

Revised April 10, 2024

**AGENCY:** ENVIRONMENTAL PROTECTION AGENCY (EPA)

**TITLE:** Clean Ports Program: Zero-Emission Technology Deployment Competition

**ANNOUNCEMENT TYPE:** Request for Applications (RFA)

**FUNDING OPPORTUNITY NUMBER:** EPA-R-OAR-CPP-24-04

**ASSISTANCE LISTING NUMBER:** 66.051

Summary: This Notice makes amendments to the above referenced funding opportunity to update information about ineligible costs, project narrative, budget detail, budget narrative, and period of performance.

Specifically, amendments are made on the following pages:

Page 24: The Ineligible Infrastructure Costs section (Section III.D.1.b.iv) was revised to strike language that DC fast charger charging infrastructure that is not EPA ENERGY STAR certified is not an eligible expense.

Page 24: The Ineligible Infrastructure Costs section (Section III.D.1.b.viii) was revised to allow solar and wind power generation systems at the first point of rest from the port facilities for infrastructure serving drayage trucks or locomotives.

Pages 30, 31, 37, 41, 43, 44, 58: Language was modified to reflect the approval of the Information Collection Request for the Supplemental Application Template and clarify that the template is now required.

Page 31: The phrase "Optional Attachments" was corrected to "Other Attachments" in the Project Narrative Instructions.

Pages 31, 43, 44: References to a tab in the Supplemental Application Template were changed from "2b. Cover Sheet for App\_ZE" to "3. Cover Sheet for App\_ZE".

Pages 37, 58: References to a tab in the Supplemental Application Template were changed from "4a. Fleet Description" to "4a. New Fleet Description".

Page 38: The following language was added: "applicants planning to use Direct Current (DC) fast charger infrastructure are encouraged, but not required, to use EPA ENERGY STAR certified DC fast chargers where applicable."

Page 50: In the budget section of the project narrative, the Target Apportionment Among Cost Categories section was amended for consistency with other sections of the Notice. The phrase "a minimum 50% of total project costs" was replaced with "a minimum 50% of program funds."

Page 53: A Construction category was added to the Budget Detail section.

Pages 55-56: A Construction category was added to the Example Budget Table, and the values in the Example Budget Table were modified.

Page 73: The grant period of performance in Appendix B was corrected to 4 years.

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**IMPORTANT DATES**

February 28, 2024	Notice of Funding Opportunity (NOFO) Opens
March 28, 2024	Optional Notice of Intent to Apply is Due
May 6, 2024	Final Date to Submit Questions
May 28, 2024	NOFO Closes – Applications Due by 11:59 p.m. (ET)
August to September 2024	Anticipated Notification of Selection
December 2024	Anticipated Awards

Application packages must be submitted electronically to the EPA through Grants.gov ([www.grants.gov](http://www.grants.gov)) no later than **May 28, 2024, at 11:59 p.m. Eastern Time (ET)** in order to be considered for funding.

**NOTICE OF INTENT TO APPLY:** To allow for efficient management of the competitive process, the EPA requests submittal of an optional informal notice of an Intent to Apply by March 28, 2024 to [cleanports@epa.gov](mailto:cleanports@epa.gov). Please use the subject line “Notice of Intent to Apply: Zero-Emission Technology Deployment.” Please include in the body of the email the name of the applicant, the estimated dollar amount of the anticipated funding request, and a sentence or two summarizing the project (if known). Submission of Intent to Apply is optional and non-binding; it is a process management tool that will allow the EPA to better anticipate the total staff time required for efficient review, evaluation, and selection of submitted applications.

**NOTE:** If the applicant intends to name a contractor (including consultants) or subrecipient in the application as a “partner,” the applicant should carefully review Section IV.d. of the [EPA’s Solicitation Clauses](#) that are incorporated by reference in this announcement and discussed in relevant part here (See [Section I.E.](#) of this announcement). **Applicants must compete contracts for services and products, including consultant contracts, and conduct cost and price analyses, to the extent required by the procurement provisions of the regulations at 2 CFR Part 200.**

Applicants are not required to identify subrecipients and/or contractors (including consultants) in their grant application. However, if an applicant does so, the fact that an applicant selected for award has named a specific subrecipient or contractor (including consultants) in the application the EPA selects for funding does not relieve the applicant of its obligations to comply with subaward and/or competitive procurement requirements as described in Section IV.d. of the EPA's Solicitation Clauses. **Please note that applicants may not award sole source contracts to consulting, engineering, or other firms assisting applicants with the application solely based on the firm's role in preparing the application or based on an assertion that the individual or firm has "unique qualifications."**

The EPA will not consider the qualifications, experience, and expertise of named subrecipients and/or named contractor(s) during the application evaluation process unless the applicant provides documentation that it has complied with the EPA's competitive procurement requirements.

For additional guidance, applicants should review the [EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#), the [EPA's Subaward Policy](#), and the [EPA's Subaward Policy Frequent Questions](#). The EPA expects recipients of funding to comply with competitive procurement contracting requirements in 2 CFR Parts 200 and 1500 as well as the EPA's rule on Participation by Disadvantaged Business Enterprises in EPA Programs in 40 CFR Part 33. **The Agency does not accept justifications for sole source contracts for services or products available in the commercial marketplace such as consulting, data analysis, or project management.**

In addition, applicants are encouraged to review the Questions and Answers document posted on the [Clean Ports Program website](#) for further clarification of this NOFO.

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## I. FUNDING OPPORTUNITY DESCRIPTION

### A. Background and Summary

The EPA Office of Transportation and Air Quality (OTAQ) is issuing this NOFO to announce the availability of funds and solicit applications from eligible entities to help ports nationwide transition to zero-emission (ZE) operations under the EPA's Clean Ports Program. The EPA's Clean Ports Program will fund ZE port equipment and infrastructure to reduce mobile source emissions (criteria pollutants, air toxics, and/or greenhouse gases) at United States ports, delivering cleaner air for communities across the country. The Clean Ports Program will also fund climate and air quality planning activities as part of a separate NOFO – including emissions inventories, strategy analysis, community engagement, and resiliency measure identification – that will build the capacity of port stakeholders to continue to reduce pollution and transition to ZE operations over time. This new funding opportunity, made possible by funding from the Inflation Reduction Act, builds on the EPA's [Ports Initiative](#), an ongoing program that helps our nation's ports, a critical part of our infrastructure and supply chain, address public health and environmental impacts on surrounding communities.

Ports are a vital part of the United States economy, serving as gateways for moving freight and passengers across the country and around the world. Ports are also places with high concentrations of mobile source equipment, including dray trucks, locomotives, cargo-handling equipment, and marine vessels. This equipment is largely powered by diesel and other fossil fuels. Older equipment, in particular, can emit significant amounts of air pollution, including fine particulate matter (PM<sub>2.5</sub>), nitrogen oxides (NO<sub>x</sub>), air toxics, and carbon dioxide (CO<sub>2</sub>), which impact human health and the environment.

Section 60102 of the Inflation Reduction Act of 2022 (IRA) amended Section 133 of the Clean Air Act (42 U.S.C. 7433) to authorize the EPA's Clean Ports Program (or *Grants to Reduce Air Pollution at Ports*).

The EPA anticipates awarding up to \$2.79 billion under this competition, subject to the availability of funds, the quantity and quality of applications received, and other applicable considerations. This NOFO announces the availability of funding for grants related to ZE Technology Deployment. The EPA has issued a separate NOFO under Funding Opportunity Number EPA-R-OAR-CPP-24-05 for a competition for climate and air quality planning activities. **Applicants are encouraged to apply to both grant competitions.** Across both competitions, a minimum of \$750 million is available for projects in nonattainment areas for PM<sub>2.5</sub> or ozone, as defined in [Section IV.C.2.](#), [Section 4.](#)

This Clean Ports Program ZE Technology Deployment Competition is a competitive grant program. Funding for port equipment, infrastructure, and planning is also available through other [programs funded by the Bipartisan Infrastructure Law](#) and the [Inflation Reduction Act](#). The EPA's Ports Initiative has a [searchable table of funding opportunities](#) that can support emissions reductions at ports. In addition, the Department of Energy, in coordination with the

EPA and the Department of Transportation, developed a [webpage that summarizes federal funding opportunities for ports](#).

## **B. Program Goals and Objectives**

The EPA's goals for the Clean Ports Program are to: (1) build a foundation for ports across the country to transition to fully ZE operations, positioning ports to serve as a catalyst for transformational change across the freight sector; (2) reduce mobile source pollution in near-port communities, especially disadvantaged communities; and (3) help ensure that meaningful community engagement and emissions reduction planning are port industry standard practices.

The ZE Technology Deployment Competition is designed to fund deployment of strategies and solutions that will help ports achieve zero-emission operations. This includes funding the purchase of ZE equipment, technologies, and related infrastructure directly serving a port, as well as funding support expenses related to deployment. For the purpose of this funding opportunity, "ZE equipment" means a mobile source that produces zero tailpipe emissions of any [criteria pollutant](#), air toxics, or greenhouse gas other than water vapor, **specifically** electric and hydrogen fuel cell technologies. Project activities eligible for funding under this NOFO include:

- 1. ZE Mobile Equipment:** Eligible project costs include the purchase and deployment of new eligible battery-electric or hydrogen fuel cell vehicles, vessels, powertrains, and other mobile equipment that directly serve a port, which fall in these general categories:
  - Cargo handling equipment (e.g., terminal tractors, forklifts, top handlers, side picks, straddle carriers)
  - Drayage trucks
  - Locomotives and railcar movers
  - Harbor craft and other vessels (e.g., commercial and Tribal fishing vessels, tugs, ferries, patrol boats, workboats, dredges, pilot boats, barges)
  
- 2. ZE Infrastructure Serving Mobile Equipment:** Eligible project costs include the purchase and installation of new or expanded electric charging and/or hydrogen fueling infrastructure serving eligible ZE port equipment purchased as part of the applicant's grant award, as well as shore power infrastructure for marine vessels. Equipment not purchased as part of the grant award may also utilize the charging and fueling infrastructure. Specifically:
  - Eligible electric charging infrastructure should be located at or behind the meter (customer side). Eligible costs include but are not limited to: electric supply infrastructure for the new electric equipment, including the unit and charging cable, mount and/or pedestal, electrical panels, and their installation; upgrades to existing electrical panels or electrical service, wiring/conduit and its installation; the physical meter and its housing unit (if located on the customer side); and installation, such as design and engineering or labor (i.e., infrastructure costs associated with work on

- the customer's side of the electrical meter); and charge management software, either as standalone or part of the charging unit. Costs for minor grid upgrades in front of the meter (utility side) may be considered if the work is necessary to connect an eligible charging station to the electric distribution network.
- Funds may be used for battery energy storage systems associated with new equipment funded in the program, as well as solar and wind power generation systems that are installed to primarily power mobile equipment.
  - Eligible hydrogen fueling infrastructure includes, but is not limited to, hydrogen storage tanks, liquid and gaseous hydrogen pumps and vaporizers, compressors, heat exchangers, piping and pipelines within a port facility, high-pressure dispensers (including hose, nozzles, and meters), chillers, and point-of-sale systems. Eligible costs include the purchase price and installation, such as design and engineering or labor expenses.

**3. ZE Technology Deployment Support Activities:** Eligible project costs include ZE technology deployment project support activities directly related to the implementation of an eligible ZE technology project, including acquiring eligible ZE equipment and infrastructure, or deploying the technology into regular service. Eligible project costs related to support may include, but are not limited to, the following activities:

- Project-specific public engagement
- Safety planning and protocol development
- Operational planning and protocol development
- Workforce training
- Project performance monitoring
- Project management and administrative costs
- Collection and analysis of in-use operational data to optimize/refine ZE technology implementation
- Infrastructure testing and approval
- Permit applications

**Applicants should refer to [Section III.D.](#) for further detail on ineligible costs and activities, including what would not qualify as “serving a port.”** Applicants should also note applicable Build America, Buy America requirements for eligible expenses, as described in [Section VI.D.](#) Note that selected applicants will be expected to engage with communities about the project.

For purposes of this NOFO, a port is either a water port or a dry port, as defined below:

**Water port:** places on land alongside navigable water (e.g., oceans, rivers, or lakes) with one or more facilities in close proximity for the loading and unloading of passengers or cargo from ships, ferries, and other commercial vessels. This includes facilities that support non-commercial Tribal fishing operations.



**Dry port:** an intermodal truck-rail facility that is included in the 2024 Federal Highway Administration's (FHWA) Intermodal Connector Database based on meeting the criteria set in 23 CFR 470. These criteria include having more than 50,000 20-foot equivalent units per year or 100 trucks per day, or comprising more than 20 percent of freight volumes handled by any mode within a State.

For purposes of this NOFO, a **small water port** is defined as:

- A water port (see definition above) located in a port area to and from which the average annual tonnage of cargo is less than 8,000,000 short tons for the most recent three calendar years of U.S. Army Corps of Engineers (USACE) data (2019, 2020, 2021), or
- A water port located outside of the port areas in USACE tonnage datasets.

A list of eligible dry port facilities and a list of port areas that handle greater than 8,000,000 short tons are available on the [Clean Ports Program website](#).

In order to promote geographic and port-type diversity, the EPA plans to award a minimum number of grants to Tribal applicants, a minimum amount of funding for projects taking place at small water ports, and a minimum number of projects in each of the EPA's ten Regions, as described in [Section II.B](#). Although projects at dry ports are eligible, the EPA plans to set a maximum funding amount for projects taking place at dry ports, as described in [Section II.B](#).

Eligible applications will be sorted into award tiers based on the amount of funding requested, the port type, and the applicant type. An overview of the ZE Technology Deployment Award Tiers is shown in Table 1. Applications in each tier will be evaluated and ranked against other applications within the same tier. Applicants should include information in the cover page of the project narrative about whether their project is scalable and the minimum amount of funding they would accept. This flexibility may provide a benefit to the applicant in the event that the EPA cannot fund the full project amount.

Table 1: Overview of ZE Technology Deployment Award Tiers

Tier	Port Type	Applicant Type	EPA Funding Range per Award	EPA Share of Total Project Cost (Maximum)	Mandatory Applicant Share of Total Project Cost (Minimum)	Anticipated Number of Awards
Tier A	Water ports only	Any eligible entity	\$150,000,000 - \$500,000,000	80%	20%	5-10
Tier B	Water or dry ports	Any eligible entity	\$10,000,000 - \$149,999,999 (Projects at small water ports: \$5,000,000 - \$149,999,999)	90%	10%	25-70
Tier C	Water or dry ports	Tribal applicants only	\$2,000,000 - \$50,000,000	100%	0%	2-10

### Programmatic Priorities

The Clean Ports Program programmatic priorities under this NOFO are defined below. Applicants should address these priorities in their applications.

- Environmental Justice and Disadvantaged Communities:** The EPA is committed to accelerating environmental justice (EJ) in communities overburdened by air pollution through this program. This program is a covered program under the Justice40 Initiative set forth in [Executive Order 14008: Tackling the Climate Crisis at Home and Abroad](#). The goal of the [Justice40 Initiative](#) is to ensure that 40 percent of the overall benefits of certain Federal investments flow to disadvantaged communities that are marginalized by underinvestment and overburdened by pollution. The EPA is committed to meeting the objectives of the Justice40 Initiative.

Specifically, this program is seeking to prioritize projects that take place in or near communities overburdened by air pollution, including those in designated PM<sub>2.5</sub> and Ozone nonattainment areas for the EPA’s National Ambient Air Quality Standards, and with high concentrations of diesel particulate matter (PM).

The EPA will evaluate applications on their benefits to disadvantaged communities experiencing poor air quality and the quality and extent of community engagement efforts, as defined in [Section IV.C.2., Section 4](#) and under [Section V.A., Criterion 4](#) of this NOFO.

Additional details on the contents of applications, including specifics on what should be included in the project narrative, are included in [Section IV.C.](#)

- **Port Transformation and Pollution Reduction:** Through this program, the EPA is looking to build a foundation for ports across the country to transition to fully ZE operations while reducing mobile source emissions (criteria pollutants, air toxics, and/or greenhouse gases) that disproportionately impact nearby communities. The EPA especially encourages applicants to seek funds for ZE equipment and shore power infrastructure for vessels. The EPA will evaluate proposals more favorably if the applicant proposes to use at least 50% of program funds for the purchase and installation of ZE equipment or shore power infrastructure for vessels (applicants are encouraged to use no more than 50% on other expenses such as ZE technology deployment support activities, other types of eligible infrastructure, and project administration). Please see [Section IV.C.2., Section 8](#) for additional guidance.
- **Nonattainment areas:** As required by the statute and to help ensure the program’s goal of deploying ZE technologies in communities burdened by poor air quality, the EPA plans to award a minimum of \$750 million for projects in nonattainment areas across this funding opportunity and Funding Opportunity Number EPA-R-OAR-CPP-24-05.

### C. Environmental Results and Strategic Plan Information

Pursuant to Section 6.a. of EPA Order 5700.7A1, “Environmental Results under EPA Assistance Agreements,” the EPA must link proposed assistance agreements with the Agency’s Strategic Plan. The EPA also requires that grant applicants and recipients adequately describe environmental outputs and outcomes to be achieved under assistance agreements (see [EPA Order 5700.7A1, Environmental Results under Assistance Agreements](#)). Applicants must include specific statements describing the environmental results of the proposed project in terms of well-defined outputs and, to the maximum extent practicable, well-defined outcomes that will demonstrate how the project will contribute to the Strategic Plan goals listed below.

1. **Linkage to the EPA Strategic Plan:** The activities to be funded under this announcement support the EPA’s Fiscal Year (FY) 2022-2026 Strategic Plan. Awards made under this announcement will support Goal 1, “Tackle the Climate Crisis;” Objective 1.1 to “Reduce emissions that cause climate change” and Goal 4, “Ensure Clean and Healthy Air for All Communities;” Objective 4.1, “Improve Air Quality and Reduce Localized Pollution and Health Impacts.” Under Objective 1.1, the EPA will “aggressively reduce the emissions of greenhouse gases from all sectors while increasing energy and resource efficiency and the use of renewable energy.” Under Objective 4.1, the EPA will “reduce air pollution on local, regional, and national scales to achieve healthy air quality for people and the environment.” All applications must be for projects that support the goals and objectives above. For more information see [EPA’s FY 2022 – FY 2026 EPA Strategic Plan](#).
2. **Outputs:** The term “output” means an environmental activity, effort, and/or associated work product related to an environmental goal and objective that will be produced or

provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period.

