

NOTICE OF FUNDING OPPORTUNITY

Technical Support for Ukraine's Dairy Sector

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1. Basic Information

1.1 Executive Summary

The U.S. Department of Agriculture, Foreign Agricultural Service, Agricultural Economic Development, announces this funding opportunity to support the Technical Agricultural Assistance Program by issuing a new award. This opportunity is available to State cooperative institutions or other colleges and universities in the United States, as defined at 7 USC 3103 and is intended to provide complementary support to USDA/FAS's work with a Ukrainian local partner on strengthening Ukraine's dairy sector. This award seeks to support the productivity and resiliency of Ukraine's dairy sector as they face impacts from Russia's invasion of Ukraine. The principal objectives are: (1) Increased resilience and profitability of Ukrainian dairy farms, including improved farm management, feed formulation; (2) Improved veterinary care, including disease prevention, control, and biosecurity management; (3) Increased connections with U.S. industry.

1.2 Federal Agency Name

United States Department of Agriculture, Foreign Agricultural Service (USDA/FAS)

1.3 Funding Opportunity Title

Technical Support for Ukraine's Dairy Sector

1.4 Announcement Type

New Announcement

1.5 Funding Opportunity Number

USDA-FAS-10960-0700-10.-25-0004

1.6 Assistance Listing Number

10.960 Technical Agricultural Assistance

1.7 Funding Details

Total Available Federal Funding: \$250,000.00

Anticipated Number of Awards: 1 (one)

1.8 Key Dates

Deadline for Question Submission: January 2, 2025

Application Submission Deadline: January 8, 2025 at 11:59pm Eastern Time

1.9 Agency Contact Information

For all inquiries, contact:

Name: Melissa Yeakley Martin

Email Address: melissa.yeakley@usda.gov

Phone Number: 202-368-5407

Hours of Operation: 9:00am to 5:30pm Eastern Standard Time

2. Eligibility

2.1 Eligible Applicants

State cooperative institutions or other colleges and universities in the United States, as defined at 7 USC 3103

All applicants must have an <u>active</u> registration in the U.S. Government System for Award Management (<u>www.sam.gov</u>) before the application submission deadline of the announcement. Applicants with inactive, expired, pending, or excluded listings will be deemed ineligible. Exceptions, waivers, or extensions will not be considered. More information about SAM.gov registration can be found in Section 9, Other Information.

2.2 Substantial Compliance

All applications will be reviewed for eligibility and must meet the eligibility requirements described above to be considered eligible. Applicants deemed ineligible for funding consideration as a result of the threshold eligibility review will be notified five calendar days of the ineligibility determination.

Applications must substantially comply with the application submission instructions and requirements set forth in Section 4, Application Contents and Format, of this solicitation or else they will be deemed ineligible for funding consideration.

2.3 Evidence of Eligibility

Applicants are responsible for including documentation, if necessary, establishing that they meet the stated eligibility requirements, when it is not immediately obvious. Applicants should not presume that USDA/FAS is sufficiently familiar with their organization that this is unnecessary, and USDA/FAS will not make assumptions as to the nature of the applicant's organization.

2.4 Funding Restrictions

Generally, funds may not be used in any manner that is prohibited by applicable regulations, including 2 CFR Part 200 and 2 CFR Part 400. Awards issued pursuant to this notice of funding opportunity may only be used for the purpose set forth in the award, consistent with the statutory authority for the award. Capital expenses, such as the purchase of equipment, not entirely attributable to this award, must be pro-rated.

For example, agreement funds and other support may not be used for matching contributions for other federal grants or cooperative agreements, lobbying, or intervention in federal regulatory or adjudicatory proceedings. Federal employees are prohibited from acting as an agent of the applicant in any capacity (paid or unpaid) on any proposal submitted under this program. Also, federal funds may not be used to sue the Federal Government or any other government entity.

Compensation for personal services: Employees, consultants, or other personnel, including those of subrecipients, and regardless of the method of engagement, may not exceed the pro-rata

equivalent of ES-III on the Executive Schedule (for 2024, \$204,400 per year, \$781.61 per day, or \$97.70 per hour). Non-monetizable fringe benefits, such as health insurance coverage, are not included to this ceiling.

