



FLORIDA RESTORE ACT CENTERS OF EXCELLENCE RESEARCH GRANTS PROGRAM

REQUEST FOR PUBLIC COMMENTS ON RULES AND POLICIES

Prepared by the Florida Institute of Oceanography, Gulf Coast State Entity for Florida’s RESTORE Act Centers of Excellence Research Grant Program (CERGP)

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BACKGROUND AND PURPOSE:

RESTORE Act:

The Florida Institute of Oceanography (FIO) is seeking **public input on proposed rules and policies for the state of Florida’s RESTORE Act Centers of Excellence Research Grants Program (via [on-line survey](#) or Attachment A)**. The Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act, P.L. 112-141), establishes a Gulf Coast Restoration Trust Fund in the Treasury of the United States. Eighty percent of the civil penalties paid after July 6, 2012, under the Federal Water Pollution Control Act (33 U.S.C. 1321) in connection with the *Deepwater Horizon* oil spill will be deposited into this Trust Fund. By 2015, the Trust Fund will include at least \$800,000,000 from the Transocean criminal settlement. More Trust Fund funding is expected following resolution of the civil trial for Clean Water Act penalties via future plea agreement or related settlement.

In August 2014, Treasury released the Interim Final Rulemaking for the RESTORE Act. The Final Rulemaking is due to be effective on Oct. 15, 2014. This Rulemaking (interim or final versions) is hereafter referred to as the **RESTORE Act regulations**, available with the original RESTORE Act legislation via [Treasury’s RESTORE Act Web site](#). RESTORE Act programs include five components, including the *Centers of Excellence Research Grant Program* (CERGP) (RESTORE Act regulations, sub-part H, section §34.700), to receive 2.5% of Trust Fund principal divided equally among the five Gulf coast state entities (0.5% to Florida, ~\$4 million from the Transocean settlement). The [Florida Institute of Oceanography \(FIO\)](#) is the Gulf coast state entity responsible for administering Florida’s CERGP.

CERGP Focus Areas:

As required in the RESTORE Act regulations and Treasury guidelines, FIO and the FL CERGP seeks to engage the broadest cross-section of participants with interest and expertise in science, technology, and

monitoring (RESTORE Act regulations, sub-part H, section §34.704, also shown below) in *at least one of* the following eligible **priority disciplines** (focus areas):

1. Coastal and deltaic sustainability, restoration and protection, including solutions and technology that allow citizens to live in a safe and sustainable manner in a coastal delta in the Gulf Coast Region;
2. Coastal fisheries and wildlife ecosystem research and monitoring in the Gulf Coast Region;
3. Offshore energy development, including research and technology to improve the sustainable and safe development of energy resources in the Gulf of Mexico;
4. Sustainable and resilient growth, economic and commercial development in the Gulf of Mexico; and/or
5. Comprehensive observation, monitoring, and mapping of the Gulf of Mexico.

Requirement for Public Comments:

The RESTORE Act regulations interpret RESTORE Act requirements for all components supported by the Trust Fund. In September 2014, Treasury posted [guidance to the Gulf coast state entities](#) (listed in RESTORE Act regulations, sub-part H, section §34.702) responsible for administering their state's CERGP. [FIO](#), the designated Gulf coast state entity for Florida, is an Academic Infrastructure Support Organization established by the State of Florida Board of Governors to facilitate a diverse and collaborative statewide forum to address Florida's problems of concern in coastal oceanographic research and education. The RESTORE Act regulations and subsequent Treasury guidance require that FIO provide the public with a **45 day public comment period on their proposed "rules and policies, including the competitive selection process"** (RESTORE Act regulations, sub-part H, section §34.703).

