

**Environmental Protection Agency
Written Partnership Agreement Guidance
Between a Government Entity and a CBO**

with

Template

Compiled by

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EPA Partnership: EPA Guidance (p1) and Template (p4)

The guidance and template language below were associated with EPA Environmental Justice Government to Government (G2G) grant offering **FUNDING OPPORTUNITY NO.:**

EPA-R-OEJECR-OCS-23-02 NOT a Community Problem Solving Request for Proposals. If you, as a CBO, are asked to engage in a partnership agreement in writing in order to partner with a state, federally recognized tribal government, or local government, a good place to start is with the guidance and template below.

GUIDANCE from a Government to Government Grant Offering

Although under section 138(b)(3)(A) partnerships between institutions of higher education and CBOs are eligible entities, for policy reasons **EPA is limiting eligibility for this RFA to partnerships between units of government and CBOs.** Note that this limitation applies to institutions of higher education that are agencies and instrumentalities of state or tribal governments such as state universities and tribal colleges under this RFA.

Requirements of a Threshold Eligibility Qualifying CBO Partnership – For the purposes of the Environmental and Climate Justice Block Grants programs authorized by section 138 of the Clean Air Act that are covered by this RFA, a **“partnership” is a formal relationship between a state, federally recognized tribal government, or local government and a CBO that is memorialized in writing and is legally binding under applicable law.** This requirement does not apply to state recognized tribes, FAS, U.S. territories, Puerto Rico, and remote tribal governments (federally recognized or state recognized).

The qualifying partnership agreement must be signed by both parties and specify which member of the partnership will enter into the assistance agreement with EPA for the purposes of accountability for the proper expenditure of federal funds and receipt of the funds from EPA, performance of the assistance agreement, liability for claims for recovery of unallowable costs incurred under the agreement and must specify roles in performing the proposed scope of work for the assistance agreement. For purposes of this RFA, the direct recipient of the EPA funds must be the state, local, or federally recognized tribal government partner and the CBO(s) partners must receive the funds from the direct recipient as subawards. Thus, a qualifying partnership must include a subaward agreement from the direct recipient of EPA funds to the partnering CBO(s).

Additionally, Letters of Commitment from the partnering CBO(s) must indicate a subaward agreement is planned to establish the partnership. The qualifying partnership agreement must also at a minimum specify other roles and responsibilities of each partner, including how the priority environmental and public health issues of the disadvantaged communities being served by the partnership are identified and selected for projects and activities, as well as the role of community leaders in the decision-making processes and implementation of the proposed projects for funding. NOTE - Applicants are not required to include the qualifying partnership agreement as a part of their workplan but must include the necessary details as expressed above for the expected subaward(s) between the direct recipients of EPA funds and the partnering CBO(s). If a non-financial relationship exists between entities (e.g., in-kind support on the project), then a letter of commitment explaining the non-financial relationship is sufficient.

Letters of Commitment – Applicants should include signed letters of commitment from the partnering CBOs (and entities from other stakeholder groups) that provide detailed information about the partnership agreement (e.g., roles and responsibilities), including information about the planned subaward (if applicable). Only partnerships that include a signed letter of commitment will be considered valid partnerships during the evaluation of your application. Please do not include generic letters of support. A generic letter of support will not count as a valid letter of commitment. EPA strongly encourages EJG2G projects to include at least three partners from three different stakeholder groups

Nonprofit Organization Definition – For the purposes of the “nonprofit organization” requirement for qualifying as a CBO consistent with the definition of *Nonprofit organization at 2 CFR 200.1*, the term “nonprofit organization means any corporation, trust, association, cooperative, or other organization that is operated mainly for scientific, educational, service, charitable, or similar purpose in the public interest and is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization. Eligible nonprofit organizations may, but are not required to be, exempt from taxation under section 501 of the Internal Revenue Code. Workforce Investment Boards and organized Labor Unions that meet these criteria may be eligible community-based nonprofit organizations.

Nonprofit organizations described in Section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995 are not eligible to apply.

