

March 7, 2011

**SECOND AMENDED ANNOUNCEMENT
OF FEDERAL FUNDING OPPORTUNITY
FOR THE
NIST CONSTRUCTION GRANT PROGRAM**

SUMMARY OF AMENDMENT

Background

On January 25, 2011, the National Institute of Standards and Technology (NIST) posted an Announcement of Federal Funding Opportunity (FFO) (2011-NIST-NCGP-01) on Grants.gov and on the NIST Construction Grant Program (NCGP) Web site (http://www.nist.gov/director/ncgp/fy11_comp.cfm) announcing the solicitation of NIST-1102s, Letter of Intent, and corresponding full proposals for the fiscal year 2011 NCGP competition. On February 15, 2011, NIST amended the FFO to correct a formatting error and to change an agency contact.

Description of the Second Amendment to the FFO

As set forth herein, NIST is issuing a second amendment to the FFO to:

1. Revise the due date for submission of a corresponding full proposal in the Dates section of the Executive Summary on page 3¹ and in Section IV.3.b. on page 11 from 3 p.m. Eastern Time on March 24, 2011 to **3 p.m. Eastern time on Wednesday, April 6, 2011**;
2. Revise the review, selection, and grant award processing expected completion date in the Dates section of the Executive Summary on page 3 from August 2011 to **September 2011**.
3. Revise the earliest anticipated start date for awards in the Dates section of the Executive Summary on page 3, in Section II. on page 5, and in Section III.3.b. on page 6 from October 1, 2011 to **November 1, 2011**;
4. Revise the earliest date that an applicant may propose for a project start date in Section II. on page 5 and in Section III.3.b. on page 6 from October 1, 2011 to **November 1, 2011**; and to
5. Revise the review and selection process for corresponding full proposals in Section V.3.b. on page 18 as set forth below:
 - b. **Corresponding Full Proposal.** An initial administrative review of timely received corresponding full proposals will be conducted to determine eligibility, completeness, and responsiveness. Corresponding full proposals that are ineligible, incomplete, and/or nonresponsive will be eliminated from further review.

Each of the eligible, complete, and responsive corresponding full proposals will receive a minimum of three independent, objective reviews using the scientific and technical merit evaluation criterion set forth in Section V.1.a. of this FFO, which will include written evaluations and numerical scores. The twenty (20) proposals receiving the highest average scientific and technical merit evaluation scores will receive a second round of written evaluation and numerical

¹ All page number references are to the full text of the Amended FFO, including the revisions being made herein.

scoring by a minimum of two independent, objective reviewers using the quality of design of the research science building/facility and the adequacy of the detailed Project Management Plan (PMP) evaluation criteria in Sections V.1.b. and V.1.c. of this FFO, respectively. In the event that multiple proposals receive the same scientific and technical merit scores which results in more than 20 proposals with the highest average scores, all such proposals will move forward to the second round of evaluation. Those proposals that do not score high enough on the scientific and technical merit evaluation to move forward to the second round of evaluation will be eliminated from further funding consideration. The scientific and technical merit reviews will be performed by full-time Federal employees. Reviews evaluating the proposal's quality of design of the research science building/facility and the adequacy of the detailed PMP may be conducted by either, or a combination of, full-time Federal employees or Federal contractor engineers or architects. No consensus advice will be given by any of the reviewers in either round of evaluations.

A preliminary rank order will be prepared only for those proposals receiving both rounds of evaluation by combining (*i.e.*, adding together) the proposal's average score for each of the two evaluation rounds. An Evaluation Board, a committee comprised of Federal employees, will consider corresponding full proposals in the preliminary rank order along with the reviewers' written evaluations based on the evaluation criteria. The Evaluation Board will prepare a final numerical ranking of the proposals for the Selecting Official for further consideration. In making final selections, the Selecting Official, who is the Chief Facilities Management Officer at NIST, will select funding recipients based upon the Evaluation Board's rank order of the corresponding full proposals and the selection factors. The selection of corresponding full proposals by the Selecting Official is final. NIST reserves the right to negotiate the budget cost and scope of the proposed work with the applicants that have been selected to receive awards. This may include requesting that the applicant delete from the scope of work a particular cost and/or task that is deemed by NIST to be inappropriate for support (or of a lower priority compared with competing uses of funds) against the evaluation criteria or selection factors. Failure of an applicant to cooperate with and provide information to NIST to identify feasible measures to reduce or avoid identified adverse environmental impacts of its proposed project may result in the applicant not receiving an award (*see* Section VI.2.d., National Environmental Policy Act, of this FFO). NIST also reserves the right to reject a corresponding full proposal where information is uncovered that raises a reasonable doubt as to the responsibility of the applicant. The final approval of selected corresponding full proposals and award of grants will be made by the NIST Grants Officer. The award decision of the NIST Grants Officer is final.

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No other revisions are being made by this amendment. The full text of the Amended FFO, including the revisions being made herein, is set forth below.

**SECOND AMENDED ANNOUNCEMENT
OF FEDERAL FUNDING OPPORTUNITY
FOR THE
NIST CONSTRUCTION GRANT PROGRAM**

EXECUTIVE SUMMARY

- **Federal Agency Name:** National Institute of Standards and Technology (NIST), United States Department of Commerce (DoC)
- **Funding Opportunity Title:** NIST Construction Grant Program (NCGP)
- **Announcement Type:** Amendment (Second)
- **Funding Opportunity Number:** 2011-NIST-NCGP-01
- **Catalog of Federal Domestic Assistance (CFDA) Number:** 11.618, National Institute of Standards and Technology Construction Grant Program
- **Dates:** A NIST-1102, Letter of Intent, is required and must be received by NIST no later than 3 p.m. Eastern Time, Thursday, February 24, 2011. The corresponding full proposal must be received by NIST no later than 3 p.m. Eastern Time, Wednesday, April 6, 2011. A full proposal may not be submitted unless NIST has received the required NIST-1102, Letter of Intent, by the deadline and the applicant has received an acknowledgement letter from NIST. If a full proposal is submitted to NIST from an applicant who did not submit the required NIST-1102, Letter of Intent, for their full proposal or who did not receive an acknowledgment letter from NIST, the full proposal will be rejected and returned to the applicant without review. The review, selection, and grant award processing is expected to be completed in September 2011. The earliest anticipated start date for awards made under this Announcement of Federal Funding Opportunity (FFO) is November 1, 2011.
- **Proposal Submission Address:**

NIST-1102, Letter of Intent, must be submitted in paper format and must be sent to:

Ms. Anneke Tingle
National Institute of Standards and Technology
Grants Management Office
100 Bureau Drive, Stop 1002
Gaithersburg, MD 20899-1002

Phone: 301-975-5060

Corresponding full proposals may be submitted in paper format or electronically to:

- Paper Submission: Ms. Anneke Tingle
National Institute of Standards and Technology
Grants Management Office
100 Bureau Drive, Stop 1002

Gaithersburg, MD 20899-1002

Phone: 301-975-5060

- Electronic submission: www.grants.gov

NIST will not accept submissions of NIST-1102s, Letter of Intent, or corresponding full proposals via facsimile or e-mail.

