quantum information science and technology;
- (4) Robotics, automation, and advanced manufacturing;
- (5) Natural and anthropogenic disaster prevention or mitigation;
- (6) Advanced communications technology and immersive technology;
- (7) Biotechnology, medical technology, genomics, and synthetic biology;
- (8) Data storage, data management, distributed ledger technologies, and cybersecurity, including biometrics;
- (9) Advanced energy and industrial efficiency technologies, such as batteries and advanced nuclear technologies, including but not limited to for the purposes of electric generation (consistent with 42 U.S.C. § 1874); and
- (10) Advanced materials science, including composites 2D materials, other next-generation materials, and related manufacturing technologies.

### ***b. Budget Narrative & Staffing Plan***

Applicants must provide a clear budget narrative that identifies and justifies each budget line item (including both the federal share and matching non-federal share) and the narrative total should match the total project costs listed in both the SF-424, Question 18, Line g (“TOTAL”) and the appropriate totals fields of the SF-424A. **The budget narrative should include an itemized list of the matching share sources, the total match contribution per each matching share source, and whether the match is cash or in-kind.** The budget narrative should include itemized valuations of any in-kind matching funds (which, for personnel costs, should be supported by the staffing plan). Applicants may use the optional budget and staffing template available at <https://www.eda.gov/funding/programs/build-to-scale> to supplement the budget narrative. Each line item in the budget narrative should clearly indicate

- the budget category (from the SF-424A) to which the line item corresponds;
- a description of the intended use of funds for each line item; and
- if any matching share is allocated to a given line item, a citation to the one or more commitment letters that documents each relevant matching organization’s commitment to provide the matching share of the given line item.

Recipients generally must expend non-federal share, whether in cash or in-kind, at the same general rate as the federal share. However, if the applicant’s budget narrative proposes otherwise (e.g., if the project’s implementation depends on a higher proportion of federal share expenditure upfront), the applicant must clearly explain why project implementation requires different expenditure rates.

As part of the budget narrative, applicants also must submit a staffing plan that lists key positions that would be charged to the federal and non-federal portions of the budget for each year of the period of performance. The staffing plan must include position titles, maximum annual salaries, percentage of time dedicated to the project, and the total amount of annual salaries that would be charged to the project. The total amount of annual salaries that would be charged to the project must be consistent with the amount reflected on the “Personnel” budget line item on the Form SF-424A for each project year.

### ***c. Matching Share Commitment Letters***

Applicants must submit commitment letters or equivalent documents for **all matching funds** (whether cash or in-kind) from **all sources** (i.e., applicant, subrecipients, and any other third-party sources of matching funds) that are **SIGNED BY AN AUTHORIZED REPRESENTATIVE** of the contributing organization. (Authorized Representatives must have the authority to execute documents and to obligate and expend funds on behalf of their respective organizations.)

Each matching share commitment letter (whether from the applicant or a third party) must:

1. state whether the contribution is cash or in-kind;
2. if in-kind, provide a valuation and description for in-kind contributions;
3. state whether the contribution is from a non-federal source or from a federal source that is explicitly authorized by statute to be used as matching share; and
4. state that, **at the time of award**, the matching share
  - a. is **committed** to the project,
  - b. will be **available** as needed, and
  - c. is **neither conditioned nor encumbered** in any way that would preclude its use consistent with the requirements of EDA investment assistance.

A provider of matching share, whether cash or in-kind contributions, may not serve as a contractor under the award for which it provides matching share. Match documentation should include a quantitative valuation and note whether the contribution is cash or in-kind. Funds from other federal financial assistance awards can serve as matching share funds **only** if authorized by statute, which may be determined by EDA's reasonable interpretation of the statute.

In-kind contributions may be used for the required matching share and must consist of contributions directly related to the proposed project, such as services, equipment, or space. An in-kind contribution is a non-monetary contribution. Goods or services offered free or at less than (discounted) the usual charge can be considered an in-kind contribution and still require a signed letter of commitment. EDA will fairly evaluate all in-kind contributions, which must be eligible project costs and which must meet applicable federal cost principles and uniform administrative requirements. As with other match sources, a commitment letter is required for both applicant-provided and third-party sources of in-kind match, as provided in section C.3 . This letter should include details on what the in-kind contribution will consist of and a valuation (ex: 40 hours of consulting time at \$100 hourly rate for a total in-kind contribution of \$4,000 across the period of performance). As noted above, contractors receiving EDA funding under this grant cannot provide in-kind (or cash) match.

Please note that all project funds—both federal funds and matching funds—are subject to the funding restrictions set forth in section D.7 (p.21). Additionally, recipients generally must expend non-federal share, whether in cash or in-kind, at the same general rate as the federal share. However, if the applicant's budget narrative proposes otherwise (e.g., if the project's implementation depends on a higher proportion of federal share expenditure upfront), the applicant must clearly explain in the budget narrative why project implementation requires different expenditure rates.

Entities submitting applications to more than one competition (ex: one to Venture Challenge, one to Capital Challenge) must submit separate matching share documentation for each application. EDA may request additional documentation to substantiate that the matching funds meet these requirements.

#### ***d. State/Local Government Support***

Applicants that are a non-public entity (e.g., non-profits, private institutions of higher education) must submit one or more resolutions or letters that demonstrate that the application is supported by one or more States or political subdivisions of States (e.g., counties, municipalities) that encompass all or a substantial portion of the communities served by this project. Letters should be signed by executives from the State or political subdivision of the State. Examples of authorities who may indicate such support include State and local executive branch officials (e.g., State governors, State cabinet members, mayors, city managers, city finance directors, county executives, or other municipal executives) and State and local legislators (e.g., State legislators, city councilpersons).

Support from Federal officials, including but not limited to members of the United States Congress, does not meet this requirement. Other examples of support letters that do NOT meet this requirement include letters from non-profits, chambers of commerce, public universities, etc.

If an applicant or co-applicant is a State, an Indian tribe, a city or other political subdivision of a State, or an institution of higher education that is 100% publicly controlled, this requirement does not apply.

#### iv. Forms and Supporting Documentation

##### a. Forms

Applications **must** include the following documents, either per applicant or co-applicant or per application, as noted:

Form	Description	Number
SF-424	Application for Federal Assistance	One per applicant
SF-424A	Budget Information—Non-Construction Programs	One per application
CD-511	Certification Regarding Lobbying	One per applicant
SF-LLL	Disclosure of Lobbying Activities	One per applicant

##### b. Supporting Documentation

Applications must include the following documentation, as applicable, depending on a given project's primary service area and the type and history of each applicant organization.

