

Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of February 11, 2008 (73 FR 7696) are applicable to this solicitation.

**Paperwork Reduction Act:** This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424A, 424B, SF-LLL, and CD-346 have been approved by OMB under the respective control numbers 0348-0043, 0348-0044, 0348-0040, 0348-0046, and 0605-0001. Notwithstanding any other provisions of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.

**Executive Order 12866:** This notice has been determined to be not significant for purposes of E.O. 12866.

**Administrative Procedure Act/Regulatory Flexibility Act:** Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act for rules concerning public property, loans, grants, benefits, or contracts (5 U.S.C. 533(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 533 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

Dated: April 17, 2009.

**Efrain Gonzalez,**

Chief, Office of Business Development,  
Minority Business Development Agency.

[FR Doc. E9-9297 Filed 4-22-09; 8:45 am]

BILLING CODE 3510-21-P

## DEPARTMENT OF COMMERCE

### Minority Business Development Agency

[Docket No.: 090416670-9679-01]

### Solicitation of Applications for the Native American Business Enterprise Center (NABEC) Program

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

**ACTION:** Notice.

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

American Business Enterprise Center (NABEC) in the four locations and geographical service areas specified in this notice. The NABEC operates through the use of business consultants and provides a range of business consulting and technical assistance services directly to Native American and other eligible minority-owned businesses. Responsibility for ensuring that applications in response to this competitive solicitation are complete and received by MBDA on time is the sole responsibility of the applicant. Applications submitted must be for the operation of a NABEC and to provide business consultation services to eligible clients. Applications that do not meet these requirements will be rejected. This is not a grant program to help start or to further an individual business.

A link to the full text of the Announcement of Federal Funding Opportunity (FFO) for this solicitation may be accessed at: <http://www.Grants.gov>, <http://www.mbda.gov>, or by contacting the appropriate MBDA representative identified below. The FFO contains a full and complete description of the application and programmatic requirements under the NABEC Program. In order to receive proper consideration, applicants must comply with the requirements contained in the FFO.

**DATES:** The closing date for receipt of applications is June 4, 2009 at 5 p.m. Eastern Daylight Time (EDT). Completed applications must be received by MBDA at the address below for paper submissions or at <http://www.Grants.gov> for electronic submissions. The due date and time is the same for electronic submissions as it is for paper submissions. The date that applications will be deemed to have been submitted electronically shall be the date and time received at Grants.gov. Applicants should save and print the proof of submission they receive from Grants.gov. Applications received after the closing date and time will not be considered. Anticipated time for processing is seventy-five (75) days from the close of the competition period. MBDA anticipates that awards under this notice will be made with a start date of September 1, 2009.

Pre-Application Conference: In connection with this solicitation, a pre-application teleconference will be held on May 4, 2009 at 1:00 p.m. (EDT). Participants must register at least 24 hours in advance of the teleconference and may participate in person or by telephone. Please visit the MBDA Internet Portal at <http://www.mbda.gov>

(MBDA Portal) or contact an MBDA representative listed below for registration instructions.

**ADDRESSES:** 1. Electronic Submission: Applicants are highly encouraged to submit their proposal electronically at <http://www.Grants.gov>. Electronic submissions should be made in accordance with the instructions available at Grants.gov (see <http://www.grants.gov/forapplicants> for detailed information). MBDA strongly recommends that applicants not wait until the application deadline date to begin the application process through Grants.gov as, in some cases, the process for completing an online application may require 3-5 working days.

2a. Paper Submission—If Mailed: If the application is sent by postal mail or overnight delivery service by the applicant or its representative, one (1) signed original plus two (2) copies of the application must be submitted. Completed application packages must be mailed to: Office of Business Development—NABEC Program, Office of Executive Secretariat, HCHB Room 5063, Minority Business Development Agency, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230.

