

**BILLING CODE: 4910-81-P****DEPARTMENT OF TRANSPORTATION****Maritime Administration****Notice of Funding Opportunity for the Maritime Administration's Small Shipyard Grant Program****AGENCY:** Maritime Administration, Department of Transportation**ACTION:** Notice of Funding Opportunity

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**SUMMARY:** The purpose of this notice is to solicit applications for the Maritime Administration's (MARAD) Small Shipyard Grant Program. Under the Small Shipyard Grant Program, \$19,600,000 is currently available for grants to: (1) make capital and related improvements to qualified shipyard facilities that will be effective in fostering efficiency; competitive operations; and quality ship construction, repair, and reconfiguration, and (2) provide training for workers in shipbuilding, ship repair, and associated industries. Potential applicants are advised the number of applications will likely exceed the funds available and that only a small percentage of applications will be funded. Historically, the program has selected roughly 15 to 30 applications to receive funding and the average grant amount has been approximately \$1 million.

**TIMING OF GRANT APPLICATIONS:** In accordance with the statutory requirement at 46 U.S.C. 54101(f)(1), applications must be submitted within 60 days after the date of enactment of the Consolidated Appropriations Act, 2022. Applications must be received by the Maritime Administration by 5:00 PM E.D.T. on May 16, 2022.

**ADDRESSES:** Grant applications must be submitted electronically using Grants.gov (<https://www.grants.gov>). Please be aware that you must complete the Grants.gov registration process before submitting your application and that the registration process usually takes 2 to 4

weeks to complete. Applicants are strongly encouraged to make submissions in advance of the deadline.

**FOR FURTHER INFORMATION CONTACT:** For further information concerning this notice, please contact David M. Heller, Associate Administrator for Business and Finance Development, Maritime Administration, Room W21-318, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590; phone: (202) 366-5737; or fax: (202) 366-6988. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during business hours. The FIRS is available twenty-four hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during regular business hours.

**SUPPLEMENTARY INFORMATION:** Each section of this notice contains information and instructions relevant to the application process for the FY 2022 Small Shipyard Grant Program, and all applicants should read this notice in its entirety to prepare eligible and competitive applications. Some of the program criteria and application requirements have been modified since the FY 2021 Small Shipyard Grant Program. Only applicants who comply with all submission requirements described in this notice will be eligible for award. Applications received after the deadline will not be considered except in the case of unforeseen technical difficulties as outlined below in Section D.6.

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**A. Program Description**

1. Overview

The Small Shipyard Grant Program was authorized under Section 3501 of the National Defense Authorization Act for Fiscal Year 2022 (Pub. L. 117-81, December 27, 2021) (“NDAA”), and is codified at 46 U.S.C. 54101. The statute authorizes the Maritime Administrator to provide assistance in the form of grants to make capital and related improvements in small shipyards and to provide training for workers in shipbuilding, ship repair, and associated industries. The Consolidated Appropriations Act, 2022 (Pub. L. 117-103, March 15, 2022), appropriated \$20,000,000 to the Small Shipyard Grant Program. Per 46 U.S.C. 54101, up to 2 percent of the funds may be set aside for grant administration. Therefore, the total amount available for grant awards under this notice is \$19,600,000.

The purpose of the Small Shipyard Grant Program is to foster efficiency, competitive operations, and quality ship construction, repair, and reconfiguration in small shipyards across the United States in addition to fostering employee skills and enhanced productivity related to shipbuilding, ship repair, and associated industries. Award recipients will be expected to comply with the performance goals and reporting requirements as outlined in the executed grant agreement.

This round of Small Shipyard Grant funding also highlights the Administration’s priorities to invest in infrastructure projects that advance the goals of Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 76719), Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009), and Executive Order 14025, *Worker Organizing and Empowerment* (86 FR 22829) by, for example, supporting projects that address climate change and environmental justice; proactively

address equity<sup>1</sup> for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty, inequality, and barriers to opportunity; and create good paying jobs with the free and fair choice to join a union.

