



Airport Business Park Grant Program Manual (Phase II)

State of Nebraska

March 2024 | 2.2

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

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1 Introduction

This Program Manual is designed to provide guidance and written standards for the applicable components of the Airport Business Park (ABP) Grant Program that utilizes funding from the Economic Recovery Contingency Fund as directed by the Nebraska State Legislature in LB 531 (2023).

This manual is designed to support you and your organization in utilizing leading practices, complying with funding requirements, achieving program goals, and successfully navigating the grant lifecycle.

The Manual includes the following:

1. Introduction
2. Program Overview, including its goal and objectives
3. Eligibility Determination for Entity and Costs
4. Award and Potential Matching Requirements
5. Pre-Award, Application, and Submission, including application pre-requisites.
6. Award Determination and Obligation
7. Award Administration Information
8. Post-Award Management, including data reporting requirements
9. Technical Assistance for using the Grants Management System

The Application and Program Manual, grant schedule, listing of prior awards, and other documents can be found at the Airport Business Park Program webpage: <https://opportunity.nebraska.gov/programs/recovery/>.

2 Program Overview

The Airport Business Park (ABP) Grant Program, established by LB 1024 (2022) of the State of Nebraska Legislature and amended by LB 531 (2023) was designed to support the development of a business park. The program is authorized and further described within Neb. Rev. Stat. § 81-12,241(4)(a). LB 531 was signed into law by Governor Jim Pillen on June 6, 2023.

The Nebraska Department of Economic Development (DED) will provide grants to nonprofit economic development organizations not to exceed \$90,000,000 in grants for the development of a business park located within or adjacent to one or more qualified census tracts located within the boundaries of a city of the metropolitan class and within two miles of a major airport as defined in Neb. Rev. Stat. § 13-3303. The Airport Business Park Program will consist of two phases:

- a. Phase I: Planning Grant
- b. Phase II: Program Grant.

Phase I: Planning Grant

The Phase I Planning Grant process will allow Applicant(s) the opportunity to create and develop a Master Plan for the development and creation of a business park. The successful Applicant(s) will receive grants in an amount not to exceed \$400,000. Any Awardee of the Phase I Planning Grant funds **must** apply for the Phase II Program Grant.

Phase II: Program Grant

The Phase II Program Grant will provide Applicant(s) with grants not to exceed \$90,000,000 to finalize the development of the business park. The maximum amount of the Program Grant will be offset by any funds distributed during the Phase I Planning Grant.

NOTICE: Phase II Program Grant Applicant(s) are not required to apply for Phase I Planning Grant funds. However, all Phase II Program Grant Applicant(s) must have completed all planning requirements as described in the Phase I Planning Grant, including a Master Plan as described in Section 3 of this Program

Manual.

2.1 Grant Schedule

2.1.1 Phase I Planning Grant

The Phase I Planning Grant provided funds for planning the implementation of the Master Plan, the development of a business park site, and other operating and programming costs. Phase I is now concluded.

2.1.2 Phase II Program Grant

PHASE II PROGRAM GRANT SCHEDULE	
Program Grant Application Open Date	December 18, 2023
Program Grant Application Deadline	January 2, 2024 at 5:00 p.m. CDT
Anticipated Award Date	January 2024
Period of Performance	Funds must be expended before December 31, 2026

2.2 Contact Information

Daren Waters Jr, North Omaha Business Manager
Nebraska Department of Economic Development
Economic Recovery Division
5319 North 30th Street
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3 Eligibility

3.1 Eligible Use

Pursuant to Neb. Rev. Stat. § 81-12,241(4)(a), DED will provide grants to nonprofit economic development organizations not to exceed \$90,000,000 in grants for the development of a business park located within or adjacent to one or more qualified census tracts located within the boundaries of a city of the metropolitan class and within two miles of a major airport as defined in Neb. Rev. Stat. § 13-3303. An innovation hub as defined in Neb. Rev. Stat. § 81-12,108 shall not qualify.

A city of the metropolitan class is defined by Neb. Rev. Stat. § 14-101 as all cities which have attained a population of four hundred thousand inhabitants or more as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census.