Applicants are advised that MBDA's receipt of mail sent via the United States Postal Service may be substantially delayed or suspended in delivery due to security measures. Applicants may therefore wish to use a guaranteed overnight delivery service. Department of Commerce delivery policies for overnight delivery services require all packages to be sent to the address above.

2b. Paper Submission—If Hand-Delivered: If the application is hand-delivered by the applicant or by its representative, one (1) signed original plus two (2) copies of the application must be delivered to: U.S. Department of Commerce, Minority Business Development Agency, Office of Business Development—NABEC Program (extension 1940), HCHB—Room 1874, Entrance #10, 15th Street, NW. (between Pennsylvania and Constitution Avenues), Washington, DC. MBDA will not accept applications that are submitted by the deadline, but that are rejected due to the applicant's failure to adhere to Department of Commerce protocol for hand-deliveries set forth in Section IV.D.2. of the accompanying FFO.

**FOR FURTHER INFORMATION CONTACT:** For further information or for an application package, please visit MBDA's Minority Business Internet Portal at <http://www.mbda.gov>. Paper applications may also be obtained by contacting the

MBDA Office of Business Development or the MBDA National Enterprise Center (NEC) in the region in which the NABEC will be located (see below Agency Contacts). In addition, Standard Forms (SF) may be obtained by accessing <http://www.whitehouse.gov/omb/grants> or <http://www.grants.gov>, and Department of Commerce (CD) forms may be accessed at <http://www.doc.gov/forms>.

**Agency Contacts:**

1. MBDA Office of Business Development, 1401 Constitution Avenue, NW., Room 5075, Washington, DC 20230. Contact: Efrain Gonzalez, Chief, 202-482-1940.

2. MBDA Atlanta National Enterprise Center (ANEC), 401 W. Peachtree Street, Suite 1715, Atlanta, GA 30308. This region covers the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee. Contact: Patricia Hanes, Regional Director, 404-730-3300.

3. MBDA Chicago National Enterprise Center (CNEC), 55 E. Monroe Street, Suite 2810, Chicago, Illinois 60603. This region covers the states of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. Contact: Eric Dobyne, Regional Director, 312-353-0182.

4. Dallas National Enterprise Center (DNEC), 1100 Commerce Street, Room 726, Dallas, Texas 75242. This region covers the states of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah and Wyoming. Contact: John F. Iglehart, Regional Director, 214-767-8001.

**SUPPLEMENTARY INFORMATION:**

**Background:** The NABEC Program is a key component of MBDA's overall minority business development assistance program and promotes the growth and competitiveness of Native American and eligible minority-owned businesses. NABEC operators leverage project staff and professional consultants to provide a wide-range of direct business assistance services to Native American, tribal entities and eligible minority-owned firms. NABEC

services include, but are not limited to, initial consultations and assessments, business technical assistance, and access to federal and non-federal procurement and financing opportunities.

MBDA currently funds a network of eight NABEC projects located throughout the United States. Pursuant to this notice, and as set forth more fully in the corresponding FFO, competitive applications for new three-year awards are being solicited for the four NABEC projects set forth below.

**Geographical Service Areas:** MBDA is soliciting competitive applications from organizations to operate a NABEC and to provide services in the following geographical service areas:

NABEC name	Geographical service area
North Carolina NABEC.	State of North Carolina.
Minnesota/Iowa NABEC.	States of Minnesota & Iowa.
New Mexico NABEC.	State of New Mexico.
Oklahoma NABEC.	State of Oklahoma.

The NABEC project must be physically located within the applicable geographical service area.

**Electronic Access:** Applicants will be able to access, download and submit electronic grant applications for the NABEC Program through <http://www.Grants.gov>. MBDA strongly recommends that applicants not wait until the application deadline date to begin the application process through Grants.gov as in some cases the process for completing an online application may require additional time (e.g., 3-5 working days). The date that applications will be deemed to have been submitted electronically shall be the date and time received at Grants.gov. Applicants should save and print the proof of submission they receive from Grants.gov. Applications received after the closing date and time will not be considered.

