

Nebraska EDA Tourism Grant Program Manual

State of Nebraska

December 2022 | 1.0

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 U.S. Economic Development Administration (EDA) Tourism Grant Program that utilizes funding provided through the Travel, Tourism, and Outdoor Recreation Program (TTOR) through the American Rescue Plan Act (ARPA).

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

The Application and Program Manual, grant schedule, listing of prior awards, and other documents can be found at the Nebraska EDA Tourism Grant Program webpage:

<https://opportunity.nebraska.gov/programs/recovery/>.

2 Program Overview

The Nebraska EDA Tourism Grant Program is an authorized use of funding from the Travel, Tourism and Outdoor Recreation Program (TTOR) and the Economic Adjustment Assistance Fund (EAA) (Assistance Listing #11.307) which was designed to provide state governments with the resources needed to respond to the COVID-19 pandemic and its economic effects and to build a stronger economy during recovery. TTOR was established by the American Rescue Plan Act of 2021 (ARPA) signed into law by the President of the United States on March 11, 2021.

The Nebraska EDA Tourism Grant Program is authorized and further described within Neb. Rev. Stat. §81-12,247.

This Award is made pursuant to the American Rescue Plan Act Pub. L. 117-2 (March 11, 2021) to respond to the impacts of the Coronavirus (COVID-19) public health emergency on the State's travel, tourism, and outdoor recreation sectors. EDA made this Award to the State of Nebraska non-competitively, based on EDA's finding that states are uniquely positioned to distribute State-Selected Tourism Awards quickly and effectively to help the state's travel, tourism, and outdoor recreation sectors recover and rebound from the impacts of the coronavirus pandemic.

DED has determined that those receiving grants ("Awardees") under the Nebraska EDA Tourism Grant Program are Subrecipients.

A Subrecipient is an entity that receives a subaward to carry out a project funded by EAA funds on behalf of the State. Individuals or entities that are direct beneficiaries of a project funded by EAA funds are not considered Subrecipients. Households, communities, nonprofits, and impacted industries are all potential beneficiaries of projects carried out with EAA funds.

The distinction between a Subrecipient and a Beneficiary is contingent upon the rationale for why the State is providing funds to the individual or entity. If the State is providing funds to the individual or entity for the purpose of carrying out a EAA program or project on behalf of the State, the individual or entity is acting as a Subrecipient. Conversely, if the State is providing funds to the individual or entity for the purpose of directly benefiting the individual or entity as a result of experiencing a public health impact or negative economic impact, the individual or entity is a Beneficiary. As a Beneficiary, the individual or entity is not subject to Subrecipient monitoring and reporting requirements. As a Subrecipient, the individual or entity is subject to Subrecipient monitoring and reporting requirements.

The terms and conditions of Federal awards flow down to subawards to Subrecipients, requiring Subrecipients to comply with all of the same requirements the State must comply with such as the treatment of eligible uses of funds, procurement, and reporting requirements. Beneficiaries are not subject to the requirements placed on Subrecipients in the Uniform Guidance (2 CFR Part 200), including audit pursuant to the Single Audit Act and 2 CFR Part 200, Subpart F or Subrecipient reporting requirements.

2.1 Grant Schedule

GRANT SCHEDULE	
Application Open Date	December 22, 2022 at 9:00 a.m. CDT
Priority Letter of Intent Deadline	January 13, 2023 at 5:00 p.m. CDT
Priority Application Deadline	February 2, 2023 at 5:00 p.m. CDT
Anticipated Award Date	March 2023
Period of Performance	March 2023 – December 31, 2025

If there are remaining funds after the announcement of awards, the Department of Economic Development will re-open the application window and make necessary accommodations and announcements related to the next application window.

2.2 Federal Grant Information

FEDERAL GRANT INFORMATION	
Federal Authorizing Agency	U.S. Economic Development Administration
Federal Grant Program	Travel, Tourism and Outdoor Recreation Program
Assistance Listing # <i>(formerly Catalog of Federal Domestic Assistance)</i>	11.307 – Economic Adjustment Assistance Program

2.3 Contact Information

Abra Kataka, Economic Recovery Program Manager
 Nebraska Department of Economic Development
 Economic Recovery Division
 1313 Farnam St., Suite 202
 Omaha, NE 68102
Abra.Kataka@nebraska.gov

3 Eligibility

The Nebraska EDA Tourism Grant Program and any awards made thereunder are funded with federal funds allocated to the State of Nebraska from the federal TTOR pursuant to the American Rescue Plan Act of 2021 (ARPA). As such all funds must be used in compliance with section 602(c) of the Social Security Act, 42 U.S.C. §§ 3149 and 3233. Additionally, the program and use of funds awarded thereunder must comply with the requirements of relevant state statutes and regulations.

3.1 Eligible Use

Pursuant to 42 U.S.C. §§ 3149 and 3233 awards made by the Nebraska EDA Tourism Grant Program are in response to negative economic impacts with respect to the coronavirus public health emergency (COVID-19) including assistance to impacted industries such as tourism, travel, and hospitality.