Documentation	Number
SPOC Compliance (if applicable)	For each participating State in primary service area
Organizational Documentation (if applicable)	For each applicant, depending on entity type
ICR Documentation (if applicable)	For each applicant
Project Service Area and FIPS Codes	One per application

#### 1) SPOC Compliance

If the proposed project is covering a service area in a State that has adopted a process under Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs," the applicant must give State and local governments a reasonable opportunity to review and comment on the proposed project, including review and comment from area-wide planning organizations in metropolitan areas. Applicants with a project service area that is within a participating State(s) **must** submit documentation demonstrating compliance with that State's or those States' processes. To ensure compliance, applicants should reach out to their State's Single Points of Contact (SPOC) to understand that State's specific processes. See section D.6 "Intergovernmental Review" of this NOFO for further detail. EDA strongly encourages applicants to contact SPOCs early in the application period to determine the relevant State's or States' processes.<sup>18</sup> Based on the applicant's State, EDA requires the following documentation:

State does not participate	No documentation required—check SF-424 box 19(c).
State participates; this grant program not subject to review	Documentation (e.g., a State executive order, a signed letter from the SPOC) showing that this grant program is not subject to review—provide the documentation as an attachment and check SF-424 box 19(b).
State participates; this grant program subject to review	Documentation (e.g., a signed letter from the SPOC) with comments or indicating that this project was not selected for review, or, if the comment period has expired or comments were not received, a copy of the applicant's request for comments—provide the documentation as an attachment and check SF-424 box 19(a).

<sup>18</sup> EDA strongly encourages applicants with any questions about SPOC compliance (i.e., intergovernmental review) to contact the respective state's SPOC representative listed in the SPOC list as linked in section D.2.ii.) above.

## 2) Organizational Documentation

Each non-public applicant and co-applicant must provide documentation that supports each applicant's or co-applicant's **organizational status as an eligible entity**, depending on the type of organization:

- Nonprofit organizations must submit documentation that demonstrates their status as nonprofit organizations, including articles of incorporation, certificates of good standing, bylaws, and, if applicable, proof of tax-exempt status.
- Applicants applying as (a) institutions of higher education that are not 100% publicly controlled, (b) science or research parks, (c) Federal laboratories, (d) venture development organizations, or (e) economic development organizations<sup>19</sup> or similar entities must provide documentation that demonstrates their organization's status as the relevant entity type as discussed in section C.1 .
- Entities applying as public-private partnerships must submit documentation of their contractual relationship. See the definition of *public-private partnerships* at 13 C.F.R. § 312.3 and the discussion of documentation for public-private partnerships in footnote 8 to section C.1 (p.8) .
- States, Indian tribes, cities or other political subdivisions of States, and institutions of higher education that are 100% publicly controlled are **not required** to submit organizational documentation.

Regardless of entity type, EDA reserves the right to request documentation or additional proof of organizational status.

## 3) Indirect Cost Rate (ICR) Documentation

If indirect costs are included in the budget, the applicant must include documentation to support the indirect cost rate it is using (unless claiming the 10 percent de minimis indirect cost rate, discussed below). The applicant must submit a copy of its current, approved, and negotiated indirect cost rate agreement (NICRA), if it wishes to rely on the NICRA. The maximum dollar amount of allocable indirect costs for which EDA will reimburse a recipient will be the lesser of the (i) line-item amount for the federal share of indirect costs contained in the EDA approved budget for the award, or (ii) federal share of the total allocable indirect costs of the award based on either (i) the indirect cost rate approved by EDA (or applicable cognizant federal agency), provided that the cost rate is current at the time the costs were incurred and provided that the rate is approved on or before the award end date, or (ii) other acceptable documentation as indicated below.

If the applicant does not have a current or pending NICRA, it may propose indirect costs in its budget; however, the applicant must prepare and submit an allocation plan and rate proposal for approval within ninety calendar days from the award start date (unless claiming the 10 percent de minimis indirect cost rate, discussed below). See 2 C.F.R. part 200 Apps. III, IV, V, VI, VII for guidance. The allocation plan and the rate proposal shall be submitted to [EDA\\_Indirect@ibc.doi.gov](mailto:EDA_Indirect@ibc.doi.gov) (or the applicable cognizant federal agency). The applicant should include a statement in its Budget Narrative that it does not have a current or pending NICRA and will submit an allocation plan and rate proposal to EDA or the applicant's cognizant federal agency for approval.

In accordance with 2 CFR § 200.414(f), an applicant that does not have a current negotiated or provisional NICRA, may elect to charge a de minimis rate of 10 percent of modified total direct costs (subject to the exceptions of § 200.414(f)). No documentation is required to justify the 10 percent de minimis indirect cost

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<sup>19</sup> EDA strongly encourages applicants that may be eligible under this entity category to contact the representative listed in section G of this NOFO with any questions regarding eligibility.

rate; however, an applicant electing to charge a de minimis rate of 10 percent must include a statement in its Budget Narrative that it does not have a current negotiated (including provisional) rate and is electing to charge the de minimis rate.

If the applicant is a State or local unit of government that receives less than \$35 million in direct federal funding per year it may submit any of the following:

- Negotiated indirect cost rate agreement (NICRA);
- A Certificate of Indirect Costs from the Department of the Interior (DOI) or EDA (<https://www.eda.gov/grant-resources/grantee-guidance/indirect-costs/how-to>);
- An acknowledgment received from EDA and a Certificate of Indirect Costs in the form prescribed at 2 C.F.R. pt. 200, app. VII; or
- A Cost Allocation Plan approved by a federal agency (note that cost allocation plans or indirect cost rates approved by State agencies are not acceptable).

#### 4) Project Service Area and FIPS Codes

Applicants **MUST** identify their proposed primary service area(s) by county or counties. **Counties should be identified by both name and 5-digit FIPS codes.** See 2020 State, County, Minor Civil Division, and Incorporated Place FIPS Codes available at <https://www.census.gov/geographies/reference-files/2020/demo/popest/2020-fips.html>.

Please find an optional spreadsheet template at <https://www.eda.gov/funding/programs/build-to-scale>.

