


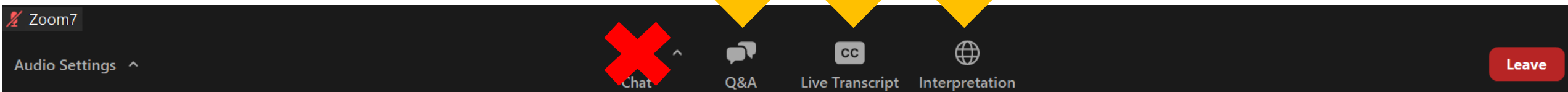
Welcome!

- Welcome! Please select your preferred language by clicking on the interpretation icon at the bottom of your screen. (English speakers must also select English.)
- ¡Bienvenido! Si necesita interpretación, seleccione el idioma que prefiera haciendo clic en el botón de interpretación situado en la parte inferior de la pantalla. 

Today's session will be recorded and posted on EPA's website.

Zoom logistics

- Attendee microphones and videos have been turned off to reserve bandwidth.
- Closed captions are available by clicking the "Live Transcript" icon in your control panel.
- Submit questions through the Q&A box on the control panel.
- The chat function has been turned off.
- Email meetings@erg.com with any technical difficulties.





Bipartisan Infrastructure Law: Request for Applications Series II Webinar

Political Subdivision Solid Waste Infrastructure for Recycling Grants

Resource Conservation and Sustainability Division
U.S. EPA Office of Resource Conservation &
Recovery





Agenda

- Introduction
- Program Overview
- Subawards & Procurement
- Partnerships
- Leveraging and Cost Sharing
- National Environmental Policy Act (NEPA)
- Build America, Buy America (BABA)
- Resources
- Questions and Answers



Previous Webinar Sessions

- Provided an overview of the request for applications, eligible entities, evaluation criteria, and the application process.
- <https://www.epa.gov/rcra/grants-political-subdivisions>
 - Presentation slides (English and Spanish)
 - Webinar recordings (English and Spanish)
 - Question and Answers document



Webinars for Prospective Grantees

Topic	Purpose	Date and Time (ET)
Recycling Education and Outreach Grants	Overview of RFA, eligible entities, evaluation criteria, application process, answer questions and introduce the recycling toolkit.	November 30, 2022: 2:00pm-3:00pm
		December 6, 2022: 6:00pm-7:00pm
		December 8, 2022: 1:00pm-2:00pm (for tribes)
	Focus on procurement, subawards, and answer questions	December 14, 2022: 2:00pm-3:00pm (for tribes)
		December 15, 2022: 2:00pm-3:30pm
		December 20, 2022: 6:00pm-7:00pm
SWIFR States and Territories	Overview of non-competitive program, notice of intent to participate, and answer questions	November 29, 2022: 2:00pm-3:00pm
		December 1, 2022: 6:00pm-7:00pm
	Program Guidance and Workplans	December 19, 2022: 2:00pm-3:30pm
		January 3, 2023: 6:00pm-7:00pm
SWIFR Political Subdivisions	RFA overview, eligible entities, evaluation criteria, application process, and answer questions	December 5, 2022: 2:00pm-3:30pm
		December 7, 2022: 6:00pm-7:00pm
	Focused on procurement, subawards, and questions	December 13, 2022: 2:00pm-3:30pm
		December 19, 2022: 6:00pm-7:00pm

Register for upcoming webinars:



Webinar recordings and slides:





Introduction

Goals of the Webinar

1

Provide an information on the Solid Waste Infrastructure for Recycling funding opportunity for **Political Subdivisions of States and Territories**

2

Clarify information and answer questions about subawards, procurement, partnerships, leveraging, and other requirements.



Circular Economy Strategy Series

 **Bipartisan Infrastructure Law (BIL)**

 Solid Waste Infrastructure for Recycling Grants

 Recycling Education and Outreach Grants

 Battery Collection Best Practices and Labeling Guidelines



Objectives:

- A. Improve Markets for Recycling Commodities
- B. Increase Collection and Improve Materials Management Infrastructure
- C. Reduce Contamination in the Recycled Materials Stream
- D. Enhance Policies to Support Recycling
- E. Standardize Measurement and Increase Data Collection

EPA is establishing a 10-year vision that embraces circularity, sustainable materials management, addresses climate change, and environmental justice.



Solid Waste Infrastructure for Recycling (SWIFR) Grant Program

**SWIFR
Grant
Program**



Grants
for Political
Subdivisions

Grants for Tribes and
Intertribal Consortia
Coming Soon!

