

## NOTICE OF FUNDING OPPORTUNITY

### EXECUTIVE SUMMARY

- **Federal Agency Name:** Economic Development Administration (EDA or the Agency), U.S. Department of Commerce (DOC).
- **Federal Funding Opportunity Title:** FY 2023 Regional Technology and Innovation Hub Program Phase 1 Notice of Funding Opportunity (NOFO) (Tech Hubs Phase 1 NOFO).
- **Announcement Type and Date:** Tech Hubs Phase 1 NOFO publishing EDA's application submission requirements and application review procedures under the Regional Technology and Innovation Hub Program, as authorized by section 28 of the Stevenson-Wydler Technology Innovation Act of 1980, as amended (15 U.S.C. § 3722a). **Effective date:** May 12, 2023.
- **Funding Opportunity Number:** EDA-TECHHUBSPHASE1-2023
- **Catalog of Federal Domestic Assistance (CFDA) Number:** 11.039, Regional Technology and Innovation Hub Program
- **Dates:** This is a two-phase competition. The deadline for Phase 1 applications is **11:59 p.m. Eastern Time on August 15, 2023**. Applications received after this deadline will not be reviewed or considered. Only those that are Designated as Technology Hubs in Phase 1 will be permitted to apply to Phase 2. It is anticipated that the Notice of Funding Opportunity for Phase 2 will be made available in fall 2023.

EDA may amend, cancel, or withdraw the Tech Hubs Phase 1 NOFO at any time. All changes will be communicated via Grants.gov.

- **Eligible Applicants:** Pursuant to section 28(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. § 3722a(c)), consortia are eligible applicants under this NOFO. An eligible consortium must include one or more of each of the following: (i) institutions of higher education, which may include Historically Black Colleges and Universities, Tribal Colleges or Universities, and Minority-Serving Institutions; (ii) State, territorial, local, or Tribal governments or other political subdivisions of a State, or a consortium thereof; (iii) industry groups or firms in relevant technology, innovation, or manufacturing sectors; (iv) economic development organizations or similar entities focused primarily on improving science, technology, innovation, entrepreneurship, or access to capital; and (v) labor organizations or workforce training organizations. See section A.1.b.iii. for additional requirements related to the consortia. See section C.1. of this NOFO for a list of other entities that may also be part of a consortium.

Under this NOFO, EDA is not authorized to provide grants or cooperative agreements to individuals. Requests from individuals will not be considered for funding.

- **Funding Opportunity Description:** Subject to the availability of funds, awards made under this NOFO will seek to strengthen U.S. economic and national security through place-based investments in regions with the assets, resources, capacity, and potential to become globally competitive Tech Hubs, within approximately ten years, in the technologies and industries of the future, and for those industries, companies, and the good jobs they create to start, grow, and remain in the United States.

**FULL ANNOUNCEMENT TEXT**

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Notice of Funding Opportunity**

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**A. Program Description**

**1. Competition Structure and Program Information**

**a. Competition Structure**

Through the Regional Technology and Innovation Hub Program (Tech Hubs Program) and in line with 15 U.S.C. § 3722a(b)(1), EDA seeks to strengthen U.S. economic and national security through place-based investments in regions with the assets, resources, capacity, and potential to become globally competitive, within approximately ten years, in the technologies and industries of the future - and for those industries, companies, and the good jobs they create to start, grow, and remain in the United States. The Tech Hubs Program will support the modernization of United States manufacturing and improve commercialization and domestic production of innovative research.

The Tech Hubs Program aims to identify regions where an EDA investment can catalyze self-sustaining, globally-competitive regions over the next decade, with each focused on a key technology focus area. To achieve this goal and fulfill statutory direction, EDA will run this competition with a focus on geographic diversity and equity in two phases through two separate Notices of Funding Opportunity (NOFO).

In this Phase 1 NOFO, EDA will fund Strategy Development Grants and will Designate certain regions as Regional Technology and Innovation Hubs (Tech Hubs). Applicants to this Phase 1 NOFO must choose whether they are pursuing a Strategy Development Grant, a Tech Hub Designation, or both. Strategy Development Grants provide funding to awardees, and section A.1.c. discusses them in greater detail below. Designation, on the other hand, is unfunded, but is a strong signal of a region’s potential and is a prerequisite to applying to the Phase 2 NOFO, through which EDA will award Implementation funding. Section A.1.d. below discusses Designation in more detail.

In a future Phase 2 NOFO, Designated Tech Hubs will compete for funding for Implementation projects to help propel the region into a self-sustaining, globally competitive Tech Hub. Phase 2 Implementation funding is discussed in greater detail below in section A.1.e.

**b. General Requirements**

EDA expects applicants to address several general requirements in their Tech Hubs Competition application materials (see section D.2. below).

<b>How do I know what to apply for?</b>	
<b>Designation Only</b>	“Our region is ready to apply for Implementation funding and does not need a Strategy Development Grant to further organize.”
<b>Both Designation and a Strategy Development Grant</b>	“Our region is close to ready to apply for Implementation funding, and additional resources would strengthen our coordination, planning, and Phase 2 application development.”
<b>A Strategy Development Grant Only</b>	“Our region has relevant assets, resources, capacity, and/or potential, but we need to do significantly more coordination and planning to be ready for Implementation funding. We do not wish to apply for Implementation funding this year.”
Whether a region chooses to apply for a Strategy Development Grant won’t affect EDA’s Designation decisions—each will be evaluated separately. See sections D.2., E.1.a., and E.1.b.	

**i. What constitutes a region for purposes of the Tech Hubs Competition?**

EDA defines a Hub’s geography as a Metropolitan Statistical Area (MSA) or a similar area (including Micropolitan Statistical Areas (μSAs) or tightly interconnected combinations of MSAs and/or μSAs)<sup>1</sup> with a concentration of assets, capital, R&D, labor market, and infrastructure strongly relevant to the Hub’s selected core technology area, the Hub’s identified market opportunity, and its potential to become globally competitive in that area within a decade. Applicants should identify their chosen geography as part of their application. Applicants should consider their chosen geography as the nexus of the Tech Hub but may include partnerships outside that geography as part of the hub. Consortia may include assets or members outside the chosen geography—e.g., in nonmetro rural areas or partnerships with geographically distant but tightly mission-aligned organizations—that support the consortia’s strategy and benefit the Hub.

**ii. What technologies are considered key focus areas?**

A consortium must select and its application must clearly identify a selected core technology area within or at the intersection of one or more of the key technology focus areas (KTFAs) listed below that the Tech Hub, if Designated, will focus on (see the diagram below for examples of potential relationships between KTFAs and selected core technology areas).

The key technology focus areas under this NOFO are:

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

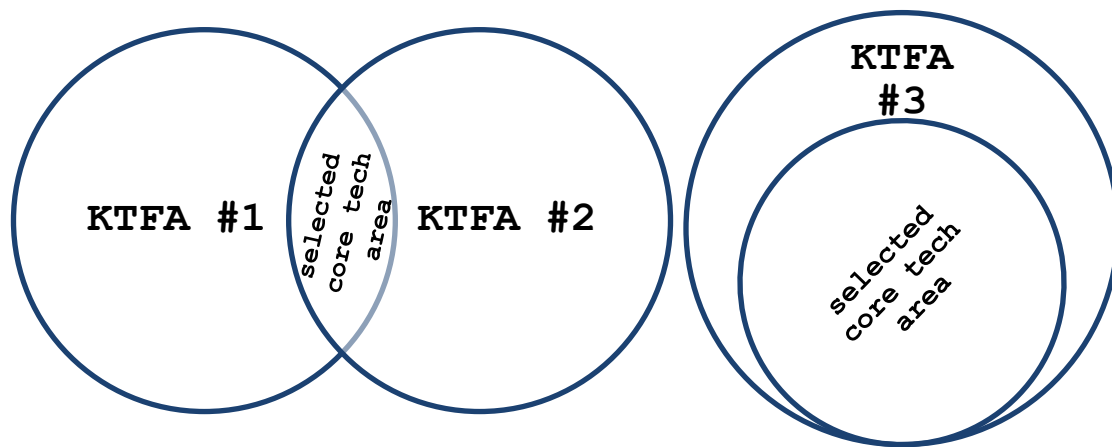
This list is drawn from 42 U.S.C. § 19107, as directed by the Tech Hubs statute.<sup>2</sup> The Tech Hub may select a core technology area that falls within a single KTFA or crosses multiple KTFAs where the Hub has the potential to become within a reasonable time a self-sustaining, globally competitive leader in that selected core technology area’s market. EDA encourages each consortium to identify a selected core technology area with a defined market opportunity and for which the consortium has a clearly articulable competitive advantage. EDA will seek to Designate regions that have chosen their most

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<sup>1</sup> See <https://www.census.gov/geographies/reference-maps/2020/demo/state-maps.html> for current maps of MSAs and μSAs. Note that these delineations are scheduled to be updated in the coming months.

<sup>2</sup> The National Science Foundation is required to review and update this list annually. For the purposes of both Phases 1 and 2 of the Tech Hubs Competition, EDA is relying on the initial list enacted by Congress at 42 U.S.C. § 19107(c).

significant technological strength from the above list as opposed to more nascent or less resourced technology areas.



*Illustrations of potential relationships among Key Technology Focus Areas (KTFA) and a coalition's selected core technology areas*

Note that the Tech Hubs program is not intended to fund basic and fundamental research nor activities intended to increase capacity to conduct such research; the National Science Foundation and other agencies fund such activities. Instead, the Tech Hubs program is intended to advance the capacities of places to commercialize, deploy, and domestically manufacture and deliver these technologies. All projects funded under both phases of the Tech Hubs Program should increase the speed and effectiveness with which industry and other organizations transition technologies upward from Technology Readiness Levels six through nine.<sup>3</sup>

**iii. What entities are eligible to apply for Strategy Development Grants, Designation, and Implementation Grants?**

Consortia are eligible to apply for Designation and for grants under both phases of the Tech Hubs Program. For purposes of this program, each consortium **must** include at least one of each of the following entity types (see section C.1. for statutory citations for some entity types):

- (1) Institutions of higher education, which may include Historically Black Colleges and Universities, Tribal Colleges or Universities, and Minority-Serving Institutions;
- (2) State, territorial, local, or Tribal governments or other political subdivisions of a State, including State and local agencies, or a consortium thereof;
- (3) Industry groups or firms in relevant technology, innovation, or manufacturing sectors;

<sup>3</sup> Different objectives and technology domains require different TRL definitions, but most TRL scales have nine levels. See, e.g., U.S. Government Accountability Office, Technology Readiness Assessment Guide, GAO-20-48G, App. IV at 115-21 (Jan. 2020), available at <https://www.gao.gov/assets/gao-20-48g.pdf>. Because this program seeks to advance technologies across a broad array of domains, EDA is not selecting specific TRL definitions but is adopting the common nine-level structure.

