

RESTORE Act
Direct Component – Construction and Real Property
Acquisition Activities

U.S Department of the Treasury
Office of Gulf Coast Restoration



Modified Announcement

Funding Opportunity Number: GR-RDC-22-002

Catalog of Federal Domestic Assistance (CFDA) number: 21.015

Key Dates: Applications will be accepted on a rolling basis as long as funds are available in an Applicant's allocation. This funding opportunity announcement will close on August 31, 2022. A new funding opportunity announcement will be posted in late 2022 as determined necessary by the Department of the Treasury and will coincide with the launch of the new online Treasury RESTORE Grants Management System.

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PART I. FUNDING OPPORTUNITY DESCRIPTION

A. Legislative Authority

Under the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act), Pub. L. No. 112-141, § 1602, 126 Stat. 588 (2012), the Gulf Coast Restoration Trust Fund (Trust Fund) was established in the Treasury of the United States. Eighty percent of all administrative and civil penalties paid after July 6, 2012 by responsible parties pursuant to a court order, negotiated settlement, or other instrument under section 311 of the Federal Water Pollution Control Act in connection with the *Deepwater Horizon* oil spill will be deposited into the Trust Fund and invested. The RESTORE Act created five components through which funds will be disbursed.

B. Purpose and Priorities

Treasury is publishing multiple funding opportunity announcements (FOAs) as part of the RESTORE Act grant program. This announcement applies only to the Direct Component and is only for applications for eligible construction and real property acquisition activities, including projects with or without a non-federal cost-share for another federally funded project or program. To apply for eligible activities involving non-construction activities, applicants should use the non-construction funding opportunity announcement. All construction and real property acquisition activities, and any activity that requires a permit from a federal or state agency, including natural resource restoration projects, should be submitted under this construction and real property acquisition funding opportunity announcement.

Trust Fund amounts are available to carry out eligible activities described in the RESTORE Act. These are:

- 1) Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches and coastal wetlands of the Gulf Coast region.
- 2) Mitigation of damage to fish, wildlife, and natural resources.
- 3) Implementation of a Federally- approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.
- 4) Workforce development and job creation.
- 5) Improvements to or on State parks located in coastal areas affected by the Deepwater Horizon oil spill.
- 6) Infrastructure projects benefitting the economy or ecological resources, including port infrastructure.
- 7) Coastal flood protection and related infrastructure.
- 8) Planning assistance.
- 9) Administrative costs.

- 10) Promotion of tourism in the Gulf Coast region, including promotion of recreational fishing.
- 11) Promotion of the consumption of seafood harvested from the Gulf Coast region.

Eligible activities 1 through 7 listed above must be carried out in the Gulf Coast region.

PART II. FEDERAL AWARD INFORMATION

A. Total Funding Availability

The total funding available for eligible activities under the Direct Component will depend on the Trust Fund balance, any adjustments due to sequestration, pursuant to section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and any adjustments due to obligations and disbursements through grant awards to eligible recipients.

B. Award Amount

Each of the 47 eligible applicants may apply through one or more applications for its share of funds, described in Treasury regulations as a percentage of the amounts available from the Trust Fund for the Direct Component. An eligible applicant may apply for up to 100 percent of its current net available allocation. Treasury will notify eligible applicants when revisions are made to the allocation tables, which include the amounts currently available, and posted on Treasury's [RESTORE Act website](#).

C. Anticipated Award Date

Treasury anticipates awarding a grant within 60-120 days after receipt of a complete and compliant application, depending on the complexity of the project.

D. Period of Performance

Eligible applicants may submit one or more applications. Applications should be submitted at least 120 days before the requested start date of the award.

E. Funding Instrument Type

Awards will be made as grants to eligible applicants.

PART III. ELIGIBILITY INFORMATION

A. Eligible Applicants

Eligible applicants are specified by the RESTORE Act and Treasury's implementing regulations at 31 CFR Part 34. Only the following entities may apply for funding under this announcement:

- 1) The Alabama Gulf Coast Recovery Council or such administrative agent as it may designate.
- 2) The Florida counties of Bay, Charlotte, Citrus, Collier, Dixie, Escambia, Franklin, Gulf, Hernando, Hillsborough, Jefferson, Lee, Levy, Manatee, Monroe, Okaloosa, Pasco, Pinellas, Santa Rosa, Sarasota, Taylor, Wakulla, and Walton.
- 3) The Coastal Protection and Restoration Authority Board of Louisiana through the Coastal Protection and Restoration Authority of Louisiana;
- 4) The Louisiana parishes of Ascension, Assumption, Calcasieu, Cameron, Iberia, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, and Vermilion.
- 5) The Mississippi Department of Environmental Quality.
- 6) The Office of the Governor of the State of Texas, or an appointee of the Office of the Governor.

Only the above-named entities are eligible to apply for a grant under the Direct Component program. Treasury does not make Direct Component grants directly to other entities or individuals. Interested third parties may contact their jurisdiction listed in the above paragraph to learn more about how the eligible entities select proposed activities.

B. Cost Sharing or Matching Requirement

No cost sharing or matching is required. Please note that federal grant requirements in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200) apply to the entire grant amount, including both the federal and non-federal funds.

