

**GrantSolutions Non-Competitive
Bipartisan Infrastructure Law Program Funding Opportunity
for FY 2022**

The sections listed below are all required sections that are needed to submit a non-competitive funding opportunity in GrantSolutions. Some of these fields contain autogenerated information as indicated in brackets.

Opportunity Category

Mandatory

Publish Date

8/1/2022

Funding Instrument Type

Grant

Internal Title(s)

Office of Surface Mining Reclamation and Enforcement (Insert Region: Appalachian/Mid-Continent/Western Region) FY 2022 Bipartisan Infrastructure Law Program

Public Opportunity Title

Office of Surface Mining Reclamation and Enforcement (Insert region: Appalachian/Mid-Continent/Western Region) FY 2022 Bipartisan Infrastructure Law Program

Funding Activity Category

Environment, Natural Resources, Regional Development, Other: ['Infrastructure']

Funding Opportunity Number

[Auto generated in GrantSolutions]

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Funding Opportunity Description:

Background

The Bipartisan Infrastructure Law (BIL) (Pub. L. No. 117-58), also known as the Infrastructure Investment and Jobs Act, was enacted on November 15, 2021. The BIL authorized and appropriated \$11.293 billion for deposit into the Abandoned Mine Reclamation Fund administered by the Office of Surface Mining Reclamation and Enforcement (OSMRE). Of the \$11.293 billion appropriated, OSMRE will distribute approximately \$10.873 billion in BIL Abandoned Mine Land (AML) grants to eligible States and Tribes on an equal annual basis—approximately \$725 million a year—over a 15-year period. BIL AML funds will expand the AML Reclamation Program to meet the priorities described in the BIL and the Surface Mining Control and Reclamation Act of 1977 (SMCRA), as amended, which include: addressing coal AML related problems described in sections 403(a), 403(b), and 410 of SMCRA, reduction of methane emissions, and providing employment for current and former employees of the coal industry.

OSMRE's "[Guidance on the Bipartisan Infrastructure Law Abandoned Mine Land Grant Implementation](#)" provides additional details on the BIL AML Program.

Competition ID

[auto generated]

Federal Register Document Number

N/A

Due Date & Time

3/31/2023 (GMT - 05:00) Eastern Time (US & Canada)

Agency Contact for Electronic Access Problems

Yetunde Richardson, Grants Management Specialist

Phone: (202) 208-2766

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Email Address: yrichardson@osmre.gov

Email Description: Technical Support

Program Type:

Office of Surface Mining Reclamation and Enforcement

Grant Program [auto generated]

OSMRE Bipartisan Infrastructure Law Program

Grants Management Officer (GMO)

[Varies by regional office; to be determined]

Assistance Listing (CFDA) Number

15.252 - Office of Surface Mining Reclamation and Enforcement

Assistance Type

(03) Formula Grant

Eligibility Category

Native American Tribal governments (Federally recognized), State governments

Additional Information Applicant Type

Organizations Only

Estimated Project Start Date

1/2/2023

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Estimated Project End Date

8/29/2027

Fiscal Year

2022

Expected Number of Awards

23

Award Ceiling

\$244,904,082

Award Floor

\$986,367

Grace Period (Days)

N/A

Cost Sharing or Matching Requirement

No

Electronic Requirement

Yes

Expected Number of Applications

23

Expected Application Size (MB)

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20

Area Workload

[Select one option: AR, MCR, WR]

Grants Service Office, Program Service Office, Service Area

[Select Option: AR, MCR or WR]

Announcement Type

New

Is this a Directed Announcement?

Yes

Show Organizations

State	FY22 BIL AML Eligibility*
Alabama	\$20,451,000
Alaska	\$1,333,000
Arkansas	\$1,700,000
Colorado	\$9,967,000
Illinois	\$75,763,000
Indiana	\$24,666,000
Iowa	\$5,988,000

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Kansas	\$4,855,000
Kentucky	\$74,253,000
Maryland	\$4,812,000
Missouri	\$5,862,000
Montana	\$4,601,000
Navajo Nation	\$1,662,000
New Mexico	\$2,423,000
North Dakota	\$3,102,000
Ohio	\$46,444,000
Oklahoma **	\$3,492,000
Pennsylvania	\$244,904,000
Tennessee	\$8,578,000
Texas	\$986,000
Utah	\$5,769,000
Virginia	\$22,790,000
West Virginia	\$140,751,000
Wyoming	\$9,697,000
Total	\$724,849,000

*Dollars have been rounded to the nearest thousand

**Consistent with *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), and related cases, neither the State of Oklahoma nor any of its agencies are currently eligible for BIL AML funding. *Oklahoma v. U.S. Dept. of the Interior*, No. CIV-21-719-F, 2021 WL 6064000 (W.D. Okla. Dec. 22,

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2021). If one or more entities become eligible for BIL AML grants this fiscal year, OSMRE is reserving BIL funds for AML reclamation on Indian lands in Oklahoma.