- (4) Economic development organizations or similar entities that are focused primarily on improving science, technology, innovation, entrepreneurship, or access to capital; and
- (5) Labor organizations or workforce training organizations, which may include State and local workforce development boards.

EDA encourages **two or more firms** directly relevant to the consortium's selected core technology area to participate as members of the consortium. EDA will be evaluating the quality of the firms' proposed participation in the consortium, rather than the quantity of firms participating in it. EDA also encourages the participation of labor organizations, including state labor federations, or other organizations representing workers as direct members of the consortium. EDA expects that all consortia members, including labor unions and federations, will be given equal opportunity to participate in consortia planning efforts.

Consortia **may** also include one or more of:

- (1) Economic development entities with relevant expertise, including a district organization;
- (2) Organizations that contribute to increasing the participation of underserved populations in science, technology, innovation, and entrepreneurship;
- (3) Venture development organizations;
- (4) Organizations that promote local economic stability, high-wage domestic jobs, and broad-based economic opportunities, such as employee ownership membership associations and State or local employee ownerships and cooperative development centers, financial institutions and investment funds, including community development financial institutions and minority depository institutions;
- (5) Elementary schools and secondary schools, including area career and technical education schools;
- (6) National Laboratories;
- (7) Federal laboratories;
- (8) Manufacturing extension centers;
- (9) Manufacturing USA Institutes;
- (10) Transportation planning organizations;
- (11) Cooperative extension services;
- (12) Organizations that represent the perspectives of underserved communities in economic development initiatives; and
- (13) Institutions receiving an award under the National Science Foundation's (NSF) Regional Innovation Engines program.

EDA will evaluate the consortium based on the quality of the partnerships and the relevance of the members to the consortium's strategy, rather than on the quantity of participating members. See section E.1. of this NOFO for guidance on how EDA will evaluate the quality of the assembled consortia. A more complete description of the above entities may be found in section C.1. of this NOFO.

#### iv. Are there any special considerations on how we organize the consortia?

EDA does not require that the consortium have a formal legal structure (*i.e.*, a contractual arrangement or public-private partnership). EDA, however, does expect that consortium members are actively collaborating and aligned behind the content of their Phase 1 application.

EDA requires that each consortium identify a lead consortium member, which commits to:

- be the principal applicant for the Phase 1 Strategy Development Grant and/or Phase 1 Designation;
- serve as EDA’s main point of contact during the competition and implementation;
- be the employer of the Regional Innovation Officer (RIO) or have an established relationship with that employer (see below for a description of the purpose of the RIO);
- serve as the central coordinator of the consortium by leading or otherwise having a significant role in the consortium’s governance;
- convene public, private, academic, labor, and civic leaders to facilitate regional cohesiveness in maximizing the region’s competitiveness;
- establish and maintain communication between the consortium and EDA to enable and accelerate collaboration and support; and
- ensure funding and other assistance provided by EDA and any other partners are absorbed effectively within communities.

*Are EDA Build Back Better Regional Challenge (BBBRC) Finalists and Winners eligible to participate in the Tech Hubs Competition?*

Yes, provided that they meet the other eligibility criteria for the Tech Hubs competition and, if they are applying for funding, are only seeking funding for a scope of work separate from what was funded under BBBRC. They may apply to this NOFO, in some cases with different geographic boundaries (see section A.1.b.i.) and/or different consortium members.

In the event the consortium is Designated in Phase 1 and wins a Phase 2 Implementation award, the lead member will have additional duties related to the ongoing governance structure of the collection of implementation projects funded to ensure they remain cohesive and coordinated. Governance in this context means ensuring that the consortium is communicating and coordinating activities and outcomes. The lead member may also receive funding for specific implementation project(s) in Phase 2. These details will be further addressed in the forthcoming Phase 2 NOFO.

As well as identifying a lead, EDA expects letters of commitment from all the other members of the consortium (or one letter with signatures from all members) evidencing that each consortium member has read the application and is committed to executing its roles, responsibilities, or commitments related to the Tech Hub. Such commitments might expand and become more specific in Phase 2, including applying for and executing an individual component project or making hiring, match funding, or policy change commitments for the overall benefit of the competitiveness of the Tech Hub.

EDA also expects that the exact membership of the consortium may change over time and views it as a success if more members join or the membership is refined to reflect the exact parameters of the Phase 1 Strategy Development grant or, if Designated as a Tech Hub, the strategy that emerges in the consortium’s application for a Phase 2 Implementation Grant.

#### v. What is the purpose of the Regional Innovation Officer?

A common problem within regional innovation ecosystems is the lack of cross-institutional leadership. While chambers of commerce and other civic institutions represent the regional economy, the rules,



processes, and programs that drive innovation can be locked within firms and research institutions. This fragmentation of practices can hurt a region's ability to increase its scale and make it difficult for external firms, investors, entrepreneurs, and workers to collaborate and succeed in the region. The purpose of the RIO is to encourage each region to identify a strong individual to lead its overall innovation agenda. While some coalitions will not have their RIOs identified in Phase 1, EDA expects each applicant at a minimum to have articulated a clear plan for identifying the individual and to have described clearly the profile of the future RIO. For those with an identified RIO, EDA requires applicants to provide their resume. Among their responsibilities, the RIO will be accountable for ensuring clear and effective governance and leadership of the consortium.

**vi. How should applicants consider climate and environmental responsibility?**

The Department understands that industries can both reduce their environmental impact and further their competitive advantage by pursuing net-zero goals and accounting for current and future weather- and climate-related risks. Applicants are expected to design their projects to minimize the potential for adverse impacts on the environment and the local community, including communities with environmental justice concerns. Applicants should also account for or have a plan to account for current and future weather- and climate-related risks, such as wildfires, droughts, extreme heat and cold, inland and coastal flooding, and the extreme winds produced by tornadoes, hurricanes, and other weather events.

**vii. How should applicants consider equity?**

Consistent with Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government and Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, and EDA's Equity Investment Priority, EDA expects projects to advance equity to underserved and underrepresented populations<sup>4</sup> to the extent practicable.

Specifically, applicants are expected to articulate which populations or communities will benefit from the project and how the project will provide for inclusive community engagement, ensuring that the economic benefits of the project will be shared by all communities in the project area, including any underserved communities.

**c. Strategy Development Grants**

An applicant to the Tech Hubs Phase 1 NOFO may apply for a Strategy Development Grant. Such grants are intended to facilitate a region to prepare to apply for an Implementation Grant or to prepare for potential future rounds of Designation, if EDA receives additional Tech Hubs appropriations. There are consortia that may be strong candidates for Designation (discussed below in section A.1.d.) that may not have a compelling case for a Strategy Development Grant. As such, a Strategy Development Grant should help the consortium significantly increase local coordination and planning activities to be more competitive on the seven items discussed in the Designation section below (A.1.d.). Applications will be evaluated based on how well they do that.

Strategy Development Grants may fund the following types of activities:

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<sup>4</sup> Underserved and underrepresented populations and communities include but are not limited to persons who rent their home, racial and ethnic minorities, limited English proficiency (LEP) populations, persons with disabilities, and racially and ethnically concentrated areas of poverty, among other communities.

- (1) Coordination of a locally defined planning processes, across jurisdictions and agencies, relating to developing a comprehensive regional technology strategy;
- (2) Identification of regional partnerships for developing and implementing a comprehensive regional technology strategy;
- (3) Implementation or updating of assessments to determine regional needs and capabilities;
- (4) Development or updating of goals and strategies to implement an existing comprehensive regional plan;
- (5) Identification or implementation of planning, local zoning, and other changes to code, law, or policy necessary to implement a comprehensive regional technology strategy;
- (6) Development of plans for promoting broad-based economic growth, creating good paying jobs, assessing job quality,<sup>5</sup> and helping students and workers gain the skills for, secure, and advance in good jobs and careers to develop a qualified workforce related to the consortium's selected core technology area within a region;
- (7) Hiring of the coalition's RIO to lead the overall effort; and
- (8) Activities necessary to prepare for strategy implementation, which may include workforce development strategies and environmental and engineering documentation, if applicable.

In submitting the required application materials (see section D.2. below), the applicant should describe its proposed planning activities in the required Project Narrative, whether included on the above list or additional.

In addition, EDA will ensure geographic diversity and representation in the awarding of Strategy Development Grants. Thus, by statute:

- (1) Not fewer than one-third of Strategy Development Grants must go to eligible consortia that significantly benefit a small and rural community<sup>6</sup> and
- (2) Not fewer than one-third of grants must go to eligible consortia that include as a member of the consortia at least one member that is a State or territory that is eligible to receive funding from the Established Program to Stimulate Competitive Research (EPSCoR) of the National Science Foundation.<sup>7</sup> EPSCoR States and territories are set through FY 2027 and include Alabama, Alaska, Arkansas, Delaware, Guam, Hawaii, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Puerto Rico, Rhode Island, South Carolina, South Dakota, Vermont, US Virgin Islands, West Virginia, and Wyoming.

These two categories may overlap such that one grantee may count toward meeting both requirements. EDA expects each applicant to identify those geographic criteria that might apply to their respective region in their application materials (see section D.2. below).

By statute, Strategy Development Grants may not be used as a prerequisite for Implementation Grants.

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<sup>5</sup> See, e.g., <https://www.dol.gov/general/good-jobs/principles>.

<sup>6</sup> "The term 'small and rural community' means a noncore area, a micropolitan area, or a small metropolitan statistical area with a population of not more than 250,000." 15 U.S.C. § 3722a(a)(8).

