



**ECONOMIC DEVELOPMENT ADMINISTRATION**

**APPLICATION FOR  
 INVESTMENT ASSISTANCE**

The Economic Development Administration (EDA) uses the Application for Investment Assistance to evaluate applications under EDA's economic development assistance programs. EDA may ask applicants to provide supplemental information as needed during the evaluation and selection process. **Please visit our Internet website at [www.eda.gov](http://www.eda.gov) for more information on EDA's programs, selection and evaluation criteria, and application procedures, as set forth in applicable Federal Funding Opportunity (FFO) announcements. These FFO announcements are also published annually in the *Federal Register*.**

	<b>Page</b>	
<b>PWEDA Section 201</b> (CFDA No. 11.300) Public Works and Economic Development Program	<b>Section A - To Be Completed by All Applicants</b>	<b>3</b>
	<b>Section B - Regional Eligibility (Public Works and Economic Adjustment Assistance)</b>	<b>8</b>
<b>PWEDA Section 203</b> (CFDA No. 11.302) Planning Program	<b>Section C - Technical Assistance &amp; Research/Evaluation Assistance</b>	<b>10</b>
	<b>Section D - To Be Completed by All Non-Governmental Applicants (excluding Public Universities)</b>	<b>11</b>
<b>PWEDA Section 207</b> (CFDA No. 11.303) Local and National Technical Assistance and University Center Economic Development Program	<b>Section E - Budgeting and Staffing/Non-Construction Assistance</b>	<b>12</b>
	<b>Section F - Partnership Planning Assistance</b>	<b>13</b>
	<b>Section G - Short-Term Planning Assistance</b>	<b>13</b>
	<b>Section H - State Planning Assistance</b>	<b>14</b>
	<b>Section I - Local or National Technical Assistance</b>	<b>14</b>
<b>PWEDA Section 207</b> (CFDA No. 11.312) Research and Evaluation Program	<b>Section J - University Center Program Assistance</b>	<b>15</b>
	<b>Section K - Economic Adjustment Assistance</b>	<b>15</b>
	<b>Section L - Revolving Loan Fund (RLF) Assistance</b>	<b>16</b>
<b>PWEDA Section 209</b> (CFDA No. 11.307) Economic Adjustment Assistance Program	<b>Section M - Construction Assistance</b>	<b>16</b>
	<b>Section N - Design and Engineering Assistance</b>	<b>25</b>

**Application for Investment Assistance (Form ED-XXX)**  
**OMB Control No. XXX**  
**Expires XXX**

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless the collection of information displays a currently valid OMB Control Number.

The information requested in this Application for Investment Assistance is required to obtain or retain benefits from EDA pursuant to the Public Works and Economic Development Act of 1965 (PWEDA), as amended (42 U.S.C. 3121 *et seq.*). The reasons for collecting this information are to enable applicants to submit applications for financial assistance and to assist EDA in determining applicants' eligibility and compliance with legal and programmatic requirements. The information submitted on this application and in accompanying documents is subject to public disclosure under the Freedom of Information Act, as amended (5 U.S.C. 552), unless exempt from disclosure as trade secrets or privileged or confidential commercial or financial information under 5 U.S.C. 552(b)(4).

The public reporting burden for this collection of information is estimated to average XX hours per response, including time for reviewing instructions, gathering data, and completing the application. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing paperwork burden may be sent to: Economic Development Administration, U.S. Department of Commerce, 1401 Constitution Avenue, N.W., Washington, D.C. 20230, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

## **INSTRUCTIONS FOR ELECTRONIC AND HARDCOPY FORMATS**

**Electronic Submissions:** Please visit [www.Grants.gov](http://www.Grants.gov) for detailed instructions on electronic submissions. This form is designed to be completed in **Adobe Acrobat Reader, versions 7.0 and above**. If using Adobe Acrobat Reader version 7.0 or above, all interactive features should work. Responses may be composed in a separate word processing program and then copied and pasted into the appropriate response field. NOTE: Applicants who would like to save a copy for their records must save a copy to their local hard drive under a unique name. Additional documentation or information applicants must provide may be submitted as electronic attachments through [www.Grants.gov](http://www.Grants.gov).

**Hardcopy Submissions:** EDA encourages applicants to submit applications in electronic format via [www.grants.gov](http://www.grants.gov). However, if the applicant is unable to complete this application using Adobe Acrobat version 7.0 or above, the applicant may send in a hardcopy application. If submitting a hardcopy application, the applicant should print this application, type or print the responses, and attach all narratives as exhibits. Applicants must label each exhibit so that it corresponds to the section letters and question numbers listed in this application (e.g., A.1. "Investment (Project) Region). As appropriate, applicants should indicate which sub-question the narrative addresses (e.g., M.4.d). Applicants should mail the completed application to the appropriate Regional Office. See EDA's internet website ([www.eda.gov](http://www.eda.gov)) for a listing of Regional Offices.

## **NOTE ON EDA'S APPLICATION PROCESS**

To limit the burden on the applicant, EDA only requests certain items of documentation if EDA determines that the applicant's project merits further consideration. Applicants should note that the following items will be subsequently requested if, and only if, EDA selects their project for further consideration:

For all types of projects:

- A copy of the region's Comprehensive Economic Development Strategy (CEDS) or alternate EDA-approved planning document
- Letters of commitment to document non-EDA funding

For construction projects only:

- USGS map of project site
- Letters of commitment from private beneficiaries of the proposed project
- Comments from the metropolitan area review/clearinghouse agency
- A legal opinion and other documentation, as necessary, verifying the applicant's answer to questions regarding project ownership, operation, maintenance, and management
- An engineering report
- An environmental narrative
- Documented approval from the State Historic Preservation Officer (SHPO)

For Revolving Loan Fund projects only:

- Revolving Loan Fund Plan

For non-profit applicants only:

- Certificate of good standing from the state
- A copy of the organization's Articles of Incorporation and By-Laws
- Resolution from a general purpose subdivision of government of a state acknowledging that the organization is acting in cooperation with officials of that subdivision
- Comments from a general purpose government entity (construction projects only)

## SECTION A - TO BE COMPLETED BY ALL APPLICANTS

### General Instructions

Please answer all questions completely and accurately and provide a concise narrative statement for each question below. Most narratives need not exceed one paragraph. Any attachments to this application may either be attached electronically through [www.grants.gov](http://www.grants.gov) or submitted in hardcopy to the Regional Office ([www.eda.gov/AboutEDA/Regions.xml](http://www.eda.gov/AboutEDA/Regions.xml)) that processes applications for your state.