Grants for States and
Territories





Program Overview

Program Overview

Eligible Entities:

- Local government, city, county, township, village, parish, district, etc.
- State or territorial institutions of higher education, special districts, housing authorities must provide documentation that they are considered a political subdivision of the state.
- **Estimated Funding:** Approximately **\$40,000,000**
 - \$500,000 to \$4,000,000 per award
 - Approximately 25 assistance agreements, at least one award per EPA Region
- Projects for political subdivisions of states and territories **must achieve one or more of the following objectives:**
 - **Establish, increase, expand, or optimize** collection, improve materials management infrastructure, and capacity for materials management
 - **Fund** the creation and construction of tangible infrastructure, technology, or other improvements in the recycled materials stream
 - **Establish, improve, expand, or optimize** end-markets for the use of recycled commodities; or
 - **Demonstrate a significant and measurable increase** in the diversion, recycling rate, and quality of materials collected for municipal solid waste.
- **Applications Due: January 16, 2023**





Subawards & Procurement

Subawards

- **For the purpose of the EPA Subaward policy and training, “*subaward*” refers to:**
 - A financial assistance transaction (i.e., profit is unallowable) between an EPA assistance agreement recipient and an eligible subrecipient (or by a subrecipient to a lower subrecipient).
 - For the purpose of accomplishing a public purpose authorized by a Federal program statute.
 - Does not include payments to a procurement contractor or payments to an individual that is a beneficiary or participant in a Federal program.



Identifying Procurement Contracts

- **In contrast to subawards**, as provided in 2 CFR Part 200.331(b), **procurement contractors** (including individual consultants) typically:
 - Provide goods and services on commercial terms.
 - Provide similar goods and services to many different purchasers.
 - Operate in a competitive environment.
 - A reasonable profit is allowable.



Procurement vs. Subaward

- **Transactions with for-profit companies and individual consultants are considered procurement contracts with few exceptions.**
- **Two scenarios:**
 - **1. Subaward** would be allowable if the political subdivision, as the owner/operator of a commercial recycling facility received funding to upgrade equipment. A subaward would be appropriate if the owner/operator received funding for personnel, overhead and engineering/design/construction contracts.
 - **2. Procurement:** Grant recipient provides a rebate for all or a portion of equipment purchase and installation costs from the same vendor. This transaction could be handled as participant support costs.



Subawards vs. Procurement Contracts

- **The chart shows which option is most likely, based on the entity type that will be receiving funds from the pass-through entity.**
 - The UGG at [2 CFR 200.331\(c\)](#) and Appendix A of EPA's Subaward Policy emphasize the need to exercise judgment based on the substance of the agreement but EPA has tried to simplify the characterization.
 - The fact that the agreement between the pass-through entity and the other party is called a "contract" is not determinative.
- **Approval by EPA's Grants Management Office is required before making a subaward to a for profit firm or individual.**

Entity Type	Subaward	Procurement Contract	Neither	Resources to Help Make Determination
For-Profit		✓		2 CFR 200.331 and Subaward Policy Appendix A, <i>Distinctions Between Subrecipients and Contractors</i>
Individual Consultant		✓		
Non-Profit	✓			
Institute of Higher Education	✓			
Federal Agency	✓			
Federally Funded Research & Development Center		✓		



Named Contractors and Subrecipients

- The EPA does not require or encourage applicants to name procurement contractors (including consultants) or subrecipients in applications for grant funding.
- However, if an applicant chooses to identify a procurement contractor(s) or subrecipient(s) to conduct work proposed in this application, the applicant must comply with the following requirements even if the entity is referred to as a “partner” in the application.
- Successful applicants that do not name procurement contractors or subrecipients in their applications must also comply with the requirements described below, regardless of if the contractor was procured before or after the EPA cooperative agreement is awarded.



Procurement under the Uniform Grant Guidance

- With the exception of states, **all recipients must comply** with the procurement requirements in 2 CFR Part 200 with regard to competition.
- States follow the same procurement procedures as they do for non-Federal funds as provided in 2 CFR 200.317 with the **exception of requirements** in small and disadvantaged businesses (200.321), recycled materials (200.322), domestic preferences (200.323) and contract clauses (200.327). EPA's 40 CFR Part 33 Disadvantaged Business Participation rule applies to states.
- EPA has posted a **Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements** as guidance for other recipients and subrecipients of states.