<sup>7</sup> EPSCoR States are determined annually by the National Science Foundation (NSF) based on the proportion of NSF funding each State receives within certain periods of time. See 42 U.S.C. § 13503(b)(3) (2021); NAT'L SCI. FOUND., EPSCoR Criteria for Eligibility, <https://beta.nsf.gov/funding/initiatives/epscor/epscor-criteria-eligibility> (last visited Feb. 14, 2023).

#### d. Designation

An applicant to the Tech Hubs Phase 1 NOFO may apply to be Designated as a Regional Technology and Innovation Hub. Only applicants Designated at the conclusion of Phase 1 of the Competition will be permitted to apply for Implementation Grants under the Tech Hubs Phase 2 NOFO.

Designation is a strong signal from EDA about a region's assets, resources, and capabilities, including that the region is in a position where an investment over the next five years can catalyze their emergence over the next decade as a self-sustainable, globally competitive region in a particular technological area(s). EDA's evaluation of a region's potential is detailed in section E.1. and must be addressed in the applicant's application materials (see section D.2. below).

For a consortium to demonstrate that their region is ready for Designation, they should address:

- (1) **Technology-based potential of the region for global competitiveness:** Consistent with 15 U.S.C. §3722a(b)(1)(C)(i), the Tech Hubs Program is intended to enable US leadership in technology and innovation sectors critical to national and economic security. Therefore, a Designated Tech Hub should be in a position to become globally competitive in a KTFA within the next decade, if they receive a Phase 2 Implementation award and any additional, expected commitments. In Phase 2 of this program, EDA expects to award approximately \$50-75 million (\$65 million on average) to each Phase 2 Implementation Grant awardee toward this goal, so the ability of that level of funding to help catalyze a region into being globally competitive will be particularly germane, though not determinative. To show their potential to be globally competitive, the region must inventory the existing assets, resources, and capabilities of the region—including relevant companies and their commitments to specific actions and approaches that support the region's growth—that will be enhanced or brought together with the EDA funding. In this vein, applicants should identify relevant ongoing State and local development programs and investment from other relevant Federal programs—such as the National Science Foundation's (NSF's) Regional Innovation Engines, Department of Energy programs, U.S. Department of Agriculture Rural Development programs, education and training programs from the Departments of Education and Labor, and National Institute of Standards and Technology programs—that will complement and amplify their impact (and that will not duplicate those other investments). EDA will not fund basic and fundamental research nor activities intended to increase capacity to conduct such research—regions should demonstrate significant existing market-relevant scientific capacity. EDA will also not fund a region that, absent EDA funding, is on a clear path to global competitiveness. Applicants should clearly describe the nature and magnitude of the consortium's selected core technology area's economic opportunity, including, *e.g.*, reasonable, data-based, and justified forecasts of the future size of the global market, the region's future share of that market, and the number and earning potential of related jobs.

This requirement includes the statutory considerations found at 15 U.S.C. § 3722a(h)(1) (potential to advance development, deployment, and domestic manufacturing KTFA) and (12) (sustainability of the consortium).

- (2) **Role of the private sector:** A Designated Tech Hub—including its consortium—should have clear, prominent, and strong private sector participation, especially from firms in the consortium's selected core technology. EDA encourages two or more firms in the consortium's selected core technology to participate as direct members of the consortium. EDA also encourages the consortium's strategy to recognize the importance of private capital that meets the needs of technologies and companies at various stages in their development and maturity.

The robustness of the private sector’s commitment to and ability to benefit from the region’s strategy and EDA’s investments—including startups, existing firms in cluster, other firms in the supply chain, small-and-medium sized and employee-owned businesses and cooperatives, and venture and financial institutions<sup>8</sup>—will be one factor that will be considered. There are many ways the private sector can be an important partner, including commitments of funding, investments, hiring, good labor and business practices, or community ties. EDA expects regions to articulate their own strategy. The application must include written documentation from each firm in the consortium, evidencing that each firm has read the application and is committed to executing its role in the consortium, including any specific commitments (*e.g.*, funding, hiring). As with all letters of support, EDA puts a premium on quality over quantity.

This requirement includes the statutory considerations found at 15 U.S.C. § 3722a(h)(4) (engagement with the private sector to commercialize new technologies and improve the resiliency and sustainability of domestic supply chains in sectors critical to national security and economic competitiveness) and (7) (partnerships with sources of private investment in support of private sector activity).

- (3) **Regional coordination & partnerships:** For a consortium to successfully become globally competitive, there must be strong alignment and a shared strategic vision amongst all the consortium’s membership. EDA would like to understand how the sum of the consortium members is greater than its parts. In that regard, any history of working together in the past and achieving concrete successes will be relevant. EDA recognizes and expects that consortium membership may change over the course of the Competition, especially between Phase 1 and Phase 2: new members may join, and, as the consortium’s plans solidify, the involvement of particular members may become more or less relevant. Designation requires a holistic understanding of the relevant regional institutions and assets, a clear collaboration model, and strong leadership.

This requirement includes the statutory considerations found at 15 U.S.C. § 3722a(h)(8) (organization of activities of regional partners) and (11) (alignment of education institutions activities with selected core technology area).

- (4) **Equity & diversity:** EDA expects applicants to describe clearly how the consortium and other partners and stakeholders will actively engage underserved communities in planning and how benefits from the tech hub will be shared equitably, which may include but are not limited to increasing the number of high-wage, high-quality domestic jobs—including union jobs—available to residents in the Tech Hub; removing barriers to good jobs, particularly for those without college degrees who are disproportionately from underserved communities, including by partnering with community colleges; creating new economic opportunities for economically disadvantaged and underrepresented populations (including rural populations); increasing opportunities for minority business enterprises and socially and economically disadvantaged individual owned businesses; and building and retaining wealth in the region as part of supporting broad-based economic growth. EDA seeks evidence-driven equity and inclusion initiatives, including those that effectively support more historically underrepresented innovators and those that focus on a core technology area that includes significant job

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<sup>8</sup> As described in section C.1. this includes community development financial institutions and minority depository institutions.

opportunities for a wide range of skill and experience levels. Consortium members' historical commitments to equity and diversity and their prior concrete successes related to equity and diversity will be relevant. The application should include letters of support from entities that represent underserved communities, businesses, and workers. As with all letters of support, EDA puts a premium on quality over quantity.

This requirement includes the statutory considerations found at 15 U.S.C. § 3722a(h)(2) (creating new economic opportunities for economically disadvantaged and underrepresented populations), (5) (partnerships with community colleges, HBCUs, MSIs, Tribal Colleges and Universities), (6) (STEM opportunities), (9) (support of local and regional businesses through procurement), and (10) (ensure that growth produces opportunities across the region and for economically disadvantaged, minority, underrepresented and rural populations; consider affordable housing availability and primary and secondary education).

- (5) **Composition and capacity of the regional workforce:** To become globally competitive, a region must not only have an R&D advantage in one or more KTFAs, but also have the workforce and workforce development systems necessary to scale. Once the technology becomes more widespread, the region needs to demonstrate the ability to maintain its competitiveness and scale the regional workforce in the consortium's selected core technology area, including opportunities for workers with relevant skills but without four-year college degrees and strategies to retain both U.S. and foreign-born students in the region as entrepreneurs and workers. Applications should include qualitative and quantitative descriptions of the current regional workforce, specifically the subsets most relevant to the consortium's selected core technology area. The application should describe further how the region will grow and evolve its STEM workforce—including by developing pipelines from within the region itself and its underserved populations—to continue to meet the needs of companies and research institutions in the consortium's selected core technology area (and its supply and value chains), whether with existing or new workforce development capacity, in line with DOC's workforce best practices<sup>9</sup> and Commerce and Labor Departments' Good Jobs Principles.<sup>10</sup> Applications also should describe how workforce development programs and organizations representing workers, including labor organizations, will collaborate within the consortium and region to increase job quality and the quantity of good jobs in the selected core technology area.<sup>11</sup> EDA encourages labor organizations, labor federations, or organizations representing workers to participate as direct participants in the consortium.

This requirement includes the statutory considerations found at 15 U.S.C. § 3722a(h)(1) (potential to advance development, deployment, and domestic manufacturing of technologies critical to national security and economic competitiveness), (2) (likelihood of positive regional economic effect, including increasing the number of high wage domestic jobs), (5) (workforce development and skills acquisition

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<sup>9</sup> See <https://www.commerce.gov/issues/workforce-development>.

<sup>10</sup> For more information on what constitutes a good job, see <https://www.dol.gov/general/good-jobs/principles>.

<sup>11</sup> Collaborations could include labor-management training programs or increasing access to debt-free or affordable high-quality preparation for those jobs through, e.g., Registered Apprenticeships, pre-apprenticeship programs, and Career and Technical Education programs.

programming), and (10) (ensure that growth produces opportunity across the identified region and for economically disadvantaged, minority, underrepresented and rural populations).

- (6) **Innovative “lab to market” approaches:** A critical element of becoming a Tech Hub is successfully translating science into market opportunities. EDA intends to encourage and reward regions that can identify new and/or scaled-up proven existing models (*e.g.*, innovative procurement policies and practices) that will overcome commercialization barriers and bring technologies and ideas to the market. Applicants, teams, and institutions should primarily pursue technology transfer policies and programs that promote global competitiveness (not those that merely promote pure academic research output), that leverage the resources of their key R&D assets, and that prioritize U.S. technology creation and production while promoting U.S. ownership of intellectual property (IP). Applicants should discuss methods of translating research into local economic competitiveness (*e.g.*, specific programs, policies, incentives and practices)—including evidence that supports the success of those methods. Applicants should also discuss the new or scaled-up programs and policies consortium members plan to pursue.

This requirement includes the statutory considerations found at 15 U.S.C. § 3722a(h)(3) (leverage the resources of federally funded research and development), (9) (support local and regional businesses through procurement), and (11) (alignment of education institutions’ activities).

- (7) **Impact on economic and national security of the entire United States:** The Tech Hubs Program is designed to bolster regional competitiveness to strengthen the United States’ leadership in technologies critical to economic and national security and that will create jobs and domestic production in the United States. As a new tool to support American domestic and foreign policy, the Tech Hubs program requires that applicants clearly articulate how their success at becoming globally competitive in their selected core technology area supports national priorities. Economic and national security are tightly intertwined with a variety of national priorities ranging among climate change, supply chain resiliency, accelerating the pace of innovation in critical technologies, and beyond.<sup>12</sup> Successful applicants will focus their strategies and investments in areas that serve their regional economies as well as U.S. economic and national security and will demonstrate the likelihood of positive regional economic effect.

