



**FLORIDA RESTORE ACT CENTERS OF EXCELLENCE PROGRAM
(FLRACEP)**

RULES AND POLICIES

Prepared by the Florida Institute of Oceanography, Gulf Coast State Entity for Florida’s RESTORE Act, section 1605, Centers of Excellence Research Grant Program

ABSTRACT

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 2010 *Deepwater Horizon* oil spill will be deposited into this Trust Fund. RESTORE Act programs include five components, including the *Centers of Excellence Research Grant Program* (CERGP) (RESTORE Act regulations, sub-part H, section §34.700), mandated to receive 2.5% of Trust Fund principal plus 25% of the interest accrued, divided equally among the five Gulf coast state entities (0.5% to Florida or ~\$4 million from the 2012 Transocean settlement). The Florida Institute of Oceanography (FIO) will host Florida’s CERGP, hereafter known as the **Florida RESTORE Act Centers of Excellence Program (FLRACEP)**. The U.S. Treasury Department issued the final RESTORE Act Rulemaking in October 2014, including the requirement for all CERGP host entities to produce *Rules and Policies* after public scoping, conducted from Oct. 15 to Dec. 1 2014 for FLRACEP. These *Rules and Policies* are based on the RESTORE Act, Treasury Rulemaking and guidance, public comments and approval by the FLRACEP Management Team (MT). They provide an operational framework for program implementation including subsequent Requests for Proposals (RFP).

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BACKGROUND AND PURPOSE

RESTORE Act

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 2010 *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 is 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 plus 25% of the interest accrued, divided equally among the five Gulf coast state entities (0.5% to Florida or ~\$4 million from the Transocean settlement). The [Florida Institute of Oceanography \(FIO\)](#) is the Gulf coast state entity responsible for administering Florida's CERGP, hereafter known as the **Florida RESTORE Act Centers of Excellence Program (FLRACEP)**.

The RESTORE Act regulations and Treasury guidelines require that the FLRACEP seek 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**”:

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
5. Comprehensive observation, monitoring, and mapping of the Gulf of Mexico.

Each Gulf Coast State entity is responsible for developing their work plan, including which discipline(s) they will support and program rules and policies, with input from stakeholders.

Public Comments

Treasury's RESTORE Act Rulemaking interprets RESTORE Act requirements for all components supported by the Trust Fund that Treasury is required to administer, which includes the Direct Component (component 1) and the CERGP (component 5). 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. As required by the RESTORE Act Rulemaking and subsequent Treasury guidance, FIO provided the public with a **45 day public comment period on proposed "rules and policies, including the competitive selection process"** (RESTORE Act regulations, sub-part H, section §34.703). Based on this input, with consent from the FLRACEP Management Team (MT), following are the FLRACEP *Rules and Policies*.

PROGRAM ADMINISTRATION

Organization & Governance

The FLRACEP will include the following organizational elements (**Figure 1**):

PROGRAM OFFICE: FIO will serve as the FLRACEP program office. The **FIO Director** will be ultimately responsible for program funds and performance, including: creation and approval of annual reports to Gulf Coast Ecosystem Restoration Council; creation and approval of Program Strategic Plan; creation and approval of Requests for Proposals (RFPs) for grants or contracts; transactions (e.g., audits) and liaison with Department of Treasury. The **Program Director** will report to the FIO Director and be 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; coordination of competitive selection process for FL Center of Excellence grants; developing CE award terms and conditions and monitoring performance based on required deliverables and metrics; and coordination with other Gulf restoration programs as mandated by the guidelines and RESTORE Act [section 1604(f)]. The Program Director will also represent the Florida Centers of Excellence (CEs) on regional coordination activities (e.g., NOAA RESTORE Science Program advisory working group, group 1).

CENTERS OF EXCELLENCE (CE): The FLRACEP will establish Centers of Excellence (CE) via competitive grants or contracts to produce outputs and outcomes that address the eligible

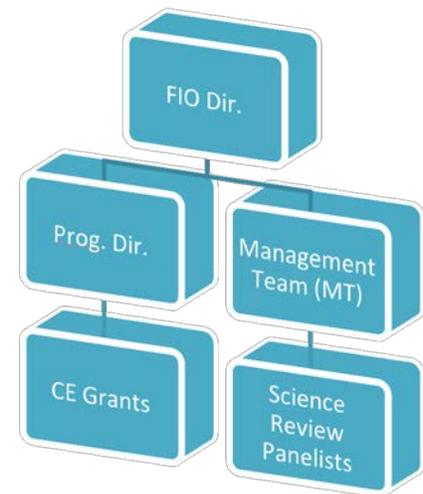


Figure 1. FLRACEP organization.

disciplines. All CE activities will be carried out in accordance with guidelines and requirements as defined in these Rules and Policies. Specific responsibilities of the Principal Investigator and grantee institution will be further defined in Requests for Proposals (RFPs) and in subsequent award terms and conditions.