C. Other Criteria that Affect Eligibility

- 1) Each activity for which funding is sought under this announcement must be included in, and be consistent with, a Multiyear Implementation Plan (Multiyear Plan) that has been prepared and approved by the applicant and reviewed and accepted by Treasury. The required fillable forms, the RESTORE Direct Component Multiyear Plan Narrative and the RESTORE Direct Component Matrix, as well as other instructions for completing the Multiyear Plan, may be found on Treasury's [RESTORE Act Direct Component](#) website.

- 2) Each applicant must complete an Operational Self-Assessment and must update and submit the Operational Self-Assessment annually by June 30. Annual Operational Self-Assessments must be reviewed and accepted by Treasury before a grant may be awarded to an eligible applicant under this announcement. The required format and fillable form for the Operational Self-Assessment, as well as instructions for completing it, may be found on Treasury's [RESTORE Act Direct Component](#) website.
- 3) As part of its first application, each Louisiana parish must certify to the Governor of Louisiana that the parish has a comprehensive land use plan and submit to Treasury a copy of a signed certification that complies with 31 CFR § 34.302(f). If the parish modifies its comprehensive land use plan, the parish must submit an updated certification.
- 4) No application may be submitted for a proposed activity that is included in any paid out claim for compensation presented after July 6, 2012, to the Oil Spill Liability Trust Fund.
- 5) Activities designed to restore or protect natural resources must be based on the best available science as defined in the RESTORE Act and Treasury implementing regulations at 31 CFR § 34.2 and clearly demonstrated in the proposed activity description.

PART IV. APPLICATION PREPARATION AND SUBMISSION INFORMATION

A. Application Package

Treasury uses the GrantSolutions.gov system to manage the application submission process, and application packages will be available only through [GrantSolutions.gov](#). Only eligible applicants, as defined in **Part III**, and their designated contractors as appropriate will be able to register with GrantSolutions.gov. Eligible applicants must register with GrantSolutions.gov and log in using the provided account information in order to access the various funding opportunity announcements and associated application packages available under the RESTORE Act.

During the application preparation process, eligible applicants should be sure to access and complete the specific application package within Grantsolutions.gov that corresponds to the correct RESTORE Act funding opportunity announcement, because each has its own specific instructions, forms, and required attachments.

If you are an eligible applicant and require further information, need assistance with the GrantSolutions.gov account registration process, or if you do not have Internet access, contact Treasury using the contact information provided below in **Part VII Federal Awarding Agency Contacts**.

Information is also available on Treasury's [RESTORE Act Direct Component](#) website.

B. Content and Form of Application

All applications under this FOA must be completed and submitted using the RESTORE Act Direct Component – Construction and Real Property Acquisition Activities application packages provided by [GrantSolutions.gov](https://www.grantsolutions.gov). An application must be submitted by the Authorizing Official, previously approved for enrollment and enrolled in GrantSolutions.gov.

Application packages will include the required standard forms and specific documentation required by Treasury. All standard forms are available electronically in GrantSolutions.gov. Applicants must complete all forms in the GrantSolutions.gov application package and the authorizing official must sign the certification electronically.

Information that is not part of a standard form or a Treasury template included in the application package can be provided as part of a separate file attachment that the applicant can upload into the application package. **All file attachments must be in PDF file format, unless otherwise specified in this FOA or application guidance.**

Any files uploaded into the GrantSolutions.gov application package must contain a valid file format extension in the filename. Any file submitted as part of the GrantSolutions.gov application package that is not in a PDF file format or in another format otherwise specified in this FOA, or contains password protection, will not be accepted for processing, and will be excluded from the application during the review process. In addition, the use of compressed file formats such as ZIP, RAR, or Adobe Portfolio will not be accepted. Scanned copies should not be submitted through GrantSolutions.gov unless the applicant confirms the clarity of the documents. Documents must be scanned after they are signed. All documents that do not conform to the above will be excluded from the application during the review process.

The following forms are required:

- 1) Form SF-424, Application for Federal Assistance.
- 2) Form SF-424A, Budget Information – Non-Construction Programs.
- 3) Form SF-424C, Budget Information – Construction Programs. The SF-424C should be used as a breakdown of costs entered in the “Construction” Budget Category of Section B, 6g of the SF-424A. Amounts entered in the SF-424C should total to the amount entered in Section B, 6g of the SF-424A. Form SF-424C should only be used for “construction” carried out by the recipient. An SF-424C is not required for construction carried out by a subrecipient.
- 4) Form SF-424D, Assurances – Construction Programs.
- 5) SF-LLL, Disclosure of Lobbying Activities, if applicable. See 31 CFR Part 21 and the RESTORE Act Direct Component Applicant Certifications, Section E – Certification Regarding Lobbying. If applicable, the SF-LLL must be signed by the senior authorized official. Please note: If the senior authorized official is not submitting

the application as the Authorizing Official in GrantSolutions.gov, then a signed SF-LLL should be uploaded as part of the application package. *(Completion of the template in GrantSolutions.gov is required, if applicable.)*