A Qualified Census Tract: QCT is defined in 26 U.S.C. 42(d)(5)(B)(ii)(I), as such section existed on January 1, 2022. A map of QCTs can be found here: <https://opportunity.nebraska.gov/programs/recovery/>

Adjacent means adjoining, touching, and sharing a common border.

Major airport refers to an airport with commercial service as defined by the Federal Aviation Administration (Neb. Rev. Stat. § 13-3303).

Nonprofit Economic Development Organization: Nonprofit economic development organizations are public organizations that provide resources for starting or locating a business, obtaining business licenses

and permits, and information on job resources and labor law. These organizations also provide business advisory services, business training, networking organizations, local economic development, business advisory and financial and regulatory assistance. Nonprofit economic development organizations must have a 501(c) designation from the Internal Revenue Service.

3.2 Eligible Applicants

The Airport Business Park Grant Program is open to nonprofit economic development corporations located within the State of Nebraska. Applicant Organizations must have been established at least 3 years prior to application submission to be eligible. Nonprofit economic development organizations are public organizations that provide resources for starting or locating a business, obtaining business licenses and permits, and information on job resources and labor law. These organizations also provide business advisory services, business training, networking organizations, local economic development, business advisory and financial and regulatory assistance.

3.3 Funding Restrictions & Allowable Costs

The Airport Business Park Grant Program funds are intended for the (1) development of a business park, (2) located within or adjacent to one or more qualified census tracts, (3) located within the boundaries of a city of the metropolitan class, and (4) within two miles of a major airport.

The ABP Grant Program will consist of two phases:

Phase I: Planning Grant

Phase II: Program Grant.

Phase I: Planning Grant

The Phase I Planning Grant process allowed Applicant(s) the opportunity to create and develop a Master Plan for the development and creation of a business park. The successful Applicant(s) received grants in an amount not exceeding \$400,000.

Phase II: Program Grant

The Phase II Program Grant will provide Applicant(s) with grants not to exceed \$90,000,000 to finalize the development of the business park. The maximum amount of the Program Grant will be offset by any funds distributed during the Phase I Planning Grant.

3.3.1 Phase I Planning Grant Specifications

The Phase I Planning Grant provided funds for planning the implementation of the Master Plan, for the development of a business park site, and other operating and programming costs.

The Master Plan is a planning document that provides a conceptual layout to guide the future growth and development of an airport business park. It should include analyses, recommendations, and proposals for a site's population, economy, strategy for neighborhood revitalization, transportation, and land use. The Master Plan should also indicate how the site will be prepared so that it may be used to benefit the disproportionately impacted community within the identified locale. In addition to these requirements, Applicants must address the following:

- Identify the proposed Airport Business Park location;
- Rehabilitation, renovation, maintenance, or costs to secure vacant or abandoned properties to reduce their negative impact;
- Removal and remediation of environmental contaminants or hazards from vacant or abandoned properties, when conducted in compliance with applicable environmental laws or regulations;
- Demolition or deconstruction of vacant or abandoned buildings (including residential, commercial, or industrial buildings) paired with greening or other lot improvement as part of a strategy for neighborhood revitalization;
- Greening or cleanup of vacant lots, as well as other efforts to make vacant lots safer for the surrounding community;

- Inspection fees and other administrative costs incurred to ensure compliance with applicable environmental laws and regulations for demolition, greening, or other remediation activities;
- Costs associated with acquiring and securing legal title of vacant or abandoned properties and other costs to position the property for current or future productive use;
- Installation or re-optimization of corrosion control treatment, replacing lead service lines, replacing galvanized pipes downstream of a lead service line, and maintaining an inventory of the drinking water system's service lines;
- Partners, roles and responsibilities (investment strategy / tactical strategy); and
- DED requests that the Master Plan include a rendering. A rendering illustrates the planned design of a built structure or space. The resulting images can be a 2D or 3D model that contains a detailed accounting for all aspects of the physical design or just impressionistic depictions of the design concept.

3.3.2 Phase II Program Grant Specifications

The Program Grant will provide funds for site preparation for the development and implementation of the Airport Business Park. For development the area must be shovel ready only. All funds received by the Awardee can only be used towards the purposes of execution of the Master Plan.