- **Funding Opportunity Description:** The National Institute of Standards and Technology (NIST), United States (U.S.) Department of Commerce (DoC), is soliciting grant proposals for the construction of new research science buildings or for the expansion of existing buildings to increase the space currently available for supported scientific research activities.
- **Total Amount to be Awarded:** Approximately \$20 million may be available to fund new grants under the NCGP.
- **Anticipated Amounts:** NIST anticipates funding 2-4 projects with Federal shares in the \$5 million - \$10 million range with a project period of performance of up to five (5) years, although there is an expectation that most of the projects will be completed prior to five (5) years.
- **Funding Instrument:** Grant
- **Who Is Eligible:** U.S. institutions of higher education and U.S. non-profit science research organizations are eligible to apply for awards under NCGP.
- **Cost Sharing Requirements:** The NCGP requires a non-Federal cost share of at least 20 percent of the yearly total allowable project costs.
- **Limitation on the Number of NIST-1102s, Letter of Intent, and Corresponding Full Proposals Each Applicant May Submit, and Limitation on NCGP Funding:** Each applicant organization may submit only two (2) NIST-1102s, Letter of Intent, and two (2) corresponding full proposals in response to this solicitation. If more than two (2) NIST-1102s, Letter of Intent, and/or corresponding full proposals are received from the same applicant organization, all will be rejected and returned without review. Although each applicant organization may submit two (2) corresponding full proposals, only one (1) corresponding full proposal from each applicant organization may be funded.

FULL ANNOUNCEMENT TEXT

I. Funding Opportunity Description

The National Institute of Standards and Technology (NIST) announces that it is holding a Fiscal Year (FY) 2011 NIST Construction Grant Program (NCGP or Program) competition for eligible U.S. institutions of higher education or U.S. non-profit science research organizations. NIST publishes this Announcement of Federal Funding Opportunity (FFO) to set forth the program goals and objectives, and to solicit NIST-1102s, Letter of Intent, and corresponding full proposals for the NCGP. The statutory authority for the NCGP is the S. Amend. to H.R. 3081, "Continuing Appropriations Act, 2011," Public Law 111-242, as amended, or successor continuing resolution or appropriation.

The goals and objectives of the NCGP are to provide competitively awarded grant funds for research science buildings through the construction of new buildings or through the expansion of existing buildings. For purposes of this Program, “research science building” means a building or facility whose purpose is for the conduct of scientific research, including laboratories, test facilities, measurement facilities, research computing facilities, and observatories. In addition, “expansion of existing buildings” means that space to conduct scientific research is being expanded from what is currently available for the supported research activities.

II. Award Information

All funding is contingent upon the availability of FY 2011 Federal appropriations, which have not yet been made available for the NCGP. However, it is planned that approximately \$20 million may be available to NIST in FY 2011 to fund projects under the NCGP. NIST anticipates funding a total of 2-4 NCGP projects with Federal shares in the \$5 million - \$10 million range and with project performance periods of performance of up to five (5) years, although there is an expectation that most of the projects will be completed prior to five (5) years. The earliest anticipated start date for the grants is November 1, 2011. The project start date, therefore, must not be earlier than November 1, 2011. The project performance period depends on the construction schedule proposed.

The funding instrument that will be used for all NCGP awards is a grant.

III. Eligibility Information

1. Eligible Applicants

U.S. institutions of higher education and U.S. non-profit science research organizations are eligible to apply.

2. Cost Sharing or Matching

Non-Federal cost sharing of at least 20 percent of the yearly total allowable project costs is required. Cost sharing does not include unallowable/ineligible costs. Corresponding full proposals that do not provide for the required non-Federal cost sharing will be considered unresponsive and will not receive further review.

Non-Federal cost sharing is that portion of the project costs not borne by the Federal Government. Non-Federal cost share may consist of either, or a combination of, cash or third party in-kind contributions (*i.e.*, non-cash items such as equipment that is an integral part of the building’s structure and materials and supplies). Cash may be contributed by the applicants/grant recipient, state, county, city, or other non-Federal sources. Third party in-kind contributions may be made by any non-Federal third party (not the grant recipient) sources, *e.g.*, state, county, and/or city. The purchase of or third party in-kind contribution of land may not be used as non-Federal cost sharing. In addition, funds from other Federal financial assistance awards may not be used as non-Federal cost sharing under an NCGP award, unless authorized by statute. *See also* Section IV.5., Funding Restrictions, of this FFO.

All non-Federal cost share contributions require a letter of commitment signed by an authorized official from each source.

Any cost sharing must be in accordance with the “cost sharing or matching” provisions of 15 C.F.R. part 14, *Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations*.

As with the Federal share, any proposed costs included as non-Federal cost sharing must be an allowable/eligible cost under this Program and the following applicable Federal cost principles: 1) Institutions of Higher Education: 2 C.F.R. part 220 (OMB Circular A-21); and 2) Nonprofit Organizations: 2 C.F.R. part 230 (OMB Circular A-122).

As with the Federal share, any proposed non-Federal cost sharing will be made a part of the grant award and will be subject to audit if the project receives NCGP funding.

3. Other

- a. **Project Scope.** Proposed projects must complement the program priorities of one or more programs of DoC's three science organizations: NIST, the National Oceanic and Atmospheric Administration (NOAA), and the National Telecommunication and Information Administration (NTIA). Specifically, the program priorities of these Agencies include science related to measurements, oceans and atmosphere, and telecommunications. More information about these programs can be found on the Agencies' respective Web sites (www.nist.gov, www.noaa.gov, and www.ntia.doc.gov).

NIST-1102s, Letter of Intent, and corresponding full proposals that do not complement one of the above DoC program priorities will be considered ineligible to receive funding under this FFO. NIST-1102s, Letter of Intent, and corresponding full proposals are only required to link the proposed NCGP project to the program priorities of one of the three DoC science organizations. Corresponding full proposals that address program priorities of more than one organization are not considered to be more competitive based on that fact alone.

- b. **Project Start Date and Project Performance Period.** NIST-1102s, Letter of Intent, and corresponding full proposals must not propose a project start date earlier than November 1, 2011, and must propose an overall project performance period of no more than five (5) years, although there is an expectation that most projects will be completed prior to five (5) years.
- c. **Limitation on the Number of NIST-1102s, Letter of Intent, and Corresponding Full Proposals Each Applicant May Submit, and Limitation on NCGP Funding.** Each applicant organization may submit only two (2) NIST-1102s, Letter of Intent, in response to this solicitation, and two (2) corresponding full proposals. If more than two (2) NIST-1102s, Letter of Intent, and/or corresponding full proposals are received from the same applicant organization, **all** will be rejected and returned without review. Although each applicant organization may submit two (2) corresponding full proposals, only one (1) corresponding full proposal project from each applicant organization may be funded.
- d. **Institutions of Higher Education Status as Single or Multiple Applicants.** Large, multi-campus academic systems usually have distinct campuses with their own chancellors, student admissions, and separate research or research training activities. Such a campus, which exists as a separate university, with its own student programs and degrees, qualifies as a separate entity for the purpose of submitting a NIST-1102, Letter of Intent, and corresponding full proposal.

If a university includes multiple colleges of study, whether located on the institution's main campus or located some miles from the main university campus on a physically distinct campus, they are not

considered separate applicants. Campuses in a multi-campus situation may submit independent NIST-1102s, Letter of Intent, and corresponding full proposals if they are part of a multi-campus system, such as a state university system or state community college system, and have independent administrative structures typical of universities or community colleges. Campuses headed by Department Heads, Deans, Center Directors or other administrators at similar levels are not eligible to submit an independent NIST-1102, Letter of Intent, and corresponding full proposal.