Applicants should consult EDA's program requirements and evaluation criteria set forth in 13 C.F.R. Chapter III (EDA's regulations), as supplemented by the applicable Federal Funding Opportunity Announcement (FFO) on [www.grants.gov](http://www.grants.gov), when completing this application. (EDA's regulations begin on page 20 of the Federal Register notice posted at [www.eda.gov/ImageCache/EDAPublic/documents/pdfdocs2006/2006final\\_20rule\\_2epdf/v1/2006final\\_20rule.pdf](http://www.eda.gov/ImageCache/EDAPublic/documents/pdfdocs2006/2006final_20rule_2epdf/v1/2006final_20rule.pdf).) Applicants are encouraged to contact an EDA representative (see list of Regional Offices above) for assistance in completing this application. Preparation of an application may involve coordination with other local, state and federal agencies.

Public Works and Economic Adjustment Assistance projects must satisfy regional eligibility requirements (see 13 C.F.R. ' 304.1). Legal citations referencing EDA's regulations are included for the applicant's information; however, all of the information needed to complete this application is contained within the form itself or within the web links included in this form. Legal assistance is not generally required to complete this form, although applicants may need to consult with an attorney concerning any legal issues implicated by the receipt of federal assistance.

Please indicate the type of EDA investment assistance for which you are applying:

<input type="radio"/> Public Works	<i>Complete Sections A, B, and M.</i>
<input type="radio"/> Economic Adjustment	<i>Complete Sections A, B, E, and K. Also Complete Sections M and/or N if request has construction and/or design/engineering components.</i>
<input type="radio"/> Partnership Planning	<i>Complete Sections A, C, E, and F.</i>
<input type="radio"/> Short-term Planning	<i>Complete Sections A, C, E, and G.</i>
<input type="radio"/> State Planning	<i>Complete Sections A, C, E, G, and H.</i>
<input type="radio"/> University Center	<i>Complete Sections A, C, E, and J.</i>
<input type="radio"/> Local Technical Assistance	<i>Complete Sections A, C, E, and I.</i>
<input type="radio"/> National Technical Assistance	<i>Complete Sections A, C, E, and I.</i>
<input type="radio"/> Revolving Loan Fund	<i>Complete Sections A, B, E, K, and L.</i>
<input type="radio"/> Design and Engineering	<i>Complete Sections A, B, and N.</i>

Please indicate which type of applicant you are:

- Governmental (or quasi-governmental, to include District Organizations, universities, or public institutions of higher learning)
- Non-governmental (e.g. private or public non-profit organizations, for-profit organizations)

*In addition to the sections specific to the program for which you are applying (see above), non-governmental applicants also must complete Section D.*

### A.1. Investment (Project) Region

Identify and describe the region where the project will be located, identify and describe the region that will benefit from the project (if different from or in addition to the region in which the project will be located), and discuss the project's expected economic impact. For purposes of this application, a region is defined as "an economic unit of human, natural, technological, capital or other resources, defined geographically. Geographic areas comprising a region need not be contiguous or defined by political boundaries, but should constitute a cohesive area capable of undertaking self-sustained economic development." (See 13 C.F.R. ' 300.3 for the definition of "Region.")

### A.2. Investment (Project) Description

Provide a detailed description of the complete scope of work for the proposed EDA investment. If you are proposing a construction project, please include specific construction components. Also, for National Technical Assistance, Training and Research and Evaluation Projects, provide a description of the methodology to be used to complete the project.

*Note: If EDA determines that your project merits further consideration, and if your project includes construction, you will be required to provide a USGS map of the site.*

### A.3. Economic Development Needs

- a. Does the region in which the project will be located have a Comprehensive Economic Development Strategy (CEDS)? (See [www.eda.gov/ImageCache/EDAPublic/documents/pdfdocs2006/cedsflyer081706\\_2epdf/v1/cedsflyer081706.pdf](http://www.eda.gov/ImageCache/EDAPublic/documents/pdfdocs2006/cedsflyer081706_2epdf/v1/cedsflyer081706.pdf).) *(Note: Except for strategy grants as described in 13 C.F.R. ' 303.7, the region in which Public Works or Economic Adjustment projects will be located must have a CEDS with which the project is consistent.)*

Yes

No

If **Yes**, what is the source? *Note: If you are unsure if your region has a CEDS, please contact your local District Organization.*

If **No**, what alternate strategic planning document do you wish to govern this investment? *Note: You will be asked to provide a copy of this planning document if your project is selected for further consideration.*

- b. Briefly describe the economic development needs of the region and how the proposed investment addresses the goals and objectives of the CEDS for the region or the alternate strategic planning document as noted above. (See 13 C.F.R. part 303.)

- c. Briefly describe the economic conditions of the region described in A.1, as well as the economic adjustment problems or economic dislocations the region has experienced (or is about to experience) and the regional impact of these conditions.

#### A.4. Investment (Project) Impact and Fit with EDA Funding Priorities

Discuss how the proposed investment satisfies EDA's Investment Policy Guidelines as set forth in 13 C.F.R. ' 301.8, as well as the EDA funding priorities set forth in the applicable Federal Funding Opportunity (FFO) announcement on [www.Grants.gov](http://www.Grants.gov).

#### A.5. Applicant's Capability

Briefly describe the applicant's capability to administer, implement, and attract private sector investments to the project.

#### A.6. Proposed Time Schedule for the Project

Provide a proposed time schedule for completion of the project, including when (month/year) the project will begin and end. Explain any potential issues that could affect project implementation.

#### A.7. Civil Rights

- a. Does the applicant understand and agree to comply with all applicable civil rights requirements (see 13 C.F.R. ' 302.20), including the requirement to provide signed assurances of compliance?  **Yes**  **No** (explain below)

- b. Do identified "Other Parties" as defined in 13 C.F.R. ' 302.20(b) understand and agree to comply with all applicable civil rights requirements, including the requirement to provide signed assurances of compliance?  
 **Yes**  **No** (explain below)  **Not Applicable** (No Other Parties Identified)

#### A.8. Proposed Project Budget

- For Construction investments, complete Form SF-424C.  
 For Non-Construction investments, complete Form SF-424A.

Note: If you are applying in hardcopy, you may download these forms from [www.Grants.gov/techlib/SF424A-V1.0.pdf](http://www.Grants.gov/techlib/SF424A-V1.0.pdf) and [www.Grants.gov/techlib/SF424C-V1.0.pdf](http://www.Grants.gov/techlib/SF424C-V1.0.pdf)

### A.9. Non-EDA Funding for the Project

- a. Identify the source, nature and amount of all non-EDA funds, including in-kind contributions (non-cash contributions of space, equipment, services, or assumptions of debt; see definition of "In-Kind Contribution(s) in 13 C.F.R. ' 300.3). Explain the status of all funding commitments, including the date the funds will be available from each source, and describe any conditions or restrictions on the use of such funds. If in-kind contributions are included, explain the basis on which they are valued.

- b. Are all non-EDA funds committed to the project, available as needed, and not conditioned or encumbered in any way that would preclude their use consistent with the purpose of the project? (See 13 C.F.R. ' 301.5.)  **Yes**  **No** (explain below)

*Note: If EDA determines that your project merits further consideration, you will be required to provide letters of commitment from any proposed non-EDA funding sources.*

- c. Discuss the actions that need to be taken and the timing required to secure any non-EDA funds.

