

# **ED-900 – General Application for EDA Programs**

This form is required for application to EDA grant programs, consistent with the requirements outlined in each program Notice of Funding Opportunity (NOFO). Applicants are strongly encouraged to clearly and concisely respond to each answer in the space provided. Applicants should not provide additional documents or narratives without prior written approval from EDA.

# A. Applicant Information

### A.1. Please identify all applicants for this project.

The Lead Applicant is the party who is responsible for handling disbursements of funds and reporting to EDA.

**Please note**: Active registration with the System for Award Management (SAM) is required of all EDA applicants and awardees at <u>www.SAM.gov</u>. Please list the relevant Commercial and Government Entity CAGE Code and SAM expiration data for all applicants and co-applicants (if any) in the table below.

	Name	SAM.gov CAGE Code	SAM.gov Registration Expiration Date	Fiscal Year End Date (mm/dd)
Lead Applicant				
Co-Applicant 1				

**Agency Disclosure Notice**: This information collection is authorized by OMB control #0610-0094. Public reporting burden for this collection of information is estimated to average 17.1 hours per response for non-construction projects and 43 hours per response for construction projects, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to U.S. Department of Commerce, Economic Development Administration at <u>iknott@eda.gov</u>. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

# **B. Scope of Work**

# B.1. Describe the scope of work for the proposed EDA investment, including a list of project tasks to be undertaken.

List the specific tasks/activities that will be undertaken as a result of this investment.

**Applicants for construction assistance** should also include a statement of project components, including whether the proposed project involves the construction of a new facility (or facilities) or the expansion, renovation, or replacement of an existing facility or facilities. Applicants should also describe the proposed project components in terms of dimensions, capacities, quantities, square footage, etc. and should verify the description aligns with the engineering description provided in the preliminary engineering report, the environmental narrative, and other application materials.

**Applicants for Partnership Planning Assistance** should provide a narrative on the economic development activities that will be undertaken, which must include managing and maintaining the Comprehensive Economic Development Strategy (CEDS) process.

**Applicants for Short Term Planning Assistance or Local Technical Assistance** should provide a narrative explaining how the proposed scope of work will enhance economic development planning capacity of the identified region. Applicants should include information regarding any relationship or collaboration with other public and private entities, and should explain how the strategy will expand the capacity of public officials and economic development organizations to work effectively with employers and enable the region to plan and coordinate the use of available resources to support economic recovery and the development of a regional economy and/or develop innovative approaches to economic revitalization in the region.

**Applicants for State Planning Assistance** should provide a narrative outlining the proposed scope of work for the project, including the relationship to any existing CEDS or similar planning processes, and the goals and objectives of the proposed project.

**Applicants for a Revolving Loan Fund (RLF)** should clearly define the service area of the proposed Revolving Loan Fund, the types and size of loans anticipated to be made under the RLF and the focus area of the RLF (if any). Applicants should describe how the RLF will be designed to make loans to businesses that cannot otherwise obtain traditional bank financing. Applicants should describe what (if any) technical assistance will be provided for loan applicants/borrowers and explain how quickly grant funds are expected to be deployed (i.e. lent) to potential borrowers .

**B.2.** Describe the specific deliverables/outcomes that the project will produce and the primary beneficiaries or audience of those deliverables. Please note that deliverables are defined as the specific outcomes that will come from the project and differ from information on project tasks/activities requested in B.1. Project tasks/activities requested in B.1 should be reported as process steps that will be achieved to reach the final project while deliverables/outcomes detailed in B.2 are the final product produced.

**B.4.** Describe how the proposed project aligns with one or more of EDA's investment priorities. Current EDA investment priorities are available at <u>https://www.eda.gov/about/investment-priorities/</u>. Applicants must identify all relevant investment priorities with which the project aligns with and describe how the project advances each relevant priority (ies).

# C. Project Region

### C.1. Project Location

Project location is the physical location where the project work occurs. Project location information helps EDA conduct application reviews and map projects. Providing complete and accurate information is important to the application review process. For revolving loan funds (RLF), the project location is the RLF lending area.

**C.1.a. For construction projects**, identify the physical location of construction. Include as much geographical information as possible including street address (or close approximation), census tract(s), county(ies), and state(s). If more than one census tract applies, please identify all census tracts where the project will be located.

