

**AGENCY:** ENVIRONMENTAL PROTECTION AGENCY (EPA)  
**TITLE:** Solid Waste Infrastructure for Recycling (SWIFR) Grants for **Tribes and Intertribal Consortia**

**ACTION:** Notice of Funding Opportunity (NOFO)

**FUNDING OPPORTUNITY NUMBER:** EPA-I-OLEM-ORCR-24-06

**Assistance Listing No:** 66.920

**KEY DATES:**

**Oct. 16, 2024** INFORMATION SESSION #1

**Oct. 29, 2024** INFORMATION SESSION #2

**Mar. 14, 2025** NOFO CLOSES – APPLICATIONS DUE BY 11:59 PM (ET)

**Sep. 2025** ANTICIPATED NOTIFICATION OF FUNDING SELECTION

**Mar. 2026** ANTICIPATED AWARD

**APPLICATION SUBMISSION DEADLINE:** Application packages must be submitted electronically to the EPA through Grants.gov ([www.grants.gov](http://www.grants.gov)) no later than **March 14, 2025 at 11:59 p.m. (ET)** to be considered for funding.

There is no cost share required for this funding opportunity. Voluntary committed cost share will not be accepted or evaluated under this competition.

**SUMMARY:** This modification revises the NOFO, which was originally issued on September 16, 2024. This version of the NOFO supersedes previous versions of the NOFO. The revision made by this modification is as follows:

1. The list of eligible entities in *Section III.A: Eligible Applicants* was revised to list “Indian Tribes” rather than “Federally Recognized Tribes.”

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## **SECTION I. FUNDING OPPORTUNITY DESCRIPTION**

### **A. Background**

Material resource extraction and processing account for approximately 55 percent of global greenhouse gas emissions.<sup>1</sup> Increasing recycling reduces climate, environmental, and social impacts of materials use, and keeps valuable resources in use instead of in landfills. Municipal solid waste management<sup>2</sup> has long suffered from a lack of investment. Some communities that lack waste management infrastructure do not have curbside waste collection services, recycling, or composting programs, which increases the burden on limited landfill capacity and increases greenhouse gas emissions. For example, more than one-third (nearly 100 million tons) of the United States (U.S.) municipal waste stream is organic waste. The production and current management of organics contributes to a broad range of negative environmental impacts, including climate change, air pollutants, water scarcity, biodiversity loss, and soil and water quality degradation. Mismanaged waste also can compound health, economic, and undesirable social conditions in disadvantaged communities that are marginalized by underinvestment and overburdened by pollution.

The EPA and others have undertaken significant efforts to promote a circular economy in the United States. In 2015, the EPA and the United States Department of Agriculture (USDA) announced the [U.S. 2030 Food Loss and Waste Reduction Goal](#), seeking to cut food loss and waste in half by the year 2030. In 2020, the EPA announced the [National Recycling Goal](#) to increase the U.S. recycling rate to 50 percent by 2030 and to galvanize efforts to strengthen the U.S. recycling system. One year later, the EPA released the [National Recycling Strategy: Part One of a Series on Building a Circular Economy for All](#). That same day, federal funding was made available to support the strategy when the [Infrastructure Investment and Jobs Act \(IIJA\)](#), also known as the Bipartisan Infrastructure Law (BIL) was signed into law. The National Recycling Strategy established a vision for building a circular economy to reduce material use, redesign materials to be less resource intensive, and recapture “waste” as a resource to manufacture new materials and products. As part one of the series, the National Recycling Strategy focuses on municipal solid waste recycling.

In June 2024, the White House, along with EPA, USDA, and the U.S. Food and Drug Administration (FDA) released part two of the series, the [National Strategy for Reducing Food Loss and Waste and Recycling Organics](#). The goal of this strategy is to prevent the loss and waste of food and increase recycling of organic materials to support a circular economy for all, reduce greenhouse gas emissions, save households and businesses money, and build healthier, cleaner communities. This vision and strategies for a circular economy align with the language and the goals identified in the Save Our Seas 2.0 Act regarding solid waste infrastructure and management in the United States.

The Solid Waste Infrastructure for Recycling (SWIFR) grant program, authorized under Section 302(a) of the Save our Seas 2.0 Act and funded through the BIL, is a historic investment in the health, equity, and resilience of American communities. The unprecedented funding provided by the BIL through the SWIFR grants will assist local waste management authorities by supporting improvements to local post-consumer materials management, including municipal recycling programs, and assisting local waste management authorities in making improvements to local waste management systems. The SWIFR

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<sup>1</sup> Data from the 2024 Global Resources Outlook Report published by UN Environment.

<https://www.resourcepanel.org/reports/global-resources-outlook-2024>

<sup>2</sup> EPA has developed a standardized set of terms with examples of Municipal Solid Waste:

<https://www.epa.gov/recyclingstrategy/standardized-terms-materials-accepted-municipal-recycling-programs>

grant program provides a critical opportunity to fund a range of high-impact projects to increase recycling, reduce contamination, and promote a circular economy for materials by making much-needed investments in solid waste management infrastructure.

The SWIFR Grant Program is a covered program under the Justice40 Initiative which aims to deliver 40 percent of the overall benefits of federal climate, clean energy, affordable and sustainable housing, clean water, and other investments to disadvantaged communities. More information on the [Justice40 Initiative](#) at the EPA can be found at: [www.epa.gov/environmentaljustice/justice40-epa](http://www.epa.gov/environmentaljustice/justice40-epa).

There are three types of grants within the SWIFR program, which are designed to fund a range of projects that will enable EPA to help states, territories, Tribes, local governments, and communities improve and transform their recycling and materials management infrastructure.

1. [SWIFR Grants for States and Territories](#)
2. [SWIFR Grants for Tribes and Intertribal Consortia](#)
3. [SWIFR Grants for Political Subdivisions](#)<sup>3</sup>

This NOFO is for the SWIFR Grants for Tribes and Intertribal Consortia. The total estimated funding for this competitive opportunity is approximately \$20,000,000. The EPA anticipates awarding approximately 20 assistance agreements, with at least one award per EPA Region, depending on the quality and quantity of applications received. The minimum individual award amount is \$100,000 and the maximum individual award amount is \$1,500,000 for the grant period, which is up to three years. Refer to *Section II: Award Information* of this announcement for more information.

Materials and waste streams considered under this announcement include: municipal solid waste (MSW), including plastics, organics, paper, metal, glass, etc., electronic waste, batteries, and construction and demolition (C&D) debris. In addition, materials and waste streams considered include the management pathways of source reduction, reuse, sending materials to material recovery facilities, composting, rendering, anaerobic digestion, and feeding animals.

The following activities are not eligible for funding under this solicitation: constructing, improving or operating landfills; incineration; burn units; waste-to-energy (except anaerobic digestion); chemical and thermal recycling; biofuels; and environmental cleanup. Food preprocessing is only eligible when paired with recycling activities. *Note:* Definitions of some commonly used terms will be posted in a question and answer document on [EPA's Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia](#) webpage.

## **B. Statutory/Regulatory Authority Criteria**

The BIL provides \$275,000,000 for grants under Section 302(a) “Post-Consumer Materials Management Infrastructure Grant Program” of the Save Our Seas 2.0 Act ([Public Law 116–224](#)) as codified at 33 U.S.C. 4282(a). The BIL funds are available to EPA at \$55,000,000 per year from Fiscal Year 2022 to Fiscal Year 2026. Congress appropriated an additional \$14,000,000 for grants authorized under Section 302(a) of Save Our Seas 2.0 Act through EPA’s Fiscal Year 2022 Appropriation Act ([Public Law 117-](#)

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<sup>3</sup> Please note that the EPA also refers to this type of grant under SWIFR as “SWIFR Grants for Communities.”

[103](#)), Fiscal Year 2023 Appropriation Act ([Public Law 117-328](#)), and Fiscal Year 2024 Appropriation Act ([Public Law 118-122](#)).

Pursuant to Section 302(a) of the Save Our Seas 2.0 Act, the SWIFR grant program will:

- Implement the series of strategies on building a circular economy for all;
- Support improvements to local post-consumer materials management, including municipal recycling programs; and
- Assist local waste management authorities in making improvements to local waste management systems.

### C. Key Definitions

**Circular economy:** As defined in the Save Our Seas 2.0 Act, the term means an economy that uses a systems-focused approach and involves industrial processes and economic activities that are restorative or regenerative by design; enable resources used in such processes and activities to maintain their highest values for as long as possible; and aim for the elimination of waste through the superior design of materials, products, and systems (including business models). A circular economy is embraced within the sustainable materials management (SMM) approach that the United States federal government has pursued since 2009.

**Coalitions:** Groups of two or more eligible applicants (see *Section III: Eligibility Information*) may choose to form a coalition and submit a single application under this NOFO; however, one entity **must** be responsible for the grant. Coalitions **must** identify which eligible organization will be the recipient of the grant and which eligible organization(s) will be subrecipients of the recipient (the “pass-through entity”). *Subawards must* be consistent with the definition of that term in 2 CFR Part 200.1 and comply with the [EPA’s Subaward Policy](#). The pass-through entity that administers the grant and subawards will be accountable to the EPA for proper expenditure of the funds and reporting and will be the point of contact for the coalition. As provided in 2 CFR Part 200.332, subrecipients are accountable to the pass-through entity for proper use of EPA funding. The regulations at 2 CFR Part 1500.10 contain limitations on the extent to which EPA funds may be used to compensate individual consultants. Refer to the [Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) for guidance on consultant compensation.

**Environmental justice (EJ):** “Environmental justice” means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people:

- (i) are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and
- (ii) have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.

**Post-consumer materials management:** As defined in the Save Our Seas 2.0 Act, the term refers to the systems, operation, supervision and long-term management of processes and equipment used for post-use material (including packaging, goods, products, and other materials), including collection; transport; and systems and processes related to post-use materials that can be recovered, reused, recycled, repaired, or refurbished.