- d. Does the applicant plan to seek other federal financial assistance as part of or in connection with this project? If so, please describe the source, amount, any terms and conditions of the funding, and when the funding will be available for use by the applicant.

**Yes**  **No**

- e. Is the requested EDA investment assistance available from any other federal economic development program?  **Yes** (explain below)  **No** (explain below)

If **Yes**, identify the source and provide an explanation of why EDA investment assistance is required.



## A.10. Lobbying Certifications

**All applicants** for federal financial assistance must certify that federal funds have not been used and will not be used for lobbying in connection with this request for federal financial assistance (Form CD-511). If non-federal funds have been or are planned to be used for lobbying in connection with this request for federal financial assistance, Form SF-LLL also must be completed. Please check all that apply:

- Applicant's "Certifications Regarding Lobbying" (Form CD-511--see Exhibit E) is completed.
- Applicant's "Disclosure of Lobbying Activities" (Form SF-LLL) is required and attached. (If applicant is applying in hardcopy, access the form at [www.whitehouse.gov/omb/grants/sfillin.pdf](http://www.whitehouse.gov/omb/grants/sfillin.pdf).)

*Note: Applicants must comply with 13 C.F.R. 302.10 regarding attorneys' and consultants' fees and the employment of expeditors. This regulation requires that applicants identify and disclose the amount of fees paid to anyone engaged to assist the applicant in obtaining assistance under the Public Works and Economic Development Act of 1965 (PWEDA), as amended.*

## A.11. Compliance with Executive Order 12372, State Single Point of Contact (SPOC)

- a. Does the state in which the project will be located have a project review process that requires submission to a Single Point of Contact (SPOC)? (See 13 C.F.R. ' 302.9(b).) *Note: If you are unsure if your state has a Single Point of Contact, or do not know who this individual is, please refer to OMB's SPOC list ([www.whitehouse.gov/omb/grants/spoc.html](http://www.whitehouse.gov/omb/grants/spoc.html)).*
  - Yes**
  - No** (go to A.12))
- b. If **Yes** to A.11(a) above, does this request for EDA investment assistance meet the SPOC process established by the state?
  - Yes**
  - No** (go to question A.11(d))
- c. If **Yes** to A.11(b) above, were SPOC comments/clearance received?
  - Yes**, and the comments/clearance are attached.
  - No**, the review period has expired and no comments were received.
- d. If **No** to question A.11(b) above, please explain any known reason for the lack of comments.

## A.12. Justification for Sole Source Procurement

- a. Will you subcontract work to complete part or all of this project?
  - Yes**
  - No**
- b. If **Yes**, will contracts be awarded by competitive bid?
  - Yes**
  - No**
- c. If contracts will **not** be awarded by competitive bid, please provide a justification. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders. (See 15 C.F.R. ' 14.40-14.48 or ' 24.36, as applicable.)



## SECTION B - REGIONAL ELIGIBILITY: TO BE COMPLETED BY APPLICANTS FOR PUBLIC WORKS OR ECONOMIC ADJUSTMENT ASSISTANCE ONLY

Public Works and Economic Adjustment Assistance projects must satisfy regional eligibility requirements (see 13 C.F.R. part 301). This section will assist EDA in determining if the proposed project satisfies these eligibility requirements. Please answer all questions completely and accurately and attach explanations and supporting documentation where applicable.

1. Identify the region upon which the applicant is basing the eligibility calculation.

- a. If this region is **different** from the region described in Section A of this application, please explain.

- b. If this region is **not** defined by political boundaries (e.g., it is a neighborhood within a large city rather than an autonomous town), provide a description of the project region and documentation to show that: (i) the region is of sufficient size appropriate for the proposed project, and (ii) the area used for regional eligibility is the same as the area that will benefit from the proposed project.

2. **Source of data provided for regional eligibility determination:** Check the source of data used to determine regional eligibility, and **attach an explanation and a copy of this data**. The explanation must: (i) identify the data used (e.g., American Community Survey (ACS)); (ii) if the data used are other than the ACS, explain why ACS data were not used; and (iii) if the data used are other than federal data, explain why federal data were not used and identify the source of the non-federal data. ACS data ([www.census.gov/acs](http://www.census.gov/acs)) should be used whenever possible, but if such data are not available, the order of data preference is as listed below.

- a. The most recent ACS data published by the U.S. Census Bureau.
- b. The most recent other federal data for the region in which the project is located (e.g., U.S. Census Bureau or the Bureaus of Economic Analysis, Labor Statistics, Indian Affairs, etc.)
- c. If no federal data are available, the most recent data available through the state government for the region in which the project is located.
- d. Other data to substantiate regional eligibility based on a "Special Need" as defined in 13 C.F.R. ' 300.3.

3. **Economic Distress:** Check all that apply in establishing regional eligibility (see 13 C.F.R. § 301.3 (a)(1)):

- A. **Unemployment rate:** The project is located in a region that has an unemployment rate that is, for the most recent 24-month period for which data are available, at least one percentage point above the national unemployment rate.
- B. **Per capita income:** The project is located in a region that has a per capita income that is, for the most recent period for which data are available, 80 percent or less of the national average per capita income.
- C. **Special need:** The project is located in a region that has experienced or is about to experience a "Special Need" (as defined in 13 C.F.R. § 300.3) arising from actual or threatened severe unemployment or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions, including:
  - Substantial out-migration or population loss;
  - Underemployment; that is, employment of workers at less than full-time or at less skilled tasks than their training or abilities permit;
  - Military base closure or realignment, defense contractor reductions-in-force, or U.S. Department of Energy defense-related funding reductions;
  - Natural or other major disasters or emergencies;
  - Extraordinary depletion of natural resources;
  - Closing or restructuring of an industrial firm or loss of other major employer;
  - Negative effects of changing trade patterns; or
  - Other circumstances set forth in the applicable FFO (please explain below).

4. **Substantial Direct Benefit:** A project located within an Economic Development District (EDD) that is located in a region that does not meet the economic distress criteria set forth in section B.3 above, is also eligible for EDA investment assistance if EDA determines that the project will be of "substantial direct benefit" to a geographic area within the EDD that meets the distress criteria set forth in question B.3 above by providing significant employment opportunities for unemployed, underemployed, or low-income residents of the distressed geographic area within the EDD. If applicable, identify the EDD in which the proposed project will be located, as well as the geographic area within the EDD that meets the economic distress criteria detailed in section B.3. above, and explain how the proposed project will provide a substantial direct benefit to this geographic area within the EDD. (See 13 C.F.R. § 301.3 (a)(2).)