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Example 1 (single location project such as a Water Tower, workforce training
center or incubator): 1234 Daisy St., Census Tract: 53123456789, County: Adams
County, State: WA
Example 2 (multi location project that does not have a defined address, such as
a water or sewer line or access road): Pump at Intersection of Hwy 70 and Route
24, 500 linear feet of sewer at Mockingbird Lane, Census Tract: 53123456789,
53123456790, 53123456791, State: WA
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**C.1.b.** For planning, technical assistance, revolving loan funds or other non-construction projects, identify the primary location(s) where the work will be conducted. Include as much geographical information as possible including census tract(s), county(ies), and state(s). If more than one census tract applies, please identify all census tracts where the project will be located. If all census tracts in a county apply, include "All Census Tracts" after the county name. For Revolving Loan Fund applications, please describe the proposed geographic lending area.

Example 1 (single location project such as feasibility study or economic impact study where the project location is the location where analysis is being performed): 1234 Daisy St., Census Tract: 53123456789, County: Adams County, State: WA

Example 2 (multi-location project such as a Partnership Planning grant, regional resilience project, or other regional project): County Robeson (All Census Tracts), Bladen (All Census Tracts), Columbus (all Census tracts), state NC

Example 3 (multi location project that is a statewide project): State of NC (All counties and Census Tracts)

### C.2. Estimated Area of Impact

The estimated area of impact for your project is the area expected to benefit directly from the proposed EDA project. For construction projects, area of impact could include the commuting shed where potential employees may reside. For non-construction projects the area of impact could include the geographic scope where the work will occur and where the output of the work will be utilized. Defining the area of impact helps EDA to assess the economic benefits of projects and the merits of applications. Providing complete and accurate information is critical to the application review process.

List all census tracts, counties, and state where the project benefit will occur. If all census tracts in a county apply, include "All Census Tracts" after the county name.

Example 1 (single location project such as feasibility study or economic impact study where the project location is the location where analysis is being performed but the impact is two counties that serve as the commuting area and economic engine for the location of the project ): 1234 Daisy St., Census Tract:, County: Benton and Grant County, State: WA

Example 2 (multi-location project such as a Partnership Planning grant, regional resilience project, or other regional project): project performed by entity located in Raleigh, NC for statewide project: State of NC (All counties and Census Tracts)

Example 3 (a multi-location project could cross state boundaries): State of WA (All counties and Census Tracts), Nez Pierce County (Idaho), and Multnomah County (Oregon).

### C.2.a. Underserved Populations/Geographies

Does the majority of proposed project's planned area of impact (as defined above) serve an underserved population or represent an underserved geography? For definitions of these terms in relation to the planned area of impact, please visit <u>https://eda.gov/about/investment-priorities/</u>. Please identify the specific populations/geographies below following the guidance provided at the website referenced above and describe how the project will intentionally attempt to improve the economic conditions of the underserved population or geography within the project's planned area of impact.

🗌 No

Yes

If yes, enter an explanation in the field below:

# **D. Economic Development Needs**

To be completed by applicants for non-construction assistance only

**D.1. Current Economic Conditions - Area of Impact**. Briefly describe the economic conditions of the estimated area of impact with a focus on available data describing the level of distress, if applicable. This should also include a concise overview of the economic development needs, area's workforce, industry clusters, main economic drivers, challenges, and assets. Describe the economic adjustment problems or economic dislocations the area is experiencing (or is likely to experience in the next 24 months). Relevant data may be drawn from the regional CEDS, <u>https://eda.gov/resources/tools/</u>, as well as other sources. You'll be asked to provide more details about this in Section H. For revolving loan fund applications, please include information on borrowers and industry sectors that the loan fund is anticipated to target.

**D.2.** Explain how the proposed EDA investment addresses the economic development needs identified in D.1. For revolving loan fund projects, please explain the need for capital in the area.

D.3. Does the project align with the regional Comprehensive Economic Development Strategy (CEDS)? Except for grants to fund developing, updating or refining a CEDS as described in 13 C.F.R. § 303.7, the project must be consistent with the CEDS for the area in which the project will be located, unless EDA approves an alternative strategy. Information on the CEDS can be obtained at <a href="http://www.statsamerica.org/ceds/Default.aspx">http://www.statsamerica.org/ceds/Default.aspx</a>.