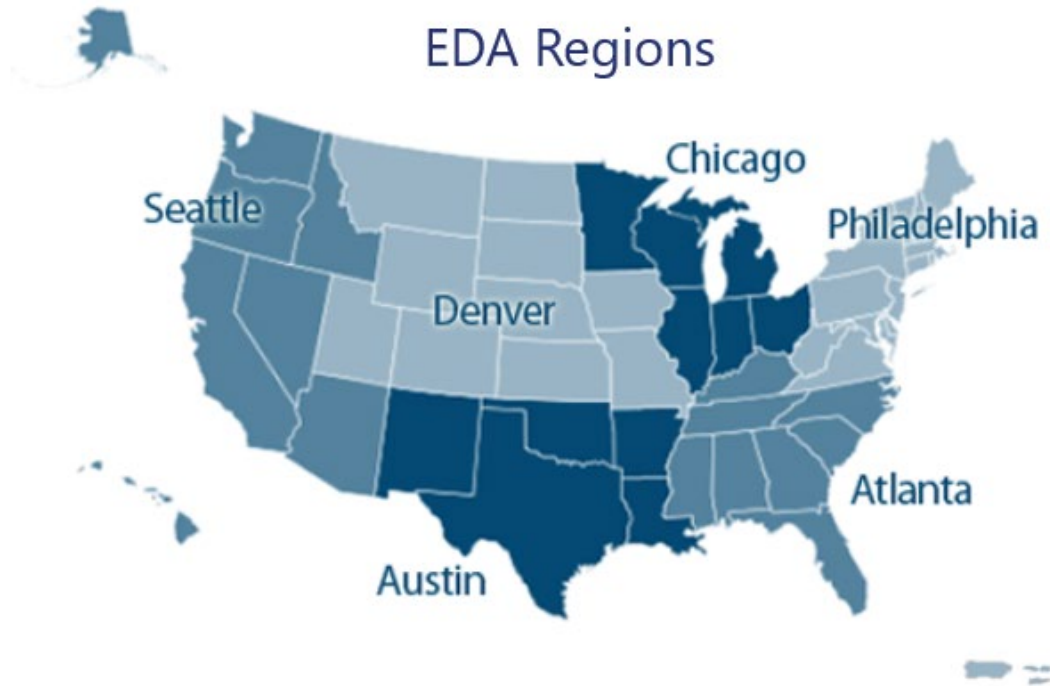
This requirement includes the statutory considerations found at 15 U.S.C. § 3722a(h)(1) (critical to national security and economic competitiveness), (2) (building and retaining wealth in the region), (12) (durability of the consortium’s impacts), and (13) (enhance economic, environmental, and energy security of the U.S. by promoting domestic innovative clean technologies and advanced manufacturing practices).

Additionally, by statute, EDA is required to Designate at least 20 Tech Hubs while seeking to comply with the following geographic constraints:

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<sup>12</sup> The following strategies are helpful in identifying the technology’s impact on national security considerations: the 100-day supply chain reviews produced pursuant to Executive Order 14017, Building Resilient Supply Chains, Revitalizing American Manufacturing, and Fostering Broad-Based Growth; the National Security Strategy’s (Oct. 2022) discussion of climate change and other technological areas; Executive Order 14008, Tackling the Climate Crisis at Home and Abroad; and CHIPS for America, A Strategy for the CHIPS for America Fund.

- (1) At least three Tech Hubs are Designated in each area covered by an EDA Regional Office. See the below map depicting the States covered by each EDA Regional Office. Note that the Seattle Regional Office covers Hawaii, Alaska, and the Pacific U.S. Territories while the Philadelphia Regional Office covers the Atlantic U.S. Territories.



- (2) Not fewer than one-third of Designated eligible consortia significantly benefit a small and rural community.
- (3) Not fewer than one-third of Designated eligible consortia include as a member of the consortia at least one member that is a State or territory that is eligible to receive funding from the EPSCoR of the NSF. Again, EPSCoR States and territories are set through FY 2027 and include Alabama, Alaska, Arkansas, Delaware, Guam, Hawaii, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Puerto Rico, Rhode Island, South Carolina, South Dakota, Vermont, US Virgin Islands, West Virginia, and Wyoming.
- (4) At least one Designated eligible consortium is headquartered in a low population State<sup>13</sup> that is eligible to receive funding from the EPSCoR of the NSF. States that meet this definition include Alaska, Maine, Montana, New Hampshire, North Dakota, South Dakota, Vermont, West Virginia, and Wyoming.

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<sup>13</sup> The term "low population State" means a State without an urbanized area with a population greater than 250,000 as reported in the decennial census.

- (5) Designate two additional tech hubs based on the extent to which the regional technology and innovation hub significantly engages and benefits underserved communities in and near metropolitan areas.

Consortia may fulfill one or more of the above five requirements.

Further, in Designating eligible consortia, EDA encourages eligible consortia to leverage institutions of higher education serving populations historically underrepresented in STEM, including Historically Black Colleges and Universities, Tribal Colleges or Universities, and Minority-Serving Institutions to significantly benefit an area or region.

Lastly, in Designating eligible consortia, EDA encourages proposals from eligible consortia that would significantly benefit an area or region whose economy significantly relies on or has recently relied on coal, oil, or natural gas production or development.

EDA expects each applicant to identify those geographic criteria that might apply to their respective region in their application materials (see section D.2. below).

#### **e. Implementation Grants**

Given that EDA will award Implementation Grants competitively under the Tech Hubs Phase 2 NOFO to a subset of consortia Designated under the Tech Hubs Phase 1 NOFO, it is instructive to understand the types of activities that might be funded with Implementation Grants.

Implementation Grants can fund a wide range of non-construction and construction activities that aim to increase regional capacity across the following four broad categories: workforce development, business and entrepreneur development, technology maturation, and infrastructure.<sup>14</sup> This large suite of eligible activities is designed to meet the individual needs of a particular region and what it specifically needs to catalyze it becoming a sustainable, globally competitive Tech Hub in its consortium's selected core technology area. EDA expects workforce development activities to be in line with DOC's workforce best practices<sup>15</sup>, support placement into good jobs, including union jobs, and incorporate worker input into their design and delivery.<sup>16</sup>

In each Tech Hub selected for Implementation Grants, EDA expects to fund approximately 3-8 tightly aligned projects that aim to collectively address the region's key inhibitors of global competitiveness at a total funding level of approximately \$50-75 million (\$65 million on average) for each Tech Hub that is selected under the Phase 2 NOFO for Implementation funding.<sup>17</sup>

#### **Investment Examples within the Regional Tech Hubs Program**

Like a previous EDA competition, the Build Back Better Regional Challenge (see <https://www.eda.gov/funding/programs/american-rescue-plan/build-back-better>), the Tech Hubs Program seeks to invest in multiple, simultaneous, interconnected projects that accelerate regional economic development. The Tech Hubs Program is aggressively focused on investing in activities that

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<sup>14</sup> See 15 U.S.C. § 3722a(f)(2) for a more comprehensive list of allowable activities within these four broad categories.

<sup>15</sup> See <https://www.commerce.gov/issues/workforce-development>.

<sup>16</sup> For more information on what constitutes a good job, see <https://www.dol.gov/general/good-jobs/principles>.

<sup>17</sup> The statutory authority envisions possible future investments for consortia that receive Implementation funding. This may be possible in the future depending on future Congressional appropriations.



will enable a region that already has R&D assets in a manner that catalyzes their emergence over the next decade as self-sustainably, globally economically competitive in its selected core technology area.

For example, such an investment might be highly targeted within several interrelated projects that will leverage existing technical expertise to accelerate both the regional economy and American competitiveness, such as the following:

- a “first of its kind”, world-class demonstration facility or testbed that provides startups access to shared facilities to bring products and services in a consortium’s selected core technology area to market faster;
- a strategy to bring entrepreneurship- and industry-focused faculty researchers and innovators to the university and national lab that have a proven track record of creating new startups in a consortium’s selected core technology area (researchers would have joint appointments at the lab, university, and private sector companies);
- a program that ensures workers collaborate directly in the demonstration of new technologies to inform the design of those technologies—as well as their deployment, production, and delivery—with the perspective, experience, and input of workers;
- the re-purposing of an existing site or facility (such as a former auto or coal plant or other brownfield) to promote the advance of the core technology;
- a network of industry-focused workforce training programs via which workers would be trained on cutting edge technologies on the job or at the demonstration facility;
- partnerships with organizations that support employer adoption of hiring and employment practices that tap into the talents of existing workers and remove barriers to good jobs, such as skills-based recruitment and hiring practices;
- a technology supply chain program that helps existing small manufacturers throughout the region purchase the necessary equipment and hire workers that allow it to transition into domestic manufacturing in the supply chains of the consortium’s selected core technology area (small businesses would have access to the demonstration facility to try out new machinery);
- an “Office of Regional Innovation” led by the new RIO to spearhead the entire industry transition strategy, ensure common industry engagement between the labs and universities and oversee industry partnerships at the new demonstration facility and ensure they are well-staffed with industry-focused economic development and technology practitioners;
- a region-wide strategy, specific to the consortium-selected core technology area, to blend and braid multiple funding sources and programs around industry’s needs related to the consortium’s selected core technology area; and
- a capital networks strategy that crowds in and syndicates significant follow-on funding.