- No, not applicable.** The project is located in a region that meets the economic distress criteria in section B.3.
- Yes,** this project will provide a "substantial direct benefit" to residents of an area meeting the economic distress criteria. Please provide an explanation below.

If Yes,  
explain:

5. **Project Beneficiaries:** Identify private sector employers that will benefit from the project, and attach letters of commitment electronically through [www.grants.gov](http://www.grants.gov) or in hardcopy, if available. In the last column, select 'Committed' if the company has committed to being a partner in the project or 'Interest Only' if it has merely expressed interest.

If none, check this box, do not complete this chart, and go to Section C.

Company	Products and Services Produced by Company 5 digit NAICS code	Number of Company Jobs Saved by Project	Number of Company Jobs Created by Project	Amount of Company Investment (\$)	Company Committed or Only Interested?

*Note: If EDA determines that your project merits further consideration, you will be required to provide letters of commitment from the project's beneficiaries, verifying the above information.*

## SECTION C - MAXIMUM ALLOWABLE EDA INVESTMENT RATES: TO BE COMPLETED BY PLANNING, TECHNICAL ASSISTANCE, UNIVERSITY CENTER PROGRAM, AND RESEARCH/EVALUATION APPLICANTS ONLY

According to EDA's regulations, the maximum allowable EDA investment rate for Planning Investments, Local and National Technical Assistance, the University Center Program, and Research and Evaluation Investments shall be based on the relative needs of the Region that the project will serve. However, a project of a national scope may be eligible for up to a 100 percent investment rate if the project will be of no or only incidental benefit to the eligible recipient or if the project merits, and is otherwise infeasible without further EDA assistance. Please answer the following questions completely to determine eligibility for an EDA investment rate greater than 50 percent.

- Is the project national in scope?
  - Yes
  - No (go to Section D)

- Please describe how the project is national in scope.

3. Will the project be of no benefit or only incidental benefit to the applicant?

- Yes** (go to question C.4)  **No** (explain below)

4. Is the project not otherwise feasible without an EDA investment rate greater than 50 percent?

- Yes** (explain)  **No**

If **Yes**, explain why the project merits an EDA investment rate greater than 50 percent.

5. All applicants for EDA National Technical Assistance, Training, and Research and Evaluation Assistance must complete the EDA National Technical Assistance, Training, and Research and Evaluation Investments Additional Assurances form. See attached Exhibit D on page 32 of this application.

- Yes**, the applicant's Additional Assurances form is completed.
- Not applicable**; the applicant is not applying for National Technical Assistance, Training, or Research and Evaluation investment assistance.

## SECTION D - TO BE COMPLETED BY ALL NON-GOVERNMENTAL APPLICANTS (EXCLUDING PUBLIC UNIVERSITIES AND DISTRICT ORGANIZATIONS)

1. All non-governmental applicants for federal financial assistance must provide a 'Name Check' form (Form CD-346) completed by each officer, the executive director, and the chief financial officer of the applicant organization, unless: (i) proposed award amounts are \$100,000 or less; or (ii) applicants have been recipients of DOC financial assistance for three or more consecutive years without any adverse programmatic or audit findings.

Unless you meet one of the two exemption criteria listed above, please list the names of your organization's Chief Financial Officer, Executive Director, and all other officers.

- Yes**, applicant's "Name Check" form(s) is/are attached. (Download form from [www.doc.gov/forms/direct.htm](http://www.doc.gov/forms/direct.htm).)
- No**, applicant's "Name Check" form(s) is/are not attached. **If No**, explain below.

2. Non-profit organization applicants must provide a current Certificate of Good Standing from the State in which they are incorporated.

Can you provide a Certificate of Good Standing (or its legal equivalent) from the State in which your organization is incorporated?

**Yes**                       **No** (explain below )

*Note: You will be asked to provide this at a later date if your project is selected for further consideration.*

3. New non-profit organization applicants must provide their Articles of Incorporation and By-Laws. Current non-profit organization applicants also must provide their Articles of Incorporation or By-Laws if either has been amended, or a statement certifying that there has been no change in the organization's Articles of Incorporation or By-Laws.

Can you provide this?    **Yes**                       **No** (explain below )

*Note: You will be asked to provide this at a later date if your project is selected for further consideration.*

4. Will you be able to provide a resolution passed by (or a letter signed by) an authorized representative of a general purpose political subdivision of a State (e.g., local government entity), acknowledging that the applicant is acting in cooperation with officials of the political subdivision? EDA may waive this requirement for certain projects of significant regional or national scope. (See 13 C.F.R. § 301.2(b).)

**Yes**                       **No** (explain below)

*Note: You will be asked to provide this at a later date if your project is selected for further consideration.*

5. If you are applying for a construction or RLF investment, you must afford the appropriate general purpose governmental authority a minimum of 15 days to review and comment on the proposed project. (See 13 C.F.R. § 302.9(a).) *Note: You will be asked to provide this at a later date if your project is selected for further consideration.*

Will you be able to provide these comments?

- Yes**
- No**, this is not applicable because I am not applying for a construction or RLF investment.
- No**, for another reason (explain).

## SECTION E - BUDGETING AND STAFFING SUPPLEMENT: TO BE COMPLETED BY APPLICANTS FOR NON-CONSTRUCTION ASSISTANCE ONLY

1. Explain the proposed use of any amounts budgeted for "Equipment," "Contractual," or "Other," if any, on Form SF-424A, 'Budget Information - Non-Construction Programs.'

2. Explain the types of indirect costs, if any, on Form SF-424A.

*Note: A completed Indirect Cost Rate Agreement or other documentation applicable to an indirect cost rate determination will be requested if EDA selects the project for further consideration.*

3. Identify key applicant staff who will undertake and complete project activities. Include a description of the knowledge, organizational experience, and expertise of individual staff members. In addition, explain how organizational resources will be used to complete project activities. For National Technical Assistance, Training and Research and Evaluation projects, specify which positions will be charged to the federal and non-federal portion of the project budget.

## SECTION F - TO BE COMPLETED BY APPLICANTS FOR PARTNERSHIP PLANNING ASSISTANCE ONLY

1. Explain how the proposed scope of work will develop, implement, revise, or replace a Comprehensive Economic Development Strategy (CEDS) for the region and be part of a continuous planning process. The CEDS must comply with EDA's requirements. (See 13 C.F.R. § 303.7.)

2. Provide a list of the applicant's Strategy Committee members. The Strategy Committee must represent the main economic interests of the region and must include private sector representatives as a majority. In addition, the Committee should include public officials, community leaders, representatives of workforce development boards, institutions of higher education, minority and labor groups, and private individuals. A State or Indian tribal planning organization should contact the appropriate EDA Regional Office if it needs to vary the composition of its Committee. (See 13 C.F.R. §§ 303.2 and 303.6(a).)





3. If the proposed project is for the development of a CEDS, explain how the State CEDS will incorporate existing local CEDS, as well as input from other State agencies, local governments, and District Organizations.