Expected outputs from the projects to be funded under this announcement include, but are not limited to:

- Number of pieces of ZE equipment purchased overall and by type (cargo-handling equipment, dray trucks, locomotives, harbor craft, etc.)
- Number of pieces of internal combustion engine equipment scrapped overall and by type
- Number and capacity of electric charging systems installed (kW) or hydrogen fueling stations installed (kg per day)
- Documented outreach efforts (e.g., workshops) undertaken to make local residents aware of project activities and updates and to solicit feedback

Other potential outputs may include, but are not limited to:

- Summary of local residents and community-based organizations participating in the design, planning, and performance of the project
- Establishing a clear point of contact in a public platform for community issues, feedback, and complaints
- A publicly documented policy or process for collecting and addressing community input on operations and projects that impact air quality
- Number of trainings provided to staff, drivers, mechanics, or other electric vehicle or hydrogen service providers, including electric vehicle supply equipment service providers
- Technical assistance provided to project partners and beneficiaries, such as fleet subrecipients, to enable and encourage participation
- Dissemination of project/technology information via listservs, websites, journals, and outreach events
- Staff hired to implement emissions reduction measures
- Staff hired to advance environmental justice and community engagement activities

Progress reports and a final report will also be required outputs, as specified in [Section VI.C.](#) of this NOFO.

- 3. Outcomes:** The term “outcome” means the result, effect or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related, or programmatic in nature, but must also be quantitative. They may not necessarily be achievable within an assistance agreement funding period.

Desired outcomes from the projects to be funded under this announcement include, but are not limited to:

- Improved ambient air quality in near-port communities, especially in areas designated as nonattainment or maintenance for PM<sub>2.5</sub> and Ozone National Ambient Air Quality Standards or areas with high concentrations of diesel PM
- Tons of pollution avoided annually and over the lifetime of the equipment, including PM<sub>2.5</sub>, NO<sub>x</sub>, and CO<sub>2</sub>
- Net reduction in gallons of fuel used annually and/or over the lifetime of the equipment
- Benefits to disadvantaged communities, including improvements to human health and the environment
- Establishment of long-term forums to engage communities
- Institutionalization of operational changes to accommodate future deployment of additional ZE technologies
- Establishment of charging/fueling and related infrastructure to support future deployment of additional ZE technologies
- Development of a workforce skilled in operating and maintaining ZE equipment
- Evidence of the feasibility of various strategies for reducing or eliminating port emissions, and development of best practices that can help other ports adopt successful approaches

Other potential outcomes may include, but are not limited to:

- An increased understanding of the environmental or economic effectiveness of the implemented technology
- Public awareness of project and results
- Creation of high-quality jobs employing workers from nearby underserved populations

#### **D. Statutory Authority**

The statutory authority for this action is Section 133 of the Clean Air Act, 42 U.S.C. 7433, added by the Inflation Reduction Act, Public Law 117-169, which authorizes the EPA to award rebates and grants to purchase or install ZE port equipment or technology, conduct planning or permitting in connection with the purchase or installation of ZE port equipment or technology, and develop qualified climate action plans.

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

Additional provisions that apply to Sections III, IV, V, and VI, and/or awards made under this solicitation, can be found at [EPA Solicitation Clauses](#). These provisions are important for applying to this solicitation and applicants must review them when preparing applications for this solicitation. If the applicant is unable to access these provisions electronically at the website above, they should contact the EPA point of contact listed in [Section VII](#) of this solicitation to obtain the provisions.

## II. FEDERAL AWARD INFORMATION

### A. Amount of Funding Available

The total estimated funding expected to be available for awards under this competitive opportunity is \$2.79 billion. Funding is dependent upon funding availability, Agency priorities, and other applicable considerations.

As described in [Section I.A.](#) and per the statute, the EPA intends to award a minimum of \$750M for projects in nonattainment areas across both this NOFO (EPA-R-OAR-CPP-24-04 Clean Ports Program: Zero-Emission Technology Deployment Competition), and EPA-R-OAR-CPP-24-05 Clean Ports Program: Climate and Air Quality Planning Competition.

### B. Number and Amount of Awards

The EPA anticipates awarding 32 to 90 grants or cooperative agreements under this announcement, subject to the availability of funds, the quantity and quality of applications received, Agency priorities, and other applicable considerations.

The EPA expects to award grants within three tiers based on project size and applicant type, as described in Table 2 below. Tier A is for projects between \$150 million and \$500 million. Tier B is for projects less than \$150 million. Tier C is only for Tribal applicants. The EPA anticipates awarding 5-10 grants under Tier A, 25-70 grants under Tier B, and 2-10 grants under Tier C of this competition. Applications in each tier will be evaluated and ranked against other applications within the same tier.

Tier A is open to projects taking place at water ports. Tier B is open to projects taking place at water ports and/or dry ports. The EPA expects to award a maximum of \$250 million total for projects taking place at dry ports.

The EPA expects to award at least \$250 million total to projects taking place at small water ports. For applications that include projects taking place at multiple ports, the primary project location (based on percentage of time/activity) will be used to determine whether the project qualifies as taking place at a small water port. A small water port is defined as:

- A water port located in a port area to and from which the average annual tonnage of cargo is less than 8,000,000 short tons for the most recent three calendar years of USACE data (2019, 2020, 2021), or
- A water port located outside of the port areas in USACE tonnage datasets.

A list of port areas that handle greater than 8,000,000 short tons is available on the [Clean Ports Program website](#).

To ensure further geographic and port type diversity, the EPA plans to award a minimum of one award per each of the EPA's ten Regions under this Competition.

The amount of federal funding requested per application must fall within the ranges shown in Table 2 below.

Table 2: Grant ranges for ZE Technology Deployment Competition

Tier	Port Type	Applicant Type	EPA Funding Range per Award	EPA Share of Total Project Cost (Maximum)	Mandatory Applicant Share of Total Project Cost (Minimum)	Anticipated Number of Awards
Tier A	Water ports only	Any eligible entity	\$150,000,000 - \$500,000,000	80%	20%	5-10
Tier B	Water or dry ports	Any eligible entity	\$10,000,000 - \$149,999,999 (Projects at small water ports: \$5,000,000 - \$149,999,999)	90%	10%	25-70
Tier C	Water or dry ports	Tribal applicants only	\$2,000,000 - \$50,000,000	100%	0%	2-10

*Note: Applications from Tribal applicants that are for \$2,000,000 - \$50,000,000 will be placed in Tier C. Applications from Tribal applicants for more than \$50,000,000 will be placed in Tier A or B, depending on the amount requested.*

The actual award amounts, total amount of funding, and number of awards made under each of the tiers described in this section may differ from the estimated amounts for many reasons, including, but not limited to, the number of meritorious applications received in each tier, Agency priorities, and funding availability. In addition, the EPA reserves the rights to increase or decrease (including decreasing to zero) the total dollar amount for awards under each tier.

### C. Partial Funding

In appropriate circumstances, the EPA reserves the right to partially fund applications by funding discrete portions or phases of proposed projects. If the EPA decides to partially fund an application, it will do so in a manner that does not prejudice any applicants or affect the basis upon which the application, or portion thereof, was evaluated and selected for award, thereby maintaining the integrity of the competition and selection process. To be eligible for partial funding, applicants should submit information about whether their project is scalable and the minimum amount of funding they would accept. This flexibility may provide a benefit to the applicant in the event that the EPA cannot fund the full project amount.

### D. Additional Awards

The EPA reserves the right to make additional awards under this solicitation, consistent with Agency policy and guidance, if additional funding becomes available after the original selections are made. Any additional selections for awards will be made no later than 6 months after the original selection decisions. In addition, the EPA reserves the right to reject all applications and make no awards under this announcement or to make fewer awards than anticipated.

### **E. Award Funding and Incremental/Full Funding**

Awards may be fully or incrementally funded, as appropriate, based on funding availability, satisfactory performance, and other applicable considerations.

### **F. Period of Performance**

The estimated period of performance for awards resulting from this solicitation will be up to four years. The estimated project start date for awards is December 1, 2024.

### **G. Funding Type**

It is anticipated that grants and cooperative agreements will be funded under this solicitation.

Successful applicants will be issued a grant or cooperative agreement as appropriate. A cooperative agreement is an assistance agreement that is used when there is substantial federal involvement with the recipient during the performance of an activity or project. The EPA awards cooperative agreements for those projects in which it expects to have substantial interaction with the recipient throughout the recipient's period of performance. The EPA will negotiate the precise terms and conditions of "substantial involvement" as part of the award process. The anticipated substantial federal involvement for cooperative agreements under the Clean Ports Program may include close monitoring of the recipient's performance; collaboration during the performance of the scope of work; and in accordance with 2 CFR §200.317 and 2 CFR §200.318, as appropriate, reviewing proposed procurements, reviewing qualifications of key personnel, and/or reviewing and commenting on the content of printed or electronic publications prepared. The EPA does not have the authority to select employees or contractors employed by the recipient. The final decision on the content of reports rests with the recipient.

## **III. ELIGIBILITY INFORMATION**

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

### **A. Eligible Entities**

Consistent with Assistance Listing No. 66.051, the Clean Air Act Section 133(d) (as amended by the Inflation Reduction Act §60102), and [EPA's Policy for Competition of Assistance Agreements \(EPA Order § 5700.5A1\)](#), competition under this solicitation is available to:

1. Port authorities;
2. State, regional, local, or Tribal agencies that have jurisdiction over a port authority or a port, where "port" is defined in [Section I.B.](#);
3. Air pollution control agencies (as defined in CAA 302); and
4. Private entities that:
  - a. apply for a grant in a Statutory Partnership with an entity described in 1-3 above; **and**
  - b. own, operate, or use the facilities, cargo-handling equipment, transportation equipment, or related technology of a port.



The term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa and includes the Commonwealth of the Northern Mariana Islands.

“Tribal agencies” are defined as any Indian Tribe, band, nation, or other organized group or community (including Alaska Native Villages), which are federally recognized as eligible for the special programs and services provided by the United States. The EPA has determined that based on the exclusion of Alaskan Native Corporations (ANCs) from the definition of “Indian tribe” in Section 302(r) of the Clean Air Act, that ANCs are not eligible as a Tribal agency for direct grants from the EPA under this program. ANCs may be eligible as a private entity, however, and may receive subawards from eligible grantees.

For the purposes of this NOFO, “intertribal consortium” is defined as a partnership between two or more eligible Tribal agencies as defined above, that is authorized by the governing bodies of those Tribes to apply for and receive assistance under this program. Intertribal consortia are eligible to receive assistance under this program only if the consortium demonstrates that all members of the consortium meet the eligibility requirements for the program and authorize the consortium to apply for and receive assistance by submitting to the EPA documentation of (1) the existence of the partnership between Indian Tribal governments, and (2) authorization of the consortium by all its members to apply for and receive the assistance.

A private entity can include for-profit businesses and nonprofit organizations, as long as they meet the requirements described in [Section III.A.4.a-b](#). For example, a private marine terminal operator could be an eligible private entity.

As described in [Section VI.F](#), by applying under this NOFO, applicants attest that they are not (A) owned by, controlled by, or subject to the direction of a government of a foreign country of concern, or (B) headquartered in a foreign country of concern.

A partnership between an eligible private entity (as defined above in [Section III.A.4](#).) and another eligible non-private entity (as defined above in [Section III.A.1-3](#).) is a Statutory Partnership. The Statutory Partnership application is comprised of one eligible private entity who enters into a Statutory Partnership Agreement with one or more Statutory Partners (other eligible non-private entities). In a Statutory Partnership application, the eligible private entity is considered the grant recipient and is responsible for carrying out the grant activities if the application is selected for funding. If the application is selected for award, the applicant will enter into an agreement with the Statutory Partner that must contain the elements of the Statutory Partnership Agreement in [Appendix B](#). The applicant must include a copy of a written and signed Statutory Partnership Agreement with their application to be eligible for funding consideration.

Non-statutory partnerships are also allowable to ensure effective grant performance to meet the objectives of the program in [Section I.B.](#) Non-statutory partnerships may be established between an applicant and a Collaborating Entity, which may include both eligible and non-eligible entities. Non-statutory partnerships may be constituted by both financial and non-financial forms of collaboration, however any subawards made by the applicant to Collaborating Entities to implement the project strategies and activities under the application must be made consistent with the grant regulations at 2 CFR 200.331 and as permitted in Appendix A of the [EPA Subaward Policy](#). Applicants may include an optional copy of a written and signed letter of commitment with each Collaborating Entity in their application.

Applicants are encouraged to describe any financial contributions (e.g., mandatory cost share or leveraged resources) being made by Statutory Partners and/or Collaborating Entities, within their applicable Statutory Partnership Agreements or optional letters of commitment.

**Applicants should reference [Section IV.C.](#) for further detail on project narrative instructions and related attachments.**

For both Statutory Partnerships and non-statutory partnerships, if selected for award, the applicant will become the grant recipient, operating as a pass-through entity for purposes of 2 CFR Part 200 and the [EPA Subaward Policy](#), and taking responsibility for making subawards to Collaborating Entities, or if applicable, Statutory Partners. The applicant will also be accountable to the EPA for effectively carrying out the full scope of work and the proper financial management of the grant (including the subawards it makes under the grant, and contracts to consultants and procurement contractors selected in accordance with the competitive procurement requirements in 2 CFR Parts 200 and 1500 as well as the EPA's 40 CFR Part 33 Disadvantaged Business Enterprise rule). Additionally, as provided in 2 CFR § 200.332, the Collaborating Entities, and other subrecipients, will be accountable to the applicant for proper use of EPA funding. Note that pursuant to 2 CFR § 200.332(a)(2), as implemented in Items 2 and 4 of the EPA's "*Establishing and Managing Subawards*" [General Terms and Conditions](#), successful applicants in Statutory Partnerships and non-statutory partnerships must ensure that the terms and conditions of the grant agreement "flow down" to all subrecipients in the subawards. The EPA has developed an optional template for subaward agreements, available in Appendix D of the [EPA Subaward Policy](#).

Further information on procurement and distinguishing between subawards and procurement transactions can be found in the [Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) and in the [EPA Subaward Policy](#).

**Note that an eligible entity may be listed as a Statutory Partner and/or Collaborating Entity on more than one application.**

## **B. Cost Sharing or Matching Funds**

Any form of cost share, mandatory or voluntary, must be included in the budget detail portion of the project narrative, and the application must describe how and when the applicant will furnish the cost share and how the cost share funding will be used. Applicants may use their own funds or other sources for cost share if the standards of 2 CFR Part 200, as applicable, are met. **If the proposed cost share is to be provided by a named Statutory Partner and/or Collaborating Entity, applicants are strongly encouraged to include a description of the provided cost share in an attached Statutory Partnership Agreement or letter of commitment.** Only eligible and allowable costs may be used for cost share.

Projects are subject to the mandatory cost share requirement based on the application tier, as shown below in Table 3. For territory applicants (the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands), up to \$5 million of the applicant cost share will be waived, in accordance with the policies of the Omnibus Territories Act.

The cost share applies to the total project cost. For example, if a project costs \$160 million, the EPA share would be \$144 million (90% of \$160 million) and the mandatory applicant share would be \$16 million (10% of \$160 million). In this example, the project is in Tier B because the EPA share is less than \$150 million, even though the total project cost is greater than \$150 million. For territory applicants, the applicant share in this example would be \$11 million (because up to \$5 million of the cost share is waived), and the EPA share would be \$149 million. In-kind administrative and implementation costs count towards the applicant cost share. State, Tribal, local, and private funds may be used as the applicant cost share. Other federal grants may not be used as the cost share unless the statute authorizing that federal funding provides that the funds may be used to meet cost share requirements on a federal grant.

Table 3: Cost Share Requirements

Tier	Port Type	Applicant Type	EPA Funding Range per Award	EPA Share of Total Project Cost (Maximum)	Mandatory Applicant Share of Total Project Cost (Minimum)	Anticipated Number of Awards
Tier A	Water ports only	Any eligible entity	\$150,000,000 - \$500,000,000	80%	20%	5-10
Tier B	Water or dry ports	Any eligible entity	\$10,000,000 - \$149,999,999 (Projects at small water ports: \$5,000,000 - \$149,999,999)	90%	10%	25-70
Tier C	Water or dry ports	Tribal applicants only	\$2,000,000 - \$50,000,000	100%	0%	2-10

*Note: For territory applicants (the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands), up to \$5 million of the applicant cost share will be waived, in accordance with the policies of the Omnibus Territories Act.*

Applications that include projects with mandatory cost share requirements must demonstrate on the SF-424 *Application for Federal Assistance*, on the SF-424A *Budget Information for Non-Construction Programs*, and in the project narrative how the applicant will be able to meet these minimum mandatory cost share requirements if they are selected for an award, or the application may be disqualified during the threshold eligibility review. Specifically, the mandatory cost share funds must be indicated in at least one of the following blocks in Section 18, Estimated Funding, on the SF-424: b. Applicant; c. State; d. Local; or e. Other. The mandatory cost shared funds must also be indicated on the SF-424A in Section A Column (f), Section B columns (2), (3) and/or (4), and Section C.

The EPA will evaluate applications under [Section IV.C.2., Section 1.c.](#), “Coordination with Complementary Initiatives” of this announcement on that the extent to which they have used or plan to use other sources of funding to bolster the impact of the EPA grant (separate and in addition to mandatory cost share requirements), such as additional private investment from other entities. For this NOFO, these additional funds will be considered “leveraged resources.” Leveraged resources or “leveraging” is when an applicant proposes to provide additional resources to support or complement the proposed project which are above and beyond the mandatory cost share to match the EPA grant funds they are requesting. Unlike funding awarded by the EPA and mandatory cost share funds provided by the recipient as part of this funding opportunity, leveraged resources do not need to be spent on eligible or allowable costs as listed in [Section I.B.](#) Unlike the mandatory cost share, these resources should not be included in the project budget on the SF-424 or SF-424A.

If applicants propose to leverage funds, the EPA expects them to secure the leveraged resources described in their applications. If the proposed leveraging does not materialize during

the performance period of the grant or cooperative agreement, the EPA may reconsider the legitimacy of the award and/or take other appropriate action authorized under 2 CFR Part 200.

Applicants should note that leveraged resources will be treated differently from voluntary cost share. Voluntary cost sharing is when an applicant voluntarily proposes to legally commit to provide costs or contributions to support the project when a cost share is not required. Applicants 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 and SF-424A. If an applicant proposes a voluntary cost share, the following apply:

- A voluntary cost share is subject to the applicable provisions of 2 CFR § 200.306, *Cost sharing or matching*.
- A voluntary cost share may only be met with eligible and allowable costs.
- The recipient may not use other sources of federal funds to meet a voluntary cost share unless the statute authorizing the other federal funding provides that the federal funds may be used to meet a cost share requirement on a federal grant or cooperative agreement.

The recipient is legally obligated to meet any proposed voluntary cost share that is included in the approved project budget. If the proposed voluntary cost share does not materialize during the performance period of the grant or cooperative agreement, the EPA may reconsider the legitimacy of the award and/or take other appropriate action as authorized by 2 CFR Part 200.

### **C. Threshold Eligibility Criteria**

All applications will be reviewed for eligibility and must meet the eligibility requirements described in Sections III.A., B., and C., to be considered eligible. If necessary, the EPA may contact applicants to clarify threshold eligibility questions prior to making an eligibility determination. Applicants deemed ineligible for funding consideration due to the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.