### **Policy Examples within the Regional Tech Hubs Program**

EDA recognizes most regions will need to undertake significant new commercialization policies and programming to accelerate their growth and achieve global competitiveness. While EDA acknowledges many new policies will not be ready within the Phase 1 application period, it is highly likely that EDA will fund implementation strategies in Phase 2 that are paired with commitments to institute creative and impactful commercialization policy changes that may not require EDA funding to implement. The Tech Hubs Program offers maximum flexibility to fund or otherwise support new public and regional policies, and regions are encouraged to describe in applications for Designation and for Strategy Development Grants the types of policy changes they are considering, such as:

- region-wide standardization of licensing and technology transfer rules among research institutions;

- innovation voucher programs that enable researchers to provide technical (including but not limited to legal, engineering, capital, etc.) support to small-and-medium sized manufacturers;
- criteria for evaluating faculty and staff performance which include efforts that promote economic development;
- investments “outside the fence” at national labs, including micro-labs and other pre-competitive environments that connect labs to industry;
- private sector R&D facilities that provide access to researchers to accelerate commercial outcomes;
- strategies to build local talent pipelines to increase the number of high-skilled—including both U.S. and foreign-born—students retained in the region as entrepreneurs and workers;
- commitments of endowments and other sources of regional capital to invest in regional startups that are committed to domestic manufacturing;
- coordination between regional entrepreneurship ecosystem organizations, including standardized outcome reporting;
- how the consortium will better ensure affordable housing availability, especially as the region covered by the consortium accelerates its growth;
- a supplier diversity program, including proactive commitments to supplier diversity and working with supplier diversity organizations to grow a pool of diverse domestic suppliers;
- partnerships between research institutions and labor unions or organizations representing workers that incorporate workers earlier and more intensively in the R&D and commercialization processes;
- expanding innovative repurposing for power plant, auto, and other communities as our country transitions to a net-zero greenhouse gas economy; and
- public, private, and university sector institutions that create new leadership positions meant to accelerate technology-based global competitiveness.

EDA aims to provide maximum flexibility both in terms of what the Tech Hubs Program can fund as well as what constitutes a meaningful policy commitment. The above examples are not meant to be an exhaustive list but are examples of investments and policy changes consortia might consider. EDA encourages other creative ideas to shift a region’s academic, research, and innovation incentives to those that promote global competitiveness.

## **2. Statutory Authorities for EDA’s Tech Hubs Program**

The statutory authority for this program is section 28 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. § 3722a).

## **B. Federal Award Information**

### **1. What Funding Is Available Under this Announcement?**

Across the Consolidated Appropriations Act, 2023 and the Disaster Relief Supplemental Appropriations Act, 2023 (both enacted in Public Law 117-328), Congress appropriated EDA \$500,000,000 to remain available until expended to implement the Tech Hubs Program.

If an applicant is awarded funding, neither DOC nor EDA is under any obligation to provide any future funding in connection with that award or to make any future award(s). Amendments or renewals of an award to increase funding or to extend the period of performance are at the sole discretion of DOC and EDA.

Publication of this announcement does not obligate DOC or EDA to award any specific grant or cooperative agreement or to obligate all or any part of available funds. The granting of any award is subject to the availability of funds at the time of award as well as to DOC priorities at the time of award. Neither DOC nor EDA will be held responsible for application preparation costs.

Applicants to this Phase 1 NOFO must choose whether they are pursuing a Strategy Development Grant, a Tech Hub Designation, or both. EDA anticipates approximately \$15,000,000 in total being awarded in Phase 1 as Strategy Development Grants. Such grants will at maximum be awarded between approximately \$400,000 and \$500,000 in federal funds each depending on the level of local match for which they qualify (see section below C.2.a.). Designation itself does not come with any funding, although EDA may award a Strategy Development Grant to a Designated Tech Hub. Designation also serves as a prerequisite to applying to the Tech Hubs Phase 2 NOFO, through which Implementation Grants will be awarded. **If a consortium would like to apply for Implementation funding this year, it should apply for Designation under this Phase 1 NOFO.** EDA expects to Designate at least 20 Tech Hubs during Phase 1. See the text box on p. 1 of this NOFO for examples of who might consider applying for a Strategy Development Grant, Designation, or both. Under Phase 2, EDA anticipates funding 5-10 Tech Hub Implementation Grants between \$50,000,000-75,000,000 (an average rate of \$65,000,000) each, though the amounts will vary depending on the constituent projects, location of the Tech Hub, and the consortium's selected core technology area. The individual award amount will vary by Tech Hub cluster and will depend on the nature and cost of the proposed component projects.

Depending on demand under this NOFO, EDA may exercise its discretion to adjust the total amount available between the Phase 1 and Phase 2 NOFOs to ensure funds are used to maximum effect and to determine the total number of Hubs it Designates.

## **2. What Type of Funding Instrument Will Be Used to Make Awards? How Long Will a Project's Period of Performance Be?**

*Funding Instrument:* Subject to the availability of funds, EDA may award grants or cooperative agreements to eligible applicants for Strategy Development Grants. EDA will award a cooperative agreement on a case-by-case basis if substantial agency involvement is required. For a cooperative agreement, the nature of EDA's "substantial involvement" (to be included in the terms and conditions of the award) will generally be collaboration between EDA and the recipient on the scope of work, including consultation about administration of subawards to other consortium members. However, other possible examples of EDA's "substantial involvement" may include but are not limited to: (i) authority to halt immediately an activity if detailed performance specifications are not met; (ii) stipulation that the recipient must meet or adhere to specific procedural requirements before subsequent stages of a project may continue; and (iii) operational involvement and monitoring during the project to ensure compliance with statutory requirements.

*Period of Performance:* The period of performance for a given Phase 1 Strategy Development project may vary depending on the scope of work. EDA expects that most projects will range from 18 to 36 months. EDA expects that all projects will proceed efficiently and expeditiously.

## **C. Eligibility Information**

### **1. Eligible Applicants**

Only consortia are eligible to apply for investment assistance under this NOFO.

Each consortium **must** include at least one each of the following as a member, one of whom should serve as the lead institution to receive an award under this NOFO:

- (1) Institutions of higher education, which may include Historically Black Colleges and Universities, Tribal Colleges or Universities, and Minority-Serving Institutions;
- (2) State, territorial, local, or Tribal governments or other political subdivisions of a State, including State and local agencies, or a consortium thereof;
- (3) Industry or firms in relevant technology, innovation, or manufacturing sectors (see section A.1.b.iii. for additional information related to this member type, including that EDA encourages two or more firms in the consortium's selected core technology area to be part of the consortium);
- (4) Economic development organizations or similar entities that are focused primarily on improving science, technology, innovation, entrepreneurship, or access to capital; and
- (5) Labor organizations or workforce training organizations, which may include State and local workforce development boards as established under 29 U.S.C. §§ 3111 and 3122 (see section A.1.b.iii. for additional information related to this member type, including that EDA encourages a labor organization to be part of the consortium).

Consortia **may** also include one or more of:

- (1) Economic development entities with relevant expertise, including a district organization (as defined in section 300.3 of title 13, Code of Federal Regulations, or successor regulation);
- (2) Organizations that contribute to increasing the participation of underserved populations in science, technology, innovation, and entrepreneurship;
- (3) Venture development organizations (as defined in 15 U.S.C. § 3722(a));
- (4) Organizations that promote local economic stability, high-wage domestic jobs, and broad-based economic opportunities, such as employee ownership membership associations and State or local employee ownerships and cooperative development centers, financial institutions and investment funds, including community development financial institutions (see 12 U.S.C. § 4702(5)) and minority depository institutions (see 12 U.S.C. § 1463 note or considered a minority depository institution by the appropriate Federal banking agency or the National Credit Union Administration);
- (5) Elementary schools and secondary schools, including area career and technical education schools (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (29 U.S.C. § 2302));
- (6) National Laboratories (as defined in 42 U.S.C. § 15801);
- (7) Federal laboratories;
- (8) Manufacturing Extension Partnership centers;
- (9) Manufacturing USA Institutes;
- (10) Transportation planning organizations;
- (11) A cooperative extension services (as defined in 7 U.S.C. § 3103(6));
- (12) Organizations that represent the perspectives of underserved communities in economic development initiatives; and
- (13) Institutions receiving an award under the National Science Foundation's Regional Innovation Engines program (42 U.S.C. § 19108).

## **2. Cost Sharing or Matching**

### **a. EDA Investment Rate**

In general, Phase 1 Strategy Development grants, as described in section A.1.c., may be awarded with a maximum 80% federal grant rate. With \$500,000 in total funding this means the federal amount is \$400,000 and the local match requirement is \$100,000. If the consortium represents all or part of a small and rural or other underserved community, the federal share may be awarded at a maximum 90% rate (*e.g.*, \$450,000 federal share, \$50,000 local match). If the eligible consortium lead is a Tribal government or the Tech Hub primarily benefits Tribal areas, the federal share may be awarded at a maximum 100% rate. Applicants will be expected to discuss their maximum federal match rate and the sources of local match (see section C.2.b. below) in the application materials.

As there is no funding associated with Designation, there is no relevant federal grant rate or local matching requirement.

### **b. Documentation of Cost Sharing or Matching**

Applications must include commitment letters or equivalent documents that demonstrate, to the satisfaction of EDA, that all matching funds (regardless of kind, *e.g.*, cash, loans, bonds, in-kind) from all sources (*e.g.*, any applicant, any co-applicants, and any other sources of matching funds) referenced in the application will be unencumbered, unrestricted, and committed at the time of award and are signed by authorized representatives of the sources of the matching funds. Authorized representatives must have the authority to execute documents and to obligate and expend funds on behalf of their respective organizations.

Each matching share commitment letter must state whether the contribution is cash, loans, bonds, or in-kind; if in-kind, provide a valuation for in-kind contributions. In-kind match must consist of contributions directly related to the proposed project, such as services, equipment, or space. EDA will fairly evaluate all in-kind contributions, which must be eligible project costs and which must meet applicable federal cost principles and uniform administrative requirements. Funds from other federal financial assistance awards may be considered matching share funds only if authorized by statute, which may be determined by EDA's reasonable interpretation of the statute.

Additional documentation may be requested by EDA to substantiate the availability of the matching funds. For example, if bonds are contemplated as match, applicant must provide a counsel's opinion of the applicant's bonding authority and eligibility of the bonds for use as match, along with full disclosure of the type of bonds and the schedule of the applicant's intended bond issue.

In addition, applicants should indicate if other Federal funds have been secured for, or have been requested to support, any portion of the project for which an EDA investment is proposed. Applicants should describe how the EDA investment will complement, leverage, or otherwise align with other public and private investments to implement the project. Where other Federal funding may be involved in the project, the applicant should provide the Federal program name and contact information with their application to facilitate interagency coordination and avoid duplication of resources. Section 28 of Stevenson-Wydler expressly prohibits the use of other federal funds as a source of match.