- 6) RESTORE Act Direct Component Applicant Certifications signed by the senior authorized official. Please note: Unless otherwise delegated, if the senior authorized official is not submitting the application as the Authorizing Official in GrantSolutions.gov, then a signed certification should be uploaded as part of the application package. *(Completion of the template in GrantSolutions.gov is required.)*
- 7) RESTORE Act Direct Component Application Narrative Form. *(Completion of the template in GrantSolutions.gov is required.)*
- 8) RESTORE Act Direct Component Application Narrative Supplement – All applicants must provide a narrative supplement including the following information with the application as an upload in GrantSolutions.gov. The information is required unless it is not applicable to the project, program, or activity. Applicants should review the applicable funding opportunity announcement and Treasury guidance for a complete list and explanation of requirements.
 - a) Applicant Name
 - b) Descriptive Project Title (refer to SF-424)
 - c) Additional Locations (not included in the Direct Component Application Narrative form, if applicable)
 - d) Proposed Scope of Work - A detailed scope of work that fully describes the project or program for which funding is requested, including:
 - i) Project or Program Description
 - ii) Need
 - iii) Purpose
 - iv) Objectives that clearly identify with the eligible activity(ies)
 - v) How the proposed project activity will be carried out in the Gulf Coast Region as defined in 31 CFR § 34.2. Attach a map showing the project location in the Gulf Coast Region.
 - vi) Possible material risks in implementing and maintaining the proposed activity, e.g., operational, legal, regulatory, budgetary, or ecological risks, with a brief discussion of mitigation strategies that the applicant may need to address in order to implement and/or maintain the proposed activity. If the applicant determines that there are no material risks, then include a statement summarizing the determination.
 - vii) Key Personnel, including name and contact information for the following:
 - (1) The applicant’s Authorizing Official who is authorized to sign the grant application and award,
 - (2) The Project Director who is responsible for the project, and

- (3) The Financial Officer who is responsible for maintaining the accounting and financial records of the grant.
- viii) A description of all funding sources included on the SF-424.
- e) Budget Justification – Provide a detailed budget that supports the proposed scope of work. The budget justification should relate each budget category listed in the SF-424A and SF-424C (see below) to the specific tasks identified in the proposed scope of work, including any third-party funding. The budget justification should provide specific justification for all budget categories that apply; including an explanation of the necessity, allowability, reasonableness, and allocability of proposed costs.
- i) Total Budget
 - ii) Amount of Total Budget incurred pre-award
 - iii) Personnel – This refers to salaries and wages paid to employees of the applicant organization who are directly involved in grant implementation. The budget justification must identify the personnel category type by Full-Time Equivalent (FTE), including FTE percentage for part-time employees, number of personnel proposed for each category, and the estimated funding amounts. The applicant’s budget justification should identify positions by title and function, include a brief description of duties, and state the rate of compensation and the amount of time to be allocated for each position. *This line item does not include personnel hired as subrecipients; those costs are included in the “Contractual” line item.*
 - iv) Fringe Benefits – This refers to the allowances and services employers provide their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave (vacation, family-related, sick, or military) employee insurance, pensions, and unemployment benefit plans. The budget justification should identify the organization’s fringe benefit rate and/or explain the basis for the calculation for each position.
 - v) Travel – This refers to the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the non-Federal entity. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the non-Federal entity's non-federally funded activities and in accordance with the non-Federal entity's written travel reimbursement policies. The budget justification must provide an estimated number of trips, points of origin and destination, and purpose of travel. It should also show how each trip (or type of trip) is

needed to achieve the goals and objectives of the project or program. *This line item does not include a subrecipient's travel expenses; those costs are included in the "Contractual" line item.*

- vi) Equipment – This refers to tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000. The budget justification must include an itemized listing of all equipment proposed under the agreement. For each item to be purchased, provide an estimated unit cost, estimated useful life, basis for the estimated useful life, and justification for items of equipment to be purchased. Include a lease versus purchase analysis for each item of equipment.
- vii) Supplies – This refers to all tangible personal property other than equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or \$5,000, regardless of the length of its useful life. The budget justification must include a brief description of and justification for the supplies required to perform the work. These costs should be listed by major supply categories, e.g., office supplies, computer supplies, and monitoring supplies, and include the estimated costs by category.
- viii) Contractual – This refers to purchases of property or services needed to carry out the project or program under a Federal award. It is not specific to the legal instrument used, so it may include both subawards and contracts. The budget justification must include the name of the proposed contractor or subrecipient, if known, and list the amount budgeted for each contract or subaward. For proposed subawards, the application must include an itemized subrecipient budget by object class, with appropriate justification.
- ix) Construction – This refers to the total costs of all construction categories carried out by the recipient (further broken down in the SF-424C). All costs must be project specific. The applicant's budget justification must include a brief description of and justification for each of the budget categories on the SF-424C.
- x) Other – This refers to direct costs that do not fit any of the aforementioned categories, such as rent for buildings used to conduct grant activities, utilities and/or leased equipment, transportation expenses, tuition for training, etc. The budget justification should list and describe other items by major type, provide a cost estimate or budget for each item, and describe the basis for the cost estimates or budget computations.
- xi) Indirect Costs – This refers to costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily

assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. See Part IV. G of this FOA for details on the three percent cap on certain indirect costs, i.e., administrative costs. Indirect costs must be supported by either a current federally approved Indirect Cost Rate Agreement or an election to use the de minimis indirect cost rate. In accordance with 2 C.F.R §200.414(f), any non-federal entity, i.e., state government department, Florida county, or Louisiana parish, that has never received a negotiated indirect cost rate with the Federal government and receives less than \$35 million in direct Federal funding per year, may elect to use a de minimis rate of 10% of Modified Total Direct Costs within their Direct Component grant. Grantees must keep the documentation of this decision on file. Applicants electing to use the de minimis rate should include in their applications a letter or other similar document, signed by their Chief Financial Officer or other senior official, stating that the state government department/county/parish: 1) is electing to use the de minimis indirect cost rate of 10% of Modified Total Direct Costs based on 2 CFR § 200.414(f); 2) has never previously negotiated an indirect cost rate with the Federal government; and 3) receives less than \$35 million in direct Federal funding per year.