If a university established a Research Foundation specifically to promote, encourage and provide assistance to the research activities of the university, and the Research Foundation is a separate non-profit science research organization, is authorized and incorporated under State laws and regulations, and is led by a separate governing board and committees, it still supports the activities of the university and cannot be considered an organization with interests distinct from the university. It has no students or faculty of its own, separate from the university. Accordingly, NIST-1102s, Letter of Intent, and corresponding full proposals submitted by the Research Foundation will count toward the institutional NIST-1102, Letter of Intent, and corresponding full proposal limit.

- e. **Unallowable/Ineligible Projects.** The following projects are unallowable/ineligible under this Program and will not be considered by NIST for funding under this FFO:
- (1) Projects to construct or expand a building not intended for performing research or that will predominately be equipped with routine office equipment and/or lecture/classroom furnishings.
 - (2) Projects to construct facilities that will primarily benefit undergraduate research training programs, rather than the creation of new graduate level research programs, or expansion of existing graduate level research programs.
 - (3) Projects to construct facilities that will primarily benefit the education of the general public rather than support research activities.
 - (4) Projects that include tasks for constructing shell space that will not be completed into research space within the scope of the grant will have these tasks removed.
- f. **Ineligible, Incomplete, and/or Unresponsive Corresponding Full Proposals.** Corresponding full proposals determined during the initial administrative review to be ineligible, *e.g.*, submitted by ineligible applicants, outside the Project Scope (*see* Section III.3.a. of this FFO), do not include the required non-Federal cost sharing, or propose unallowable/ineligible projects; incomplete, *e.g.*, missing required forms and/or documents; and/or unresponsive, *e.g.*, do not discuss evaluation criteria as stated in this FFO will be eliminated from further review.

NOTE: Applications that deviate substantially from the guidelines in this FFO or omit required information and forms may be found unresponsive and may not be considered for funding.

- g. **Pre-Proposals.** NIST is not accepting pre-proposals under this Program.

IV. Application/Proposal and Submission Information

1. Address to Request Application Package

The NIST-1102, Letter of Intent, is available at www.nist.gov/director/ncgp. For corresponding full proposals, the standard application package consisting of the standard forms, *i.e.*, SF-424, SF-424C, SF-

424D, SF-LLL, and the CD-511, is available at www.grants.gov. The full application package consisting of all of the required forms, *i.e.*, the standard forms plus the NIST-1101, NIST-1101A, and the CD-593, is available at www.nist.gov/director/ncgp.

For applicants without Internet access, the full application package may be requested by contacting:

Ms. Anneke Tingle
National Institute of Standards and Technology
Grants Management Office
100 Bureau Drive, Stop 1002
Gaithersburg, MD 20899-1002

Phone: 301-975-5060

2. Content and Format of Application Submission

a. Required NIST-1102, Letter of Intent

A completed NIST-1102, Letter of Intent, must be submitted prior to submission of a full proposal. A full proposal may not be submitted unless NIST has received the required NIST-1102, Letter of Intent, by the deadline and the applicant has received an acknowledgement letter from NIST. If a full proposal is submitted from an applicant who did not submit the required NIST-1102, Letter of Intent, or submitted a NIST-1102, Letter of Intent, for a different project, the full proposal will be rejected and returned to the applicant without review.

A “letter of intent” may only be submitted using the required form NIST-1102, Letter of Intent. If a “letter of intent” is submitted in other than the required form NIST-1102, Letter of Intent, it will be rejected and returned without review. Additionally, the applicant will not be eligible to submit a corresponding full proposal for that project. Furthermore, failure to provide all required information on the NIST-1102, Letter of Intent, and/or failure to attach any required supporting documentation, *e.g.*, documentation supporting non-profit science research organization status, may result in NIST not permitting the applicant to submit a corresponding full proposal.

b. Required Corresponding Full Proposal Forms and Documents

- (1) SF-424, Application for Federal Assistance. The list of certifications and assurances referenced in item 21 of the SF-424 is contained in the SF-424C.
- (2) SF-424C, Budget Information – Construction Programs. Applicants must submit a separate SF-424C for each year of the project, plus one SF-424C for all years (cumulative).
- (3) SF-424D, Assurances - Construction Programs
- (4) SF-LLL, Disclosure of Lobbying Activities (if applicable)
- (5) CD-511, Certification Regarding Lobbying
- (6) NIST-1101, NIST Construction Grant Program Budget Narrative

- (7) NIST-1101A, NIST Construction Grant Program Details on Unallowable Project Costs (if applicable)
- (8) CD-593, U.S. Department of Commerce National Environmental Policy Act (NEPA) Environmental Questionnaire & Checklist. Applicants must provide sufficient detail for NIST to make a determination under NEPA (*see* Section VI.2.d. of this FFO).
- (9) Technical Proposal. The Technical Proposal is a word-processed document written by the applicant and must contain the following sections and section headings in the order listed:
 - (a) **Executive Summary** (maximum length, 1 page). Describe the proposed construction project scope for the building/facility and the type of scientific research planned that is unlikely to be achieved without the new research facility and potential impacts. Describe how the scientific research to be performed in the building/facility will complement one or more programs of DoC's three science organizations' program priorities (*see* Section III.3.a., Project Scope, of this FFO).
 - (b) **Project Narrative** (maximum length, 29 pages). Address each of the three (3) evaluation criteria (*see* Section V.1. of this FFO) in detail. The Project Narrative must be organized with titled sections and subsections as follows:
 - A. Scientific and Technical Merit of the Proposed Use of the Facility and the Need for Federal Funding
 - 1. Research Activities and Potential Impacts
 - 2. Need for Federal Funding
 - B. Design Description of the Research Science Building/Facility
 - C. Detailed Project Management Plan (PMP) for Construction of the Research Science Building/Facility
 - 1. Description of Project Scope and Requirements
 - 2. Proposed Project Time Schedule and Linkage to the Budget
 - 3. Capability to Manage the Project
 - 4. Financial Commitments to Implement the PMP

The suggested length for section A. is 9-14 pages; the suggested length for sections B. and C. together is 15-20 pages.

Additionally, in preparing the Technical Proposal, the selection factors should be taken into account.

- (10) Letters of Commitment for Non-Federal Cost Sharing. Letters of commitment from all sources of the non-Federal cost sharing are required. Letters of commitment do not count toward the page limit. General "letters of support" are not required and will be counted toward the page limit for the Technical Proposal if included in the corresponding full proposal. A summary listing of this support is allowed but will count toward the page limit. It is inappropriate for any Federal employee to provide critique or feedback on project ideas, etc., and it is also inappropriate to ask Federal employees for a letter of support.

In order for a corresponding full proposal to be considered complete, it must meet all the corresponding full proposal documentation requirements stated in this FFO. Corresponding full

proposals that do not include the required forms and documents may be considered unresponsive and not receive further review.

If submitting a corresponding full proposal electronically via Grants.gov, items IV.2.b.(1) through IV.2.b.(5) above are available as part of the Grants.gov standard application package and can be completed through the download application process. Items IV.2.b.(6) through IV.2.b.(8) are available at www.nist.gov/director/ncgp and must be completed and attached as a single PDF document by clicking on “Add Attachments” found in item 15 of the SF-424, Application for Federal Assistance. Be sure to include items IV.2.b.(9) and IV.2.b.(10) in the single PDF file that contains items IV.2.b.(6) through IV.2.b.(8). See Section IV.6.d. of this FFO, for detailed information on submitting a corresponding full proposal through Grants.gov.