In general, costs incurred for a common or joint purpose benefitting more than one cost objective but not readily assignable to specific awards, without effort disproportionate to the results achieved, are considered indirect costs. These may include facilities not specific to individual projects, enterprise-wide services such as IT, and enterprise management. For cost-reimbursable agreements, indirect costs may not exceed 10% of direct costs, as stipulated at 7 USC 3319a.

If an application is submitted that includes any ineligible tasks, activities, or cost items, that portion of the application will be deemed ineligible for funding and may, depending on the extent to which it affects the application, render the entire application ineligible for funding.

2.5 Multiple Applications

An individual applicant may not submit more than one application in response to this NOFO and may not be offered more than one award.

2.6 Cost Share/Match Requirement

None/Not Required

3. Program Description

Coordinating Agricultural Development & Innovation (CADI) is a USDA/FAS portfolio of projects funded by the U.S. Department of State's Office of the Coordinator of U.S. Assistance to Europe and Eurasia (EUR/ACE). In Ukraine, CADI's objectives advance United States Government (USG) goals to help the Government of Ukraine (GoU) and the private sector understand and support their agricultural sector by increasing resiliency, productivity, and profitability.

Russia's invasion of Ukraine has seriously damaged Ukraine's livestock sector. USDA seeks to identify and address gaps and shortages that have emerged as a result, with the following program requirements:

- 1. Designing and implementing technical assistance trainings to increase resilience and profitability of Ukrainian dairy farms through methods such as improved farm management and feed formulation;
- 2. Designing and implementing technical assistance trainings to improve animal care through methods such as improved veterinary services, disease prevention and control, and biosecurity management;
- 3. Research, recommend and facilitate connections with U.S. industry.

The applicant will work collaboratively with a Ukrainian-based organization that works with dairy producers, that FAS intends to fund through a separate USDA/FAS Agreement with related objectives. During project implementation, the applicant must work collaboratively with the local partner.

Based on the current security situation, USDA/FAS is not requiring applicant personnel to travel to Ukraine. In-country implementation can be coordinated with the local partner. When the security situation improves and travel is more permissive, USDA/FAS and the award recipient will explore travel, following the safety guidance of the U.S. Embassy in Kyiv and the recipient's own policies, procedures and recommendations.

3.1 Authorizing Statutes and Regulations

National Agricultural Research, Extension, and Teaching Policy Act of 1977, PL 95-113, as amended, 7 USC § 3319a

3.2 Type of Assistance Instrument

USDA/FAS anticipates that a Cost-Reimbursable Agreement will be funded pursuant to this funding opportunity.

This type of agreement allows for a collaborative relationship between USDA/FAS, the selected recipient, and other collaborating partners. The particular scope and depth of this collaboration may vary throughout performance, depending on the needs of the activity and the desires of the participants. This type of agreement includes statutory limitations related to indirect costs.

4. Application Contents and Format

4.1 Complete Application Package

A complete application package must include:

- <u>Standard Form SF-424</u>, Application for Federal Assistance, showing the Unique Entity ID, and signed by the applicant
- Standard Form SF-424A, Budget Information for Non-Construction Programs, showing the budget categorization. Applicants are advised to consult 2 CFR 200 Subpart E for guidance on proper categorization of cost items. An improper categorization will not itself be grounds for a determination of ineligibility but may delay approval and/or adversely impact the application's scoring.
- A detailed budget narrative, in which cost items are clearly identified, correspond to the appropriate cost category, and are quantified and described in sufficient detail to enable USDA/FAS to independently determine that the proposed costs are reasonable and allowable for the project and consistent with applicable regulations.
 - o Indirect costs are statutorily capped at 10% for cost reimbursable agreements.
- A detailed project narrative or plan of operation no more than seven (7) pages in length, single spaced. Supplemental documents (CVs, etc.) are not subject to page limits. Excess pages beyond the page limit will not be reviewed. The project narrative must propose and describe:
 - A clear plan for how the applicant will meet the program requirements:
 - Designing and implementing technical assistance trainings to increase resilience and profitability of Ukrainian dairy farms through methods such as improved farm management and feed formulation;
 - Designing and implementing technical assistance trainings to improve animal care through methods such as improved veterinary services, disease prevention and control, and biosecurity management;