☐ Yes If Yes, what is the CEDS your project aligns with?

No If No, then please attach an alternate strategic planning document with which the project aligns:

Add Attachment

View Attachment

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 $\square$  N/A – Not Applicable

**D.4.** How does the proposed project align with the regional CEDS (and for revolving loan fund projects, how does the proposed project align with the applicable RLF Plan)? Applicants should identify the specific CEDS strategy(s) that the project helps advance and explain how the project supports the identified goal(s).

**D.5. Attach a letter from the organization responsible for the CEDS indicating how the proposed project aligns with the CEDS**. If the estimated impact area is not covered by a CEDS, attach a letter of support from the organization responsible for the alternative planning document.

	Add Attachment	Delete Attachment	View Attachment	

# E. Economic Impact of the Project

**E.1.** Provide a clear and compelling justification for the long-term potential economic impact of the proposed project, through anticipated job creation or retention, private investment leveraging, number of businesses or collaborations supported, or other appropriate measures. All job and private investment estimates should reflect the anticipated impact within nine years of the potential EDA investment and applicants should provide documentation or third-party data to substantiate claims.

For RLF applications, applicants should clearly define lending and technical assistance (if applicable) impacts expected, including targeted borrowers and industry sectors, and should describe the applicant's plan for ensuring sustainability of RLF lending into perpetuity, including information on other lending programs that may be leveraged to subsidize operational costs through economies of scale and loan pricing, and other relevant factors.

**E.2.** Does the proposed project have one or more committed beneficiaries? A committed beneficiary is defined as a specific business that will create or retain jobs and/or invest private funds as a result of the proposed project.

🗌 Yes

🗌 No

Not Applicable, Go to E.5

#### E.3. Beneficiaries of the project

If applicants have identified specific private sector employers that are expected to create and/or save jobs as a result of the project, applicants should list those beneficiaries in the table provided below.

All job and private investment estimates should reflect the anticipated impact within nine years of the potential EDA investment. Jobs should be reported as full-time equivalents (FTEs) and should be attributable to the proposed EDA investment. Private investment reflects the amount of funds expected to be invested in the business as a result of the project.

Applicants should identify the North American Industry Classification System (NAICS) code for the major industry category of the beneficiary company (see <u>https://www.census.gov/eos/www/naics/</u> for a searchable list).

Form ED-900B must be completed and signed by an authorized representative of each beneficiary that expects to create and/or save 15 or more jobs as a result of the project.

Beneficiary Name	NAICS Code	Main product or service produced by beneficiary	Estimated	Estimated Jobs Retained	Estimated Private Investment
Total					

**E.4.** Do all "Other Parties" (as listed in question E.3.), i.e., businesses that estimate they will create and/ or save 15 or more jobs as a result of the EDA project, understand and agree to comply with all applicable civil rights requirements listed in 13 C.F.R. § 302.20, including the requirement to provide signed assurances of compliance (Form ED-900B)?

□ Not Applicable (No Other Parties Identified)	☐ Yes	□ No (explain below)	

**E.5.** Please identify the total estimated jobs expected to be created and retained and the amount of private investment expected to be generated by this project. If your project is not expected to generate/retain jobs or attract private investment please enter 0 for each category in the table below.

Estimated Jobs Created	Estimated Jobs Retained	Estimated Private Investment

**E.6.** Please identify the source(s) of the jobs and private investment estimates provided above in E.5 (check as many as apply):

- Signed Beneficiary forms (Form ED-900B)
- Letters from Beneficiaries of the Project
- Input/Output Model (e.g. IMPLAN, REMI)
- Other Method (specify below)

**E.7.** If your project is estimated to generate/retain jobs, will those jobs exceed the prevailing wage for the industry (ies) in the project area? Prevailing wage is defined by the Department of Labor as "the average wage paid to similarly employed workers in a specific occupation in the area of intended employment." For more information, visit <u>https://eda.gov/about/investment-priorities/</u>.

No No

Yes

If Yes, please provide an explanation below (e.g., how far above the prevailing wage?).