### 3. Environmental and Historic Preservation Requirements

Applications may be reviewed by EDA for compliance with the National Environmental Policy Act of 1969, as amended (NEPA), depending on the nature and specific elements of each given application. During the NEPA review process, applicants may be instructed to contact the designated State and/or Tribal Historic Preservation Officer (SHPO/THPO), provide approvals from other governmental agencies, or provide more detailed environmental information. EDA, after compliance with requirements for consultation with federally-recognized Indian tribes, may require applicants to participate in Tribal consultation, as necessary. The implementing regulations for NEPA require EDA to provide public notice of the availability of project-specific environmental documents, such as environmental impact statements, environmental assessments, findings of no significant impact, and records of decision, to the affected public.<sup>20</sup> For further guidance and information, please contact the representative listed in section G (p.28) of this NOFO.

### 4. Unique Entity Identifier and System for Award Management (SAM)

In accordance with Federal Funding Accountability and Transparency Act of 2006, applicants and co-applicants, are required to: (i) be registered in SAM before submitting an application, (ii) provide a valid unique entity identifier (UEI) in the application (UEI is also required for subrecipients), (iii) make certain certifications (see also section D.8.i (p.21) of this NOFO), and (iv) continue to maintain an active SAM registration with current information at all times during which they have an active federal award or an application or plan under consideration by a federal awarding agency. EDA may not make a federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the EDA is ready to make an award, EDA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making an award to another applicant. Recipients will be subject to reporting

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<sup>20</sup> As specified in 40 C.F.R. § 1506.6(b).

requirements, as identified in OMB guidance published at 2 C.F.R. parts 25 and 170. See Section D.8.ii (p.21) for instructions on how to register with SAM.gov.

## 5. Submission Dates and Times

The deadline for the receipt of **an application** is **11:59 PM EASTERN TIME ON JULY 28, 2023**. Applications received after this deadline will not be reviewed or considered. **Applications** will only be accepted electronically through **the Economic Development Grants Experience (EDGE)** at [sfgrants.eda.gov](https://sfgrants.eda.gov). Applicants are advised to carefully read the submission information provided in section D of this NOFO. The date and time that an application will be deemed to be electronically received will be determined in accordance with the electronic submission instructions provided through EDGE. See sections D.8.i (p.21) of this NOFO for information regarding electronic submissions. **APPLICATIONS RECEIVED AFTER THE APPLICATION DEADLINE WILL NOT BE CONSIDERED FOR FUNDING.** EDA strongly suggests that applicants submit applications substantially before the deadline.

In addition, please note the following:

- EDA will not accept any unsolicited changes, additions, revisions, or deletions to applications or supporting documents after the submission deadline.
- Throughout the review and selection process, EDA reserves the right to seek clarification from applicants whose applications are being reviewed and considered.
- Applicants may be asked to clarify objectives and work plans and modify budgets or other specifics as necessary to comply with federal requirements and provide supplemental information required by the agency before award.
- See section E.2 (p.24) of this NOFO for application review and selection information.

Applicants are strongly encouraged to start early and not to wait until near the application deadline before logging on and reviewing the instructions for submitting an application. Applicants should **SAVE AND PRINT WRITTEN PROOF** of an electronic submission.

**LATE APPLICATIONS WILL NOT BE ACCEPTED** for any reason, including but not limited to late submissions caused by issues with EDGE or SAM. See sections D.8.i (p. 21) and H.6 (p.30) of this NOFO for more information on electronic submissions. In situations described in this subsection, applications must have email or facsimile receipt timestamps no later than the application deadline or must be postmarked or the equivalent on or before the application deadline. **An application that is not timestamped or postmarked, as applicable, by the application deadline WILL NOT BE REVIEWED.**

## 6. Intergovernmental Review

If the proposed project is covering a service area in a State that has adopted a process under Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs," the applicant must give State and local governments a reasonable opportunity to review and comment on the proposed project, including review and comment from area-wide planning organizations in metropolitan areas.<sup>21</sup> To find out more about a State's process under EO 12372, applicants may contact their State's Single Point of Contact (SPOC). Names and addresses of some States' SPOCs are listed at <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>. Question 19 of Form SF-424 allows applicants to indicate compliance with EO 12372; however, note that **applicants must supply as part of their application**

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<sup>21</sup> As provided for in 15 C.F.R. part 13.



**packages documentation that supports the answer provided to Question 19 (i.e., that demonstrates compliance).** See section D.2.ii (p.11) for additional details to meet this requirement.

## 7. Funding Restrictions

The following activities are not allowable, and associated costs are not allowable costs, under any Build to Scale award. Such costs may not be charged to the federal share or to the matching share of a Build to Scale award.

- **Construction:** Construction activities are not allowable. For the purposes of an award made pursuant to this NOFO, construction includes any activity that disturbs the ground or modifies a structure. The purchase of equipment and equipment-related installation in a facility may be considered allowable, but only to the extent that such equipment and any related modifications are used to support another eligible activity under the award.
- **Equity Investments & Loans:** The use of funds to make equity investments or issue debt is not an allowable cost. Neither federal nor matching share funds may be invested in startups or other companies, whether through equity, debt, hybrid, or another mechanism.
- **Subsidies to Participant Firms:** Award funds may not be passed or transferred to companies (i.e., startups and individuals) being served by the applicant organization, nor may they be used to subsidize such companies' expenses that are unrelated to program activities, including general operating expenses. Neither federal nor matching share funds may be used for such costs.
- **Advertising & Marketing:** In accordance with 2 CFR 200.421(b) and (d), the costs of promotional items and memorabilia, including models, gifts, and souvenirs, as well as the costs of advertising and public relations designed to promote the applicant are not allowable. However, certain costs related specifically to recruiting participants and conducting program outreach (ex: social media ads, press releases, flyers, etc.) may be allowable.
- **Internships & Wages/Stipends:** Establishing and administering an internship or similar work experience program are not allowable activities. Stipends, wages, and other payments to interns or similar work experience program participants are not allowable costs.
- **Cloud Service Credits:** Credits to be distributed to companies (i.e., startups and individuals) being served by the applicant organization are not allowable costs and thus are not an allowable source of matching share.

Additionally, it is DOC policy that award funds may not be used to pay for management fees in excess of costs or profits, unless statutorily authorized.