If submitting a corresponding full proposal by paper, all of the standard corresponding full proposal forms are available at www.nist.gov/director/ncgp. The forms and documents should be submitted in the order listed above.

c. **Corresponding Full Proposal Format**

- (1) **Bindings.** If submitting by paper rather than electronically through www.grants.gov, clip the original signed proposal (do not bind) and bind the two (2) copies securely. Bindings that permit the proposal to lie flat while being read are preferred. Loose-leaf ring binder copies are not acceptable.
- (2) **Double-sided copy.** For paper submissions, print on both sides of the paper (front to back counts as two (2) pages).
- (3) **E-mail submissions of NIST-1102, Letter of Intent, and/or corresponding full proposal.** Will not be accepted.
- (4) **Facsimile submissions (fax) of NIST-1102, Letter of Intent, and/or corresponding full proposal.** Will not be accepted.
- (5) **Figures, graphs, images, and pictures.** Should be of a size that is easily readable or viewable and may be landscape.
- (6) **Font.** Times New Roman or Arial preferred or equivalent and readable (12-point minimum, including text in charts, graphs, and images).
- (7) **Line spacing.** Single.
- (8) **Margins.** One (1) inch top, bottom, left, and right.
- (9) **Number of paper copies.** For paper submissions, a signed unbound original and two (2) bound copies. If the original proposal is in color, the two (2) copies must also be in color. If submitting electronically via Grants.gov, paper copies are not required and should be not be sent to NIST.
- (10) **Page layout.** Portrait only. However, landscape page layout may be used only for figures, graphs, images, and pictures.

- (11) **Page limit.** Thirty (30) pages for Technical Proposal (1-page maximum for the Executive Summary and 29-page maximum for the Project Narrative). Extra pages beyond the page limit will be removed from the proposal and will not be considered during the review and selection processes.

Page limit excludes: The following forms, including required attachments, and cost share documentation are not included in the page limit: SF-424, Application for Federal Assistance; SF-424C, Budget Information – Construction Projects; SF-424D, Assurances - Construction Programs; SF-LLL, Disclosure of Lobbying Activities; CD-511, Certification Regarding Lobbying; NIST-1101, NIST Construction Grant Program Budget Narrative; NIST-1101A, NIST Construction Grant Program Details on Unallowable Project Costs; CD-593, U.S. Department of Commerce National Environmental Policy Act (NEPA) Environmental Questionnaire & Checklist; and Letters of Commitment for Cost Sharing.

Page limit includes: All text, schematics, diagrams, flowcharts, tables, pictures, images, illustrations, and resumes. To maximize pages for relevant technical information, the following suggestions are offered:

- (a) List data only for the key people and briefly highlight their education and experience. Do not include lengthy resumes for all people involved in the project.
 - (b) Do not include copies of published papers as appendices.
 - (c) Do not include supplemental material not specifically requested, either separately or bound with the proposal.
 - (d) Do not include general letters of support.
- (12) **Page numbering.** Number pages sequentially.
- (13) **Paper size.** 21.6 by 27.9 centimeters (8 ½ by 11 inches).
- (14) **Proposal language.** English.
- (15) **Table of contents.** Do not include; not required. If included, will count toward page limit.
- (16) **Typed document.** All proposals, including forms, must be typed; handwritten proposals and forms will not be accepted.

3. **Submission Dates and Times**

a. **NIST-1102, Letter of Intent**

The NIST-1102, Letter of Intent, must be received by NIST no later than 3 p.m. Eastern Time, Thursday, February 24, 2011. The NIST-1102, Letter of Intent, must be submitted by the organization's sponsoring project office by the deadline in order for an organization's corresponding full proposal to be eligible for funding under this FFO. The NIST-1102, Letter of Intent, may only be submitted by paper to the address provided in Section IV.6.c. of this FFO.

b. **Corresponding Full Proposal**

The corresponding full proposal must be received by NIST no later than 3 p.m. Eastern Time, Wednesday, April 6, 2011, and may be submitted by paper or electronically through www.grants.gov.

See Section IV.6., Other Submission Requirements, of this FFO for additional information on submitting corresponding full proposals. The deadline for NIST's receipt of corresponding full proposals applies to all modes of proposal submission, including express mailing, courier services, and electronic.

A NIST-1102, Letter of Intent, or corresponding full proposal not received by the specified due date will not be considered for funding under this FFO and will be returned without review. NIST determines whether the NIST-1102s, Letter of Intent, and whether corresponding full proposals submitted by mail have been timely received before the deadline by date and time receipt they are physically received by NIST at its Gaithersburg, Maryland campus. For electronic submissions, NIST will consider the date and time stamp on the validation generated by www.grants.gov as the official submission time.

NIST strongly recommends that applicants do not wait until the last minute to submit a NIST-1102, Letter of Intent, or corresponding full proposal. NIST will not make any allowances for late submissions, including but not limited to incomplete Grants.gov registration, delays in mail delivery caused by Federal Government security screening for U.S. Postal Service mail, or for delays by guaranteed express mailing and/or couriers. To avoid any potential processing backlogs due to last minute Grants.gov registrations, applicants are highly encouraged to start their Grants.gov registration process at least four (4) weeks prior to the corresponding full proposal due date. See Section IV.6.d. of this FFO for additional guidance on the www.grants.gov application process.

Important: All applicants, both electronic and paper submitters, should be aware that adequate time must be factored into applicants' schedules for delivery of their NIST-1102s, Letter of Intent, and corresponding full proposals. Submitters of electronic corresponding full proposals are advised that volume on Grants.gov may be extremely heavy on the deadline date, and if Grants.gov is unable to accept corresponding full proposals electronically in a timely fashion, applicants are encouraged to exercise their option to submit corresponding full proposals in paper format. Submitters of paper corresponding full proposals should allow adequate time to ensure a paper corresponding full proposal will be received on time, taking into account that Federal Government security screening for U.S. Postal Service mail may delay receipt of mail for up to two (2) weeks and that guaranteed express mailings and/or couriers are not always able to fulfill their guarantees.

4. Executive Order 12372 (Intergovernmental Review of Federal Programs)

The NCGP is not subject to Executive Order 12372.

5. Funding Restrictions

Unallowable/Ineligible Costs. The following items, regardless of whether they are allowable under the applicable Federal cost principles, are unallowable under this Program and may not be included in the proposed project budget, including as non-Federal cost sharing:

- a. Ancillary structures, rights-of-way surveys, appraisals, etc.
- b. Costs or charges associated with routine maintenance, or operation of the facility.
- c. Equipment used for research or otherwise that is not an integral part of the building's structure, e.g., table top equipment, portable air conditioners, etc. Equipment that is an integral part of the building such as fume hoods, HVAC equipment, built-in autoclave, etc., is allowable.
- d. Furniture other than fixed laboratory casework.

- e. Interior decorating.
- f. Landscaping or other improvements exterior to the footprint of the building, unless required for its operation.
- g. Parking lots.
- h. Purchase or the contribution of land.
- i. Relocation expenses.
- j. Safety equipment items, *e.g.*, fire extinguishers, first-aid kits, etc. Built-in safety items, *e.g.*, eye wash stations or chemical showers, however, are fixed items and are allowable.
- k. Storage costs.
- l. Telephone and/or network equipment, *e.g.*, servers, storage, racks, etc.; however, IT and telephone cabling and wiring installed during construction are allowable.
- m. Training, unless related to regulatory compliance for NCGP construction activities.

