

the certification form prescribed above applies.

**Drug-Free Workplace**—Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies.

**Anti-Lobbying**—Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000 or the single family maximum mortgage limit for affected programs, whichever is greater.

**Anti-Lobbying Disclosures**—Any applicant that has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR Part 28, Appendix B.

**Lower Tier Certifications**—Recipients shall require applications/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form, SF-LLL, "Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipient and should not be transmitted to DOC. SF-LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

**Indirect Costs**—The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100% of the total proposed direct costs dollar amount in the application, whichever is less.

**Buy American-Made Equipment or Products**—Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-Made equipment and products with funding provided under this program in accordance with Congressional intent as set forth in the resolution in Pub.L. 103-121, Section 606 (a) and (b).

(Catalog of Federal Domestic Assistance: 11.801 Native American Program)

Dated: September 25, 1997.

**Donald L. Powers,**

*Federal Register Liaison Officer, Minority Business Development Agency.*

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## DEPARTMENT OF COMMERCE

### Minority Business Development Agency

#### Native American Business Development Center Application: Cherokee

**AGENCY:** Minority Business Development Agency; Commerce.

**ACTION:** Notice

**SUMMARY:** In accordance with Executive Order 11625 and 15 U.S.C. 1512, the Minority Business Development Agency (MBDA) is soliciting competitive applications from organizations to operate its Native American Business Development Center (NABDC).

The purpose of the NABDC is to provide integrated business development services to Native American entrepreneurs and other eligible clients within its designated geographic service area. The recipient will provide service in the Cherokee, North Carolina, geographic service area. The award number of the NABDC will be 04-10-98002-01.

**DATES:** The closing date for applications is October 31, 1997. Applications must be received in the MBDA Headquarters' Executive Secretariat on or before October 31, 1997. A pre-application conference will be held on October 15, 1997, at 9:00 a.m., at the following address: U.S. Department of Commerce, Minority Business Development Agency, 401 West Peachtree Street, N.W., Room 1715, Atlanta, Georgia 30308-3516.

**ADDRESSES:** Completed application packages should be submitted to the U.S. Department of Commerce, Minority Business Development Agency, MBDA Executive Secretariat, 14th and Constitution Avenue, N.W., ROOM 5073, Washington, D.C. 20230.

**FOR FURTHER INFORMATION AND AN APPLICATION PACKAGE, CONTACT:** Robert Henderson, Regional Director, at (404) 730-3300. Proper Identification is Required for Entrance Into Any Federal Building.

**SUPPLEMENTARY INFORMATION:** The funding instrument for this project will be a cooperative agreement. Contingent upon the availability of Federal funds,

the cost of performance for the first budget period (13 months) from February 1, 1998 to February 28, 1999, is estimated at \$197,825. The total Federal amount is \$197,825 and is composed of \$193,000 plus the Audit Fee amount of \$4,825. If the recommended applicant is the current incumbent organization, the award will be for 12 months. For those applicants who are not incumbent organizations or who are incumbents that have experienced closure due to a break in service, a 30-day start-up period will be added to their first budget period, making it a 13-month award. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

Applications will be evaluated on the following criteria: the experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of Native American businesses, individuals and organizations (45 points), the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (25 points); and the firm's estimated cost for providing such assistance (20 points). On May 31, 1995, MBDA issued an Interim Final Notice in the **Federal Register** which announced the Agency's decision to revise application requirements for its closely related Minority Business Development Center program. This decision was made in order to leverage Federal resources together with those existing in communities, and to build local capacity to impact growth in the nation's minority business sector. In accordance with revised scoring requirements announced in that Notice, MBDA will revise the scoring system in the NABDC program to add ten (10) bonus points to the application of community-based organizations. Each qualifying application will receive the full ten points. Community-based organizations are those organizations whose headquarters and/or principal place of business within the last five years have been located within the geographic service area designated in the solicitation for the award. Where an applicant organization has been in existence for fewer than five years or five years, the individual years of experience of the applicant organization's may be applied toward the requirement of five years of

organization experience. The individual years of experience must have been acquired in the geographic service area which is the subject of the solicitation.

An application must receive at least 70% of the points assigned to each evaluation criteria category to be considered programmatically acceptable and responsive. Those applications determined to be acceptable and responsive will then be evaluated by the Director of MBDA. Final award selections shall be based on the number of points received, the demonstrated responsibility of the applicant, and the determination of those most likely to further the purpose of the MBDA program. Negative audit findings and recommendations and unsatisfactory performance under prior Federal awards may result in an application not being considered for award. The applicant with the highest point score will not necessarily receive the award. Periodic reviews culminating in year-to-date evaluations will be conducted in determining if funding for the project should continue. Continued funding will be at the total discretion of MBDA based on such factors as the NABDC's performance, the availability of funds and Agency priorities. Anticipated processing time of this award is 120 days.

Executive order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. Federal funds for this project include audit funds for non-CPA recipients. In event that a CPA firm wins the competition, the funds allocated for audits are not applicable. Questions concerning the preceding information can be answered by the contact person indicated above, and copies of application kits and applicable regulations can be obtained at the above address. The collection of information requirements for this project have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 0640-0006.

Awards under this program shall be subject to all Federal laws, and Federal and Departmental regulations, policies, and procedures applicable to Federal financial assistance awards.

**Pre-Award Costs**—Applicants are hereby notified that if they incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that an applicant may have received, there is no obligation on the part of the Department of Commerce to cover pre-award costs.

**Outstanding Account Receivable**—No award of Federal funds shall be made to

an applicant who has an outstanding delinquent Federal debt until either the delinquent account is paid in full, repayment schedule is established and at least one payment is received, or other arrangements satisfactory to the Department of Commerce are made.

**Name Check Policy**—All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury or other matters which significantly reflect on the applicant's management honesty or financial integrity.

**Award Termination**—The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the award recipient has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of the NABDC work requirements; and reporting inaccurate or inflated claims of client assistance. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

**False Statements**—A false statement on an application for Federal financial assistance is grounds for denial or termination of funds, and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

**Primary Applicant Certifications**—All primary applicants must submit a completed Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying."

**Nonprocurement Debarment and Suspension**—Prospective participants (as defined at 15 CFR part 26, Section 26.105) are subject to 15 CFR part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies.

**Drug Free Workplace**—Grantees (as defined at 15 CFR part 26, Section 26.605) are subject to 15 CFR part 26, subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies.

**Anti-Lobbying**—Persons (as defined at 15 CFR part 28, Section 28.105) are subject to the lobbying provisions of 31

U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000 or the single family maximum mortgage limit for affected programs, whichever is greater.

**Anti-Lobbying Disclosures**—Any applicant that has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, Appendix B.

**Lower Tier Certifications**—Recipients shall require applications/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying" and disclosure form, SF-LLL, "Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipients and should not be transmitted to DOC. SF-LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

**Buy American-made Equipment or Products**—Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program in accordance with Congressional intent as set forth in the resolution contained in Public Law 103-121, Sections 606 (a) and (b).

(Catalog of Federal Domestic Assistance): 11.801 Native American Program.)

Dated: September 25, 1997.

**Donald L. Powers,**

*Federal Register Liaison Officer, Minority Business Development Agency.*

[FR Doc. 97-26036 Filed 9-30-97; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Minority Business Development Agency

### Native American Business Development Center Application: Northwest

AGENCY: Minority Business Development Agency