When considering post-consumer materials management, it is important to include MSW, including plastics, food, paper, metal, glass, etc.), and C&D debris, as well as the management pathways of source reduction and reuse, sending materials to material recovery facilities, composting, rendering, anaerobic digestion, and feeding animals.

#### **D. Program Vision and Goals**

This NOFO has the following goals:

- Fund projects that focus on encouraging environmentally sound post-consumer materials management.
- Fund projects that will result in a decrease in the generation of municipal solid waste and/or an increase in the diversion of municipal solid waste from landfills and incineration; and/or
- Fund projects that provide or expand access to source reduction, reuse, recycling, backhaul, anaerobic digestion, and composting for Tribal communities.

#### **E. Scope of Work**

The EPA is soliciting applications for a wide variety of projects designed to build and transform Tribal solid waste infrastructure reducing waste and managing materials to achieve a circular economy, reduce greenhouse gas emissions, and create cleaner, resilient, and healthier communities. Projects will create new capacity that foster environmentally sound solid waste management and facilitate greater access for Tribal communities to source reduction (e.g., repair clinics, reuse centers), recycling, backhaul, anaerobic digestion, and composting opportunities.

In addition, the EPA is seeking projects addressing environmental justice concerns and focusing predominantly on addressing the disproportionate and adverse human health, environmental, climate-related, and other cumulative impacts, as well as the accompanying economic challenges of such impacts, that have affected and/or currently affect Tribal and indigenous populations, and other vulnerable populations such as the elderly, children, and those with pre-existing medical conditions.

All applications must address one or more of the following objectives:

- Develop or update plans<sup>4</sup> focused on encouraging environmentally sound post-consumer materials management such as source reduction (e.g., repair clinics, reuse centers), collection, storage, transportation, composting, recycling, and/or markets for recyclables;
- Develop, strengthen, and/or implement comprehensive data collection efforts that demonstrate progress towards the National Recycling Goal and Food Loss and Waste Reduction Goal;
- Establish, increase, or expand materials management infrastructure, such as facilities for reuse, recycling, or composting; collection and storage bins for recyclable or organic material,

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<sup>4</sup> Plans can be any planning document that meets the tribe's administrative, planning, and implementation needs, such as their EPA-Tribal Environmental Plan (ETEP), Integrated Waste Management Plan (IWMP), zero-waste plan, or other planning document of their choice.

purchasing and maintaining equipment or supplies such as scales, crushers, balers, and sorting equipment, trucks, forklifts, and safety equipment);

- Establish or identify end-markets for the use of recycled materials; or
- Demonstrate an increase in the diversion<sup>5</sup> recycling rate, and/or quality of materials collected.

Applications **may include (but are not limited to)** projects that fund:

- Developing or updating plans focused on improving post-consumer materials management;
- Planning and construction of facilities for food and organics recovery, reuse, recycling, composting or anaerobic digestion;<sup>6</sup>
- Programs that provide or increase access to prevention, reuse, and recycling in areas that currently do not have access; including construction of and/or upgrades to drop-off and transfer stations (including but not limited to a hub-and-spoke model in rural communities), etc.;
- Purchasing collection or storage bins for recyclables or organic material;
- Purchasing or leasing recycling equipment or supplies for post-consumer materials management recovery efforts (e.g., crushers, balers, and sorting equipment, trucks, forklifts, safety equipment);
- Activities focused on development of end-markets for materials (e.g., working with a recycler to accept collected materials for processing);
- Activities to support increasing and improving collection of recyclable materials and/or organics and food waste, and backhaul;
- Activities to reduce, reuse and recycle building materials, including deconstruction (dismantling buildings for reuse and recycling) and C&D debris recycling equipment and projects;
- Activities focused on reducing contamination in the recycling stream;
- Training, technical assistance, and/or tools required to plan, establish, or implement post-consumer materials recovery (e.g., applicants may apply for funding for training employees on use and safety of recycling equipment, raise awareness of infrastructure and processes);
- Education and outreach activities relating to post-consumer materials management;
- Land acquisition when necessary for construction or improvement for improvements to Tribal recycling facilities and waste management facilities, subject to the requirements at 2 CFR Part 200.311 and 2 CFR Part 200.316.; and/or
- Other activities that the applicant believes will further the objectives of the NOFO, provided those activities are eligible for funding under statute and the terms of this NOFO.

The following activities are not eligible for funding under this solicitation: constructing, improving or operating landfills; incineration; burn units; waste-to-energy (except anaerobic digestion); chemical and thermal recycling; biofuels; and environmental cleanup. Food preprocessing is only eligible when paired with recycling activities.

## **F. General Environmental Results and Strategic Plan Information**

The activities to be funded under this solicitation support the [FY 2022-2026 EPA Strategic Plan](#). Awards made under this solicitation will directly support Goal 6 – Safeguard and Revitalize Communities, Objective 6.2 – Reduce Waste and Prevent Contamination of EPA’s Strategic Plan. All applications must be for projects that support this goal and objective.

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<sup>5</sup> Measured in tons of material diverted from landfill disposal or incineration.

<sup>6</sup> Compliance with the National Environmental Policy Act will be required for construction projects.



## G. Linkages to National Strategies

### **National Recycling Strategy**

In alignment with *Section I.E: Scope of Work*, the activities to be funded under this solicitation will support the [National Recycling Strategy](#) (NRS). Awards made under this solicitation will support one or more of the following objectives of the NRS:

- a) Improve markets for recycled commodities,
- b) Increase collection and improve materials management infrastructure,
- c) Reduce contamination in the recycled materials stream,
- d) Enhance policies and programs to support circularity, and
- e) Standardize measurement and increase data collection.

### **National Strategy for Reducing Food Loss and Waste and Recycling Organics**

The activities to be funded under this solicitation may, but are not required to, support the [National Strategy for Reducing Food Loss and Waste and Recycling Organics](#). Awards made under this solicitation may support the following objectives of this strategy:

- a) Support the development of additional organics recycling infrastructure through grants and other assistance for all communities, especially those that are underserved;
- b) Expand the market for products made from recycled organic waste;
- c) Enhance support to advance de-centralized (i.e., community-scale, on-farm and home composting) organics recycling, with emphasis on Tribal communities and communities with environmental justice concerns; and
- d) Address contamination in the organic waste recycling stream.

## H. Measuring and Reporting Environmental Results: Outputs and Outcomes

Pursuant to [EPA Order 5700.7A1 “EPA’s Policy for Environmental Results under EPA Assistance Agreements,”](#) EPA requires that all grant applicants and recipients adequately address environmental outputs and outcomes. Outputs and outcomes differ both in their nature and in how they are measured.

**Outputs.** The term “output” means an environmental activity, effort, and/or associated work product related to an environmental goal and objective that will be produced or provided over a specified period or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period.

**Outcomes.** The term “outcome” means the result, effect, or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be qualitative and environmental, behavioral, health-related, or programmatic in nature. Applications must include a description of anticipated project outcomes resulting from the project outputs, even if the outcome to be achieved is beyond the assistance agreement funding period. Include the quantitative target associated with the outcome, as appropriate.

**EPA encourages applicants to discuss all of the following environmental outputs and outcomes in the Project Narrative Attachment. Successful applicants that receive grants must report on all of the measures listed below, even if the anticipated result is “0” or “not applicable.”**

- Number of infrastructure investments/enhancements made spanning the spectrum of collection through end market development (e.g., bins purchased, post-consumer materials management systems created, technology improvements made).
- Tons of MSW/C&D collected, recycled, or composted, or managed via each relevant management pathway in the community served by the project.
- Tons of MSW/C&D generated per material type (e.g., plastic, food waste, etc.) and source in the community (e.g., household, school, or business) served by the project.
- Number of temporary or permanent jobs created (including part-time).
- GHGs reduced (in MTCO<sub>2e</sub>) from collection, recycling, composting or management via other management pathways.
- Percentage of Tribes and Tribal members of intertribal consortia served as a result of establishing, increasing, expanding, or optimizing collection.
- Number of Tribes and member Tribes of intertribal consortia served as a result of establishing, increasing, expanding, or optimizing collection.

**A note about surveys and the OMB Regulations Implementing the Paperwork Reduction Act (PRA):** Grant recipients cannot use EPA funds to design nor administer the collection of identical information from 10 or more parties (for example, through surveys or focus groups). Reasonable costs for analyzing and publishing the independently collected information are allowable to the extent authorized in the EPA approved budget for this agreement.

## **I. Additional Provisions for Applicants Incorporated into the Solicitation**

Additional provisions that apply to *Section III: Eligibility Information*, *Section IV: Application and Submission Information*, *Section V: Application Review Information*, and *Section VI: Award Administration Information* of this solicitation and/or awards made under this solicitation, can be found at the [EPA Solicitation Clauses](#). These provisions are important for applying to this solicitation and applicants must review them when preparing applications for this solicitation. If you are unable to access these provisions electronically at the website above, please contact the EPA point of contact listed in this solicitation (in *Section VII: Agency Contacts*) to obtain the provisions.

## **SECTION II. AWARD INFORMATION**

### **A. What is the amount of available funding?**

The EPA anticipates awarding a total of approximately \$20,000,000 under this announcement, depending on the availability of funds, quality of applications received, and other applicable considerations.

The EPA reserves the right to reject all applications and make no awards. The EPA reserves the right to make additional awards under this solicitation, consistent with Agency policy and guidance, if additional funding becomes available after the original selections are made. Any additional selections for awards will be made no later than six months after the original selection decisions.

## **B. Funding Structure**

The EPA anticipates awarding at least one award per EPA Region, depending on the quantity and quality of the applications received, and other applicable considerations. The minimum individual award is \$100,000 and the maximum individual award is \$1,500,000 for the grant period, which is up to three years. See *Section II: Award Information*, of this announcement for more information.

## **C. How many agreements will EPA award in this competition?**

The EPA anticipates awarding approximately 20 assistance agreements, with at least one award per EPA Region, depending on the quantity and quality of the applications. The minimum individual award is \$100,000 and the maximum individual award is \$1,500,000 for the grant period, subject to the availability of funds and the quality of eligible applications received. Applicants may submit separate applications for one or more of the projects described in *Section I.E: Scope of Work*.