Consultant Fee Cap—2 CFR 1500.10

- Limits the amount of compensation for individual consultants that recipients may charge to EPA agreements to Level IV of the Federal Executive Level.
- This is a statutory requirement and EPA cannot waive the requirement.
- Cap does not include consultant's overhead or travel costs.
- When the Cap applies is based on whether the recipient selects, directs or controls the consultant along the same lines as an employee. [2 CFR 1500.10](#).
- Consultants are contractors even if they receive a IRS 1099 from recipient—competitive procurement rules apply.
- Contracts with multi-employee firms rarely trigger consultant fee cap—firm rather than EPA recipient selects, directs and controls.



Participant Support Costs

- *Participant support costs* are defined at 2 CFR 200.1 and are allowable with prior EPA approval (pre or post award) as provided at 200.456. Common examples include travel assistance and stipends for trainees and incentives to participate in research programs.
- EPA expanded the definition of *Participant support costs* in 2 CFR 1500.1 to include rebates and subsidies for the purchase of pollution control equipment for Diesel Emission Reduction Act grants as well as subsidies to promote participation in environmental stewardship programs under CWA 319 and other statutes.
- Detailed information available in [EPA Guidance on Participant Support Costs](#) and internal [Frequent Questions](#).



Special Rules for Rebates and Subsidies

- Participant support costs for rebates, subsidies must be supported by EPA program guidance memoranda or by guidelines issued by the recipient and approved by EPA. EPA's DERA program provides this guidance.
- These documents should define the rules, restrictions, timelines, programmatic requirements, reporting and transaction documentation requirements, eligibility, and funding levels that rebate, subsidy or other payments beneficiaries must follow.
- Other forms of program records that are transaction specific (e.g. memoranda of understanding) may be acceptable.
- The terms of the EPA assistance agreement must describe allowable rebates, subsidies or other payments.
- There must be written agreement between recipient or subrecipient and the program beneficiary that outlines the program requirements.



Two Thresholds for Competition for Procurements for SWIFR Grants for Political Subdivisions

1. Purchases up to the micro purchase level (recently increased to \$10,000 for most recipients**) may be made without competition provided the recipient distributes purchases equitably among qualified suppliers to the extent “practicable” and the prices are reasonable. [2 CFR 200.320\(a\)\(1\)](#).**

- Generally, for purchases of supplies (including computing devices) but recipients may obtain consulting ~~or instructional services~~ PROVIDED the equitable distribution requirement is met.
- A series of micro purchases with the same consultant without using other sources as well will raise compliance issues.

Two Thresholds for Competition for Procurements for SWIFR Grants for Political Subdivisions

- 2. Recipients may use small purchase procedures for contracts up to the simplified acquisition threshold (**increased to \$250,000**) by obtaining price or rate quotations from an adequate number of qualified sources. [2 CFR 200.320\(a\)\(2\)](#).**
- EPA expects recipients to obtain prices/quotes from **at least 3 sources**.
 - For professional services, recipients may use email solicitations to document their files.
 - For equipment, internet searches of price catalogues documented by "screen shots" are acceptable.
 - Recipients must justify selection of contractors quoting higher prices/rates based on qualifications or technical factors.
 - Good faith efforts must be made to solicit disadvantaged businesses per [40 CFR Part 33](#).

Sole Source?

- As provided at [2 CFR 200.320\(c\)](#), Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
 - The item is available only from a single source;
 - Public exigency or emergency;
 - The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request; or
 - After solicitation of a number of sources, competition is determined inadequate.
- EPA's position is that "sole source" procurements are justified by copyrights, patents, equipment maintenance agreements with manufacturers or similar arrangements.
 - XYZ contractor is familiar with our program and we have "partnered" with the firm or individual for years does not pass muster.



Partnerships, Leveraging, and Cost Sharing

Partnerships

- Project Narrative Attachment Form must identify names and phone numbers of individuals and organizations that have agreed to participate in the implementation of the project, if any.
- Prior to naming a “partner” in your application who will receive EPA funding as part of your project, carefully review the guidance on contracts and subawards in [EPA’s Solicitation Clauses](#) as well as additional guidance in this Request for Applications.



Partnership Agreements

- **Does EPA consider all “partnership agreements” that establish funding relationships to be subawards that are not subject to competition?**
 - **No.** Transactions are either:
 - subawards,
 - procurement contracts,
 - intergovernmental/inter-entity agreements for common procurement,
 - interagency service agreements or services, or
 - participant support costs.
 - Characterizing the transactions consistently with the terms used in the Uniform Grant Guidance is important for determining what rules govern the agreement.
 - Some recipients refer to their contractors (particularly consultants) as “partners” but named contractors must still comply with competitive procurement requirements.