**Funding Priorities:** Preference may be given during the selection process to

applications which address one or more of the following MBDA funding priorities:

(a) Proposals that include performance goals that exceed by 10% or more the minimum performance goal requirements in the FFO;

(b) Applicants who demonstrate an exceptional ability to identify and work towards the elimination of barriers which limit the access of minority businesses to markets and capital;

(c) Applicants who demonstrate an exceptional ability to identify and work with Native American firms, tribal entities or minority firms seeking to obtain large-scale contracts and/or insertion into supply chains with institutional customers;

(d) Proposals that utilize fee for service models consistent with the fee structure based on client revenues as set forth in Section III.B. of the accompanying FFO and those that use innovative approaches to charging and collecting fees from clients;

(e) Proposals that take a regional approach in providing services to eligible clients; or

(f) Proposals from applicants with pre-existing operations in the identified geographic service area(s).

**Funding Availability:** A total of \$835,000 of FY 2009 funds is available under the Omnibus Appropriations Act, 2009, Public Law No. 111-8, to fund financial assistance awards for the four (4) NABEC projects referenced in this solicitation. MBDA anticipates that this amount will also be available in each of FYs 2010 and 2011 to provide continuation funding for these projects. The total award period for awards made under this competitive solicitation is anticipated to be three years and all awards are expected to be made with a start date of September 1, 2009. The anticipated amount of the financial assistance award for each NABEC project, including the minimum 10% non-federal cost share is set forth in the below table, although actual award amounts may vary depending on the availability of funds:

Project name	September 1, 2009 through August 31, 2010			September 1, 2010 through August 31, 2011			September 1, 2011 through August 31, 2012		
	Total cost (\$)	Federal share (\$)	Non-federal share (\$) (10% min.)	Total cost (\$)	Federal share (\$)	Non-federal share (\$) (10% min.)	Total cost (\$)	Federal share (\$)	Non-federal share (\$) (10% min.)
(1) North Carolina NABEC .....	\$222,300	\$200,000	\$22,300	\$222,300	\$200,000	\$22,300	\$222,300	\$200,000	\$22,300
(2) Minnesota/Iowa NABEC .....	222,300	200,000	22,300	222,300	200,000	22,300	222,300	200,000	22,300
(3) New Mexico NABEC .....	222,300	200,000	22,300	222,300	200,000	22,300	222,300	200,000	22,300
(4) Oklahoma NABEC .....	261,000	235,000	26,000	261,000	235,000	26,000	261,000	235,000	26,000

Applicants must submit project plans and budgets for each of the three (3) program years. Projects will be funded for no more than one year at a time. Project proposals accepted for funding will not compete for funding in subsequent budget periods within the approved award period. However, operators that fail to achieve a "satisfactory" or better performance rating for the preceding program year may be denied second- or third-year funding (as the case may be). Recommendations for second- and third-year funding are generally evaluated by MBDA based on a mid-year performance rating and/or combination of mid-year and cumulative third quarter performance rating. In making such continued funding determinations, MBDA and the Department of Commerce will consider all the facts and circumstances of each case, such as but not limited to market conditions, most recent performance of the operator and other mitigating circumstances.

The funding periods and funding amounts referenced in this solicitation are subject to the availability of funds, as well as to Department of Commerce and MBDA priorities at the time of award. In no event will the Department of Commerce or MBDA be responsible for proposal preparation costs if this program fails to receive funding or is cancelled because of other MBDA or Department of Commerce priorities. Publication of this notice does not obligate the Department of Commerce or MBDA to award any specific cooperative agreement or to obligate all or any part of available funds.

**Authority:** 15 U.S.C. Section 1512 and Executive Order 11625.

**Catalog of Federal Domestic Assistance (CFDA):** 11.801, Native American Business Enterprise Center Program.

**Eligibility:** For-profit entities (including but not limited to sole-proprietorships, partnerships, and corporations), non-profit organizations, state and local government entities, American Indian Tribes, and educational institutions are eligible to operate a NABEC.