RULES AND POLICIES FOR FLORIDA CERGP:

CERGP Organization:

The FL CERGP will include the following organizational elements:

- FIO will serve as the CERGP program office and host a CERGP Program Coordinator responsible for tasks that the Gulf coast state entities must perform including: duties as defined in Treasury's [RESTORE Act Centers of Excellence Research Grants Program Guidelines and Application to Receive Federal Financial Assistance](#), section 7.0 (e.g., annual reports to Gulf Coast Ecosystem Restoration Council); coordination of competitive selection process for FL CERGP grants; and coordination with other Gulf restoration programs as mandated by the guidelines and RESTORE Act [section 1604(f)]. These program partners include but are not limited to: other Gulf coast state entities and their CERGPs; other RESTORE Act components (sections 1603 and 1604); National Fish and Wildlife Foundation Gulf Environmental Benefit Fund; National Academies of Science Gulf Research Program; Natural Resources Damage Assessment and Restoration Program; Gulf of Mexico Research Initiative; North American Wetlands Conservation Act, Gulf Program Fund; and other programs that may be funded by future litigation or settlements.
- CERGP Management Team (CMT) will include the FIO Director, FIO Board of Visitors, and invited experts. CMT members will not be eligible to submit or participate on CERGP grant proposals.
- A Science Review Panel (SRP) will be chosen and approved by the CMT and consist of science and technology experts not involved in any CERGP proposals, from in and outside Florida.
- As required by the Treasury Guidelines, FL CERGP will award "*competitive grants (i.e., sub-awards) to nongovernmental entities and consortia in the Gulf Coast Region, including public and private institutions of higher education*"; so, FL CERGP grants must be led by a Florida based (i.e. headquartered and primarily operating in Florida) public or private institution of higher education (lead PI from same) or other not for profit institution headquartered in Florida and primarily operating in Florida in the area of ocean research with an established infrastructure and history of successful grant management, but may include other partnering entities (institutions, organizations, agencies, companies) from in or outside Florida.

- As required by the RESTORE Act, field projects must be located in the Gulf Coast Region, as defined at 31 C.F.R. §34.2; for Florida, this includes oceans and coasts off the coastal counties that border the Gulf of Mexico (Monroe County north to Escambia County).
- An individual may only be the lead Principal Investigator (PI) on one CERGP grant proposal, but may participate in others in any other capacity. Each PI and co-PI on invited Final Proposals will be required to submit a Conflict of Interest Statement.
- As required by the Treasury Guidelines, *“priority will be given to proposals that engage a broad cross-section of participants with interest and expertise in science, technology, and monitoring”* relevant to at least one of the eligible disciplines (to be determined).

Requirements for Project Administration:

- Cost Sharing or Matching Requirements: No cost sharing is required for CERGP grants.
- Record keeping: Protocols for sampling, sample processing and record-keeping, and data management must be consistent with [guidance documents](#) developed for Natural Resource Damage Assessment under the Oil Pollution Act of 1990 and the Damage Assessment Remediation and Restoration Program, NOAA, August 1996.
- Publications: Work conducted under CERGP grants will result in publications in peer-reviewed (refereed) journals, or equivalent media.
- Intellectual Property: Any intellectual property funded by a CERGP grant will abide with the responsible investigator’s home entity. In consultation with PIs, at any time FIO may use photos, data, results, and appropriate documentation to highlight and publicly share FL CERGP outcomes.
- Progress Reporting: Grant recipients will be required: to submit semi-annual progress reports with financial statements, in specified format as defined in grant terms and conditions; to participate in an annual CERGP all-hands meeting; and to participate in quarterly stakeholder webinars to highlight and share recent accomplishments.
- Auditing: Consistency and uniformity standards for audit of non-profit organizations expending federal awards, including their grant recipients, are defined in [Circular A-133](#) issued pursuant to the Single Audit Act of 1984 ([P.L. 98-502](#)), and the Single Audit Act Amendments of 1996 ([P.L. 104-156](#)).

