

criteria as defined in § 72.50(a), including:

- (i) The need for the planning grant.
  - (ii) The jurisdiction's existing or proposed commitments to developing a full Recovery Action Program and an ongoing planning process.
  - (iii) The relationship of the planning program to overall community plans and programs.
  - (iv) Appropriateness of the proposed planning program's scope, timing and methodology in relation to UPARR planning requirements and the community's identified planning needs.
  - (v) Dollars and work years to be devoted to development of each element in the proposed Recovery Action Program, including some indications of the qualifications of staff members who will work on the program.
  - (vi) If appropriate, a discussion of work elements to be contracted out to other government agencies, private consultants or private non-profit agencies, including the reasons for contracting work elements instead of doing the work within the community's own planning agencies.
- (4) Applications for RAP grants need a full 60 day A-95 clearinghouse review. Clearinghouse comments for RAP grants must then be submitted to NPS. Final RAP's also must be submitted to clearinghouses, in accordance with OMB Circular A-95.

#### **§ 72.53 Preapplication process for Rehabilitation and Innovation grants.**

To reduce the amount of time and documentation needed for a full application, and to foster the competitive aspects of the UPARR program, a preapplication procedure is used.

(a) The preapplication must provide information adequate to guide proposal selection. Grants will be awarded in accordance with the availability of funds. Funding for an approved grant will not be increased from subsequent yearly appropriations.

(b) Applicants are encouraged to discuss their proposals with their NPS Regional Office to determine basic fundability and competitiveness prior to submitting a preapplication.

(c) If a State is assisting the applicant in preapplication preparation, providing a source of matching share,

or giving technical assistance, the State may assist in submission of the preapplication to the appropriate NPS Regional Office with the applicant's prior approval. The amount, source and assurance of State assistance for a matching share must be specified in the preapplication.

(d) The following procedural guidelines shall apply to submission and approval of Rehabilitation and Innovation proposals.

(1) Preapplications shall be submitted to the appropriate NPS Regional Office by the chief executive officer of the applicant jurisdiction. The preapplication must include those items as set forth in the *Preapplication Handbook*, available from any NPS Regional Office. In addition to the narrative on selection criteria, all preapplications for Rehabilitation proposals must include a short description stating: (i) the problem addressed by the proposal, including existing conditions, (ii) the reason for the problem or why the condition exists, and (iii) the proposed solution to the problem and what corrective measures will be used.

(2) An applicant may have no more than one Innovation and one Rehabilitation proposal under consideration in any one funding cycle.

(3) Any existing and/or proposed fees or charges for recreation opportunities or services provided through a UPARR grant, whether for public, private or non-profit activities, must be identified in the preapplication.

(4) Discretionary applicants must submit a narrative statement, signed by the chief executive of the applicant jurisdiction, which explains and quantifies the degree of physical and economic distress in the community. Statistics and discussion on distress shall address, but need not be limited to, the criteria used to select eligible jurisdictions contained in Appendix A of this part. A discretionary narrative statement must be included in each preapplication.

(5) All submitted grant preapplications will be reviewed by NPS Regional Offices to assure that they meet all minimum legal and technical standards before being certified as eligible for competition. Proposals not meeting minimum standards will

## § 72.54

be returned to the applicant. Periodically, all certified proposals will be evaluated in the Regional Offices before being submitted to Washington, where they will be judged by national panels whose member are knowledgeable in recreation and urban revitalization. Innovation and Rehabilitation proposals will be judged by separate panels.

(6) Following review and ranking by the panels, the Director will approve tentative grant offers for those proposals which may be funded. Successful applicants will be notified by the NPS Regional Offices, and completion of the formal application process will take place. The formal application process must be completed within 120 days of notification of the tentative grant offer, or the tentative grant offer may be withdrawn. Final approval of a grant and obligation of funds will occur when all application requirements have been met and the appropriate documents are on file. No costs may be incurred or reimbursed, except incurred architectural and engineering fees indicated in § 72.44, until NPS approval of the grant agreement.

(7) Unfunded proposals may require modifications to improve their competitiveness. Applicants with such proposals will be advised by NPS of suggested modifications, if any, to increase their chances for funding in future grant rounds.

(8) If an applicant wishes a proposal to remain in competition, it may be considered for two additional funding cycles, with or without minor modifications, before it is returned to the applicant. Major modifications of scope and/or total funding request will require complete resubmission of a proposal as a new preapplication. Applicants who wish to change the scope and/or total funds requested for a proposal which is already in competition, must submit a written request for withdrawal of the previous proposal before submitting a new proposal in the same competition.

(9) The Director reserves the right to withdraw a grant offer if it is determined that any preapplication contains misstatements or misrepresentations of fact, or problems identified which cannot be resolved.

## 36 CFR Ch. I (7-1-22 Edition)

### § 72.54 Rehabilitation and Innovation grants—full application process.

Once a Rehabilitation or Innovation proposal has received a tentative grant offer, applicants will be responsible for compliance with all applicable Federal laws and regulations listed in OMB Circular A-102, including those specific Acts and Executive Orders listed in § 72.56 of these regulations. The applicant must also complete all documentation and other requirements specified by OMB circulars A-102, and A-95 within 120 days. Regional Offices of NPS will provide technical assistance to grantees in complying with these requirements. A grant will not be approved until the applicant is in compliance with the above requirements.

### § 72.55 [Reserved]

### § 72.56 Grant program compliance requirements.

(a) Once a proposal has received a grant offer, applicants will be responsible for compliance with all applicable Federal laws and regulations, including, but not limited to:

Architectural Barriers Act of 1968 (P.L. 90-480)  
Clean Air Act and Federal Water Pollution Control Act  
Copeland Anti-kickback Act  
Endangered Species Act of 1973 (Pub. L. 93-205)  
Executive Order 11246, Equal Employment Opportunity  
Executive Order 11593, Protection and Enhancement of the Cultural Environment  
Executive Order 11625, Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise  
Executive Order 11988, Floodplains Management  
Executive Order 11990, Protection of Wetlands  
Executive Order 12088, Federal compliance with Pollution Control Standards  
Executive Order 12185, Conservation of Petroleum and Natural Gas  
Flood Disaster Protection Act of 1973 (Pub. L. 93-234)  
Historical and Archeological Data Preservation Act of 1974 (Pub. L. 93-291) 36 CFR 66  
National Environmental Policy Act of 1969 (Pub. L. 91-190)  
National Historic Preservation Act (Pub. L. 89-665)  
Nondiscrimination section 109 of the Housing and Community Development Act of 1974 (42 USC 5301) as amended.