## **D. Type of Award**

The EPA intends to award cooperative agreements under this solicitation. Cooperative agreements provide for substantial involvement between the EPA Project Officer and the selected applicant(s) in the performance of the work supported. Although the EPA will negotiate precise terms and conditions relating to substantial involvement as part of the award process, the anticipated substantial federal involvement for these projects may include:

- close monitoring of the successful applicant's performance to verify the results proposed by the applicant;
- collaboration during performance of the scope of work;
- in accordance with 2 CFR Part 200.325, review of proposed procurement;
- review and approval of Quality Assurance Project Plans (QAPPs) and related documents, or verifying that appropriate Quality Assurance requirements have been met where quality assurance activities are being conducted pursuant to an EPA-approved Quality Assurance Management Plan;
- approving qualifications of key personnel (the EPA will not select employees or contractors employed by the award recipient); and
- review and comment on reports prepared under the cooperative agreement (the final decision on the content of reports rests with the recipient).

The EPA does not have the authority to select employees or contractors employed by the recipient or subrecipients. The final decision on the content of reports rests with the recipient.

## **E. Will applications be partially funded?**

In appropriate circumstances, the EPA reserves the right to partially fund applications by funding discrete portions or phases of proposed projects. If the EPA decides to partially fund an application, it will do so in a manner that does not prejudice any applicants or affect the basis upon which the application, or portion thereof, was evaluated and selected for award, and therefore maintains the integrity of the competition and selection process. Applicants may choose to decline partial funding.

## F. What is the project period for awards resulting from this solicitation?

The estimated start date for projects resulting from this solicitation is **March 2026**. All project activities must be completed within the negotiated project performance period of up to three years.

## G. Are pre-award costs allowable?

As provided in 2 CFR Part 1500.9 and 2 CFR Part 200.458 EPA may reimburse successful applicants for pre-award costs “. . . incurred directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work . . .”. EPA interprets these provisions to limit allowable pre-award costs to those costs recipients incur after EPA notifies recipients of selection for competitive funding. Recipients incur pre-award costs at their own risk.

## **SECTION III. ELIGIBILITY INFORMATION**

Note: Additional provisions that apply to this section can be found at [EPA Solicitation Clauses](#).

### A. Eligible Applicants

Under this announcement, applications will be accepted from:

- **Indian Tribes** as defined in 33 U.S.C. 4201 and section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), which includes Alaskan Native Villages and Alaska Native Corporations, and former Indian reservations in Oklahoma, as determined by the Secretary of the Interior, and
- **Intertribal consortia**, consistent with the requirements in [40 CFR Part 35.504\(a\)](#).

Intertribal consortia will be eligible to receive grants under this program **only if** the consortium demonstrates that all members of the consortium meet the eligibility requirements for the grant and authorize the consortium to apply for and receive assistance by submitting to EPA documentation of:

- (1) the existence of the partnership between Indian Tribal governments, **and**
- (2) authorization of the consortium by all its members to apply for and receive the grant.

Documentation can be in the form of letters signed by all member Tribes, approved by-laws that contain language that specifically address the eligibility requirements, and/or other forms of documentation approved by the EPA Point of Contact that adequately meet the eligibility requirements.

**Political subdivisions of states and territories** (municipalities, counties, etc.) are not eligible entities under this announcement, but are eligible entities under the SWIFR for Political Subdivisions of States and Territories<sup>7</sup> funding opportunity. For more information, visit: [EPA's Solid Waste Infrastructure for Recycling Grants for Communities](#) webpage.

**Individuals and for-profit organizations** are not eligible entities under this solicitation but may participate in projects as contractors, program beneficiaries, or subrecipients for transactions that comply

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<sup>7</sup> Please note that the EPA also refers to this type of grant under SWIFR as “SWIFR Grants for Communities.”

with [Appendix A of EPA's Subaward Policy](#), such as a subaward for improvements to a for-profit firm's recycling facility.

**Nonprofits other than intertribal consortia** are not eligible entities under this solicitation but may be program beneficiaries or subrecipients provided the transactions comply with applicable regulatory policy requirements. More information can be found in the [EPA's Subaward Policy](#) and the [EPA Guidance on Participant Support Costs](#).

## **B. Cost Sharing**

As provided in [2 CFR Part 200.1](#), cost sharing or matching means the portion of project costs not paid by Federal funds or contributions. **Consistent with the authorizing statute in SOS 2.0 Section 302(a), cost sharing and matching funds are not required under this competition.** As provided in [2 CFR Part 200.1](#), voluntary committed cost sharing is when an applicant voluntarily proposes to legally commit to provide costs or contributions to support the project when a cost share is not required.

Applicants may not propose a voluntary committed cost share under this Notice of Funding Opportunity. Applicants are to only include activities that EPA will fund in the workplan and costs for those activities in budgets. Voluntary committed cost share described in work plans or budgets will not be accepted by EPA or evaluated. EPA may contact the applicant to identify the cost share component that will be disregarded during evaluation. If an application is submitted that includes voluntary committed cost share, that portion of the application will not be evaluated. If the voluntary cost share portion of the application is so integrated into the workplan it cannot feasibly be disregarded during evaluation, it may not be possible to evaluate the application for funding. Only Federal funds should be included in the SF-424, SF-424A, and Budget Table and Description.

## **C. Threshold Eligibility Criteria**

The following are requirements that if not met by the time of application submission, will result in elimination of the application from consideration for funding. Only applications from eligible applicants (refer to *Section III.A: Eligible Applicants* of this NOFO) that meet all of these criteria will be evaluated against the ranking criteria in *Section V: Application Review Information* of this NOFO. If necessary, the EPA may contact applicants to clarify their threshold eligibility prior to making eligibility determinations. Applicants deemed ineligible for funding consideration due to the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.

The threshold eligibility criteria are:

1. Applications must address at least one of the mandatory objectives described in *Section I.E: Scope of Work*, of this announcement:
  - Develop or update plans focused on improving post-consumer materials management such as source reduction (e.g., repair clinics, reuse centers), collection, storage, transportation, backhaul, recycling, and/or markets for recyclables;
  - Establish, increase, or expand materials management infrastructure, such as facilities for reuse, recycling, or composting; collection and storage bins for recyclable or organic material, purchasing equipment or supplies such as scales, crushers, balers, and sorting equipment, trucks, forklifts, safety equipment)
  - Establish or identify end-markets for the use of recycled materials; and/or

- Demonstrate an increase in the diversion, recycling rate, and/or quality of materials collected.
2. Applicants must be eligible, as described in *Section III.A: Eligible Applicants*. Intertribal consortia should pay particular attention to documentation requirements in *Section III.A: Eligible Applicants*.
  3. Federal funds requested must be between \$100,000 and \$1,500,000, inclusive. Applications requesting federal assistance funding below or in excess of this value will not be considered.
  4. Funds awarded under this NOFO may not be used to carry out the same activities that are already funded or in the process of being funded under other EPA financial assistance programs such as the Indian General Assistance Program, Tribal Hazardous Waste Management Grant Program, and the Tribal Response Program Grants or financial assistance applicants receive from other Federal agencies. **Applicants must provide a statement that their proposed project(s) does not duplicate other Federally funded grants.** Duplicate activities will not be considered for funding under this opportunity.
  5. Applications must substantially comply with the application submission instructions and requirements set forth in *Section IV: Application and Submission Information* of this solicitation or else they will be rejected. However, where a page limit is expressed in *Section IV: Application and Submission Information* with respect to the application, or parts thereof, pages in excess of the page limitation will not be reviewed. Applicants are advised that readability is of paramount importance and should take precedence in application format, including selecting a legible font type and size for use in the application. **Please note, the budget table and description are different than the SF-424A form. Both are required to be completed as part of the application.**
  6. In addition, initial applications must be submitted through [Grants.gov](https://www.grants.gov) as stated in *Section IV: Application and Submission Information* of this solicitation (except in the limited circumstances where another mode of submission is specifically allowed for as explained in *Section IV: Application and Submission Information*) on or before the application submission deadline published in *Section IV: Application and Submission Information* of this solicitation. Applicants are responsible for following the submission instructions in *Section IV: Application and Submission Information* of this solicitation to ensure that their application is timely submitted. **Please note that applicants experiencing technical issues with submitting through Grants.gov should follow the instructions provided in *Section IV: Application and Submission Information*, which include both the requirement to contact Grants.gov and email a full application to EPA prior to the deadline.**
  7. Applications submitted outside of Grants.gov will be deemed ineligible without further consideration unless the applicant can clearly demonstrate that it was due to EPA mishandling or technical problems associated with [Grants.gov](https://www.grants.gov) or [SAM.gov](https://www.sam.gov). An applicant's failure to timely submit their application through [Grants.gov](https://www.grants.gov) because they did not timely or properly register in [SAM.gov](https://www.sam.gov) or [Grants.gov](https://www.grants.gov) will not be considered an acceptable reason to consider a submission outside of Grants.gov.

If an application is submitted that includes any ineligible tasks or activities, that portion of the application will be ineligible for funding and may, depending on the extent to which it affects the application, render the entire application ineligible for funding.

In addition, if necessary, the EPA may clarify threshold eligibility issues with applicants prior to making an eligibility determination.

Questions and answers will be posted on [EPA's Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia](#) webpage.

#### **D. Procurements**

As will be provided in 2 CFR Part 200.317 that will be in effect after October 1, 2024, when procuring property and services under a federal award, a Tribe must follow the same policies and procedures it uses for procurements from its non-federal funds. The Tribes must comply with the Domestic preferences for procurement requirements in 2 CFR Part 200.332, the Procurement of recovered materials requirements of 2 CFR Part 200.323, and ensure that every purchase order or other contract includes any clauses required by the Contract Provisions of 2 CFR Part 200.326.

Additionally, Tribal procurements (including subcontracts) are subject to EPA rules on Participation by Disadvantaged Business Enterprises in United States Environmental Protection Agency Programs in 40 CFR Part 33.304.