MANAGEMENT TEAM: The Program Management Team (PMT) includes the FIO Director and other senior-level advisors appointed by the FIO Director, based on their knowledge of FL regional science, technology and management needs. Members are not eligible to submit or participate on FLRACEP grant or contract proposals. Their tasks include:

- Review and approve FLRACEP *Rules and Policies* and Requests for Proposals (RFP)
- Review and approve Letters of Intent (LoI) and Final Proposals
- Review and approve program plans and reports, e.g., mandated annual report to the RESTORE Act Gulf Coast Ecosystem Restoration Council
- Participate in annual all-hands meeting with grantees and other state CERGPs.

SCIENCE REVIEW PANEL: The Science Review Panel (SRP) is an ad hoc team chosen and approved by the MT responsible for technical review of grant proposals; the Panel will consist of science and technology experts not involved in any FLRACEP proposals, from in and outside Florida.

In addition to the FLRACEP program elements, the program will work to establish and nurture regional partnerships including, for example: 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. Agreements may be utilized to define joint activities, similar to the [MOU that FIO now has in place with the US Coast Guard District 7](#) to support oil spill response activities off Florida. These partner agreements will not commit funding or resources, but serve to promote communications and potential for collaboration. Some partnerships are mandated by the RESTORE Act; FLRACEP is required to report to the RA sec. 1603 Gulf Ecosystem Restoration Council each year. The RA sec. 1604 NOAA RESTORE Act Science Program is required to coordinate with the CERGPs, and will include their representatives on their [Science Advisory Working Group](#).

Eligible Activities

Based on public scoping and consent of the MT, the FLRACEP will focus on three of the five eligible disciplines:

- Coastal fisheries and wildlife ecosystem research and monitoring in the Gulf Coast Region;
- Comprehensive observation, monitoring, and mapping of the Gulf of Mexico; and
- Coastal sustainability, restoration and protection, including solutions and technology that allow citizens to live in a safe and sustainable manner.

Each Request for Proposals (RFP) may address one or more of these priority disciplines, including more specific priorities within these disciplines, based on funding available, public comments, and the MT’s assessment of current regional needs and gaps.

After indirect charge (10% of total funding), remaining funds will be invested in: program administration costs (11.7% of total funding); competitive grants to non-governmental entities in the Gulf Coast Region, including public and private institutions of higher education (63% of total funding); and Florida and Gulf-wide collaborative activities (15.3% of total funding), for example, jointly funded ecosystem-scale restoration or rapid response programs.

As required by the RESTORE Act, FLRACEP-sponsored field efforts must be located in the Gulf Coast Region (as defined at 31 C.F.R. §34.2), which includes oceans and coasts off coastal counties that border the Gulf of Mexico, from 25 nm inland from the coastline to the offshore boundary of the Exclusive Economic Zone. For FLRACEP, emphasis will be placed on fieldwork in waters off Florida from Monroe County (Gulf-side only in the Florida Keys including Florida Bay) north to Escambia County (**Figure 2**).