**Program Description:** MBDA is soliciting competitive applications from organizations to operate four (4) Native American Business Enterprise Centers (NABEC) (formerly known as Native American Business Development Centers). The NABEC will operate through the use of trained professional business consultants who will assist Native American and other minority entrepreneurs and tribal entities through

direct client engagements. Entrepreneurs eligible for assistance under the NABEC Program are Native Americans (including Alaska Natives, Alaska Native Corporations and tribal entities), Eskimos, African Americans, Puerto Ricans, Spanish-speaking Americans, Aleuts, Asian Pacific Americans, Asian Indians and Hasidic Jews. References throughout this notice regarding a NABEC's provision of services and assistance to Native American clients also includes the eligible non-Native American clients listed in the preceding sentence. No service may be denied to any member of the eligible groups listed above.

The NABEC Program requires project staff to: provide standardized business assistance services directly to eligible Native American clients, with an emphasis on those firms with \$500,000 or more in annual revenues and/or with "rapid growth potential" ("Strategic Growth Initiative" or "SGI" firms); develop and maintain a network of strategic partnerships; provide collaborative consulting services with MBDA and other MBDA funded programs and strategic partners; and to provide referral services (as necessary) for client transactions. NABEC operators will assist Native American clients in accessing federal and non-federal contracting and financing opportunities that result in demonstrable client outcomes. Specific work requirements and performance metrics are used by MBDA to evaluate each project and are a key component of the NABEC program.

The NABEC Program also incorporates an entrepreneurial approach to building market stability and improving quality of services delivered. This strategy expands the reach of the NABECs by requiring project operators to develop and build upon strategic alliances with public and private sector partners, as a means of serving Native American and minority-owned firms within each NABEC's geographical service area. The NABEC Program is also designed to leverage MBDA resources including but not limited to: MBDA Office of Native American Business Development; MBDA Office of Business Development; MBDA National Enterprise Centers; MBDA Business Internet Portal; and MBDA's network of Minority Business Opportunity Centers (MBOCs), Minority Business Enterprise Centers (MBECs), and other NABECs. NABEC operators are required to attend a variety of MBDA training programs designed to increase operational efficiencies and the provision of value-added client services.

NABEC operators are generally required to provide the following four client services: (1) Client Assessment—identifying clients' immediate and long-term needs and establishing projected growth tracks; (2) Strategic Business Consulting—providing intensive business consulting services that can be delivered as personalized consulting or group consulting; (3) Access to Capital—assisting clients with securing necessary financial capital; and (4) Access to Markets—assisting clients to identify and access opportunities for increased sales and revenues.

Please refer to the FFO pertaining to this competitive solicitation for a full and complete description of the application and programmatic requirements under the NABEC Program.

**Match Requirements:** The NABEC Program requires a minimum non-federal cost share of 10%, which must be reflected in the proposed project budget. Non-federal cost share is the portion of the project cost not borne by the Federal Government. Applicants must satisfy the non-federal cost sharing requirements by one or more of the following four means or any combination thereof: (1) Client fees; (2) applicant cash contributions; (3) applicant in-kind (i.e., non-cash) contributions; or (4) third-party in-kind contributions. The NABEC is not required to charge client fees for services rendered. However, MBDA encourages all NABECs to implement a fee-for-service program. Client fees (if imposed) must be used towards meeting non-federal cost share requirements and must be used in furtherance of the program objectives. In addition, the NABEC's client fee structure must be based on a sliding scale of client revenues as set forth in Section III.B. of the accompanying FFO. Applicants will be awarded up to five (5) bonus points to the extent that the proposed project budget includes a non-federal cost share contribution, measured as a percentage of the overall project budget, exceeding 10% (see Evaluation Criterion below).

