

The deadline for the final results of this review will continue to be 90 days after publication of the preliminary results.

Dated: March 20, 1998.

**Joseph A. Spetrini,**  
Deputy Assistant Secretary for Enforcement  
Group III.

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## DEPARTMENT OF COMMERCE

### Minority Business Development Agency

[Docket No. 980320072-8072-01]

#### Solicitation of Minority Business Development Center Applications for Miami/Ft. Lauderdale, Raleigh/Durham, San Antonio, El Paso, Statewide New Mexico, Philadelphia, Williamsburg, Seattle, Honolulu and San Jose

**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 the Minority Business Development Centers (MBDC) listed in this document.

The purpose of the MBDC Program is to provide business development assistance to persons who are members of groups determined by MBDA to be socially or economically disadvantaged, and to business concerns owned and controlled by such individuals. To this end, MBDA funds organizations to identify and coordinate public and private sector resources on behalf of minority individuals and firms; to offer a full range of client services to minority entrepreneurs; and to serve as a conduit of information and assistance regarding minority business.

**DATES:** The closing date for applications is April 27, 1998, 5:00 p.m. (local time). Applications must be received in the Executive Secretariat or Room 1874 on or before the closing date.

**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, NW., Room 5073, Washington, DC 20230. If application is hand delivered by the applicant or its representative, it must be delivered to Room 1874, which is located at entrance #10, 15th Street NW, between

Pennsylvania and Constitution Avenues.

**PRE-APPLICATION CONFERENCE:** A pre-application conference will be held for each MBDC. Interested applicants should immediately contact the appropriate regional office, as indicated below, for further information.

Proper Identification Is Required for Entrance Into Any Federal Building.

1. **MBDC Application:** Miami/Ft. Lauderdale.

*Consolidated Metropolitan Statistical Area:* Miami/Ft. Lauderdale, Florida.

*Award Number:* 04-10-98003-01.

*Pre-Application Conference:* For the exact date, time and place, contact the Atlanta Regional Office at (404) 730-3300.

*For Further Information and an Application Package, Contact:* Robert Henderson, Regional Director.

Contingent upon the availability of Federal funds, the cost of performance for the first budget period (6 months) from July 1, 1998 to December 31, 1998, is estimated at \$333,427. The total Federal amount is \$283,413 and is composed of \$276,500 plus the Audit Fee amount of \$6,913. The application must include a minimum cost share of 15%, \$50,014 in non-Federal (cost-sharing) contributions for a total project cost of \$333,427. The operator of the Miami/Ft. Lauderdale MBDC is required to maintain a satellite office in the Ft. Lauderdale, Florida Primary Metropolitan Statistical Area, as well as having their Headquarter's office in the Miami, Florida Primary Metropolitan Statistical Area.

2. **MBDC Application:** Seattle.

*Primary Metropolitan Statistical Area:* Seattle, Washington.

*Award Number:* 09-10-98004-01.

*Pre-Application Conference:* For the exact date, time and place, contact the San Francisco Regional Office at (415) 744-3001.

*For Further Information and an Application Package, Contact:* Melda Cabrera, Regional Director.

Contingent upon the availability of Federal funds, the cost of performance for the first budget period (6 months) from July 1, 1998 to December 31, 1998, is estimated at \$111,098. The total Federal amount is \$94,434 and is composed of \$92,130 plus the Audit Fee amount of \$2,304. The application must include a minimum cost share of 15%, \$16,664 in non-Federal (cost-sharing) contributions for a total project cost of \$111,098.

3. **MBDC Application:** San Jose.

*Primary Metropolitan Statistical Area:* San Jose, California.

*Award Number:* 09-10-98005-01.

*Pre-Application Conference:* For the exact date, time and place, contact the San Francisco Regional Office at (415) 744-3001.

*For Further Information and an Application Package, Contact:* Melda Cabrera, Regional Director.

Contingent upon the availability of Federal funds, the cost of performance for the first budget period (12 months) from January 1, 1999 to December 31, 1999, is estimated at \$333,125. The total Federal amount is \$283,156 and is composed of \$276,250 plus the Audit Fee amount of \$6,906. The application must include a minimum cost share of 15%, \$49,969 in non-Federal (cost-sharing) contributions for a total project cost of \$333,125.

4. **MBDC Application:** San Antonio.  
*Metropolitan Statistical Area:* San Antonio, Texas.

*Award Number:* 06-10-98002-01.

*Pre-Application Conference:* For the exact date, time and place, contact the Dallas Regional Office at (214) 767-8001.

*For Further Information and an Application Package, Contact:* John Iglehart, Regional Director.