- Research, recommend and facilitate connections with U.S. industry.
- A description of the applicant's experience demonstrating expert knowledge in dairy sector value chain development in challenging environments and experience working in Ukrainian agriculture.
- o A description of how the applicant will work with the Ukraine partner.
- A plan for how the applicant will establish a capacity that will outlive the implementation of this work through improved educational outcomes that strengthen Ukraine's dairy sector workforce.
- o A robust plan for monitoring and evaluating activity outputs and outcomes.
- Ensure that the project narrative is organized, written in English, is free of
 excessive grammatical and spelling errors, contains any source information
 properly cited, and is submitted in PDF format.

4.2 Specific Application Formats

Applicants should ensure they are using active, i.e. non-expired, versions of standard forms. The use of an expired standard form will not itself be grounds for a determination of ineligibility but may delay processing of an applicant selected for award.

4.3 Programmatic Capability and Past Performance

Submit a list of federally funded assistance agreements (assistance agreements include Federal grants and cooperative agreements but not Federal contracts) that your organization performed within the last three years (no more than 5 agreements, and preferably USDA or USDA/FAS agreements) and describe:

- (i) whether, and how, you were able to successfully complete and manage those agreements; and
- (ii) your history of meeting the reporting requirements under those agreements including whether you adequately and timely reported on your progress towards achieving the expected outputs and outcomes of those agreements (and if not, explain why not) and whether you submitted acceptable final technical reports under the agreements; and
- (iii) your organizational experience and plan for timely and successfully achieving the objectives of the proposed project, and your staff expertise/qualifications, staff knowledge, and resources or the ability to obtain them, to successfully achieve the goals of the proposed project.

In evaluating applicants under these factors in Section 6, USDA/FAS will consider the information provided by the applicant and may also consider relevant information from other sources, including information from USDA/FAS files and from current/prior grantors (e.g., to verify and/or supplement the information provided by the applicant). If you do not have any relevant or available past performance or past reporting information, please indicate this in the application and you will receive a neutral score for these factors (a neutral score is half of the total points available in a subset of possible points). If you do not provide any response for these items, you may receive a score of 0 for these factors.

4.4 Electronic Signatures

Consistent with the Electronic Signatures in Global and National Commerce Act (ESIGN Act), USDA/FAS uses and accepts electronic signatures for application and award documents. USDA/FAS will neither solicit nor send physical copies of documents.

4.5 Proprietary Information

Applicants should generally refrain from including the details of proprietary information in applications. In cases where, in the applicant's judgement, the inclusion of proprietary information is essential to application review and scoring, the applicant should clearly indicate information it wishes to designate as proprietary.

4.6 Other Application Information

Successful applicants must submit the following information after USDA/FAS notification of our intent to make a Federal award, but prior to a Federal award, if the applicant request for funding or the intended award amount is over \$100,000:

- Grants.gov Lobbying Form
- Standard Form SF-LLL, Disclosure of Lobbying Activities, if applicable to the applicant

5. Submission Requirements and Deadlines

5.1 Address to Request Application Package

This Notice of Funding Opportunity contains all information required to submit a complete application package.

5.2 Unique Entity ID and System for Award Management (SAM)

Each applicant must:

- (i) Be registered in SAM before submitting its application;
- (ii) Provide a valid unique entity ID in its application; and
- (iii) Continue to maintain an active registration in SAM with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal agency.

5.3 Submission Instructions

Applications must be submitted by email to the program officer(s) listed in Section 1.

5.4 Submission Dates and Times

Application Submission Deadline: January 8, 2025 at 11:59pm EST (UTC -05:00)

Applications received after this time will NOT be accepted. Applicants are advised to make their submissions 1-2 days before this deadline in case of computer problems.

5.5 Intergovernmental Review

Not Applicable.

6. Application Review Information

6.1 Eligibility Threshold Review

USDA/FAS will conduct an eligibility threshold review of all applications submitted to determine that:

- the applicant is eligible, as defined in Section 2, Eligibility; and
- the application was submitted by the application submission deadline date and time as specified in Section 5, Submission Requirements;
- the applicant submitted a complete application, including all required forms and documents as defined in Section 5, Submission Requirements.