6. Other Submission Requirements

- a. The NIST-1102, Letter of Intent, may only be submitted by paper.
- b. The corresponding full proposal may be submitted by paper or electronically.
- c. Paper submissions of the NIST-1102s, Letter of Intent, and paper corresponding full proposals must be submitted in triplicate (an original and two (2) copies) and sent to:

Ms. Anneke Tingle
National Institute of Standards and Technology
Grants Management Office
100 Bureau Drive, Stop 1002
Gaithersburg, MD 20899-1002

Phone: 301-975-5060

- d. Electronic corresponding full proposals must be submitted via Grants.gov at www.grants.gov.

In order to submit an application through www.grants.gov, an applicant first must register for a www.grants.gov user ID and password. This process can take between three (3) to five (5) business days or as long as four (4) weeks if all steps are not completed correctly. NIST strongly recommends that applicants register, review the application instructions, and apply as early as possible. Information about the registration process can be found at http://grants.gov/applicants/organization_registration.jsp.

Applicants must register as organizations, not as individuals, at www.grants.gov. As part of the registration process, you will register at least one Authorized Organizational Representative (AOR) for your organization. Note that a given organization may designate multiple individuals as AORs for

www.grants.gov purposes. A registered AOR is the only official with the authority to submit an application at www.grants.gov, so ensure that your organization's application is submitted by an AOR. If the application is submitted by anyone other than your organization's AOR, it will be rejected by the www.grants.gov system.

Before beginning the application process at www.grants.gov, carefully review the application instructions for this funding opportunity at www.grants.gov and in this FFO. Your electronic submission will receive a date and time stamp at www.grants.gov and be processed after it is fully uploaded. Once an applicant is registered correctly, the following list provides step-by-step instructions for accessing, completing, and submitting an application.

- (1) It is essential to verify that the version of Adobe installed on your computer is compatible with Grants.gov. Check this at <http://www.grants.gov/applicants/AdobeVersioningTestOnly.jsp>.
- (2) Navigate to the URL www.grants.gov.
- (3) Select "Apply for Grants" from the left-hand menu.
- (4) Select "Download a Grant Application."
- (5) Enter the Funding Opportunity Number for this FFO and click on "Download Package."
- (6) Click on the "Download" link.
- (7) Click on "Download Application Instructions."

The time it takes to completely upload an application will vary depending on a number of factors, including the size of the application and the speed of your Internet connection, and the time it takes www.grants.gov to process the application. Once an application is submitted, it undergoes a validation process through www.grants.gov in which the application may be accepted or rejected by the system. This process may take 24 to 48 hours to complete. Additionally, once an application is submitted, www.grants.gov may notify the applicant that the application contains an error. In this case, the applicant must correct the error before the system will accept and validate the application and before it can be received by NIST. NIST will consider the date and time stamp on the validation generated by www.grants.gov as the official submission time.

Applicants should save and print written proof of an electronic submission made at www.grants.gov. Applicants can expect to receive multiple e-mails regarding the status of their submission. Since e-mail communication can be unreliable, applicants must proactively check on the status of their application if they do not receive e-mail notifications within a day of submission. The first e-mail should confirm receipt of the application, and the second should indicate that the application has either been successfully validated by the system before transmission to NIST or has been rejected due to error(s). ***Please note that it can take up to two (2) business days after www.grants.gov receives an application for applicants to receive e-mail notification of an error.*** An applicant will receive a third e-mail once NIST has retrieved the application.

Applicants should refrain from submitting multiple copies of the same application package. NIST advises applicants to save and print both the confirmation screen provided at www.grants.gov after submission of an application, and the confirmation e-mail sent by www.grants.gov after the application has been successfully received and validated in the system. If an applicant receives an e-mail from www.grants.gov indicating that the application was received and subsequently validated, but does not receive an e-mail from www.grants.gov (within 72 hours of the first e-mail) indicating that NIST has retrieved the application package, the applicant may contact the Agency Contact for Electronic corresponding full proposal submission found on the list in Section VII., Agency Contact(s), of this FFO to inquire if NIST is in receipt of the submission.

It is the applicant's responsibility to verify that its submission was received and validated successfully at www.grants.gov. To see the date and time your application was received, log on to www.grants.gov and click on the "Track My Application" link from the left-hand menu. For a successful submission, the application must be received and validated by www.grants.gov, and an agency tracking number assigned. If your application has a status of "Received," it is awaiting validation by www.grants.gov. Once validation is complete, the status will change to "Validated" or "Rejected with Errors." If the status is "Rejected with Errors," your application has not been received successfully. Some of the reasons www.grants.gov may reject an application can be found at http://www.grants.gov/applicants/submit_application_faqs.jsp. For more detailed information on why an application may be rejected, please access <http://www.grants.gov/section910/ApplicationErrorTips.pdf>.

If you experience a www.grants.gov "systems issue" (technical problems or glitches with the www.grants.gov website) that you believe threatens your ability to complete a submission, please (a) print any error message received; and (b) call the www.grants.gov Contact Center at 1-800-518-4726 for immediate assistance. Ensure that you obtain a case number regarding your communications with www.grants.gov. *Please note:* problems with an applicant organization's computer system or equipment is not considered a "systems issue." Similarly, an applicant's failure to (a) complete the registration; (b) ensure that an AOR submits the application; or (c) notice receipt of an e-mail from www.grants.gov, is not considered a systems issue. A "systems issue" is an issue occurring in connection with the operations of www.grants.gov itself, such as the temporary loss of service at www.grants.gov due to unexpected volume of traffic or failure of information technology systems, both of which are highly unlikely.

Applicants should access the following link for assistance in navigating www.grants.gov and for a list of useful resources: <http://www.grants.gov/help/help.jsp>. The following link lists frequently asked questions ("FAQs"): <http://www.grants.gov/applicants/resources.jsp#faqs>. If you do not find an answer to your question under the "Applicant FAQs," try consulting the "Applicant User Guide" or contacting www.grants.gov via e-mail at support@grants.gov or telephone at 1-800-518-4726. The www.grants.gov Contact Center is open 24 hours a day, seven days a week with the exception of Federal holidays. Help Desk service will resume at 7:00 a.m. Eastern Time the day after Federal holidays.

- e. Any amendments to this FFO, including changes to the due date for the NIST-1102s, Letter of Intent, and/or for the corresponding full proposals, will be announced through Grants.gov and will also be posted on the NCGP Web site (<http://www.nist.gov/director/ncgp>). Applicants can sign up for Grants.gov FFO amendments, while applicants without access to the Internet can contact NIST and have any changes mailed to them.

V. Application/Corresponding Full Proposal Review Information

1. Criteria

The evaluation criteria that will be used in evaluating corresponding full proposals are as follows:

- a. Scientific and technical merit of the proposed use of the facility and the need for Federal funding (**50 percent**).
This criterion addresses the scientific and technical merit, and the broader impacts of the proposed use of the facility; the strategic research directions planned with the facility and how well the plan is conceived and organized; what the facility will enable in terms of the advancement of knowledge and understanding within a specific field(s) or across different fields; the qualifications of the proposed

key researchers (individuals or teams) who will use the facility, as well as the management team that will lead them; the potential for targeted impacts resulting from the use of the facility that are unlikely to be achieved with the current infrastructure, such as what transformative or creative concepts may expand the science and technology knowledge base; the extent to which the facility will enhance collaborations within and outside of the institution; and the need for Federal funding due to a lack of alternative funding sources, specifically what other sources were pursued.

