

## ANNOUNCEMENT OF FEDERAL FUNDING OPPORTUNITY

### EXECUTIVE SUMMARY

Federal Agency Name(s): Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce

Funding Opportunity Title: National Sea Grant Law Center 2012

Announcement Type: Initial

Funding Opportunity Number: NOAA-OAR-SG-2012-2003198

Catalog of Federal Domestic Assistance (CFDA) Number: 11.417, Sea Grant Support

Dates: Applications are due by 3:59 PM Eastern time on November 15, 2011.

Funding Opportunity Description: NOAA's Office of Oceanic and Atmospheric Research (OAR), National Sea Grant College Program invites applications to establish or continue a National Sea Grant Law Center beginning in FY 2012. Anticipated start date is February 1, 2012. Applicants should provide a two-year grant proposal for a National Sea Grant Law Center that will be part of the larger National Sea Grant network, a partnership between the federal government and universities to conduct integrated research, education and outreach in fields related to ocean, coastal and Great Lakes resources. One award is expected to be made. The recipient may receive subsequent awards for continuing the Law Center on a noncompetitive "institutional" basis, as long as certain programmatic and performance conditions are met.

## FULL ANNOUNCEMENT TEXT

### I. Funding Opportunity Description

#### A. Program Objective

The National Sea Grant College Program plays a leading role in the sustainable development of the Nation's marine resources. It accomplishes this through an extensive program of research, education, and outreach. Sea Grant meets national needs by providing information to citizens pertaining to a diverse set of concerns ranging from how best to educate K-12 children on coastal issues to advanced scientific research. However, as the development of various marine resources evolves, matures, and receives greater attention nationally and worldwide, it becomes increasingly important to address the legal issues that pertain to such development. Efforts to disseminate information about ocean and coastal law and policies, and to provide the Sea Grant College Programs and coastal citizens with critical analyses need to be pursued with the same vigor as the other research, education, and outreach components of Sea Grant.

Many Sea Grant Programs have addressed legal issues for their coastal constituents in the past, but the work of individual Programs has not always been coordinated and communicated with other Programs, and some Programs lack the capacity to address many legal issues. It was felt that a National Law Center could coordinate and enhance Sea Grant's activities in legal scholarship, research and outreach related to coastal and ocean law issues.

The National Sea Grant College Program would like to use this Federal Funding Opportunity announcement to establish a formal long-term partnership with a grantee to maintain a National Sea Grant Law Center, so that subsequent awards for continuing the Law Center may be made on a noncompetitive "institutional" basis, as long as certain conditions of performance are met.

The major responsibilities of the Law Center would be:

1. To integrate the efforts of ocean and coastal law researchers and users in the Sea Grant network nationwide;
2. To conduct research on current ocean, coastal, and Great Lakes law issues;
3. To provide outreach and advisory services to the Sea Grant network and coastal constituents;
4. To disseminate information and analysis through periodic workshops and conferences as well as publications;
5. To serve as a focal point for Sea Grant's law-related issues, and to promote the growth and development of a Sea Grant legal network.

#### B. Program Priorities

The program priorities for this opportunity support all of the following NOAA mission goals: Climate Adaptation and Mitigation; Weather-Ready Nation; Healthy Oceans; and Resilient Coastal Communities and Economies.

It is a programmatic priority to support applications that propose to carry out all five responsibilities in section I.A., and that score well in all five evaluation criteria in section V.A. (not just have a high total score).

#### C. Program Authority

Authority for this FFO is provided by 33 U.S.C. 1121 et seq., as amended.

Catalog of Federal Domestic Assistance (CFDA) Number(s): 11.417, Sea Grant Support.

## II. Award Information

#### A. Funding Availability

A total of \$375,000 of federal Sea Grant funds is anticipated to be available annually for 2012 and 2013, depending on appropriations.

Proposal Federal funding requests must be no higher than \$375,000 per year. Applications requesting more than this amount will not be reviewed.

One award is anticipated to be made, depending on appropriations and the number and quality of applications received.

#### B. Project/Award Period

Awards are anticipated to start on February 1, 2012. Projects should run for two years.

#### C. Type of Funding Instrument

Applications selected for funding will be funded through grants or cooperative agreements. We will use cooperative agreements if the proposed project includes substantial NOAA involvement that will be described in the award. Examples of substantial NOAA involvement may include collaboration in research, participation in selection of key personnel, or approval of key stages in the project before subsequent steps are undertaken.