## 2. Changes from the FY 2021 NOFO

The FY 2022 Small Shipyard Grant Program notice includes new Department of Transportation (“Department” or “DOT”) priorities related to climate change and environmental justice, equity, and job creation. These priorities are part of new program objectives that are incorporated into the FY 2022 Small Shipyard Grant program evaluation process as secondary selection criteria. See Sections D and E of this NOFO for more details.

The FY 2022 Small Shipyard Grant Program is also requiring application submissions through Grants.gov rather than through hardcopy like in previous fiscal years. See Section D of this NOFO for more details on submitting applications through Grants.gov.

## 3. Additional Information

The Small Shipyard Grant Program is described in the Federal Assistance Listings under the assistance listing program title “Assistance to Small Shipyards” and assistance listing number 20.814.

### **B. Federal Award Information**

Under the Small Shipyard Grant Program, \$19,600,000 is available for grants for: (1) capital and related improvements to qualified shipyard facilities that will be effective in fostering efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and (2) training projects that will be effective in fostering employee skills and enhanced productivity related to shipbuilding, ship repair, and associated industries. MARAD intends to award the full amount of available funding through grants to the extent that there are worthy applications. No more than 25 percent of the funds available will be awarded to shipyard facilities in one geographic location

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<sup>1</sup> Equity is defined in Executive Order 13985 as: The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

that has more than 600 production employees. MARAD will seek to obtain the maximum benefit from the available funding by awarding grants to as many of the worthiest projects as possible. MARAD may also award grant funds to support a portion of a project described in an application by selecting a discrete component(s).

MARAD will administer each Small Shipyard Grant pursuant to a grant agreement with the Small Shipyard Grant recipient, and the start date and period of performance for each award will depend on the specific project and must be agreed to by MARAD in the grant agreement. Grant funds will be administered on a reimbursable basis. Any costs incurred prior to MARAD's obligation of funds for a project are ineligible for reimbursement and are ineligible to count as match for cost share requirements. Obligation occurs when a selected applicant and MARAD enter into a written grant agreement after the applicant has satisfied applicable administrative requirements. Amounts awarded as a grant under this notice that are not expended by the recipient shall remain available to the Administrator for use for grants under this program, either in the same or different fiscal year as this notice. In addition to the FY 2022 Small Shipyard grant funds, unexpended prior year Small Shipyard Grant funds may be made available and awarded under this notice to eligible projects.

### **C. Eligibility Information**

To be selected for a Small Shipyard Grant, an applicant must be an eligible applicant and the project must be an eligible project.

#### *1. Eligible Applicants*

Section 54101 of Title 46, United States Code, provides that shipyards can apply for grants. The shipyard facility for which a grant is sought must be in a single geographic location and may not have more than 1,200 production employees. The applicant must be the operating company of the shipyard facility. The shipyard facility must construct, repair, or reconfigure vessels 40 feet in length or greater for commercial or government use, or construct, repair, or reconfigure vessels 100 feet in length or greater for non-commercial vessels. Refer to Section D.5, *Funding Restrictions*, for more information.

## 2. *Cost Sharing or Matching*

The Federal funds for any eligible project cannot exceed 75 percent of the total cost of such project. Therefore, an eligible applicant must provide at least 25 percent of grant project costs from non-Federal sources. Third-party in-kind contributions are not allowed to satisfy the matching requirement. The applicant is required to submit detailed financial statements and supporting documentation demonstrating how and when such matching requirement is proposed to be funded. The recipient's entire cost share must be incurred after the execution date of the grant agreement but prior to payment of any Federal funds for the project. Refer to Section D.2 for the documentation required to satisfy the matching requirement.

## 3. *Other*

### i. *Eligible Projects*

Eligible projects include: (1) capital and related improvement projects in small shipyards that will be effective in fostering efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and (2) training projects that will be effective in fostering employee skills and enhanced productivity related to shipbuilding, ship repair, and associated industries. For capital improvement projects, all items proposed for funding must be new and must be owned by the successful grant applicant.

Grant funds may also be used for maritime training programs to foster employee skills and enhanced productivity related to shipbuilding, ship repair, and associated industries. Grants for such training programs may only be awarded to "eligible applicants" as described above, but training programs can be established through vendors to such applicants.