- b. The quality of the design of the research science building/facility (**25 percent**). This criterion addresses the quality of the design information provided for the building/facility to establish that the design has the ability to meet the safety, physical, environmental, experimental/research (*e.g.*, unique environmental controls – vibration, humidity, temperature, etc.), and operational (*e.g.*, utilities and circulation of people) requirements of the science and technology activities the building/facility is expected to support. It also addresses whether or not preliminary drawings and plans, together with appropriate estimates of in-house or vendor costs are complete, in progress, or planned. Furthermore, it addresses the rationale for and summary specifications of the building/facility, including location, size, configuration, environmental controls for research space, utility needs, gross and/or assignable square footage, assignments of square footage to research and non-research related activities (*e.g.*, routine administrative office space, conference rooms, classrooms, etc.), and the assigned purpose by areas. Finally, this criterion addresses the incorporation of green/sustainable design features in the project.
- c. Adequacy of the detailed Project Management Plan (PMP) for construction of the research science building/facility (**25 percent**). The following four aspects of the PMP will be evaluated, which do not vary in importance during the evaluation process:
 - (1) Project Scope and Requirements
This aspect of the PMP addresses the description and organization of project work packages (project tasks/elements) in a clear and complete Work/task Breakdown Structure (WBS) approach that comprises the total scope of the building/facility project from inception through commissioning of the facility, including descriptions of each work package and its associated subtasks, the relationship between the work packages and their associated subtasks, consolidated into a unified project scope description that will be used by project management key personnel throughout the project management life-cycle to identify and monitor project progress, as well as link and track work packages and subtasks to the budget and schedule plans addressed in c.(2) below. In addition, this criterion addresses which work packages are proposed to be within, before, or after the project period. The project period covers only the NCGP construction-related activities and the associated allowable Federal and non-Federal cost sharing portion of the project.
 - (2) Adequacy of the Proposed Project Time Schedule and Linkage to the Budget, including the Clarity of the Budget and the Budget Narrative
This aspect of the PMP addresses the time schedule for implementing the work packages and associated subtasks described within the WBS addressed in c.(1) above, and how the budget costs associated with the work packages correctly sum up to each of the cost categories of the SF-424C by project year.
 - (3) Capability to Manage the Project
This aspect of the PMP addresses the approach planned for project management monitoring and risk control during the life of the award, from kick-off through close-out, which may include tools, techniques and processes (manual and automated systems). It also addresses an analysis of potential project risks (*e.g.*, timing, cost and/or scope changes), where in the schedule risk(s) may

be expected, and how the risk(s) may be mitigated through specific control mechanisms, and the planning/control decision making process to implement the control mechanisms. Finally, it addresses the management plan for direction and implementation of the project, including capability descriptions of the performing organizations and experience summaries for the manager with fiduciary project responsibility, the project manager, and other key project personnel, as appropriate.

(4) **Soundness of the Financial Commitments to Implement the PMP**

This aspect of the PMP addresses the current and any pending commitments required for the building/facility to be constructed, commissioned and become fully operational, including any risk(s) associated with finalizing funding commitments and the organizational name/contact that has the fiduciary authority over the funding commitments.

2. **Selection Factors**

The Selecting Official generally recommends proposals for award based upon the Evaluation Board's rank order of the proposals or may decide to select a proposal out of rank order based on one or more of the following selection factors:

- a. Assuring a balance/distribution of projects across the DoC program priorities (*see* Section III.3.a., Project Scope, of this FFO);
- b. Availability of Federal funds;
- c. Whether this project duplicates other projects funded by DoC or by other Federal agencies;
- d. Applicant's performance under current or previous Federal financial assistance awards;
- e. Assuring a balance/distribution of funds across regional/geographic areas;
- f. Preference may be given to applicants that have not previously received funding under the NCGP; and
- g. Adequacy of information needed to assess compliance with and to make a determination under the NEPA.

As noted in Section III.3.c., Limitation on the Number of NIST-1102s, Letter of Intent, and Corresponding Full Proposals Each Applicant May Submit, and Limitation on NCGP Funding, of this FFO, no more than one (1) corresponding full proposal per applicant organization may be funded.

3. **Review and Selection Process**

- a. **NIST-1102, Letter of Intent.** An initial administrative review of a timely received NIST-1102, Letter of Intent, will be conducted to determine eligibility, *e.g.*, submitted by eligible applicants, include the required non-Federal cost sharing, the scientific research to be performed in the building/facility will complement one or more of the program priorities of the three DoC science organizations(*see* Section III.3.a., Project Scope, of this FFO), and for allowable/eligible projects, and for completeness, *e.g.*, the NIST-1102, Letter of Intent, is signed by an authorized representative of the applicant and includes any required supporting documentation. NIST will send an acknowledgement letter to all applicants who timely submit a NIST-1102, Letter of Intent, with results of the review.

- b. **Corresponding Full Proposal.** An initial administrative review of timely received corresponding full proposals will be conducted to determine eligibility, completeness, and responsiveness. Corresponding full proposals that are ineligible, incomplete, and/or nonresponsive will be eliminated from further review.

Each of the eligible, complete, and responsive corresponding full proposals will receive a minimum of three independent, objective reviews using the scientific and technical merit evaluation criterion set forth in Section V.1.a. of this FFO, which will include written evaluations and numerical scores. The twenty (20) proposals receiving the highest average scientific and technical merit evaluation scores will receive a second round of written evaluation and numerical scoring by a minimum of two independent, objective reviewers using the quality of design of the research science building/facility and the adequacy of the detailed Project Management Plan (PMP) evaluation criteria in Sections V.1.b. and V.1.c. of this FFO, respectively. In the event that multiple proposals receive the same scientific and technical merit scores which results in more than 20 proposals with the highest average scores, all such proposals will move forward to the second round of evaluation. Those proposals that do not score high enough on the scientific and technical merit evaluation to move forward to the second round of evaluation will be eliminated from further funding consideration. The scientific and technical merit reviews will be performed by full-time Federal employees. Reviews evaluating the proposal's quality of design of the research science building/facility and the adequacy of the detailed PMP may be conducted by either, or a combination of, full-time Federal employees or Federal contractor engineers or architects. No consensus advice will be given by any of the reviewers in either round of evaluations.

A preliminary rank order will be prepared only for those proposals receiving both rounds of evaluation by combining (*i.e.*, adding together) the proposal's average score for each of the two evaluation rounds. An Evaluation Board, a committee comprised of Federal employees, will consider corresponding full proposals in the preliminary rank order along with the reviewers' written evaluations based on the evaluation criteria. The Evaluation Board will prepare a final numerical ranking of the proposals for the Selecting Official for further consideration. In making final selections, the Selecting Official, who is the Chief Facilities Management Officer at NIST, will select funding recipients based upon the Evaluation Board's rank order of the corresponding full proposals and the selection factors. The selection of corresponding full proposals by the Selecting Official is final. NIST reserves the right to negotiate the budget cost and scope of the proposed work with the applicants that have been selected to receive awards. This may include requesting that the applicant delete from the scope of work a particular cost and/or task that is deemed by NIST to be inappropriate for support (or of a lower priority compared with competing uses of funds) against the evaluation criteria or selection factors. Failure of an applicant to cooperate with and provide information to NIST to identify feasible measures to reduce or avoid identified adverse environmental impacts of its proposed project may result in the applicant not receiving an award (*see* Section VI.2.d., National Environmental Policy Act, of this FFO). NIST also reserves the right to reject a corresponding full proposal where information is uncovered that raises a reasonable doubt as to the responsibility of the applicant. The final approval of selected corresponding full proposals and award of grants will be made by the NIST Grants Officer. The award decision of the NIST Grants Officer is final.