3.2 Eligible Applicants

Nebraska Department of Economic Development has designed the Nebraska EDA Tourism Grant Program to be extended to the following:

1. Cities or other political subdivisions of the State of Nebraska, including special purpose units of state or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions;
2. State of Nebraska agencies;
3. Institutions of higher education or a consortium of institutions of higher education;
4. Public or private nonprofit organizations or associations, including community or faith-based nonprofit organizations, acting in cooperation with officials of a political subdivision of the State of Nebraska;
5. Economic Development District Organizations located within Nebraska; and
6. Indian Tribes or a consortium of Indian Tribes located within Nebraska.

3.3 Funding Restrictions and Allowable Costs

Individuals and for-profit entities are not eligible to receive subawards. No grant funds, whether expended by the State of Nebraska or a Subrecipient, may be used to subsidize or defray the operating costs of for-profit businesses.

Neb. Rev. Stat. §81-12,247 directs the Nebraska Department of Economic Development (DED) to develop a subgrant program to award the State's EDA ARPA Travel, Tourism, and Outdoor Recreation funds to eligible grantees located within Qualified Census Tracts (QCTs) as follows:

- No less than \$1 million is to be awarded to eligible grantees within a city of the Metropolitan Class;
- No less than \$1 million is to be awarded to eligible grantees within a city of the Primary Class; and
- No less than \$1 million is to be awarded to eligible grantees in outside of a city of the Metropolitan Class and Primary Class.

All award recommendations will be sent to EDA for approval prior to award. DED will consider proposals for three eligible project types:

- **Events and Marketing:** Eligible grantees may propose a project targeted at stimulating the local economies within QCTs through direct investments in events, promotion, and marketing. Eligible

activities in this funding category include campaign development, media purchases, advertising, and promotional events.

- **Planning and Technical Assistance.** Eligible grantees may propose a project targeted at planning and/or technical assistance for businesses and events in QCTs in the tourism industry. Eligible activities in this funding category include event attraction such as conferences and business meetings, local research, marketing, event planning and creating new community events and/or enhancing existing programs.
- **Infrastructure Projects.** Eligible grantees may propose a construction project targeted at increasing short-term and long-term travel/tourism activity through infrastructure upgrades within QCTs. Eligible costs in this funding category include hard costs for construction (materials and labor) and soft costs for construction such as design fees, insurance fees, surveys, studies, environmental assessments, marketing and advertising, project management, administrative costs.

The Awardee must adhere to the federal requirement of 2 CFR Part 200, which includes General Provisions of Subpart B, Pre-Award Requirements of Subpart C, Post-Award Requirements in Subpart D, Cost Principles in Subpart E, and Audit Requirement found in Subpart F. Allowable costs are based on the premise that the Awardee is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Awardees must implement robust strong financial management with a system of internal controls and effective monitoring.

Funds may be, but are not required to be, used along with other funding sources for a given project. Note that funds may not be used for a non-Federal cost share or match where prohibited by other Federal programs.

3.4 Award Funding Details

Grants will be awarded for amounts up to \$3,074,000.00, as stated by Neb. Rev. Stat. §81-12,247. These grants would be made to eligible grantees as follows, but will need to conform to the requirements of the EDA program:

- No less than \$1 million to eligible grantees located within one or more QCTs within a city of the Metropolitan Class.
- No less than \$1 million to eligible grantees located within one or more QCTs within a city of the Primary Class.
- No less than \$1 million to eligible grantees located QCTs located outside of a city of the Metropolitan Class and Primary Class.

4 Pre-Award and Application Submission

4.1 Pre-Award

The following actions are required prior to submission of an application for this program. A Letter of Intent including all of the following must be submitted by the deadline listed Section 2.1 of the Program Manual.

- Applicant Name
- Applicant Contact Information (phone and mailing address)
- Anticipated Amount of Request
- Project Location
- Funding Category (see Program Manual Section 3.3)
- Brief Program Overview (500 words max.)

4.1.1 Unique Entity Identifier

The following steps are required to obtain a Unique Entity Identifier (UEI):

1. Type www.sam.gov in your internet browser address bar.
2. Create an account
 - a. Select “Sign In” located in the upper right-hand corner to create an account.
 - b. There will be a “pop up” asking you to accept the U.S. Government System terms to sign into the website.
 - c. If you accept the terms, you will be asked to “create an account”.
 - d. Enter any required information and language preferences and submit.
 - e. You will then receive an email message to validate your email address.
 - f. Follow the instruction to continue the registration process. For assistance with the registration process, please use the Help or Contact Links located at the bottom of the page.
3. Once you are logged in, make sure you are on the “Home” page.
4. Select “Get Started” from the “Register Your Entity or Get a Unique Entity ID” sub-window.
5. This will not fully register you with Sam.gov but will get you the UEI you will need to participate in this grant program.
6. Next, click “Get Unique Entity ID” button.
7. Fill in the form exactly as the name you registered with your state filing office and your physical address. When all required fields are complete, click the next arrow. Note: the next arrow will not display until the information is complete.
8. You will see this pop up as the system searches. When complete, this pop-up box goes away, and any results will be displayed.
 - a. If the information you entered was unable to be validated, then a No Match found message will appear at the top of the form. You will need to review and correct the information or click Create Incident for help.
 - b. The progress bar across the top allows you to see where you are in the request process.
9. During the Validate Information step, the system shows what you entered and will list all matches found. Select the one that matches and then the next button to Request the UEI or if you are unable to see your information, select Start Over to retype in your information or Create Incident to request help.
10. Once you have selected the correct listing, you will need to Validate Additional Information by entering your Year of Incorporation and the State of Incorporation. Once entered you may select Next.
11. At the bottom of the page there is a selection that defaults to allow that the selected record be a public display record.
12. Once you have your match and made your choice on public display, click next.
13. During the Request UEI (SAM) process, you will need to check the box to certify that you are authorized to conduct transactions on behalf of the entity and select “Request Unique Entity ID”.