#### **E. Ineligible Costs or Activities and Other Considerations**

##### **Prohibition on Use of Funds.**

EPA funds can neither be used to design nor administer the collection of identical information from 10 or more parties (for example, through surveys or focus groups), and EPA personnel may not participate in such activities. Reasonable costs for analyzing and publishing the independently collected information are allowable to the extent authorized in the EPA approved budget for this agreement.

The following activities are not eligible for funding under this solicitation: constructing, improving or operating landfills; incineration; burn units; waste-to-energy (except anaerobic digestion); chemical and thermal recycling; biofuels; and environmental cleanup. Food preprocessing is only eligible when paired with recycling activities.

All costs must meet the requirements for allowability in 2 CFR Part 200, Subpart E, and applicable provisions of 2 CFR Part 1500.

As provided in 33 U.S.C. 4282(f), SWIFR cooperative agreement funding “. . . may not be used (directly or indirectly) as a source of payment (in whole or in part) of, or security for, an obligation the interest on which is excluded from gross income under section 103 of Title 26” of the United States Code. This provision relates to State and local government bonds.

Please note that if the activities listed in this section are included in the submitted application, EPA reserves the right to either not fund that portion of the project, or, depending on how much of the project involves ineligible activities, decline to fund the project under Threshold Criterion 1, above.

## **SECTION IV. APPLICATION AND SUBMISSION INFORMATION**

**Note: Additional provisions that apply to this section can be found in the [EPA Solicitation Clauses](#).**

### **A. Requirements to Submit through Grants.gov and Limited Exception Procedures**

Applicants must apply electronically through [Grants.gov](#) under this funding opportunity based on the [Grants.gov](#) instructions in this announcement. If your organization has no access to the internet or access is very limited, you may request an exception for the remainder of this calendar year by following the procedures outlined [here](#). Please note that your request must be received at least 15 calendar days before the application due date to allow enough time to negotiate alternative submission methods. Issues with submissions with respect to this opportunity only are addressed in *Section IV.C: Technical Issues with Submission* below.

### **B. Submission Instructions**

#### **1. SAM.gov (System for Award Management) Registration Instructions**

Organizations applying to this funding opportunity must have an active [SAM.gov](#) registration. If you have never done business with the Federal Government, you will need to register your organization in [SAM.gov](#). If you do not have a [SAM.gov](#) account, then you will create an account using [login.gov](#) to complete your [SAM.gov](#) registration. [SAM.gov](#) registration is FREE. The process for entity registrations includes obtaining Unique Entity ID (UEI), a 12-character alphanumeric ID assigned an entity by [SAM.gov](#), and requires assertions, representations and certifications, and other information about your organization. Please review the [Entity Registration Checklist](#) for details on this process.

If you have done business with the Federal Government previously, you can check your entity status using your government issued UEI to determine if your registration is active. [SAM.gov](#) requires you renew your registration every 365 days to keep it active.

Please note that [SAM.gov](#) registration is different than obtaining a UEI only. Obtaining an UEI only validates your organization's legal business name and address. Please review the [Frequently Asked Question](#) on the difference for additional details.

Organizations should ensure that their [SAM.gov](#) registration includes a current e-Business (EBiz) point of contact name and email address. The EBiz point of contact is critical for Grants.gov Registration and system functionality.

Contact the [Federal Service Desk](#) for help with your [SAM.gov](#) account, to resolve technical issues or chat with a help desk agent: (866) 606-8220. The Federal Service desk hours of operation are Monday – Friday 8am – 8pm ET.

#### **2. Grants.gov Registration Instructions**

Once your [SAM.gov](#) account is active, you must register in Grants.gov. Grants.gov will electronically receive your organization information, such as e-Business (EBiz) point of contact



email address and UEI. Organizations applying to this funding opportunity must have an active Grants.gov registration. Grants.gov registration is FREE. If you have never applied for a federal grant before, please review the [Grants.gov Applicant Registration](#) instructions. As part of the Grants.gov registration process, the EBiz point of contact is the only person that can affiliate and assign applicant roles to members of an organization. In addition, at least one person must be assigned as an Authorized Organization Representative (AOR). Only person(s) with the AOR role can submit applications in Grants.gov. Please review the [Intro to Grants.gov-Understanding User Roles](#) and [Learning Workspace – User Roles and Workspace Actions](#) for details on this important process.

Please note that this process can take a month or more for new registrants. Applicants must ensure that all registration requirements are met in order to apply for this opportunity through Grants.gov and should ensure that all such requirements have been met well in advance of the application submission deadline.

Contact [Grants.gov](#) for assistance at 1-800-518-4726 or [support@grants.gov](mailto:support@grants.gov) to resolve technical issues with Grants.gov. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a Grants.gov representative by calling 606-545-5035. The Grants.gov Support Center is available 24 hours a day 7 days a week, excluding federal holidays.

### **3. Application Submission Process**

To begin the application process under this grant announcement, go to [Grants.gov](#) and click the red “Apply” button at the top of the view grant opportunity page associated with this opportunity.

The electronic submission of your application to this funding opportunity must be made by an official representative of your organization who is registered with Grants.gov and is authorized to sign applications for Federal financial assistance. If the submit button is grayed out, it may be because you do not have the appropriate role to submit in your organization. Contact your organization’s EBiz point of contact or contact [Grants.gov](#) for assistance at 1-800-518-4726 or [support@grants.gov](mailto:support@grants.gov).

Applicants need to ensure that the AOR who submits the application through Grants.gov and whose UEI is listed on the application is an AOR for the applicant listed on the application. Additionally, the UEI listed on the application must be registered to the applicant organization’s [SAM.gov](#) account. If not, the application may be deemed ineligible.

### **4. Application Submission Deadline**

Your organization's AOR must submit your complete application package electronically to the EPA through [Grants.gov](#) no later than 11:59 PM ET on **March 14, 2025**. Please allow for enough time to successfully submit your application and allow for unexpected errors that may require you to resubmit.

Applications submitted through Grants.gov will be time and date stamped electronically. Please note that successful submission of your application through Grants.gov does not necessarily

mean your application is eligible for award. Any application submitted after the application deadline time and date deadline will be deemed ineligible and not be considered.

## 5. Releasing Copies of Applications

In concert with the EPA's commitment to conducting business in an open and transparent manner, copies of applications submitted under this solicitation may be made publicly available on the [EPA's Bipartisan Infrastructure Law: Transforming U.S. Recycling and Waste Management](#) webpage or other public webpage for a period of time after the selected applications are announced. The EPA recommends that applications not include trade secrets or commercial or financial information that is confidential or privileged, or sensitive information, if disclosed, that would invade another individual's personal privacy (e.g., an individual's salary, personal email addresses, etc.). However, if such information is included, it will be treated in accordance with 40 CFR Part 2.203. (Review *Section IV.G: Confidential Business Information* for more information.)

**Clearly indicate which portion(s) of the application you are claiming as confidential, privileged, or sensitive information, or state 'n/a' or 'not applicable' if the application does not have confidential, privileged, or sensitive information. As provided at 40 CFR Part 2.203(b) if no claim of confidential treatment accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to the submitter.**

### C. Technical Issues with Submission

If applicants experience technical issues during the submission of an application that they are unable to resolve, follow these procedures **before** the application deadline date:

- 1) Contact [Grants.gov](#) Support Center **before** the application deadline date.
- 2) Document the [Grants.gov](#) ticket/case number.
- 3) Send an email with "EPA-I-OLEM-ORCR-24-06" in the subject line to [SWIFRTribal@epa.gov](mailto:SWIFRTribal@epa.gov) **before** the application deadline time and date and **must** include the following:
  - a) [Grants.gov](#) ticket/case number(s)
  - b) Description of the issue
  - c) The entire application package.

Without this information, the EPA may not be able to consider applications submitted outside of [Grants.gov](#). Any application submitted after the application deadline time and date deadline will be deemed ineligible and **not** be considered.

Please note that successful submission through [Grants.gov](#) or email does not necessarily mean your application is eligible for award.

The EPA will make decisions concerning acceptance of each application submitted outside of [Grants.gov](#) on a case-by-case basis. The EPA will only consider accepting applications that were unable to submit through [Grants.gov](#) due to [Grants.gov](#) or relevant [SAM.gov](#) system issues or for unforeseen

exigent circumstances, such as extreme weather interfering with internet access. Failure of an applicant to submit prior to the application **submission deadline** date because they did not properly or timely register in [SAM.gov](https://www.sam.gov) or [Grants.gov](https://www.grants.gov) is **not** an acceptable reason to justify acceptance of an application outside of [Grants.gov](https://www.grants.gov).

Training opportunities related to grants management can be found on the [EPA's Grant Recipient Training Opportunities](#) webpage.

## D. Application Materials

**The following forms and documents are required under this announcement:**

### Mandatory Documents:

1. Application for Federal Assistance (SF-424);
2. Budget Information for Non-Construction Programs (SF-424A) <sup>8</sup>;
3. EPA Key Contacts Form 5700-54;
4. EPA Form 4700-4 Preaward Compliance Review Report; and
5. Project Narrative Attachment Form: Use this to submit your Project Narrative, prepared as described in *Section IV.E: Content of Application Submission*.
  - EPA has provided optional resources for the “Summary Information Cover Letter,” the “Narrative Proposal,” and the “Budget Table and Description” on [EPA's Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia](#) webpage. Use of the resources is optional.

### Optional Documents:

1. Other Attachments, if applicable. This includes Milestones (see example posted on [EPA's Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia](#) webpage); documentation demonstrating that the applicant is an eligible Intertribal Consortium (if applicable); negotiated indirect cost rate agreement (if applicable); a copy of a financial record displaying the amount of previous SWIFR cooperative agreement funds drawn down (e.g., a report from the Automated Standard Application for Payments (ASAP) or general ledger entries) (Note that EPA may verify the accuracy of this information through our own records).

Please do not submit references/works cited, letters of support, staff CV/resumes, solid waste master plans, engineering reports, or feasibility studies. Submitting additional application materials that are not pertinent to the application can slow down the review process and potentially delay awards.