## 8. Other Submission Requirements

### i. Pre-Submission Registration

**ENSURE THAT YOUR ORGANIZATION AND ANY REQUIRED INDIVIDUALS ARE REGISTERED WITH REQUIRED SYSTEMS AS SOON AS POSSIBLE.** Before submitting an application under this NOFO, each applicant must register its organization with EDGE. **Applicants should note that this process can be lengthy, requires interaction with multiple other organizations (e.g., SAM.gov), and requires confirmation at each step. Applicant organizations that have not previously completed any of the above steps may require three to four weeks to accomplish these tasks due to system processing requirements.** EDA **STRONGLY ENCOURAGES** prospective applicants to begin the pre-submission process as early as possible in the application period.

For more information about



- **how to register your organization with SAM.gov (or how to renew your organization’s registration)**, visit SAM.gov’s [Getting Started with Registration page](#);
- **how to check an organization’s current SAM.gov registration status**, visit SAM.gov’s [Check Entity Registration Status page](#); and
- **how to create an EDGE account**, visit <https://sfgrants.eda.gov>.

The hyperlinks (i.e., the URLs) to these resources are up-to-date as of the date of publication of this NOFO, but please note that EDA does not control all these systems, and the URLs may change without notice. If you encounter problems or questions that are not answered by the pages linked above, please visit the respective system’s entry page (e.g., [SAM.gov](#)) and navigate to its respective “Help,” “Support,” or similar section.

**9. EDGE System Issues**

If you experience a systems issue with EDGE (i.e., a technical problem or glitch with the webpage) that you believe threatens your ability to complete a submission before a deadline, please (i) print any error message received; (ii) email the help desk at [GrantHDSupport@eda.gov](mailto:GrantHDSupport@eda.gov); and (iii) contact EDA at [ois@eda.gov](mailto:ois@eda.gov). Please be sure to track your issue using a case number given to you by the help desk regarding their communications with EDGE. Please note that problems with an applicant’s computer system or equipment are not considered systems issues. Similarly, an applicant’s failure to, e.g., (i) complete the required registration, (ii) ensure that a registered Authorized Representative submits the application, or (iii) failure to receive a notice receipt of an email message from EDGE are **not** considered systems issues. An EDGE issue is an issue occurring in connection with the operations of the website itself, such as the temporary loss of service due to unexpected volume of traffic or failure of information technology systems, both of which are highly unlikely. In the event of a confirmed systems issue, EDA reserves the right to accept an application in an alternate format.

Applicants should go to [sfgrants.eda.gov](https://sfgrants.eda.gov) and click on the Resources page for assistance in navigating EDGE and for a list of useful resources.

**E. APPLICATION REVIEW INFORMATION**

Throughout the review and selection process, EDA, at its sole discretion, may seek clarification, including but not limited to written clarifications and corrected or missing documents, from applicants whose applications are being reviewed and considered and require that applicants provide such clarifications or corrections to continue to be considered for an award under this NOFO. EDA will provide applicants a reasonable amount of time to provide any additional documentation. An applicant’s failure to provide complete and accurate supporting documentation in a timely manner when requested by EDA may result in the removal of that application from consideration.

**1. Evaluation Criteria**

Applications to all competitions under this NOFO will be reviewed against the following criteria. Merit Reviewers will respond to prompts for each criterion by indicating the extent to which they agree with the statement as it applies to an application, from “strongly disagree” (1 point) to “strongly agree” (5 points):

1	2	3	4	5
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree

Applications from each competition will be scored competitively against applications received for that same competition using the following common criteria. Criteria will be weighted as noted below:

Summary of Criteria
Leveraging Ecosystem Resources and Assets – 15%
Proposed Solution and Implementation – 30%
Capacity and Feasibility – 15%
Likelihood of Growing Innovation Economies – 20%
Continued Effects – 5%
Equity – 15%

**i. Leveraging Ecosystem Resources and Assets (15%)**

Under this criterion, consider whether the regional service area is clearly defined, and the proposed programming leverages and builds upon regional assets and provides data to support claims. The applicant should have defined the role of potential partner entities and how they will effectively leverage ecosystem resources (may include former, current, or future partnerships/working relationships with federal, State, regional, and/or local entities that the application highlights, including any details on past collaboration efforts) **To what extent do you agree that the region’s assets and needs are clearly defined, explained, and aligned with the proposed project?**

**ii. Proposed Solution and Implementation (30%)**

Under this criterion, consider whether the proposed solution is clearly stated and aligned with community or region’s needs. Consider whether the proposed solution(s) will effectively address the challenges this regional ecosystem is facing in its efforts to support TBED strategies and innovation. Project goals and milestones should be specific, measurable, attainable, relevant, and time-bound (SMART) and, if achieved, would advance the innovation ecosystem and be achievable as outlined in the Scope of Work. **To what extent do you agree that the proposed solution is achievable, and meets the regional ecosystem needs?**

**iii. Capacity and Feasibility (15%)**

Under this criterion, consider the Budget Narrative and staffing plan proposed in the application and whether the operations and management capacities and experiences of the applicant organization(s) and team demonstrate the ability and/or prior experience, to execute the proposed project successfully. **To what extent do you agree that the application clearly identifies the financial, human, and programmatic resources that will support the successful execution of this proposed project and that the applicant organization and team have the operations and management capacities to execute the proposed project successfully?**

**iv. Likelihood of Growing Innovation Economies (20%)**

Under this criterion, consider whether, if successful, the project will meet Build to Scale program goals and if the solution will advance TBED strategies in the regional economy. **To what extent do you agree that the submission will accelerate regional innovation economies?**

Build to Scale program goals include:

- build public and private capacity for entrepreneurs and innovators to invent, improve, and bring to market new products and services in critical, emerging, and transformative sectors and industries;
- expand regional knowledge ecosystems to realize economic and job growth;
- accelerate the growth of regional economies that are focused on industries of the future;
- catalyze regional leadership through TBED strategies;
- empower communities to provide proof-of-concept and commercialization assistance to technology innovators and entrepreneurs; and
- equitably and inclusively increase access to capital for technology-enabled entrepreneurs.