3.3.3 Additional Considerations

Ineligible Funding:

- a. A project that predominantly involves street construction or repair to benefit vehicular traffic would be ineligible.
- b. Expenses incurred for site acquisition and preparation prior to a planning grant award are not eligible. Funds will not be released without an agreed-upon contract. Reimbursement requests are only available after notice of the award issue date.
- c. Projects involving displacement of individuals must comply with the Relocation Assistance Act, Neb. Rev. Stat. §§ 76-1214 to 76-1242. For purposes of the Airport Business Park Grant Program, Awardee shall be the "Displacing agency" as defined by Neb. Rev. Stat. § 76-1222. Projects that do not maintain compliance with Relocation Assistance Act are not eligible for funding.
 - a. Only voluntary acquisitions are allowed.

Duplication of Funds:

Applicants are required to avoid a duplication of benefits. A duplication of benefits occurs when the amount of the grant exceeds the total identified need. Applicant should conduct an analysis prior to applying for grant funding to determine needs not met by other sources. Listed below are some best practices to determine if there is a duplication of benefits.

Best Practices:

1. Identify assistance from federal and state government, county agencies, and private or nonprofit charity organizations that Applicant reasonably expects to be in a project, or any other funds reasonably expected to be or have been received.
2. All Applicants are required to identify other sources and amounts of covered assistance (sources and uses), and to certify that the grant funds requested does not duplicate other covered assistance that has been received or is reasonably expected to be received.
3. Applicants must agree to repay any assistance later received for the same purpose as the grant funds associated with this grant program.

3.4 Award

The APB Grant Program will consist of two phases, Phase I Planning Grant, and Phase II Program Grant. Phase I Planning Grant awarded each applicant the amount of up to \$400,000 and Phase II Program Grant will be awarded to Applicant(s) for amounts up to \$90,000,000 less any amount distributed in Phase I Planning Grant as stated in Neb. Rev. Stat. § 81-12,241(4)(a).

4 Pre-Award and Application Submission

4.1 Pre-Award

The following action(s) are required prior to submission of an application for this program.

4.1.1 Bank Account

DED will require all Awardees to establish a distinct bank account exclusively for the management of the grant funds. By doing so, a clear distinction is established between the grant funds and other financial assets, ensuring proper financial management in accordance with legal and regulatory requirements. This dedicated account enhances transparency, facilitates accurate record-keeping, and demonstrates responsible stewardship of the grant resources.

4.1.2 Debarment and Suspension

Applicants and any Awardees that are debarred, suspended, or otherwise excluded from state or federal assistance programs or activities are ineligible for this program.

Additionally, during the application process, Applicants must disclose information about any and all proceedings involving the entity, its principles, or employees that are ongoing or reached final disposition within the most recent 10-years that:

1. Is or was in connection with the award or performance of a grant, cooperative agreement, or procurement Award Agreement from the State of Nebraska or the Federal Government; or
2. Is one of the following:
 - a. A criminal proceeding that resulted in a conviction under verdict or plea;
 - b. A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages;
 - c. An administrative proceeding that resulted in a finding of fault and liability and payment of a fine, penalty, reimbursement, restitution, or damages;
 - d. A bankruptcy proceeding; or
 - e. Any other criminal, civil, or administrative proceeding if:
 - (i) It could have led to an outcome described in paragraph 2(a)-(c) of this subsection;
 - (ii) It had a different disposition arrived at by consent or compromise with or without an acknowledgment of fault on your part; and
 - (iii) This requirement to disclose information about the proceeding does not conflict with applicable laws and regulations.

Failure to disclose may result in Applicant being determined ineligible for this program.

4.1.3 Organization Established 3 Years Prior to Application

Applicant Organizations must have been established at least 3 years prior to application submission to be eligible for the Airport Business Park Program Grant.

4.1.4 Acknowledgement of Terms and Conditions for State Grants

The Awardee must attest to DED in the grant application and award agreement that funds will only be utilized for activities allowed under the state grant.

The Awardee must acknowledge and will agree to in the grant application and award agreement that any grant funds spent on activities performed by the Awardee determined to be unallowable by DED, State Oversight Monitors, or Auditors must be returned to the DED.

4.2 Application Submission

Applications are submitted electronically through DED's Grant Management System (GMS), AmpliFund, at any time after the application live date and on or before the application due date.