**E.8.** If your project is estimated to generate/retain jobs, will the associated jobs be represented by a union?

No, none of the jobs will be represented by a union

Unknown. Please provide an explanation or additional information in the box below:

Yes, all of the jobs will be represented by a union

Yes, some of the jobs will be represented by a union

If only some of the jobs will be represented by a union, please provide the percentage of jobs that will be represented by a union in the box below:

# F. Capactiy and Administration

**F.1. List and describe the strategic partners and organizations that will be engaged in this project** Describe any third-party organizations, including governmental agencies, that will be directly engaged in supporting the proposed project, and explain how each partner will be engaged in the project.

**For revolving loan fund applications**, please include any RLF supporting partners, such as banks, other economic development lenders, and business support entities that will be engaged in supporting the RLF.

### F.2. Applicant's organizational capability

Briefly describe your organization's capability to administer, implement, and maintain the project, including prior experience with federal awards. List any awards received from EDA in the last five years, along with the relevant federal award ID numbers, if known.

**For Revolving Loan Fund applications**, please include a list of other lending programs that your organization currently operates, its approximate size, source of capitalization, and the general target(s) of each fund, if any. Revolving loan fund applicants should also explain their capacity to operate a public lending program, to manage lending activities, and to create networks between the business community and other financial providers. RLF applicants should also describe any other lending programs managed by the applicant, and describe the applicant's ability to sustain the RLF lending into perpetuity (which could include other lending programs that subsidize operational costs through economies of scale and loan pricing – interest and fee income).

### F.3. Applicant's staff capacity

Identify the key staff members who will be responsible for implementing the project and briefly describe how their expertise and experience qualifies them for the project. State whether you will administer the award yourself or contract with a third party for grant administration.

**For revolving loan fund applications**, applicants should clearly specify whether they intend to manage the fund themselves or will enter into a management agreement with another entity.

# G. Budget and Match Information

**G.1.** Are all non-EDA funds committed to the project, available as needed, and not conditioned or encumbered in any way that would preclude their use for the project?

Yes No (explain below)

**G.1.a.** Identify the source, nature and amount of all non-EDA funds. Applicants should identify the source, nature and amount of all non-EDA funds, including in-kind contributions (non-cash contributions may include space, equipment, services, or assumptions of debt). Explain the status of all funding commitments, including the date the funds will be available from each source, and describe any conditions or restrictions on the use of such funds. If in-kind contributions are included, explain the basis on which they are valued, and describe the source, amount and any terms and conditions of the funding, and when the funding will be available for use by the applicant.

Source	Amount	Date Available	Туре	Restriction/Comments

**G.1.b.** Do you plan to seek other federal financial assistance as part of or in connection with this project, including federal funds passed through by state governments or other entities? If so, identify the source, amount, timing of funding availability, and whether the funds are subject to any restrictions relevant to the project.

**Revolving loan fund applicants** should specify any other federal loan funds they administer, including source, amount, and focus.

 Yes (explain below)
 No

**G.1.c.** Attach documentation confirming all non-EDA funding is available, committed, and unencumbered. Documentation is required from all sources of match. For example, if bonds are contemplated as match, counsel opinion of the applicant's bonding authority and eligibility of the bonds for use as match, along with full disclosure of the type of bonds and the schedule of the applicant's intended bond issue, are required.

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### G.1.d. This question should only be completed for construction projects.

Attach a budget narrative with a breakdown for each "cost classification" line item included on the SF-424C and its associated tasks. The budget narrative must include both EDA and non-EDA funds and be consistent with the detailed construction cost estimate in the preliminary engineering report.

	Add Attachment	Delete Attachment		View Attachment	
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# G.1.e. This question should only be completed for design and engineering assistance only projects.

Attach a budget narrative with a breakdown for each "cost classification" line item included on the SF-424C and its associated tasks. The budget narrative must include both EDA and non-EDA funds.

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## G.1.f. The following questions should only be completed for non-construction projects.

Attach a budget narrative with a breakdown for each "cost classification" line item included on the Form SF-424A and its associated tasks. The budget narrative must include both EDA and non-EDA funds and be consistent with the detailed construction cost estimate in the preliminary engineering report.