The following entities are **INELIGIBLE** to receive a direct award as described in Section A above, but we **strongly encourage** applicants to work with these entities as appropriate (e.g., through procurement contracts or subawards). (See competition requirements in [Contracts and Subawards solicitation clause](#)) to perform the project:

- A. Public and Nonprofit institutions of higher education, including state and tribal colleges and universities even if they are instrumentalities of state or tribal government.
- B. Hospitals and medical facilities even if they are instrumentalities of state, tribal or local governments.
- C. Non-profit organizations even if they are CBOs.⁷
- D. For-profit businesses
- E. Faith-based organizations and local houses of worships
- F. Civic and philanthropic organizations
- G. International Organizations⁸
- H. Individuals

B. COST-SHARING OR MATCHING FUNDS

No cost-sharing or matching is required as a condition of eligibility under this competition.

Relevant regulations noted in FUNDING OPPORTUNITY NO.: EPA-R-OEJECR-OCS-23-02

Note that as provided in CAA 314 contractors and subcontractors for construction projects receiving financial assistance under CAA 138 must comply with the U.S. Department of Labor's regulations (29 CFR Parts 1, 3, and 5) implementing Davis-Bacon Act prevailing wage requirements. EPA will use the definition of the term *Construction* in 40 CFR 33.103 to determine Davis Bacon Act applicability. Any infrastructure project as defined in M-22-11 must also comply with the domestic content preferences in the Build America, Buy America Act for iron and steel, manufactured products, and construction materials. Please note that infrastructure projects under \$250,000 may be covered under EPA's [Small Project General Applicability waiver](#).

The EPA also encourages project labor agreements (i.e. pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project); the use of an appropriately trained workforce (i.e., through registered apprenticeships and other joint labor-management training programs that serve all workers, particularly those historically excluded); the use of an appropriately credentialed workforce (i.e., requirements for appropriate and relevant professional training, certification, and licensure); and neutrality with respect to union organizing.)

Template Example 1:

Government Entity Name - CBO Name (See guidance above)

This document establishes a partnership between (*Government Entity Name, Address, Program, Contact Title, Contact Name, Email, Phone*) and Co-Applicant (*CBO Name, Address, Program, Contact Title, Contact Name, Email, Phone*)

This “partnership” is a formal relationship between a local government and a CBO that is memorialized in writing and is legally binding under applicable law.

(*Government Entity Name*) will enter into the assistance agreement with EPA for the purposes of accountability for the proper expenditure of federal funds and receipt of the funds from EPA, performance of the assistance agreement, liability for claims for recovery of unallowable costs incurred under the agreement and **the following roles in the proposed scope of work for the assistance agreement.**

Because the Intergovernmental Review of Federal Programs may be applicable to awards resulting from this announcement, EPA implemented the Executive Order in 40 CFR Part 29. EPA may require applicants selected for funding to provide a copy of their application to their State Point of Contact (SPOC) for review as provided at 40 CFR 29.7 and 40 CFR 29.8.

If submission is required, (*Government Entity Name*) will submit the application to the SPOC for Florida:

Chris Stahl
 Florida State Clearinghouse
 Florida Dept. of Environmental Protection 3800 Commonwealth Blvd.
 Mail Station 47
 Tallahassee, Florida 32399-2400
 Telephone: (850) 717-9076 Chris.Stahl@FloridaDEP.gov
 Submissions: State.Clearinghouse@FloridaDEP.gov

(*CBO Name*), as a CBO partner will receive funds from (*Government Entity Name*) as a subaward.

(*Government Entity Name*) will (1) maintain an up to date SAM.gov account, establish and maintain an ASAP account for the purpose of receiving EPA funds, and provide interim and final financial reporting. (2) Execute subaward agreements with additional partners, which may include (*list the entities in your partner chart*).

Subaward agreement from (Government Entity Name) to (CBO Name):

If funded, (CBO Representative Name, Position) of (CBO Name) will serve as Project Manager. The Project Manager will:

Coordinate these Activities: (List of Relevant Activities from the Activities and Milestones Chart) and

Report these Outputs: (List of Relevant Outputs from the Logic Model and/or Performance Management Plan)

(Government Entity Name) will also assure that construction contracts are compliant with relevant regulations noted in **FUNDING OPPORTUNITY NO.:** (Funding Opportunity Number) Estimated costs for construction contracts appear in the “Construction” line item and estimated costs for architectural and engineering services appear in the “Contractual” line item in the detailed budget sheet and the SF 424 A form.

Required Signatures

Title, Name of Government Entity Representative
Government Entity Name

Title, Name of CBO Representative
CBO Name