**Evaluation Criterion:** Proposals will be evaluated and applicants will be selected based on the below evaluation criterion. The maximum total number of points that an application may receive is 105, including the bonus points for exceeding the minimum required non-federal cost share, except when oral presentations are made by applicants. If oral presentations are made (see below: Oral Presentation By MBDA Selected Applicants), the maximum total of points that can be earned is 115. The number of points assigned to each evaluation criterion will be determined

on a competitive basis by the MBDA review panel based on the quality of the application with respect to each evaluation criterion.

1. Applicant Capability (40 points)

Proposals will be evaluated with respect to the applicant's experience and expertise in providing the work requirements listed. Specifically, proposals will be evaluated as follows:

(a) *Community*—Experience in and knowledge of the Native American community, Native American tribal entities and minority business sector, and strategies for enhancing its growth and expansion; particular emphasis shall be on expanding SGI firms and tribal entities. Consideration will be given to whether the applicant has a physical presence in the geographic service area at the time of its application (4 points);

(b) *Business Consulting*—Experience in and knowledge of business consulting with respect to Native American and minority firms and tribal entities, with emphasis on SGI firms in the geographic service area (5 points);

(c) *Financing*—Experience in and knowledge of the preparation and formulation of successful financial transactions, with an emphasis on the geographic service area (5 points);

(d) *Procurements and Contracting*—Experience in and knowledge of the public and private sector contracting opportunities for Native American entities and minority businesses, as well as demonstrated expertise in assisting clients into supply chains (5 points);

(e) *Financing Networks*—Resources and professional relationships within the corporate, banking and investment community that may be beneficial to Native American entities and minority-owned firms (5 points);

(f) *Establishment of a Self-Sustainable Service Model*—Summary plan to establish a self-sustainable model for continued services to the Native American and MBE communities beyond the three-year MBDA award period (3 points);

(g) *MBE Advocacy*—Experience and expertise in advocating on behalf of Native American communities, Native American tribal entities and minority businesses, both as to specific transactions in which a minority business seeks to engage and as to broad market advocacy for the benefit of the minority community at large (3 points); and

(h) *Key Staff*—Assessment of the qualifications, experience and proposed role of staff that will operate the NABEC. In particular, an assessment will be made to determine whether proposed key staff possesses the

expertise in utilizing information systems and the ability to successfully deliver program services. At a minimum the applicant must identify a proposed project director (10 points).

2. Resources (20 points)

Proposals will be evaluated under this criterion as follows:

(a) *Resources*—Resources (not included as part of the non-federal cost share) that will be used in implementing the program, including but not limited to existing prior and/or current data lists that will serve in fostering immediate success for the NABEC (8 points);

(b) *Location*—Assessment of the applicant's strategic rationale for the proposed physical location of the NABEC. Applicant is encouraged to establish a location for the NABEC that is in a building which is separate and apart from any of the applicant's existing offices in the geographic service area (2 points);

(c) *Partners*—How the applicant plans to establish and maintain the network of strategic partners and the manner in which these partners will support the NABEC in meeting program performance goals (5 points); and

(d) *Equipment*—How the applicant plans to satisfy the NABEC information technology requirements, including computer hardware, software requirements and network map (5 points).

3. Techniques and Methodologies (20 points)

Proposals will be evaluated under this criterion as follows:

(a) *Performance Measures*—For each program year, the manner in which the applicant relates each performance measure to the financial information and market resources available in the geographic service area (including existing client list); how the applicant will create NABEC brand recognition (marketing plan); and how the applicant will satisfy program performance goals. In particular, emphasis will be placed on the manner in which the applicant matches NABEC performance goals with client service hours and how it accounts for existing market conditions in its strategy to achieve such goals (10 points);

(b) *Start-up Phase*—How the applicant will commence NABEC operations within the initial 30-day period. The NABEC shall have thirty (30) days to become fully operational after an award is made (3 points); and

(c) *Work Requirement Execution Plan*—The applicant will be evaluated on how effectively and efficiently staff time will be used to achieve the NABEC programmatic requirements set forth more fully in the FFO, particularly with

respect to periods beyond the start-up phase (7 points).