#### v. Continued Effects (5%)

Under this criterion, consider the likelihood that the investment will continue to deliver effects. If the project fills an ongoing need within the ecosystem, how will the applicant deliver these services after the term of the grant? If the project fills a temporary need, how will the services evolve to continue to provide impact, and how will the applicant identify and deliver these evolved services after the term of the grant? **To what extent do you agree that the proposed project will continue to increase the ecosystem’s ability to enable technology entrepreneurs to start and grow after the grant period?**

#### vi. Equity (15%)

Consider the extent to which the project benefits are shared across all affected communities. Plans should address and mitigate systemic barriers to ensure full participation of these communities and stakeholders from target populations. Plans should show a commitment to equity and diversity, and applicants should demonstrate prior concrete successes related to equity and diversity. The application should include relevant evidence of support from and partnerships with entities that represent underserved communities, businesses, and workers. Successful applicants will align budgets, coalition leadership, and governance to their equity and diversity priorities. EDA strongly encourages efforts to include Historically Black Colleges and Universities, Tribal Colleges and Universities, or Minority-Serving Institutions, in addition to historically underserved populations, such as women, Black, Latino, and Indigenous and Native American persons, Asian Americans, Pacific Islanders, and areas, other groups facing barriers such as persons with disabilities, individuals in recovery, individuals with past criminal records including justice-impacted, veterans and military spouses; and any underserved communities within geographies that have been systemically and/or systematically denied a full opportunity to participate in economic prosperity, such as Tribal Lands, [Persistent Poverty Counties](#), and rural areas with demonstrated, historical underservice. **To what extent do you agree that the proposed project benefits are shared across all affected communities, and stakeholders from target populations in an equitable way?**

## 2. Review and Selection Process

### i. Review for Eligibility and Completeness (Technical Review)

EDA staff will conduct an eligibility and technical completeness review (the “Technical Review”) of all applications received by the application deadline. Applications received from ineligible entities will not be considered for funding. Applications that do not contain all forms and required documentation listed in section of this NOFO may be deemed non-responsive and excluded from further consideration. EDA expects all applications to complete and include all required forms and documentation. However, EDA, in its sole discretion, may determine that an omission is curable and therefore may continue its consideration of the application despite the deficiency. Technical Review will be conducted separately for each application for each competition.

## ii. Merit Review

Merit Reviewers will evaluate applications against the evaluation criteria in section E.1 (p.22) of this NOFO. Each application will be reviewed by at least three Merit Reviewers. Merit Reviewers may include, but are not limited to, DOC and EDA personnel and other federal and non-federal subject matter experts. EDA, in its sole discretion, may use a statistical technique to normalize, aggregate, and group Merit Reviewers' quantitative evaluations (i.e., scores) and may consider qualitative Merit Reviewer evaluation information. For each competition, the most highly ranked applications will be recommended to the Grants Officer as the applications that merit consideration for EDA funding.

## iii. Grants Officer Decision

The most highly ranked applications under this NOFO will be forwarded to the Grants Officer, which EDA anticipates will be the Director of OIE. The Grants Officer has been delegated the authority to make the final decision on whether to fund an application and may select a project for funding that differs from the most highly ranked applications based on any of the following Selection Factors or use these Selection Factors to break a tie for applications that are otherwise considered substantially equal in merit:

1. the extent to which the application meets the overall objectives of section 27 of the Stevenson-Wydler Technology Innovation Act of 1980;
2. the extent to which the selection of the application, alone or in the context of other applications, supports EDA's compliance with appropriations law requirements and report language guidance;
3. the ability of a project to start quickly, realistically achieve project goals, and catalyze additional resources;
4. the comparative financial or management capability of the applicant;
5. the applicant's performance under previous federal financial assistance awards, including whether the grantee submitted required performance reports and data;
6. for previous grantees, the extent to which the application builds upon and creates synergies with previously funded work;
7. for applicants to all competitions under this NOFO, the extent to which the proposal leverages dollars across the multiple programs to make their overall approach stronger;
8. the extent to which the application leverages complementary public or private sector programs or policies, including but not limited to those operated or managed by the Federal Government;
9. the availability of program funding;
10. the extent to which the project supports EDA's goals of balance in distribution of program funds within the overall portfolio of EDA's awards granted under the Stevenson-Wydler Technology Innovation Act of 1980, including geographic balance (including but not limited to geographic diversity among urban and rural States and diversity among regions of the United States), project type balance (including but not limited to diversity among Build, Scale, and Ignite awards under the Venture Challenge and among Form and Deploy awards under the Capital Challenge), sectoral focus balance (including but not limited to advanced wood products; advanced manufacturing; artificial intelligence; bioscience; commercial space; energy; marine energy; nanotechnology; telecommunications, including broadband; etc.), and organizational type balance (including but not limited to organization size and stage of development);
11. the extent to which the project incorporates innovative strategies or untested models and may build evidence for new approaches;
12. the extent to which any budget flaws or legal issues in the application may impact an applicant's ability to execute the project or achieve the desired impacts; and

13. the extent to which the project demonstrates support from and involvement with regional stakeholders, e.g., private, public, and non-profit entities, civil rights- and equity-focused organizations, community-based organizations, civil society and consumer-focused groups, unions and worker organizations, workforce boards, economic development organizations, schools, community colleges, neighborhood and housing associations, and the communities that stand to benefit.

The final decision of the Grants Officer must be consistent with this NOFO and applicable law. **There is no appeal process for denied applications.**

#### iv. Due Diligence

If an application is selected, the applicant still may have to complete certain due diligence requirements. EDA may request that the applicant submit additional documents and information to allow EDA to fully evaluate compliance with applicable rules and regulations. If the applicant provides the requested information and supporting documentation in a timely fashion and EDA determines that the project is fully compliant with applicable rules and regulations, the application may be forwarded to the Grants Officer for a final decision and award approval. Applicants that do not provide the additional information and supporting documentation in a timely fashion or that are deemed to be not in compliance with applicable rules and regulations will receive notification that their application was not successful.

### 3. Awards in Excess of the Simplified Acquisition Threshold

Before making a federal award with a total amount of federal share greater than the simplified acquisition threshold (currently \$250,000 but periodically adjusted), EDA is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM.gov (formerly FAPIIS). See 41 U.S.C. § 2313.

Each applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. EDA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.206.

## F. FEDERAL AWARD ADMINISTRATION INFORMATION

### 1. Federal Award Notices

Under this NOFO, EDA expects to notify applicants of its decision in writing **approximately 90-120 days after the application deadline**. If an application is selected for funding, the EDA Grants Officer will issue a signed grant award (Notice of Award), which is the authorizing financial assistance award document and includes the DOC Financial Assistance Standard Terms and Conditions and Specific Award Conditions as described in section F.2 (p.27).