Source: <https://www.doi.gov/pressreleases/biden-administration-announces-nearly-725-million-create-good-paying-union-jobs>

Announcement Information for Public Announcement Screen.

To apply for this announcement, you must submit an electronic application in GrantSolutions.

If your organization has/had a grantee business relationship with a grant program serviced by the Office of Grants Management, and you are applying as part of ongoing grantee related activities, please access GrantSolutions.gov. To apply electronically you must first have a GrantSolutions user account. If you are already an existing grantee, please login to GrantSolutions using your existing grantee username and password. If you do not remember your account information or have not been assigned a grantee account, please contact the GrantSolutions Help Desk at (866)577-0771 or by email at help@grantsolutions.gov. GrantSolutions allows existing grantee organizations to submit their entire application online. Link to all GrantSolutions Grantee training resources: <https://home.grantsolutions.gov/home/recipient-gmm-training-resources/>.

Grant Application Information

The period of performance for BIL AML grants is five years, with the option of a one-year no-cost extension, subject to OSMRE's review and approval. In order to receive BIL AML funding, each eligible State and Tribe will need to submit a separate grant application for BIL AML grants from the traditional AML fee-based grants through [GrantSolutions](#). States and Tribes are required to ensure that expenditures for the two programs are tracked separately.

Appendix I of the BIL AML Guidance document, which is entitled, "Subaccounts for BIL AML Financial Assistance," provides guidance on the available subaccount categories that State/Tribal AML Programs can use in the development of their BIL AML grant application. Outlined below are the main subaccounts:

- BIL – Non-Emergency Administrative Costs
- BIL – Non-Water Supply (Coal Project) Costs
- BIL – Water Supply Project Costs
- BIL – Coal Projects Engineering & Design Costs
- BIL – AMD Operational and Maintenance Costs
- BIL – Emergency Project Costs

Pending Paperwork Reduction Act clearance, when applying for BIL AML grants, State and Tribal AML Programs should include the following information as part of the application package using the OSM-51, Program Narrative Form included in the Funding Opportunity Application Package:

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- For FY 2022, States and Tribes are encouraged, but will not be required, to provide a list of projects expected to be funded in the upcoming year in their application.
- Starting in FY 2023, a description of each proposed project to be funded during the grant period of performance (see Appendix II of the BIL AML Guidance Document).
- A description of the State or Tribe’s prioritization process or ranking system for the selection of proposed projects;
- A description of the process the State or Tribe will use to obtain public input to develop the list of projects to be funded;
- A statement of the estimated benefits that will result from carrying out projects under the grant;
- A statement of how the State or Tribe will prioritize projects employing current or former employees of the coal industry, consistent with applicable State or Tribal law;
- Plans for engaging with other Federal, State, Tribal, or local governmental agencies and non-governmental entities on workforce training and development issues, including how activities encouraged under sections III and IV of the BIL AML Guidance will be implemented, if applicable, along with the names of potential partners to support recruiting and training efforts, including community colleges, workforce partners, community-based groups, and unions;
- Any known linkages to economic redevelopment opportunities created by carrying out proposed projects;
- A description of how the grantee will address environmental justice issues within coalfield communities;
- Details of how the grantee will engage with relevant State, Tribal, or local governmental agencies or non-governmental organizations to identify and address any disproportionate burden of adverse human health or environmental effects of coal AML problems on disadvantaged communities, communities of color, low-income communities, and Tribal and Indigenous communities;
- A description of whether and to what extent proposed projects may reduce greenhouse gas emissions, particularly methane emissions;
- Estimated costs for each project to be completed using the BIL AML grant funding. If BIL AML funds will be leveraged with other funding sources, such as AML-fee based grants, include this information; and,
- Proposed metrics to accurately reflect and report benefits of BIL AML projects (See Section XII, BIL AML Performance Measures & Reporting, of the final BIL AML Guidance document).

Please refer to the BIL AML Guidance Document for more details on program implementation and requirements, including but not limited to requirements at the Authorization to Proceed stage (Section IX, Project Authorization, of the final BIL AML Guidance document).

Information on BIL AML Implementation

This section provides a summary of additional program guidance, requirements, and regulations applicable to the BIL AML Program.