4. Proposed Budget and Budget Narrative (20 points)

Proposals will be evaluated under this criterion as follows:

(a) *Reasonableness, Allowability and Allocability of Proposed Program Costs*. All of the proposed program costs expenditures should be discussed and the budget line-item narrative must match the proposed budget. Fringe benefits and other percentage item calculations should match the proposed budget line-item and narrative (5 points);

(b) *Non-Federal Cost Share*. The required 10% non-federal share must be adequately addressed and properly documented, including but not limited to how client fees (if proposed) will be used by the applicant in meeting the non-federal cost-share (5 points); and

(c) *Performance-Based Budgeting*. The extent to which the line-item budget and budget narrative relate to the accomplishment of the NABEC programmatic requirements and performance measures (i.e., performance-based budgeting) (10 points).

5. Bonus Points for Exceeding the Minimum Required Non-Federal Cost Share (5 points)

Proposals with a non-federal cost share exceeding 10% of the total project costs will be awarded bonus points on the following scale: more than 10%—less than 15% = 1 point; 15% or more—less than 20% = 2 points; 20% or more—less than 25% = 3 points; 25% or more—less than 30% = 4 points; and 30% or more = 5 points. Non-federal cost sharing of at least 10% is required under the NABEC Program. Non-federal cost sharing is the portion of the total project cost not borne by the Federal Government and may be met by the applicant in any one or more of the following four means (or a combination thereof): (1) Client fees (encouraged but not mandatory); (2) cash contributions; (3) non-cash applicant contributions; or (4) third party in-kind contributions.

6. Oral Presentation by MBDA Selected Applicants (10 points)

Oral presentations are held only when requested by MBDA. This action may be initiated for the top two (2) ranked applications for a project and will be applied on a consistent basis for each project competition. Oral presentations will be used to establish a final evaluation and ranking.

The applicant's presentation will be evaluated as to the extent to which the presentation demonstrates:

(a) How the applicant will effectively and efficiently assist MBDA in the

accomplishment of its mission (2 points);

(b) Business operating priorities designed to manage a successful NABEC (2 points);

(c) A management philosophy that achieves an effective balance between micromanagement and complete autonomy for its Project Director (2 points);

(d) Robust search criteria for the identification of a Project Director (1 point);

(e) Effective employee recruitment and retention policies and procedures (1 point); and

(f) A competitive and innovative approach to exceeding performance requirements (2 points).

#### *Review and Selection Process: 1. Initial Screening*

Prior to the formal paneling process, each application will receive an initial screening to ensure that the applicant is eligible and the application is complete and includes all required forms, signatures and documentation. An application will be considered non-responsive and will not be evaluated by the review panel if it is received after the closing date for receipt of applications, the applicant fails to submit an original, signed Form SF-424 by the application closing date (paper applications only), or the application does not provide for the operation of a NABEC. Other deficiencies, while not rendering the application non-responsive, will be considered during panel review and may result in point deductions.

#### *2. Panel Review*

Each responsive application will receive an independent, objective review by a panel qualified to evaluate the applications submitted. The review panel will consist of at least 3 persons, all of whom will be full-time federal employees and at least one of whom will be an MBDA employee, who will review the applications for a specified project based on the above evaluation criterion. Each reviewer shall evaluate and provide a score for each proposal. Each project review panel (through the panel Chairperson) shall provide the MBDA National Director (Recommending Official) with a ranking of the applications based on the average of the reviewers' scores and shall also provide a recommendation regarding funding of the highest scoring application.

#### *3. Oral Presentation—Upon MBDA Request*

MBDA may request that the two (2) top-ranked applicants for each project competition make an oral presentation. If an oral presentation is requested, the

selected applicants will receive a formal communication (via standard mail, e-mail or fax) from MBDA informing them of the time and date for the presentation. In-person presentations are not mandatory but are encouraged; telephonic presentations are acceptable. MBDA will provide the teleconference dial-in number and pass code.