## **SECTION I - TO BE COMPLETED BY APPLICANTS FOR LOCAL OR NATIONAL TECHNICAL ASSISTANCE ONLY**

1. Describe how the proposed project will strengthen the capacity of local, State, or national organizations and institutions to undertake and promote effective economic development programs targeted to regions of economic distress.

2. Describe whether and how the proposed project will benefit distressed regions.

3. Describe any innovative approaches that will be used to stimulate economic development in distressed regions.

4. If applicable, describe how the proposed project is consistent with an EDA-approved CEDS for the region in which the project will be located. (See 13 C.F.R. § 306.2.)

## **SECTION J - TO BE COMPLETED BY APPLICANTS FOR UNIVERSITY CENTER PROGRAM ASSISTANCE ONLY**

1. Explain how the proposed project will address the economic development needs, issues, and opportunities of the region and benefit distressed areas of the region.

2. Describe how the proposed project will provide services that are unique and maximize coordination with other organizations in the region.

3. Discuss how the proposed project activities are consistent with the expertise, programs, and other available resources of the sponsoring institution.

4. Describe the commitment and support (both financial and non-financial) for the proposed project by the sponsoring institution's senior level management.

5. Describe the sponsoring institution's past experience in administering technical assistance programs. (See 13 C.F.R. § 306.5.)

## **SECTION K - TO BE COMPLETED BY APPLICANTS FOR ECONOMIC ADJUSTMENT ASSISTANCE ONLY**

*Note: You are not required to complete this section if you are applying for a "Strategy Grant" under 13 C.F.R § 307.3.*

1. Explain how the proposed project will assist in overcoming major obstacles already identified in a CEDS (or other strategic planning document), expand the capacity of public officials and economic development organizations to work effectively with employers, enable the region to plan and coordinate the use of available resources to support economic recovery and the development of a regional economy, and/or develop innovative approaches to economic revitalization in the region.

2. Explain how the proposed project will help the region meet a "Special Need". (See 13 C.F.R. §§ 300.3 and 307.2(b).)

## **SECTION L - TO BE COMPLETED BY APPLICANTS FOR REVOLVING LOAN FUND (RLF) ASSISTANCE ONLY**

1. Explain the need for a new or expanded public financing tool to enhance other business assistance programs and services targeting economic sectors described in the CEDS (or alternate EDA-approved plan or economic development strategy) for the region.

Note: A strategy other than a CEDS must be approved by EDA.

2. Explain the types of financing activities anticipated.

3. Describe the capacity of the RLF organization to manage lending activities, create networks between the business community and other financial providers, and implement the CEDS (or alternate EDA approved plan or strategy). (See 13 C.F.R. § 307.4.(c)(2)).

*If EDA determines that your project merits further consideration, you will be asked to provide a Revolving Loan Fund Plan. This Plan must comply with EDA's RLF Plan requirements set forth in 13 C.F.R. § 307.9. Also, please note that you will be asked to provide a copy of the CEDS or alternate EDA-approved economic development plan or strategy for your region at a later date if your project is selected by EDA for further consideration.*

## SECTION M - TO BE COMPLETED BY CONSTRUCTION ASSISTANCE APPLICANTS ONLY

### M.1. Metropolitan Area Review

- a. Projects involving the development of hospitals, airports, libraries, water supply and distribution facilities, sewage and waste treatment works, highways, transportation facilities, water development, or land conservation within a metropolitan statistical area (MSA), require comments from the metropolitan area clearinghouse/agency. Does the proposed project involve any of the above identified developments within an MSA?

**Yes**

**No**

- b. If **Yes**, please indicate which of the following you will be able to provide:

Comments from the responsible metropolitan area clearinghouse/agency and a statement that such comments have been considered; or

An explanation as to why comments are not available; or

A statement indicating the date the application was made available to the appropriate metropolitan area clearinghouse/agency and units of general local government for review and certifying that the application has been before the metropolitan area clearinghouse/agency for a period of 60 days without comments or recommendations.

## M.2. District Organization Project Administration

Will the District Organization for the region in which the project will be located administer the project for the applicant?  **Yes**  **No**

If **Yes**, you must certify to all of the following and indicate your certification by checking each box:

- The administration of the project is beyond the capacity of the applicant's current staff and would require hiring additional staff or contracting for such services;
- No local organization/ business exists that could administer the project in a more efficient or cost-effective manner than the District Organization; and
- The District Organization will administer the project without subcontracting the work.

If the project will be administered by the District Organization and you did not certify to all of the above, explain below.

## M.3. Engineering Report

An engineering report must be submitted **if EDA selects the project for further consideration** and must include (at a minimum) the following information:

1. A statement of project components. Indicate if the proposed project involves the construction of a new facility or facilities or the enlargement, expansion, renovation, or replacement of an existing facility or facilities. Describe the existing facility and proposed project components in terms of dimensions, capacities, quantities, etc.
2. Clear copies of sketches or schematics showing the general layout and location of the project components.
3. A feasibility analysis. Include a review of existing conditions. Discuss any potential problems that might delay construction and affect project components.
4. A proposed method of construction. Indicate whether the project will be constructed by competitive bid, single contract, or multiple contracts. Indicate if any portion of the construction work is proposed to be done by design/build, construction management at risk, or by the applicant's own forces.
5. An estimate of useful life of the facility and an explanation of basis on which it is determined.
6. A current detailed construction cost estimate for each of project component, showing quantities, unit prices, and total costs.
7. A list of all permits required for the proposed project and the status of each permit.
8. An estimate of the number of months for each of the following: (i) design period, (ii) solicitation of bids and awarding of contracts, and (iii) construction period.

Will you be able to provide this information?  **Yes**  **No** (explain below)

*Note: If this information is available at this time, you may submit it as an electronic attachment through [www.Grants.gov](http://www.Grants.gov) or in hardcopy.*

#### M.4. Title Requirements

- a. Does the applicant currently hold title to all project facilities, underlying land, necessary easements, and rights-of-way required for the project?

**Yes** (go to question M.4(d))     **No** (explain below)

- b. If **No**, does the applicant plan to obtain title?

**Yes**

How and when will the applicant obtain title? (After answering this, go to question M.4(d))

**No**

Please explain why not (and answer question M.4(c))

- c. If you indicated that the applicant does not currently have title and does not intend to obtain title, does the applicant hold a long-term lease or hold interest in project property for a period not less than the estimated useful life of the project?

**Yes**                                     **No**

If **No**, Please explain below why EDA should not require the applicant to have title to or a long-term leasehold interest in the property.

- d. Describe any required State permits, easements, rights-of-way or leases necessary to construct, operate, and maintain the project.

- e. Describe any liens, mortgages, other encumbrances, reservations, reversionary interests or other restrictions on the applicant's interest in the property.

- f. Is the project located on a military or Department of Energy installation that is closed or scheduled for closure or realignment?