1. Applications must substantially comply with the application submission instructions and requirements set forth in [Section IV](#) or else they will be rejected. However, where a page limit is expressed in [Section IV.C.](#) with respect to the application, or parts thereof, pages in excess of the 25-page limitation will not be reviewed. Applicants are advised that readability is of paramount importance and should take precedence in application format, including selecting a legible font type and size for use in the application.
2. All applications must be submitted through Grants.gov as stated in [Section IV.A.](#) of this announcement (except in the limited circumstances where another method of submission is specifically allowed for as explained in [Section IV.B.](#)) on or before the application submission deadline published in [Section IV.B.](#) of this solicitation. Applicants are responsible for following the submission instructions in [Section IV.B.](#) of this solicitation to ensure that their application is timely and properly submitted. Please note that applicants experiencing technical issues with submitting through Grants.gov

should follow the instructions provided in [Section IV.B.](#), which include both the requirement to contact Grants.gov and email a full application to the EPA prior to the deadline.

The EPA will only consider accepting applications outside of Grants.gov from applicants that are able to demonstrate that they are unable to submit through Grants.gov due to system issues with Grants.gov or SAM.gov or for unforeseen exigent circumstances, such as extreme weather interfering with internet access. Failure of an applicant to submit prior to the application submission deadline date because they did not properly or timely register in SAM.gov or Grants.gov is not an acceptable reason to justify acceptance of an application outside of Grants.gov. **NOTE: Registering in SAM.gov or Grants.gov can take a month or more. Applicants are advised to begin their registration process early so it does not interfere with submitting the application near the deadline.**

3. Applications must support Goal 1 “Tackle the Climate Crisis”; Objective 1.1 “Reduce Emissions that Cause Climate Change” and Goal 4 “Ensure Clean and Healthy Air for All Communities,” Objective 4.1: “Improve Air Quality and Reduce Localized Pollution and Health Impacts” of the EPA’s Strategic Plan, described in [Section I.C.](#)
4. Applications submitted outside of the funding ranges for their applicable tier, port type, and applicant type described in Table 2 of [Section II.B.](#) are ineligible and will not be reviewed, including:
  - a. Applications that request more than \$500M;
  - b. Applications from applicants other than Tribes or at locations other than small water ports that request less than \$10M;
  - c. Applications for projects at dry ports that request more than \$150M;
  - d. Applications from Tribes that request less than \$2M; and
  - e. Applications for small water port projects that request less than \$5M. See guidance on small water port definition and other eligibility criteria in [Section I.B.](#)
5. Applications from applicants that use a logistics information platform described in [Section III.D.](#) are ineligible and will not be reviewed.
6. Applicants may submit up to two applications as long as the same port is not included in more than one application (i.e., all project activities taking place at or serving a port must be grouped in one application). Applicants can include multiple types of projects within one application (either at a single port or multiple ports). Applicants that submit more than one application for projects that serve the same port, or more than two total applications, will be contacted prior to the EPA review of any of the applications to determine which application(s) the applicant will withdraw from the competition. In the absence of direction from the applicant, the EPA will review the most recent application submitted for the port or the two most recent applications and deem the other application(s) ineligible.

## D. Ineligible Activities and Other Considerations

**1. Ineligible Costs or Activities.** If an application is submitted that includes any ineligible tasks or activities, that portion of the application will be ineligible for funding and may, depending on the extent to which it affects the application, render the entire application ineligible for funding. Activities and project costs ineligible for funding under this NOFO include:

**a. Ineligible Mobile Equipment Costs:**

- i. Equipment that will not directly serve at least one port (see definition of “port” in [Section I.B.](#)) for a minimum of three years based on the following parameters:
  - a. **Cargo handling equipment (terminal tractors, forklifts, top handlers, side picks, straddle carriers, etc.):** less than 90% annual usage (hours) will take place at the port(s) identified in the application.
  - b. **Drayage Trucks:** fewer than 100 visits/year will take place at the port(s) identified in the application.
  - c. **Locomotives (switchers, railcar movers):** (1) less than 75% of its annual usage (hours) will take place at the port(s) identified in the application, (2) visits will take place fewer than 200 days per year at the port(s) identified in the application, and (3) will not exclusively perform short-haul runs between the port(s) identified in the application and a second point of rest, e.g., a terminal, interchange, or yard.
  - d. **Harbor craft and other vessels (commercial and Tribal fishing vessels, tugs, ferries, patrol boats, workboats, dredges, pilot boats, barges, etc.):** less than 60% of its annual usage (hours and port visits) will take place at the port(s) identified in the application.
  - e. **Other eligible mobile source equipment:** less than 90% annual usage (hours and operating days) will take place at the port(s) identified in the application.
- ii. Equipment that is not human-operated or human-maintained, which includes any fully automated equipment.
- iii. Equipment which uses a non-ZE powertrain, including hybrid technologies powered in part by internal combustion engines, unless the non-ZE power source is mandated by safety regulations, and functions solely as a source of emergency backup power. Shore power-capable vessels docked at a berth where shore power is available must be required to turn off the vessel's engines and use the shore power system, with limited exceptions for extreme circumstances.
- iv. First-of-a-kind demonstration and pilot projects designed to determine the technical feasibility and economic potential of technologies at either a pilot or prototype stage.

- v. Research and development projects. Research is defined as a systematic study directed toward fuller scientific knowledge or understanding of the subject studied. Development is defined as the systematic use of knowledge and understanding gained from research, and directed toward the production of technologies, devices, systems, or methods, including design and development of prototypes and processes.
- vi. Ship modifications to allow vessels to accept shore-based electrical power, unless the modification is part of a project to replace the internal combustion engine(s) of a marine vessel with a ZE powertrain.
- vii. Light-duty vehicles.
- viii. Expenses related to repowering and/or replacing engines for existing onroad vehicles.
- ix. Expenses related to replacing internal combustion engines in existing nonroad equipment, locomotives, and marine vessels with ZE powertrains where the updated nonroad equipment, locomotive, or marine vessel includes a non-ZE powertrain, unless the non-ZE power source is mandated by safety regulations, and functions solely as a source of emergency backup power.
- x. Expenses related to replacing cabs, axles, paint, brakes, mufflers, or any other parts or materials that are not required to ensure the effective installation and functioning of the replacement of an internal combustion engine in existing nonroad equipment, locomotives, or marine vessels with a ZE powertrain.

**b. Ineligible Infrastructure Costs:**

- i. Infrastructure that will not directly serve at least one port (see definition of “port” in [Section I.B.](#)) for a minimum of three years based on the following parameters:
  - a. Infrastructure (besides vessel shore power) that does not directly serve eligible ZE mobile equipment purchased as part of the award. However, equipment not purchased as part of the grant may also utilize the fueling infrastructure.
  - b. Infrastructure serving any mobile equipment (besides drayage trucks and locomotives) that is not located on-site or in close proximity to port facilities identified in the application.
  - c. Infrastructure serving drayage trucks or locomotives that is not located on-site or in close proximity to port facilities identified in the applications, or at the first point of rest from the port facilities identified in the application (i.e., a terminal, depot, interchange, or yard where an eligible ZE mobile equipment purchased as part of the grant will fuel).
- ii. Infrastructure that is not human-operated or human-maintained.
- iii. Electric charging infrastructure NOT located at or behind the meter (on the customer side) except for minor grid upgrades. This includes, but is not limited



to, major grid upgrades to utility-owned power distribution equipment (such as longer power line extensions, improvements to offsite power generation, bulk power transmission, or substations); transformers located on the utility side of the meter and their installation; and operation and maintenance performed on utility systems.

- iv. Alternating Current (AC) Level 2 charging infrastructure that is not EPA ENERGY STAR certified at the time of purchase.
- v. Electric charging infrastructure not meeting the following installation requirements: Electricians installing, operating, or maintaining electric charging infrastructure purchased through this program are required to be certified under the Electric Vehicle Infrastructure Training Program or another program approved by the EPA in consultation with the Department of Labor and Department of Transportation, as will be reflected in the terms of this grant award. For projects requiring more than one electrician, at least one of the electricians performing each phase of the infrastructure work should meet the requirements above.
- vi. Infrastructure with air polluting components (e.g., backup generators or auxiliary power units), unless the non-ZE component is mandated by safety regulations, and functions solely as an emergency backup power source.
- vii. Power generation systems (including non-renewable powered backup generators), except for solar and wind power generation systems that primarily power mobile equipment.
- viii. Solar or wind power generation systems that are not: located on land (e.g., offshore wind, floating solar/wind projects) in close proximity to the port facilities identified in the application; or at the first point of rest from the port facilities for infrastructure serving drayage trucks or locomotives.
- ix. Hydrogen production systems (e.g., electrolyzers, conversion facilities), associated infrastructure, and their installation.
- x. Transmission (e.g., piping and pipelines) and/or transportation of hydrogen outside of the port.
- xi. Marine shore power projects that do not meet international shore power design standards ([IEC/ISO/IEEE 80005-1:2019/AMD 2:2023 High Voltage Shore Connection Systems](#) or the [IEC/PAS 80005-3:2014 Low Voltage Shore Connection Systems](#)).

**c. Ineligible Technology Deployment Support Costs:**

- i. Feasibility assessment of ZE technology. Technology feasibility assessment is a preliminary exploration of a candidate technology to determine its merits and viability for successful deployment in regular service. A feasibility assessment can include the evaluation of key technical, operational, labor, economic, legal/regulatory, and deployment (timeline/schedule) issues. Feasibility

assessment results are used to create a realistic project plan, schedule, and budget. These activities are eligible for funding in the separate NOFO for climate and air quality planning projects under Funding Opportunity Number EPA-R-OAR-CPP-24-05. However, please note that applicants requesting funding for technology deployment under this ZE Technology Deployment Competition are expected to have conducted necessary feasibility assessments prior to applying and should not be planning to conduct further feasibility assessments prior to deployment.

- ii. Costs for resiliency measures not directly related to protecting equipment purchased as part of the grant award from extreme weather events.
  - iii. Leasing vehicles or equipment. If financing is necessary, the purchase should be financed with a conventional purchase loan.
  - iv. Fuel and electricity expenses.
- d. Other Ineligible Costs:** As proscribed in Section 825 of the National Defense Authorization Act, no funds may be awarded to an entity that uses in part or in whole: the national transportation logistics public information platform (commonly referred to as 'LOGINK'); any national transportation logistics information platform provided by or sponsored by the People's Republic of China, or a controlled commercial entity; or a similar system provided by Chinese state-affiliated entities.

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

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

##### **A. How to Register to Apply for Grants under this Competition**

Note: The registration process can take a month or more. We advise you to start the process as soon as possible so that it does not overlap or interfere with finalizing your application.

Applicants should visit [How to Register to Apply for Grants](#) for additional information. All EPA grant applications must be submitted online, except in limited circumstances. Organizations must be registered in two government systems to apply for EPA grants:

1. The System for Award Management (SAM.gov) registers organizations to conduct business with the U.S. Government, which includes federal grants.
2. Grants.gov is the official system for managing all federal grant applications.

These two systems share information. Together, they provide access to everything needed to identify federal grant opportunities and to complete the online application process.

Note that individuals access both systems through a single user account set up in Login.gov. Creating a Login.gov account is easy. If you do not have a Login.gov account, you will be prompted to create one when you register with SAM.gov or Grants.gov. [Learn more about Login.gov](#).

If you have done business with the federal government previously, you can and should check your entity status using your government issued UEI to determine if your registration is active. SAM.gov requires you renew your registration every 365 days to keep it active. Organizations should ensure that their SAM.gov registration includes a current e-Business (EBiz) point of contact name and email address. The EBiz point of contact is critical for Grants.gov Registration and system functionality. If the point of contact has changed, you may need to contact the [Federal Service Desk](#) for help with your SAM.gov account: (866) 606-8220. The Federal Service desk hours of operation are Monday – Friday 8am – 8pm ET.

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

Follow these steps to register to apply for EPA grants. **Start the registration process early.** The process can take a month or more. Errors or inconsistencies in registration in the two systems can prolong the process. Applicants are encouraged to start the registration process **before you begin your application.**

### **Step 1. Register Your Organization in SAM.gov**

Organizations must register with SAM.gov to obtain a Unique Entity Identifier (UEI), which is a 12-character alphanumeric identifier assigned to each unique organization. There is no fee for registering with SAM.gov and registration must be renewed annually.

Registration in SAM.gov requires providing assertions, representations and certifications, and other information so that the federal government can verify the existence and uniqueness of the organization. Follow these steps to get started:

1. Go to the [SAM.gov Entity Registration](#) page. Review the “Before You Get Started” section and download the Entity Registration Checklist to help prepare.
2. Click the “Get Started” button when you are ready. You may be prompted to accept the usage terms and sign in through Login.gov. If necessary, click the “Get Started” button again after you sign in.
3. You will be prompted to choose what you want to do. Most grant applicants will select the option to “Register for Financial Assistance Awards Only.”
4. Select the appropriate option and click the Next button.
5. Proceed through the registration process by answering the questions and providing the necessary information.

Organizations will need to designate an E-Business Point of Contact (EBiz POC). The EBiz POC is likely to be your organization’s chief financial officer or authorizing official. There can be only one EBiz POC for each unique organization. The EBiz POC will:

- Manage the SAM.gov account and login.
- Set up the Grants.gov profile for the organization (see Step 2 below).
- Oversee all activities for the organization within Grants.gov.
- Assign all roles in Grants.gov for individuals from the organization who will be involved in applying for grants, including the Authorized Organization Representative (AOR), Expanded AOR roles, Workspace Manager, and Custom roles (see Step 3 below).

Note that the EBiz POC does not submit grant proposals for the organization. Proposals are submitted by the Authorized Organization Representative in Grants.gov. After the information submitted through the registration process is authenticated, the EBiz POC will receive an email from SAM.gov indicating that the registration is active.

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

Once your SAM.gov account is active, you must register in Grants.gov. Grants.gov will electronically receive your organization information, such as EBiz POC email address and UEI.

## **Step 2. Create a User Account and Applicant Profile in Grants.gov**

After obtaining a UEI, an organization must create an applicant profile in Grants.gov.

The EBiz POC will set up the applicant profile in 2 steps:

1. Create a user account in Grants.gov with the same email address used by the EBiz POC in SAM.gov. The email address is used to match the EBiz POC from SAM.gov to Grants.gov.
2. Create the applicant profile in Grants.gov using the UEI obtained from SAM.gov.

Grants.gov registration is FREE. If you have never applied for a federal grant before, please review the [Grants.gov Applicant Registration](#) instructions. As part of the Grants.gov registration process, the EBiz point of contact is the only person that can affiliate and assign applicant roles to members of an organization. In addition, at least one person must be assigned as an Authorized Organization Representative (AOR). Only person(s) with the AOR role can submit applications in Grants.gov. Please review the [Intro to Grants.gov-Understanding User Roles](#) and [Learning Workspace - User Roles and Workspace Actions](#) for details on this important process. Applicants need to ensure that the AOR who submits the application through Grants.gov and whose UEI is listed on the application is an AOR for the applicant listed on the application. Additionally, the UEI listed on the application must be registered to the applicant organization's SAM.gov account. If not, the application may be deemed ineligible.

Contact [Grants.gov](#) for assistance at 1-800-518-4726 or [support@grants.gov](mailto:support@grants.gov) to resolve technical issues with Grants.gov. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a Grants.gov representative by

calling 606-545-5035. The Grants.gov Support Center is available 24 hours a day 7 days a week, excluding federal holidays.

### **Step 3. Create Individual Grants.gov Accounts for Organization Members**

There is no fee for registering with Grants.gov. Each member of the organization who will participate in the online grant application process needs to register an individual account on Grants.gov.

1. Go to the [Grants.gov registration](#) page.
2. Complete the form, which includes specifying a username and password. This username and password is used to create the Grants.gov account. You will be prompted to link the Grants.gov account to your Login.gov account.
3. Associate your individual account with the organization's UEI. You will also enter the organization's Profile Name and your Job Title.

The organization's EBiz POC can delegate administrative roles to other Grants.gov users associated with the UEI, as necessary. Learn more about [managing roles in Grants.gov](#)

### **Step 4. Learn How to Use Workspace in Grants.gov**

Workspace is the application in Grants.gov that an organization's grant team uses when applying for federal grants. Workspace is a role-based tool, in which the user's assigned role controls permissions to perform specific actions, such as accessing and editing application forms. As noted in Step 3 above, the EBiz POC has the initial responsibility to assign roles to individuals.

The core roles include:

- Expanded AOR: has the most privileges.
- Standard AOR: allows user to submit the final application and perform other actions.
- Workspace Manager: the minimum role required to create a workspace and begin work on an application.

Custom roles can also be created. Becoming familiar with Grants.gov Workspace roles and understanding the process will help applicants be better prepared to submit applications. The videos [on this page](#) are just two of many Grants.gov training resources to help applicants get started.

If your organization has no access to the internet or access is very limited, you may request an exception for the remainder of this calendar year by following the procedures outlined in [Exceptions to the Grants.gov Submission Requirement](#) website. Please note that your request must be received at least 15 calendar days before the application due date to allow enough time to negotiate alternative submission methods.

## B. Application Process

To begin the application process under this grant announcement, go to [Grants.gov](https://www.grants.gov) and click the “Search Grants” tab. Search the opportunity number associated with this opportunity – EPA-R-OAR-CPP-24-04. Once the opportunity has been selected, click the red “Apply” button at the top of the view grant opportunity page.

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

Applicants need to ensure that the AOR who submits the application through Grants.gov and whose UEI is listed on the application is an AOR for the applicant listed on the application, specifically on the SF-424. Additionally, the UEI listed on the application must be registered to the applicant organization's SAM.gov account. If not, the application may be deemed ineligible.

Applications submitted through Grants.gov will be time and date stamped electronically. Please note that successful submission of your application through Grants.gov does not necessarily mean your application is eligible for award. Any application submitted after the application’s time and date deadline will be deemed ineligible and not be considered.

### Technical Issues with Submission

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

- a. Contact Grants.gov Support Center **before** the application deadline date.
- b. Document the Grants.gov ticket/case number.
- c. Send an email with “EPA-R-OAR-CPP-24-04” in the subject line to [cleanports@epa.gov](mailto:cleanports@epa.gov) **before** the application deadline time and date. The email **must** include the following:
  - i. Grants.gov ticket/case number(s)
  - ii. Description of the issue
  - iii. The entire application package in PDF format.

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

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

The EPA will make decisions concerning acceptance of each application submitted outside of Grants.gov on a case-by-case basis. The EPA will only consider accepting applications that were unable to submit through Grants.gov due to [Grants.gov](#) or relevant [SAM.gov](#) system issues or for unforeseen exigent circumstances, such as extreme weather interfering with internet access. Failure of an applicant to submit prior to the application submission deadline date because they did not properly or timely register in SAM.gov or Grants.gov is not an acceptable reason to justify acceptance of an application outside of Grants.gov.

## Application Materials

The following forms and documents are required under this announcement.