For both capital improvement and training projects, all project costs, including the recipient's share, must be incurred after the date of the grant agreement.

Grants under MARAD's Small Shipyard Grant Program may not be used to construct buildings or other physical facilities or to acquire land.

### ii. *Application Limit*

Each eligible applicant may submit one application that may contain multiple projects, but MARAD will only make one award per eligible applicant under this notice.

## **D. Application and Submission Information**

### *1. Address to Request Application Package*

This announcement contains all the information needed for applicants to apply for this funding opportunity. Applications may be found at and submitted through Grants.gov.

### *2. Content and Form of Application Submission*

Applications must include the Standard Form 424 (SF-424, Application for Federal Assistance), which is available on the Grants.gov website at <https://www.grants.gov/web/grants/forms/sf-424-family.html>. A shipyard facility in a single geographic location applying for multiple projects must do so in a single application. The application for a grant must include all the following information as an addendum to the SF-424. The information should be organized in sections as described below:

*Section 1:* A description of the shipyard including: (a) location of the shipyard, including whether a project is located in a Federally designated community development zone such as a qualified Opportunity Zone<sup>2</sup>, Empowerment Zone<sup>3</sup>, Promise Zone<sup>4</sup>, or Choice Neighborhood<sup>5</sup>; (b) a description of the shipyard facilities; (c) years in operation; (d) ownership; (e) customer base; (f) current order book including type of work; (g) vessels delivered (or major projects) over last 5 years; and (h) website address, if any.

*Section 2:* For each project proposed for funding the following must be included:

- (a) A comprehensive detailed description of the project, including a statement of whether the project will replace existing equipment, and, if so, the disposition of the replaced equipment.
- (b) A description of the need for the project in relation to shipyard operations and business plan and

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<sup>2</sup> See <https://opportunityzones.hud.gov/>.

<sup>3</sup> See [https://www.hud.gov/hudprograms/empowerment\\_zones](https://www.hud.gov/hudprograms/empowerment_zones).

<sup>4</sup> See [https://www.hud.gov/program\\_offices/field\\_policy\\_mgt/fieldpolicymgtpz](https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgtpz).

<sup>5</sup> See [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/ph/cn](https://www.hud.gov/program_offices/public_indian_housing/programs/ph/cn).

an explanation of how the project will fulfill this need.

(c) A quantitative analysis demonstrating how the project will be effective in fostering efficiency, competitive operations, and quality ship construction, repair, or reconfiguration (for capital improvement projects) or how the project will be effective in fostering employee skills and enhanced productivity related to shipbuilding, ship repair, and associated industries. The analysis should quantify the benefits of the project in terms of man-hours saved, dollars saved, percentages, or other meaningful metrics. The methodology of the analysis should be explained with assumptions used, identified, and justified.

(d) A detailed methodology and timeline for implementing the project, including identifying major project milestones. The project schedule should be sufficiently detailed to demonstrate that the project will be completed without unreasonable delay.

(e) A detailed itemization of the cost of the project together with supporting documentation, including current vendor quotes and estimates of installation costs.

(f) A statement explaining the anticipated National Environmental Policy Act (NEPA) level of review for the project and describing any environmental analysis in progress or completed, including Categorical Exclusion, Environmental Assessment/Finding of No Significant Impact, or Environmental Impact Statement/Record of Decision. The applicant should review the Maritime Administration Manual of Orders MAO 600-1 (available at <https://www.maritime.dot.gov/sites/marad.dot.gov/files/docs/environment-security-safety/office-environment/596/mao600-001-0.pdf>) prior to submission. The application should also describe whether the project will require any other environmental licenses, permits, or approvals, such as Army Corps of Engineers permits. The successful applicant should be aware that the final determination of NEPA class of action will be made by MARAD after grant award announcement. The successful applicant will be responsible for the completion of MARAD's NEPA documentation, in collaboration with MARAD's Office of Environmental Compliance, prior to execution of the grant agreement.