## E. Content of Application Submission

In accordance with the mandatory documents listed in *Section IV.D: Application Materials*, all applications must contain the “Project Narrative Attachment Form” which is composed of the “Summary Information Cover Letter,” the “Narrative Proposal,” and the “Budget Table and Description.”

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<sup>8</sup> Please note that the SF-424A form is distinct from the budget table and narrative. **Both** are required as part of the grant application.

The “Summary Information Cover Letter,” a maximum of 1 page in length, summarizes the overall project.

The “Narrative Proposal,” a maximum of 10 pages in length, must **explicitly** describe the applicant’s proposed project and specifically address each of the evaluation criteria disclosed in *Section V.A: Evaluation Criteria* and the threshold eligibility criteria in *Section III.C: Threshold Eligibility Criteria*.

The “Budget Table and Description” is described in more detail in *Section IV.E.b.vi: Budget and Expenditure of Awarded Grant Funds* below. It provides a response to Criterion 5: Budget and Expenditure of Awarded Grant Funds. **The “Budget Table and Description” can be a budget spreadsheet (see optional spreadsheet resource on [EPA’s Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia webpage](#)) or 4 typed pages. EPA will not review any additional budget documents beyond those described here, including pages of the budget narrative in excess of 4 pages. If a spreadsheet file is included for the “Budget Table and Description,” it does not have a page limit.**

**Each portion of the “Project Narrative Attachment Form” (including the 1-page “Summary Information Cover Letter,” the 10-page “Narrative Proposal,” and up to 4 pages for the “Budget Table and Description”) will only be reviewed for the contents within the page limits detailed above. Any pages in excess of the page limits will not be reviewed.**

Optional documents noted under *Section IV.D: Application Materials* above are not included in the page limits.

**Project Narrative Attachment Form.** The components of the project narrative should be concise and well organized. The following requirements apply.

- Must not exceed the above-mentioned page limits on the “Summary Information Cover Letter,” the “Narrative Proposal,” and the “Budget Table and Description.”
- The submitted Project Narrative Attachment Form should combine the 1 page maximum Summary Information Cover Letter, the 10 pages maximum Narrative Proposal, and the 4 pages maximum Budget Table and Description into a **single document, maximum 15 pages** (or 11 pages if using a spreadsheet instead of a 4-page typed document for the Budget Table and Description) for submission. The spreadsheet may be a separate document that does not have a page limit.
- Must provide the information detailed in this section and **include responses to all *Section III.C: Threshold Eligibility Criteria; Section V.A: Evaluation Criteria; as well as the information identified in Section I: Funding Opportunity Description***. Factual information about your proposed project must be provided. Do not include discussions of broad principles that are not specific to the proposed work or project covered by your application. Responses to evaluation criteria should include the criteria number and title but need not restate the entire text of the criteria. Sufficient detail must be provided to allow for an evaluation of the merits of the proposal. **Vague descriptions, redundancy, and failure to address each of the evaluation criteria will result in a lower ranking.**

**Note: Applicants may, but are not required to, use the optional resources for The Project Attachment Form (Summary Information Cover Letter, Narrative Proposal, and Budget Table and Description) available on [EPA’s Solid Waste Infrastructure for Recycling Grants for Tribes](#)**

[and Intertribal Consortia](#) webpage. Applicants that do not use the resources will not be penalized.

- a. The **Summary Information Cover Letter** (maximum of one page) must include:
  - i. **Project Title.**
  - ii. **Applicant Name.** Identify the name of the organization submitting the application.
  - iii. **Eligible Entity Type.** Identify your organization's organization type from *Section III.A: Eligible Applicants*.
  - iv. **[Unique Entity Identification Number \(UEI\)](#).** List the organization's UEI, which is the official identifier for doing business with the U.S. Government.
  - v. **Project Summary.** Briefly describe the project in two to four sentences.
  - vi. **Contact Information.** Include name, title, address, email address, phone number. You can list both a primary and an administrative contact.
  - vii. **Project Location.** Include the location where the project will be taking place. If project will occur in more than one location, indicate the city and state associated with the primary location.
  - viii. **EPA Funding Requested.** Specify the amount you are requesting from the EPA.
  - ix. **Project Period.** Provide estimated beginning and ending dates.
  - x. **Program Objective Elements.** State the mandatory program objective elements addressed from *Section I.E: Scope of Work*.
  - xi. **Statement of Non-duplication.** In response to Threshold Criterion 4.
  - xii. **Cooperative Partners.** Provide names and phone numbers of individuals and organizations that have agreed to participate in the implementation of the project, if any. Note that any transactions with partners financed with EPA funding must comply with applicable regulatory requirements.
- b. The **Narrative Proposal** (maximum of ten pages). Provide the information below on how the applicant will implement and conduct its project by addressing each of the evaluation criteria in *Section V: Application Review Information* of this announcement. The Narrative Proposal must include:
  - i. **Project Summary and Approach.** The summary shall contain the following components:
    - a. **Detailed project summary, description of specific actions and methods to be undertaken, including estimated timeline for each task.**

- Provide a well-conceived strategy for addressing the requirements and plan for achieving project results in *Section I.E: Scope of Work*.
  - Clearly identify the goals and objectives of the project and include an effective, easily understood plan with well-reasoned steps and milestones to meet the stated objectives.
  - Provide a reasonable time schedule for the execution of the tasks associated with the project and for achieving the project goals and objectives by project end. Provide a schedule indicating start times and completion dates of significant tasks and responsibilities under your program. For efficiency, it is suggested that project milestones be coordinated with important events (e.g., budget cycle, meetings). Reference the example Milestones on [EPA’s Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia](#) webpage for an example you may wish to use.
  - Clearly describe each task and/or activity for the project.
- ii. **Impactful Approaches and Solutions.** Describe how the project results will improve the environmental conditions of the Tribal community(/ies) in the short and long-term (including reducing greenhouse gas emissions), and any other community benefits associated with the anticipated project outcomes. Also describe how the anticipated benefits of the project contribute to post-consumer materials management in Tribal communities.

Examples of impactful approaches and solutions may include, but are not limited to:

- solving local challenges around collection of materials in rural or isolated areas;
  - operations or activities fostering environmentally sound materials management to multiple Tribes;
  - coordinating regional source reduction, recycling or backhaul services;
  - establishing or expanding a hub and spoke source reduction and/or recycling system;
  - projects that will result in a significant decrease in greenhouse gas emissions;
  - projects that will increase the long-term climate resilience of Tribal post-consumer materials management systems.
- iii. **Measuring Environmental Results: Anticipated Outputs and Outcomes.** Provide a well-conceived strategy for addressing the requirements and a plan for achieving project results in *Section I.H: Measuring and Reporting Environmental Results: Outcomes and Outputs*.
- a. Discuss how you propose to track and measure your progress towards achieving the project outputs and outcomes. Include quantitative targets for outputs and outcomes when applicable (*Refer to Section V.A: Evaluation Criteria*).
- iv. **Programmatic Capability and Past Performance.** Submit a list of federally and/or non-federally funded assistance agreements (assistance agreements include Federal grants and cooperative agreements but not Federal contracts) that your organization performed within the last three years (no more than 5 agreements, and preferably EPA agreements) and

describe:

- a. past performance in successfully completing and managing the assistance agreements identified in response to *Section IV: Application and Submission Information* of the solicitation;
- b. history of meeting the reporting requirements under the assistance agreements identified in response to *Section IV: Application and Submission Information* of the solicitation including whether the applicant submitted acceptable final technical reports under those agreements and the extent to which the applicant adequately and timely reported on their progress towards achieving the expected outputs and outcomes under those agreements and if such progress was not being made whether the applicant adequately reported why not; and
- c. staff expertise/qualifications (including organizational experience), staff knowledge, and resources or the ability to obtain them, to successfully achieve the goals of the proposed project.

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

- v. **Budget and Expenditure of Awarded Grant Funds.** Describe your organization's procedures, and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner.

**Budget Table and Description.** Include a detailed budget narrative which clearly explains how funds will be used. The budget narrative is a detailed description of the budget found in the SF-424A and should include a discussion of the applicant's approach to ensuring proper management of grant funds, and itemized budget table(s). **Please note, the Budget Table and Description is different than the SF424A form. Both are required to be completed as part of this NOFO.** The successful applicant's budget description should identify (1) specific tasks for which EPA funding will be used, (2) the costs associated with each task, and (3) what outputs will be produced as a result of each task. Refer to *Section I.H: Measuring and Reporting Environmental Results: Outputs and Outcomes* for a definition of outputs and outcomes. EPA has provided an optional spreadsheet resource for the Budget Table and Description on [EPA's Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia](#) webpage.

Applicants should be aware that if their proposals include using Federal funds for a project that includes the purchase of goods, products, and materials on any form of construction, alteration, maintenance, or repair of infrastructure in the United States for identified EPA

financial assistance funding programs, they must comply with the Build America, Buy America [Term and Condition](#) if they are selected for award. Please refer to *Section VI.F: Build America, Buy America Requirements* of this NOFO for additional information and consider this information when preparing your budget.

**Cost sharing/matching funds are not required under this competition.** Applicants' project budgets on the Standard Form 424A are to only cover costs that will be borne by SWIFR funding. **Do not include cost-sharing or matching funds anywhere in the application. Cost-sharing and matching funds will not be evaluated under this competition.** If non-Federal funds are included on the SF-424, SF-424A, and/or Budget Table and Description, it may impact the eligibility of the application. Please refer to *Section III.B: Cost Sharing* for more detailed information.

Applicants must **itemize** costs related to personnel, fringe benefits, travel, equipment, supplies, contractual costs, other direct costs, indirect costs, and total costs.

Applicants should use the following instructions and budget object class descriptions to complete the Budget Table and Description. Applicants should refer to the EPA's [Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#) for additional information relating to cost categories.