Contact the name shown in Section VII, Agency Contacts, with questions about cooperative agreements.

A grant or cooperative agreement award made under this FFO will be made competitively, but subsequent awards for continuation of the National Sea Grant Law Center may be made on a noncompetitive institutional basis, provided that the

grantee performs satisfactorily and submits the appropriate application document, and the results of the periodic reviews validate the effectiveness and continued desirability of the use of institutional awards for the program.

### III. Eligibility Information

#### A. Eligible Applicants

Institutions of higher education, nonprofit organizations, commercial organizations, State and local and Indian tribal governments are eligible.

#### B. Cost Sharing or Matching Requirement

Matching funds are not required, but applicants may propose matching funds that will be considered under evaluation criteria (4), Project costs, in section V.A., below.

(Because the National Law Center is intended to be a national resource providing no favored treatment to any state or locality, we believe that applicants will have no reasonable means of meeting the normal Sea Grant requirement for non-Federal matching funds. As the benefit of the National Law Center outweighs the benefit of the matching fund requirement and this benefit couldn't be obtained with a grant that required match, the award is expected to be made as a "special grant" under 33 USC 1134(b), which allows the Sea Grant match requirement to be waived under limited circumstances.)

#### C. Other Criteria that Affect Eligibility

none.

### IV. Application and Submission Information

#### A. Address to Request Application Package

Applications are available through grants.gov (<http://grants.gov>) under FFO number NOAA-OAR-SG-2012-2003198. If an applicant does not have internet access, please contact the name listed in VII. Agency Contacts, to request an application package.

#### B. Content and Form of Application

Applications that do not meet the following requirements will not be reviewed.

All pages should be single-spaced and must be composed in at least a 12-point font with one-inch margins on 8½" x 11" paper.

The following information must be included:

1. Signed Title Page. The title page must be signed by the Principal Investigator and the institutional representative. Electronic signatures submitted through

grants.gov satisfy this requirement. Identify the Principal Investigators and collaborators and the institutional representative by affiliation and contact information. List the total amount of Federal funds being requested, and total amount of matching funds (if any), for each budget year. For projects involving multiple institutions, the total should include all sub-recipient budgets. An optional general Title Page template is available at <http://www.seagrant.noaa.gov/funding/forms.html>.

2. Project Summary. It is critical that the project summary accurately conveys all essential elements of the activities. Applicants must use the Sea Grant Project Summary Form 90-2 (OMB Control No. 0648-0362), available at <http://www.seagrant.noaa.gov/funding/forms.html>.

3. Project Description. This section must not exceed 15 pages, and should include:

(a) Introduction/Background/Justification

(b) Work Plan. Include objectives to be achieved, methodologies to be employed, role of project personnel, project planning approach to be used, activities to be conducted, proposed nature of interactions with Sea Grant programs and their constituents.

(c) Outcome. Identify the planned outcomes in objective, quantifiable terms. The outcome must be a description of the desired end state to be achieved, not just a description of the activities to be performed. Describe how the outcomes of the project will be measured and reported.

4. Literature cited.

5. Budget information. There must be a separate budget for each year of the project, as well as a cumulative annual budget for the entire project provided on Sea Grant Budget Form 90-4 (OMB Control No. 0648-0362), available at <http://www.seagrant.noaa.gov/funding/forms.html>.

Subcontracts must also have a separate budget 90-4 form. Indicate matching funds if provided. Provide justification for all budget items, especially travel and equipment, in sufficient detail to enable the reviewers to evaluate the appropriateness of the funding requested.

6. Current and pending support. Provide information on all current and pending Federal support for ongoing projects and proposals, including subsequent funding in the case of continuing grants. Include the proposed project and all other projects or activities using Federal assistance and requiring a portion of time of the principal investigator or other senior personnel. Describe the relationship between the proposed project and these other projects, and the number of person-months per year to be devoted to the projects. Similar information must be provided for all proposals already submitted or submitted concurrently to other possible sponsors.

7. Investigator resumes. Maximum of two pages per investigator.

8. Letters of support.

9. Standard Application Forms: Applications submitted through grants.gov will include several mandatory electronic standard forms provided in the electronic application package. Applicants without internet access who plan to submit an application in hardcopy will need to submit hardcopy equivalents. Please seek guidance from the name listed in section VI., Agency Contacts, below.