		Add Attachment	Delete Attachment	View Attachment
	organization cooki	ng indirect costs on ye	our non construction	project?
Yes				
	organization requi		indirect cost rate on	your non-construction proje
Yes	🗌 No			
	ct cost rate agree	0	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	rganization's current federal as permitted under the
		Add Attachment	Delete Attachment Vie	ew Attachment
	or sole source pro	ocurement rt or all of this project?	,	
☐ Yes	□ No			
If yes, will contra	cts be awarded by	competitive bid?		
Yes	🗌 No			
Provide a justifica	ation for contracts	that will not be awarde	ed competitively.	
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1				

#### G.3. Equipment

Will any funds be used to purchase equipment? (Per 2 CFR § 200.33 equipment is defined as tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost greater than \$5,000).

🗌 Yes 🗌 No

If yes, will project funding be used to install the equipment?

🗌 Yes 🔄 No

Will the applicant provide EDA a security interest in the significant items of tangible personal property acquired or improved with EDA investment assistance? (For more information, see 13 C.F.R. 314.9).

Yes

No (explain below)

Attach a list of equipment to be purchased, including unit price, quantity, description, purpose, and estimated useful life.

Add Attachment	Delete Attachment	View Attachment

### G.4. Business Incubators and Accelerators

Does the applicant intend to construct or renovate a business incubator, accelerator, commercialization center, or similar project?

Yes	□ No (explain below)

If Yes, please attach a feasibility study demonstrating the need for the Project and an operational plan based on the industry best practices demonstrating the plan for ongoing successful operations. See the applicable NOFO for additional information and guidance.

	Add Attachment	[	Delete Attachment	View Attachment	

# H. Regional Eligibility

**H.1.** Explain how the estimated area of impact defined in section C.2 above meets EDA's distress criteria as defined in the applicable NOFO. EDA will review and evaluate documentation submitted by the applicant to verify eligibility.

### H.2. Economic Distress

**Public Works and Economic Adjustment Assistance projects** must satisfy regional eligibility requirements (see the relevant NOFO for more details). This section will assist EDA in determining if the proposed project satisfies these eligibility requirements.

**Planning and Technical Assistance applications:** although meeting specific distress criteria is not a prerequisite for funding under these programs, the economic distress level of the region impacted by a project serves as the basis for establishing the EDA share of the total cost of the project and can inform competitiveness.

Check all that apply in establishing regional eligibility (see NOFO for more details):

Unemployment rate

Per capita income

**Special need**, including:

- Closure or restructuring of industries or the loss of a major employer, essential to the regional economy;
- Substantial out-migration or population loss;
- Underemployment; that is, employment of workers at less than full-time or at less skilled tasks than their training or abilities permit;
- Military base closure or realignment, defense contractor reductions-in-force, or U.S.
   Department of Energy defense-related funding reductions;
- Natural or other major disasters or emergencies;
- Extraordinary depletion of natural resources or other impact attributable to a new or revised federal regulation or policy that will have a significant impact on a community's ability to prevent an extraordinary depletion of natural resources;
- Negative effects of changing trade patterns; or
- Other circumstances set forth in the applicable NOFO (please explain below).

#### H.3. Source of data provided for regional eligibility determination

Check the box denoting what data source you used to establish eligibility:

The most recent ACS data published by the U.S. Census Build	reau.
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	The	most	recent	Bureau	of Labor	Statistics	Data.
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- The most recent other federal data for the region in which the project is located (e.g., U.S. Census Bureau or the Bureaus of Economic Analysis, Labor Statistics, Indian Affairs, etc.).
- If no federal data are available, the most recent data available through the state government for the region in which the project is located.
- Other data to substantiate regional eligibility based on a "Special Need" as defined in 13 C.F.R. § 300.3.

#### H.4. Substantial Direct Benefit

If the project does not meet any of the criteria above, is it located in an Economic Development District (EDD), and will it provide substantial direct benefit to residents of an area within that EDD that does meet the distress criteria?

☐ Yes ☐ No

Identify the Economic Development District (EDD) where the project will be located.

A project provides a "substantial direct benefit" if it provides significant employment opportunities for unemployed, underemployed or low-income residents of the identified area within the EDD that meet the distress criteria. Please explain how the proposed project will provide a substantial direct benefit to this distressed area within the identified EDD.

#### H.5. Location in a geographic area of distress

If the project is located in a region that overall does not meet any of the criteria above, is the project located in a defined geographic area that meets EDA's distress criteria for unemployment or per capita income? To qualify, a project must be physically located in a distressed area (for construction projects) or primarily intended to benefit the distressed area (for non-construction projects).