- **Personnel - List all staff positions by title. Give annual salary (actual or proposed for new positions), percentage of time assigned to the project, and total cost for the budget period.** This category includes only direct costs for the salaries of those individuals who will perform work directly for the project (paid employees of the applicant organization as reflected in payroll tax records). If the applicant organization is including staff time (in-kind services), this should be included as Personnel costs. Personnel costs do not include: (1) costs for services of contractors (including individual consultants), which are included in the "Contractual" category; (2) costs for employees of subrecipients under subawards, or non-employee program participants (e.g., interns or volunteers) which are included in the "Other" category; or (3) effort that is not directly in support of the proposed project, which may be covered by the organization's negotiated indirect cost rate. The budget detail must identify the personnel category type by Full Time Equivalent (FTE), including percentage of FTE for part-time employees, number of personnel proposed for each category, and the estimated funding amounts.

If budget information is not provided on requested personnel costs, applications should include in their narrative how they expect to manage the administrative components of the grant.

- **Fringe Benefits - Identify the percentage used, the basis for its computation, and the types of benefits included.** Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits may include, but are not limited to the cost of leave, employee insurance, pensions, and unemployment benefit plans. If the applicant's fringe rate does not include the cost of leave, and the applicant intends to charge leave to the



agreement, it must provide supplemental information describing its proposed method(s) for determining and equitably distributing these costs.

- **Travel - Specify the mileage, per diem, estimated number of trips, number of travelers, and other costs for each type of travel.** Travel may be integral to the purpose of the proposed project (e.g., inspections) or related to proposed project activities (e.g., attendance at meetings). Only include travel costs for employees in the travel category. Travel costs do not include: (1) costs for travel of contractors (including individual consultants), which are included in the “Contractual” category; (2) travel costs for employees of subrecipients under subawards, and non-employee program participants (e.g., trainees) which are included in the “Other” category. Further, travel does not include bus rentals for group trips, which would be covered under the contractual category. Finally, if the applicant intends to use any funds for travel outside the United States, it must be specifically identified. All proposed foreign travel must be approved by the EPA’s Office of International and Tribal Affairs prior to being taken.
- **Equipment** - Identify each item to be purchased and owned by the applicant which has an estimated acquisition cost of \$10,000 or more per unit and a useful life of more than one year. Equipment also includes accessories necessary to make the equipment operational. Note: If your organization has written procurement procedures that define a threshold for equipment costs that is lower than \$10,000, then that threshold takes precedence. Refer to the [EPA’s Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) for the EPA’s policies on competitive procurements and the Build America, Buy America provisions outlined in *Section VI.F: Build America, Buy America Requirements*. When evaluating the budget criterion, the EPA will take into consideration costs necessary to successfully manage the project. This includes ensuring that your budget includes costs for the management of funds, reporting on all required outputs/outcomes, etc., in addition to the cost of equipment. Please include an explanation of this matter in the Budget Table and Description.
- **Supplies - “Supplies” means all tangible personal property other than “equipment.”** The budget detail should identify categories of supplies to be procured (e.g., laboratory supplies or office supplies). Non-tangible goods and services associated with supplies, such as, occasional photocopy services, and rental costs should be included in the “Other” category.
- **Contractual - Identify each type of proposed contract and specify its purpose and estimated cost.** Contractual services (including consulting services) are those services to be carried out by an individual or organization, other than the applicant, in the form of a procurement relationship. The [EPA’s Subaward Policy for EPA Assistance Agreements](#) and the [EPA Subaward Frequent Questions](#) has detailed guidance available for differentiating between contractors and subrecipients. Leased or rented goods (equipment or supplies) should be included in the “Other” category.
- **Eligible Construction Costs.** Construction costs may include site preparation, demolishing and building facilities, making permanent improvements to facilities or

other real property, major renovations of existing facilities, remediation of contamination and related architectural or engineering services. With very few exceptions, recipients carry out construction projects by hiring contractors which typically include a general contractor and an architectural or engineering firm for design work and in some cases purchasing equipment for installation at the site.

The recipient should provide a list of planned construction contracts along with a brief description of the scope of work or services to be provided, planned duration, and planned procurement method (competitive or non-competitive), if known. Recipients should consult the guidance on contracting in *Section VI: Award Administration Information* for additional information on competition requirements. The cost plus percentage of construction cost method of contracting is prohibited by [2 CFR Part 200.324\(d\)](#).

**Categorizing Construction Costs.** Construction costs are to be categorized on the SF 424A budget table as follows:

- Anticipated costs for hiring general contractors and other contractors performing activities described in the [Disadvantaged Business Enterprises \(DBE\) Rule's](#) definition of *Construction* will be categorized as “Construction.”
- Anticipated costs for pre-construction architectural and engineering *Services* as defined in the DBE rule for design and specifications documents will be categorized as “Contractual”.
- Anticipated costs for separately purchased *Equipment* as defined in the DBE Rule that will be installed in a facility or used to remediate contamination will be categorized as “Equipment”.
- Anticipated costs for land acquisition or relocation assistance paid to individuals or businesses will be categorized as “Other”.
- Force Account – If recipient personnel or equipment are to be used to perform eligible construction project work (e.g., engineering, inspection, waste removal) under force account, approval must be obtained from an Authorized EPA Official either at time of award or in response to a post-award written request. Force account work must be more economical than contracting the work out or necessitated by emergency. Recipients must demonstrate that recipient personnel have the necessary competence to do the work. Force account costs for personnel are budgeted in the “Personnel” and “Fringe Benefit” categories. Costs for equipment purchased for the project are budgeted in the “Equipment” category. Usage charges for equipment in recipients’ existing inventory is categorized as “Other.” All force account costs must be supported by adequate financial records as required by 2 CFR Part 200.302, 2 CFR Part 200.430 and 2 CFR Part 200.431. Note that recipients must maintain

records demonstrating that equipment usage charges are reasonable based on lease rates for similar equipment in the relevant market.

- **Other - List each item in sufficient detail for the EPA to determine the reasonableness and allowability of its cost.** This category should include only those types of direct costs that do not fit in any of the other budget categories. Examples of costs that may be in this category are: insurance; rental/lease of equipment or supplies; occasional photocopying; participant support costs such as non-employee training stipends and travel; subsidies or rebates for purchases of recycling equipment or other payments to program beneficiaries; and subaward costs. Applicants should describe the items included in the “Other” category and include the estimated amount of participant support costs (e.g., stipends to encourage participation in community meetings) in a separate line item. Please refer to [EPA Guidance on Participant Support Costs](#) for additional information.

Subawards (e.g., subgrants) are a distinct type of cost under this category. The term *Subaward* is defined in 2 CFR Part 200.1. Subcontracts are not subawards and belong in the contractual category. Applicants must provide the aggregate amount they propose to issue as subaward work as a separate line item in the “Other” category and a description of the types of activities to be supported. Refer to the [EPA’s Subaward Policy for EPA Assistance Agreements](#) and [EPA Subaward Frequent Questions](#) for additional guidance.

Successful applicants that plan to issue subawards are characterized as pass-through entities. Pass-through entities will be accountable to EPA for proper expenditure of grant funds and providing programmatic reporting. Also, subawardees (aka subrecipients) will be accountable to their pass-through entity for proper use of EPA funding as required under [2 CFR Part 200.332](#).

**Indirect Charges** - Please refer to the Indirect Costs clause in the [EPA Solicitation Clauses](#).

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

**Fundraising:** EPA financial assistance under this NOFO cannot be used for fundraising without prior approval. Therefore, any costs associated with fundraising may not be included in the budget for your application or charged to the resultant cooperative agreement.

Applicants should clearly identify any anticipated **program income** in their proposal.

**Other Attachments (Optional).** Applicants may include these items. They are not part of the 15-page limit for the Project Narrative Attachment Form. This includes Milestones (see example on [EPA’s Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia](#) webpage); documentation demonstrating that the applicant is an eligible Intertribal Consortium (if applicable); and negotiated indirect cost rate agreement (if applicable).

Please do not submit the following documents, as they will not be considered as part of the application review process: references/works cited, letters of support, staff CV/resumes, solid waste master plans, engineering reports, or feasibility studies. **Letters of support will not be considered in scoring the application.** Submitting additional application materials that are not pertinent to the application can slow down the review process and potentially delay awards.

## F. Pre-Application Assistance

In accordance with the EPA's Assistance Agreement Competition Policy (EPA Order 5700.5A1), EPA staff will not meet with individual applicants to discuss draft applications, provide informal comments on draft applications, or provide advice to applicants on how to respond to ranking criteria. Applicants are responsible for the contents of their applications/applications. However, consistent with the provisions in the announcement, the EPA will respond to questions from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission of the application, and requests for clarification about any of the language or provisions in the announcement. Please note that applicants should raise any questions they may have about the solicitation language to the contact identified in *Section VII: Agency Contacts* as soon as possible so that any questions about the solicitation language may be resolved prior to submitting an application.

In addition, if necessary, the EPA may clarify threshold eligibility issues with applicants prior to making an eligibility determination.

Questions and answers will be posted on [EPA’s Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia](#) webpage.

The Office of Resource Conservation and Recovery will conduct two virtual webinars entitled “**Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia**” **Parts One and Two** to assist potential applicants under this competitive funding opportunity. The webinars will be held on October 16 and 29, 2024. The webinars will review the funding opportunity, key sections of the application, and the application process. The webinars will be posted on the EPA’s [Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia](#) webpage and may be used as a reference, as needed.

For additional information on registering for the webinar, other EPA Resources related to the circular economy, sustainable materials management, and new funding opportunities under the IIIJA, please visit the [Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia](#) webpage.

Technical assistance will be available for both pre- and post-award activities from [EPA’s Environmental Justice Thriving Communities Technical Assistance Centers Program](#). Pre-award technical assistance will include but not be limited to: designing a project, preparing an application, and/or facilitating partnerships. Post-award technical assistance will be available to help grant recipients manage, oversee, perform, and report on the grants. Support to SWIFR Grants for Tribes and Intertribal Consortia applicants will be specifically provided through the National Indian Health Board’s Center. Further details about technical assistance can be found at [EPA’s Environmental Justice Thriving Communities Technical Assistance Centers Program](#) website. Receiving technical assistance does not guarantee that applicants will be selected for funding.