By accepting the Notice of Award, the applicant agrees to comply with all award provisions. EDA will provide the Notice of Award to the applicant's Authorized Representative through EDGE. The applicant's Authorized Representative must review and accept the Notice of Award without modification within 30 calendar days of the date of receipt. **Failure to the Notice of Award during this timeframe may be considered grounds for appropriate enforcement action pursuant to 2 C.F.R. § 200.339 ("Remedies for noncompliance"), INCLUDING AWARD TERMINATION.**

If an applicant is awarded funding, neither DOC nor EDA is under any obligation to provide any additional future funding in connection with that award or to make any future awards. Amendment or renewal of an award to increase funding or to extend the period of performance is at the discretion of DOC and EDA.

EDA will provide written notice to all applicants informing them whether their application was selected for funding. EDA will retain unsuccessful applications in accordance with EDA's record retention schedule.

## **2. Administrative and National Policy Requirements**

Recipients of an EDA award will be bound by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) as set forth in 2 C.F.R. part 200.

For all projects, DOC will apply the DOC ST&Cs applicable on the date of the award. The DOC ST&Cs may be accessed at the following website: <https://www.commerce.gov/oam/policy/financial-assistance-policy>.

Recipients of DOC financial assistance are obligated to comply with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin, and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against people with disabilities, in Federally assisted programs or activities.

DOC will apply the Pre-Award Notification Requirements for Grants and Cooperative Agreements effective December 26, 2014, 79 Fed. Reg. 78,390. The Pre-Award Notice may be accessed at <http://www.gpo.gov/fdsys/pkg/FR-2014-12-30/pdf/2014-30297.pdf>.

## **3. Reporting**

### **i. Financial, Performance, and Reports**

All recipients are required to submit progress reports and financial status reports generally no less than semi-annually, in accordance with the terms and conditions of the grant award. In addition, all recipients will be required to track and submit performance data on EDA-sponsored outputs and resulting outcomes, semi-annually and annually, respectively. All reports must be submitted in electronic format as specified in the terms of the award. As part of its administration of the Build to Scale program, EDA may conduct program evaluations. If so, EDA may share performance data with evaluators, and recipients of grants under this program may need to furnish additional data to evaluators, including but not limited to EDA staff and outside parties contracted by EDA. EDA may also, for research purposes linked to improving economic outcomes, choose to share data with other federal partners, including but not limited to statistical agencies.

### **ii. Federal Funding Accountability and Transparency Act of 2006**

The Federal Funding Accountability and Transparency Act of 2006 includes a requirement for awardees of applicable federal grants to report information about first-tier subawards and executive compensation under federal assistance awards issued in FY 2011 or later. All awardees of applicable grants and cooperative agreements are required to report to the Federal Subaward Reporting System (FSRS) available at [www.fsr.gov](http://www.fsr.gov) on all sub-awards over \$30,000. Please see the OMB guidance published at 2 C.F.R. part 170.

### **iii. Performance Reporting, including Government Performance and Results Act**

EDA will require additional data on activities, outputs, and outcomes of the funded investment, in part to fulfill the requirements of the Government Performance and Results Act (GPRA).

Award recipients must submit Outputs Questionnaires (Form ED-916) to EDA on a semi-annual basis during the period of performance or as otherwise directed by EDA. The first Outputs Questionnaire must be



submitted to EDA six months after the date the period of performance starts. The Outputs Questionnaire must be submitted to EDA every six months thereafter through the end of the Period Performance, or any portion thereof if applicable, or as otherwise directed by EDA.

Award recipients must submit Outcomes Questionnaires (Form ED-917) to EDA on an annual basis for a total of five years after the date the period of performance starts. The first Outcomes Questionnaire must be submitted to EDA one year after the date the period of performance starts. The Outcomes Questionnaire must be submitted to EDA at the end of every year thereafter for a total of five years, or as otherwise directed by EDA.

For more information, please refer to <https://www.eda.gov/performance/>.

**iv. Requirements for Recipients with More Than \$10 Million in Federal-wide Funding**

As required by appendix XII to 2 C.F.R. part 200, a recipient with more than \$10 million in federal-wide funding must maintain the currency of information reported to SAM that is made available in the designated integrity and performance system about civil, criminal, or administrative proceedings.

**G. FEDERAL AWARDING AGENCY CONTACT(S)**

For questions concerning this NOFO or for more information about EDA programs, you may contact your respective EDA Economic Development Representative (EDR). Up to date EDR contact information is available at <https://eda.gov/contact/>. If you are unable to connect with your designated EDR, contact the Office of Innovation & Entrepreneurship via email (preferred) at [oiie@eda.gov](mailto:oiie@eda.gov) or via phone at (202) 482-8001.

**H. OTHER INFORMATION**

**1. Right to Use Information**

The applicant acknowledges and understands that information and data contained in applications for financial assistance, as well as information and data contained in financial, performance and other reports submitted by applicants, may be used by the Department of Commerce in conducting reviews and evaluations of its financial assistance programs. For this purpose, applicant information and data may be accessed, reviewed, and evaluated by Department of Commerce employees, other federal employees, and also by federal agents and contractors, and/or by non-federal personnel, all of whom enter into appropriate conflict of interest and confidentiality agreements covering the use of such information. As may be provided in the terms and conditions of a specific financial assistance award, applicants are expected to support program reviews and evaluations by submitting required financial and performance information and data in an accurate and timely manner, and by cooperating with Department of Commerce and external program evaluators. In accordance with 2 C.F.R. § 200.3031, applicants are reminded that they must take reasonable measures to safeguard protected personally identifiable information and other confidential or sensitive personal or business information created or obtained in connection with a Department of Commerce financial assistance award.

**2. Disclosure of Information**

For the purposes of achieving rigorous program evaluations, all applications (including those that are not selected for funding) may be shared with EDA staff, outside parties contracted by EDA for the purposes of evaluation, and other federal agencies.

### **3. Freedom of Information Act Disclosure**

EDA may publish any applications it receives, including any supporting documentation, on its website or through other means.