Grants Selection:

Evaluation process:

- FIO will maintain a process for evaluating CERGP grant proposals using best practices to ensure no conflicts of interest and a fair, transparent, quality and relevance-based competition, modeled after the National Science Foundation’s related policies ([NSF Policies Manual, Chap. 5, Section 510](#)).
- Announcement of Opportunity (AO): The initial Announcement of Opportunity (AO) request for proposals will be developed by the CMT based on public comments and consultation with the SRP, and be publicly available for at least 30 days.
- Letters of Intent: Required prior to submission of all final proposals, Letters of Intent will be reviewed and ranked by the SRP, who will recommend a cut-off below which final proposals should not be encouraged. Final decision and invitations to submit final proposals will be made by the CMT.
- Final proposals: Final proposals will be due 60 days after invitation. Proposals will be reviewed and ranked by the SRP. As with Letters of Intent, the SRP will recommend a cut-off ranking for proposals worthy of support. The CMT will then make final award decisions from within this pool of highest ranking proposals based on the evaluation criteria below, available funding, and how the proposed activities integrate and complement all Gulf-wide restoration programs.
- **Proposal Evaluation Criteria:** Assuming basic eligibility requirements are met, proposals will be evaluated based on the following additional criteria:

Program and Scientific Merit (70%):

- ✓ Scope and quality of proposed research
- ✓ Demonstrates intent to use “best available science” as defined by the [Federal Water Pollution Control Act \[33 U.S.C. 1321\(a\)\(27\)\]](#)

- ✓ Measurable outcomes relevant to Centers of Excellence Research Grants Program purpose, and Gulf-wide restoration.
- Capability and Experience (30%):
- ✓ Demonstrated record of scientific achievement by proposed consortium
 - ✓ Expertise and track record of Principal Investigators (PI) in the proposed research
 - ✓ Demonstrate ability to establish the broadest cross-section of participants in the grant with interest and expertise in science, technology, and monitoring in the discipline(s) on which the consortium is focused.
 - ✓ Realistic research timeline and availability of appropriate facilities for duration of the project.

Proposal Format:

- Letters of Intent:
 - 1-page cover letter from the lead PI and copied to their institutional representative
 - 3-page description including priority focus area(s), science and technology objectives, benefits to Gulf ecosystem restoration and estimated cost of the proposed work
 - Complete list of confirmed co-PIs.
- Final Proposal: Final proposal content and format will be determined by the CMT based on public comments and consultation with the SRP and defined in the initial AO.

Selection Process Timeline

Milestones:

The following tentative timeline for the CERGP grants selection process is based on an estimated requirement for at least 10 months to conduct all tasks from the opening of the comment period to awards; dates subject to change:

Date	Event
10/15/14	FL CERGP rules & policies public scoping begins (45 days)
TBD	Regional comment meetings (north, central and south FL)
12/1/14	Comment period closes
12/19/14	Priority disciplines determined, Announcement of Opportunity (AO) with rules/policies written and reviewed (~20 days)
1/5/15	AO call for proposal Letters of Intent (~30 days)
2/5/15	Letters of Intent due and reviewed (~20 days)
3/1/15	Final proposals invited (~60 days)
5/1/15	Final proposals due and reviewed (~60 days)
7/1/15	FL CERGP grants awarded

REQUEST FOR COMMENTS:

As required by the Treasury RESTORE Act regulations and guidance, this 45 day comment period is to seek public input on *the Rules and Policies for the Florida Centers of Excellence Research Grants Program, including the proposed grant selection process*. Efforts to seek feedback from a broad cross-section of the public including non-governmental and tribal organizations, and under-represented groups will include: announcement of scoping via Web and regional listservs; Web portal and on-line survey (Attachment A); Spanish version of this scoping document and survey; and at least three regional scoping meetings across Florida during the comment period. These documents, and final agenda/dates/times and locations for the scoping meetings will be posted on [FIO’s RESTORE Act web site](#). The [on-line survey](#) is the preferred survey tool and intended to solicit feedback on the above rules and policies.

Please submit comments to the [on-line survey](#) by Dec. 1, 2014, 5pm ET. If you are unable to submit via the on-line poll, please use Attachment A and return your survey responses via email to fiio@usf.edu, FAX to 727-553-1109 (Attn: FIO CERGP), or postal mail to: FIO Centers of Excellence Research Grants Program, 830 First St. S, St. Petersburg, FL 33701.

ATTACHMENT A: PUBLIC COMMENTS SURVEY

SURVEYMONKEY POLL AT https://www.surveymonkey.com/s/fio_cergp.