Leveraging and Voluntary Cost Sharing

Leveraging and Voluntary Cost Share

Leveraging

- Definition: **applicant proposes to provide its own additional funds/resources** or those from third-party sources to support or complement the project they are awarded under the competition which are above and beyond the EPA grant funds awarded.
- **Not required** but included under this funding opportunity as **5 points** of the evaluation criteria.

Voluntary Cost Share

- Definition: applicant voluntarily proposes to **legally commit** to provide costs or contributions to support the project when a cost share is not required as provided in *Voluntary committed cost share* under 2 CFR 200.1.
 - It is a *form of* leveraging
- Applicants who propose to use a voluntary cost share must include the costs or contributions for the voluntary cost share in the project budget on the SF-424.





Additional Acts to Consider

National Environmental Protection Act (NEPA)

- The National Environmental Policy Act (NEPA) applies as a general matter to federal actions, including actions funded by federal agencies.
- NEPA requires **environmental impact statement (EIS)** and/or Environmental Assessments (EA) be prepared for actions with potentially significant impacts.
- **Grant funds may not be used** to conduct an EIS or EA.
- Applicants should be aware that an EIS or EA may be required as a part of the project.
- EPA is exploring a categorical exclusion for NEPA requirements and can provide additional information in the future.



Build America, Buy America Act (BABA)

- Applicants should be aware that if their proposals include using Federal funds for a project that includes the **purchase of goods, products, and materials on any form of construction, alteration, maintenance, or repair of infrastructure** in the United States for identified EPA financial assistance funding programs, they must comply with Buy America Sourcing requirements under the Build America, Buy America provisions of the Infrastructure Investment and Jobs Act.



Build America, Buy America Act (BABA)

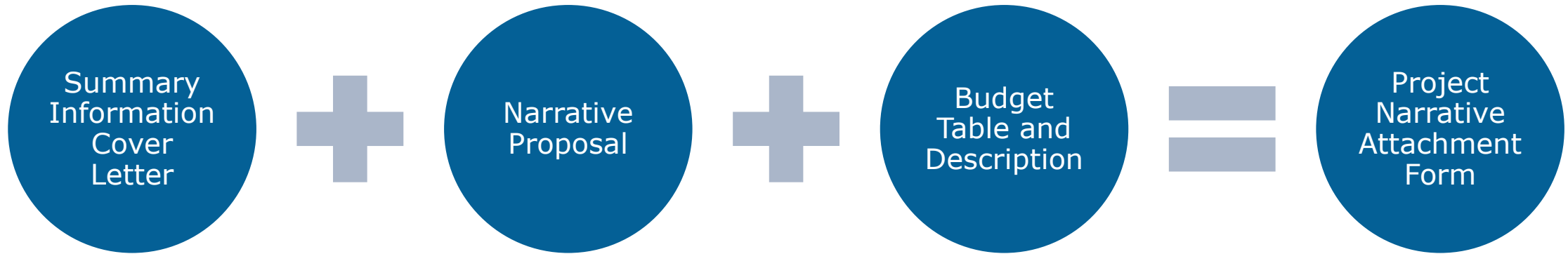
- More information:
 - *Section VI.F Build America, Buy America* (pages 44-45) of the [SWIFR Request for Applications](#)
 - [EPA Grant Terms and Conditions](#)
 - [EPA's BABA website](#)





Resources and Best Practices

Project Narrative Attachment Form: Appendix B of the Request for Applications



- Applicants may choose, but are not required, to use the Template for The Project Narrative Attachment Form in Appendix B.
- Applicants that do not use the template will not be penalized.



Budget Best Practices

- Budgets are a critical piece of grant applications and are highly scrutinized during application review.
- EPA recommends you refer to two great resources for developing robust budgets:
 - EPA's "How to Develop a Budget" Online Training Course:
<https://www.epa.gov/grants/how-develop-budget>
 - EPA's Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance:
<https://www.epa.gov/sites/default/files/2019-05/documents/applicant-budget-development-guidance.pdf>