4.2.1 Documentation Required for Application – Content & Forms

To successfully apply, you will need to complete all required fields and sections of the applications. Applicants may view the application at the program webpage – <https://opportunity.nebraska.gov/programs/recovery/>

Applications will have the following sections:

- Opportunity Details
- Project Information
- Forms
- Budget
- Performance Plan

Applicants must provide the following, as applicable:

Phase II Program Grant

- Commitment letters from other secured funding sources and/or bank financing, **if applicable**.
- Memorandum of Understanding from Developers, organization, contractor, or other any key players.
- Nebraska Secretary of State - Certificate of Good Standing for the applicant and its partners.
- Charter/Articles of Incorporation/By-Laws/Board Resolution for the applicant and its partners.
- Letter from IRS for 501(c)(3) or 501(c)(19) designation.
- 2020-2021-2022 IRS Form 990.
- 2020-2021-2022 Income Statements, Cash Flow, and Balance Statements.
- Signed letter of Board Approval for the grant request.
- Formal document outlining partnership agreement(s).
- ABP's physical boundaries, identifying the impacted QCT location within two miles of a major Airport within the metropolitan area.
- Letter(s) of support, **if applicable**.
- Budget that demonstrates the long-term plan for economic sustainability.
- Master Plan
- Other Applicant-specific attachments, as needed.

4.2.2 Timely Receipt Requirements and Proof of Timely Submission

Applications must be submitted by the Application Deadline indicated in Section 2.1. Applications must be completed via DED's GMS and must fully comply with all requirements within the time period specified. Applications that do not include all of the documentation or attachments required or have not been fully completed will not be considered. At its discretion, DED may request supplemental materials from Applicants. Please utilize links and other information found in Section 8 of this document to assist with your application submission.

5 Award Determination and Obligation

5.1 Application Evaluation Criteria

5.1.1 Phase I Planning Grant

Applications will be scored and evaluated using the following criteria:

Scoring Category	
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Overall Experience of Company & Demonstrated Results	Evaluation will include an assessment of the history of the organization, organization's experience as it relates to the requirements within the grant application, evidence of past performance, quality and relevance of past work, references, and related items.
Strategic Thinking/Planning Approach	Overall approach and strategy described/outlined in the proposal and firm capacity to perform the engagement within the specified timeframe (prior experience with meeting times will be factored.)
Budget Approach/Financial Readiness	Effective and efficient delivery of quality services as demonstrated in relation to the budget allocation. The allocation is reasonable and appropriate.
ARPA Compliance	Degree to which the scope of the planning grant complies with ARPA and U.S. Treasury guidance.

5.1.2 Phase II Program Grant

Scoring Category	
Overall Experience of Company & Demonstrated Results	Evaluation will include an assessment of the history of the organization, organization's experience as it relates to the requirements within the grant application, evidence of past performance, quality and relevance of past work, references, and related items.
Financial and Administrative Readiness	Administratively capable of handling all funds in a manner that allows for successful execution of using money received from DED. Effective and efficient delivery of quality services as demonstrated in relation to the budget allocation. The allocation is reasonable and appropriate.
Master Plan Effectiveness	Master Plan efficiency in a conceptual layout to guide the future growth and development of an airport business park. Analyses, recommendations, and proposals for a site's population, economy, strategy for neighborhood revitalization, transportation, and land use.
Performance Plan Initiatives	Applicant provides thorough information related to their performance plan detailing strategy/progression of the Master Plan and how the progress will be tracked.
Planning Grant Priority	Phase I Planning Grant Awardees of the Airport Business Park Grant Program will receive bonus points.

5.2 Applicant Risk Assessment

DED will perform a risk assessment to identify the potential risks associated with this particular award and address those risks by including mitigating terms and conditions in the Award Agreement as well as additional Awardee monitoring procedures for grantees requiring special conditions. This process differs based on the potential Awardee's organization type (ex. nonprofit, for-profit business, academic institution). The risk assessment will be performed by collecting and reviewing information about the organization and assigning an appropriate risk level.

5.3 Application Review and Selection Process

Applications will be evaluated to determine if they meet eligibility criteria and minimum qualifications. Applications that do not pass this threshold review will be disqualified from further consideration. Applications that pass threshold review will be scored by a committee based on the scoring criteria below.