- f) Identification of Other Funding Sources (if applicable) – Some Direct Component projects will require additional funds to cover the full cost of the project (“other funds”), which may include local government funds, state funds, or other federal funds. Treasury requires documentation of proof of availability of other funds needed for completion of project activities. Treasury will not award funds for the non-federal share of a project receiving funding from another Federal agency until the other Federal agency has approved the activity and Treasury receives documentation of the approval.
- g) Contractor (if applicable) – Indicate if the applicant plans to contract out any work described in the Scope of Work and included in the Budget Justification above (do not include subrecipient’s contractors). Describe the expected number of contracts, method of procurement, and the applicant’s plan for monitoring contractor performance and compliance. If a contractor has already been selected include the following:
 - i) Name of each contractor;
 - ii) Unique Entity ID (generated in SAM.gov) for each contractor;
 - iii) Date the applicant executed each contract; and
 - iv) Amount of each contract awarded.
- h) Subrecipient (if applicable) – If the proposed project includes a subaward, include a separate, clearly defined scope of work and budget for the subrecipient. Describe how the applicant selected or plans to select subrecipient(s), the applicant’s plan for monitoring the subrecipient(s) performance and compliance, and the means by which the applicant will

assess each subrecipient's level of risk. If a subrecipient has already been selected include the following:

- i) Name of each subrecipient;
 - ii) Unique Entity ID (generated in SAM.gov) for each subrecipient;
 - iii) Date of applicant selection of each subrecipient; and
 - iv) Amount of funds to be provided to each subrecipient
- i) Milestones – List the milestones and the estimated timeframe for completion (i.e., performance period start date + number of months to completion)
- j) Performance Measures – include the following (see illustrative list of performance measures on Treasury's RESTORE Act website):
- i) Measure: An indicator of success toward reaching a goal. The measure should reflect how the applicant will evaluate success from the narrative of the accepted multiyear plan.
 - ii) Baseline: The starting point of the measure. It is the status quo without the grant award.
 - iii) Target: The anticipated result of the measure. It is the anticipated new status with the grant award.
- k) MYP Consistency – Describe whether the proposed scope of work differs from the corresponding project/program identified in the applicant's Multiyear Plan accepted by Treasury. If no differences exist, make an affirmative statement as to their consistency.
- l) Best Available Science (if applicable) – The RESTORE Act requires activities designed to protect or restore natural resources to be based on the 'best available science,' which is defined in the Act as science that (a) maximizes the quality, objectivity, and integrity of information, including statistical information; (b) uses peer-reviewed and publicly available data; and (c) clearly documents risks and uncertainties in the scientific basis for such projects. The applicant must make a determination that a project designed to protect or restore natural resources is based on the best available science. (See Direct Component FAQs on Treasury's RESTORE Act website.) In order to support this determination, the applicant must:
- i) Explain how the project's natural resource protection and/or restoration objectives and proposed methods are based on best available science;
 - ii) Summarize any risks or uncertainties associated with the project and explain how these risks will be mitigated;
 - iii) Cite and describe peer reviewed literature or publicly available data. For each source cited, the applicant must provide sufficient citations, including:
 - (1) Title;
 - (2) Journal in which the literature source appeared, if applicable;

- (3) Publication date;
 - (4) Author(s); and
 - (5) Web address if downloaded or available online.
- iv) Upload any cited planning documents, internal reports and/or other documentation of site conditions that are not part of peer-reviewed literature and/or are not publicly available with the application.
- v) Summarize the following:
 - (1) The peer-reviewed information that justifies the proposed objectives, including methods used for the proposed activity.
 - (2) The literature sources' conclusions and any uncertainties or risks in the scientific basis that would apply to the proposed activity.
 - (3) How, if the information supporting the proposed activity does not directly pertain to the Gulf Coast Region, the applicant's methods reasonably support and are adaptable to that geographic area.
 - (4) An evaluation of uncertainties and risks in achieving the project's best available science objectives over the longer term.
- m) Permits or Authorizations (if applicable) – Provide a list of the specific federal, tribal, state, or other permits or authorizations required for the project and their status. If permits or authorizations have already been obtained, include them with the application. (For federal environmental requirements, see Environmental Checklist and Environmental Checklist Reference Guidance.)
- n) Construction and Land Acquisition Projects – Projects that include construction and/or land acquisition require additional supporting documentation including the following:
 - i) Legal description of the property and tax parcel number;
 - ii) Evidence of title or rights with respect to the project property;
 - iii) A signed statement from the seller(s) that he/she is a willing seller and has not been coerced into selling or conveying the property interest;
 - iv) Certified appraisal
 - v) Construction drawings

