

## AMS Policy: Grant and Cooperative Agreement Appeals

This document outlines the U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) policy on late, non-responsive, and incomplete grant or cooperative agreement applications, as aligned to [2 CFR 200.213](#).

### BACKGROUND ON LATE, NON-RESPONSIVE, AND INCOMPLETE SUBMISSIONS

#### LATE APPLICATIONS

- **Timely Submission:** Grant applications must be submitted on or before the deadline through the designated submission system specified in the corresponding Request for Applications (RFA).
- **Deadline Adherence:** Applications submitted outside of the designated system or after the published RFA deadline will be considered late and ineligible for review.
- **Time Stamp Verification:** AMS uses the official date and time stamp generated by Grants.gov (or other federal designated system) to determine if an application has been submitted by the deadline.
- **No Advance Permission:** AMS will not provide advanced permission to apply after the published deadline. All requests for consideration must be submitted after the application deadline.
- **Late Submission Request:** Applicants who experience technical issues with federal systems or a catastrophic incident as defined by [6 U.S.C. 311\(3\)](#) that prevented timely submission may submit a written request for consideration of their late submission. The request must be sent to the "Agency Contact" email address listed in the RFA's within seven (7) business days of the application deadline.
  - **Catastrophic Incident:** Any natural disaster, act of terrorism, or other man-made disaster that severely disrupt operations or population safety (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area.
  - **Technical Issue:** Verified malfunction or outage of Grants.gov documented by helpdesk correspondence, ticket numbers or screenshots. Problems with computer systems at the applicant organization, Adobe compatibility settings issues, failure to follow instructions in the RFA, or failure to complete required registrations (e.g., Grants.gov, SAM.gov, UEI Number, etc.) by the submission deadline are NOT considered government system issues and do not constitute grounds for an appeal. The RFA explains the time required to complete these registration requirements.

- **Required Documentation:** Requests for late submission consideration based on technical issues must include supporting documentation, such as screenshots, Grants.gov helpdesk case number, system outages notice, and similar correspondence. Requests for consideration based on catastrophic events must include documentation such as emergency declarations or evidence aligning with the FEMA Incident Annex. Requests lacking documentation or received after the 7-day period will not be considered.

## NON-RESPONSIVE OR INCOMPLETE APPLICATIONS

- **Requirements:** Applications must include all required forms, narratives, and information as outlined in the RFA's "Application Content and Format" section. AMS conducts an initial eligibility review (screening) of all applications to determine responsiveness to the RFA and compliance with published requirements.
- **Duplicate Applications:** If multiple versions of the same applications are submitted, AMS will consider the last electronically submitted and validated application through Grants.gov as the final submission.
- **Declination Notice:** AMS issues email notice when an application is determined non-responsive or incomplete. Applicants may submit a written request for reconsideration within the appeal process.
  - *Non-Responsive Applications:* Applications are considered non-responsive when they do not meet the requirements listed in the RFA, including, but not limited to: aligning with the statutory purpose of the program, being an eligible applicant, submitting the application to the correct grant program; and/or providing all required documents and information. Incomplete applications are also considered non-responsive due to missing information, documents, or attachments.
  - *Incomplete Applications:* Applications that are missing required information, attachments, or have unaddressed sections.
- **Post-Deadline Submissions:** Required application documents, attachments, or corrections will not be accepted after the application deadline.

## NOT SELECTED FOR AN AWARD DURING THE ADMINISTRATIVE REVIEW

- **Requirements:** AMS conducts a final administrative review of top scoring applications to ensure alignment with the scope of the RFA, allowable budget items, available funding, etc. Applications are also evaluated for geographic and program balance consistent with agency priorities. In addition, AMS performs a risk review to assess the applicant's capacity and eligibility to manage federal funds.
- **Declination Notice:** If AMS declines to fund an application during the administrative review process, an applicant may seek clarification and/or appeal the decision as follows:
  - *Informal Discussion:* The applicant may request an informal discussion to clarify the decision with program leadership.
  - *Formal Request:* If the applicant wishes to appeal, the applicant must submit a formal appeal letter within the appeal submission window (see Appeals Process).

- **Required Documentation:** An appeal must include a copy of the declination notice, identify the specific issues in dispute, and contain a full statement of the applicant's position with respect to the issue(s), including pertinent facts, and supportive reasoning. AMS will not consider any new application information that was unavailable at the time the application was submitted. The Deputy administrator serve as the final agency decision per [2 CFR § 415.1 \(c\)](#).

## APPEALS PROCESS

- **Grounds for Appeal:** In all situations above, an applicant who is unsatisfied with the AMS decision may submit an appeal, which should clearly demonstrate and justify the reasons the application should be reconsidered.
- **Filing an Appeal:** Applicants may file an appeal for applications disallowed late, deemed unresponsive, or not selected during the administrative review.
- **Appeal Submission Window:** Appeals requests must be submitted via email to the address listed in the RFA's "Agency Contact" section within 7 business days of the application deadline or receipt of the rejection email. Request received after this time will not be considered.
- **Appeal Request Content:** The appeal request must include all of the following:
  - Grant program name
  - Application and Grants.gov tracking numbers
  - Applicant/appellant name and email
  - Project title
  - A detailed statement explaining the reason for the appeal, and fact-based supportive reasoning for reconsideration
  - As applicable, documentation supporting the applicant's claim of technical issues, catastrophic events, or adverse decision (Grants.gov helpdesk ticket, emergency declaration, or other verifiable evidence).
- **Appeal Decision:** AMS will review requests on a case-by-case basis and notify the applicant of its decision in writing. Applications will only be accepted if documentation substantiates the circumstances for late or non-responsive/ incomplete application.