5.3.1 Phase I Planning Grant

Characteristic	Criteria
I. Overall Experience of Company & Demonstrated Results	
	Organization and Partners track record in being involved with other projects
	Qualifications and experience of organization staff
	Qualifications and experience of any partners involved
	Track record of organization and partners completing projects on time or ahead of schedule.
II. Budget Approach/Financial Readiness	
	Description of organization and partners internal controls and financial management procedures.
	Organization and partners ability to take on additional projects and manage federal funds in a responsible manner.
	The allocation is reasonable and appropriate
III. Strategic Thinking/Planning Approach	
	Applicant presents strategy described/outlined in the proposal that is effective, concise, and attainable.
	Project readiness: Few unknowns, and where unknowns exist, a plan is in place to move quickly once funds are awarded.
	Applicant includes and explains planning to impact the local economy through the Airport Business Park
	Performs the engagement within optimal timeframe (prior experience with meeting times will be factored.)
IV. ARPA Compliance	
	Applicant justifies the eligible use of ARPA funds in responding to public health emergency AND/OR responding to the negative economic impacts of the pandemic.

5.3.2 Phase II Program Grant

Characteristic	Criteria
I. Overall Experience of Company & Demonstrated Results	Evaluation will include an assessment of the history of the organization, organization's experience as it relates to the requirements within the grant application, evidence of past performance, quality and relevance of past work, references, and related items.

	Organization and Partners track record in being involved with other projects.
	Qualifications and experience of organization's staff.
	Track record of organization and partners completing projects on time or ahead of schedule.
	Qualifications and experience of any partners involved.
II. Financial and Administrative Readiness	Administratively capable of handling all funds in a manner that allows for successful execution of using money received from DED. Effective and efficient delivery of quality services as demonstrated in relation to the budget allocation. The allocation is reasonable and appropriate.
	Description of organization and partners internal controls and financial management procedures.
	Organization's and partners' ability to take on additional projects and manage federal funds in a responsible manner.
	The allocation is reasonable and appropriate. The applicant is prepared to receive the allocated funds.
III. Master Plan Effectiveness	Master Plan efficiency in a conceptual layout to guide the future growth and development of an airport business park. Analyses, recommendations, and proposals for a site's population, economy, strategy for neighborhood revitalization, transportation, and land use.
	Applicant presents strategy described/outlined in the proposal that is effective, concise, and attainable.
	Project readiness: Few unknowns, and where unknowns exist, a plan is in place to move quickly once funds are awarded.
	Applicant includes and explains planning to impact the local economy through the Airport Business Park.
	Performs the engagement within optimal timeframe (prior experience with meeting times will be factored.)
	Does the Master Plan indicate how the site will be prepared so that it may be used to benefit the disproportionately impacted community within the identified locale.
	Analyses, recommendations, and proposals for a site's population, economy, strategy for neighborhood revitalization, transportation, and land use.
IV. Performance Plan Initiatives	Applicant provides thorough information related to their performance plan detailing strategy/progression of the Master Plan and how the progress will be tracked.
	Information includes and expand beyond: strategy for neighborhood revitalization,
	Applicant describes how property will be obtained and cleared for development, and outline considerations for how the cleared property will be used to benefit the disproportionately impacted community within the identified locale.
V. Planning Grant Priority	Phase I Planning Grant Awardee of the Airport Business Park Grant Program will receive bonus points.

Following scoring by the review committee, a recommendation will be provided to the DED Director. Once approved, notices of award and notices of non-select will be sent to the Applicants.

6 Award Administration

6.1 Notice of Award

DED issues written Notices of Award (NOA) to Awardees. The NOA will outline the anticipated grant amount.

These funds will be reserved for the potential Awardee until the grant agreement is signed by both DED and the Awardee or until such time it is determined that a grant agreement cannot be entered between Awardee and DED.

6.2 Grant Agreement

Following DED's NOA, DED issues an electronic copy of the Airport Business Park Grant Award Agreement via DocuSign. The Airport Business Park Grant Award Agreement is entered into between DED and the Awardee. If the Awardee is an organization or other legal entity, an authorized representative of the Awardee must sign the Award Agreement.

The Awardee must review, sign, date, and return the agreement via DocuSign to accept Airport Business Park awards. DED signs the Award Agreement after it is signed by the Awardee. Once all parties have signed the agreement, Awardee will be required to provide the [State of Nebraska W-9 and ACH Enrollment Form](#).