### Mandatory Documents:

- Standard Form 424, *Application for Federal Assistance*. Please note that the organizational Unique Entity Identifier (UEI) must be included on the SF-424. Applicants are advised to begin the SAM.gov registration process early so they have an active UEI prior to beginning this step. Otherwise, progress can be delayed on other parts of the application. See [Section IV.A.](#) for information on SAM.gov registration.
- Standard Form 424A, *Budget Information for Non-Construction Programs*
- EPA Form 4700-4, *Pre-Award Compliance Review Report*
- EPA Form 5700-54, *Key Contacts Form*
- Project Narrative Attachment Form, *Project Narrative* – Prepared as described in [Section IV.C.](#) below (up to 25 pages).
- Grants.gov Lobbying Form
- Use the “*Other Attachments*” form for the following mandatory documents:
  - Statutory Partnership Agreement(s) – mandatory for eligible private entities, as described in [Section III.A.4.](#)
  - Intertribal Consortium documentation that meets requirements of [40 CFR 35.504](#) – mandatory for Tribes applying as part of an Intertribal Consortium, as described in [Section III.A.](#)
  - Supplemental Application Template, located on the [Clean Ports Program website](#).

Optional Attachment Documents. Use the “*Other Attachments*” form identified under the Mandatory Documents tab to submit the following:

- Project Team Biographies
- Negotiated Indirect Cost Rate Agreement; if applicable. Note that this will be required in order to draw down indirect costs if application is selected for funding
- Letter(s) of commitment, if applicable
- Approval Letter to use alternate means to submit initial application, if applicable
- Documentation of partnership with utility, such as the Utility Partnership Template (available on the [Clean Ports Program website](#)), if applicable



Accepted file types for application documents include .docx, .pdf, .xlsx, .xls, .jpeg, and .png. When saving application files, please ensure that the following characters are **not** included in the file names: ~ “ # % & \* : < > ? / \ { | }. Including these characters can cause problems with application files. Please try to name files in a way that concisely indicates their contents.

Applications submitted through [Grants.gov](https://www.grants.gov) will be time and date stamped electronically. If you wish to confirm receipt of your application from the EPA (not from [Grants.gov](https://www.grants.gov)), please contact the Agency contact in [Section VII](#) within 30 days of the close of this solicitation.

Your organization’s authorized official representative (AOR) must submit your complete application electronically to the EPA through [Grants.gov](https://www.grants.gov) no later than **May 28, 2024, 11:59 PM ET**.

### C. Project Narrative Instructions, Format, and Content

**Instructions:** The project narrative should substantially comply with the instructions, format, and content described below. It should also address the evaluation criteria in [Section V.A.](#) of the NOFO. The project narrative, including the cover page, workplan, budget table, and budget detail, must not exceed a maximum of 25 single-spaced typewritten pages. Pages in excess of the 25-page limit will not be reviewed. The EPA recommends applicants use the Calibri font, a font size of 11, and 1-inch margins.

Supporting materials, such as project team biographies, Statutory Partnership agreements, and negotiated indirect cost rate agreements can be submitted as attachments and are not included in the 25-page limit. Supporting materials should also be submitted using the “*Other Attachments*” form, as described in [Section IV.B.](#) above.

Applicants should ensure that their project narratives are written clearly using understandable terms. Doing so will help ensure that the evaluation team members understand the purpose, outputs, and outcomes of the proposed project.

Applicants are not required, but are highly encouraged, to use the project narrative format below. However, the EPA will not penalize or withhold a benefit from an applicant who provides information in another format.

#### (1) Cover Page:

The cover page should include the following information. Applicants are required to use the Supplemental Application Cover Sheet, located in the Supplemental Application Template (“3. Cover Sheet for App\_ZE” tab) on the [Clean Ports Program website](#).

<b>Project Title</b>	<i>[One descriptive sentence only]</i>
<b>Applicant Information</b>	Applicant Name/Organization: Address (Street, City, State, Zip): Contact Name, Title/Role, Phone Number, and Email Address:



<p><b>Type of Eligible Applicant</b></p>	<p>[Using the criteria outlined under <a href="#">Section III.A.</a> of this NOFO, please indicate entity type below with an X to confirm eligibility. For private entities: The applicant should also list the other eligible entity they are partnering with (Statutory Partner).]</p> <p><input type="checkbox"/> Port authority</p> <p><input type="checkbox"/> State, regional, or local agency with jurisdiction over a port authority or a port</p> <p><input type="checkbox"/> Tribal agency with jurisdiction over a port authority or a port</p> <p><input type="checkbox"/> Air pollution control agency</p> <p><input type="checkbox"/> Private entity meeting the requirements in Section III.A. [Please indicate your Statutory Partner]: _____</p>						
<p><b>Budget Summary</b></p>	<p>[Use the definitions provided in <a href="#">Section IV.C.2.</a>, <a href="#">Section 8</a> “Budget” to fill out this budget summary, using the below table. The amounts listed in this summary should match the amounts listed in the budget table in Section 8.]</p> <table border="1" data-bbox="516 764 1263 873"> <thead> <tr> <th>EPA Funding Requested</th> <th>Applicant Costs</th> <th>Total Project Cost</th> </tr> </thead> <tbody> <tr> <td>\$</td> <td>\$</td> <td>\$</td> </tr> </tbody> </table> <p>[As noted in <a href="#">Section II.B.</a> of the NOFO, each Tier A application can request up to \$500 million, each Tier B application can request up to \$150 million, and each Tier C application can request up to \$50 million.]</p> <p>[If the applicant would like to be considered for partial funding, <b>the applicant should indicate whether the project is scalable, and if so, the minimum amount of funding the applicant would accept</b>, which is at or above the minimum threshold described in <a href="#">Section III.C.</a>]</p>	EPA Funding Requested	Applicant Costs	Total Project Cost	\$	\$	\$
EPA Funding Requested	Applicant Costs	Total Project Cost					
\$	\$	\$					
<p><b>Project Location(s)</b></p>	<p>[List the primary location(s) where the benefits of the project will be realized as well as the share of time or activity taking place within each county.]</p> <p>Name of Port(s) (or other project location and port(s) served):          Name of Port Authority, if applicable:          County, City, State:          Percent of time/activity in each county:</p> <p>[The applicant should indicate whether the application meets the requirements for a small water port project or dry port project as described in <a href="#">Section I.B.</a> and <a href="#">Section II.B.</a> of the NOFO]</p> <p><input type="checkbox"/> Small water port  <input type="checkbox"/> Dry port</p>						
<p><b>Project Period</b></p>	<table border="1" data-bbox="516 1738 1424 1768"> <tr> <td>Project Start Date:</td> <td>Project End Date:</td> </tr> </table> <p>[Project periods can be up to 4 years.]</p>	Project Start Date:	Project End Date:				
Project Start Date:	Project End Date:						
<p><b>Short Project Description</b></p>	<p>[Briefly describe the project in one to three sentences only, especially noting the expected outputs and outcomes.]</p>						

	<p>Please indicate which of the following ZE port equipment and infrastructure types are included in the project:</p> <p><input type="checkbox"/> Drayage trucks</p> <p><input type="checkbox"/> Cargo handling equipment &amp; other nonroad</p> <p><input type="checkbox"/> Locomotives</p> <p><input type="checkbox"/> Vessels</p> <p><input type="checkbox"/> Electric vehicle supply equipment</p> <p><input type="checkbox"/> Vessel shore power infrastructure</p> <p><input type="checkbox"/> Hydrogen fueling infrastructure</p> <p><input type="checkbox"/> Solar or wind power generation</p> <p><input type="checkbox"/> Battery energy storage system</p> <p><input type="checkbox"/> Other (please specify)</p>
<p><b>Other Potential Federal Funding Sources</b></p>	<p><i>[If the applicant has applied or plans to apply for funding for this project (or portions of this project) from another federal funding source, the applicant should list the potential funding source(s). Otherwise, enter N/A]</i></p>
<p><b>Use of Logistics Software</b></p>	<p>Does the applicant use LOGINK or any other prohibited logistics platform as described in <a href="#">Section III.D.</a> of the NOFO?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

**(2) Workplan:**

Applicants should ensure that the workplan addresses the evaluation criteria in [Section V.A.](#) of the NOFO. Applicants should use the section and subsection numbers and headings below which correspond with the evaluation criteria in Section V.A. of the NOFO. The workplan should be written clearly using understandable terms.

**Section 1 - Project Summary and Approach** (42 possible points from [Section V.A.](#) of the NOFO)  
 This section should contain a detailed project description of the following information:

**a. Overall Project and Proposed Impact** (15 possible points)

Provide a detailed project summary and description of the proposed activities to be undertaken, consistent with [Section I.B.](#) “Program Goals and Objectives” of the NOFO. Include details of every activity for which the applicant is seeking funding. This section should include details about how the activities will meet the program goals to (1) build a foundation for the port(s) to transition to fully ZE operations, positioning the port(s) to serve as a catalyst for transformational change across local freight operations; and (2) reduce mobile source pollution in near-port communities, especially disadvantaged communities.

Applications should primarily only include information in Section 1.a. of their workplan that will not be covered by another section of their workplan. Applicants should include information in the cover page of the project narrative about whether their project is scalable and the minimum amount of funding they would accept. This flexibility may

provide a benefit to the applicant in the event that the EPA cannot fund the full project amount.

Applicants should include a summary of the equipment and infrastructure to be purchased and explain how the project serves a port based on the definition in [Section I.B.](#) and guidance on ineligible costs in [Section III.D.](#) (Note: Further details about the target fleet and infrastructure should be explained under [Section 1.e](#) of the workplan). For applicable Build America, Buy America (BABA) requirements (see [Section VI.D.](#)), applicants should describe domestic sourcing implementation plans and discuss any anticipated challenges with sourcing any specific products domestically.

Applicants should also explain the merits and viability of the proposed technologies for successful deployment. For each proposed technology, applicants should describe the location of prior deployments, the date and duration of prior deployments, and, to the extent possible, any known details about the extent to which the proposed technology met applicable safety, performance, and durability expectations for successful deployment. Applications including examples of at least three successful prior deployments in regular port-related service may be scored more favorably than those with examples of non-port-related service or examples that only include prior pilot/demonstration phase projects.

Applicants should explain how the proposed technologies will work in concert with each other, with existing and planned future assets, and with supporting investments (e.g., in systems management, workforce training, etc.) to facilitate a transition to fully ZE port operations. Applicants requesting funding for eligible fueling infrastructure costs should also describe the extent to which long-term fueling needs (e.g., for additional ZE equipment) will be considered when installing infrastructure.

**b. Partnerships and Collaboration** (7 possible points)

Applicants should discuss their approach for promoting and/or obtaining collaboration and support from Statutory Partners and/or Collaborating Entities in performing the project. List the organizations that will be involved in the project and what each of the groups' roles will be in the project's staffing, funding, design, and implementation.

- Eligible private entities applying with a Statutory Partnership (as defined in [Section III.A.](#)) should describe each Statutory Partner's roles and responsibilities in the project. Eligible private entities must attach a signed copy of the Statutory Partnership Agreement described in [Appendix B.](#)
- Applicants applying in coordination with Collaborating Entities (as defined in [Section III.A.](#)) should describe for each entity: the type of collaboration/support proposed, how the applicant will ensure that it will materialize during project performance, and what role it will play in the overall project. Any letters demonstrating evidence of collaboration and support from Collaborating Entities may be attached as letters of commitment under optional attachment documents listed in [Section IV.B.](#)

- If an applicant includes mandatory cost share contributions from either Statutory Partners or Collaborating Entities, they are strongly encouraged to include in their applicable Statutory Partnership Agreement or letter of commitment a description of the financial contributions being made by the Statutory Partner or Collaborating Entity and the role that the contribution will play in the proposed project.

Under this section, the applicant should explain their plans for making subawards, as necessary and appropriate (see [Appendix A](#)) to enhance project effectiveness and/or efficiency. An example of a collaboration or partnership that would be considered under this criterion would be a proposal by an applicant (a single entity) to use Clean Ports funding to make subawards to one or more identified governmental or nonprofit subrecipients that would work collaboratively with the applicant to implement an overarching project. Applicants, not the EPA, will select their subrecipients and the applicant must demonstrate in its proposal and/or agreements and letters of commitment that the project partners are willing to accept the subaward and have the capacity to effectively administer and perform the agreement. Selected applicants who propose to make subawards must follow proper procedures in making subawards and will be expected to make the subawards consistent with their proposal. The EPA's award will include a term and condition requiring the applicant to make the subawards consistent with their proposal.

IF THE APPLICANT INTENDS TO PROVIDE EPA FUNDS TO ANY COLLABORATING ORGANIZATION, PLEASE CAREFULLY REVIEW [PROVISIONS ON "CONTRACTS AND SUBAWARDS."](#)

If the applicant does not plan on partnering or collaborating with other groups in project performance, the applicant should demonstrate its ability to effectively perform and complete the project without such collaboration.

Applicants are also encouraged to explain any partnerships with utilities and/or other state and local agencies on charging infrastructure development, to ensure that new equipment purchased with EPA funding can be powered during and after the period of performance. This may include, but is not limited to, demonstration of coordination and/or consultation with utilities on project feasibility including (1) charging needs; (2) upgrades needed; (3) costs; (4) rates for future service, and (5) timeframe for necessary upgrades. For applicants' convenience, the EPA has created a sample template to guide applicants in their discussion with utilities, which is available on the [Clean Ports Program website](#) (See [Section IV.C.2, Section 9](#) "Utility Partnership Template"). Applicants are not required to complete this template, or provide the information indicated in the template, but may do so as additional demonstration of robust engagement with their utility.

If applicable, applicants should discuss who or what entities or organization(s) will retain ownership of any vehicles, vessels and/or equipment purchased with funding from this project.

Applicants will be evaluated on the extent to which the application demonstrates that they will work in partnership with appropriate partners to effectively and efficiently implement the proposed project. Applicants that do not plan on partnering with other groups will be evaluated based on the extent to which they demonstrate how they will be able to effectively perform and complete the project without such collaboration.

**c. Coordination with Complementary Initiatives (7 possible points)**

Applicants should describe the extent of any coordination between their project and other programs or larger initiatives to support the proposed project activities or to help achieve the broader program goals of reducing port emissions and transitioning the port(s) to ZE operations. Applicants will be evaluated based on the extent and quality of the coordination with described complementary programs or initiatives (including any expected resources) with respect to supporting the proposed project activities or broader program goals, as well as the likelihood the initiatives will materialize during grant performance. Applicants demonstrating confirmed initiatives (e.g., grants already awarded) will score higher than those with only prospective initiatives (e.g., grant applications under consideration but not awarded).

Examples could include, but are not limited to:

- Connection between the proposed project and the Department of Energy's [Regional Clean Hydrogen Hubs Program \(H2Hubs\) program](#).
- Connection between the proposed project and the upcoming National Zero-Emission Freight Corridor Strategy.
- Connection between proposed electric infrastructure elements and broader community charging needs, for example, making the charging infrastructure publicly accessible.
- How the project complements projects funded – or projects under consideration for funding – under other programs such as the EPA's Climate Pollution Reduction Grant Program or the Maritime Administration's Ports Infrastructure Development Program.
- How the project coordinates with projects at other sites. For example, ports connected by a National Zero-Emission Freight Corridor could coordinate to ensure that sufficient infrastructure exists at both ports to support charging and refueling of anticipated ZE truck trips. Ports could also coordinate on bulk procurement of ZE technologies to drive down prices.
- Use of leveraged resources from state, Tribal, local, and private sources, including businesses or other organizations, to implement the project. Applicants are encouraged to include a description of the anticipated leveraged resources within the applicable attached Partnership Agreements and/or letters of commitment.

**d. Project Risk Mitigation (7 possible points)**

Provide a detailed description of how the applicant will ensure the success of the project. Applicants should also discuss any potential barriers to successful project implementation, and strategies for overcoming those barriers. At a minimum, the application should:

- Identify and discuss key risks that could reasonably lead to delays or interruptions in the project or impact its cost and effectiveness,
- Discuss the extent to which the deployment of purchased ZE technology may be affected by these risks, and
- Identify the strategies that will be used to mitigate each risk and discuss their likely adequacy.

The following are examples of key risk elements relevant to a ZE technology deployment project:

- Technical Risks – including, but not limited to, technology readiness and availability, systems integration, infrastructure, and engineering.
- Financial Risks – including, but not limited to, project finance, market and regulatory structures, commercial business models, and credibility and terms of non-federal cost share sources.
- Security Risks – including, but not limited to, preliminary identification of cybersecurity (hardware, software, data), physical security, and internal and external threats, and response planning.
- Organizational Risks – including project team makeup, project management structure, and similar elements.
- Execution Risks – including potential engineering, schedule, procurement, construction, permitting, safety, interconnection timelines and utility provider capacity, timelines for effective engagement with labor and the surrounding community, availability of qualified personnel, and similar elements.

Applications that sufficiently identify risks and mitigation strategies in their proposal will be scored more favorably. If an applicant does not believe that there are potential risk elements or cannot identify potential strategies to overcome those barriers, they should indicate this in the application and provide a clear justification why their proposal is not likely to be adversely impacted.

**e. Applicant Fleet and Infrastructure Description (6 possible points)**

Applicants should use the “*Other Attachments*” form in Grants.gov to upload an .xlsx file of their applicant fleet and infrastructure description (does NOT count towards the 25-page limit). The purpose of the applicant fleet and infrastructure description is to describe in detail the specific vehicles, equipment, vessels and supporting infrastructure to be purchased. Applicants are required to use the fleet and/or infrastructure description found in the Supplemental Application Template (“4a. New Fleet Description” tab and “5. Infrastructure” tab) on the [Clean Ports Program website](#).

For the fleet description, applicants should describe, to the extent possible, the specific ZE mobile source equipment proposed for funding, including: equipment type (e.g., onroad); vehicle or equipment sub-type (e.g., short haul combination); vocation (e.g., drayage); technology type (e.g., battery electric); equipment owner; place of performance; vehicle class (onroad vehicles only); vehicle GVWR (onroad vehicles only); vehicle or equipment manufacturer; vehicle or equipment model; vehicle or equipment model year; vehicle or equipment total battery capacity (kWh; if applicable); and fuel cell capacity (kW; if applicable).

For electric vehicle supply equipment and other electric charging equipment (other than vessel shore power), applicants should describe, to the extent possible: the type of charger (e.g., Level 2) and whether it is ENERGY STAR certified (applicants planning to use Direct Current (DC) fast charger infrastructure are encouraged, but not required, to use EPA ENERGY STAR certified DC fast chargers where applicable); the manufacturer and model; the maximum power output (kW); the number of charging units; the project location; the port(s) served by the charger; and whether the charger and associated equipment, housing and all accessories are BABA compliant.

For shore power equipment, applicants should describe, to the extent possible: the type of shore power connection (e.g., high voltage shore power connection); the total voltage service provided; the manufacturer and model; the estimated number of vessel calls to berth where the shore power will be installed; the estimated average hotel hours per vessel call; the estimated number of vessel berths that can be served by the shore power pedestal; the maximum power output (kW); the estimated annual total energy provided (MWh); the number of shore power pedestals; the project location; and whether the equipment, housing, and all accessories are BABA compliant.

