Management Councils may be asked to review applications that could affect a managed fishery, the bycatch of a managed fishery, or a fishery management issue.

2. *Technical evaluation*: NMFS will solicit technical evaluations of each project application from appropriate private and public sector experts. Point scores will be given to project applications, based on the following evaluation criteria:

a. Problem description and concept for problem resolution. The applicant's comprehension of the problem(s) and the overall concept proposed to resolve the problem(s) will be evaluated. (20 points)

b. Soundness of project design/ technical approach. Applications will be evaluated as to the soundness of the project design and the adequacy of the technical approach as it relates to achieving the stated goals and objectives. What are the proposal's strengths and weaknesses? (25 points)

c. Project management and experience and qualifications of personnel. The organization and management of the project and the project's Principal Investigator and other key personnel in terms of related experience and qualifications will be evaluated. Those projects that do not identify the Principal Investigator with his or her qualifications will receive a lower point score. (20 points)

d. *Project costs.* The justification and allocation of the budget in terms of the work to be performed will be evaluated. Unreasonably high project costs will be taken into account. (15 points)

e. *Project impacts.* The degree to which alternative employment or business opportunities are created for those dependent upon traditional Northeast fisheries resources will be evaluated. For example, will displaced fishermen be employed during the project period and beyond? (20 points)

f. *Tendering of multispecies harvesting privileges.* Applicants who are willing to tender these privileges for the assistance period will be given an additional 10 points.

g. In addition to the above criteria, in reviewing applications that include consultants and contracts, NMFS will make a determination regarding the following:

(1) Is the involvement of the primary applicant necessary to the conduct of the project and the accomplishment of its goals and objectives?

(2) Is the proposed allocation of the primary applicant's time reasonable and commensurate with the applicant's involvement in the project?

(3) Are the proposed costs for the primary applicant's involvement in the project reasonable and commensurate with the benefits to be derived from the applicant's participation?

Constituent panel review: After the technical evaluation, comments will be solicited individually from members of a panel of at least three representatives, selected by the Assistant Administrator for Fisheries, NOAA (AA), from the fishing industry, state government, and others, as appropriate, to rank the projects. Considered in the rankings, along with the technical evaluation, will be the significance of the problem addressed in the project. Each panelist will individually rank each project in terms of importance or need for funding and provide recommendations on the level of funding NMFS should award to each project and the merits and benefits of funding each project.

B. Selection Procedures and Project Funding

After projects have been evaluated and ranked, the Director, Northeast Region, NMFS, will develop recommendations for project funding. These recommendations will be submitted to the AA, who will determine the number of projects to be funded, ensuring that there is no duplication with other projects funded by NOAA or other Federal organizations.

The exact amount of funds awarded to a project will be determined in preaward negotiations between the applicant and NOAA/NMFS program and grants management representatives. The funding instrument will be determined by the NOAA Grants Management Division. Projects should not be initiated in expectation of Federal funding until a notice of award document is received.

V. Administrative Requirements

A. Obligation of the Applicant

An Applicant must:

1. Meet all application requirements and provide all information necessary for the evaluation of the project.

2. Be available, upon request, in person or by designated representative, to respond to questions during the review and evaluation of the project(s).

3. Primary applicant certification. Applicants whose applications are recommended for funding will be required to submit a completed Form CD–511, "Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the following explanations are hereby provided: a. Nonprocurement debarment and suspension. Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

b. *Drug-free workplace*. Grantees (as defined at 15 CFR 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;

c. Anti-lobbying. Persons (as defined at 15 CFR 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; and

d. Anti-lobbying disclosure. Any applicant who 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.

4. Lower tier certifications. Successful applicants shall require applicants/ 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 the Department. SF-LLL submitted by any tier recipient or subrecipient should be submitted to the Department in accordance with the instructions contained in the award document.

B. Other Requirements

1. Federal policies and procedures. Recipients and subrecipients are subject to all Federal laws and Federal and Department policies, regulations, and procedures applicable to Federal financial assistance awards.

2. Name check review. 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 recipient have been convicted of, or are presently facing, criminal charges such