4. **Anticipated Announcement and Award Date**

NIST anticipates making awards in approximately seven (7) months from the competition announcement date, depending on the number of corresponding full proposals received.

5. **Additional Information**

- a. Applicants may not submit replacement pages, missing and/or revised documents to a corresponding full proposal once it has been submitted. Any revisions must be made by submission of a new corresponding full proposal that must be received by NIST by the submission deadline.
- b. Proprietary technical discussions about specific project ideas with NIST staff are not permitted at any time before submitting the corresponding full proposal to NIST. In addition, NIST staff will not critique or provide feedback on project ideas while they are being developed by a potential applicant. However, NIST staff will answer general questions about the NCGP, such as the eligibility and cost-sharing requirements.
- c. Applicants should clearly identify any confidential/proprietary information in their corresponding full proposals. The Federal Government will protect confidential/proprietary information about business operations to the full extent of the law. To the extent permitted by law, NIST will withhold such information from disclosure pursuant to applicable Federal law, including but not limited to the following:
 - (1) Freedom of Information Act (FOIA)—5 U.S.C. § 552 and the DoC FOIA regulations at 15 C.F.R. part 4;
 - (2) Economic Espionage Act—18 U.S.C. § 1832; and the
 - (3) Trade Secrets Act—18 U.S.C. § 1905.

Applicants are cautioned that corresponding full proposals are likely to be less competitive if significant details are omitted due to the applicant's reluctance to reveal confidential/proprietary information and trade secrets possessed by any applicant.

- d. One (1) copy of each non-selected full proposal and corresponding NIST-1102, Letter of Intent, as well as NIST-1102, Letter of Intent, submitted without a corresponding full proposal, will be retained for three (3) years for record keeping purposes and the other two (2) copies will be destroyed. After three (3) years, the remaining copy will be destroyed.

VI. Award Administration Information

1. **Award Notices.** Successful applicants will receive a grant award document (CD-450 Financial Assistance Award) signed by the NIST Grants Officer. The accompanying grant award documentation will include the award period, the approved project budget, , DoC Financial Assistance Standard Terms and Conditions, NCGP General Terms and Conditions, NCGP Special Award Conditions and will incorporate the applicable Federal cost principles, and applicable policy and regulatory references that will govern the award. The grant award package will be mailed to the successful applicant via surface mail in duplicate and requires a counter-signature on both copies by an authorized official at the organization. The recipient should retain one (1) original and return one (1) copy to the address listed in the award document. A sample award document, *i.e.*, CD-450, the Department of Commerce Financial Assistance Standard Terms and Conditions (March 2008), the NCGP General Terms and Conditions, and sample NCGP Special Awards Conditions are available at: <http://www.nist.gov/director/ncgp>. The NCGP award terms include applicable construction requirements set forth in Section E.2. of Chapter 17 of the DoC Interim Grants Manual, which is available at: [http://oam.eas.commerce.gov/docs/Ch17%20Construction%20Awards%20\[December%202007\].pdf](http://oam.eas.commerce.gov/docs/Ch17%20Construction%20Awards%20[December%202007].pdf).

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

- a. **DoC Pre-Award Notification Requirements.** The DoC Pre-Award Notification Requirements for Grants and Cooperative Agreements, which are contained in the *Federal Register* Notice of February 11, 2008 (73 FR 7696), are applicable to this solicitation.
- b. **Employer/Taxpayer Identification Number (EIN/TIN), Dun and Bradstreet Data Universal Numbering System (DUNS), and Central Contractor Registration (CCR).** All applicants for Federal financial assistance are required to obtain a universal identifier in the form of DUNS number and maintain a current registration in the CCR database. On the form SF-424 items 8.b. and 8.c., the applicant's 9-digit EIN/TIN and 9-digit DUNS number must be consistent with the information in CCR (www.ccr.gov) and Automated Standard Application for Payment System (ASAP). For complex organizations with multiple EIN/TIN and DUNS numbers, the EIN/TIN and DUNS number MUST be the numbers for the applying organization. Organizations that provide incorrect/inconsistent EIN/TIN and DUNS numbers may experience significant delays in receiving funds if their proposal is selected for funding. Confirm that the EIN/TIN and DUNS numbers are consistent with the information on the CCR and ASAP.

Per the requirements of 2 C.F.R. part 25, each applicant must:

- (1) Be registered in the CCR before submitting an application;
- (2) Maintain an active CCR registration with current information at all times during which it has an active Federal award or an application under consideration by an agency; and
- (3) Provide its DUNS number in each application or proposal it submits to the agency.

Please also see the *Federal Register* notice published on September 14, 2010, at 75 FR 55671.

- c. **Title, Encumbrances, and Security Interest.** The recipient will be required to furnish evidence, satisfactory in form and substance to NIST that title to real property is vested in the Recipient, and that it has obtained any rights-of-way, easements, State and local government permits, long-term leases, or other property interests necessary for conduct of the proposed project. The Recipient will also be required to disclose to NIST all encumbrances that exist, but that will not interfere with the construction, intended use, operation, or maintenance of the project during its estimated useful life.

In addition, grant recipients will be required to execute a security interest or other statement of NIST's Federal Interest in the NCGP property (building), acceptable in form and substance to NIST, which must be perfected and placed on record in accordance with local law. This security interest will provide that, for the estimated useful life of the building (20 years from the issuance of a certificate of occupancy or completion for the Project by the appropriate governmental authority), the recipient will not sell, transfer, convey, or mortgage any interest in the real property improved in whole or in part with Federal funds made available under the award, nor shall the recipient use the property for purposes other than the purposes for which the award was made, without the prior written approval of the NIST Grants Officer. Such approval may be withheld until such time as the recipient first pays to NIST the Federal Interest in the property as provided in 15 C.F.R. part 14. The Federal Interest is that percentage of the then current fair market value of the Property attributable to the NIST participation in the Project. Samples of the requisite title, encumbrance and security interest documents are available at www.nist.gov/director/ncgp.

Please note that NIST may not disburse some or all of the Federal award funds to the recipient until the recipient has complied with the NIST title, encumbrance and security interest requirements under the award, unless other arrangements satisfactory to NIST are made.

- d. **National Environmental Policy Act.** Under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.) NIST must analyze the potential environmental impacts of projects or proposals seeking funding from NIST. For more detailed information on DoC's compliance with NEPA see the Department's NEPA Web site, www.nepa.noaa.gov/, and the Council on Environmental Quality's NEPA implementing regulations, available on www.nepa.gov at http://ceq.hss.doe.gov/ceq_regulations/regulations.html.