**Yes**                                     **No**

- g. Does the project involve construction within a railroad's right-of-way or over a railroad crossing?

**Yes** (explain below)     **No**

- h. Does the project include construction of a highway owned by a State or local government (other than the applicant)?
- Yes** (explain below)       **No**

### M.5. Sale or Lease

- a. Does the applicant intend to sell, lease, transfer, dedicate or otherwise convey any interest in the project facilities, underlying land, or any land improved with EDA investment assistance?       **Yes** (explain below)       **No**

- b. Is the purpose of the project to construct facilities to serve industrial or commercial parks or sites owned by the applicant for sale or lease to private parties?
- Yes**                                       **No**

If **Yes**, identify the owners of the acreage, provide an estimate of the number of acres benefiting from the proposed investment **and** explain how EDA's requirements will continue to be met after any sale or lease.

*Note: If EDA determines the project merits further consideration, the applicant will be asked to provide documentation that EDA's requirements will continue to be met after the sale or lease.*

- c. Is the purpose of the project to construct facilities to serve privately-owned industrial or commercial parks or sites for sale or lease?
- Yes**                                       **No**

If **Yes**, identify the owners of the acreage, provide an estimate of the number of acres benefiting from the proposed investment, and explain below how EDA's requirements will continue to be met after the sale or lease. Note that EDA may require evidence that the private party has title to the park or site prior to such sale or lease and condition the award of investment assistance upon assurances given by the private party that EDA determines are necessary to ensure consistency with the project purpose(s). (See 13 C.F.R. § 314.7.)

- d. For privately-owned land, is the private owner willing to enter into an agreement to limit the sale price of the improved land to its fair market value before the improvements for a reasonable period of time?
- Yes** (explain below)       **No**                                       **Not applicable** (no private owners)

e. Is the purpose of the project to construct, renovate or purchase a building?

- Yes** (explain below)     **No** (go to M.6)

f. Will the building be leased in whole or in part?

- Yes** (explain below)     **No**

g. Is the purpose of the building to provide incubator space to new companies?

- Yes** (explain below)     **No**

h. Will there be limitations on the length of the lease term?

- Yes** (explain below)     **No**

i. Is the purpose of the project to provide building space to a single user or multiple users?  
In either case, explain below the terms of the proposed lease.

## **M.6. Ownership, Operation, Maintenance and Management**

a. Briefly describe plans for the ownership, operation, maintenance and management of all project facilities, including any land, improved land, structures, appurtenances thereto, other improvements, or personal property.

*Note: You will be asked to provide a legal opinion verifying your answers to these questions if EDA selects the project for further consideration.*

b. Will real property or project facilities to be acquired or improved with EDA investment assistance be owned, operated, or maintained by an entity other than the applicant?  
(See 13 C.F.R. § 314.7.)     **Yes** (explain below)     **No**



- c. Will real property or project facilities to be acquired or improved with EDA investment assistance, including any industrial or commercial park acreage, be mortgaged or used to collateralize any type of financing, including but not limited to bonds or tax credits, or is any real property to be used for the project currently mortgaged or being used as collateral?
- Yes** (explain below)       **No**

- d. Will the applicant provide EDA a security interest or other statement of EDA's interest in the real property or in significant items of tangible personal property acquired or improved with EDA investment assistance? (See 13 C.F.R. §§ 314.8 and 314.9.)
- Yes**       **No** (explain below)

- e. Is (or was) any real property to be acquired or improved with the proposed EDA investment assistance subject to eminent domain proceedings or the threat of such proceedings?
- Yes** (explain below)       **No**

- f. Does the project include the acquisition or improvement of significant items of tangible personal property (i.e., items that are moveable and not permanently attached to the land, such as business equipment, furniture or vehicles)?
- Yes** (explain below)       **No**

### **M.7. Calculation of Estimated Relocation and Land Acquisition Expenses**

All applicants must complete the "Calculation of Estimated Relocation and Land Acquisition Expenses" form, and enter the estimated total for "costs incidental to land acquisition" (line item 1) on line item 3 ("relocation expenses and payments") of **Form SF-424C**, 'Budget Information - Construction Programs.' This is separate from the estimated purchase price of the property.

- a. Are relocation expenses part of the proposed project's EDA budget?
- Yes**       **No**
- b. Will the proposed project cause the displacement of individuals, families, businesses or farms?
- Yes**       **No**

If **Yes**, explain how relocation procedures will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1990 (13 C.F.R. § 302.5 ; see Certification #11 on Form SF-424D, 'Assurances - Construction Programs, for an explanation of this requirement.)

## M.8. Environmental Requirements

- a. Provide a brief physical description of the project site, noting topography, vegetation, bodies of water, and location and condition of any man-made structures or buildings. If available, provide a Geographic Information System (GIS) analysis of the sensitive environmental areas, including contaminated sites, archeological sites, properties or sites listed on the National Register of Historic Places, and wetlands that are within a two-mile radius of the project site.

- b. Will the project be located in or adjacent to a floodplain or wetland area?

**Yes** (explain)

**No**

- c. Will the project be located in or adjacent to an area with known hazardous or toxic contamination?

**Yes** (explain)

**No**

- d. Will there be any toxic or hazardous waste or asbestos removal associated with the project?

**Yes** (explain)

**No**

- e. Will the project impact any archeological sites, buildings or structures older than 50 years, or any properties listed or eligible for listing on the National Register of Historic Places?

**Yes** (explain)

**No**

*Note: If EDA determines that the applicant's project merits further consideration, the applicant will be required to submit materials to the appropriate State Historic Preservation Officer (SHPO). Regardless of whether the applicant believes historic or archaeological artifacts are present, the applicant will be required to provide the SHPO with: (i) a narrative description of the project's elements and its location; (ii) a map of the area surrounding the project that identifies the project site, adjacent streets, and other identifiable objects; (iii) line drawings or sketches of the project; and (iv) photographs of the affected properties if building demolition or renovation is involved. Please note that the clearance process can be lengthy. When submitting this material to the SHPO, the applicant must request that the SHPO submit comments on the proposed project to the EDA Regional Office processing the application. If the applicant has already received comments from the SHPO, please provide as an electronic attachment through [www.Grants.gov](http://www.Grants.gov) or in hardcopy.*

f. Will this project result in any other adverse environmental impacts that could affect endangered or threatened species, scenic rivers, or other sensitive ecological habitats?

**Yes** (explain)

**No**

g. Has an environmental impact statement or other similar analysis been completed for this proposed project or for other activities in the region?

**Yes** (explain)

**No**

Federal agencies are required by law to assess the expected environmental impacts associated with proposed federal actions.

**IF EDA SELECTS THE PROJECT FOR FURTHER CONSIDERATION**, EDA may request additional information to obtain an understanding of the current environmental conditions and the project elements that will affect the environment.