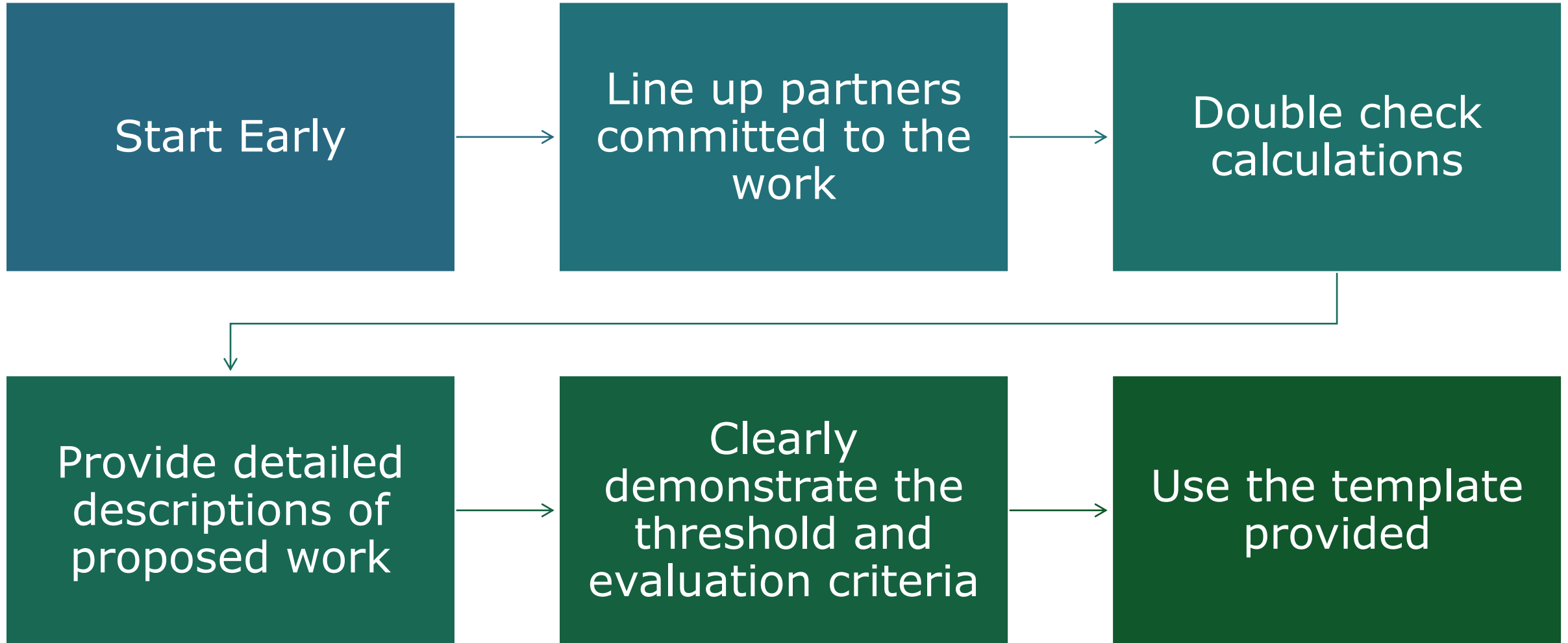


Audit Requirements

- From [EPA's General Terms and Conditions](#), page 13:
 - Audit Requirements: In accordance with [2 CFR 200.501\(a\)](#), the recipient hereby agrees to obtain a single audit from an independent auditor, if their organization expends \$750,000 or more in total Federal funds in their fiscal year beginning on or after December 26, 2014. The recipient must submit the form SF-SAC and a Single Audit Report Package within 9 months of the end of the recipient's fiscal year or 30 days after receiving the report from an independent auditor. The SF-SAC and a Single Audit Report Package MUST be submitted using the Federal Audit Clearinghouse's Internet Data Entry System available at: <https://facides.census.gov/>. For complete information on how to accomplish the single audit submissions, you will need to visit the Federal Audit Clearinghouse Web site: <https://facweb.census.gov/>