(g) Addressing Departmental Priorities. This section should describe whether the project addresses

any of the Departmental priorities described below, which are secondary selection criteria considered after the primary selection criteria during the application evaluation outlined in Section E. MARAD encourages applicants to address each priority, or expressly state that the project does not address the priority. Guidance describing how MARAD will evaluate projects against these secondary selection criteria is in Section E.1 of the notice.

(i) **Advancing Equity.** Applicants are encouraged to describe credible planning activities and actions to resolve potential inequities and barriers to equal opportunity in the project as reflected in Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009). For example, the applicant could describe: how the project incorporates an equity impact analysis; how the project adopts an equity and inclusion program/plan or implementation of equity-focused policies related to project procurement, material sourcing, construction, inspection, or other activities designed to ensure racial equity in the overall project delivery and implementation; or documentation of equity focused community outreach and public engagement in the project's planning and project elements in underserved communities

(ii) **Addressing Climate Change and Environmental Justice.** MARAD seeks to fund projects under the Small Shipyard Grant Program that proactively consider climate change and align with the President's greenhouse gas reduction goals and promote energy efficiency. As part of the Department's implementation of Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619), MARAD also seeks to fund projects that address environmental justice, particularly for communities that disproportionately experience climate change-related consequences. In support of this priority, applications should address whether the project has incorporated climate change and environmental justice in project planning and/or design components, particularly for communities that disproportionately experience climate change-related consequences. Applications should also address whether the proposed grant project demonstrates a movement towards lower carbon emissions or net zero emissions,

describe the specific and direct ways that the project will mitigate or reduce climate change impacts, and describe how the project will improve resiliency of at-risk infrastructure, including if projects in floodplains are upgraded consistent with the Federal Flood Risk Management Standard in support of Executive Order 14030, *Climate-Related Financial Risk* (86 FR 27967), to the extent consistent with current law.

(iii) Workforce and Labor Standards. MARAD seeks to fund projects that describe credible planning activities and project delivery actions to advance quality jobs and workforce programs and hiring policies that promote workforce inclusion. Applicants should describe how their planning and project delivery supports (a) strong labor standards and the choice to join a union, including project labor agreements and distribution of workplace rights notices; (b) support of high-quality workforce development programs, including registered apprenticeship, labor-management training programs, and supportive services to help train, place, and retain people in good-paying jobs and apprenticeship; and (c) comprehensive planning and policies to promote hiring and inclusion for all groups of workers, including through the use of linkage agreements with workforce programs that serve these underrepresented groups, and proactive plans to prevent harassment. Projects that incorporate such considerations are expected to support a strong economy and labor market.

(h) Domestic Preference. This section should include a description of whether all iron, steel, manufactured products, and construction materials to be used in the project are produced in the United States and should expressly address how the applicant plans to comply with domestic preference requirements as described in Section F.2 of this notice. If an applicant anticipates any potential foreign-content issues with its proposed project, applications should demonstrate that the domestic source is not available, how that determination was achieved, and the applicant's current efforts and planned future efforts to maximize domestic content.

Items 2(a) thru 2(h) should be repeated, in order, for each separate project included in the application.

*Section 3:* A table with a prioritized list of projects with the total project cost and Federal government

share (in dollars) for each.

*Section 4:* A description of any existing programs or arrangements, if any, that will be used to supplement or leverage the Federal grant assistance.

*Section 5:* Shipyard company officer's certification of each of the following requirements:

- (a) That the shipyard facility for which a grant is sought is in a single geographic location and (i) the shipyard facility has no more than 600 production employees, or (ii) the shipyard facility has more than 600 production employees, but not more than 1,200 production employees (the shipyard officer must certify to either (i) or (ii));
- (b) That the applicant has the authority to carry out the proposed project; and
- (c) In accordance with the U.S. Department of Transportation's regulation restricting lobbying, 49 CFR Part 20, that the applicant has not, and will not, make any prohibited payments out of the requested grant. Certifications are not required to be notarized.

*Section 6:* Unique entity identifier of shipyard's parent company (when applicable): Data Universal Numbering System (DUNS + 4 number) (when applicable).