It is important to understand the comprehensive nature of the information required to complete an environmental review in accordance with the National Environmental Policy Act (NEPA). Information must be provided for the: (i) site(s) where the proposed project facilities will be constructed and the surrounding areas affected by its operation; and (ii) areas to be affected by any primary beneficiaries of the project. The information submitted must be sufficient to evaluate all reasonable alternatives to the proposed project and the direct and indirect environmental impacts of the project, as well as the cumulative impacts on the environment as defined in the regulations for implementing the procedural provisions of NEPA (see 40 C.F.R. parts 1500-1508). The level of detail should be commensurate with the complexity and size of the project and the magnitude of the expected impact. Previously completed environmental impact documentation (assessments, impact statements, etc.) for activities in the region in which the proposed project will be located may be used as documentation.

h. Will you be able to provide the above information?  **Yes**  **No** (explain below)

*Note: If EDA selects the project for further consideration, the template for the environmental narrative that the applicant will be required to submit is available at [\[link\]](#). If you currently have this information, you may submit it as an electronic attachment through [www.Grants.gov](http://www.Grants.gov) or in hardcopy.*

## SECTION N - TO BE COMPLETED BY APPLICANTS FOR DESIGN AND ENGINEERING ASSISTANCE ONLY

When the primary purpose of the EDA investment is to accomplish **only** the design and engineering work required for the construction of a complex or environmentally sensitive public works or development facility project, the following information must be provided. **Note: EDA will award grants for design and engineering work only when there is a reasonable expectation that construction of the project can and will begin soon after the completion of design and engineering. EDA's funding of the project for design and engineering work does not in any way obligate EDA to fund construction of the project.** (See 13 C.F.R. § 305.4.)

1. Provide a description of the components of the project for which the design and engineering work will be accomplished.

2. Explain the reasons why such work needs to be accomplished separately from the project's construction phase. For example, describe the highly specialized features or complex or environmentally-sensitive nature of the project such that design and engineering work must be completed to determine the project's feasibility or to ensure that all required permits and approvals by State or federal regulatory authorities (e.g., the Environmental Protection Agency) can be obtained in the most effective and efficient manner possible.

3. Provide a statement regarding the proposed method of financing and funding sources that will be used to finance the construction of the project upon completion of the design and engineering work, including commitments made, if any, for the project's permanent financing and the likelihood that EDA or another federal assistance agency will be requested to provide funds for the construction of the project. *Note: EDA cannot make a commitment against a future fiscal year's appropriation.*

4. Provide an estimate of how many months will be required after the design and engineering work is completed for the project's construction phase to begin. *Note: Even if the proposed project can be constructed in phases, the design and engineering work must be completed before construction can begin.*

**Exhibit A.**

<b>ASSURANCES OF COMPLIANCE</b> <b>With Civil Rights and Other Legal Requirements</b> (To Be Executed by "Other Parties")	
"Other Party" is herein defined as an entity that creates and/or saves (or intends to create/and or save) 15 or more permanent jobs as a result of the Economic Development Assistance (EDA ) investment assistance, provided that such entity is also either specifically named in the application as benefiting from the project or is or will be located in a building, port, facility, or industrial, commercial, or business park constructed or improved in whole or in part with EDA investment assistance prior to EDA's final disbursement of funds. See 13 C.F.R. § 302.20.	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Applicant's Name:	"Other Party" Name:
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Address:	Phone Number:
<p>The obligations incurred under this form apply only to the building, port, facility, or industrial, commercial or business park constructed or improved in whole or in part with investment assistance from the EDA. This form must be executed by an "Other Party" who satisfies the following conditions:</p> <p><input type="checkbox"/> The "Other Party" will (or intends to) create and/or save fifteen (15) or more permanent jobs (estimated number of jobs <input style="width: 40px;" type="text"/>) as a result of the EDA investment assistance; <u>and</u> (check applicable section below)</p> <p><input type="checkbox"/> (a) is specifically named in the application for EDA investment assistance as benefiting from the project; or</p> <p><input type="checkbox"/> (b) is or will be located in a building, port, facility, or industrial, commercial or business park constructed or improved in whole or in part with EDA investment assistance before EDA has made its final disbursement of EDA funds.</p>	
<b>ASSURANCES OF COMPLIANCE WITH THE U.S. DEPARTMENT OF COMMERCE AND EDA REGULATIONS (13 C.F.R. § 302.20) UNDER SECTION 601 OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 112 OF PUBLIC LAW 92-65, TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, SECTION 504 OF THE REHABILITATION ACT OF 1973, AND THE AGE DISCRIMINATION ACT OF 1975, ALL AS AMENDED.</b>	
The "Other Party" assures that it will comply with Section 601 of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d <i>et seq.</i> ), and the U.S. Department of Commerce's implementing regulations found at 15 C.F.R. part 8, and any amendments thereto.	
The "Other Party" agrees to comply with the provisions of Section 112 of Public Law 92-65 (42 U.S.C. 3123) and 42 U.S.C. 6709, and the U.S. Department of Commerce's implementing regulations found at 15 C.F.R. §§ 8.7-8.15, and any amendments thereto.	
The "Other Party" agrees to comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the U.S. Department of Commerce's implementing regulations found at 15 C.F.R. part 8b; Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 <i>et seq.</i> ); the Age Discrimination Act of 1975	

(42 U.S.C. 6101 *et seq.*) and the U.S. Department of Commerce's implementing regulations found at 15 C.F.R. part 20, and the non-discrimination on the basis of age regulations found at 45 C.F.R. part 90.

Such requirements hold that no person in the United States shall on the ground of race, color, national origin, sex, handicap, or age be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity for which federal financial assistance has been extended.

In accordance with these assurances and without limiting the above, the "Other Party" agrees that these assurances shall be binding upon it and any grantees, assignees, transferees, lessees, and successors in interest. These assurances shall also be binding through any modification or amendment to the financial assistance award or to the project.

The "Other Party" acknowledges that it is aware that if there appears to be a failure or threatened failure to comply with these assurances and the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance may be effected by the suspension or termination of, or refusal to grant or to continue, federal financial assistance or by any other means authorized by law.

### NOTICE

This form must be executed by an official authorized to make the aforementioned assurances, with full authority to bind the "Other Party" identified herein. If the "Other Party" is a corporation, this form must be executed by a corporate officer or person so authorized to make such assurances, and the title block must clearly indicate such authority. Assurance forms executed by employees other than corporate officers will not be accepted unless they are accompanied by a separate certification signed by a corporate officer or corporate counsel stating that the assurator has full authority to legally bind the "Other Party" identified below. In the case of an individual executing this assurance form as a sole owner, the sole owner's title must be indicated. For circumstances other than those discussed herein, contact the EDA Regional Office for instructions.