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In carrying out their programs with BIL AML funding, OSMRE encourages States and Tribes, consistent with applicable State or Tribal law, to:

- Use procurement processes that incentivize AML contractors to hire current and former employees of the coal industry when bidding on BIL-funded AML projects and require the collection of information from AML contractors about the number of current and former coal industry employees they employ;
- Aggregate projects into larger statewide or regional contracts as part of their procurement processes, in order to improve efficiencies in their BIL AML grant funding;
- Prioritize aggregated or larger projects in selecting projects to be funded;
- Support pre-apprenticeship, registered apprenticeship, and youth training programs that open pathways to employment by collaborating with other Federal, State, Tribal, and local government agencies and non-governmental organizations that have the relevant expertise in these areas, including the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization. While BIL AML grants may not be used to directly fund pre-apprenticeships, apprenticeships, or training programs, States and Tribes are encouraged to strengthen existing partnerships with governmental agencies and non-governmental entities that provide these types of services and to strategize on ways to promote these types of opportunities for BIL AML projects, including by identifying workforce needs for AML projects.
- Require contractors to support safe, equitable, and fair labor practices by adopting collective bargaining agreements, local hiring provisions (as applicable), project labor agreements, and community benefits agreements.
- When applicable, select project designs that reduce methane emissions from abandoned coal mine sites.
- Incorporate input from disadvantaged communities, communities of color, low-income communities, and Tribal and Indigenous communities into prioritization criteria and the method for selecting projects to be funded. For more information, see the “Public Engagement” section below.

If any of the aforementioned activities cannot be reasonably accomplished in carrying out the BIL AML program, States and Tribes should include in their grant application a detailed rationale for why the specified activity(ies) could not be implemented.

BIL AML funds may not be used, directly or indirectly, to support or oppose union organizing.

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Further, States and Tribes must implement measures to ensure that a bidder for a BIL AML contract cannot be awarded a contract or subcontract or perform any work funded by the BIL AML program, if their company, owners, controllers, corporate officers, or shareholders own or control mine operations that have any outstanding uncorrected or unabated violations. Consistent with 30 C.F.R. §§ 874.16 and 875.20, every successful bidder for an AML contract must be eligible under 30 C.F.R. §§ 773.12, 773.13, and 773.14 at the time of contract award to receive a permit or be provisionally issued a permit to conduct surface coal mining operations. At a minimum, States and Tribes must review the Applicant Violator System, and the System for Award Management and any other available information to verify the eligibility of each bidder before a contract or subcontract is awarded for any work performed and funded under the BIL AML Program.

Supporting the Justice40 Initiative: In accordance with [Executive Order 14008](#) and [Executive Order 14052](#), States and Tribes are encouraged to prioritize projects that equitably provide funding under the *Justice40 Initiative* towards meeting the goal that 40 percent of the overall benefits flow to disadvantaged communities. A “disadvantaged community” is a community that may have a combination of: low income, high and/or persistent poverty; high unemployment and underemployment; racial and ethnic residential segregation, particularly where the segregation stems from discrimination by government entities; linguistic isolation; high housing cost burden and substandard housing; distressed neighborhoods; high transportation cost burden and/or low transportation access; disproportionate environmental stressor burden and high cumulative impacts; limited water and sanitation access and affordability; disproportionate impacts from climate change; high energy cost burden and low energy access; jobs lost through the energy transition; access to healthcare; and geographic areas within Tribal jurisdictions; or based on the community’s inclusion in the [Climate and Economic Justice Screening Tool](#).

Providing Opportunities to Current and Former Employees of the Coal Industry: Under Section 40701(f) of the BIL, States and Tribes should, consistent with State or Tribal applicable law, prioritize projects that provide employment opportunities to current and former employees of the coal industry, and OSMRE will work with States and Tribes to incorporate such prioritization into their reclamation plans. To further implement the Section 40701(f) priority, States and Tribes should engage with labor or worker organizations that represent coal industry workers to identify current or former employees of the coal industry who are candidates to be employed by AML reclamation contractors. States and Tribes should maintain sufficient records to substantiate this engagement upon request.

Reduction of Greenhouse Gas Emissions: OSMRE encourages States and Tribes to consider and prioritize project designs that reduce methane emissions from abandoned coal mine sites and report on these emission reductions.

Contract Aggregation for Improving Efficiencies: OSMRE encourages States and Tribes to aggregate projects into larger statewide or regional contracts as part of their procurement processes, as stated in Section 40701(b)(3) of the BIL.

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Public Engagement: Beginning in FY 2023, when selecting and developing eligible projects for the BIL AML Program, State and Tribal AML Programs should ensure public engagement at the local level through engagement with affected communities. The term, “public” includes all stakeholders (e.g., citizens at large, industry, other Federal, State, Tribal, or local agencies, Tribal Nations, unions and worker organizations, non-governmental organizations, community colleges, workforce boards, community-based groups, and environmental groups). Engaging with the public to identify potential projects before the projects are selected will ensure that the projects completed through this program best address the needs of the relevant communities.

