

matters related to USDA agreements and programs.

(b) *Program regulations.* Regulations or other documents that establish requirements or procedures binding on the public related to USDA's programs or activities shall be published in the **Federal Register**.

(c) *Program announcements.* For each competition for funds under a program, the awarding agency must publicize the availability of Federal assistance under the program in either the **Federal Register** or through other methods reasonably expected to notify the targeted audience. Program announcements invite applications for one or more stated program objectives. They should include at least the following information:

- (1) The CFDA number and title;
- (2) An estimate of how much money will be available for awards and the expected size of the awards, broken down by subprogram or priority area when appropriate;
- (3) Who is eligible;
- (4) How to obtain application kits;
- (5) Where to submit applications;
- (6) The deadline for submitting applications; and
- (7) Whether any or all of the awards are likely to be cooperative agreements rather than grants. In that case, if feasible, the program announcement should also describe the anticipated substantial Federal involvement in performance. (This paragraph does not prevent the award of cooperative agreements under a program announcement that mentioned only grants. Nor does it prevent the award of grants under a program announcement that mentioned only cooperative agreements.)

(d) *Program solicitations.* A program solicitation for competitive assistance awards by the awarding agency shall include or reference the following, as appropriate:

- (1) A description of the eligible activities that the awarding agency proposes to support and the program priorities;
- (2) Eligible applicants;
- (3) The dates and amounts of funds expected to be available for awards;
- (4) Evaluation criteria and weights, if appropriate, assigned to each;
- (5) Methods for evaluating and ranking applications;
- (6) Name and address where proposals should be mailed and submission deadlines(s);
- (7) Any required forms and how to obtain them;
- (8) Applicable cost principles and administrative requirements;

(9) Type of funding instrument intended to be used (grant or cooperative agreement); and

(10) The CFDA number and title.

(e) *Evaluation criteria and procedures.* The awarding agency may elect to publish its criteria and procedures for evaluating applications for competitive awards either in the program regulations or the program announcement in addition to the program solicitation. If the criteria are not all equal in importance, their relative weights should also be published. Failure to identify any relative weights creates a presumption that all criteria are weighted equally. The criteria should cover at least the following factors (except where the nature of the eligible projects makes one or more of these factors irrelevant):

- (1) The qualifications of proposed project personnel;
- (2) The adequacy of the applicant's facilities and resources;
- (3) The adequacy of the project plan or methodology;
- (4) The cost-effectiveness of the project; and
- (5) How closely the project objectives fit the objectives for which applications were invited.

(f) *Funding priorities.* If the awarding agency intends to give priority to one or more particular kinds of projects, the priority (and how it will be applied in deciding which applications to fund) should be described in the program announcement.

(g) *Projects building on prior awards.* If the awarding agency intends to give a preference to applications proposing to further previously funded projects over applications for projects not previously receiving support under the program, or vice versa, the preference should be described in the program announcement.

(h) *Programs with specific identifiable potential applicants.* For programs with limited eligibility for which all potential applicants can be specifically and accurately identified (for example, State Governments), the awarding agency may elect to create a complete list of potential applicants and to send a copy of the program announcement or program solicitation directly to every potential applicant instead of publishing it in the **Federal Register**, provided that the awarding agency establishes an adequate internal control system to ensure that:

- (1) Prior to each use of the list, the list is verified for completeness and accuracy; and
- (2) Use of the list does not violate the intent of § 3020.14(a)(1).

(i) *Additional information to be made available.* In addition to the items specified in paragraphs (b) through (g) of this section, each awarding agency shall make available to the public the following information and materials for each program:

- (1) A copy of, or reference to, the authorizing statutes for the program; and
  - (2) All guidelines generally applicable to administration of the program.
- (j) *Discussions with applicants.* Each awarding agency should publish as much information as practicable to reduce the need for individual discussions with potential applicants. If the awarding agency does engage in consultations or discussions with any potential applicants, the agency shall give consistent interpretations and fair treatment to all potential applicants. The agency shall ensure that any discussions do not knowingly prejudice any applicant or undermine the competitive process of the program.

#### § 3020.16 Nondiscrimination requirement.

It shall be a condition of every USDA agreement that the recipient assures compliance with the following statement:

No person in the United States shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to prohibited discrimination in programs and activities funded in whole or part by USDA based on race, color, national origin, age, disability, and, where applicable, sex, religion or political beliefs.

#### § 3020.17 Waiver of "single" State agency requirements.

(a) *Waiver authority.* In the event that Federal law requires that a single State agency or multi member board or commission be established to administer or supervise the administration of a program, then section 204 of the Intergovernmental Cooperation Act of 1968 (31 U.S.C. 6504) authorizes the Federal awarding agency to waive the "single" State agency requirements upon request of the Governor or other authorized State authorities.

(b) *Approval authority.* The USDA awarding agency has approval authority for waiver requests, and shall handle them as quickly as feasible. Approval should be given whenever possible under the statutory criteria.

(c) *Refusal procedures.* When it is necessary to refuse a request for the waiver of the "single" State agency requirements, the USDA awarding agency shall, through the OCFO, advise the Office of Management and Budget (OMB) that the request cannot be granted. Such advice should indicate