Oral presenters will be required to submit to MBDA at least 24 hours before the scheduled date and time of the oral presentation a PowerPoint (or equivalent) presentation that addresses the oral presentation criteria set forth above. The oral presentation will be made to the MBDA National Director (or his/her designee) and up to three senior MBDA staff who did not serve on the original review panel. The oral panel members may ask follow-up questions after the presentation. Each applicant will present to MBDA staff only and applicants will not be permitted to listen to or attend presentations made by other applicants.

All costs pertaining to this presentation shall be borne by the applicant. NABEC award funds may not be used as a reimbursement for this presentation. MBDA will not accept any requests or petitions for reimbursement.

The oral panel members shall score each presentation in accordance with the oral presentation criterion provided above. An average score shall be compiled and added to the score of the original panel review.

#### *4. Final Recommendation*

The MBDA National Director makes the final recommendation to the Grants Officer regarding the funding of applications under this competitive solicitation. MBDA expects to recommend for funding the highest ranking application for each project, as evaluated and recommended by the review panel and taking into account oral presentations (as applicable). However, the MBDA National Director may not make any selection, or he may select an application out of rank order for either or both of the following reasons:

(a) A determination that a lower ranked application better addresses one or more of the funding priorities for this competition. The National Director (or his/her designee) reserves the right to conduct one or more site visits to better assess an applicant's capability to achieve the program and funding priorities; or

(b) The availability of MBDA funding. Prior to making a final recommendation to the Grants Officer, MBDA may request that the apparent winner of the competition provide

written clarifications (as necessary) regarding its application.

#### *Intergovernmental Review:*

Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

*Limitation of Liability:* In no event will MBDA or the Department of Commerce be responsible for proposal preparation costs if this program fails to receive funding or is cancelled because of other MBDA or Department of Commerce priorities. All funding periods are subject to the availability of funds to support the continuation of the project and the Department of Commerce and MBDA priorities. Publication of this notice does not obligate the Department of Commerce or MBDA to award any specific cooperative agreement or to obligate all or any part of available funds.

*Universal Identifier:* All applicants will be required to provide a Dun and Bradstreet Data Universal Numbering system (DUNS) number during the application process. See the June 27, 2003 **Federal Register** notice (68 FR 38402) for additional information. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1-866-705-5711 or by accessing the Grants.gov Web site at <http://www.Grants.gov>.

*Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements:* The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of February 11, 2008 (73 FR 7696) are applicable to this solicitation.

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*Executive Order 12866:* This notice has been determined to be not significant for purposes of E.O. 12866.

*Administrative Procedure Act/Regulatory Flexibility Act:* Prior notice and an opportunity for public comment are not required by the Administrative

Procedure Act for rules concerning public property, loans, grants, benefits, or contracts (5 U.S.C. 533(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 533 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

Dated: April 17, 2009.

**Efrain Gonzalez,**

*Chief, Office of Business Development,  
Minority Business Development Agency.*

[FR Doc. E9-9296 Filed 4-22-09; 8:45 am]

**BILLING CODE 3510-21-P**

## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**ACTION:** Correction notice.

**SUMMARY:** On April 15, 2009, the Department of Education published a comment period notice in the **Federal Register** (Page 17459, Column 1) for the information collection, "Documents Associated with the Notice of Terms and Conditions of Additional Purchase of Loans under the "Ensuring Continued Access to Student Loans Act of 2008". This notice amends the total annual responses to 8,395. The IC Clearance Official, Regulatory Information Management Services, Office of Management, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

Dated: April 20, 2009.

**Angela C. Arrington,**

*IC Clearance Official, Regulatory Information  
Management Services, Office of Management.*

[FR Doc. E9-9316 Filed 4-22-09; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Office of Innovation and Improvement; Overview Information; DC School Choice Incentive Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2009

Catalog of Federal Domestic Assistance  
(CFDA) Number: 84.370A.