For hydrogen fueling stations, applicants should describe, to the extent possible: the type of station (e.g., liquid); the type of hydrogen storage (e.g., above ground); the total hydrogen storage tank(s) capacity; the manufacturer and model of the dispenser pedestal, hydrogen storage tank, hydrogen compressor, and hydrogen cooling system; the project location; the port(s) served by the fueling station; and whether the fueling station and related equipment, housing, and all accessories are BABA compliant. Applicants are encouraged to use hydrogen with low lifecycle greenhouse gas emissions (e.g., electrolytic green hydrogen) and to describe, if known, their planned source of hydrogen.

For solar and wind power generation systems, applicants should describe, to the extent possible: the type of energy generation (e.g., solar); the manufacturer and model of the power generation system; the generation capacity of the power system; the project location; the port(s) served by the power generation system; and whether the power generation system and related equipment, housing, and all accessories are BABA compliant.

For battery energy storage systems, applicants should describe, to the extent possible: the type of battery; the manufacturer and model name; the total energy capacity (kWh or MWh); the maximum continuous discharge AC power (kW); the maximum continuous discharge DC power (kW); the number of units; the project location; the port(s) served by the battery energy storage system; and whether the battery energy storage system and related equipment, housing, and all accessories are BABA compliant.

Applicants will be scored on the quality, completeness, and detail of the information provided.

**Section 2 - Environmental Results—Outcomes, Outputs and Performance Measures** (25 possible points from [Section V.A.](#) of the NOFO)

**a. Expected Project Outputs and Outcomes** (5 possible points)

Identify the expected quantitative and qualitative outcomes and outputs of the project as defined in [Section I.C.2.](#) and [3.](#) of the NOFO. Specific outputs and outcomes should be provided and may include short- and longer-term activities. In addition to a narrative discussion of the outputs and outcomes, the applicant is encouraged to include a table such as the following. However, the EPA will not penalize or withhold a benefit from an applicant who provides information in another format.

**Example of Outputs and Outcomes Table: ZE Technology Deployment**

<i>Anticipated Outputs and Outcomes</i>		
<i>Activities</i>	<i>Outputs</i>	<i>Outcomes</i>
<i>Replacement of X diesel drayage trucks with zero-emission drayage trucks</i>	<i>Number of ZE drayage trucks purchased</i>	<i>Emissions reductions, such as tons of pollution avoided annually or over the lifetime of the drayage trucks, and improved ambient air quality in near-port communities</i>
	<i>Number of existing drayage trucks (with internal combustion engines) scrapped</i>	
	<i>Number and type of infrastructure systems installed</i>	<i>Net reductions in gallons of diesel fuel used annually or over the lifetime of the drayage trucks.</i>
	<i>Capacity (kW) of charging systems installed</i>	
<i>Community engagement activities to ensure meaningful participation with respect to the design, planning, and performance of the project</i>	<i>Number of local residents and community-based organizations participating in the design, planning, and performance of the project</i>	<i>Establishment of forums to engage near-port communities, and increased capacity for port staff to consider community perspectives in decision-making.</i>
	<i>Number and type of community engagement activities undertaken</i>	



**b. Performance Measures and Plan** (5 possible points)

Applicants should describe the proposed performance measures, which will be the mechanism to track, measure, and report progress towards achieving the expected outputs and outcomes. Applicants should describe their plan for tracking and measuring progress toward achieving the expected project outputs and outcomes and how the results of the project will be evaluated, as described in [Section I.C.](#) of the NOFO and Section 2.a. of the workplan.

These performance measures will help gather insights and will be the mechanism to track progress concerning successful processes and output and outcome strategies and will provide the basis for developing lessons to inform future recipients. It is expected that the description of performance measures will directly relate to the project outcomes and outputs (see [Section I.C.](#)), including, but not limited to:

- Overseeing subrecipients, and/or contractors and vendors;
- Tracking and reporting project progress on expenditures and purchases; and
- Tracking, measuring, and reporting accomplishments and proposed timelines/milestones.

The following are questions to consider when developing output and outcome measures of quantitative and qualitative results:

- What are the measurable short term and longer term results the project will achieve?
- How does the plan measure progress in achieving the expected results (including outputs and outcomes) and how will the approach use resources effectively and efficiently?
- What are the expected locations (county) of the outputs and outcomes?

**c. Timeline and Milestones** (5 possible points)

The applicant should include a detailed timeline for the project including milestones for specific tasks such as bidding, procurement, installation, and reports, along with estimated start and completion dates. Applicants should also include a timeline for when funded equipment and infrastructure will become operational. Applicants should include scheduled time for semi-annual and final report preparation in the project timeline.

**d. Scrappage** (10 possible points)

Applicants will be evaluated on the extent to which they plan to scrap existing equipment. Applicants that scrap one equivalent vehicle/piece of equipment for every ZE vehicle/piece of equipment purchased are eligible to receive full points. Partial points may be awarded under this criterion for applicants that plan to scrap less than one vehicle/piece of equipment for every new ZE vehicle/piece of equipment (i.e., partial scrappage). Applicants with projects dedicated to shore power infrastructure (i.e., projects that do not include the purchase of mobile equipment) will receive a neutral score, which is half of the total points available for this sub-criterion.

Applicants committing to voluntary scrappage should provide, to the extent possible, details on the existing equipment that they plan to scrap, including vehicle class and GVWR (onroad vehicles only), manufacturer, model, model year, and remaining life. Applicants are encouraged to use the sample format for scrappage information found in the Supplemental Application Template (“4b. Scrappage Information” tab) on the [Clean Ports Program website](#).

Applicants will also be evaluated on the quality of their plans to scrap the existing equipment and should describe any plans for voluntary scrappage of existing internal combustion engine equipment that will occur. Applicants should provide, to the extent possible, details related to requirements for the ownership, usage, and remaining life, of the equipment, as described in [Appendix C](#).

**Section 3 - Programmatic Capability and Past Performance** (15 possible points from [Section V.A.](#) of the NOFO)

**a. Past Performance and Reporting Requirements** (10 possible points)

Submit a list of up to five federally funded and/or non-federally funded assistance agreements that the applicant is performing or has performed within the last three years. Assistance agreements include grants and cooperative agreements but not contracts. These assistance agreements should be awarded directly to the applicant. For each of the agreements, include:

- Project title
- Assistance agreement number
- Federal funding agency and assistance listing number (formally known as the CFDA number)
- Brief description of the agreement – no more than two sentences

For each listed agreement, explain whether and, if applicable, how the applicant was able to successfully manage and complete the work.

For each listed agreement the applicant should also describe their history of meeting the reporting requirements under the agreement(s). This should include:

- Whether the applicant submitted acceptable final reports under those agreements;
- The extent to which the applicant adequately and timely reported on its progress towards achieving the expected outputs and outcomes under those agreements; and
- If progress was not being made, whether the applicant adequately reported why not.

Note: In evaluating applicants under the past performance factors in [Section V.A.](#) of the NOFO, the EPA will consider the information provided by the applicant and may also consider relevant information from other sources, including information from EPA files and from current/prior grantors (e.g., to verify and/or supplement the information provided by the applicant). If the applicant does not have any relevant or available past performance or past reporting information, the applicant should indicate this in the application and will receive a neutral score for these factors, which is half of the total points available for this sub-criterion in Section V.A. of the NOFO. If the applicant does not provide any response for these items, or if submitted information is found to be inaccurate, a score of 0 for these factors may be received.

**b. Staff Expertise** (5 possible points)

Include information on the applicant’s organization, including a description of staff knowledge, expertise, qualifications, and resources and/or the ability to obtain them, to successfully achieve project goals. Biographical sketches, including resumes or curriculum vitae for key staff, managers, and any other key personnel can be included as an optional project team biography attachment, as listed in [Section IV.B.](#) of the NOFO. The optional attachment does not count towards the 25-page limit of the project narrative.

**Section 4 – Environmental Justice and Disadvantaged Communities** (23 possible points from [Section V.A.](#) of the NOFO)

To advance environmental justice through this program, applicants will be evaluated on the extent to which project benefits are taking place in disadvantaged communities and the extent to which applicants or their project partners have participated in or will participate in meaningful community engagement.

For purposes of this competition and the evaluation of applications, “disadvantaged communities” are defined as meeting **both** of the following criteria:

**1. Any county that includes at least one of the following:**

- A. Any census tract that is identified as disadvantaged in the [Climate and Economic Justice Screening Tool](#) (CEJST) version 1.0;
- B. Any census block group that is at or above the 90<sup>th</sup> percentile for any of [EJScreen’s Supplemental Indexes](#) when compared to the nation or state; and/or
- C. Any geographic area within Tribal lands as included in EJScreen.

**AND**

**2. Any county that meets at least one of the following:**

- A. Contains at least one designated nonattainment area or maintenance area for any of the following National Ambient Air Quality Standards. Data is sourced from the [EPA’s Green Book of Nonattainment Areas for Criteria Pollutants](#):

- a. PM<sub>2.5</sub> 1997 Standard (Annual: 15 µg/m<sup>3</sup>, 24-hour: 65 µg/m<sup>3</sup>)
  - b. PM<sub>2.5</sub> 2006 Standard (Annual: 15 µg/m<sup>3</sup>, 24-hour: 35 µg/m<sup>3</sup>)
  - c. PM<sub>2.5</sub> 2012 Standard (Annual: 12 µg/m<sup>3</sup>, 24-hour: 35 µg/m<sup>3</sup>)
  - d. Ozone (O<sub>3</sub>) 2008 Standard (8-hour: 0.075ppm)
  - e. Ozone (O<sub>3</sub>) 2015 Standard (8-hour: 0.070ppm); and/or
- B. Contains at least one census tract where the modeled ambient diesel PM concentration from the [2019 Air Toxics Screening Assessment](#) is above the 80<sup>th</sup> percentile (0.38 µg/m<sup>3</sup> for 2019) for census tracts nationwide. The 80<sup>th</sup> percentile is a programmatic cutoff designed to help evaluate those areas that are most likely to have higher concentrations of diesel PM in the year of analysis (i.e., the year for which data are available); this level was not chosen based on risk or other health-based criteria or thresholds. [AirToxScreen](#) is a screening tool and there are limitations and uncertainties associated with it; see: [AirToxScreen Limitations](#).

Counties that qualify in whole or in part as disadvantaged communities under one or more of the criteria listed above are identified on the EPA's Clean Ports Program Disadvantaged Community County List, found on the [Clean Ports Program website](#). This list also identifies whether counties qualify as extreme or severe nonattainment areas. For evaluation criteria 4.a. and 4.b., applicants should demonstrate the extent to which the project takes place in a disadvantaged community by providing the following Port Location Information for each project site:

- Facility Name. If Site is not a port, please indicate port(s) served.
- City, State, Zip Code
- County
- Description of project activity
- Share of project activity
- Does county contain PM<sub>2.5</sub> or Ozone nonattainment area? (Y/N) If so, does it contain a severe or extreme nonattainment area? (Y/N)
- Does county contain PM<sub>2.5</sub> or Ozone maintenance area? (Y/N)
- Does county contain high ambient diesel PM concentration? (Y/N)

**Applicants are required to provide this information using the Supplemental Application Cover Sheet, located in the Supplemental Application Template ("3. Cover Sheet for App\_ZE" tab) on the [Clean Ports Program website](#). This template will automatically identify whether the project is located in a disadvantaged community based on the county provided and the criteria above.**

**a. Disadvantaged Communities: Nonattainment Areas (7 possible points)**

Applicants should describe the extent to which projects are located in counties that meet the disadvantaged communities definition based on meeting the criterion that they contain ozone or PM<sub>2.5</sub> nonattainment or maintenance areas. Applicants should also describe the extent to which projects are located in severe or extreme nonattainment areas. Information

for this part of the workplan must be provided using the **Supplemental Application Cover Sheet, located in the Supplemental Application Template (“3. Cover Sheet for App\_ZE” tab) on the [Clean Ports Program website](#)**. Note that a list of counties that meet these criteria can be found on the [Clean Ports Program website](#).

Projects that take place in counties that contain severe or extreme nonattainment areas will receive more points than projects that do not. If projects will take place in more than one county, applicants should describe the percentage of the project activity that will occur in counties containing nonattainment areas or maintenance areas. Partial points may be awarded under this criterion based on the percentage of time that the project takes place in one of these counties.

**b. Disadvantaged Communities: Areas with Air Toxics Concerns (5 possible points)**

Applicants should describe the extent to which projects are located in counties that meet the disadvantaged communities definition based on meeting the criterion that they contain areas with air toxics concerns. Information for this part of the workplan must be provided using the **Supplemental Application Cover Sheet, located in the Supplemental Application Template (“3. Cover Sheet for App\_ZE” tab) on the [Clean Ports Program website](#)**. Note that a list of counties that meet these criteria can be found on the [Clean Ports Program website](#).

If projects will take place in more than one county, applicants should describe the percentage of the project activity that will occur in counties containing air toxics concerns. Partial points may be awarded under this criterion based on the percentage of time that the project takes place in one of these counties.

**c. Community Engagement Prior to Application and During Project (7 possible points)**

This section should include details about how the activities will meet the program goal to help ensure that meaningful community engagement is a standard practice at the port(s). Applicants should describe the quality and extent of meaningful engagement with near-port communities, particularly disadvantaged communities. Meaningful engagement means seeking out and facilitating the involvement of people potentially affected by the project; informing them about the project; educating them about the benefits of the project to the surrounding community; giving them an opportunity to participate in the project, contribute, and provide feedback; and enabling them to influence decisions about future projects that may affect their environment and/or health. Meaningful engagement is a process, not a single event.

Community engagement can include engagement **prior to application**, in which input was sought and the proposed project is responsive to comments and concerns of near-port communities. Examples of community engagement **prior to application** include, but are not limited to:

- Results from a community engagement process with local residents to discuss port operations and community concerns and interests related to ZE technology deployment, such as a charrette, focus group, key person interview, public hearing, and/or survey.
- Any efforts prior to the application to build community consensus around the proposed project, meet the interests of port stakeholders, and/or identify community priorities and benefits related to the project.

See additional examples below under community engagement **during the project** and in criterion d. **Long-term Community Engagement**.

Applicants may explain any hurdles that prevented the applicant from engaging with the public.

Community engagement can also include plans to meaningfully engage with near-port communities, especially disadvantaged communities, **during the execution of the proposed project**.

Examples of community engagement during the project include, but are not limited to:

- A communications plan that presents a process for disseminating information to the community
- Forums to understand how the community sees potential benefits of the project and how they can engage (e.g., health benefits, new employment opportunities)
- Tabling events, briefings, workshops, forums, and other outreach to present the planned project for early input and to share results
- A hotline or text updates
- A clear point of contact for the public, communicated via regular newsletters, social media posts, and other outreach conveying project updates
- Hiring community members as staff or consultants, to contribute their expertise throughout the project period
- Site visits to share updates and to provide opportunities for community members to interact with port staff
- Honoraria to incentivize community members to participate in program activities, and mitigation stipends to cover expenses like childcare, transportation, or internet access

Applicants will score higher if they can describe how they have engaged with the community **prior to application**, as well as how they will engage with the community **during the project**.

Applicants that provide specific details on the process as well as time and resource commitments will score higher than just providing letters of support. Applicants should

consult the [Environmental Justice Primer for Ports and the Ports Primer for Communities](#) as resources for conducting meaningful community engagement.

**d. Long-Term Community Engagement (4 possible points)**

This section should include details about how project activities will meet the program goal to help ensure that meaningful community engagement is a standard practice at the port(s). Applicants should either (1) describe an established long-term policy or process for meaningful community engagement (as defined in Section 4.c. of the workplan), particularly with disadvantaged communities, to get community input on port operations and projects that impact air quality and address community concerns or, if they do not have such a policy or process in place, (2) describe their plans to establish such a policy or process before the end of the project period. Examples of long-term community engagement include, but are not limited to:

- A community engagement liaison or equity program director who is responsible for assisting port staff with their long-term community engagement
- A community advisory committee or other standing forum for two-way engagement that includes representation from local residents and/or local community groups
- A clear point of contact in a public forum (e.g., hotline, website) for community issues, feedback, and complaints
- A community benefits agreement/commitment (other than those specific to workforce development described in Section 6 of the workplan)
- A budget to support community engagement training for staff

**Section 5 – Project Sustainability (10 possible points from [Section V.A.](#) of the NOFO)**

This section should include details about how the activities will meet the program goal to help ensure that emissions reduction planning is a standard practice at the port(s). Applicants should describe the ability of the applicant and project partners to promote and continue efforts to reduce emissions from ports after EPA funding for this project has ended through the development of a mobile source inventory and/or plan to reduce mobile emissions as described below:

**a. Baseline port mobile source inventory for greenhouse gases, PM<sub>2.5</sub> and/or NO<sub>x</sub> (5 possible points)**

The application should describe the publicly available baseline port mobile source emissions inventory for greenhouse gases, PM<sub>2.5</sub> and/or NO<sub>x</sub> that the applicant or project partners completed after 2019 or commit to completing one before the end of the project period and describe their plan for doing so.

**b. Plan to reduce port mobile source emissions (5 possible points)**

The application should describe the publicly available plan to reduce port mobile source emissions that includes specific greenhouse gases, PM<sub>2.5</sub> and/or NO<sub>x</sub> emission targets that the applicant or project partners finalized after 2019 or commit to completing one before the end of the project period and describe their plan for doing so.

**Section 6 – Job Quality and Equitable Workforce Development** (10 possible points from [Section V.A.](#) of the NOFO)

Section 133 of CAA will generate jobs at ports and in communities surrounding ports (including low-income and disadvantaged communities) for the installation and maintenance of human-operated equipment and technology, as well as new and modified port operations. To ensure these workers can effectively carry out the activities in the statute, and in alignment with [Executive Order 14082: Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022](#), the EPA is committed to supporting the creation of high-quality, family-sustaining jobs in port communities, as applicable to fulfill the goals of the statute. Accordingly, applicants will be evaluated on the extent to which they commit to supporting high-quality jobs and expanding access to training and employment for people in low-income and disadvantaged near-port communities.

In addition to their own job quality commitments, applicants should describe the extent to which they anticipate needing partners, such as contractors and subcontractors, to deliver the project and how they plan to encourage those partners to support high-quality jobs and equitable workforce pathways on the project. If an applicant does not yet know all of their project partners, they may include information about how the following components will be addressed in their bidding process. Note that workforce development related to the project activities is an eligible use of program funds, and applicants may request funding to be used to support workforce training as well as safety planning and protocol development as part of their proposal.