No No

If yes, define the area of distress where the project will be located using Census tracts or other geographical designations (e.g., political subdivisions) and explain how the area meets the distress criteria for unemployment or per capita income. Identify the source of the data used to demonstrate distress.

# I. Administrative Requirements

#### I.1. Civil rights

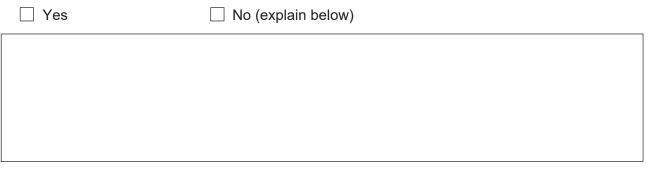
Do you understand and agree to comply with all applicable civil rights requirements (see 13 C.F.R. § 302.20)?

Yes
No (explain below)

### I.2. Lobbying certifications

**All applicants** for federal financial assistance must certify that federal funds have not been used and will not be used for lobbying in connection with this request for federal financial assistance (Form CD-511). If non-federal funds have been or are planned to be used for lobbying in connection with this request for federal financial assistance, Form SF-LLL also must be completed. Applicants must comply with 13 C.F.R. § 302.10 regarding attorneys' and consultants' fees and the employment of expediters. This regulation requires that applicants identify and disclose the amount of fees paid to anyone engaged to assist the applicant in obtaining assistance under the Public Works and Economic Development Act of 1965 (PWEDA), as amended.

Will you be able to comply with federal requirements regarding lobbying?



### I.3. Compliance with Executive Order 12372, State Single Point of Contact (SPOC)

Does the state in which the project will be located have a project review process that requires submission to a Single Point of Contact (SPOC)? A list of states that maintain a Single Point of Contact can be found at <a href="https://www.whitehouse.gov/wp-content/uploads/2019/02/SPOC-February-2019.pdf">https://www.whitehouse.gov/wp-content/uploads/2019/02/SPOC-February-2019.pdf</a>.

Yes

No, go to question I.4

If Yes, does this request for EDA investment assistance require review by SPOC?

🗌 Ye	s 🗌 No (explain below)
If Yes	s, were SPOC comments/clearance received?
<u>ا</u> ا	/es
F	Please attach the comments/clearance:
[	Add Attachment Delete Attachment View Attachment
<u> </u>	lo. The review period has expired and no comments were received.
	lo. Comments have been requested but the review period has not yet expired.
I	Please attach evidence of your request for comments:
	Add Attachment Delete Attachment View Attachment

#### I.4. Single Audit Act Requirement

Did your organization expend more than \$750,000 in federal funds during your previous fiscal year?

Yes		No
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If yes, what is the date of the last submission of the audit Federal Audit Clearinghouse?

If no, please attach your organization's most recent financial audit or financial statement.

	Add Attachment	Delete Attachment	View Attachment
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# J. Requirements for Non-Governmental Applicants (Excluding Public Universities) and Certain District Organizations)

Non-governmental applicants (excluding public universities and certain district organizations) must also provide a copy of the following items, either using the Attachments form that is part of the application package in www.Grants.gov.

J.1. Non-profit organizations must provide a current certificate of good standing or equivalent from the State in which they are incorporated.

> Add Attachment Delete Attachment View Attachment

J.2. Non-profit organization applicants must provide their Articles of Incorporation and By-Laws. Nonprofits with an active EDA grant must either provide a) a revised copy of their Articles of Incorporation or By-Laws if these have been amended or b) a statement certifying that there has been no change in the organization's Articles of Incorporation or By-Laws.

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J.3. Non-profit organizations must provide a resolution passed by a general purpose political subdivision of a State (e.g., local government entity) or a letter signed by an authorized representative of a local government acknowledging that the applicant is acting in cooperation with officials of the political subdivision. EDA may waive this requirement for certain projects of significant regional or national scope (see 13 CFR § 301.2(b)).

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J.4. If applying for a construction or RLF investment, an applicant must afford the appropriate general purpose governmental authority a minimum of 15 days to review and comment on the proposed project (13 CFR § 302.9(a)).

Will the applicant be able to provide these comments?

Yes

Not applicable, because the applicant is not applying for a construction or RLF grant

Not applicable, because this requirement has been satisfied under an existing RLF plan

No, for another reason (explain below)