Contingent upon the availability of Federal funds, the cost of performance for the first budget period (6 months) from July 1, 1998 to December 31, 1998, is estimated at \$166,562. The total Federal amount is \$141,578 and is composed of \$138,744 plus the Audit Fee amount of \$2,834. The application must include a minimum cost share of 15%, \$24,984 in non-Federal (cost-sharing) contributions for a total project cost of \$166,562.

5. **MBDC Application:** El Paso.  
*Metropolitan Statistical Area:* El Paso, Texas.

*Award Number:* 06-10-98003-01.

*Pre-Application Conference:* For the exact date, time and place, contact the Dallas Regional Office at (214) 767-8001.

*For Further Information and an Application Package, Contact:* John Iglehart, Regional Director.

Contingent upon the availability of Federal funds, the cost of performance for the first budget period (12 months) from January 1, 1999 to December 31, 1999, is estimated at \$198,970. The total Federal amount is \$169,125 and is composed of \$165,000 plus the Audit Fee amount of \$4,125. The application must include a minimum cost share of 15%, \$29,845 in non-Federal (cost-sharing) contributions for a total project cost of \$198,970.

6. **MBDC Application:** Statewide New Mexico.

*Metropolitan Statistical Area:* State of New Mexico.

*Award Number:* 06-10-98006-01.

*Pre-Application Conference:* For the exact date, time and place, contact the Dallas Regional Office at (214) 767-8001.

*For Further Information and an Application Package, Contact:* John Iglehart, Regional Director.

Contingent upon the availability of Federal funds, the cost of performance for the first budget period (12 months) from January 1, 1999 to December 31, 1999, is estimated at \$333,125. The total Federal amount is \$283,156 and is composed of \$276,250 plus the Audit Fee amount of \$6,906. The application must include a minimum cost share of 15%, \$49,960 in non-Federal (cost-sharing) contributions for a total project cost of \$333,125.

*7. MBDC Application:* Philadelphia.

*Primary Metropolitan Statistical Area:* Philadelphia, Pennsylvania.

*Award Number:* 02-10-98002-01.

*Pre-Application Conference:* For the exact date, time and place, contact the New York Regional Office at (212) 264-3262.

*For Further Information and an Application Package, Contact:* Heyward Davenport, Regional Director.

Contingent upon the availability of Federal funds, the cost of performance for the first budget period (12 months) from January 1, 1999 to December 31, 1999, is estimated at \$388,898. The total Federal amount is \$330,563 and is composed of \$322,500 plus the Audit Fee amount of \$8,063. The application must include a minimum cost share of 15%, \$58,335 in non-Federal (cost-sharing) contributions for a total project cost of \$388,898.

*8. MBDC Application:* Williamsburg.

*Metropolitan Statistical Area:* Williamsburg/Brooklyn, New York.

*Award Number:* 02-10-98003-01.

*Pre-Application Conference:* For the exact date, time and place, contact the New York Regional Office at (212) 264-3262.

*For Further Information and an Application Package, Contact:* Heyward Davenport, Regional Director.

Contingent upon the availability of Federal funds, the cost of performance for the first budget period (12 months) from January 1, 1999 to December 31, 1999, is estimated at \$385,882. The total Federal amount is \$328,000 and is composed of \$320,000 plus the Audit Fee amount of \$8,000. The application must include a minimum cost share of 15%, \$57,882 in non-Federal (cost-sharing) contributions for a total project cost of \$385,882.

*9. MBDC Application:* Honolulu.

*Metropolitan Statistical Area:* Honolulu, Hawaii.

*Award Number:* 09-10-98006-01.

*Pre-Application Conference:* For the exact date, time and place, contact the San Francisco Regional Office at (415) 744-3001.

*For Further Information and an Application Package, Contact:* Melda Cabrera, Regional Director.

Contingent upon the availability of Federal funds, the cost of performance for the first budget period (4 months) from September 1, 1998 to December 31, 1998, is estimated at \$68,166. The total Federal amount is \$68,166 and is composed of \$66,666 plus the Audit Fee amount of \$1,500. The application must include a minimum cost share of 15%, \$12,029 in non-Federal (cost-sharing) contributions for a total project cost of \$80,195.

*10. MBDC Application:* Raleigh/Durham.

*Metropolitan Statistical Area:* Raleigh/Durham, North Carolina.

*Award number:* 04-10-98004-01.

*Pre-Application Conference:* For the exact date, time and place, contact the Atlanta Regional Office at (404) 730-3300.

*For Further Information and an Application Package, Contact:* Robert Henderson, Regional Director.