In addition, Department of Commerce regulations implementing the Freedom of Information Act (FOIA), 5 U.S.C. § 552, are found at 15 C.F.R. part 4, Public Information. These regulations set forth rules for the Department regarding making requested materials, information, and records publicly available under the FOIA. Applications submitted in response to this Notice of Funding Opportunity may be subject to requests for release under the Act. In the event that an application contains information or data that the applicant deems to be confidential commercial information that should be exempt from disclosure under FOIA, that information should be identified, bracketed, and marked as Privileged, Confidential, Commercial, or Financial Information. In accordance with 15 CFR § 4.9, the Department of Commerce will protect from disclosure confidential business information contained in financial assistance applications and other documentation provided by applicants to the extent permitted by law.

### **4. Past Performance and Non-Compliance with Award Provisions**

Unsatisfactory performance under prior federal awards may result in an application not being considered for funding. Failure to comply with any or all of the provisions of an award may have a negative impact on future funding by DOC (or any of its operating units) and may be considered grounds for any or all of the following actions: (1) establishing an account receivable; (2) withholding payments to the recipient under any DOC award(s); (3) changing the method of payment from advance to reimbursement only; (4) imposing other specific award conditions; (5) suspending any active DOC award(s); and (6) terminating any active DOC award(s).

### **5. EDA's Non-Relocation Policy**

Applicants are advised that, should an application be selected for award, the recipient will be required to adhere to a specific award condition relating to EDA's non-relocation policy as follows:

In signing this award of financial assistance, Recipient(s) attests that EDA funding is not intended by the Recipient to assist its efforts to induce the relocation of existing jobs within the U.S. that are located outside of its jurisdiction to within its jurisdiction in competition with other U.S. jurisdictions for those same jobs. If EDA determines that its assistance was used for those purposes, EDA retains the right to pursue appropriate enforcement action in accord with the Standard Terms and Conditions of the Award, including suspension of disbursements and termination of the award for convenience or cause, which may include the establishment of a debt requiring the Recipient to reimburse EDA.

For purposes of ensuring that EDA assistance will not be used merely to transfer jobs from one location in the United States to another, each applicant must inform EDA of all employers that constitute primary beneficiaries of the project assisted by EDA. EDA will consider an employer to be a "primary beneficiary" if: (i) the employer is specifically named in the application as benefitting from the project, and the applicant estimates that the employer will create or save 100 or more permanent jobs as a result of the investment assistance (if the jobs in question were originally located in a smaller community, EDA may extend this policy to the relocation of 50 or more jobs); or (ii) the employer is or will be located in an EDA-assisted building, port, facility, or industrial, commercial, or business park constructed or improved in whole or in part with investment assistance prior to EDA's final disbursement of funds.



## **6. NOFO Changes Communicated on Grants.gov**

EDA may make changes or additions to this NOFO. All changes will be communicated on Grants.gov. It is recommended that applicants set up a Grants.gov account and subscribe to this funding opportunity (“EDA-HDQ-OIE-2023-B2S”) in order to be notified of any updates or changes. DOC or EDA may cancel, modify, or withdraw this NOFO at any time. EDA is not obligated to make any federal award or commitment as a result of this announcement.

## **7. Audit Requirements**

Single or program-specific audits shall be performed in accordance with the requirements contained in the OMB Uniform Guidance (see 2 C.F.R. part 200, Subpart F, “Audit Requirements”). The OMB Uniform Guidance requires any non-federal entity (e.g., nonprofit organizations, including nonprofit institutions of higher education and hospitals; States; local governments; and Indian Tribes) that expends federal awards of \$750,000 or more in the recipient’s fiscal year to conduct a single or program-specific audit in accordance with the requirements set out in the OMB Uniform Guidance. Applicants are reminded that EDA or the DOC’s Office of Inspector General also may conduct an audit of an award at any time.

## **8. Office of Inspector General Rights and Responsibilities**

The DOC Office of Inspector General (OIG) seeks to improve the efficiency and effectiveness of the Department’s programs, including deterring and detecting fraud, waste, abuse and mismanagement. The OIG accomplishes this mission primarily through investigations, audits, and inspections of Department activities, including grants, cooperative agreements, loans, and contracts.

### **i. Disclosures**

Recipients of financial assistance originating from the U.S. Department of Commerce, including EDA, shall timely disclose, in writing, to the OIG and awarding agency, whenever, in connection with the award, performance, or closeout of this grant or sub-award thereunder, the recipient has credible evidence that a principal, employee, agent, or sub-recipient has committed (i) a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code; or (ii) a violation of the civil False Claims Act (31 U.S.C. §§ 3729-3733).

### **ii. Reporting**

The OIG maintains a hotline to receive allegations of fraud, waste, or abuse. To report such allegations, please visit <https://www.oig.doc.gov/Pages/Hotline.aspx>. Upon request, the OIG will take appropriate measures to protect the identity of any individual who reports misconduct, as authorized by the Inspector General Act of 1978, as amended. Reports to the OIG may also be made anonymously.

### **iii. Whistleblower Protection**

Recipients, sub-recipients, and employees working on this grant award will be subject to the whistleblower rights and remedies established under 41 U.S.C. § 4712.

An employee of a recipient or sub-recipient may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of: gross mismanagement of a federal contract or award; a gross waste of federal funds; an abuse of authority (i.e., an arbitrary and capricious exercise of authority that is inconsistent with the mission of EDA or the U.S. Department of Commerce or the successful performance of a contract or grant awarded by EDA or the Department) relating to a federal contract or award; a substantial and specific danger to public health or

safety; or a violation of a law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

A recipient or sub-recipient shall inform its employees and contractors, in writing, in the predominant language of the workforce or organization, of employee whistleblower rights and protections under 41 U.S.C. § 4712, as described above and at <https://www.oig.doc.gov/Pages/Whistleblower-Protection-Program.aspx>.