States and Tribes are encouraged to use existing best practices for public engagement or develop a process for public outreach and communication with local citizens, agencies, and organizations that best fits their unique circumstances. For example, States and Tribes could notify local citizens of the intent/purpose of a project via meetings, print media, websites, and social media and/or partner with organizations that facilitate public outreach and communication. OSMRE recommends that public engagement occur as early as possible for each grant cycle, with the public provided at least 60 days to review and provide input on the projects that will be proposed for funding in the State or Tribe’s grant application.

Davis Bacon Act Requirements:

The BIL requires that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project that will be assisted in whole or in part by funding made available under the BIL must be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. §§ 3141-3148). The Davis-Bacon labor standards are applicable to the reclamation projects completed using BIL AML funding and Davis-Bacon clauses must be included in BIL AML work contracts. The Department of Labor [Fact Sheet #66A: Bipartisan Infrastructure Law](#) provides additional information on the responsibilities of BIL funding recipients (see Appendix IV of the Final BIL AML Guidance).

Buy America Requirements

Buy America Domestic Procurement Preference:

As required by Section 70914 of the BIL, on or after May 14, 2022, none of the funds under a federal award that are part of Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver. The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under this program.

Recipients of an award of Federal financial assistance are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

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1. all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
3. all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

For further information on the Buy America preference, please visit www.doi.gov/grants/BuyAmerica. Additional information can also be found at the White House Made in America Office website: www.whitehouse.gov/omb/management/made-in-america/.

Waivers

When necessary, recipients may apply for, and the Department of the Interior (DOI) may grant, a waiver from these requirements, subject to review by the Made in America Office. The DOI may waive the application of the domestic content procurement preference in any case in which it is determined that one of the below circumstances applies:

1. Non-availability Waiver: the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality;
2. Unreasonable Cost Waiver: the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent; or
3. Public Interest Waiver: applying the domestic content procurement preference would be inconsistent with the public interest.

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There may be instances where an award qualifies, in whole or in part, for an existing DOI general applicability waiver as described at:

www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers. If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets the criteria of an existing general applicability waiver within the limitations defined within the waiver, the recipient is not required to request a separate waiver for non-domestic materials.

If a general applicability waiver does not already apply, and a recipient believes that one of the above circumstances applies to an award, a request to waive the application of the domestic content procurement preference may be submitted to the financial assistance awarding officer in writing. Waiver requests shall include the below information. The waiver shall not include any Privacy Act information, sensitive data, or proprietary information within their waiver request. Waiver requests will be posted to www.doi.gov/grants/buyamerica and are subject to public comment periods of no less than 15 days. Waiver requests will also be reviewed by the Made in America Office.

1. Type of waiver requested (non-availability, unreasonable cost, or public interest).
2. Requesting entity and Unique Entity Identifier (UEI) submitting the request.
3. Department of the Interior Bureau or Office who issued the award.
4. Federal financial assistance listing name and number (reference block 2 on DOI Notice of Award)
5. Financial assistance title of project (reference block 8 on DOI Notice of Award).
6. Federal Award Identification Number (FAIN).
7. Federal funding amount (reference block 11.m. on DO Notice of Award).
8. Total cost of infrastructure expenditures (includes federal and non-federal funds to the extent known).
9. Infrastructure project description(s) and location(s) (to the extent known).
10. List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Buy America requirements. Include the name, cost, countries of origin (if known), and relevant PSC or NAICS code for each.
11. A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.
12. A statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach) by the recipient, in an attempt to avoid the need for a waiver. Such a

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justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.

13. Anticipated impact if no waiver is issued. Approved waivers will be posted at www.doi.gov/grants/BuyAmerica/ApprovedWaivers; recipients requesting a waiver will be notified of their waiver request determination by an awarding officer.

Questions pertaining to waivers should be directed to the financial assistance awarding officer.

Definitions

“Construction materials” includes an article, material, or supply that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber; or
- drywall.

“Construction Materials” does not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

“Domestic content procurement preference” means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

“Infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

“Project” means the construction, alteration, maintenance, or repair of infrastructure in the United States

Additional BIL Program Guidance

The Final BIL AML guidance is available in the [Grants Resources](#) section of the OSMRE website.

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Further Information

[OSMRE BIL AML Guidance Document](#)

[OSMRE BIL FAQs and Additional Information](#)

Davis-Bacon Act: [Department of Labor BIL Fact Sheet 66A](#)

Consolidated Appropriations Act of 2022: <https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf>

General information: [Department of Interior BIL Press Release](#)

Uniform Administrative Guidance, Cost Principles and Audit Requirements for Federal Awards: [2 CFR 200](#)

Financial Assistance Interior Regulations Supplementing the Uniform Administrative Guidance Cost Principles and Audit Requirements for Federal Awards: [2 CFR 1402](#)

Office of Surface Mining Reclamation and Enforcement's Grants and Funding Resources: <https://www.osmre.gov/resources/grants-resources>

Agency Contacts:

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