Contingent upon the availability of Federal funds, the cost of performance for the first budget period (12 months) from January 1, 1999 to December 31, 1999, is estimated at \$353,972. The total Federal amount is \$300,876 and is composed of \$292,624 plus the Audit Fee amount of \$8,252. The application must include a minimum cost share of 15%, \$53,096 in non-Federal (cost-sharing) contributions for a total project cost of \$353,972. The operator of the Raleigh/Durham MBDC is required to maintain a satellite office in the Charlotte, North Carolina Metropolitan Statistical Area, as well as having their Headquarter's office in the Raleigh/Durham, North Carolina Metropolitan Statistical Area.

**SUPPLEMENTARY INFORMATION:** The following information and requirements are applicable to the listed MBDCs: Miami/Ft. Lauderdale, Raleigh/Durham, San Antonio, El Paso, Statewide New Mexico, Philadelphia, Williamsburg, Seattle, Honolulu, and San Jose.

The funding instrument for this project will be a cooperative agreement. Competition is open to non-profit and for-profit organizations (including sole-proprietors), state and local governments, American Indian tribes and educational institutions.

Applications will be evaluated by an independent panel of at least three

individuals qualified to review the applications based on the following criteria: the knowledge, background and/or capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority 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). An application must receive at least 70% of the points assigned to each evaluation criteria category to be considered programmatically acceptable and responsive. The competitive panel's evaluations are then considered by the Regional Director or the Director's designee who makes a recommendation for selection to the Director of MBDA. The Director of MBDA will review those applications determined to be acceptable and responsive. Recommendations by the Regional Director or the Director's designee and final award selection by the Director shall be based on the number of evaluation criteria points received, the demonstrated responsibility of the applicant, and the Director's determination of the applications most likely to further the purpose of the MBDA program. Negative audit findings, financial instability, and unsatisfactory performance under prior Federal awards may result in an application not being considered for award. Applicants not selected for these reasons will be notified. The applicant with the highest point score will not necessarily receive the award. On occasion, competitive solicitations or competitive panels may produce results that do not satisfactorily comply with MBDA program requirements. Some examples of unsatisfactory results are as follows:

- Competition resulting in no applications,
- Competition resulting in one programmatically acceptable application (where the MBDA Director establishes with written justification that a slate of more than one programmatically acceptable application is necessary), and
- Competition resulting in all unresponsive applications (determined to be programmatically unacceptable).

In these cases, MBDA will take the most time and cost effective approach available that is in the best interest of

the government to achieve its mission. This includes one of the following:

- *Recompetition*—is the most acceptable option. Where time and funding considerations allow for recompetition, MBDA will cancel the original solicitation and issue a new one; beginning a new round of competition.
- *Re-paneling*—is a viable option when the MBDA Director has reason to question either the objectivity or proper scoring of a panel.
- *Negotiation*—may be an option in those instances where the MBDA Director believes that recompeting would produce the same or similar results as the original competition and is, therefore, a waste of government money and time. When negotiations occur because recompeting is not a viable option, negotiations must occur equitably with all original applicants.
- *Cancellation*—is appropriate when none of the above is determined to be a viable option, or for other programmatic reasons.

Periodic reviews culminating in year-to-date evaluations will be conducted to determine if funding for the project should continue. Under MBDA's existing competitive program cycle, an MBDC recipient can receive two additional twelve-month budget periods. Continued funding will be at the total discretion of MBDA based on such factors as the MBDC's performance, the availability of funds and Agency priorities.

The MBDC shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist in this effort, the MBDC may charge client fees for services rendered. Fees may range from \$10 to \$60 per hour based on the gross receipts of the client's business.

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 the event that a CPA firm wins the competition, the funds allocated for audits are not applicable. The contact person indicated above can answer questions concerning the preceding information, and copies of application kits and applicable regulations can be obtained at the above address. This document involves collections of information subject to the Paperwork Reduction Act, which have been approved by OMB under OMB control numbers 0348-0043, 0348-0044, 0348-0040, 0348-0046, and 0640-0006. Notwithstanding any other provision of law, no person is required to respond to

nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number.

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.

*Application Forms and Kit*—Standard Forms 424, Application for Federal Assistance; 424A, Budget Information—Non-Construction Programs; and 424B, Assurances—Non-Construction Programs, (Rev 4-92), shall be used in applying for financial assistance. An application kit containing all application forms and certifications is available by contacting the appropriate Regional Office listed as further information contacts.

*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.

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

*Outstanding Accounts 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.

*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, § 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, § 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, § 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 greatest extent practicable, to purchase

American-made equipment and products with funding provided under this program.