*Section 7:* The most recent year-end audited, reviewed, or compiled financial statements, prepared by a certified public accountant (CPA), per U.S. generally accepted accounting principles (not tax-based accounting financial statements). If CPA prepared financial statements are not available, provide the most recent financial statement for the entity. Do not provide tax returns.

*Section 8:* Statement regarding the relationship between applicants and any parents, subsidiaries or affiliates, if any such entity is going to provide a portion of the match.

*Section 9:* Evidence documenting applicant's ability to make proposed matching requirement (e.g., loan agreement, commitment from investors, and cash on balance sheet) and in the timeline outlined in 2(d) above.

*Section 10:* Pro-forma financial statements reflecting (a) financial condition beginning of period; (b) effect on balance sheet of grant and matching funds (e.g. a decrease in cash or increase in debt, additional equity, and an increase in fixed assets); and (c) impact on company's projected financial

condition (balance sheet) of completion of project, showing that company will have sufficient financial resources to remain in business.

*Section 11:* Statement explaining whether during the past five years, the applicant or any predecessor or related company has been in bankruptcy or in reorganization under Chapter 11 of the Bankruptcy Code, or in any insolvency or reorganization proceedings, and whether any substantial property of the applicant or any predecessor or related company has been acquired in any such proceeding or has been subject to foreclosure or receivership during such period. If so, give details.

*Section 12.* Evidence of registration with the System for Award Management (SAM) at <https://www.SAM.gov>, including the applicant's Unique Entity Identifier<sup>6</sup> number.

### 3. *Unique Entity Identifier and System for Award Management (SAM)*

Each applicant must be registered in SAM before submitting its application, provide a valid unique entity identifier number in its application, and maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. Applicants may register with the SAM at [www.SAM.gov](http://www.SAM.gov). MARAD may not make a Federal award until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not complied with the requirements by the time MARAD is ready to make a Federal award, MARAD may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

### 4. *Submission Dates and Times*

Applications must be submitted to Grants.gov by 5:00 p.m. E.D.T. on May 16, 2022.

### 5. *Funding Restrictions*

Grants awarded under MARAD's Small Shipyard Grant Program may not be used to construct

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<sup>6</sup> On April 4, 2022 the Federal government will stop using the Data Universal Numbering System (DUNS) number to uniquely identify entities. At that point, entities doing business with the Federal government will use a Unique Entity Identifier (UEI) created in SAM.gov. If your entity is currently registered in SAM.gov, your UEI has already been assigned and is viewable in SAM.gov. This includes inactive registrations.

buildings or other physical facilities or to acquire land. No more than 25 percent of the funds available will be awarded to shipyard facilities in one geographic location that have more than 600 production employees.

Federal award recipients and subrecipients are prohibited from obligating or expending grant funds to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. See Section 889 of Public Law 115-232 (National Defense Authorization Act 2019).

#### *6. Other Submission Requirements*

Grant applications must be submitted electronically using Grants.gov (<https://www.grants.gov>). To submit an application through Grants.gov, applicants must:

- i. Obtain a Unique Entity Identifier (UEI) number;
- ii. Register with the System for Award Management (SAM) at [www.SAM.gov](http://www.SAM.gov);
- iii. Create a Grants.gov username and password; and
- iv. Complete Authorized Organization Representative (AOR) registration in Grants.gov.

The E-Business Point of Contact (POC) at the applicant's organization must respond to the registration email from Grants.gov and login at Grants.gov to authorize the applicant as the AOR. Please note that there can be more than one AOR for an organization.

Please note that the Grants.gov registration process usually takes 2–4 weeks to complete and the Department will not consider late applications that are the result of a failure to register or comply with Grants.gov applicant requirements in a timely manner. For information and instruction on each of these processes, please see instructions at <https://www.grants.gov/applicants/applicant-faqs.html>. If applicants experience difficulties at any point during the registration or application process, please call the Grants.gov Customer Service Support Hotline at 1 (800) 518–4726.