Unless otherwise directed, the executed agreement and any special conditions will be available within the GMS, under Tools > Documents.

6.3 Award Disbursement

Upon full execution of the Award Agreement and the meeting of any required conditions specified in the Award Agreement, the Awardee must submit the First Payment Request.

The Awardee must submit the First Payment Request using the GMS as an advance payment of up to 50% of the total awarded amount, as pre-determined by your Award Agreement.

Upon DED's approval of the First Payment Request, DED will disburse the funding. Subsequent funding will be provided on a monthly basis. Awardee can find detailed instructions for how to submit payment requests in the user guides and other information found in Section 8 of this document.

Funds are transferred electronically to the account designated on the State of Nebraska ACH Enrollment Form which must be submitted prior to the disbursement of funds. If an email address was provided on the State of Nebraska ACH Enrollment Form, it will be notified once the payment has been processed.

All uses of grant funds will be reported to DED by logging expenses in the GMS. To record expenses, the Awardee must create one expense for each supporting document. Proof of payment must also be included on each expense. Expenses will be tracked against the Awardee's budget line items. The Awardee will then compile all expenses into a monthly Budget Reporting Period, which will be submitted to DED.

DED may reject the monthly Budget Reporting Period and require resubmission if documentation is incomplete, funds are requested for ineligible costs, or other issues are identified. Approval of each monthly Budget Reporting Period is subject to Awardee's submission of supporting documentation and proof of payments for review and approval by DED.

"Supporting documentation" includes receipts, invoices, timesheets, etc., with sufficient information to demonstrate the amount of the cost and the allowability, applicability, and reasonableness of the cost.

"Proof of Payment" means canceled checks, bank statement, confirmation of wire or automated clearing house transfer, or similar documentation which provides substantiating evidence that payment has been made as claimed.

Pursuant to Neb. Rev. Stat. § 81-12,241.01(4), DED may reject or reduce the amount of a payment request if the Awardee does not submit monthly Budget Reporting Period in a timely manner demonstrating that grant funds are being used for the authorized purpose of the grant program.

DED will issue final payment to each Awardee on or before December 31, 2026, less any funds that have

not been used for the authorized purpose of the grant program. If an Awardee does not use the grant funds already paid for the authorized purpose of the program, DED may require such Awardee to return such unused grant funds upon a documented finding that such funds have not been used.

7 Post-Award Management and Implementation

7.1 Financial Management

Awardees are required to properly manage their financial resources. DED requires that Awardee maintain a financial management framework that allows for the appropriate recording and reporting of the receipt and expenditures of grant funds in accordance with all Nebraska state laws. A financial management system includes maintaining records that document compliance with state statutes, regulations, and the terms and conditions of the Award Agreement, data must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions, and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the state statutes, regulations, and the terms and conditions of the Award Agreement.

7.2 Internal Controls

Awardee must establish and maintain effective internal controls over the state award that provide reasonable assurance that the Awardee is managing the award in compliance with state statutes, regulations, and the terms and conditions of the Award Agreement, including but not limited to, taking prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings, and taking reasonable measures to safeguard protected personally identifiable information and other information DED or Awardee designates as sensitive consistent with applicable state and local regarding privacy and responsibility over confidentiality.

7.3 Cost Sharing and Matching

DED will not require Awardees to report on cost sharing or matching for this grant program.

7.4 Insurance

The Awardee may be required to maintain insurance at its own expense and provide a Certificate of Insurance. Insurance coverage will be set by DED and based on the scope of the Awardee's grant program.

7.5 Conflicts of Interest

The Awardee must disclose to the DED any financial conflicts of interest that arise during the life of the award. Such a conflict of interest would arise when an employee of Awardee or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract funded through the Award Agreement. Awardee's officers, employees, and agents may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts funded by the Award Agreement.

In the event a prohibited conflict of interest arises, the Awardee must immediately inform DED. Upon written request, exceptions may be granted by the DED on a case-by-case basis when it is determined that such an exception will serve to further the purposes of the Program.