FLRACEP 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

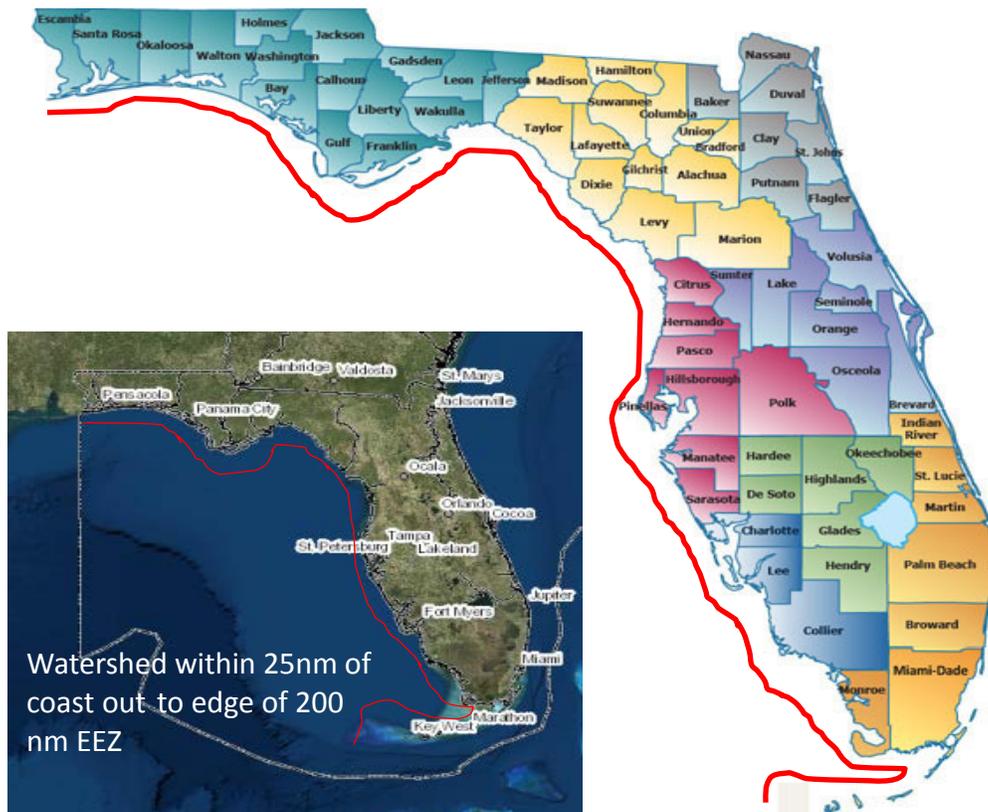


Figure 2. FLRACEP field projects must be conducted in the Gulf Coast Region, from 25 nm inland to the offshore edge of the EEZ; FL CERGP will prioritize but not limit fieldwork to waters off Monroe to Escambia Counties (Red line).

successful grant management. Grants may include other partnering entities (institutions, organizations, agencies, companies) from in or outside Florida.

An individual may only be the lead Principal Investigator (PI) on one FLRACEP 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 Disclosure form.

PROJECT ADMINISTRATION

Grants Selection Process

FIO will maintain a process (**Figure 3**) for evaluating FLRACEP grant proposals using best practices to ensure no conflicts of interest and a fair, transparent, merit and relevance-based competition, modeled after the National Science Foundation's related policies ([NSF Policies Manual, Chap. 5, Section 510](#)). Key elements of the process include:

- Request for Proposals (RFP): The initial RFP will be developed by the MT based on public comments and be publicly available for at least 30 days. The RFP will be shared broadly using similar avenues used for public scoping of these Rules and Policies.
- Letters of Intent (LoI): Required prior to submission of all final proposals, Letters of Intent will be reviewed and ranked by the MT, who will then make final decisions regarding invitations to submit final proposals. Formatting specifics will be included with each RFP. The purpose of the LoI is to inform selection of a review panel and invitation to submit is not required to submit a final proposal.
- Final proposals: Final proposals will be due 60 days after invitation. Proposal formatting specifics will be included with and unique to each RFP. Assuming basic eligibility requirements are met, proposals will first be evaluated by the SRP based on the merit, qualifications and broader impact criteria (Table 1). The SRP will recommend a cut-off ranking for proposals worthy of support. The MT will then make final award decisions on Centers of Excellence grants 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.



Figure 3. FLRACEP proposal review process.

Table 1. Review criteria for evaluating FLRACEP grant proposals.

Category (weight)	Criteria
Merit and Relevance (60%)	<ul style="list-style-type: none"> ✓ Measurable outcomes relevant to FLRACEP priorities, and Gulf-wide restoration. ✓ Quality and soundness of proposed research. ✓ Need for proposed outputs by ecosystem decision and policy-makers. ✓ Innovation of proposed activities, and for technology developments, clear pathway for transition to applications. ✓ Demonstrated use of “best available science” as defined by the Federal Water Pollution Control Act [33 U.S.C. 1321(a)(27)].
Qualifications and Collaboration (30%)	<ul style="list-style-type: none"> ✓ Expertise and track record of Principal Investigators (PI) in the proposed research. ✓ Realistic research timeline and availability of appropriate facilities for project duration. ✓ Demonstrated connection (coordination and/or collaboration) with other restoration program activities.
Broader Impacts (10%)	<ul style="list-style-type: none"> ✓ Support for formal education, which may include secondary school, college, and professional development activities. ✓ Education and training for under-represented groups in Florida coastal communities. ✓ Support for informal education (outreach) activities that engage and inform a broad cross-section of stakeholders in Gulf ecosystem restoration.

Property, Data Management, Records and Reporting

Intellectual property funded by a FLRACEP grant will abide with the responsible investigator’s home entity. FIO, in consultation with PIs, may at any time use photos, data, results, and appropriate documentation to highlight and publicly share program accomplishments and outcomes.

Whenever possible, work conducted under FLRACEP grants is expected to result in publications in peer-reviewed (refereed) journals, or equivalent media.

All data and derived data products and metadata must be made publicly available within one year of data acquisition, before publication that relies on the data, or before the end of the grant, whichever is soonest. Data will be archived in a regional or national repository (FLRACEP agreement to be determined), which will promote integration with other oil spill response and restoration programs, and advancement of knowledge and utility to engineers, researchers, agencies and others.

Protocols for sample and measurement collection and processing, 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.

Grant recipients will be required: to submit quarterly progress reports with financial statements (in order to justify quarterly payments) and in specified format to be defined in grant terms and conditions; to participate in an annual FLRACEP all-hands meeting; and to

participate in quarterly stakeholder webinars to highlight and share recent accomplishments.

Allowable Costs and Audits

Consistency and uniformity standards for allowable costs, and audit standards requirements for non-profit organizations expending federal awards, including their grant recipients, are defined in the federal [Uniform Grant Guidance](#). Sub-part F applies to audits of the recipient's fiscal years beginning on or after December 26, 2014. Until then, the recipient must comply with [OMB Circular A-133](#).

No cost sharing is required for FLRACEP grants.