Late applications that are the result of failure to register or comply with Grants.gov application requirements in a timely manner will not be considered. Applicants experiencing technical issues with Grants.gov that are beyond the applicant's control must contact David M. Heller at (202) 366-5737 prior to the deadline with the username of the registrant and details of the technical issue experienced. The applicant must provide: (i) details of the technical issue experienced; (ii) screen capture(s) of the technical issue experienced along with the corresponding "Grant tracking number" that is provided via Grants.gov; (iii) the "Legal Name" for the applicant that was provided in the SF-424; (iv) the name and contact information for the person to be contacted on matters involving submission that is included on the SF- 424; (v) the Unique Entity Identifier number associated with the application; and (vi) the Grants.gov Help Desk Tracking Number.

## **E. Application Review Information**

### *1. Selection Criteria*

This section specifies the criteria that MARAD will use to evaluate and award applications for Small Shipyard Grants. These criteria incorporate the statutory eligibility requirements for this Program, which are specified in this notice as relevant, as well as Departmental and programmatic priorities.

#### (a) Primary Selection Criteria.

Consistent with the requirements of 46 U.S.C. 54101(b)(1), MARAD will evaluate applications based on how effective the projects for which funding is sought will be in fostering efficiency, competitive operations, and quality ship construction, repair, and reconfiguration (for capital improvement projects) or how effective the projects will be in fostering employee skills and enhancing productivity related to shipbuilding, ship repair, and associated industries. To facilitate the technical review, applications should focus on *Section 2* in Section D.2, especially *Section 2(c)* to offer the best chance of an award.

#### (b) Secondary Selection Criteria.

After applying the above statutory primary selection criteria, MARAD will consider the following secondary selection criteria when evaluating applications.

- (i) **Leveraging of Federal Funds.** MARAD will give preference to those projects for which an applicant's percentage non-Federal match contribution towards the overall project is greater than the statutory 25 percent minimum and greater than other competing grant applications.
- (ii) **In support of Departmental priorities related to addressing climate change and environmental justice, advancing equity, and promoting workforce and labor standards,** MARAD will consider the extent to which the project proposed in the application addresses one or more of these priorities as described in *Section 2(g)* in Section D.2 above.
- (iii) **Domestic Preference.** Applications that propose to use grant funds for domestic-content purchases will be more competitive than those that may require a waiver to the domestic content requirements.
- (iv) **Community Development Zones.** MARAD will consider whether a project is located within a Federally designated community development zone such as a qualified Opportunity Zone, Empowerment Zone, Promise Zone, or Choice Neighborhood. A project located in a Federally designated community development zone is more competitive than a similar project that is not located in a Federally designated community development zone. MARAD will rely on applicant-supplied information to make this determination and will only consider this if the applicant expressly identifies the designation in their application.

## *2. Review and Selection Process*

MARAD will review all eligible applications received before the deadline. The Small Shipyard Grant review and selection process consists of three phases: Technical Review, Senior Review, and Final Selection. In the Technical Review phase, a Review Panel made up of technical experts,

including naval architects and engineers from MARAD's Office of Shipyards and Marine Engineering, will review all timely applications. Additional input may be provided to the Review Panel on economic issues by the Office of Financial Approvals, on environmental issues by the Office of Environment, and on legal issues by the Office of Chief Counsel. The Review Panel will assign a rating of "Highly Recommended," "Recommended," or "Not Recommended" based on how well each application aligns with the primary selection criteria. After applying the statutory primary selection criteria, MARAD will consider the secondary selection criteria described in section E.1.b when evaluating applications.

In the second review phase, the Senior Review Team, which is led by the Maritime Administrator, will consider applications based upon the input of the Review Panel. The Senior Review Team will determine which projects to advance to the Under Secretary of Transportation for Policy.

In the third phase, the Under Secretary of Transportation for Policy selects projects for final award consistent with the selection criteria. The Under Secretary of Transportation for Policy may consider geographic diversity when making award decisions. Pursuant to the requirement at 46 U.S.C. 54101(b)(3), the Department must award grants not later than 120 days after the date of the enactment of the appropriations act.