7.6 Registration Requirements

The Awardee or subgrantees must be authorized to transact business in the State of Nebraska, and are expected to comply with all Nebraska Secretary of State and Department of Revenue registration

requirements, including any registration requirements pertaining to types of business entities (e.g. person, partnership, foreign/domestic limited liability company, association, or foreign/domestic corporation). Construction agreements are expected to meet all applicable requirements of the Nebraska Award Agreement or Registration Act and provide a current, valid certificate of registration to the Awardee for the Awardee's records.

Upon request, the Awardee must submit copies of written agreements executed between the Awardee and any subgrantees or Award Agreement or relating to any projects financed with grant funds.

7.7 Cost Principles

Awardee must assume responsibilities for administering state funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the state awards. Costs pertaining to the state award should be allowable, allocable, and reasonable and treated consistently.

A cost is allowable if it is permitted as a cost within general state regulations and/or the terms of the Award Agreement. Costs expressly unallowable or mutually agreed to be unallowable should be identified and excluded from any billing, claim, invoice, or proposal related to the Award Agreement. Inclusion of an unallowable cost in an invoice does not make the cost allowable. Adding a justification to an unallowable cost in an invoice also does not make the cost allowable.

A cost is allocable to a particular Award Agreement if the goods or services involved can be directly charged to the Award Agreement based on the benefit provided.

A cost is considered reasonable if the nature of the goods or services, and the price paid for the goods or services, reflect the action that a prudent person would have taken given the prevailing circumstances at the time the decision to incur the cost was made.

A cost is treated consistently when all costs incurred for the same purpose and in like circumstances are treated uniformly either as direct costs or as indirect costs.

7.8 Records of Retention and Access

Awardee must maintain records and financial documents for five years after all funds have been expended or returned. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats. Awardee must agree to provide or make available such records to the State of Nebraska, or the Nebraska Department of Economic Development.

7.9 Noncompliance Termination

If DED determines that the grantee materially fails to comply with any term of this grant agreement, whether stated in a state statute or regulation, an assurance, in a state plan or application, a notice of award, or any other applicable requirement, DED, in its sole discretion may take actions including:

1. Temporarily withholding payments pending correction of the deficiency or more severe enforcement action by DED;
2. Disallowing or denying use of funds for all or part of the cost of the activity or action not in compliance;
3. Disallowing claims for reimbursement;
4. Wholly or partially suspending or terminating the grant;
5. Requiring return or offset of previous reimbursements;
6. Prohibiting the grantee from applying for or receiving additional funds for other grant programs administered by DED until repayment to DED is made and any other compliance or audit finding is satisfactorily resolved;
7. Reducing the grant award maximum liability of DED;
8. Terminating the Grant Agreement;

9. Imposing a corrective action plan;
10. Withholding further awards; or
11. Taking other remedies or appropriate actions.

Costs resulting from obligations incurred during a suspension or after termination of this grant are not allowable unless DED expressly authorizes them in the notice of suspension or termination or subsequently. DED, at its sole discretion, may impose sanctions without first requiring a corrective action plan.

7.10 Reporting

7.10.1 Financial Reporting Requirements

All Awardees must complete and submit financial reports as required by the Airport Business Park Award Agreement. Expenditures may be reported on a cash or accrual basis as long as the methodology is disclosed and consistently applied.

7.10.2 Program Performance Reporting Requirements

All Awardees must complete and submit performance reports as required by the Airport Business Park Award Agreement. DED reserves the right to request additional information related to the program's performance at any time.

7.11 Annual Audit Report

The Awardee must have an annual audit of all of its financial records conducted by an independent certified public accountant at the Awardee's cost.

7.12 DED Monitoring and Reporting

DED is entrusted with the responsibility for the management, disbursement, and accountability of the Airport Business Park Grant Program. This responsibility extends to managing risks associated with the grants management process to facilitate efficient operation and compliance with regulatory and programmatic requirements. Monitoring and reporting are critical. DED must have up-to-date information on awards, and it is equally important for Awardees to meet performance goals and ensure compliance with applicable rules and regulations.