The following are the types of documentation required as evidence of title or rights with respect to the project property:

- (1) When property has been newly acquired for the project, the recipient must provide the following as evidence of clear title to the property:
 - (a) A copy of the recorded deed or equivalent conveyance document showing the recipient acquired title to the property; and

- (b) A copy of the title insurance (also known as title policy), title report, or title opinion (by attorney(s) licensed in the jurisdiction where the property is located) completed after the real estate acquisition showing the recipient obtained title to the property free of any encumbrances (i.e., foreclosable liens, easements, or any other limitations on use that interferes with the recipient's intended use, operation, construction, maintenance of the property, or Treasury's federal interest). The title insurance, title report, or title opinion should include the legal description of the property.
- (2) When the property to be used for the project has not been newly acquired, the recipient must provide evidence of clear title to the property, which includes both of the items listed in (a) above, provided that the copy of the title insurance, title report, title opinion, or equivalent must be completed within the last year. If such evidence is more than one year old, the recipient must provide Treasury with an explanation, which Treasury may in its discretion decline to accept.
- (3) When easements, rights-of-way, or other rights are required for the completion of the project, the recipient must provide the following documentation:
 - (a) A copy of the easement deed or equivalent conveyance document; and
 - (b) A copy of the title insurance, title report, or title opinion (by attorney(s) licensed in the jurisdiction where the property is located).
- (4) When use of or access to leased property is required for the project, the recipient must provide the following evidence of control of the leased property:
 - (a) A copy of the lease signed by the lessor and recipient that provides a lease term equivalent to the estimated useful life (EUL) of the project or renewable for that period; and
 - (b) A certification from the recipient that it has control of all project property or improvements to the property and is not aware of any material restrictions or encumbrances that could interfere with any award purpose for the duration of the EUL. If this changes within the course of the EUL, the recipient must provide timely notice to Treasury. The federal interest may be waived, if it is decided that recording the federal interest is not feasible, then Treasury may include a special award condition on the award that the recipient will repay the federal interest if the lessor terminates the lease before the EUL of the project

expires or if the recipient or lessor uses the property in a manner inconsistent with the public purpose(s) of the award during the EUL of the improvements or construction, as applicable.

- (5) When the project involves linear construction/improvement, road construction, or other less common types of construction, recipients should contact Treasury for guidance on the types of evidence of title required.
 - (6) Notwithstanding (1)-(5), Treasury may in its discretion accept only a copy of the title insurance, title report, title opinion, or equivalent as evidence of title (or easement or other rights) if the recipient is unable to produce the relevant conveyance document.
 - (7) In all cases, recipients must disclose any ongoing litigation concerning the project property prior to seeking Treasury's permission to proceed with construction.
- 9) RESTORE Act Environmental Checklist – The applicant must identify the environmental laws that may apply to the eligible activity and the environmental documents that may be required. The applicant must include the status of all applicable Federal and state environmental compliance requirements and documentation of fulfilled requirements. Treasury's financial assistance is subject to compliance with applicable Federal and state environmental requirements, some of which must be completed prior to the award for construction projects. *(Completion of the template by the applicant in GrantSolutions.gov is required for all awards.)* For projects that will be implemented by a subrecipient, applicants may submit an Environmental Checklist completed by an authorized representative employed by the subrecipient. Documentation of the applicant's review of the Environmental Checklist must be submitted with the application.

The following items may be required to be submitted with the application:

- 2) A letter from the applicant's highest official designating a senior authorized official who can legally bind the entity to execute the RESTORE Act Direct Component Applicant Certifications. A letter is not required if the applicant's highest official executes the certifications.
- 3) Current federally approved Negotiated Indirect Cost Rate Agreement (NICRA) or election to use the de minimis rate, if indirect costs are included in the budget. *See 5g, ix, Indirect Costs, in this section for additional information.*
- 4) A map of the area in which the construction project will be located and/or the real property to be acquired will be located, with the boundaries of the project site clearly delineated. Only the following file formats will be accepted for maps: PDF, GIF, JPEG, or PNG.