Submission of the NOAA NEPA Questionnaire (OMB Control Number 0648-0538) is not required for this application.

#### C. Submission Dates and Times

Applications submitted through grants.gov must be received by 3:59 pm Eastern time on November 15, 2011. Applications submitted in hardcopy must be received by the National Sea Grant Office by 3:59 pm Eastern time on November 15, 2011. Submissions through grants.gov will have a date and time indicator on them. Hard copies will be date and time stamped upon receipt. Applications that are not received by the deadline will not be reviewed.

#### D. Intergovernmental Review

Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

#### E. Funding Restrictions

No special restrictions apply.

#### F. Other Submission Requirements

Applications should be submitted to grants.gov. Applicants who are eligible to submit in hardcopy should send an original and two copies to: NOAA R/SG, National Sea Grant College Program, R/SG, Attn: Law Center Competition Rm 11732, 1315 East-West Highway, Silver Spring, MD 20910.

Phone number for delivery services is 301-734-1088.

### V. Application Review Information

#### A. Evaluation Criteria

The five evaluation criteria and weighting of the criteria are as follows:

1. Importance and/or relevance and applicability of proposed project to the program goals (20 percent). This ascertains whether there is intrinsic value in the proposed work and/or relevance to NOAA, Federal, regional, State, or local activities. For this competition, this criterion ascertains:

(a) does the proposal make a case for the need for legal research and outreach to state and local entities, and to the state Sea Grant programs?

(b) does the proposal address how the applicant will provide legal research and advisory services to the state Sea Grant programs and their constituents?

(c) does the proposal show how the proposed Law Center will add value to the legal research and outreach provided by Sea Grant, beyond what could be provided by individual Sea Grant programs or their partners?

2. Technical/scientific merit (20 percent). This assesses whether the approach is technically sound and/or innovative, if the methods are appropriate, and whether there are clear project goals and objectives. For this competition, this criterion assesses:

(a) the quality of legal research and comment on legal issues related to ocean and coastal resources

(b) whether the proposal includes the legal research and outreach components necessary to achieve the desired outcome

(c) whether the proposal includes a way to objectively determine its success in achieving its outcome

(d) the quality of the process by which it will be decided what legal problems will be taken on, and how they will be addressed

3. Overall qualifications of applicants (30 percent). This assesses whether the applicant possesses the necessary education, experience, training, facilities, and administrative resources to accomplish the project. For this competition, this criterion assesses:

(a) does the applicant have the necessary infrastructure, administrative, and other support to maintain an effective National Sea Grant Law Center?

(b) does the applicant have a demonstrated record of success (past performance) in providing legal research to Sea Grant Programs and their constituents?

(c) does the applicant have a demonstrated record of success (past performance) in managing a national law center?

4. Project costs (15 percent). The Budget is evaluated to determine if it is realistic and commensurate with the project needs and time-frame. For this competition, this criterion also assesses the degree to which costs have been minimized; whether matching funds have been sought from non-Federal sources such as state legislatures, the host institution, state agencies, business, and industry; and whether inter-institutional and partnership activities have been incorporated in order to leverage funds and resources.

5. Outreach and education (15 percent). NOAA assesses whether this project

provides a focused and effective education and outreach strategy regarding NOAA's mission to protect the Nation's natural resources. For this competition, this criterion assesses the quality of proposed outreach and education activities to contribute to achieving the desired objective, as well as to effectively communicate the results of this project after it is completed, to maximize its usefulness in future similar efforts.

(a) does the proposal address how the applicant will disseminate information and analysis?

(b) does the proposal offer training to law students in ocean and coastal law?

## B. Review and Selection Process

An initial administrative review is conducted to determine compliance with requirements and completeness of the application. All complete and timely proposals will be subjected to technical peer review by the National Sea Grant Office based on the evaluation criteria listed above. Evaluation will be by a review panel of government, academic, NGO and/or private subject matter experts. Scores will be provided by each member of the panel based on the evaluation criteria contained in this request for proposals. The Competition Manager will review the ranking of the proposals and the review panel comments and make recommendations to the Selecting Official. Awards will be made in rank order unless a proposal is justified to be selected out of rank based upon one or more of the selection factors described in the next section.