Awardee will:

- Be responsible for oversight of the operations of the state award-supported activities;
- Monitor its activities performed under the state award to ensure compliance with applicable state requirements and performance expectations are being achieved. Monitoring will cover each program, function and activity;
- Submit performance report for each open project to DED within 15 days of the reporting period end date, which will include, but not be limited to, the following:
 - Information indicated in the Performance Report section above;
 - Comparison of actual accomplishments to the objectives of the state award established for the period. Where the accomplishments of the state award can be quantified, a computation of the cost.
 - The reason for not meeting established goals, if appropriate; and
 - Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high cost units;
- Inform DED if the following occur between performance reporting dates:
 - Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the state award. This disclosure must include a statement of the action taken, or contemplated, and assistance needed to resolve the situation and;
 - Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally

- planned; and
- Submit annual audit to DED, as indicated above.

8 Technical Assistance for Using the Grants Management System

To administer this program, DED uses its GMS known as AmpliFund. Applications will be submitted, and awards will be managed through the GMS.

8.1 DED Help Portal

User guides about DED's specific business processes for accessing and using the GMS to apply and facilitate the grant are available on DED's website, <http://opportunity.nebraska.gov/amplifund/>. The help portal is organized by topic. You can enter key words into the search bar to find specific articles.



8.1.1 Application User Guides

For instructions on registering to apply, please see **User Management** (<https://dednebraska.zendesk.com/hc/en-us/categories/7865709789851-User-Management>).

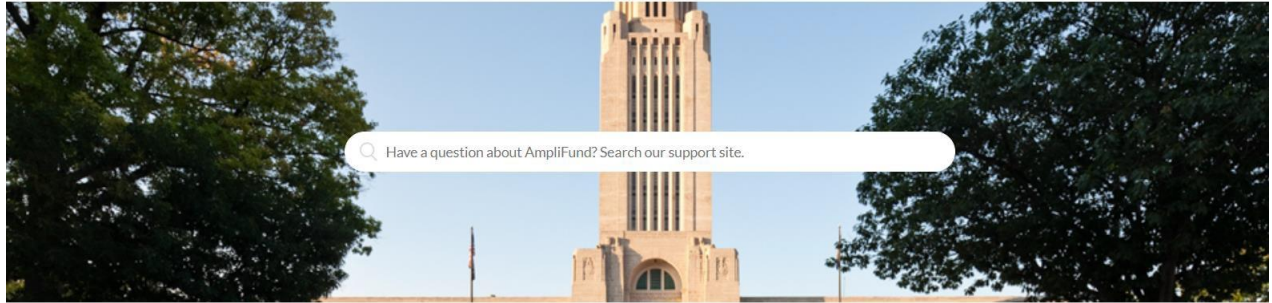
For instructions on applying through the GMS, please see **How to Apply** (<https://dednebraska.zendesk.com/hc/en-us/categories/7542920001051-How-to-Apply>).

8.1.2 Award User Guides

For initial instructions on managing your award, please see **Getting Started with your Award** (<https://dednebraska.zendesk.com/hc/en-us/categories/7865773985307-Getting-Started-with-your-Award>). Other post-award user guides can be found by topic, such as Payment Requests or Amendments.

8.2 GMS Help Portal

For user guides about using AmpliFund, please visit <https://ne-amplifund.zendesk.com>. This help portal will help you learn how to use the system, navigate the system, and more.



Release Notes



User Guides



Instructions

8.3 Customer Support

If you need help using the GMS to apply or manage your award, you can reach out to customer support in three different ways:

1. Call toll-free 1 (844) 735-0239
 - a. Available from 7:00am-7:00pm CDT
2. Online chat
 - a. Available from 8:00am-4:00pm CDT



3. Email support@ne-amplifund.zendesk.com

Record of Change

Find the Version identifier on the cover page of this document. Summary of Changes includes a brief description of the revisions.

Version	Date	Summary of Changes
1.0	10/2022	1. Initial Program Version: Airport Business Park
2.0	12/2023	2. Airport Business Park Phase II Program Grant
2.1	1/2024	3. Updated language in section 3.3.3 regarding relocation to remove reference to federal relocation regulations and replace with Nebraska state statutes.
2.2	3/2024	4. Corrected 2027 to 2026 in sections 2.1.2 and 6.3 to conform to applicable statute. 5. Corrected typographical error (spelling) in section 3.1. 6. Deleted language in section 3.3.3 related to vacant and abandoned properties. 7. Deleted language in section 3.3.3 to remove contradictory provisions related to displacement and relocation. 8. Corrected typographical error (omitted words) in section 4.1.4.