- 5) A Federal Emergency Management Agency (FEMA) floodplain map of the area in which the construction project and/or real property to be acquired will be located with the boundaries of the site clearly delineated. Only the following file formats will be accepted for maps: PDF, GIF, JPEG, or PNG. FEMA floodplain maps, in PDF or PNG format, are available at the [FEMA Map Service Center](#).
- 6) A proposed Estimated Useful Life for infrastructure and a description of the method used to determine the Estimated Useful Life of the project. Acceptable methods to determine the Estimated Useful Life include but are not limited to the State's standards for determining useful life of capital assets. Land has an unlimited useful life. Treasury's issuance of the grant agreement will represent its concurrence with the applicant's proposed Estimated Useful Life.
- 7) Legal documents relating to title or rights to the project property, construction, and disclosure of ongoing real property litigation.
- 8) A recent title insurance, title search, title opinion, or equivalent, showing ownership of the property and any deed restrictions. In general, a recent title insurance, title search, or title opinion is one that has been completed within the last year or after the real estate acquisition in the case of a new property being acquired to carry out the project. If the title insurance, title search, or title opinion is more than one year old, a justification also must be provided for Treasury's review and approval.
- 9) A legal description of the property must be included in the title opinion or equivalent and conveyance document.
- 10) If the project will include the acquisition of real property:
 - a) The applicant must provide an appraisal of the property to be acquired from a certified appraiser. The appraisal should be dated no more than one year before the date of the grant application. If the appraisal is older than one year from the date of the grant application, a justification must be provided to Treasury for review and approval.
 - b) The applicant must include a signed statement from the seller(s) that he/she is a willing seller and has not been coerced into selling or conveying the property interest.
- 10) Documentation of all funding sources identified in the RESTORE Act Direct Component Application Narrative Supplement. Treasury will accept the following documentation as proof of available other funds:
 - a) Bonds: When an applicant wishes to use bond funds as part of its budget on a project using Direct Component funds, it must show that it has the legal capacity and authority to issue bonds sufficient to cover the total cost of the project less the federal funds of the Direct Component grant. A statement from the applicant's attorney or bond attorney certifying to the applicant's capacity and authority will suffice as documentation.
 - b) Grants/Loans: When an applicant wishes to use a grant or loan from a third party as part of its budget on a project using Direct Component funds, it must provide a letter of commitment or similar confirmation, signed by an authorizing official, that it will receive a grant or loan from a third party

sufficient to cover the total cost of the project less the federal funds of the Direct Component grant.

- c) Local Funds (Cash): When an applicant wishes to use cash as part of its budget on a project using Direct Component funds, it must submit as part of its application an assurance signed by its Chief Executive Officer, attorney, or authorizing official certifying that the local funds will be available for the project, have been budgeted expressly for the project, and will not be used for any purpose other than the project.

- 11) Treasury's implementing regulations at 31 CFR § 34.200(b) allow eligible applicants to use funds under the Direct Component to satisfy the non-Federal cost-share of an activity that is eligible for funding under 31 CFR § 34.201 and authorized by Federal law. Treasury will not award funds for the non-federal cost-share until the other Federal agency has approved the activity or provided a commitment to fund the activity and Treasury receives documentation of the approval. Applicants seeking to use Direct Component funding to cover the non-Federal cost-share of another federally funded project or program which is a Direct Component eligible activity must include the following in its application:
 - a) If the other Federal agency already has approved the activity, the applicant must submit a copy of the grant agreement or other approval document as part of this Direct Component application.
 - b) If the other Federal agency has not approved the Direct Component activity, the applicant must submit a letter of commitment from that agency or other documentation that indicates the applicant will receive funding, along with the project description/scope of work and performance metrics as part of this Direct Component application.
 - c) If the other Federal agency has not approved the activity, the applicant must submit a narrative describing the activity's status and the approximate timeline for the Federal agency to approve or decline the activity as part of this Direct Component application.
- 12) If a proposed activity was approved by another agency prior to July 6, 2012, the application also must include the following:
 - a) In the Application Narrative:
 - i) The project description must clarify when the activity was approved, the name of the approving agency, the current status of the project, the original approved budget for the project, the amount of funds that have already been expended on the project, and the expected funds required for project completion. If any cost overruns have occurred or are expected to occur, the applicant must provide an explanation.
 - ii) The applicant must clearly explain how it addressed procurement, public input, and the RESTORE Act's best available science requirement, and how its approach substantively fulfilled RESTORE Act requirements. See 33 USC § 1321(t)(1)(E).

- iii) If the information requested in this application was included in the application for the earlier approving agency, the applicant may include cross-references between particular questions and responses.
- b) Documentation showing that the activity was approved prior to July 6, 2012, such as a grant approval letter, other approval documentation, or meeting minutes from the governmental entity with authority to approve the project.
- c) Documentation of the original budget and scope of work, e.g., approved grant application or other approval document.

In addition, the State of Alabama must submit with each application a certification, signed by the authorized official, that the funding request was approved in accordance with 33 USC § 1321(t)(1)(F), and that Alabama is in compliance with 33 USC § 1321(t)(1)(F)(i)(IV).

More information on application policies and requirements is available on Treasury's [RESTORE Act Direct Component](#) website.

C. Civil Rights Act Title VI Narrative

All applicants must provide a Title VI Narrative as an upload in GrantSolutions.gov. The Title VI Narrative must be approved by the applicant's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to Treasury. Applicants must submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Narrative as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Narrative.

The Title VI Narrative, submitted with the application, shall include the information listed below. **Treasury will accept a Title VI compliance form recently prepared and submitted to another Federal agency. If any information required by Treasury is not included in the other agency's Title VI compliance form, the missing information must be submitted with the application for the Title VI Narrative to be considered a complete response. If any item listed below is not relevant to the project for which federal financial assistance is requested, the information should be marked as "not applicable."** The Title VI Narrative should include:

- 1) A statement that the Title VI notice to the public is posted in a prominent place or places, and the type of postings being used (i.e., in the recipient's place(s) of business, in written communications to the beneficiaries, or on the recipient's website).
- 2) A list of any pending Title VI investigations, complaints, or lawsuits filed with the applicant. This list should include those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin that pertain to the applicant submitting the narrative.