### G. Confidential Business Information

The EPA recommends that you do not include confidential business information (CBI) in your application. However, if CBI is included, it will be treated in accordance with [40 CFR Part 2.203](#). Applicants must clearly indicate which portion(s) of their application they are claiming as CBI. The EPA will evaluate such claims in accordance with [40 CFR Part 2](#). If no claim of confidentiality is made, the EPA is not required to make the inquiry to the applicant otherwise required by [40 CFR Part 2.204\(c\)\(2\)](#) prior to disclosure.

## **SECTION V – APPLICATION REVIEW INFORMATION**

Note: Additional provisions that apply to this section can be found at [EPA Solicitation Clauses](#).

### A. Evaluation Criteria

Eligible entities whose applications meet the threshold criteria in *Section III: Eligibility Information* of this announcement will be reviewed according to the evaluation criterion set forth below. Applicants must directly and explicitly address these criteria as described in *Section IV.D: Application Materials*. The information provided must be easily identifiable and clearly described to ensure the content of the application is clearly laid out for reviewers. Each application will be rated under a points system, with a total of 100 points possible. **To assist the EPA reviewers, applicants are strongly encouraged to reference the numbers and titles of the evaluation criteria in their Narrative Proposals to help identify where the criteria are being addressed.** Applicants may, but are not required to, use the optional Project Narrative Attachment Resource, Budget Table and Description Spreadsheet Resource, and Milestones Resource that are provided on [EPA’s Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia](#) webpage. Applicants that do not use the resources will not be penalized.

Evaluation Criteria and Description	Maximum Points per Criterion
<p><b>1. Project Summary and Approach.</b> Under this criterion, the Agency will evaluate the extent and quality to which:</p> <p>a. The Narrative Proposal includes a clearly written description of the overall project <b>(10 points)</b>;</p>	40

Evaluation Criteria and Description	Maximum Points per Criterion
<p>b. The project meets the requirements in <i>Section I.E: Scope of Work (15 points)</i>;</p> <p>c. The Narrative Proposal clearly identifies the goals and objectives of the project and includes an effective, easily understood plan with well-reasoned steps and milestones to meet the stated objectives <b>(10 points)</b>; and</p> <p>d. The Narrative Proposal sets forth a reasonable time schedule for the execution of the tasks associated with the project and for achieving the project goals and objectives by project end <b>(5 points)</b>.</p>	
<p><b>2. Impactful Approaches and Solutions.</b> Applications will be evaluated based on the extent and quality to which they describe:</p> <p>a. how the project results will improve the environmental conditions of the Tribal community(/ies) in the short and long term (including reducing greenhouse gas emissions), and any other community benefits associated with the anticipated project outcomes <b>(15 points)</b>.</p> <p>b. how the anticipated benefits of the project contribute to post-consumer materials management in Tribal communities <b>(10 points)</b>.</p> <p>Examples of impactful approaches and solutions may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• solving local challenges around collection of materials in rural or isolated areas;</li> <li>• operations or activities fostering environmentally sound materials management to multiple Tribes;</li> <li>• coordinating regional source reduction, recycling or backhaul services;</li> <li>• establishing or expanding a hub and spoke source reduction and/or recycling system;</li> <li>• projects that will result in a significant decrease in greenhouse gas emissions;</li> <li>• projects that will increase the long-term climate resilience of Tribal post-consumer materials management systems.</li> </ul>	<p><b>25</b></p>
<p><b>3. Measuring Environmental Results: Anticipated Outputs and Outcomes</b> Applications will be evaluated on the quality of the response and the extent to which it proposes strategies for measuring and tracking the expected outputs and outcomes described in <i>Section I.H: Measuring and Reporting Environmental Results: Outputs and Outcomes</i>. Outputs and outcomes must be quantitative or qualitative, and should be directly linked to a measure of environmental improvement and to project activities described in the Narrative Proposal.</p> <p><b>Please note that all outputs and outcomes listed in <i>Section I.H: Measuring and Reporting Environmental Results: Outputs and Outcomes</i> must be discussed to receive full points for this criterion (even if the anticipated result is “0” or “Not Applicable”).</b></p>	<p><b>10</b></p>

Evaluation Criteria and Description	Maximum Points per Criterion
<p><b>4. Programmatic Capability and Past Performance.</b> Under this criterion, applications will be evaluated based on their ability to successfully complete and manage the proposed project considering their:</p> <ul style="list-style-type: none"> <li>a. past performance in successfully completing and managing the assistance agreements identified in response to <i>Section IV: Application and Submission Information</i> of the solicitation <b>(2 points)</b>.</li> <li>b. history of meeting the reporting requirements under the assistance agreements identified in response to <i>Section IV: Application and Submission Information</i> of the solicitation, including whether the applicant submitted acceptable final technical reports under those agreements and the extent to which the applicant adequately and timely reported on their progress towards achieving the expected outputs and outcomes under those agreements, and if such progress was not being made, whether the applicant adequately reported why not <b>(2 points)</b>.</li> <li>c. staff expertise/qualifications (including organizational experience), staff knowledge, and resources or the ability to obtain them, to successfully achieve the goals of the proposed project <b>(6 points)</b>.</li> </ul> <p>Please note, in evaluating applications under item a. and b. of this criterion, the Agency will consider the information provided by the applicant and may also consider relevant information from other sources including agency files and prior/current grantors (e.g., to verify and/or supplement the information supplied by the applicant). If you do not have any relevant or available past performance or past reporting information, please indicate this in the application and you will receive a neutral score for these subfactors (items a and b above-a neutral score is half of the total points available in a subset of possible points). If you do not provide any response for these items, you may receive a score of 0 for these factors.</p>	<p><b>10</b></p>
<p><b>5. Budget and Expenditure of Awarded Grant Funds.</b> Under this criterion, applications will be evaluated based on their approach, procedures, and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner. The Agency will evaluate the proposed project budget and narrative to determine the extent and quality to which:</p> <ul style="list-style-type: none"> <li>a. Costs are reasonable to accomplish the proposed goals, objectives, and measurable environmental outcomes <b>(5 points)</b>.</li> <li>b. The proposed budget provides a detailed breakout of the approximate funding used for each major activity <b>(7 points)</b>.</li> </ul>	<p><b>15</b></p>

Evaluation Criteria and Description	Maximum Points per Criterion
<p>c. The application conveys the approach, procedures, and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner. (3 points).</p> <p><b>Please provide the response to this criterion as part of your budget table and description (including an optional budget spreadsheet or up to 4 additional pages). See optional budget table and description spreadsheet resource provided on <a href="#">EPA's Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia</a> webpage.</b></p>	
<b>TOTAL</b>	<b>100</b>

## B. Review and Selection Process

1. **Threshold Eligibility Screening Process** - All applications received by the submission deadline will first be screened by the EPA using the threshold eligibility criteria in *Section III.C: Threshold Eligibility Criteria*. Applications that do not pass the threshold eligibility review will not be evaluated further or considered for funding. Applicants deemed ineligible for funding consideration as a result of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination. Applications meeting the threshold eligibility criteria will be reviewed through a regional review process by a review panel comprised of EPA staff and/or external reviewers.
2. **Panel Review and Evaluation Process** - All applications that meet the Threshold Eligibility Criteria after the screening review will be reviewed based on the criteria in *Section V: Application Review Information*.
3. **Final Selection Process and Other Factors** – Final rankings and selection recommendations from the review panels based on the ranking lists will be presented to the Headquarters Selection Official who will then make the final selections for award based on the ranking lists. The EPA anticipates selecting at least one grant per EPA region, depending on the quantity and quality of the applications received. In addition to the ranking lists, the Selection Official may also consider any of the following other factors in making final selection decisions among the high-ranking applications from the regional lists:
  - a. **Geographic Diversity** – The EPA may consider the mix of high-ranking projects located in urban and rural areas or different regions of the country when making final selections, as well as the geographical nature or impact of the portfolio of projects, such as a balance in funding for smaller Tribes, larger Tribes, and intertribal consortia. EPA may also consider making the number of awards in line with the Tribal distribution across the EPA regions.
  - b. **Diversity of Scope and Budget** – The EPA may consider the mix of high-ranking project types when making final selections to ensure that there is a variety of projects being awarded. The



EPA does not intend to weigh larger budget projects more favorably than projects with smaller scopes and budgets.

- c. **Programmatic Priorities** – ORCR priorities that may focus on certain SMM, environmental, and/or public health issues. These overarching priorities may be considered when making final selections among high-ranking applications.
- d. **“Shovel-Ready” Projects** – The EPA may consider projects where pre-planning, permitting, environmental compliance, and bids have already been completed, such that the project can begin implementation in six to 12 months, when making final selections.
- e. **Expenditure of Existing Grant Funds** – The EPA may consider prioritizing applicants that have not previously received SWIFR cooperative agreements, or those that previously received SWIFR cooperative agreements and have disbursed at least 25% of the funding for each SWIFR cooperative agreement they have with EPA by January 15, 2025.
- f. **Availability of Funds**

After final selections are made, the EPA will make the awards. While the EPA expects to make awards of approximately \$20,000,000 in total, this amount may be increased or decreased subject to the number of quality applications received and other relevant considerations. The EPA reserves the right to reject all applications and make no awards under this announcement.

## **SECTION VI – AWARD ADMINISTRATION INFORMATION**

**Note:** Additional provisions that apply to this section can be found at [EPA Solicitation Clauses](#).

### **A. Award Notification**

The EPA anticipates notification to successful applicants will be made via electronic mail by **September 30, 2025**. The notification will be sent to the original signer of the application, or the project contact listed in the application. This notification, which informs the applicant that its application has been selected and is being recommended for award, is not an authorization to begin work. The official notification of an award will be made by either the EPA’s Grants and Interagency Agreement Management Division or the EPA Regional Award Official. Applicants are cautioned that only a grants officer is authorized to bind the Government to the expenditure of funds; selection does not guarantee an award will be made. For example, statutory authorization, funding, or other issues discovered during the award process may affect the ability of the EPA to make an award to an applicant. The award notice, signed by an EPA grants officer, is the authorizing document and will be provided through electronic or postal mail. The successful applicant may need to prepare and submit additional documents and forms (e.g., work plan), which must be approved by EPA, before the grant can officially be awarded. The time between notification of selection and award of a grant can take 90 days or longer.