As required in Section IV.2.b.(8) of this FFO, a completed CD-593, U.S. Department of Commerce National Environmental Policy Act (NEPA) Environmental Questionnaire & Checklist, must be submitted as part of the corresponding full proposal. As part of the supporting documentation to the CD-593, applicants are required to provide detailed information on the activities to be conducted, safety concerns, locations, site characteristics, surrounding environment, species and habitat that might be affected, and any environmental concerns that may exist (*e.g.*, the use and disposal of hazardous or toxic chemicals, impacts to endangered and threatened species, or any social, economic or cultural impacts to the surrounding environment). For projects with NEPA documents completed or under development, indicate the status and level of NEPA review (Categorical Exclusion (CE), Environmental Assessment (EA), and Environmental Impact Statement (EIS)), lead Federal agency, contact at the agency, and where public drafts of the document are available.

It is the applicant's responsibility to obtain all necessary Federal, state, and local government permits and approvals where necessary for the proposed work to be conducted. Applicants are expected to design their projects so that they minimize the potential for adverse impacts to the environment. Applicants will also be required to cooperate with the DoC in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposed project. The failure to do so may be grounds for not making an award to the applicant or enforcement action if an award is eventually made. Applicants may also be requested to assist NIST in drafting an environmental assessment if NIST determines an assessment is required.

Documentation of requests/completion of required environmental authorizations and permits, including the Endangered Species Act, if applicable, should be attached to the CD-593. Proposals will be reviewed to ensure that they contain sufficient information to allow DoC staff to conduct a NEPA analysis so that appropriate NEPA documentation, required as part of the proposal, can be submitted to the NIST Grants and Agreements Management Division along with the recommendation for funding for selected applications.

Applicants proposing activities that cannot be covered by a DoC CE or Program Environmental Assessment (PEA) and Finding of No Significant Impact (FONSI) or whose activities are not covered under another agency's NEPA compliance procedures that can be analyzed and adopted for use by the DoC, will be informed after the technical review stage to determine if NEPA compliance and other requirements can otherwise be expeditiously met so that a project can proceed in a timely manner. If an award is made, no funds shall be expended for construction activities under the award until NIST determines compliance with NEPA.

If additional information is required during the period of the award, funds can be withheld by the NIST Grants Officer under a special award condition requiring the recipient to submit additional environmental law compliance information sufficient to enable the DoC to assess any impacts that a project may have on the environment.

- e. **Limitation of Liability.** Funding for the Program listed in this FFO is contingent upon the availability of FY 2011 appropriations. NIST issues this FFO subject to the appropriations made

available under the current continuing resolution, S. Amend. to H.R. 3081, "Continuing Appropriations Act, 2011," Public Law 111-242, as amended by H.J.Res. 101, "Further Continuing Appropriations, 2011," Public Law 111-290; H.J.Res. 105, "Further Continuing Appropriations, 2011," Public Law 111-317; and H.R. 3082, "Further Continuing Appropriations, 2011," Public Law 111-322, or successor continuing resolution or appropriation. NIST anticipates making awards for the Program listed in this FFO provided that FY 2011 appropriations are available for such purposes. In no event will NIST or DoC be responsible for NIST-1102, Letter of Intent, or proposal preparation costs if this Program fails to receive funding or is cancelled because of agency priorities. Publication of this announcement does not oblige NIST or DoC to award any specific project or to obligate any available funds.

- f. **Past Performance and Non-Compliance with Award Provisions.** A consistent pattern of unsatisfactory performance under prior Federal awards may result in an application not being considered for funding. Failure to comply with any or all of the provisions of an award may have a negative impact on future funding by DoC (or any of its operating units) and may be considered grounds for any or all of the following actions: establishment of an account receivable, withholding payments under any DoC awards to the recipient, changing the method of payment from advance to reimbursement only, imposition of other Special Award Conditions, suspension of any active DoC awards and termination of any active DoC awards.
3. **Reporting.** Award recipients shall provide access to information that is required to assess the project's progress throughout the project life cycle. The following reports are required:
 - a. **Technical Performance Reports.** Award Recipients shall submit a technical performance report in triplicate (an original and two (2) copies) on a calendar quarter basis for the periods ending March 31, June 30, September 30, and December 31, or any portion thereof. Reports are due no later than 30 days following the end of each reporting period. A final technical performance report shall be submitted within 90 days after the expiration date of the award. Two (2) copies of the technical performance reports shall be submitted to the Project Manager and the original report to the NIST Grants Officer. Technical performance reports shall contain information as prescribed in 15 C.F.R. § 14.51.
 - b. **Financial Reports.** For recipients under this Program, Article A.01 of the DoC Financial Assistance Standard Terms and Conditions dated March 2008 is revised as follows:

Award Recipients shall submit a Federal Financial Report (SF-425) in triplicate (an original and two (2) copies) on a calendar quarter basis for the periods ending March 31, June 30, September 30, and December 31, or any portion thereof. Reports are due no later than 30 days following the end of each reporting period. A final SF-425 shall be submitted within 90 days after the expiration date of the award. All SF-425s shall be submitted to the NIST Grants Officer.

Reporting requirements are described in the Department of Commerce Financial Assistance Standard Terms and Conditions dated March, 2008, found on the Internet at:

<http://oamweb.osec.doc.gov/docs/GRANTS/DOC%20STCsMAR08Rev.pdf>.

The references to Financial Reporting Form SF-269 in the DoC Financial Assistance Standard Terms & Conditions, A.01 and B.01, are hereby replaced with the SF-425, "Federal Financial Report," as required by the Office of Management and Budget (OMB) (73 FR 61175, October 15, 2008). As authorized under 15 CFR §§ 14.52 and 24.41, the OMB approved SF-425 shall be used in the place of the SF-269 and SF-272 under the uniform administrative requirements and elsewhere under awards in this Program where such forms are referenced.

- c. **OMB Circular A-133 Audit Requirements.** Single or program-specific audits shall be performed in accordance with the requirements contained in OMB Circular A-133, “*Audits of States, Local Governments, and Non-Profit Organizations,*” and the related *Compliance Supplement*. OMB Circular A-133 requires any non-Federal entity (*i.e.*, including non-profit institutions of higher education and other non-profit organizations) that expends Federal awards of \$500,000 or more in the recipient’s fiscal year to conduct a single or program-specific audit in accordance with the requirements set out in the Circular. Applicants are reminded that NIST, the Department of Commerce Office of Inspector General or another authorized Federal agency may conduct an audit of an award at any time.
- d. **Federal Funding Accountability and Transparency Act of 2006.** In accord with 2 C.F.R. part 170, all recipients of a Federal award made on or after October 1, 2010, are required to comply with reporting requirements under the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. No. 109-282). In general, all recipients are responsible for reporting sub-awards of \$25,000 or more. In addition, recipients that meet certain criteria are responsible for reporting executive compensation. Applicants must ensure they have the necessary processes and systems in place to comply with the reporting requirements should they receive funding. Please also see the *Federal Register* notice published September 14, 2010, at 75 FR 55663.

VII. Agency Contact(s)

Questions should be directed to the following contact persons:

Subject Area	Point of Contact
Administrative, budget, cost sharing, and eligibility questions	Barbara Lambis Phone: 301-975-4447 Fax: 301-975-8620 E-mail: barbara.lambis@nist.gov
Programmatic and technical questions	Michael Diestel Phone: 301-975-8809 Fax: 301-975-8835 E-mail: michael.diestel@nist.gov
Electronic corresponding full proposal submission	Christopher Hunton Phone: 301-975-5718 Fax: 301-840-5976 E-mail: christopher.hunton@nist.gov
Grant rules and regulations	Anita Easterday Phone: 301-975-6306 Fax: 301-840-5976 E-mail: Error! Hyperlink reference not valid. anita.easterday@nist.gov