- 3) Information regarding the applicant's Title VI compliance history if it has previously received funding from another federal agency. The information shall include a copy of any Title VI compliance review reports issued by such other federal agency in the previous two years. The information shall include:
 - a) The purpose or reason for the review.
 - b) The name of the agency or organization that performed the review.
 - c) A summary of the findings and recommendations of the review.
 - d) A report on the status and/or disposition of such findings and recommendations.
- 4) A copy of the applicant's plan for providing language assistance to persons with limited English proficiency, based on the [Treasury LEP Guidance](#).
- 5) Applicants that have program-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the applicant, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.
- 6) A description of the location of existing or proposed facilities connected with the proposed project, program, or activity, and whether the location has or will have the effect of unnecessarily denying access to any persons on the basis of prohibited discrimination (race, color or national origin).
- 7) A list of the applicant's pending applications for federal financial assistance and existing assistance.
- 8) A description of the procedures the applicant will use to ensure subrecipients comply with Title VI and a proposed schedule of Title VI Narrative submissions from the subrecipient for this project or program.

D. Unique Entity ID (UEI) and System for Award Management (SAM)

- 1) All applicants must have a Unique Entity ID (UEI) generated in [SAM.gov](#). This UEI should be entered in the block with the applicant's name and address on the cover page of the application, block 8c on the Form SF 424, Application for Federal Assistance. The name and address in the application should be exactly as given for the UEI. Applicants should obtain their UEI immediately to ensure all registration steps are complete prior to submitting an application.
- 2) All applicants must be registered in the System for Award Management (SAM). Registering for an account via the [SAM.gov website](#) is a separate process from submitting an application to Treasury. After your entity is successfully registered in SAM.gov, your UEI will be automatically generated and viewable in the SAM.gov workspace. Applicants are encouraged to register early. Applicants must maintain an active registration with SAM at all times, prior to submitting an application, and throughout the entire period of performance of an award. Applicants are required

to renew their registration with SAM annually. Failure to renew a SAM registration prior to application submission may prevent an applicant from being eligible to receive a grant under the Direct Component program. Certification in SAM.gov has now replaced the SF-424B Assurances as part of the application. Applicants must successfully register with SAM prior to registering in the [Federal Funding Accountability and Transparency Act \(FFATA\) Subaward Reporting System \(FSRS\)](#) at <https://www.fsr.gov> as a prime awardee user. Prime recipients must maintain a current registration with the SAM system, and may make subawards and contracts only to entities that have UEI from SAM. Organizations must report executive compensation as part of the registration profile at SAM.gov by the end of the month following the month in which an award is made, and annually thereafter based on the reporting requirements of the FFATA of 2006, Pub. L. No. 109-282, as amended by the Government Funding Transparency Act of 2008, Pub. L. No. 110-252, § 6202, 122 Stat. 2387 (2008), and as amended by the Digital Accountability and Transparency Act (DATA Act) of 2014, Pub. L. No. 113-101, and implemented by 2 CFR Part 170.

- 3) Treasury cannot make a grant to an applicant who has not obtained a UEI and does not maintain an active registration with SAM. See 2 CFR Part 25.

E. Submission Dates and Times

Applications will be accepted on a rolling basis as long as funds are available in an applicant's allocation. Applications should be submitted at least 120 days before the requested start date of the award. This funding opportunity announcement will close on August 31 30, 2022. A new funding opportunity announcement will be posted in late 2022 as determined necessary by the Department of the Treasury and will coincide with the launch of the new online Treasury RESTORE Grants Management System.

F. Intergovernmental Review

Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." Please check box "C" on item 19 of the SF-424 (Application for Federal Assistance) because Review by State under Executive Order 12372 does not apply. State review requirements may still apply.

G. Funding Restrictions

- 1) Not more than three percent of the total award amount may be used for administrative costs as defined in 31 CFR § 34.2. An applicant may use either the grant-by-grant or aggregate method to determine allowable administrative costs pursuant to 31 CFR § 34.204(a)(1). If the applicant chooses the aggregate method, the application should include the following:

- a) A written request to use the aggregate method for calculating administrative indirect costs and the dollar amount requested.
- b) Table of administrative costs requested to date and the available funds in the recipient's administrative indirect cost pool. (We recommend using the worksheet from the Aggregate Method Administrative Cost Tool).

The three percent administrative cost limit does not apply to the administrative costs of subrecipients. All subrecipient costs are subject to the cost principles set forth in 2 CFR Part 200, Subpart E. See also 31 CFR § 34.204.

- 2) Pursuant to the Office of Management and Budget's Uniform Guidance at 2 CFR Part 200, Treasury will not allow reimbursement of costs incurred before an award is made, unless an applicant demonstrates that the costs were incurred directly pursuant to the negotiation and in anticipation of the award, and that the costs were necessary for the efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the award and only with Treasury's written approval. All costs incurred before the Federal awarding agency makes the Federal award are at the recipient's risk. Any pre-award costs should be requested as part of an application under this funding opportunity announcement. The applicant must clearly describe the proposed pre-award costs in the scope of work and budget justification and provide a compelling justification as to why Treasury should approve them. Applicants considering the inclusion of pre-award costs in an application should contact Treasury as soon as possible to discuss them.
- 3) Proposal costs of the current accounting period normally should be treated as indirect costs per 2 CFR § 200.460. Applications including proposal costs as direct costs should provide a detailed justification as to the appropriateness for charging the proposal costs directly to the prospective award.