### ACCEPTANCE OF ASSURANCES OF COMPLIANCE

These assurances are made binding for:

<input type="text"/>	<input type="text"/>
Name of "Other Party":	Address:
<input type="text"/>	
Telephone Number:	
<input type="text"/>	<input type="text"/>
By:	*(Title of Corporate Officer)
<input type="text"/>	<input type="text"/>
(Signature of Official)	(Date)

\* If the person signing this form is not a corporate officer, the company's corporate officer or corporate counsel must certify in writing that the signatory is authorized to legally bind the company. Such written certification should be included as an electronic through [www.Grants.gov](http://www.Grants.gov) or in hardcopy.

### --WARNING--

False statements or representations made in connection with the "ASSURANCES OF COMPLIANCE" are a violation of federal law punishable by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both (see 42 U.S.C. 3220; 18 U.S.C. 1001).

**ASSURANCES - CONSTRUCTION PROGRAMS**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.



11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

**ASSURANCES - NON-CONSTRUCTION PROGRAMS**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee - 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

## EDA NATIONAL TECHNICAL ASSISTANCE, TRAINING, AND RESEARCH AND EVALUATION INVESTMENTS ADDITIONAL ASSURANCES

As a duly authorized representative of the applicant, I further certify that the applicant:

1. Will comply with applicable regulations regarding indirect cost rates, if indirect costs are included in the application.
2. Will comply with the requirement that this investment assistance will not provide a proprietary benefit to a private individual, for-profit corporation, or other commercial entity.
3. Understands that attorneys' or consultants' fees, whether direct or indirect, expended for securing or obtaining EDA investment assistance are not eligible costs. See 13 C.F.R. § 302.10(a).
4. Understands that conflicts of interest or appearances of conflicts of interest are prohibited and may jeopardize this application or result in the forfeiture of investment funds. A conflict of interest occurs, for example, where a representative, official, employee, architect, attorney, engineer, or inspector of the applicant, or a representative or official of the federal, State or local government, has a direct or indirect financial interest in the acquisition or furnishing of any materials, equipment, or services to or in connection with the project. See 13 C.F.R. § 302.17.
5. Will comply with the reporting requirements under the Government Performance and Results Act (GPRA) of 1993 for measuring and reporting project performance.

Signature of Authorized Certifying Official	Title
Applicant Organization	Date

**Exhibit E.**

FORM CD-511  
(REV 1-05)

U.S. DEPARTMENT OF COMMERCE

**CERTIFICATION REGARDING LOBBYING**

Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 15 CFR Part 28, "New Restrictions on Lobbying." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Commerce determines to award the covered transaction, grant, or cooperative agreement.

**LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 15 CFR Part 28, for persons entering into a grant, cooperative agreement or contract over \$100,000 or a loan or loan guarantee over \$150,000 as defined at 15 CFR Part 28, Sections 28.105 and 28.110, the applicant certifies that to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

**Statement for Loan Guarantees and Loan Insurance**  
The undersigned states, to the best of his or her knowledge and belief, that:

In any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required state-ment shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

**As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above applicable certification.**

NAME OF APPLICANT

AWARD NUMBER AND/OR PROJECT NAME

PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

SIGNATURE

DATE

## EDA CAPACITY BUILDING INVESTMENTS ADDITIONAL ASSURANCES

As a duly authorized representative of the applicant, I further certify that the applicant:

1. Will comply with applicable regulations regarding indirect cost rates, if indirect costs are included in the application.
2. Will comply with the requirement that this investment assistance will not provide a proprietary benefit to a private individual, a for-profit corporation or other commercial entity.
3. Understands that attorneys' or consultants' fees, whether direct or indirect, expended for securing or obtaining EDA investment assistance are not eligible costs. See 13 C.F.R. § 302.10(a).
4. Understands that conflicts of interest or appearances of conflicts of interest are prohibited and may jeopardize this application, or result in the forfeiture of investment funds. A conflict of interest occurs, for example, where a representative, official, employee, architect, attorney, engineer or inspector of the applicant, or a representative or official of the federal, State or local government, has a direct or indirect financial interest in the acquisition or furnishing of any materials, equipment or services to or in connection with the project. See 13 C.F.R. § 302.17.
5. Will comply with the reporting requirements under the Government Performance and Results Act (GPRA) of 1993 for measuring and reporting project performance.

Signature of Authorized Certifying Official	Title
Applicant Organization	Date Submitted

## EDA CONSTRUCTION INVESTMENTS ADDITIONAL ASSURANCES

As a duly authorized representative of the applicant, I further certify that the applicant:

1. Will operate and maintain the facility in accordance with at least the minimum standards as may be required or prescribed by applicable federal, State and local agencies for the maintenance and operation of such facilities.
2. Will require the facility to be designed to comply with the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. 12101 *et seq.*), the Architectural Barriers Act of 1968 (42 U.S.C. 4151 *et seq.*) and the Accessibility Guidelines for Buildings and Facilities regulations, as amended (36 CFR part 1191), and will be responsible for conducting inspections to insure compliance with these requirements.
3. For the two-year period beginning on the date EDA investment assistance is awarded, will refrain from employing, offering any office or employment to, or retaining for professional services any person who, on the date on which the investment assistance is awarded or within the one-year (1) period ending on that date, served as an officer, attorney, agent or employee of the Department of Commerce and occupied a position or engaged in activities that EDA determines involved discretion with respect to the award of investment assistance under PWEDA. See section 606 of PWEDA and 13 C.F.R. §302.10(b).
4. Will have no facilities under ownership, lease or supervision to be utilized in this project that are listed or under consideration for listing on EPA's List of Violating Facilities.
5. Will comply with Executive Order 12699, "Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction," which imposes requirements that federally-assisted facilities be designed and constructed in accordance with the most current local building codes determined by the awarding agency or by the Interagency Committee for Seismic Safety in Construction (ICSSC) and the most recent edition of the American National Standards Institute Standards A58, Minimum Design Loads for Buildings and Other Structures.
6. Will observe and comply with federal procurement rules, as set forth in 15 CFR parts 14 or 24, as applicable, for award of any contracts for architectural engineering, grant administration services, or construction financed with EDA investment assistance.
7. Understands that attorneys' or consultants' fees, whether direct or indirect, expended for securing or obtaining EDA investment assistance are not eligible costs. See 13 C.F.R. § 302.10(a).
8. Understands that conflicts of interest or appearances of conflicts of interest are prohibited and may jeopardize this application, or result in the forfeiture of investment funds. A conflict of interest occurs, for example, where a representative, official, employee, architect, attorney, engineer or inspector of the applicant, or a representative or official of the Federal, State or local government, has a direct or indirect financial interest in the acquisition or furnishing of any materials, equipment or services to or in connection with the project. See 13 C.F.R. § 302.17.
9. Will comply with the reporting requirements under the Government Performance and Results Act of 1993 (GPRA) for measuring and reporting project performance.

Signature of Authorized Certifying Official	Title
Applicant Organization	Date