When applications received by the Application Submission Deadline are incomplete, USDA/FAS will notify the Applicant by e-mail that its application is incomplete and that USDA/FAS will grant a grace period of two business days, ending at 5:00:00 P.M. EDT on the second business day after the date of the USDA/FAS e-mail, for the Applicant to submit any omitted content and forms via email to the program contact who notified the applicant of the incomplete status. USDA/FAS will not consider any applications that remain incomplete after the grace period.

If an applicant is determined to be ineligible, USDA/FAS will notify the applicant prior to commencing with evaluation of applications, usually within 5 business days of the Application Submission Deadline. An applicant that feels such a determination was made in error may request reconsideration, highlighting evidence supporting their claim, by email to the program officer(s) listed in Section 1, Agency Contact Information, within 3 business days of notification.

Where a page limit is expressed in Section 4 with respect to the application, or parts thereof, pages in excess of the 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.

6.2 Review Criteria

Applicants' submission documents in Section 4 will be evaluated under the following criteria.

Factor 1: Overall Program Plan (65 Points)

The applicant will be evaluated on the extent and quality to which they demonstrate that the overall program design is strategically aligned and relevant to the stated objectives to promote resiliency and productivity in Ukraine's dairy sector. The program plan must include:

- A clear plan for designing and implementing technical assistance activities that result in increased resilience and profitability of Ukrainian dairy farms; (15 points)
- A clear plan for designing and implementing technical assistance activities that result in improved animal care on Ukrainian dairy farms; (15 points)
- A clear plan for researching, recommending and facilitating connections with U.S. industry; (10 points)
- A clear description of how the applicant will work with the Ukraine partner. (10 points)
- A robust plan to conduct robust monitoring and evaluation. (10 points)

• A clear plan for how the applicant will establish an enduring capacity that will outlive the implementation of this work through improved educational outcomes that strengthen Ukraine's dairy sector workforce (5 points)

Factor 2: Professional detailed budget and budget narrative (15 Pts)

The applicant will be evaluated on the reasonableness, cost-effectiveness, and adequacy of the proposed budget to accomplish the project, along with the extent to which the budget documents are detailed, organized, in-scope, and appropriate, including:

- Appropriate and detailed content
 - Applicant's use of a detailed budget table that utilizes cost item categories.
 - Applicant's explanation of proposed staff, including their role in the program.
- Budget narrative and budget table
 - Applicant's use of a clear budget narrative accompanying the budget table to address each line item therein.

Factor 3: Professional formatting, spelling, and grammar (5 Pts)

The applicant will be evaluated on the extent to which their narrative documents are organized, written in English, are free of excessive grammatical and spelling errors, and contains any source information properly cited.

Factor 4: Programmatic Capability and Past Performance (15 pts)

Under this criterion, applicants will be evaluated based on their ability to successfully complete and manage the proposed project considering their:

- i. Staff expertise/qualifications, staff knowledge, and resources or the ability to obtain them, to successfully achieve the goals of the proposed project.
- ii. Demonstration of the applicant's expert knowledge in dairy sector value chain development in challenging environments and experience working in Ukrainian agriculture.
- iii. Demonstrated past performance in successfully completing and managing the assistance agreements identified in response to Section 4.3 Programmatic Capability and Past Performance.
- iv. History of meeting the reporting requirements under the assistance agreements identified in response to Section 4.3 Programmatic Capability and Past Performance including 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.
- v. Organizational experience and plan for timely and successfully achieving the objectives of the proposed project.

Note: In evaluating applicants under items iii and iv of this criterion, USDA/FAS 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 you do not have any relevant or available past performance or past reporting information, please indicate this in the application and you will receive a neutral score for these subfactors (items iii and iv above-a neutral score is half of the total points available in a subset of possible points). If you do not provide any response for these items, you may receive a score of 0 for these factors.

6.4 Review and Selection Process

The agency will convene a review panel to review the eligible applications against the evaluation criteria described below. USDA/FAS documents that reviewers, whatever their affiliation, are free from a conflict of interest that would affect their assessment of an applicant, whether positively or negatively.