11.800 Minority Business Development Center (Catalog of Federal Domestic Assistance)

Dated: March 23, 1998.

**Juanita E. Berry,**

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

**Courtland Cox,**

*Acting Director, Minority Business Development Agency.*

[FR Doc. 98-8081 Filed 3-26-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Minority Business Development Agency

[Docket No. 980320072-8075-02]

#### Solicitation of Native American Business Development Center Applications for Minnesota, North/South Dakota, and Oklahoma

**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 the Native American Business Development Centers (NABDC) listed in this document.

The purpose of the NABDC Program is to provide integrated business development services to Native American entrepreneurs and other eligible clients within designated geographic service areas.

**DATES:** The closing date for applications is April 27, 1998, 5:00 p.m. (local time). Applications must be received in the Executive Secretariat or Room 1874 on or before the closing date.

**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. If application is hand delivered by the applicant or its representative, it must be delivered to Room 1874, which is located at entrance #10, 15th Street NW, between Pennsylvania and Constitution Avenues.

**PRE-APPLICATION CONFERENCE:** A pre-application conference will be held for each NABDC. Interested applicants should immediately contact the

appropriate regional office, as indicated below, for further information.

Proper Identification Is Required for Entrance Into Any Federal Building.

1. NABDC Application: Minnesota.  
*Metropolitan Statistical Area:* State of Minnesota.

*Award Number:* 05-10-98001-01.

*Pre-Application Conference:* For the exact date, time and place, contact the Chicago Regional Office at (312) 353--0182.

*For Further Information and an Application Package, Contact:* David Vega, Regional Director.

Contingent upon the availability of Federal funds, the cost of performance for the first budget period (12 months) from January 1, 1999 to December 31, 1999, is estimated at \$169,125. The total Federal amount is \$169,125 and is composed of \$165,000 plus the Audit Fee amount of \$4,125.

2. NABDC Application: North/South Dakota.

*Metropolitan Statistical Area:* States of North and South Dakota.

*Award Number:* 06-10-98004-01.

*Pre-Application Conference:* For the exact date, time and place, contact the Dallas Regional Office at (214) 767-8001.

*For Further Information and an Application Package, Contact:* John Iglehart, Regional Director.

Contingent upon the availability of Federal funds, the cost of performance for the first budget period (12 months) from January 1, 1999 to December 31, 1999, is estimated at \$169,125. The total Federal amount is \$169,125 and is composed of \$165,000 plus the Audit Fee amount of \$4,125.

3. NABDC Application: Oklahoma.  
*Metropolitan Statistical Area:* State of Oklahoma.

*Award Number:* 06-10-98005-01.

*Pre-Application Conference:* For the exact date, time and place, contact the Dallas Regional Office at (214) 767-8001.

*For Further Information and an Application Package, Contact:* John Iglehart, Regional Director.

Contingent upon the availability of Federal funds, the cost of performance for the first budget period (12 months) from January 1, 1999 to December 31, 1999, is estimated at \$254,200. The total Federal amount is \$254,200 and is composed of 248,000 plus the Audit Fee amount of \$6,200.

**SUPPLEMENTARY INFORMATION:** The following information and requirements are applicable to the listed NABDCs: Minnesota, North/South Dakota, and Oklahoma.

The funding instrument for this project will be a cooperative agreement.

Competition is open to non-profit and for-profit organizations (including sole-proprietors), state and local governments, American Indian tribes and educational institutions.

Applications will be evaluated by an independent panel of at least three individuals qualified to review the applications based on the following criteria: The knowledge, background and/or 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). An application must receive at least 70% of the points assigned to each evaluation criteria category to be considered programmatically acceptable and responsive. The competitive panel's evaluations are then considered by the Regional Director or the Director's designee who makes a recommendation for selection to the Director of MBDA. The Director of MBDA will review those applications determined to be acceptable and responsive. Recommendations by the Regional Director or the Director's designee and final award selection by the Director shall be based on the number of evaluation criteria points received, the demonstrated responsibility of the applicant, and the Director's determination of the applications most likely to further the purpose of the MBDA program. Negative audit findings, financial instability, and unsatisfactory performance under prior Federal awards may result in an application not being considered for award. Applicants not selected for these reasons will be notified. The applicant with the highest point score will not necessarily receive the award. On occasion, competitive solicitations or competitive panels may produce results that do not satisfactorily comply with MBDA program requirements. Some examples of unsatisfactory results are as follows:

- Competition resulting in no applications,
- Competition resulting one programmatically acceptable application (where the MBDA Director establishes with written justification that a slate of more than one programmatically acceptable application is necessary), and