## **D. Application and Submission Information**

There are separate application requirements for applying for a Strategy Development Grant and applying for Designation. An applicant seeking both a Strategy Development Grant and Designation

must complete both sets of application requirements. For any element of this Tech Hubs Phase 1 NOFO that an applicant is pursuing (*i.e.*, Strategy Development Grant or Designation or both), an applicant must submit a complete application, as detailed in Section D.2. of this NOFO, to be considered for funding. EDA intends to review each application expeditiously upon receipt of the complete application. EDA may request additional documentation or information from the applicant to make an eligibility determination. EDA also may, in its sole discretion, continue review of any application with minor defects or errors, while the applicant supplies the missing information. EDA will reject any documentation of eligibility that the agency determines is inaccurate or incomplete, which may cause the application to be rejected. Please see Section E of this NOFO for more information on award criteria, and the review and selection process.

### **1. Obtaining an Application and Electronic Submission through EDGE**

An applicant must obtain, complete, and submit an application electronically through the Economic Development Grants Experience (EDGE) at [sfgrants.eda.gov](https://sfgrants.eda.gov). EDA will not accept paper, facsimile, or email transmissions of applications except as provided below. In order to obtain and submit an application through EDGE, an applicant must register for an EDGE account at [sfgrants.eda.gov](https://sfgrants.eda.gov). As part of the registration process, you will register one Authorized Representative for your organization, however, multiple points of contact may be registered or added by the applicant to the application workspace to view or work on completing the application. The Authorized Representative will be the only official with the authority to submit applications.

#### **a. Verification of Submission**

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

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

It is the applicant's responsibility to verify that its submission was timely received and submitted successfully through EDGE. To see the date your application was submitted, log on to EDGE and click on the Submitted Application section from the Home Page.

If you experience a systems issue with EDGE, see Section D.7. below for instructions.

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

To accommodate an applicant's accessibility requirements, a paper version of this application may be obtained by contacting the appropriate POC listed in section G of this NOFO. Or if an applicant is otherwise unable to submit an application through EDGE for reasons beyond the control of the applicant, EDA, in its sole discretion, may pre-approve in writing submission via an alternate method (*e.g.*, email).

### **2. Content and Form of Applications**

***If applying for both a Strategy Development Grant and Designation, you must complete and submit every required document as detailed in sections D.2.A. and D.2.B., below.*** The letter(s) of consortium

commitment, CD-511, and SF-LLL will be the same but they must be submitted twice, once in each application portal in EDGE.

**a. What is required for a complete Strategy Development Grant application?<sup>18</sup>**

The following table provides a complete list of documents required for a complete application for a Strategy Development Grant.

<p><b>(1) One Form SF-424</b> (Application for Federal Assistance) from the consortium lead.</p> <p><b>(2) Letter or letters of Consortium Commitment</b> As required in section A.1.b.iv. on this NOFO, a letter or letters identifying the consortium lead as well as evidencing that each consortium member has read the application and is committed to executing its roles, responsibilities, or commitments related to the project. In the letter identifying the consortium lead, the lead entity should self-identify which entity type it is consistent with types of entities eligible for membership in a consortium as delineated in section C.1. of this NOFO.</p> <p><b>(3) One Strategy Development Narrative</b> (not to exceed five 8.5x11-inch pages, with a minimum 12-point font and 1-inch margins) that discusses in detail all the requirements outlined in sections A.1.b. and A.1.c. of this NOFO, including the name of the consortium, clearly defined boundaries of the chosen geography, the consortium’s selected core technology area, the uses to which the consortium will put the strategy development funds if awarded, and the Strategy Development Grant geographic constraints that the consortium might meet. If more than five pages of Project Narrative is submitted, only the first five pages will be reviewed.</p> <p><b>(4) One Form SF-424A</b> (Budget Information—Non-Construction Programs).</p> <p><b>(5) One Strategy Development Budget</b> that clearly identifies and justifies how funds in each line item of the budget (Form SF-424A) will be used to support the proposed project. The Budget Narrative should specifically address each budget line item, and the narrative total should match the total project costs listed in both the SF-424 question 18, line g, and SF-424A. The Budget Narrative should also include itemized valuations of any in-kind local matching funds. The non-federal local matching share, whether cash or in-kind, is expected to be paid out at the same general rate as the federal share; however, if the applicant’s Budget Narrative proposes otherwise, applicants must also include information that clearly indicates what project elements the local matching share funds will support and explain why deviation from paying out at the same general rate is required for the project to be implemented. A template budget narrative is provided at <a href="https://www.eda.gov/sites/default/files/2023-05/Strategy_Development_Budget_Template_Tech_Hubs.xlsx">https://www.eda.gov/sites/default/files/2023-05/Strategy_Development_Budget_Template_Tech_Hubs.xlsx</a>.</p> <p><b>(6) Documentation of Matching Share</b> for each local matching share source, such as a commitment letter, board resolution, or similar document, as applicable.</p>
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<sup>18</sup> In the event of discrepancies between instructions provided in any of the forms and this NOFO, the requirements for complete applications as stated in this NOFO will control.

- (7) **One Form CD-511** (Certification Regarding Lobbying) from the consortium lead.
- (8) **One Form SF-LLL** (Disclosure of Lobbying Activities) from the consortium lead, if applicable. Form SF-LLL is only required if the applicant has reportable lobbying activities.
- (9) **Indirect Cost Rate Documentation** (if Applicable). See section D.2.d. for more information on this requirement.
- (10) **SPOC Documentation** (if applicable). See section D.4 for more information on this requirement.

All documentation and data submitted should be current and applicable as of the date submitted. Applicants are encouraged to contact the appropriate POC for technical assistance before submitting an application. EDA staff members are available to provide applicants with technical assistance regarding application requirements. Additionally, EDA may contact the applicant to clarify application materials received.

**b. What is required for a complete Designation application?**

The following table provides a complete list of documents required for a complete application for Designation:

- (1) **Letter or letters of Consortium Commitment** As required in section A.1.b.iv. on this NOFO, a letter or letters identifying the consortium lead as well as evidencing that each consortium member has read the application and is committed to executing its roles, responsibilities, or commitments related of the Tech Hub. EDA discourages form letters of support and encourages letters describing concrete engagement and commitments from consortia members. In the letter identifying the consortium lead, the lead entity should self-identify which entity type it is consistent with types of entities eligible for membership in a consortium as delineated in section C.1. of this NOFO.
- (2) **One Case for Designation** (not to exceed 5 pages 8.5x11-inch pages, with a minimum 12-point font and 1-inch margins) that discusses in detail all the requirements outlined in sections A.1.b. and A.1.d. of this NOFO, including the name of the consortium, clearly defined boundaries of the chosen geography, the consortium’s selected core technology area, the seven key Designation factors, and Designation geographic constraints that the consortium might meet. If more than 5 pages of Project Narrative is submitted, only the first 5 pages will be reviewed.
- (3) **Appendix** (not to exceed 1 page 8.5x11-inch pages, with a minimum 12-point font and 1-inch margins) of citations that support claims made in the Project Narrative. If more than 1 page is submitted, only the first page will be reviewed.
- (4) **One Form CD-511** (Certification Regarding Lobbying) from the consortium lead.



**(5) One Form SF-LLL (Disclosure of Lobbying Activities)** from the consortium lead, if applicable. Form SF-LLL is only required if the applicant has reportable lobbying activities.

All documentation and data submitted should be current and applicable as of the date submitted. Applicants are encouraged to contact the appropriate POC for technical assistance before submitting an application. EDA staff members are available to provide applicants with technical assistance regarding application requirements. Additionally, EDA may contact the applicant to clarify application materials received.

**c. What do we need to submit if we apply for both a Strategy Development Grant and Designation?**

Consortia applying for both a Strategy Development Grant and Designation must submit two applications. I.e., to apply for both a Strategy Development Grant and Designation, a consortium must submit **all** materials listed in sections D.2.a. and D.2.b above (refer to the respective section above for a full description of each required document).

**d. Environmental and Historic Preservation Requirements**

Each application will be reviewed by EDA for compliance with the National Environmental Policy Act (NEPA) of 1969, as amended. Most planning and technical assistance activities funded under this NOFO will not require an environmental impact statement (EIS) or an environmental assessment (EA), as EDA's experience has shown such activities do not significantly affect the quality of the human environment. However, EDA will be alert to extraordinary circumstances that would require an EIS or an EA for activities funded under this NOFO, and EDA may require an applicant to submit additional information related to environmental review.

**e. Copy of Negotiated Indirect Cost Rate Agreement (if applicable)**

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

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

In accordance with 2 CFR § 200.414(f), an applicant that does not have a current negotiated or provisional NICRA, may elect to charge a de minimis rate of 10 percent of modified total direct costs (subject to the exceptions of § 200.414(f)). No documentation is required to justify the 10 percent de minimis indirect cost rate; however, an applicant electing to charge a de minimis rate of 10 percent must include a statement in its Budget Narrative that it does not have a current negotiated (including provisional) rate and is electing to charge the de minimis rate.

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

- a NICRA;
- a Certificate of Indirect Costs from the Department of the Interior (DOI) or EDA (See: <https://www.eda.gov/sites/default/files/filebase/archives/2021/files/tools/grantee-forms/Certificate-of-Indirect-Costs-template.pdf>);
- an acknowledgment received from EDA and a Certificate of Indirect Costs in the form prescribed at 2 C.F.R. pt. 200, app. VII; or
- a Cost Allocation Plan approved by a federal agency (note that cost allocation plans or indirect cost rates approved by State agencies are not acceptable).

#### **f. Unique Entity Identifier (UEI) and System for Award Management (SAM)**

Applicants are required to: (i) be registered in SAM; (ii) provide a valid unique entity identifier (UEI) in the application; (iii) make certain certifications (see also section H.5 of this NOFO); and (iv) continue to maintain an active SAM registration with current information at all times during which they have an active federal award, or an application or plan under consideration by a federal awarding agency. Lead institutions do not need to be registered in SAM at the application deadline, but their SAM registration must be complete before EDA may make a Phase 1 Strategy Development grant award. EDA may not make a federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements and, if an applicant has not fully complied with the requirements by the time the EDA is ready to make an award, EDA may determine that the applicant is not qualified. Recipients will be subject to reporting requirements, as identified in OMB guidance published at 2 C.F.R. parts 25 and 170. All subawardees must have a UEI before any subawards are made.