## C. Selection Factors

1. Availability of funding

2. Balance/distribution of funds

(a) Geographically

(b) By type of institutions

(c) By type of partners

(d) By research areas

(e) By project types

3. Duplication of other projects funded or considered for funding by NOAA or other Federal agencies

4. Program priorities and policy factors

5. Applicant's prior award performance

6. Partnerships and/or Participation of targeted groups

7. Adequacy of information necessary for NOAA staff to make a NEPA

determination and draft necessary documentation before recommendations for funding are made to the Grants Officer.

For Selection Factor 4, the program priorities and policy factors are set out in Section 1.B. Selection Factor 5 includes performance in reporting of results.

Applicants may be asked to respond to questions or modify objectives, work plans, or budgets prior to final approval of the award. Subsequent grant administration procedures will be in accordance with current agency grants procedures. A summary statement of the evaluation by the review panel will be provided to each applicant.

#### D. Anticipated Announcement and Award Dates

Subject to the availability of funds, awards are expected to be made by February 1, 2012. That start date that should be used on the Application for Federal Assistance (Form 424) for successful applications.

### VI. Award Administration Information

#### A. Award Notices

Successful applicants will receive notification that the application has been recommended for funding to the NOAA Grants Management Division. This notification is not an authorization to begin performance of the project. Official notification of funding, signed by the NOAA Grants Officer, is the authorizing document that allows the project to begin. Notification will be issued to the Authorizing Official and the Principle Investigator of the project either electronically via Grants Online or in hard copy. Unsuccessful applicants will be notified that their proposal was not selected for recommendation.

To enable the use of a universal identifier and to enhance the quality of information available to the public as required by the Federal Funding Accountability and Transparency Act of 2006, to the extent applicable, any proposal awarded in response to this announcement will be required to use the Central Contractor Registration and Dun and Bradstreet Universal Numbering System and be subject to reporting requirements, as identified in OMB guidance published at 2 CFR Parts 25, 170 (2010), [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr25\\_main\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr25_main_02.tpl), [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170\\_main\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170_main_02.tpl)

#### B. Administrative and National Policy Requirements

Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements. Administrative and national policy requirements for all Department of Commerce awards are contained in the Department of Commerce Pre-

Award Notification Requirements for Grants and Cooperative Agreements contained in the Federal Register notice of February 11, 2008 (73 FR 7696) and are applicable to this solicitation. A copy of the notice may be obtained at <http://www.gpo.gov/fdsys/granule/FR-2008-02-11/E8-2482>.

**Limitation of Liability.** In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds.

**National Environmental Policy Act (NEPA).** NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals which are seeking NOAA federal funding opportunities. Detailed information on NOAA compliance with NEPA can be found at the following NOAA NEPA website: <http://www.nepa.noaa.gov/>, including our NOAA Administrative Order 216-6 for NEPA, [http://www.nepa.noaa.gov/NAO216\\_6.pdf](http://www.nepa.noaa.gov/NAO216_6.pdf), and the Council on Environmental Quality implementation regulations, <http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa>. Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for not selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment.

### C. Reporting

Award recipients will be required to submit financial reports to the Grants Officer and performance (technical) reports to the Federal Program Officer. These reports are to be submitted electronically, unless the recipient does not have proven Internet access, in which case hard copy submissions may be accepted; however, no facsimiles will be accepted.

The Federal Funding Accountability and Transparency Act of 2006 includes a requirement for awardees of applicable Federal grants to report information about first-tier subawards and executive compensation under Federal assistance awards issued in FY 2011 or later. All awardees of applicable grants and cooperative agreements are required to report to the Federal Subaward Reporting System (FSRS) available at [www.FSRS.gov](http://www.FSRS.gov) on all subawards over \$25,000.

#### VII. Agency Contacts

Ms. Amy Painter, NOAA R/SG, National Sea Grant Office, 1315 East West Highway, Silver Spring, MD 20910-3283, email: [oar.hq.nsgo.competitions@noaa.gov](mailto:oar.hq.nsgo.competitions@noaa.gov), telephone: 301-734-1076.

#### VIII. Other Information

Award of a grant under this Federal Funding Opportunity does not confer on the recipient the designation of a Sea Grant Institution or Sea Grant College as defined by regulation at 15 CFR 918.