Tips for Preparing an Application

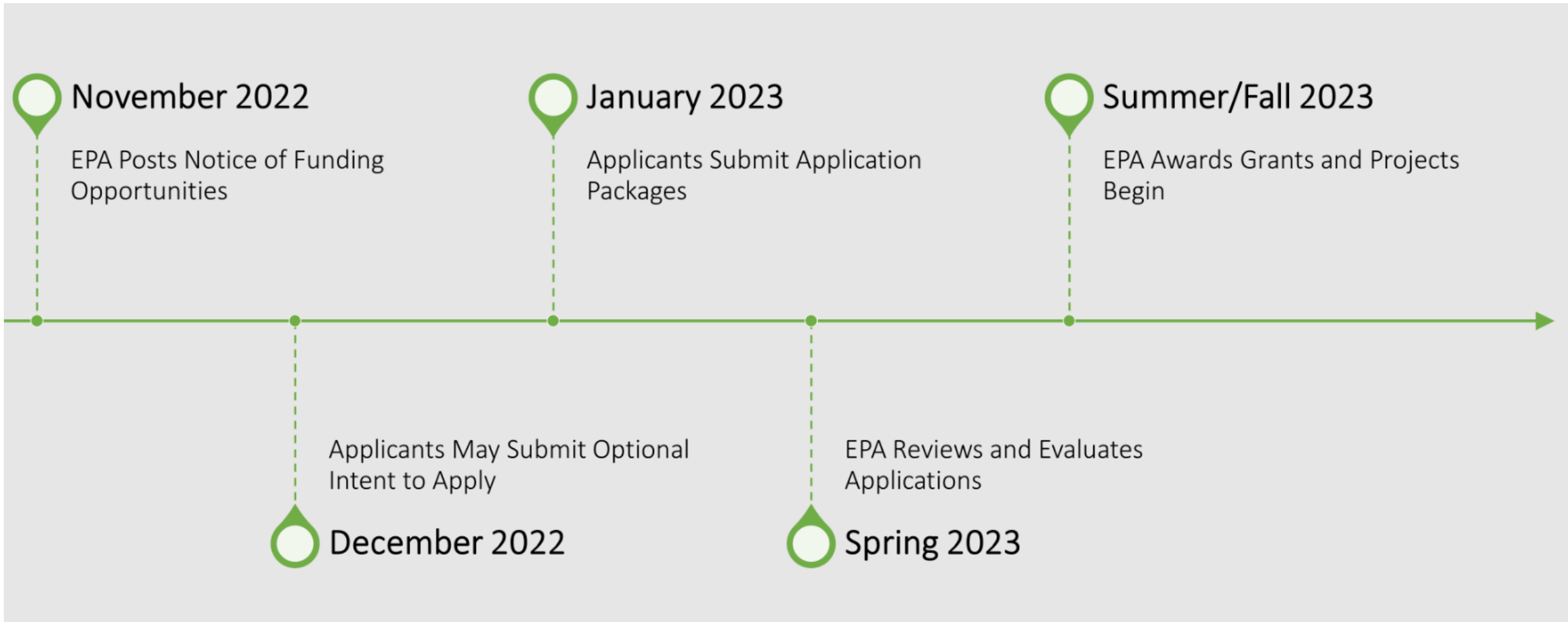


General EPA Grant Requirements

- ***Register Now on SAM.gov!*** These registrations are taking a month or more to complete!
- You must have an active SAM registration in www.SAM.gov to apply for the grant.
- Once your SAM.gov account is active, you must register in www.Grants.gov.



Estimated Timeline



Useful Links

- The EPA SWIFR Website: <https://www.epa.gov/rcra/bipartisan-infrastructure-law-transforming-us-recycling-and-waste-management>
- SWIFR Grants for Political Subdivisions Website: <https://www.epa.gov/rcra/grants-political-subdivisions>
- SWIFR Grants Q&A Document: <https://www.epa.gov/rcra/grants-political-subdivisions#updates>
- Prepare for a Grant Application Website: <https://www.epa.gov/rcra/prepare-grant-application>
- Best Practice Guide for Procuring Services, Supplies, and Equipment Under The EPA Assistance Agreements: www.epa.gov/grants/best-practice-guide-procuring-services-supplies-and-equipment-under-epa-assistance-agreements
- The EPA Subaward Policy with attachments: www.epa.gov/grants/grants-policy-issuance-gpi-16-01-epasubaward-policy-epa-assistance-agreement-recipients
- The EPA Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance: www.epa.gov/sites/default/files/2019-05/documents/applicant-budget-development-guidance.pdf
- The EPA Solicitation Clauses: www.epa.gov/grants/epa-solicitation-clauses
- The EPA Grants Policy Resources: www.epa.gov/grants/epa-grants-policy-resources
- The EPA Grants Management Training for Applicants and Recipients: www.epa.gov/grants/epa-grants-management-training-applicants-and-recipients
- The EPA Information on QAPPs: www.epa.gov/sites/default/files/2015-06/documents/g5-final.pdf ; www.epa.gov/sites/default/files/2016-06/documents/r5-final_0.pdf ; www.epa.gov/measurements-modeling/documents-about-measurement-competency-under-assistance-agreements





Questions?



Zoom7

Audio Settings ^



Chat



Q&A



Live Transcript



Interpretation

Leave

THANK YOU!