**9. Certifications Required by Annual Appropriations Acts for Corporations and for Awards over \$5 Million**

As discussed in section D.4 (p.19), all applicants are required to be registered in SAM before applying under this NOFO. SAM requires registering entities to certify compliance with all limitations imposed by annual appropriation acts. For corporations, this certification includes that the corporation:

- a. Was not convicted of a felony criminal violation under a Federal law within the preceding 24 months, unless a Federal agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government; and/or
- b. Does not have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, unless a Federal agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

For financial assistance awards in excess of \$5 million, this certification includes that the entity:

- c. To the best of its knowledge and belief, has filed all Federal tax returns required during the three years preceding the certification;
- d. Has not been convicted of a criminal offense under the Internal Revenue Code of 1986; and/or
- e. Has not been notified, more than 90 days prior to certification, of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

## APPENDIX A EXAMPLE OUTPUT AND OUTCOME MEASURES AND REPORTING

Applications for all competitions under this NOFO will be assessed on their approaches to implementing stated goals including activities, outputs, and outcomes. See, e.g., section D.2.i (p.11**Error! Bookmark not defined.**) and section E.1 (p.22). Applicants are encouraged to consider a broad range of relevant output and outcome measures in developing their proposed scope of work, and to ensure that the outputs and outcomes identified align to the project scope of work.

As noted in section F.3.iii (p.27), all grantees will be required to report using the following:

- ED-916 Semi-Annual Program Outputs Questionnaire for EDA Grantees:  
<https://www.eda.gov/sites/default/files/filebase/archives/2021/files/performance/gpra/ED-916-Semi-annual-Program-Outputs-Questionnaire.pdf>
- ED-917 Annual Capacity Outcomes Questionnaire for EDA Grantees serving clients:  
<https://www.eda.gov/sites/default/files/filebase/archives/2021/files/performance/gpra/ED-917-Annual-Outcomes-Questionnaire-with-clients.pdf>

## APPENDIX B OPTIONAL CHECKLIST-STYLE GUIDE FOR REQUIRED DOCUMENTS FOR APPLICATION

### 1. PUBLIC ENTITIES: For States, Indian Tribes, Cities, Other Political Subdivisions of States, and Institutions of Higher Education That Are 100% Publicly Controlled

The following checklist table is meant to assist applicants that are States, Indian tribes, cities, other political subdivisions of States, and Institutions of Higher Education that are 100% publicly controlled (including consortia of one or more of these types of entities). As set forth in section D.2 (p.11) of this NOFO, all documents are required for a complete application.

Note that this list **DOES NOT APPLY** to nonprofit organizations, institutions of higher education that are not 100% publicly controlled, public-private partnerships, science or research parks, Federal laboratories, venture development organizations, or economic development or similar organizations. For these organizations, see Appendix B2 of this NOFO.

Document Checklist for State, Indian Tribe, City, and Other Political State Subdivision Applicants/Co-Applicants		
Document	Title/Description/Reference	Checklist
Project Narrative	See section D.2.i	One per Application
Budget Narrative and Staffing Plan	See section D.2.i	One per Application
Matching Share Commitment Letters	See section D.2.i	One per match source
Form SF-424	Application for Federal Assistance	One per Applicant or Co-applicant (not needed for subrecipients)
Form SF-424A	Budget Information-Non-Construction Programs	One per Application
Form CD-511	Certification Regarding Lobbying (if applicable)	One per Applicant or Co-applicant (not needed for subrecipients)
Form SF-LLL	Disclosure of Lobbying Activities	If applicable, one per Applicant or Co-applicant (not needed for subrecipients)
SPOC/EO 12372 Compliance Documentation	See section D.2.ii and <a href="https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf">https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf</a> (if applicable)	If applicable, one per State served
ICR Agreement	See section D.2.ii18 (if applicable)	One per Applicant
Project Area and FIPS Codes	See section D.2.ii. Add as an attachment to the SF-424.	One per Application

**2. NON-PUBLIC ENTITIES: For Nonprofit Organizations, Institutions of Higher Education That Are Not 100% Publicly Controlled, Public-Private Partnerships, Science or Research Parks, Federal Laboratories, Venture Development Organizations, Economic Development or Similar Organizations**

The following checklist table is meant to assist applicants that are nonprofit organizations, institutions of higher education that are not 100% publicly controlled, public-private partnerships, science or research parks, Federal laboratories, venture development organizations, or economic development or similar organizations (as well as consortia that include one or more of these types of entities). As set forth in section D.2 (p. 1111) of this NOFO, all documents are required for a complete application.

<b>Document Checklist for Nonprofit Organization, Institution of Higher Education, Public-Private Partnership, Science or Research Park, Federal Laboratory, Venture Development Organization, and Economic Development or Similar Organization Applicants/Co-Applicants</b>		
<b>Document</b>	<b>Title/Description/Requirements</b>	<b>Checklist</b>
<b>Project Narrative</b>	See section D.2.i	<i>One per Application</i>
<b>Budget Narrative and Staffing Plan</b>	See section D.2.i 15	<i>One per Application</i>
<b>Matching Share Commitment Letters</b>	See section D.2.i 15	<i>One per match source</i>
<b>State/Local Government Support</b>	See section D.2.i	<i>One per Application</i>
<b>Form SF-424</b>	Application for Federal Assistance	<i>One per Applicant or Co-applicant (not needed for subrecipients)</i>
<b>Form SF-424A</b>	Budget Information-Non-Construction Programs	<i>One per Application</i>
<b>Form CD-511</b>	Certification Regarding Lobbying (if applicable)	<i>One per Applicant or Co-applicant (not needed for subrecipients)</i>
<b>Form SF-LLL</b>	Disclosure of Lobbying Activities	<i>If applicable, one per Applicant or Co-applicant (not needed for subrecipients)</i>
<b>SPOC/EO 12372 Compliance Documentation</b>	See section D.2.ii and <a href="https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf">https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf</a> (if applicable)	<i>If applicable, one per State in the project's service area</i>
<b>Organizational Documentation</b>	E.g., certificates of good standing, articles of incorporation, bylaws, establishing authorities; see section D.2.ii (if applicable)	<i>If applicable, per Applicant Or Co-applicant (not needed for subrecipients)</i>
<b>Public Private Partnership Documentation</b>	If applicable, documentation defining the public private partnership which contains details of the agreement, including roles and responsibilities, and is signed by all parties. See 13. C.F.R. § 312.5 and the discussion of documentation for public-private partnerships in footnote 8 to section C.1. Please note, Public Private Partnerships must also provide all documentation required for Co-applicants.	<i>One per Application</i>
<b>Indirect Cost Rate (ICR) Agreement</b>	See section D.2.ii	<i>One per Applicant</i>
<b>Project Area and FIPS Codes</b>	See section D.2.ii. Add as an attachment to the SF-424.	<i>One per Application</i>