### *3. Federal Awardee Performance and Integrity Information System (FAPIIS) Check*

Prior to obligation of funds, MARAD is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. § 2313). An applicant, at its option, may review information in the designated integrity and performance system accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. MARAD will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record

of performance under Federal awards when completing the review of risk posed by applicants.

## **F. Federal Award Administration Information**

### *1. Federal Award Notices*

Following the evaluation outlined in Section E, and after the required notice to Congress, MARAD will announce awarded projects by posting a list of selected projects at <https://www.maritime.dot.gov/grants-finances/small-shipyard-grants>. The Department shall award grants under this section not later than 120 days after the date of the enactment of the appropriations act for the fiscal year concerned.

Following the announcement, MARAD will contact the point of contact listed in the SF-424 to initiate development of the grant agreement. Recipients of an award will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds. Instead, Small Shipyard Grant funds will reimburse recipients only after grant agreements have been executed, allowable expenses are incurred, and valid requests for reimbursement have been submitted and approved by the program contact. Small Shipyard Grant recipients must adhere to applicable Federal and programmatic requirements and follow established procedures to receive reimbursement.

### *2. Administrative and National Policy Requirements*

All awards must be administered pursuant to applicable Federal laws, rules, and regulations of MARAD.

Federal wage rate requirements included in Subchapter IV of Chapter 31 of Title 40, United States Code, apply to all projects receiving funds under this Program, and apply to all parts of the project, whether funded with Small Shipyard Grant funds, other Federal funds, or non-Federal funds.

All recipients must comply with the requirements under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, and their implementing regulations. Applicants should review these civil rights statutes carefully to ensure full compliance with these obligations. These requirements apply to recipients as well as all subrecipients.

As expressed in Executive Order 14005, *Ensuring the Future is Made in All of America by All*

*of America's Workers* (86 FR 7475), it is the policy of the Executive Branch to use terms and conditions of Federal financial assistance awards to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Pursuant to the requirements of the Build America, Buy America Act (Pub. L. 117-58, Division G, Title IX, Subtitle A, November 15, 2021) and 46 U.S.C. 54101(d)(2), and subject to few exceptions, no funds may be obligated by MARAD for this program unless each product or material purchased with these funds (including products and materials purchased by a grant recipient), and including any commercially available off-the-shelf item, is:

- (i) An unmanufactured article, material, or supply that has been mined or produced in the United States; or
- (ii) A manufactured article, material, or supply that has been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.

If certain foreign content is granted an exception from the Buy America requirements, a Cargo Preference requirement may apply.

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; statutory, regulatory, and public policy requirements, including without limitation, those protecting free speech, religious liberty, public welfare, the environment, and prohibiting discrimination; the conditions of performance, nondiscrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of DOT; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients must ensure that no concession agreements are denied, or other contracting decisions made, on the basis of speech or other activities protected by the First Amendment. If DOT determines that a recipient has failed to comply with applicable Federal requirements, DOT may

terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

### *3. Reporting*

Each applicant selected for a Small Shipyard Grant will be required to work with MARAD on the development and implementation of a plan to collect information and report on the project's performance with respect to the relevant long-term outcomes that are expected to be achieved through the capital project or training. Performance indicators will not include formal goals or targets, but will require analysis of post-project outcomes, which will inform the Small Shipyard Grant Program in working towards best practices, programmatic performance measures, and future decision-making guidelines.

### **G. Federal Awarding Agency Contacts**

For further information concerning this notice please contact David M. Heller, Associate Administrator for Business and Finance Development, Maritime Administration, Room W21-318, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590; phone: (202) 366-5737; or fax: (202) 366-6988. To ensure applicants receive accurate information about eligibility or the Program, you are encouraged to contact MARAD directly with questions.

### **H. Other Information**

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information you consider to be a trade secret or confidential commercial or financial information, you should do the following: (1) note on the front cover that the submission "Contains Confidential Business Information (CBI);" (2) mark each affected page "CBI;" and (3) highlight or otherwise denote the CBI portions. MARAD protects such information from disclosure to the extent allowed under applicable law. In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, MARAD will follow the procedures described in the Department of Transportation FOIA regulations at 49 CFR

7.29. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.