**a. Supporting high quality jobs** (6 possible points)

Applications will be evaluated on the extent to which the project will support high-quality jobs for workers on the project and a workforce that can deliver on the goals of the statute. Applicants are encouraged to review the eight [Good Jobs Principles](#) and [Good Jobs Toolkit](#) developed by the U.S. Department of Labor and Department of Commerce when developing their application. Examples of how applicants can demonstrate how they will support high-quality jobs include, but are not limited to:

- **Training workers on new equipment/infrastructure:** The extent to which applicants and/or their project partners have a robust plan for developing the necessary skilled workforce to install, operate, and maintain the proposed equipment/infrastructure. This could involve partnerships with equipment manufacturers, utilization of Registered Apprenticeship Programs, Joint Labor-Management Training Programs,



partnerships with community colleges or technical schools, and other high-quality training models. Applicants should be specific and include details such as the workers that will be impacted, skills they will focus on, the number of hours of training, training partners, and other pertinent details.

- **Worker safety:** Applicants' plan to keep workers safe on this project, including how workers will be prepared to operate the equipment safely. Applicants are encouraged to demonstrate how workers and/or their representatives will be involved in developing and overseeing safety/health plans. Examples of information applicants may provide includes, but is not limited to, how workers will be trained on high-voltage equipment and other topics related to the equipment/infrastructure; describing how safety protocols will be updated considering new equipment/infrastructure; and new personal protective equipment that will be needed.
- **Worker and labor engagement:** The extent to which, consistent with the law, the applicant will engage with workers and/or their representatives on implementing the project successfully and in a timely manner.<sup>1</sup> Examples of how this can be demonstrated include, but are not limited to:
  - Creating work groups, surveys, or other mechanisms for formally soliciting, accepting, and incorporating worker feedback on the project;
  - Partnering with a labor union on the proposed project;
  - Describing the extent to which workers on the project are or will be represented by a collective bargaining agreement or other agreement that promotes positive labor-management relations.

<sup>1</sup> Federal funds awarded under this program may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

- **Pay and benefits:** Competitive pay and benefits that support a high-quality, well-qualified workforce that can carry out the activities in the statute.
  - Describe whether individuals employed to operate equipment and maintain technology will be paid at least the local prevailing wage for that occupation, and how those wages will be determined. Applicants may also include a description of additional benefits, such as retirement contributions, predictable schedules and paid time off, protections from harassment and discrimination, supportive services for workers with barriers to employment, and other characteristics of a high-quality job.

**b. Expanding access to high-quality jobs, including for people in low-income and disadvantaged near-port communities (4 possible points)**

Applications will be evaluated on how their project demonstrates engagement with low-income and disadvantaged near-port communities that may be affected by the investment, including through training and job opportunities. Applicants should describe the extent to which the proposed project will expand participation from workers in near-port communities. This can include the leveraging of other resources outside of this grant. Examples of such strategies may include, but are not limited to:

- Benchmarks and goals to train and/or hire individuals from low-income and disadvantaged communities, in alignment with applicable law;
- Creating mentorship programs for apprentices or new hires that come from low-income and disadvantaged communities to promote retention and advancement;
- Partnering with the local public workforce system or community-based organizations to support recruitment, hiring, and retention of workers

**Applicants may attach any letters of commitment from applicable labor and workforce development organizations they plan to collaborate with as optional attachments (does not contribute to the workplan 25-page limit).**

**Section 7 – Project Resilience to Climate Impacts** (5 possible points from [Section V.A.](#) of the NOFO)

Applicants should identify specifically how grant-funded technologies (equipment, vehicles, infrastructure, etc.) will be protected from extreme weather and other climate-related events. The EPA will evaluate applications based on the quality and extent to which the project assesses and implements adaptation considerations described below to help ensure that the project achieves its expected outcomes even as the climate changes.

Adapting to climate change involves actions by individuals, businesses, governments, and others to build resilience into human and natural systems and reduce their vulnerability to unavoidable climate impacts. Adaptation should reduce the long-term costs of responding to these impacts. Projects can demonstrate consideration of climate change adaptation through measures taken to anticipate, prepare for, and avoid adverse impacts of climate change. For example, assessing project vulnerability to climate impacts can be incorporated into project planning, design, and project oversight, such as siting decisions and operational plans. Measures taken to avoid damages could include ensuring fleets and equipment are protected from impacts such as flooding, sea level rise, wildfire, heat, and drought, and protecting infrastructure from storm damage. In the port setting, such measures may include elevating areas where equipment will be stored or charged above tidal surge level, housing equipment inside structures resistant to wind and wave action, and using stormwater channeling techniques to reroute flows away from equipment.

**Section 8 – Budget** (20 possible points from [Section V.A.](#) of the NOFO)

This section of the project narrative is a detailed description of the budget found in the SF-424A. It must include a discussion of the applicant’s approach to ensuring proper management of grant/cooperative agreement funds, a detailed budget narrative, and the itemized budget table below. An applicant’s budget table and budget narrative must account for both federal funds and any non-federal required or voluntary cost share, if applicable. Selected applicant(s) will need to submit a copy of the current approved indirect cost rate that they have negotiated with a federal cognizant agency prior to award. The cognizant agency is the federal agency responsible for reviewing, negotiating, and approving indirect cost proposals on behalf of all federal agencies (see [2 CFR 200.1](#)). Additional guidance for developing the project budget is available in [RAIN-2019-G02, “Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance.”](#)

**Mandatory Cost Share:** Applications that include projects with mandatory cost share requirements must demonstrate on the *SF-424 Application for Federal Assistance*, on the *SF-424A Budget Information for Non-Construction Programs*, and in the project narrative how the applicant will meet these minimum mandatory cost share requirements if they are selected for an award. The cost share applies to the total project cost. For example, if a project costs \$160 million, the EPA share would be \$144 million (90% of \$160 million) and the mandatory applicant share would be \$16 million (10% of \$160 million). In this example, the project is in Tier B because the EPA share is less than \$150 million, even though the total project cost is greater than \$150 million. For territory applicants (the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands), the applicant share in this example would be \$11 million (because up to \$5 million of the cost share is waived) and the EPA share would be \$149 million. **If all or a portion of the cost share is to be provided by a named Statutory Partner and/or Collaborating Entity, applicants are strongly encouraged to include a description of the provided cost share in an attached Statutory Partnership Agreement or letter of commitment (see [Section III.B.](#) and [Section IV.C.2., Section 1.b.](#) of the NOFO for further detail).**

**Target Apportionment Among Cost Categories:** To receive full points in this section, applicants should clearly demonstrate that the program budget achieves the target apportionment of a minimum 50% of program funds for expenses related to the purchase and installation of ZE equipment or shore power infrastructure for vessels. The remaining funds may be used for other expenses such as ZE technology support activities, other types of eligible infrastructure, and project administration.

**Leveraged funds** will be evaluated under [Section V.A., Criterion 1.c.](#) “Coordination with Complementary Initiatives”. Applicants who propose to leverage funds should **not** include these costs or contributions in the project budget on the SF-424 or SF-424A. They should, however, include these leveraged funds in the budget detail, described later in this section. If the

proposed leveraged funding does not materialize during grant performance, the EPA may reconsider the legitimacy of the award and/or take other appropriate action authorized under 2 CFR Part 200.

The budget detail described under this section must clearly specify the amount of federal funding and the leveraged funds for each category of total project costs.

**a. Budget Detail (5 possible points)**

This section of the project narrative provides a detailed breakout by funding type included in the proper budget category for each activity requesting funds. Applicants should consult [EPA's Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#).

Applicants should provide a detailed breakout by funding type and budget category for each activity. Applicants should use the instructions, budget object class descriptions, and example table below to complete the detailed budget section of the project narrative. The budget detail and the budget table should be included in the project narrative and will count towards the 25-page limit. Additional budget documents, excluding the SF-424 and SF-424A forms, and any budget information in the project narratives beyond the page limit will not be reviewed, as explained in [Section III.C.](#) of the NOFO. Applicants should include rows for each applicable budget category in their budget table, to accurately reflect the proposed project budget. Applicants must itemize costs related to personnel, fringe benefits, travel, equipment, installation or labor supplies, contractual costs, other direct costs (i.e., subawards, participant support costs), indirect costs, and total costs.

The budget detail must clearly specify the amount of federal funding and any mandatory and voluntary cost share amount for each budget category. Separately, any leveraged funds will only be evaluated in Section 1.c. of the workplan and should not be included in the budget. For applicants proposing to implement a participant support cost or rebate program, the rebates are appropriately listed under the "Other" budget category as "Participant Support Costs." See [Appendix A](#) for more information on participant support costs and [RAIN-2018-G05, "EPA Guidance on Participant Support Costs."](#)

- **Personnel – List all staff positions by title. Provide annual salary (and percentage of time) or hourly rate (and number of hours) assigned to the project, and total cost for the budget period.** This category includes only direct costs for the salaries of those individuals who will perform work directly for the project (paid employees of the applicant organization as reflected in payroll tax records). If the applicant is providing staff time (in-kind services) as a cost share, this should be included as Personnel costs. Personnel costs do not include: (1) costs for services of contractors (including individual consultants), which are included in the "Contractual" category; (2) costs for employees of subrecipients under subawards or non-employee

program participants (e.g., interns or volunteers), which are included in the “Other” category; or (3) effort that is not directly in support of the proposed project, which may be covered by the organization’s negotiated indirect cost rate. The budget detail must identify in the personnel category, the personnel type by Full Time Equivalent (FTE), including percentage of FTE for part-time employees, number of personnel proposed for each category, and the estimated funding amounts.

- **Fringe Benefits – Identify the percentage(s) of wage or salary represented as Fringe, any other basis for its computation, and the types of benefits included.** Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits may include, but are not limited to, the cost of leave, employee insurance, pensions, and unemployment benefit plans. If the applicant’s fringe rate does not include the cost of leave, and the applicant intends to charge leave to the agreement, it must provide supplemental information describing its proposed method(s) for determining and equitably distributing these costs.
- **Travel – Specify the mileage or fares, per diem, estimated number of trips in-state and out-of-state, number of travelers, and other costs for each type of travel.** Travel may be integral to the proposed project (e.g., inspecting equipment or installations), related to the proposed project (e.g., attendance at meetings), or for technical training or attendance at workshops that supports effective implementation of the project activities. Only include travel costs for employees in the Travel category. Travel costs do not include: (1) costs for contractor travel (including consultants), which are included in the “Contractual” category; (2) travel costs for employees of subrecipients under subawards and non-employee program participants (e.g., trainees), which are included in the “Other” category. Further, travel does not include bus rentals for group trips, which would be covered under the Contractual category. Finally, if the applicant intends to use any funds for travel outside the United States, it must be specifically identified. All proposed foreign travel must be approved by the EPA’s Office of International and Tribal Affairs prior to being taken.
- **Equipment – Identify each item to be purchased which has an estimated acquisition cost of \$5,000 or more per unit and a useful life of more than one year.** Equipment also includes accessories necessary to make the equipment operational. Equipment does not include: (1) equipment planned to be leased/rented, including under a lease/purchase agreement; or (2) equipment service or maintenance contracts that are not included in the purchase price for the equipment. These types of proposed costs should be included in the “Other” category. Items with a unit cost of less than \$5,000 should be categorized as supplies, pursuant to the 2 CFR § 200.1 definition of “Equipment.” The budget detail must include an itemized listing of all equipment proposed under the project.

If installation costs are included in the equipment costs, labor expenses shall be itemized with the detailed number of hours charged and the hourly wage. If the applicant has written procurement procedures that define a threshold for equipment costs that is lower than \$5,000, then that threshold takes precedence.

- **Supplies – “Supplies” means all tangible personal property other than “equipment.”** The budget detail should identify categories of supplies to be procured (e.g., tools or office supplies). Non-tangible goods and services associated with supplies, such as printing service, photocopy services, and rental costs should be included in the “Other” category.
- **Contractual – Identify each proposed contract and specify its purpose and estimated cost.** Contractual services (including consultant services) are those services to be carried out by an individual or organization, other than the applicant, in the form of a procurement relationship. [EPA’s Subaward Policy and supplemental Frequent Questions](#) provide detailed guidance for differentiating between contractors and subrecipients. The EPA does not require applicants to identify specific contractors. The applicant should list the proposed contract activities along with a brief description of the anticipated scope of work or services to be provided, proposed duration, and proposed procurement method (competitive or non-competitive), if known. Any proposed non-competed/sole-source contracts in excess of \$3,500 must include a justification. Note that it is unlikely that the EPA will approve use of sole source contracts for goods and services (e.g., consulting) that are widely available in the commercial market. Refer to [EPA’s Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) for the EPA’s policies on competitive procurements and encouraging the use of small and disadvantaged business enterprises. Leased or rented goods (equipment or supplies) should be included in the “Other” category.
- **Construction - Anticipated costs for hiring general contractors and other contractors performing activities described in the DBE Rule’s definition of Construction will be categorized as “Construction”.** Note, EPA’s Disadvantaged Business Enterprise (DBE) rule at 40 CFR [33.103](#) provides definitions for construction, services, and equipment costs for the purpose of categorizing costs on the SF-424A budget form. Anticipated costs for hiring general contractors and other contractors performing activities described in the DBE Rule’s definition of *Construction* will be categorized as “Construction.” Other construction-related anticipated costs may be categorized under “Construction,” “Contractual,” or “Equipment,” depending on whether the cost falls under the DBE Rule’s definition of *Construction*, *Services*, or *Equipment*. For example, anticipated costs for pre-construction architectural and engineering *Services* as defined in the DBE Rule will be categorized as “Contractual.”

- **Other – List each item in sufficient detail for the EPA to determine cost reasonableness and allowability.** This category should include only those types of direct costs that do not fit in any of the other budget categories. Examples of costs that may be in this category include: insurance; rental/lease of equipment or supplies; equipment service or maintenance contracts; printing or photocopying; participant support costs such as non-employee training stipends and travel, subsidies or rebates for purchases of equipment (such as a specified amount of funding for to dray truck owners/operators to purchase ZE trucks); and subaward costs. Applicants should describe each item listed in the “Other” category and list the estimated, aggregated costs of participant support costs and subawards as a separate line item within the “Other” category. Additional information about participant support costs is contained in [RAIN-2018-G05, “EPA Guidance on Participant Support Costs.”](#)

Subawards (e.g., subgrants) and participant support costs are a distinct type of cost under this category. The term “subaward” means an award of financial assistance (money or property) by any legal agreement made by the recipient to an eligible subrecipient even if the agreement is casually referred to as a contract. Rebates, subsidies, and similar one-time, lump-sum payments to program beneficiaries for ZE equipment are considered participant support costs. Please refer to [Appendix A](#) for detailed guidance on funding projects and partnerships and how to correctly categorize these costs in the workplan budget. “Other” does not include procurement purchases, technical assistance in the form of services instead of money, or other assistance in the form of revenue sharing, loans, loan guarantees, interest subsidies, insurance, or direct appropriations. Subcontracts are not subawards and belong in the contractual category. Refer to [EPA’s Subaward Policy and supplemental Frequent Questions](#) for additional guidance.

- **Indirect Charges – If indirect charges are budgeted, indicate the rate and base.** Indirect costs are those incurred by the recipient for a common or joint purpose that benefit more than one cost objective or project and are therefore not readily assignable to specific cost objectives or projects as a direct cost. Examples of Indirect Cost Rate calculations are shown below:
  - Personnel (Indirect Rate x Personnel = Indirect Costs)
  - Personnel and Fringe (Indirect Rate x Personnel & Fringe = Indirect Costs)
  - Total Direct Costs (Indirect Rate x Total direct costs = Indirect Costs)
  - Direct Costs, less distorting or other factors such as contracts and equipment (Indirect Rate x (total direct cost – distorting factors) = Indirect Costs)

Additional indirect cost guidance is available in [RAIN-2018-G02, “Indirect Cost Guidance for Recipients of EPA Assistance Agreements.”](#)

The budget table summarizes, by line item, all proposed costs within each applicable budget category. Applicants should submit information in the cover page of the project narrative about whether their project is scalable and the minimum amount of funding they would accept. This flexibility may provide a benefit to the applicant in the event that the EPA cannot fund the full project amount. Additional information to explain and justify each line item should be provided in the narrative budget description. **Please include in the narrative the percentage of project costs for ZE mobile source equipment purchase and installation.**

**Example Budget Table<sup>2</sup> (part of the 25-page limit)**

Line Item & Itemized Cost	EPA Funding <sup>3</sup>	Non-Federal Cost Share <sup>4</sup>
<b>Personnel</b>		
(1) Environmental Engineer @ \$60/hr x 40 hrs/wk x 208 wks	\$499,200	
(2) Project Manager (PM) @ \$40/hr x 10 hrs/wk x 208 wks	\$83,200	
(3) Project Staff @ \$30/hr x 40 hrs/wk x 208 wks	\$249,600	
TOTAL PERSONNEL	\$832,000	
<b>Fringe Benefits</b>		
Full-time Employees @ 20% of Salary and Wages x Total Personnel - Retirement, Health Benefits, FICA <sup>5</sup> , SUI <sup>6</sup>	\$166,400	
TOTAL FRINGE BENEFITS	\$166,400	
<b>Travel</b>		
Mileage for Engineer: 50 mi/wk @ \$.17/mi x 208 wks	\$1,768	
Mileage for PM: 25 mi/wk @ \$.17/mi x 208 wks	\$884	
Mileage for Staff: 50 mi/wk @ \$.17/mi x 208 wks	\$1,768	
TOTAL TRAVEL	\$4,420	
<b>Equipment</b>		
10 Battery Electric Drayage Trucks @ \$450,000/unit	\$3,700,000	\$800,000
20 Battery Electric Terminal Tractors @ \$400,000 per unit	\$7,400,000	\$600,000
20 Hydrogen Fuel Cell Forklifts @ \$100,000 per unit	\$1,800,000	\$200,000
1 Liquid Hydrogen Fueling Station @ \$2,000,000 per station (includes storage, vaporizer, dispenser, etc.)	\$1,800,000	\$200,000
10 Battery Electric Terminal Tractor Chargers @ \$60,000 per unit	\$480,000	\$120,000
5 Battery Electric Drayage Truck Charging Cabinets @ \$75,000 per unit	\$375,000	
TOTAL EQUIPMENT	\$15,555,000	\$1,920,000



Line Item & Itemized Cost	EPA Funding <sup>3</sup>	Non-Federal Cost Share <sup>4</sup>
<b>Supplies</b>		
	\$0	
<b>TOTAL SUPPLIES</b>	<b>\$0</b>	
<b>Contractual</b>		
	\$0	
<b>TOTAL CONTRACTUAL</b>	<b>\$0</b>	
<b>Construction</b>		
Charging and Fueling Equipment Installation	\$500,000	
<b>TOTAL CONSTRUCTION</b>	<b>\$500,000</b>	
<b>Other</b>		
Permit Applications	\$100,000	
Workforce Training	\$40,000	\$10,000
<b>TOTAL OTHER</b>	<b>\$140,000</b>	
<b>Indirect Charges</b>		
(Federal Negotiated Indirect Cost Rate = 20%)		
Federal Indirect Cost Rate x Personnel = Indirect Costs	\$166,400	
<b>TOTAL INDIRECT</b>	<b>\$166,400</b>	
<b>TOTAL FUNDING</b>	<b>\$17,364,220</b>	<b>\$1,930,000</b>
<b>TOTAL PROJECT COST<sup>7</sup></b>		<b>\$19,294,220</b>

<sup>2</sup> The EPA will not penalize or withhold a benefit from an applicant who provides information in another format.