### **B. Combining Applications into One Award**

If an applicant submits applications for multiple tasks/activities under this competition, and is selected for multiple tasks/activities, the EPA may award a single assistance agreement that combines separate applications for different tasks/activities.

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

1. Applicants selected for award will be required to submit a final cooperative agreement proposal package to the EPA. This package will include an EPA-approved final work plan that describes the work to be performed, a final budget, and the required certification forms. Programmatic terms and conditions will be negotiated with the selected recipient. Depending on project scope, the EPA may request that selected applications complete an Environmental Information Form prior to award in order to assess relevancy of NEPA compliance requirements to the project.
2. Approved cooperative agreements will include terms and conditions that will be binding on the grant recipient. Terms and conditions specify what grant recipients must do to ensure that grant-related and program-related requirements are met. Terms and conditions may be viewed at: [Grant Terms and Conditions](#). A listing and description of general EPA Regulations applicable to the award of assistance agreements may be viewed at: [Introduction to Regulations, Policies and Guidance for EPA Grants](#).
3. **Reimbursement Limitation.** If the recipient expends more than the amount of funding in its EPA approved budget in anticipation of receiving additional funds from the EPA, it does so at its own risk. The EPA is not legally obligated to reimburse the recipient for costs incurred more than the EPA approved budget.

### **D. Use of Funds**

An applicant that receives an award under this announcement is expected to manage cooperative agreement funds efficiently and effectively and make sufficient progress towards completing the project activities described in the work plan in a timely manner. The cooperative agreement will include terms/conditions implementing this requirement. The Agency expects timely drawdown of funds and a yearly financial report. In addition to quarterly reports, other required financial reports will provide the Agency with information regarding progress being made.

### **E. Program Income**

In accordance with 2 CFR Part 200.307(e)(2) and 2 CFR Part 1500.8(b), the recipient is hereby authorized to retain program income earned during the project period.

The program income shall be added to funds committed to the project by the EPA and used for the purposes and under the conditions of the assistance agreement.

The recipient must provide, as part of its quarterly performance report, a description of how program income is being used. Further, a report on the amount of program income earned during the award period must be submitted with the annual Federal Financial Report, Standard Form 425.

### **F. Build America, Buy America Requirements**

Projects under this competition are subject to the Buy America Sourcing requirements under the Build America, Buy America (BABA) provisions of the [Infrastructure Investment and Jobs Act](#) (IIJA) (P.L. 117-58, Sections 70911-70917) when using funds for the purchase of goods, products, and materials on any form of construction, alteration, maintenance, or repair of infrastructure in the United States. The Buy America preference requirement applies to all of the iron and steel, manufactured products, and construction materials used for the infrastructure project under an award for identified the EPA's financial assistance funding programs.

These sourcing requirements require that all iron, steel, manufactured products, and construction materials used in Federally funded infrastructure projects must be produced in the United States. The recipient must implement these requirements in its procurements, and this article must flow down to all subawards and contracts at any tier. For legal definitions and sourcing requirements, the recipient must consult the [EPA's Build America, Buy America](#) website.

Please consider this information when preparing budget information. EPA has and will continue to provide further guidance on which projects are subject to BABA provisions and will work with grant recipients to support implementation as necessary.

When supported by rationale provided in IIJA Section 70914, the recipient may submit a waiver to the EPA. The recipient should request guidance on the submission instructions of an EPA waiver request from the EPA Project Officer. A list of approved EPA waivers is available on the [EPA's Build America, Buy America](#) website.

In addition to BABA requirements, all procurements under grants may be subject to the domestic preference provisions of 2 CFR Part 200.322.

See "Build America, Buy America" clause in the [EPA's Solicitation Clauses](#).

### **G. Project Labor Agreements and Prevailing Wage Requirements.**

The EPA encourages project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project); the use of an appropriately trained workforce (i.e., through registered apprenticeships and other joint labor-management training programs that serve all workers, particularly those historically excluded); the use of an appropriately credentialed workforce (i.e., requirements for appropriate and relevant professional training, certification, and licensure); and neutrality with respect to union organizing (i.e., BIL funds should not support or oppose union organizing).

As provided in 33 U.S.C. 4282(e), EPA must ensure that ". . . all laborers and mechanics employed on projects funded directly, or assisted in whole or in part, by a [SWIFR grant] be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with [the Davis Bacon Act]". The Davis Bacon Act applies to contractors and subcontractors performing work on federally-funded or assisted construction contracts in excess of \$2,000. A term and condition specifying Davis Bacon Act compliance requirements will be included in SWIFR cooperative agreements that fund construction.

## H. National Environmental Protection Act (NEPA) Compliance

While EPA as the funding agency is responsible for NEPA compliance, recipients will likely need to provide information to support this process. The SWIFR Program has a [Programmatic Environmental Assessment](#) (PEA) in place. Each grant application requires an appropriate level of environmental analysis and documentation when determining coverage under the PEA. The PEA Appendix A includes an Environmental Evaluation and Checklist to help grant recipients and EPA determine whether the environmental impacts from a project are covered in the PEA or if additional site-specific documentation or analysis is required. EPA will document when projects and their associated impacts are determined to be eligible for coverage under this PEA. In addition, EPA may prepare a [Categorical Exclusion](#), an [Environmental Assessment](#) (EA), or an [Environmental Impact Statement](#) (EIS) as part of the environmental review.

If additional site-specific documentation or analysis is required, cooperative agreement recipients may be required to provide site information such as the potential environmental impact of addressing site contamination, which is typically provided to EPA in an Environmental Information Document (EID).

Cooperative agreement recipients may use federal funds from this cooperative agreement to prepare the EID or the [Environmental Evaluation and Checklist](#) under the PEA. EPA may provide direct technical assistance to recipients for development of the EID, if required.

Depending on the site and proposed workplan, EPA may:

- utilize a categorical exclusion,
- adopt a categorical exclusion from another federal agency,
- issue a Notice of Adoption of other federal agency's finding,
- issue a Finding of No Significant Impact, or
- issue an Environmental Impact Statement and publish a Record of Decision for the project.

**NEPA requirements must be met before any construction, fixed equipment, or ground disturbance activities can occur, per 40 CFR Part 6. NEPA requirements may take 3-6 months to complete, and applicants should account for this when developing their project timeline.**

Depending on the project, EPA may award grants with incremental funding using a phased approach for projects that involve both construction and non-construction activities.

## I. Disputes

Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3629, 3630 (January 26, 2005) which can be found at [Grant Competition Dispute Resolution Procedures](#). Copies of these procedures may also be requested by contacting the person listed in *Section VII: Agency Contacts* of the announcement. Note, the FR notice references regulations at 40 CFR Parts 30 and 31 that have been superseded by regulations in 2 CFR Parts 200 and 1500. Notwithstanding the regulatory changes, the procedures for competition-related disputes remains unchanged from the procedures described at 70 FR 3629, 3630, as indicated in 2 CFR Part 1500, Subpart E.

## **J. Quality Assurance Project Plans (QAPPs)**

In accordance with 2 CFR Part 1500.12, projects that include the generation or use of environmental data are required to submit a QAPP. A QAPP describes how environmental information operations are planned, implemented, documented, and assessed during the life cycle of a project. The QAPP is the document that provides comprehensive details about the quality assurance/quality control requirements and technical activities that must be implemented to ensure that project objectives are met.

Requirements for QAPPs are found in the most recent version of [EPA's Quality Assurance Project Plan Requirements / Standard Quality Assurance Project Plans \(QAPP\)](#).

EPA Project Officers will work with all selected recipients on quality assurance (QA) requirements. Once the award is made, if a QAPP is required for the project, the applicant will develop the document and submit for EPA's approval. Selected applicants cannot begin environmental information operations until EPA approves the QAPP.

## **K. Reporting Requirements**

Quarterly progress reports, annual Federal Financial Reports (Standard Form 425), annual Disadvantaged Business Enterprise reports (EPA Form 5700-52A), and a final technical report will be required for all successful applicants. The quarterly progress reports will be submitted to the EPA Project Officer within 30 calendar days after each reporting period. These reports shall cover: work status, work progress, difficulties encountered, preliminary data results, a statement of activity anticipated during the subsequent reporting period; a discussion of expenditures along with a comparison of the percentage of the project completed to the project schedule and an explanation of significant discrepancies; how program income is being used, if applicable; and any changes of key personnel concerned with the project. EPA will provide successful applicants with detailed information regarding required reporting in the terms of conditions of the cooperative agreement.

At the close of the grant, the successful applicant will submit a final technical report to the EPA Project Officer within 120 calendar days of completion of the period of performance. The final technical report shall include a summary of the project or activity, advances or goals achieved, and costs of the project or activity. In addition, the final technical report should discuss the problems, successes, and lessons learned during the project period.

All quarterly reports and the final technical report will be submitted through the Grantee Portal of EPA's Grant Management System. This system will help EPA monitor the recipient's progress with implementing their project and directly supports the continuation of the SWIFR program by highlighting measurable accomplishments progress to the public and Congress. EPA will provide successful applicants with information on how to access the Grants Management System. EPA intends to obtain an Information Collection Request (ICR) and require specific information in the performance reports, including information on the outputs and outcomes in *Section I.H: Measuring and Reporting Environmental Results: Outputs and Outcomes* and additional programmatic progress information.

## **SECTION VII – AGENCY CONTACTS**

Chris Carusiello and Jamie Lutz, U.S. EPA, Office of Resource Conservation and Recovery (MC 5306P), 1301 Constitution Avenue, NW, Washington, DC 20460; or e-mail: [SWIFRTribal@epa.gov](mailto:SWIFRTribal@epa.gov).