The reviewers will ensure that the applicant can deliver the programs/activities as described in the announcement based on the applicant's project narrative and assign a score and provide summary comments based on the evaluation criteria identified below. The review panel will make a recommendation list to the selecting official, who is not a member of the panel.

The selecting official may select applications out of rank order in consideration of strategic program priorities, such as geographical distribution, incorporation of minority-serving institutions, or congressional directive. Selection determinations are final and cannot be appealed.

Prior to selection, the agency may contact the highest-ranking applicants to seek clarification and to negotiate technical and programmatic aspects of the application. If an application includes a subaward, USDA/FAS may request to speak with all parties included in the application to ensure sufficient planning and coordination has taken place prior to making an award.

6.5 Risk Review

Prior to making a Federal award, the Federal awarding agency is required by 2 CFR 200.206, 31 USC 3321 and 41 USC 2313 to review information available through any OMB-designated repositories of government-wide eligibility qualification or financial integrity information. Therefore, application evaluation criteria may include the following risk-based considerations of the applicant: (1) financial stability; (2) quality of management systems and ability to meet management standards; (3) history of performance in managing federal award; (4) reports and findings from audits; and (5) ability to effectively implement statutory, regulatory, or other requirements.

Prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, currently \$250,000, the federal agency must review and consider any information about the applicant that is in the responsibility/qualification records available in SAM.gov (41 USC 2313).

• An applicant can review and comment on any information in the responsibility/qualification records available in SAM.gov.

• Before making decisions in the risk review required by 2, CFR 200.206, the Federal awarding agency will consider any comments by the applicant along with information available in the responsibility/qualification records in SAM.gov.

7. Award Notices

Applicants will be notified of the status of their application/award by email. Notification to successful applicants is not authorization to proceed, and such notification should be construed as provisional until an award document has been signed by authorized officials of USDA/FAS and the recipient.

Award documents will be transmitted by email to the individuals or offices who submitted them, or to those persons or offices that USDA/FAS believes, to the best of its information, are proper. The applicant is recommended to ensure that the agency is provided with the correct point(s) of contact.

8. Post-Award Requirements and Administration

8.1 Administrative and National Policy Requirements

All successful applicants for all grant and cooperative agreements are required to comply with the applicable General Terms and Conditions, which can be found at https://fas.usda.gov/grants/general_terms_and_conditions. The applicant is presumed to have read, understood, and accepted these terms when accepting a USDA/FAS award. Applicants with questions about the applicable terms should contact the program officer(s) listed in Section 1, Agency Contact Information.

Before accepting an award, the applicant should carefully read all award documents for instructions on administering the award and the terms and conditions associated with responsibilities under Federal Awards. Recipients must accept all conditions in this NOFO as well as any Special Terms and Conditions in the Notice of Award to receive an award under this program.

8.2 Reporting

Financial Reporting

Financial Reports, using form SF-425, Federal Financial Report (FFR), must be submitted quarterly, for the periods ending March 31, June 30, September 30, and December 30, within 30 days of the end of the reporting period. A final financial report must be submitted no later than 120 calendar days after the end date of the period of performance.

Performance Reporting

Performance Progress Reports must be submitted quarterly, for the periods ending March 31, June 30, September 30, and December 30, within 30 days of the end of the reporting period. A final performance progress report must be submitted no later than 120 calendar days after the end date of the period of performance. The recipient may use any appropriate format for performance progress reports, provided the report includes:

- a) a comparison of actual accomplishments to the established goals for the period;
- b) The reasons why established goals were not met, if appropriate; and

c) Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

Recipients are encouraged to include photographs and other supplemental material in performance progress reports.

Financial and Performance reports must be submitted through the ezFedGrants system at https://grants.fms.usda.gov/. USDA/FAS may authorize alternative means of submission for recipients who demonstrate a bona fide need.

For awards in which the total lifetime value exceeds \$500,000, additional reporting may be required as described in Appendix XII to 2 CFR 200.

Subaward and Executive Compensation Reporting

Applicants must ensure that they have the necessary processes and systems in place to comply with the subaward and executive total compensation reporting requirements established at <u>2 CFR</u> 170, should they be selected for funding.