<sup>3</sup> The EPA funding amount must be included on the SF-424 in Section 18.a and SF-424A in cell 5(e) under Section A – Budget Summary; and Column (1) under Section B – Budget Categories.

<sup>4</sup> Non-Federal Cost Share funding amount must be included on the SF-424 in Section 18.b-e and SF424A in cell 5(f) under Section A – Budget Summary; columns (2) and (3) under Section B – Budget Categories; and Section C – Non-Federal Resources.

<sup>5</sup> Federal Insurance Contributions Act expenses

<sup>6</sup> State Unemployment Insurance expenses

<sup>7</sup> Total Project Cost must be included on the SF-424 in Section 18.g and SF-424A in cell 5(g) under Section A – Budget Summary; and column (5), Row k under Section B – Budget Categories.

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

**b. Expenditure of Awarded Funds** (5 possible points)

Applicants should provide a detailed description of the approach, procedures, and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner.

**c. Reasonableness of Costs** (10 possible points)

The EPA will evaluate the reasonableness of the project budget based on the applicant's narrative description of the budget and detailed breakout, and justification of requested funding for each work component or task. Provide a detailed description of every itemized cost, including how every cost relates to the project narrative and specific activities. Applicants should describe the extent to which they meet the Target Apportionment Among Cost Categories, as described above. Instructions for what to include in the budget detail are described above in [Section IV.C.2, Section 8.a.](#)

Applicants must itemize the cost categories as listed below on the SF-424A form: personnel, fringe benefits, contractual costs, travel, equipment, supplies, construction costs, other direct costs (subawards, participant support costs), indirect costs, and total costs. Round up to the nearest dollar and do not use any cents.

For applicants that provide a cost share or leveraged resources as described in [Section III.B.](#) of the NOFO and Section 8 above, the budget narrative must include a detailed description of how the applicant will obtain the cost share and leveraged resources and how the cost share funding and leveraged resources will be used. The proposed mandatory cost share included in the budget detail must also be included on the SF-424 and SF-424A. Leveraged resources should not be included in the SF-424 or SF-424A.

Recipients may issue subawards, contracts, or participant support costs to implement projects. Please refer to [Appendix A](#) for detailed guidance on these funding options and how to correctly categorize these costs in the workplan budget.

**Section 9 – Attachments** (As listed in [Section IV.B.](#) of the NOFO; this information does not count towards the project narrative 25-page limit):

**Statutory Partnership Agreement (Required, if applicable):** Eligible private entity applicants must include a copy of a written and signed Statutory Partnership Agreement (as described in [Section III.A.](#)) with their application, including the elements of the Statutory Partnership Agreement defined in [Appendix B.](#)

**Intertribal Consortium documentation (Required, if applicable):** Eligible tribal applicants applying in partnership as an Intertribal Consortium must include a copy of written and signed documentation consistent with [40 CFR 35.504](#). The document must show: (1)

The existence of the partnership between Indian Tribal governments, and (2) Authorization of the Consortium by all its members to apply for and receive the grant(s) for which the Consortium has applied.

**Supplemental Application Template (Required):** Applicants are required to use the Supplemental Application Template, located on the [Clean Ports Program website](#), to provide information for the Cover Page and Sections 4.a. and 4.b. of the workplan.

Applicants must also use this template to provide a detailed applicant fleet and infrastructure description which describes the specific equipment, vehicles, vessels and/or infrastructure to be purchased and deployed under the proposed project. (“4a. New Fleet Description” tab and “5. Infrastructure” tab). Applicants should describe, to the extent possible, the specific ZE mobile source equipment, shore power equipment, electric vehicle supply equipment and other electric charging equipment, hydrogen fueling stations, solar and wind power generation systems, and battery energy storage systems proposed for funding, including the details listed in Section 1.e. of the workplan.

The Supplemental Application Template also includes a sample table (“4b. Scrappage Information” tab) where an applicant may enter information on any equipment, vehicles and/or vessels that will be scrapped at the project location as part of the proposed project.

**Project Team Biographies:** Optional. Provide resumes or curriculum vitae for key staff, managers, and any other key personnel. If submitted, this should be referenced under Section 3 “Programmatic Capability and Past Performance” of the workplan.

**Negotiated Indirect Cost Rate Agreement:** Optional. The applicant may be required to submit this agreement if their application is selected for funding in order to draw down indirect costs.

**Letters of Commitment:** If applicable, letters of commitment that demonstrate strong, continuous support throughout the project from key project partners (i.e., Collaborating Entities) are encouraged. Letters should specifically indicate how project partners and supporting organizations will participate or materially aid (including financial contributions such as mandatory cost share or leveraged resource commitments) in the design and performance of the project, or how obtaining support from Collaborating Entities will allow the applicant to perform the project more effectively. Letters should be addressed to the applicant organization and included as attachments to the application. Please do not ask partners to submit letters directly to the EPA. If applicable, such letters should be referenced under the appropriate sections of the project narrative.

**Documentation of Partnership with Utility:** Optional. Applicants that are applying for electric equipment and charging infrastructure may provide documentation, such as the

Utility Partnership Template available on the [Clean Ports Program website](#), as additional demonstration of robust engagement with their utility.

#### D. Releasing Copies of Applications

In concert with the EPA’s commitment to conducting business in an open and transparent manner, copies of applications submitted under this NOFO may be made publicly available on the Clean Ports Program website or other public website for a period of time after the selected applications are announced. The EPA recommends that applications not include trade secrets or commercial or financial information that is confidential or privileged, or sensitive information, if disclosed, that would invade another individual’s personal privacy (e.g., an individual’s salary, personal email addresses, etc.). However, if such information is included, it will be treated in accordance with [40 CFR § 2.203](#). (Review the EPA clause IV.a., Confidential Business Information, under [EPA Solicitation Clauses](#).)

The applicant should clearly indicate which portion(s) of the application is claimed as confidential, privileged, or sensitive information, or state ‘n/a’ or ‘not applicable’ if the application does not have confidential, privileged, or sensitive information. As provided at 40 CFR § 2.203(b), if no claim of confidential treatment accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to the submitter.

#### E. Sharing of Application Information with other Federal Agencies

Except for information marked as confidential as described in [Section IV.D.](#) of this NOFO, the EPA may share application information with other Federal agencies if the EPA determines that sharing is relevant to the respective program’s objectives, including to assess potential duplicative or complementary federal funding for projects.

### V. APPLICATION REVIEW INFORMATION

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

Only eligible entities whose application(s) meet the threshold criteria in [Section III.C.](#) of this NOFO will be evaluated, using the criteria set forth below. **Applicants should explicitly address these criteria as part of their submitted application package in the project narrative, following the content requirements set forth in [Section IV.C.](#)** Each application will be rated using a point system. Applications are evaluated based on a total of 150 points possible.

#### A. Evaluation Criteria

Criteria	Points
<b>Total Possible Points</b>	<b>150</b>

<p><b>1. <u>Project Summary and Approach:</u></b> Under this criterion, the EPA will evaluate applications based on the extent and quality of the applicant’s project summary and overall approach. Specifically, the EPA will evaluate:</p> <ul style="list-style-type: none"> <li><b>a. Overall Project and Proposed Impact (15 points)</b> The extent and quality of the overall proposed project description, consistent with <a href="#">Section I.B.</a></li> <li><b>b. Partnerships and Collaboration (7 points)</b> The extent to which the applicant demonstrates that they will work in partnership with appropriate partners to effectively and efficiently implement the proposed project. Applicants that do not plan on partnering with other groups will be evaluated based on the extent to which they demonstrate how they will be able to effectively perform and complete the project without such collaboration.</li> <li><b>c. Coordination with Complementary Initiatives (7 points)</b> The extent and quality of coordination with other programs or larger initiatives, including leveraged resources, with respect to supporting proposed project activities or broader program goals, as well as the likelihood the initiatives will materialize during grant performance.</li> <li><b>d. Project Risk Mitigation (7 points)</b> The extent and quality of the applicant’s approach to project risk mitigation.</li> <li><b>e. Applicant Fleet and Infrastructure Description (6 points)</b> The quality, completeness, and detail of the information provided in the applicant fleet and infrastructure description.</li> </ul>	<p><b>42</b></p>
<p><b>2. <u>Environmental Results – Outcomes, Outputs and Performance Measures:</u></b> Under this criterion, the EPA will evaluate:</p> <ul style="list-style-type: none"> <li><b>a. Expected Project Outputs and Outcomes (5 points)</b> The extent and quality to which the applicant identifies and proposes outputs and outcomes, as described in <a href="#">Section I.C.2.</a> and <a href="#">3.</a></li> <li><b>b. Performance Measures and Plan (5 points)</b> The quality of the proposed performance measures and effectiveness of the applicant’s plan for tracking and measuring its progress toward achieving the expected project outputs and outcomes, including those identified in <a href="#">Section I.C.</a> of this announcement.</li> <li><b>c. Timeline and Milestones (5 points)</b> The reasonableness of the proposed timeline including key milestones for specific tasks and the likelihood of completion of the project’s goals and objectives by project end.</li> <li><b>d. Scrappage (10 points)</b> The extent to which voluntary scrappage will occur for existing equipment. Partial points may be awarded for partial scrappage. Projects dedicated to shore power infrastructure will receive a neutral score (a neutral score is half of the total points available in a subset of possible points).</li> </ul>	<p><b>25</b></p>

<p><b>3. <u>Programmatic Capability and Past Performance:</u></b> Under this criterion, the EPA will evaluate applicants based on their ability to successfully complete and manage the proposed project considering their:</p> <p><b>a. Past Performance and Reporting Requirements (10 points)</b> Past performance in successfully completing and managing the assistance agreements identified in the project narrative, and history of meeting the reporting requirements under the assistance agreements identified in the project narrative as described in <a href="#">Section IV.C.</a> of the announcement. In evaluating applicants under this criterion, the EPA will consider whether the applicant submitted acceptable final technical reports under those agreements and the extent to which the applicant adequately and timely reported on their progress towards achieving the expected outputs and outcomes under those agreements and if such progress was not being made whether the applicant adequately reported why not.</p> <p><b>b. Staff Expertise (5 points)</b> Organizational experience, including staff expertise and qualifications, staff knowledge, and resources or the ability to obtain them, to successfully achieve the goals of the proposed project.</p> <p>Note: In evaluating applicants under item a. of this criterion, the EPA will consider the information provided by the applicant and may also consider relevant information from other sources including agency files and prior/current grantors (e.g., to verify and/or supplement the information supplied by the applicant). If the applicant does not have any relevant or available past performance or reporting information, the applicant should indicate this in the application and they will receive a neutral score for sub-criterion a. (a neutral score is half of the total points available in a subset of possible points). If the applicant does not provide any response for this item, they may receive a score of 0 for this sub-criterion.</p>	<p><b>15</b></p>
<p><b>4. <u>Environmental Justice and Disadvantaged Communities:</u></b> Under this criterion, the EPA will evaluate applications based on the extent to which:</p> <p><b>a. Disadvantaged Communities: Nonattainment Areas (7 points)</b> Projects are located in counties that meet the disadvantaged community definition based on meeting the criteria of containing Ozone or PM<sub>2.5</sub> <u>nonattainment or maintenance areas</u>, as described in <a href="#">Section IV.C.2.</a>, <a href="#">Section 4.a.</a> Projects that take place in counties that contain severe or extreme nonattainment areas will receive more points than projects that do not. Partial points may be awarded for this criterion depending on how much of the project occurs in the priority areas.</p> <p><b>b. Disadvantaged Communities: Areas with Air Toxics Concerns (5 points)</b> Projects are located in counties that meet the disadvantaged community definition based on meeting the criteria of containing areas with <u>air toxics concerns</u>, as described in <a href="#">Section IV.C.2.</a>, <a href="#">Section 4.b.</a> Partial points may be awarded for this criterion depending on how much of the project occurs in the priority areas.</p>	<p><b>23</b></p>

<p><b>c. Community Engagement Prior to Application and During Project (7 points)</b> The application demonstrates meaningful community engagement, especially with disadvantaged communities, as described in <a href="#">Section IV.C.2.</a>, <a href="#">Section 4.c.</a> More points will be awarded for descriptions of community engagement that include activities conducted prior to the application as well as engagement planned to take place during the project.</p> <p><b>d. Long-Term Community Engagement (4 points)</b> The application demonstrates the applicant and/or its project partner(s) has established – or commits to establish before the end of the project period – a long-term policy or process for meaningful community engagement that includes community input on port operations and projects that impact air quality and to address community concerns.</p>	
<p><b>5. Project Sustainability:</b> Under this criterion, the EPA will evaluate applicants based on the ability of the applicant and project partners to promote and continue efforts to reduce emissions from ports after the EPA’s funding for the project has ended through the development of a port mobile source inventory and/or plan to reduce port mobile emissions.</p> <p><b>a. Baseline Port Mobile Source Emission Inventory (5 points)</b> The application demonstrates that the applicant and/or project partner(s) has a publicly available baseline port mobile source emission inventory for greenhouse gases, PM<sub>2.5</sub> and/or NO<sub>x</sub> that was completed after 2019. If not, the application specifies a commitment to complete one before the end of the project period.</p> <p><b>b. Plan to Reduce Port Mobile Source Emissions (5 points)</b> The application demonstrates that the applicant and/or project partner(s) has a publicly available plan, finalized after 2019, to reduce port mobile source emissions that includes specific greenhouse gases, PM<sub>2.5</sub> and/or NO<sub>x</sub> emission targets. If not, the applicant demonstrates a commitment to developing one before the end of the project period.</p>	<p><b>10</b></p>
<p><b>6. Job Quality and Equitable Workforce Development:</b> Under this criterion, the EPA will evaluate the application based on the quality and extent to which the applicant commits to:</p> <p><b>a. Supporting high quality jobs (6 points)</b> for workers on the project and a workforce that can deliver the goals of the statute (including, but not limited to, training workers on new equipment, ensuring worker safety, worker/labor engagement, and pay and benefits).</p> <p><b>b. Expanding access to high-quality jobs (4 points)</b> including for people in low-income and disadvantaged near-port communities.</p>	<p><b>10</b></p>

<p><b>7. <u>Project Resilience to Climate Impacts:</u></b> Under this criterion, the EPA will evaluate applications based on the quality and extent to which the applicant plans to assess and implement climate change adaptation measures to help protect grant-funded investments from climate impacts, including extreme weather events, wildfire, heat, and drought, and ensure that the project achieves its expected outcomes even as the climate changes.</p>	<p><b>5</b></p>
<p><b>8. <u>Budget:</u></b> Under this criterion, the EPA will evaluate applicants based on the extent and quality to which:</p> <ul style="list-style-type: none"> <li><b>a. <u>Budget Detail (5 points)</u></b> The proposed budget provides a detailed breakout by funding type in the proper budget category for each activity for which the applicant is requesting funding.</li> <li><b>b. <u>Expenditure of Awarded Funds (5 points)</u></b> The applicant’s approach, procedures, and controls will ensure that awarded grant funds will be expended in a timely and efficient manner.</li> <li><b>c. <u>Reasonableness of Costs (10 points)</u></b> The proposed costs are reasonable to accomplish the proposed goals, objectives, and measurable environmental outcomes.</li> </ul> <p>An applicant’s SF-424, SF-424A, and budget detail must account for both federal funds and any non-federal funds, if proposing cost share (see <a href="#">Section III.B.</a>). Applicants must precisely describe in their budget detail how they will account for any mandatory or voluntary cost share/match, if applicable. Leveraged resources should not be included in the budget forms but should be discussed in the narrative portion of the budget detail; see <a href="#">Section IV.C.2.</a>, <a href="#">Section 8.a.</a></p>	<p><b>20</b></p>

**B. Review and Selection Process**

Applications will first be evaluated against the threshold criteria listed in [Section III.C.](#) of this NOFO. Only those applications which meet all of the threshold criteria will be evaluated using the evaluation criteria listed above by an evaluation team of EPA and/or other federal and/or non-federal external reviewers.

Each application will be given a numerical score and will be ranked by the review panel. Applications will be evaluated and scored out of 150 possible points, as described in the evaluation criteria under [Section V.A.](#) Preliminary funding recommendations will be provided to the EPA selection official based on these reviews and rankings.

To ensure geographic and port type diversity, the EPA plans to award a minimum of one award per each of EPA’s ten Regions, a minimum of 2 awards to Tribal applicants, a minimum of \$250M to projects taking place at small water ports, and a maximum of \$250M to projects taking place at dry ports.



Applications under the tiers identified in Section II.B. will be ranked separately according to each tier.

Final funding decisions will be made by the EPA selection official based on the rankings, the statutory requirement to award \$750 million to nonattainment projects as described in [Section I.B.](#), and the other factors listed in [Section V.C.](#) below.

### **C. Other Factors**

In making the final funding decisions, the EPA headquarters selection official may also consider geographic diversity of projects, port type diversity, applicant type diversity, technology diversity and readiness, number and size of awards, diversity of business models, duplicative or complementary federal funding from other sources, and Agency and programmatic priorities.

### **D. Anticipated Announcement and Federal Award Dates**

The EPA anticipates it will announce selection decisions in August to September 2024 and tentatively plans to issue awards by December 2024.

## **VI. AWARD ADMINISTRATION INFORMATION**

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

### **A. Award Notices**

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

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

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

### **C. Reporting Requirement**

Semi-annual progress reports and a detailed final report will be required. Semi-annual reports summarizing technical progress, planned activities for the next quarter and a summary of expenditures are required. Progress reports will cover the performance measures described in the approved project workplan. The final report shall be submitted to the EPA within 120 calendar days of the completion of the period of performance. The final report must include a summary of the project or activity, outcomes achieved and costs of the project or activity. In addition, the final report shall discuss the problems, successes, and lessons learned from the project or activity that could help overcome structural, organizational, or technical obstacles to implementing a similar project elsewhere. The schedule for submission of semi-annual reports will be established by the EPA after the grants are awarded. Award recipients may be provided with additional information and guidance on reporting performance measures and project progress after award.

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

All projects under this competition are subject to the domestic content sourcing requirements under the Build America, Buy America (BABA) provisions of the [Infrastructure Investment and Jobs Act \(IIJA\)](#) (P.L. 117-58, §§70911-70917). These provisions apply when using funds for the purchase of goods, products, and materials to be used in any form of construction, alteration, maintenance, or repair of infrastructure in the United States. BABA requires that all iron, steel, manufactured products, and construction materials consumed in, incorporated into, or affixed to federally funded infrastructure projects must be produced in the United States.

All recipients must implement these requirements in their procurements, and this requirement must flow down to all subawards and contracts at any tier. For legal definitions and sourcing requirements, the recipient must consult [EPA's Build America, Buy America website](#). Applicants should consider BABA requirements when preparing budget information.