### **3. Submission Dates and Times**

This is a two-phase competition. The deadline for Phase 1 Applications is **11:59 p.m. Eastern Time on August 15, 2023**. Applications received after this deadline will not be reviewed or considered. Only those that are Designated as Technology Hubs in Phase 1 will be permitted to apply to Phase 2. It is anticipated that the Notice of Funding Opportunity for Phase 2 will be made available in fall 2023.

EDA may amend, cancel, or withdraw the Tech Hubs Phase 1 NOFO at any time.

### **4. Intergovernmental Review**

Applications for Strategy Development Grants submitted under this Tech Hubs Phase 1 NOFO are subject to the requirements of Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs," if a State has adopted a process under EO 12372 to review and coordinate proposed Federal financial assistance and direct Federal development (commonly referred to as the "single point of contact review process"). All applicants must give States and local governments a reasonable opportunity to review and comment on the proposed Project, including review and comment from area-

wide planning organizations in metropolitan areas. To find out more about a State’s process under EO 12372, applicants may contact their State’s Single Point of Contact (SPOC). Names and addresses of some States’ SPOCs are listed on OMB’s website at <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>.

Based on the applicant’s State, EDA requires the following documentation:

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

## 5. Funding Restrictions

EDA will not reimburse pre-award project costs under this NOFO. Under no circumstances will EDA or DOC be held responsible for application preparation expenditures, which are distinguished from pre-award project costs.

It is DOC policy that funds may not be used to pay for management fees in excess of costs or profits, unless statutorily authorized. Additionally, the use of project funds to make equity or hybrid investments in businesses is not an allowable cost.

Funds may not be used, directly or indirectly as an offset for other funds, to support or oppose collective bargaining.

## 6. Other Submission Requirements

After EDA reviews an application, EDA may contact the applicant to request additional documentation to clarify or substantiate submitted application materials, depending on the type of project proposed. Examples of additional documentation may include, but are not limited to, title verification, documentation of the value of in-kind contributions, evidence all funding is available and committed to the project, proof of eligibility (*e.g.*, organizational documentation such as articles of incorporation, bylaws, and a current certificate of good standing), or documentation required for environmental or legal compliance. This additional documentation will be required to ensure that the proposed project complies with all applicable rules and regulations prior to EDA’s issuance of an award. EDA will provide applicants a reasonable amount of time to provide any additional documentation. Failure to provide complete and accurate supporting documentation in a timely manner when requested by EDA may result in the denial of an application.

## 7. EDGE Systems Issues

If you experience a systems issue with EDGE (*i.e.*, a technical problem or glitch with the platform) that you believe threatens your ability to complete a submission, please (i) print any error message received; (ii) email the help desk at [GrantHDSupport@eda.gov](mailto:GrantHDSupport@eda.gov); and (iii) contact EDA using the contact information in Section G. of this Phase 1 NOFO. Please be sure to track your issue using a case number given to you by the help desk. Please note that problems with an applicant's computer system or equipment are **not** considered systems issues. Similarly, an applicant's failure to, *e.g.*, (i) complete the required registration, (ii) ensure that a registered Authorized Representative submits the application, or (iii) notice receipt of an email message from EDGE are **not** considered systems issues. An EDGE issue is an issue occurring in connection with the operations of the website itself, such as the temporary loss of service due to unexpected volume of traffic or failure of information technology systems, both of which are highly unlikely. In the event of a confirmed systems issue, EDA reserves the right to accept an application in an alternate format.

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

### E. Application Review Information

Throughout the review and selection process, EDA reserves the right to seek clarification in writing from applicants whose application packages are being reviewed. EDA may additionally ask applicants to clarify application materials, objectives, and work plans, or modify budgets or other specifics necessary to comply with Federal requirements. EDA may also use statistical methods to normalize the scoring. EDA will screen submitted materials to verify that all required forms are complete, and all required documentation is included. Applications that do not contain all elements listed in section D.2 will not be reviewed, with limited exceptions where non-substantive missing information or forms can be supplied after original submission.

As discussed further in the sections below, Strategy Development Grants and Designations each have their own review, evaluation, and selection processes.

#### 1. Criteria, Review, and Selection Process

##### a. Strategy Development Grants Review

All complete applications for Strategy Development Grants will undergo a two-step review. First, they will be reviewed by at least three individuals and scored against the below criteria.

Fifteen points can be earned for each criteria listed below; applications can earn a maximum of 45 points:

- (1) The extent to which the project will strengthen engagement of and collaboration among regional stakeholders (private, public, and non-profit entities, etc.), whether or not members of the consortium;
- (2) The consortium's organizational and leadership capacity, including its financial and management capacity; and
- (3) The project's potential to increase the capacity of the region to achieve the Designation criteria (as described in section A.1.d. of this NOFO).

EDA will sort the resultant scores into tiers of similarly scored applications, and top tiers will advance to a second level review by an investment review committee (IRC) of at least three reviewers who did not participate in the initial scoring. The IRC will review the applications collectively using the same criteria listed above as well as relevant selection criteria. Based on this group evaluation, the IRC will recommend to the Grants Officer which applications to fund and how to apply the selection factors discussed in section E.2. below.

#### **b. Designation Review**

All complete Designation applications will undergo a two-step review. First, they will be evaluated by at least three reviewers and scored against the below criteria.

Points can be earned for each criteria listed below; applications can earn a maximum of 51 points:

- (1) Technology-based potential of the region for global competitiveness (15 points);
- (2) Role of the private sector (6 points);
- (3) Regional coordination & partnerships (6 points);
- (4) Equity & diversity (6 points);
- (5) Composition and capacity of the regional workforce (6 points);
- (6) Innovative “lab to market” approaches (6 points); and
- (7) Impact on economic and national security of the entire United States (6 points).

EDA will sort the resultant scores into tiers of similarly scored applications, and top tiers will advance to a second level review by an IRC of at least three reviewers who did not participate in the initial scoring. The IRC will review the applications collectively using the same criteria listed above and relevant selection criteria. Based on this group evaluation, the IRC will recommend a list for the Grants Officer of recommended applications and how to apply the selection factors discussed in section E.2. below.

Only applicants Designated as Tech Hubs will be permitted to apply for Implementation funding under the forthcoming Tech Hubs Phase 2 NOFO. EDA’s final decision on whether to fund a project in Phase 2 or Designate a Tech Hub is dependent upon the ability of the applicant to provide sufficient documentation of the project’s compliance with applicable rules and regulations.

#### **c. Due Diligence**

If application is recommended for funding and/or Designation, the applicant still may have to complete certain due diligence requirements. After an application has been reviewed and evaluated, EDA may request that the applicant submit additional documents and information to allow EDA to fully evaluate compliance with applicable rules and regulations, including organizational documentation such as articles of incorporation, bylaws, and a current certificate of good standing. If the applicant provides the requested information and supporting documentation in a timely fashion and EDA determines the project is fully compliant with applicable rules and regulations, the application will be forwarded to the Grants Officer for a final decision. Applicants that do not provide the additional information and

supporting documentation in a timely fashion or who are deemed not to be in compliance with applicable rules and regulations will receive notification their application was not successful.

#### **d. Security, Resilience, and Cybersecurity**

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against all hazards, including physical and cyber risks, consistent with Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience<sup>19</sup> and the National Security Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems<sup>20</sup>. Each applicant selected for Federal funding under this notice must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department and the Department of Homeland Security, will be required to do so before receiving funds.

Regarding Cybersecurity, applicants must describe measures taken to ensure that practices are consistent with current industry best practices for cybersecurity, such as the NIST Cybersecurity Framework<sup>21</sup> and Cybersecurity and Infrastructure Security Agency (CISA) Cybersecurity Performance Goals (CPGs)<sup>22</sup>. These performance goals provide a baseline set of cybersecurity practices broadly applicable across critical infrastructure with known risk-reduction value, a benchmark for critical infrastructure operators to measure and improve their cybersecurity maturity, and a combination of recommended practices for IT and OT owners, including a prioritized set of security practices.

## **2. Grants Officer's Decision**

Strategy Development Grant applications recommended for funding or applications recommended for Designation, and also deemed fully compliant with applicable rules and regulations, will be forwarded for final selection review and approval by the Grants Officer. The Grants Officer will select a portfolio of Strategy Development Grants to fund and regions to Designate based on the recommendations of the respective IRCs and the selection factors listed below. The final portfolio may differ from the recommendations of the respective IRCs to ensure the selection factors below are adequately met:

- i. The extent to which the application meets the overall objectives of section 28 of Stevenson-Wydler (15 U.S.C. § 3722a);
- ii. The applicant's performance under previous Federal financial assistance awards, including whether the grantee submitted required performance reports and data;
- iii. The availability of program funding;

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<sup>19</sup> Presidential Policy Directive/PPD-21, Critical Infrastructure Security and Resilience (Feb. 12, 2013).

<sup>20</sup> National Security Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems (Jul. 28, 2021).

<sup>21</sup> National Institute of Standards and Technology, Framework for Improving Critical Infrastructure Cybersecurity Version 1.1 (Apr. 16, 2018).

<sup>22</sup> Cybersecurity & Infrastructure Security Agency, Cross-Sector Cybersecurity Performance Goals, <https://www.cisa.gov/cross-sector-cybersecurity-performance-goals>.

- iv. The extent to which the application includes a feasible plan that accounts for the specific needs of historically underserved areas and populations with a high likelihood that those populations will realize an equitable share of the project's benefits;
- v. To achieve balance in the portfolio across geographies and technologies;
- vi. The extent to which the Designated region reduces its environmental impact and accounts for current and future weather- and climate-related risks;
- vii. The extent to which the Designated region will significantly benefit a small and rural community;
- viii. The extent to which the Designated region includes a member that is a State or territory that is eligible to receive funding from NSF's EPSCoR;
- ix. The extent to which the consortium is headquartered in a low population State that is eligible to receive funding from NSF's EPSCoR;
- x. The extent to which the Designated Tech Hub leverages institutions of higher education serving populations historically underrepresented in STEM, including historically Black Colleges and Universities, Tribal Colleges or Universities, and Minority-Serving Institutions; and
- xi. The extent to which the Designated Tech Hub would significantly benefit a region whose economy significantly relies on or has recently relied on coal, oil, or natural gas production or development.

