

**From:** Esher, Diana

**Sent:** Wednesday, September 20, 2017 2:58 PM

**To:** [kblankenship@bayjournal.com](mailto:kblankenship@bayjournal.com)

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**Subject:** Appeal Notice re: Grant CB-96342701

Subject: Grant Number CB-96342701

Dear Mr. Blankenship:

I am following up on my August 23, 2017 email, below, concerning the funding for grant CB-96342701, and your September 7, 2017 inquiry to Project Officer Rebecca Hindin about the appeal process. I am also in receipt of your September 19, 2017 email to me entitled "Bay Journal grant decision request for appeal extension."

As stated in the August 23, 2017 email, the reason for the Agency Decision not to provide incremental annual funding for this grant is because of a change in Agency priorities. The Funding/Award section of the Request for Proposals (RFP), EPA-R3-CBP-15-06, issued June 18, 2015, that led to the award of this grant states: "*There is no guarantee of funding throughout this period or beyond.*" (Emphasis added) Part II.D of the RFP also stated: "The expected project period for the grant is six years, with funding provided on an annual basis. *No commitment of funding can be made beyond the first year.*" (Emphasis added). Item 4 of the Programmatic Terms and Conditions 4 ("Incremental Funding on Competitive Awards") of Grant Number CB-96342701 states: "EPA is partially funding this budget period and will consider funding the balance of the budget request contingent upon satisfactory progress, as certified by the EPA Project Officer, the availability of funds, *and EPA priorities.* It is understood that the scope of work will be renegotiated to reflect the amount awarded, if additional funds are not available." (Emphasis added) EPA's decision not to award additional funding to your organization is consistent with both the terms of the RFP and grant CB-96342701.

Please note that EPA's decision not to provide incremental funding is not a termination due to Chesapeake Media's failure to comply with the terms of grant CB-96342701 for the purposes of reporting under 2 CFR 200.339(b) to the OMB designated integrity and performance

system. Therefore, there will be no adverse effect on Chesapeake Media's consideration for future Federal funding.

In accordance with 2 CFR Part 1500, Subpart E, available at <https://www.gpo.gov/fdsys/pkg/CFR-2017-title2-vol1/pdf/CFR-2017-title2-vol1-part1500-subpartE.pdf>, this email communication constitutes the Agency Decision in this matter. If you wish to file an appeal of this Agency Decision, you must do so no later than 30 calendar days of the date of this email communication, i.e., on or before October 20, 2017. Your appeal should be submitted electronically to Kerry K. Neal, Deputy Director, Office of Grants and Debarment, who is the Disputes Decision Official (DDO) for this matter. Mr. Neal's email address is [neal.kerry@epa.gov](mailto:neal.kerry@epa.gov). I have forwarded to Mr. Neal your September 19, 2017 email ("Bay Journal grant decision request for appeal extension") and attachments. Any supplementary appeal materials, or requests for an extension of time for the Appeal beyond October 20, 2017, must be directed to Mr. Neal. You should also email any additional appeal materials to me as the Action Official, [esher.diana@epa.gov](mailto:esher.diana@epa.gov).

Pursuant to 2 CFR Sec. 1500.14(c), the appeal must include a copy of the Agency Decision; a detailed statement of the specific legal and factual grounds for the Appeal, including copies of any supporting documents; the specific remedy or relief sought; and the name and contact information, including email address, of your designated point of contact for the Appeal.

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