EPA expects all applicants to comply with the BABA requirements, and no amounts made available through this NOFO may be obligated for a project unless all iron, steel, manufactured products, and construction materials used in the project are produced in the United States. EPA's [market research](#) has identified a number of mobile source products that may not be currently available from domestic manufacturers. The Agency will publish a draft waiver for public comment covering these products and intends to finalize a waiver informed by public comments prior to closing the application. If selected for an award, grant recipients will be required to obtain approval from EPA to waive any of these requirements not covered by this or other existing waivers. To obtain that approval, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their product. When supported by a rationale provided in IIJA §70914, the recipient may request a waiver from the EPA. The recipient should request guidance on how to submit a waiver request from the EPA Project Officer. A list of waivers approved by the EPA to date is available on the [Build America, Buy America website](#).

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

See the “Build America, Buy America” clause in [EPA Solicitation Clauses](#).

### **E. Prevailing Wage Requirements**

As required by Section 314 of the Clean Air Act, grants for construction activities will be subject to prevailing wage requirements as determined by the U.S. Department of Labor under the Davis-Bacon Related Acts (42 USC §7614) authority. The EPA will provide terms and conditions on Davis-Bacon compliance requirements in agreements that fund *Construction* as that term is defined at 40 CFR 33.103.

### **F. Restrictions Regarding China, Iran, North Korea, and Russia**

EPA has consulted with other federal agencies regarding potential national security matters that could cause delays or disruptions to the United States maritime transportation system. Because such delays or disruptions could undermine the Clean Ports Program’s statutory goal of effectively deploying zero-emission equipment and technology at ports, the Agency has developed policy priorities for the Program regarding China, Iran, North Korea, and Russia (collectively, “foreign countries of concern”). This list of countries is subject to change.

EPA’s policy priorities include ensuring that the Agency does not award financial assistance under the Clean Ports Program either:

- (A) to any entity owned by, controlled by, or subject to the direction of a government of a foreign country of concern;
- (B) to any entity headquartered in a foreign country of concern; or
- (C) for the purchase of any crane manufactured by an entity covered by (A) or (B).

**By applying under this NOFO, applicants attest that they are not (A) owned by, controlled by, or subject to the direction of a government of a foreign country of concern, or (B) headquartered in a foreign country of concern.**

EPA may exclude additional types of equipment beyond cranes, as warranted by national security matters. EPA intends to impose terms and conditions to effectuate all of these policy priorities.

## **VII. CONTACT INFORMATION**

For further information, applicants should email written questions to: [cleanports@epa.gov](mailto:cleanports@epa.gov). The EPA will publicly respond to questions from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission of the application, and requests for clarification of any of the language or provisions in the announcement through the Questions and Answers (Q&A) document associated with this NOFO. Information regarding this NOFO

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obtained from sources other than these Agency Contacts may not be accurate. Please type “Clean Ports NOFO Question” in the subject line of the email. All questions submitted via email will be answered via reply email as well as posted in the online Q&A document. The online Q&A document will be revised approximately weekly during the open competition period to reflect new questions received and answered. The deadline for submitting questions via email is May 6, 2024, at 11:59 p.m. (ET). The final posting of the Q&A document will be approximately May 17, 2024.

All applicants are encouraged to periodically review the initial and revised Q&A document posted on [the Clean Ports Program website](#) for further clarification of this NOFO.

The Q&A document will be updated until the closing date of this announcement and posted at the [OAR Grants/Funding webpage](#).

## APPENDIX A – Further Information Regarding Contracts, Subawards, and Participant Support Costs

### I. Background

The Standard Form 424A (SF-424A) includes a separate row for “contractual” costs and “other” costs. As noted in [Section IV.C.2, Section 8](#), the “Other” cost category on the SF-424A should be used to cover both subawards and participant support costs. This appendix helps clarify these differences. Additional information about participant support costs is contained in [RAIN-2018-G05, “EPA Guidance on Participant Support Costs.”](#)

If a recipient intends to fund technologies (i.e., vehicles, engines, and/or equipment) that they do not directly own, such as vehicle fleets, the recipient has the option to: (1) issue a contract; (2) make a subaward to an eligible entity; or (3) provide participant support costs to a program beneficiary. For options (2) and (3), the recipient may be able to fund technology and installation costs, but only subawards can be used to fund direct and indirect costs such as personnel. If the grant recipient only intends to pass along funding for equipment and installation costs, the recipient may choose to provide participant support costs to a program beneficiary rather than a subaward.

### II. Contracts

As described in 2 CFR § 200.331, a contract is for the purpose of obtaining goods and services for the recipient’s own use and creates a procurement relationship with the contractor. Characteristics indicative of a procurement relationship between the recipient and a contractor are when the contractor:

- Provides the goods and services within normal business operations;
- Provides similar goods or services to many different purchasers;
- Normally operates in a competitive environment;
- Provides goods or services that are ancillary to the operation of the federal program; and
- Is not subject to compliance requirements of the federal program as a result of the agreement, though similar requirements may apply for other reasons.

Grant recipients that enter into procurement contracts, must comply with the applicable procurement provisions in 2 CFR § 200.317 through 200.327.

As noted on pages 1-2 of this NOFO, if the applicant intends to name a contractor (including consultants) or subrecipient in their application as a “partner,” they should carefully review Section IV.d. of the [EPA’s Solicitation Clauses](#) that are incorporated by reference in this announcement and discussed in relevant part here (See [Section I.E.](#) of this announcement). **Applicants must compete contracts for services and products, including consultant contracts, and conduct cost and price analyses, to the extent required by the procurement provisions of the regulations at 2 CFR Part 200.**

Applicants are not required to identify subrecipients and/or contractors (including consultants) in their grant application. However, if an applicant does so, the fact that an applicant selected for award has named a specific subrecipient or contractor (including consultants) in the application the EPA selects for funding does not relieve the applicant of its obligations to comply with subaward and/or competitive procurement requirements as described in Section IV.d. of EPA's Solicitation Clauses. **Please note that applicants may not award sole source contracts to consulting, engineering, or other firms assisting applicants with the application solely based on the firm's role in preparing the application or based on an assertion that the individual or firm has "unique qualifications."**

The EPA will not consider the qualifications, experience, and expertise of named subrecipients and/or named contractor(s) during the application evaluation process unless the applicant provides documentation that it has complied with the EPA's competitive procurement requirements.

For additional guidance, applicants should review [EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#), [EPA's Subaward Policy](#), and [EPA's Subaward Policy Frequent Questions](#). The EPA expects recipients of funding to comply with competitive procurement contracting requirements in 2 CFR Parts 200 and 1500 as well as the EPA's rule on Participation by Disadvantaged Business Enterprises in EPA Programs in 40 CFR Part 33. **The Agency does not accept justifications for sole source contracts for services or products available in the commercial marketplace such as consulting, data analysis, or project management.**

### III. Subawards

Additional details are provided in [Grants Policy Issuance 16-01: EPA Subaward Policy for EPA Assistance Agreement Recipients](#). Under 2 CFR § 200.1, subrecipient is a non-federal entity that receives a subaward from a grantee to carry out part of a federal program but does not include program beneficiaries receiving participant support costs; see Section IV. of this Appendix below. Recipients of federal grants under this NOFO may make subawards to subrecipients to carry out a portion of the grant project; in such case, the direct recipient is also known as a "pass-through entity." Subawards establish a financial assistance relationship under which the subrecipient's employees and contractors implement programs and projects to accomplish the goals and objectives of the federal grant. It is important to bear in mind that subrecipients are subject to the same federal requirements as is the pass-through entity.

Under this competition, a non-federal entity is eligible to receive a subaward even if it is not eligible to receive a grant from the EPA directly. While there may be some situations in which a subaward to an individual may be appropriate, those situations are rare, and most subawards are made to organizations.

Subrecipients only receive reimbursement for their actual direct or approved indirect costs and do not “profit” from the transaction. For-profit entities participating in grant activities are typically contractors rather than subrecipients.

The EPA’s Award Official must approve subawards to for-profit entities and individuals on the basis of either a precise description of the subaward in the EPA approved budget and project narrative, or on a transaction-by-transaction basis.

The applicant’s project narrative and budget narrative should include detailed descriptions of any proposed subawards and include cost estimates for subawards as line items under the “Other” budget category in the SF-424A; see [Section IV.C.2.](#), [Section 8](#). Should a recipient decide to make a subaward that was not described in the approved project narrative and budget, the recipient must obtain prior written approval from the EPA’s Award Official for the subaward.

If a recipient chooses to pass funds from its grant to other entities through subawards, the recipient must comply with applicable subaward provisions of 2 CFR Part 200, the EPA Subaward Policy, and the EPA’s National Term and Condition for Subawards. Note that under 2 CFR § 200.331 through 200.333, there are extensive requirements for subrecipient monitoring and management that apply to pass-through entities.

Many of the federal administrative grant regulations in 2 CFR Part 200 and 2 CFR Part 1500, as well as the grant terms and conditions in the assistance agreement, “flow down” to subrecipients receiving a subaward. Such requirements need to be identified in the written subaward agreement between the recipient and the subrecipient. Additionally, if a subrecipient intends to procure goods or services using these funds, the subrecipient must comply with the applicable federal procurement standards in 2 CFR Part 200, 2 CFR Part 1500, and 40 CFR Part 33 as these requirements also “flow down” to subrecipients.

There is no requirement for recipients to compete subawards under this NOFO; however, pass-through entities may choose to select subrecipients competitively provided this practice is consistent with applicable statutes, regulations, and the terms and conditions of their Clean Ports Program grant.

Recipients may use the subaward template contained in Appendix D of EPA’s Subaward Policy to assist them in complying with the “subaward content” requirements; however, the EPA does not mandate the use of this template.

#### **IV. Participant Support Costs**

Recipients may provide participant support costs (PSCs) to program beneficiaries to enable beneficiaries to participate in the recipient’s program or project. PSCs include rebates,

subsidies, stipends, or other payments to program beneficiaries by the grantee, subrecipient, or contractor. For example, PSCs might be used for the purchase of eligible technologies, in which case, program beneficiaries, rather than the grant recipient, would own the new technology.

PSCs differ from subawards in that the beneficiary is participating in the grant recipient's project or program instead of implementing their own project or program. Program beneficiaries may include but are not limited to individual truck owner/operators, private or public fleet owners, or residents in the applicable area; however, program beneficiaries are not employees, contractors or subrecipients of the grant recipient.

Recipients may also use PSCs to make purchases on behalf of program beneficiaries. In some situations, this approach allows grant recipients to achieve economies of scale and/or take advantage of existing purchase contracts. Federal or equivalent competitive procurement requirements apply to the grant recipient when the recipient takes this approach.

The federal administrative grant regulations in 2 CFR Part 200 and 2 CFR Part 1500, as well as the grant terms and conditions in the recipient's grant agreement, generally do not "flow down" to program beneficiaries receiving PSCs except that costs must be reasonable and incurred within the grant project period. Requirements for compliance with civil rights laws and ensuring that program beneficiaries are eligible to receive federal financial assistance are applicable as explained in the [EPA Guidance on Participant Support Costs](#). In addition, program beneficiaries must abide by requirements to ensure that the funds are used only for authorized purposes.

If a grantee, subrecipient, or contractor is paying PSCs to a program beneficiary, a written agreement covering that transaction must be in place. The written agreement should not be structured as a subaward agreement and should not refer to program beneficiaries as subrecipients consistent with 2 CFR § 200.1, "Subrecipient." In addition, the written agreement should not include language requiring the program beneficiary to comply with the federal grant regulations at 2 CFR § Part 200, 2 CFR § Part 1500, or the terms and conditions found in the award between the EPA and the recipient, other than requiring that the costs must be reasonable, necessary, and allocable. The written agreement should include the following:

- A description of the activities, goods and services that will be supported by the PSC, and their costs;
- The program and/or statutory requirements that the program beneficiary must abide by in order to ensure that the funds are used only for authorized purposes;
- Specification of which party(ies) will have title to the technologies (e.g., vehicles, engines, equipment and/or appliances), if any, purchased with PSCs;
- Source documentation requirements (e.g., invoices) to ensure proper accounting of the PSCs; and
- Any reporting that must be submitted by the program beneficiary to the direct grant recipient, subrecipient or contractor.



The EPA Award Official must approve a plan to award PSCs on the basis of either a precise description of the PSCs in the EPA approved budget and work plan, or on a transaction-by-transaction basis. The applicant's project narrative and budget narrative should include detailed descriptions of any plan to award PSCs and include cost estimates for PSCs as line items under the "Other" budget category. Should a recipient decide to issue PSCs that were not described in the approved work plan and budget, the recipient must obtain prior written approval from the EPA's Award Official. Moreover, after a grant is awarded, should a recipient decide to modify the amount approved (upwards or downwards) for PSCs, prior written approval from the EPA's Award Official is also required.

When creating budgets, applicants/recipients must exclude PSCs from Modified Total Direct Costs for calculation of indirect costs as required by 2 CFR § 200.1, "Modified Total Direct Costs."

**Resources:**

[RAIN-2018-G05, "EPA Guidance on Participant Support Costs."](#)

[Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#)

[Grants Policy Issuance 16-01: EPA Subaward Policy for EPA Assistance Agreement Recipients,](#) with attachments, includes:

- EPA Subaward Policy
- Appendix A: Distinctions Between Subrecipients and Contractors
- Appendix B: National Term and Condition for Subawards
- Appendix C: Model Programmatic Subaward Reporting Requirement
- Appendix D: Subaward Agreement Template

## **APPENDIX B – Statutory Partnership Agreement between a Private Entity Applicant and Statutory Partner**

To be eligible for funding, a private entity applicant must include in the application a copy of a written and signed Statutory Partnership Agreement with the Statutory Partner that is legally binding. At a minimum, the Partnership Agreement must specify the following:

- Who will be the applicant and the Statutory Partner.
- The applicant is responsible for the overall management, performance, oversight, and reporting responsibilities under the grant, and for making subawards to Statutory Partners and Collaborating Entities.
- The applicant will be responsible for the receipt of federal funds from the EPA and the proper expenditure of these funds and will bear liability for unallowable costs.
- The roles and responsibilities of the applicant and Statutory Partner for project activities and how disputes between them will be handled and resolved. Please note that the EPA is not a party to the Partnership Agreement, and any disputes between the parties must be resolved under the law applicable to the Partnership Agreement.
- The applicant is responsible for compliance and legal issues, and managing risks associated with the project. It must also describe the procedures for replacing a Statutory Partner with another Statutory Partner, and for ensuring the replacement has the comparable expertise, experience, knowledge, and qualifications of the replaced Statutory Partner to ensure successful grant completion within 4 years. Replacement may be necessary for various reasons including performance issues. Note that replacement requires prior approval by an authorized EPA official pursuant to 2 CFR § 200.308(c)(6).
- The applicant and Statutory Partner's agreement, if the proposed application is selected for award, to enter a subaward that complies with the subaward requirements in the grant regulations at 2 CFR § 200.331 and in the EPA's subaward Policy and related guidance and that contains terms and conditions including those above.
- Optional: For applications where the Statutory Partner is contributing mandatory cost share or leveraged resources, applicants are encouraged to describe the financial commitments being made by the Statutory Partner and the role that they will play in the proposed project.

## APPENDIX C – Voluntary Scrappage

Scrappage of existing internal combustion engine vehicles and equipment is **optional** to qualify for funding under this NOFO. Applicants that choose to scrap existing equipment will be eligible for points under evaluation criterion 2.d. This Appendix provides information on the requirements to be eligible for points under the scrappage evaluation criterion.

- To be eligible for points under the scrappage evaluation criterion, the equipment being replaced must be scrapped or rendered permanently disabled within two years of being replaced, or before the end of the project performance period, whichever comes first.
  - Cutting a three-inch-by-three-inch hole in the engine block (the part of the engine containing the cylinders) is the preferred method. Other acceptable scrappage methods may be considered and will require prior EPA approval.
  - Disabling the chassis may be completed by cutting through the frame or frame rails on each side at a point located between the front and rear axles.
  - Equipment and vehicle components that are not part of the engine or chassis may be salvaged from the unit being replaced (e.g., seats, tires, etc.). If disabled engines, disabled vehicles, disabled equipment, or parts are to be sold, program income requirements apply.
  - Recipients seeking approval for alternate scrappage methods must submit an alternative scrappage plan to the EPA project officer detailing how the method will destroy and/or disable the engine and must, if approved, comply with the evidence requirements listed below, including digital photographs.
- **Existing equipment that are resold or donated instead of being scrapped will not be considered eligible for points under the scrappage evaluation criterion.**
- To be eligible for points under the scrappage evaluation criterion, existing equipment must meet certain ownership, usage, and remaining life requirements. Applicants should demonstrate in their application that all funded equipment will meet the criteria defined in (1) - (6) below.
  1. **Operational:** The existing equipment must be fully operational. Operational equipment must be able to start, move, and have all necessary parts to perform its function.
  2. **Ownership:** The participating fleet owner must currently own and operate the existing equipment and have owned and operated it during the two years prior to upgrade.
  3. **Remaining Life:** The existing equipment must have at least three years of remaining life at the time of scrappage. Remaining life is the owner's estimate of the number of years until the unit would have been retired from service if the unit were not being scrapped because of the grant funding. The remaining life estimate includes years of service expected after being rebuilt or sold to another fleet. Remaining life depends on the current age and condition of the vehicle at the time of upgrade, as well as factors like usage, maintenance, and climate.

4. **Equivalent Replacement:** The existing engine/equipment must have similar horsepower as the new engine/equipment being purchased (within 40%).
5. **Highway Usage:**
  - To be eligible, the existing certified highway vehicle must have accumulated at least 7,000 miles/year during the two years prior to scrappage.
  - Exception: If an applicant can demonstrate that a certified highway vehicle is being used in a predominately nonroad application (e.g., those that idle for long periods to power an auxiliary apparatus), the definition below under “Nonroad Usage” of engine operating hours may be used. If selected for award, the EPA will review and approve this exception on a case-by-case basis.
  - The mileage of two or more units may be combined to reach the thresholds above, where two or more units will be scrapped and replaced with a single unit.
6. **Nonroad Usage:**
  - To be eligible, nonroad engines should operate at least 500 hours/year during the two years prior to scrappage.
  - The engine operating hours of two or more units may be combined to reach the thresholds above where two or more units will be scrapped and replaced with a single unit.
7. **Locomotive and Marine Usage:** To be eligible, the existing locomotive and marine engines must operate at least 1,000 hours/year during the two years prior to scrappage. The engine operating hours of two or more units may be combined to reach the thresholds below where two or more units will be scrapped and replaced with a single unit.

If selected for funding, participating fleet owners must attest to each of the above criterion in a signed eligibility statement which includes each equipment make, model, year, vehicle or other unique identification number, odometer/usage meter reading, engine make, model, year, horsepower, engine ID or serial number, and vehicle/equipment/vessel registration/licensing number and state. This documentation must be submitted as part of the grantee’s programmatic reporting to the EPA to verify the eligible use of grant funds. The signed eligibility statement is not required at the time of application submittal.

Awardees will be expected to provide evidence of appropriate disposal in a final assistance agreement report submitted to the EPA.