Closeout

No later than 120 calendar days after the end date of the period of performance or after an amendment has been issued to close out a USDA/FAS financial assistance agreement, whichever comes first, recipients must submit a final FFR and final progress report detailing all accomplishments and a qualitative summary of the impact of those accomplishments throughout the period of performance. After final reports have been reviewed and approved by the agency, and any residual amount due to the recipient or due to be returned to the agency, the award is subject to closeout. Acceptance of final reports by USDA/FAS constitutes a closeout of the award with no further notice or obligation to either party. This acceptance will indicate the period of performance has expired, and any remaining funds will be deobligated. Records must be retained for a minimum of three years after the final reports are submitted.

8.3 Monitoring

USDA/FAS, through its authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. During site visits, USDA/FAS will review recipients' files related to the program.

As part of any monitoring and program evaluation activities, recipients must permit USDA/FAS, upon reasonable notice, to review assistance agreement-related records and to interview the organization's staff and other knowledgeable persons regarding the program, and to respond in a timely and accurate manner to agency requests for information relating to the program.

8.4 Conflict of Interest

The Applicant's Conflict of Interest (COI) Point of Contact as defined in USDA/FAS Conflict of Interest Policy must notify the USDA/FAS contact identified in Section 1, Agency Contact Information, of this solicitation of any actual or potential conflict of interest that they are aware of that may provide the Applicant with an unfair competitive advantage in competing for USDA/FAS financial assistance awards within 10 calendar days of becoming aware of the

conflict of interest. Examples of an unfair competitive advantage include but are not limited to situations in which an USDA/FAS employee reviewed and commented on or drafted all or part of an applicant's application. Note that USDA/FAS does not generally consider receiving information from an USDA/FAS employee limited to whether the applicant or the applicant's proposed project is eligible to compete for funding to confer an unfair competitive advantage. In addition, assistance agreements made under this solicitation will include a term and condition notifying recipients of their COI disclosure obligations and responsibilities under the award including the need to have systems in place to address, resolve and disclose COIs to USDA/FAS.

8.5 Mandatory Disclosures

As required by <u>2 CFR 200.113</u>, non-federal entities or applicants for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.339 including suspension and debarment.

9. Other Information

9.1 Extensions

Extensions to this program are permitted, subject to approval.

9.2 No Awards

USDA/FAS reserves the right to make no awards under this competition.

9.3 SAM.gov Registration Instructions

Organizations applying to this funding opportunity must have an active SAM.gov registration. If you have never done business with the Federal Government, you will need to register your organization in SAM.gov. If you do not have a SAM.gov account, then you will create an account using login.gov to complete your SAM.gov registration. SAM.gov registration is FREE. The process for entity registrations includes several steps and validations and is not complete until the registration is shown as Active. Please review the Entity Registration Checklist for details on this process.

If you have done business with the Federal Government previously, you can 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.

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 <u>Frequently Asked Question</u> on the difference for additional details.

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.

¹ Login.gov a secure sign in service used by the public to sign into Federal Agency systems including SAM.gov and Grants.gov. For help with login.gov accounts you should visit http://login.gov/help.

Contact the <u>Federal Service Desk</u> 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.

9.4 Faith-Based Organizations

- (i) Faith-based organizations may apply for an award on the same basis as any other organization, as set forth at, and subject to the protections and requirements of, 7 CFR part 16 and any applicable constitutional and statutory requirements, including 42 U.S.C. 2000bb et seq. USDA/FAS will not, in the selection of recipients, discriminate for or against an organization on the basis of the organization's religious character, motives, or affiliation, or lack thereof, or on the basis of conduct that would not be considered grounds to favor or disfavor a similarly situated secular organization.
- (ii) A faith-based organization that participates in this program will retain its independence from the Government and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law. Religious accommodations may also be sought under many of these religious freedom and conscience protection laws.
- (iii) A faith-based organization may not use direct Federal financial assistance from USDA/FAS to support or engage in any explicitly religious activities except when consistent with the Establishment Clause of the First Amendment and any other applicable requirements. An organization receiving Federal financial assistance also may not, in providing services funded by USDA/FAS, or in their outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.