Dates:

*Applications Available:* April 23,  
2009.

*Deadline for Notice of Intent to Apply:*  
May 8, 2009.

*Deadline for Transmittal of  
Applications:* May 26, 2009.

## Full Text of Announcement

### I. Funding Opportunity Description

**Purpose of Program:** The DC School Choice Incentive Program, established under the DC School Choice Incentive Act of 2003 (Act), provides low-income parents residing in the District of Columbia (District) with expanded options for the education of their children.

**Background:** For FY 2009, the Department will be awarding one grant on a competitive basis to an eligible applicant to continue a scholarship program to provide students who currently have scholarships under this program with scholarships for the 2009–2010 school year. Students are eligible to receive scholarships under this program if they (1) are residents of the District, and (2) come from households whose income does not exceed 200 percent (or, in the case of an eligible student whose first year of participation in the program was an academic year ending in June 2005 or June 2006 and whose second or succeeding year is an academic year ending on or before June 2009, 300 percent) of the poverty line. These scholarships may be used to pay tuition and fees and transportation expenses, if any, to enable students to attend a participating District nonpublic elementary or secondary school.

Under the absolute priority established in this notice, funds awarded under this competition may only be used to award scholarships to students currently participating in this program. Accordingly, in addition to the requirements described in the preceding paragraph, to be eligible for a scholarship for the 2009–2010 school year, a student must currently be receiving a scholarship through the DC School Choice Incentive Program.

We are establishing this absolute priority in light of the prohibition in Public Law 111–8, the Omnibus Appropriations Act, 2009, against using funds appropriated under that law, or any other law, for scholarships under this program after the conclusion of the 2009–2010 school year and the direction in the Joint Explanatory Statement for Public Law 111–8 to limit scholarships for 2009–2010 to students who are currently receiving scholarships under this program. Specifically, Public Law 111–8 provides, with respect to this program that "use of any funds in this Act or any other [law] for opportunity scholarships after school year 2009–2010 shall only be available upon enactment of reauthorization of that program by Congress and the adoption of legislation by the District of Columbia approving such reauthorization." In

addition, the Joint Explanatory Statement for Public Law 111–8 directs that "[f]unding provided for the private scholarship program shall be used for currently-enrolled participants rather than new applicants." The Chancellor of the District of Columbia Public Schools is directed to "promptly take steps to minimize potential disruption and ensure smooth transition for any students seeking enrollment in the public school system as a result of any changes made to the private scholarship program affecting periods after school year 2009–2010." See the Joint Explanatory Statement, Division D, Title VIII, Federal Payment for School Improvement, at <http://thomas.loc.gov/home/approp/app09.html>.

**Priorities:** We are establishing this priority for the FY 2009 grant competition only in accordance with section 437(d)(2) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(2).

**Absolute Priority:** For FY 2009, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

*Scholarships for Currently Enrolled  
Participants During the 2009–2010  
School Year.*

Scholarship funds must be used to provide scholarships during the 2009–2010 school year only to currently enrolled participants who are DC residents and meet the eligibility requirements related to family income. Funds awarded under this competition may not be used to provide scholarships for new applicants or for current scholarship recipients after the 2009–2010 school year.

**Waiver of Proposed Rulemaking:**

Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed priorities, selection criteria, and non-statutory requirements. Section 437(d)(2) of GEPA, however, allows the Secretary to exempt from rulemaking requirements, regulations where application of those requirements will cause extreme hardship to the intended beneficiaries of the program. Conducting notice-and-comment rulemaking for the absolute priority, selection criteria, and non-statutory requirement (in section III.3.(c)) established in this notice would preclude timely implementation of this program for the 2009–2010 school year and, thereby, cause extreme hardship to the intended beneficiaries of this program, namely those students who are currently receiving scholarships under this program and are eligible to receive scholarships in the 2009–2010 school