H. Other Submission Requirements

All applications must be submitted via the [GrantSolutions.gov system](https://grantsolutions.gov).

Documents that require a signature may be scanned and uploaded into the application package. In GrantSolutions.gov, the name of whoever submits the application automatically appears as the signature of the Authorized Representative on the SF-424. Treasury requires that the Authorizing Official, a full-time employee of the eligible entity, submit the application. Applicants may contact Treasury using the contact information provided below in the event of technical difficulties.

PART V. APPLICATION REVIEW INFORMATION

A. Evaluation Criteria

This is a noncompetitive grant opportunity. Each application will be evaluated for completeness and conformance with the RESTORE Act, Treasury's implementing regulations at 31 CFR Part 34, and the Uniform Guidance at 2 CFR Part 200. Treasury also will evaluate each applicant's ability to administer an award successfully, using information sources such as, the Operational Self-Assessment, audits under the Single Audit Act, and OMB-designated repositories of government-wide eligibility qualification or financial integrity information.

B. Review and Selection Process

Treasury will perform an initial eligibility review of applications as they are submitted. Treasury also will assess each application for completeness and compliance with the requirements of the RESTORE Act, applicable federal statutes, regulations and grant policies. If the application is for a project designed to restore or protect natural resources, Treasury will assess whether the applicant reasonably demonstrated that the project is based on the best available science as defined in the RESTORE Act and Treasury's implementing regulations at 31 CFR § 34.2. Treasury may seek the assistance of governmental and nongovernmental subject-matter experts to provide technical input to its best available science review and environmental compliance review. Applications will be selected for funding if they fulfill all application requirements and funding is available in the applicant's Trust Fund allocation.

C. Anticipated Announcement and Award Dates

Successful applications will be announced and awarded on a rolling basis as they are reviewed.

D. Review of Federal Awardee Performance and Integrity Information System Information (FAPIIS) Data

Treasury, prior to making a Federal award with the total amount of the Federal share being greater than the Simplified Acquisition Threshold currently set at \$250,000, is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS). See 41 USC [§ 2313\(e\)\(2\)\(A\)](#).

Each applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM.gov. 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.gov. Treasury 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 CFR § 200.206.

PART VI. AWARD ADMINISTRATION INFORMATION

A. Award Notices

Treasury will notify applicants of application determinations via email, either directly from Treasury or via email notifications issued through the GrantSolutions.gov system. Treasury will provide successful applicants with a Notice of Award. Applicants will need to formally accept the award within 30 days, via the GrantSolutions.gov system, in order for the award to become legally binding. Awards must be accepted by the Authorizing Official enrolled in GrantSolutions.gov.

B. Administrative and National Policy Requirements

Awards made under this announcement are subject to the RESTORE Act, Treasury's implementing regulations at 31 CFR Part 34, the Uniform Guidance at 2 CFR Part 200, other applicable executive orders, federal statutes, regulations, and program policies. Below is a list of requirements with which the applicant will need to comply. This is a non-exhaustive list. The RESTORE Act Standard Terms and Conditions and Program-Specific Terms and Conditions for awards under this announcement are posted on Treasury's [RESTORE Act Direct Component](#) website.

- 1) Lobbying Restrictions at 31 CFR Part 21.
- 2) Government-wide Debarment and Suspension Requirements at 31 CFR Part 19.
- 3) Government-wide Requirements for Drug-Free Workplace at 31 CFR Part 20.
- 4) Federal Funding Accountability and Transparency Act and regulations at 2 CFR Part 170.
- 5) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200 and any Treasury regulations implementing these requirements.
- 6) Award Term for Trafficking in Persons at 2 CFR Part 175.
- 7) Treasury Title IX regulations at 31 CFR Part 28.
- 8) Treasury Title VI regulations at 31 CFR Part 22.
- 9) Treasury Age Discrimination regulations at 31 CFR Part 23.
- 10) The Build America, Buy America Act Pub. L. No. 117-58, §§ 70901-52 included in the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (visit the [RESTORE Act Buy America Preference webpage](#) for more information about application of these new requirements).

Special award conditions may be applied to an award under this announcement.

C. Reporting

Applicants who receive awards will be required to file the SF-425 Federal Financial Report. Performance reporting also is required via the SF-PPR, the RESTORE Act Status of Performance Report, and the RESTORE Act Milestones Report. All financial and performance reports must be filed semi-annually via GrantSolutions.gov during the grant period of performance, unless a special award condition specifies more frequent reporting. The Operational Self-Assessment form must be updated annually. The Recipient also must complete and submit to Treasury a report on the status of the real property or interest in real property in which the Federal government retains an interest, using a SF-429 Real Property Status Report form annually for the first three years of a federal award and thereafter every five years until the end of the Estimated Useful Life or time of disposition, whichever is less.

PART VII. FEDERAL AWARDING AGENCY CONTACTS

For questions regarding this announcement, please contact the Office of Gulf Coast Restoration at restoreact@treasury.gov.

Information also is available at Treasury's [RESTORE Act Direct Component](#) website.