The Grants Officer will prepare a final list of recommendations for funding and document the rationale for its selections.

### **3. Review of Responsibility/Qualification Information in SAM.gov**

EDA, prior to making a Federal award with a total amount of Federal Share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (formerly FAPIIS). See 41 U.S.C. § 2313.

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

## **F. Federal Award Administration Information**

### **1. Federal Award Notice**

If an applicant successfully and timely completes all due diligence requirements and the application is selected for funding, EDA will notify the successful applicant in writing. This notice is not an

authorization to begin work, however; work should not be undertaken until the award is signed by EDA and the applicant's authorized representative, as discussed below.

The EDA Grants Officer will issue the award (Notice of Award), which is the authorizing financial assistance award document and includes Specific Award Conditions and the DOC Financial Assistance Standard Terms and Conditions (DOC ST&Cs), as described in Section F.2.b., below.

By accepting the Notice of Award, the applicant agrees to comply with all award provisions. EDA will provide the Notice of Award to the applicant's authorized representative through EDGE. The applicant's authorized representative must review and accept the Notice of Award without modification within 30 calendar days of the date of receipt.

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

EDA will notify unsuccessful applicants in writing to the applicant's authorized representative. EDA will retain unsuccessful applications in accordance with EDA's record retention schedule.

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

### **a. Uniform Administrative Requirements, Cost Principles, and Audit Requirements**

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

### **b. DOC Financial Assistance Standard Terms and Conditions**

Recipients of all non-construction EDA awards will be bound by the DOC ST&Cs applicable on the date of the award. The DOC ST&Cs may be accessed at the following website:

[http://www.osec.doc.gov/oam/grants\\_management/policy/default.htm](http://www.osec.doc.gov/oam/grants_management/policy/default.htm) .

Recipients of an RLF award will be bound by the DOC ST&Cs and the EDA RLF ST&Cs. The RLF ST&Cs may be accessed at <https://www.eda.gov/funding/programs/revolving-loan-fund/guidance> under the header "Standard Terms and Conditions for RLF and Construction Projects."

Recipients of an EDA construction award will be bound by EDA's Construction ST&Cs. The Construction ST&Cs may be accessed at <https://www.eda.gov/grant-resources/find-grant-resources/grantee-guidance/construction-awards> under the header "Standard Terms and Conditions for RLF and Construction Projects."

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

### **c. DOC Pre- Award Notification Requirements**

DOC will apply the Pre-Award Notification Requirements for Grants and Cooperative Agreements effective December 26, 2014, 79 Fed. Reg. 78,390. The Pre-Award Notice may be accessed at the Government Printing Office (GPO) website at <https://www.govinfo.gov/content/pkg/FR-2014-12-30/pdf/2014-30297.pdf>.



### **3. Reporting**

#### **a. Reporting Frequency and Format**

All recipients are required to submit financial, performance, and impact reports in accordance with the terms and conditions of the grant award, generally no less than semi-annually. All project progress and financial reports must be submitted to the applicable EDA program officer in an electronic format to be determined at the time of award.

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

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

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

EDA will require additional data on activities, outputs, and outcomes of the funded investment, in part to fulfill the requirements of the Government Performance and Results Act (GPRA). EDA anticipates that recipients will be expected to track their engagement activities within the scope of work, with project beneficiaries, and other project stakeholders. EDA further anticipates recipients will be expected to collect data, using surveys of beneficiaries or clients if necessary, on the outputs and outcomes of project activities, such as jobs created/retained, private investment attracted, the number of strategic plans or economic development tools developed, the number of new business partnerships formed, or the range of new capabilities acquired. EDA plans to collect this information using Forms ED-915 (Public Works, Economic Adjustment Infrastructure and Revolving Loan Fund Investments), ED-916 (Semi-annual Program Outputs Questionnaire for EDA grantees), ED-917 (Annual Capacity Outcomes Questionnaire for EDA Grantees serving clients), and ED-918 (Annual Capacity Outcomes Questionnaire for EDA Grantees). For more information, please refer to <https://www.eda.gov/performance/gpra>. EDA may also engage with other organizations to perform third-party program evaluations, which will require cooperation between the grantee, organizations within their service area, and the evaluating institution(s).

#### **d. Requirements for Recipients with More than \$10 Million in Federal-wide Funding**

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

### **G. Federal Awarding Agency Contact**

For questions concerning this Tech Hubs Phase 1 NOFO, or more information about EDA programs, you may contact [techhubs@eda.gov](mailto:techhubs@eda.gov). EDA's website at <http://www.eda.gov> provides additional information on EDA and its programs.

### **H. Other Information**

## **1. Right to Use Information**

The applicant acknowledges and understands that information and data contained in applications for financial assistance, as well as information and data contained in financial, performance and other reports submitted by applicants, may be used by the Department of Commerce in conducting reviews and evaluations of its financial assistance programs. For this purpose, applicant information and data may be accessed, reviewed, and evaluated by Department of Commerce employees, other Federal employees, and also by Federal agents and contractors, and/or by non-Federal personnel, all of whom enter into appropriate conflict of interest and confidentiality agreements covering the use of such information. As may be provided in the terms and conditions of a specific financial assistance award, applicants are expected to support program reviews and evaluations by submitting required financial and performance information and data in an accurate and timely manner, and by cooperating with Department of Commerce and external program evaluators. In accordance with 2 C.F.R. § 200.303(e), applicants are reminded that they must take reasonable measures to safeguard protected personally identifiable information and other confidential or sensitive personal or business information created or obtained in connection with a Department of Commerce financial assistance award.

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

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

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

## **3. Notice of Government-Wide Procurement Restriction**

The general rule for Federal financial assistance is that contractors that develop draft specifications, requirements, statements of work, invitations for bids or requests for proposals are prohibited from competing for the final procurement. For instance, a professional engineer or architect who prepared the Preliminary Engineering Report for an EDA application would be excluded from bidding on the same work under the award under 2 C.F.R. § 200.319. Under 2 C.F.R. 200.317, only State recipients are expressly exempt from this prohibition. Local governments and Indian Tribes may also take advantage of the exemption in two narrow circumstances: (i) if they are required (by statute, for example) to follow the State's procurement rules in full and without exception; or (ii) if they are required to follow a specific State procurement rule that creates an explicit conflict with the prohibition in 2 C.F.R. § 200.319(a) (*i.e.*, there is a statute that requires or permits the local government or Indian Tribe to award the final procurement to the same contractor that developed the draft specifications). Absent one of these two scenarios, the local government or Indian Tribe must comply with the prohibition. Applicants are encouraged to contact EDA using the contact information in Section G. of this Phase 1 NOFO with any questions regarding application of this regulation.

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

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

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

As discussed in section D.2.d, all applicants are required to be registered in SAM before applying under this NOFO. SAM requires registering entities to certify compliance with all limitations imposed by annual appropriation acts. For corporations, this certification includes that the corporation:

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

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

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

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

If an application is selected for award, the recipient will be required to adhere to a specific award condition relating to EDA's non-relocation policy as follows:

In signing this award of financial assistance, Recipient(s) attests that EDA funding is not intended by the Recipient to assist its efforts to induce the relocation of existing jobs within the U.S. that are located outside of its jurisdiction to within its jurisdiction in competition with other U.S. jurisdictions for those same jobs. In the event that EDA determines that its assistance was used for those purposes, EDA

retains the right to pursue appropriate enforcement action in accord with the Standard Terms and Conditions of the Award, including suspension of disbursements and termination of the award for convenience or material noncompliance, which may include the establishment of a debt requiring the Recipient to reimburse EDA.

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

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

EDA may make changes or additions to this NOFO. All changes will be communicated on Grants.gov. It is recommended that applicants set up a Grants.gov account and subscribe to this funding opportunity (“EDA-TECHHUBSPHASE1-2023”) in order to be notified of any updates or changes. DOC or EDA may cancel, modify, or withdraw this NOFO at any time. EDA is not obligated to make any federal award or commitment as a result of this announcement.

#### **8. Disclosure of Information**

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

#### **9. Audit Requirements**

Single or program-specific audits shall be performed in accordance with the requirements contained in the Uniform Guidance (see 2 C.F.R. part 200, Subpart F, “Audit Requirements”).

The Uniform Guidance requires any non-Federal entity (*i.e.*, non-profit organizations, including non-profit institutions of higher education and hospitals, States, local governments, and Indian Tribes) that expends Federal awards of \$750,000 or more in the recipient’s fiscal year to conduct a single or program-specific audit in accordance with the requirements set out in the OMB Uniform Guidance.

#### **10. Fraud Awareness Training**

Consistent with 2 CFR part 200, in signing a financial assistance award, Recipient personnel responsible for managing the Recipient’s finances and overseeing any contractors, sub-contractors or sub-grantees, will be required to complete the training PowerPoint entitled “Compliance with EDA Program Requirements” and return the signed Certificate of Training Completion to EDA as instructed by the Agency. Further, Recipient will be required to monitor award activities for common fraud schemes and report suspicious activity to EDA and the Office of Inspector General.

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

The DOC Office of Inspector General (OIG) seeks to improve the efficiency and effectiveness of the Department’s programs, including deterring and detecting fraud, waste, abuse and mismanagement.

The OIG accomplishes this mission primarily through investigations, audits, and inspections of Department activities, including grants, cooperative agreements, loans, and contracts.

**a. Disclosures**

Recipients of financial assistance originating from the U.S. Department of Commerce, including EDA, shall timely disclose, in writing, to the OIG and awarding agency, whenever, in connection with the award, performance, or closeout of this grant or subaward thereunder, the recipient has credible evidence that a principal, employee, agent, or sub-recipient has committed:

- (i) A violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code; or
- (ii) A violation of the civil False Claims Act (31 U.S.C. §§ 3729-3733).

**b. Reporting**

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

**c. Whistleblower Protection**

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

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

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