During the Receive UEI (SAM) process (final process), you will receive your UEI. Keep this information for your records.

* **Note:** DED is aware of the delays with SAM.gov system as it relates to obtaining a UEI number. If Applicant’s UEI number is pending, enter “PENDING” under the “Unique Entity Identifier (UEI)” field on the application. Additionally in Part 4 of the application, under the “Other Applicant-Specific Attachments, As Needed” field, Applicant will need to upload proof that it has applied for an UEI number. If Applicant is awarded funds, it must have a valid UEI number within 30 days of Award Date. **Failure to have a valid UEI number within 30 days of the Award Date may cause the conditional award to be revoked.**

4.1.2 Debarment and Suspension

Applicants and any sub-awardees that are debarred, suspended, or otherwise excluded from 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 contract 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 your 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 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 Acknowledgement of Terms and Conditions for Federal Grants

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

The Awardee must acknowledge and will agree to in the grant application and agreement that any activities performed by the Awardee determined to be unallowable by DED, or State and Federal oversight monitors or auditors must be returned to the DED for utilization on other EAA allowable activities or returned to the federal grantor.

4.2 Application Submission

Applications are submitted electronically through DED's grant management system (GMS) at any time after the application open date and on or before the application deadline.

If there are remaining funds after the announcement of awards, DED will re-open the application window and make necessary accommodations and announcements related to the next application window.

4.2.1 Documentation Required for Application – Content and 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

- Provides an overview of the program, basic requirements, and DED contact information.
- Project Information
 - You will input a primary contact for the application and award.
- Forms
 - You will answer specific questions about the program.
- Budget
 - You will provide a proposed budget divided into categories and line items. If you receive an award, expense will be tracked against the line items you proposed.
- Performance Plan
 - You will need to provide information related to your performance plan in the GMS.

Applicants must provide the following:

- Nebraska Secretary of State - Certificate of Good Standing
- Charter/Articles of Incorporation/By-Laws/Board Resolution
- 2019-2021 Income Statements, Cash Flow, and Balance Statements (private entities)
- Federal 501(c)(3) or 501(c)(19) IRS determination letter (nonprofits)
- 2019-2021 IRS Form 990 (nonprofits)
- Evidence of Board Approval for grant request
- A letter of support from a unit of government stating that Applicant is acting in cooperation with officials of a political subdivision of the State of Nebraska. (nonprofits)
- Infrastructure Fund projects:
 - Environmental Narrative (EN)
 - Applicant Certification Clause (ACC)
 - Any other environmental-related documents the Applicant can provide
- Other Applicant-specific attachments, as needed
- General Information
- Application Questions
- Narrative questions for each characteristic and other mandatory fields indicated.

4.2.2 Timely Receipt and Completeness Requirements

Applications must be submitted by the application deadlines. Applications must be completed via DED's GMS and must fully comply with all requirements. 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.

4.3 Conflicts of Interest in the Administration of Awards

Awardees must disclose to the DED any financial conflicts of interest that arise and are required to be managed during the life of the award. Such a conflict of interest would arise when the employee of an 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 herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. An Awardee's employees may neither solicit nor accept gratuities, favors, or anything of monetary value from the contractors or parties to subcontract.

5 Award Determination and Obligation

5.1 Application Evaluation Criteria

Applications will be scored and evaluated using the following criteria:

Criteria	Description	Weighting Factor
Economic Impact	The impact of the proposal on the local economy and qualitative and quantitative benefits to the local community.	20%
Capacity	Applicant's ability to complete the program activities within the program period of performance and efficient and effective use of funds.	30%
Financial and Administrative Readiness	Applicant's experience in managing federal grant funds and developing program internal controls, established procurement processes, and adhering to reporting requirements.	10%
Alignment with EDA TTOR Objectives	Degree to which the proposed project aligns with EDA's mission and promotes the purpose of the Travel, Tourism, and Outdoor Recreation Program.	20%
Project Task and Timeline	Evaluation of the proposed timeline, its comprehensiveness and its ability to address tasks that are needed to successfully complete the objectives outlined in the scope of work.	10%
Cost of Proposal/Budget	Assessment of the costs listed in Applicant's budget to determine if the overall value of the project is competitively priced and in accordance with the goals stated within the proposal/scope of work.	10%

EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. EDA implements this mission by making strategic investments in the nation's most economically distressed communities that encourage private sector collaboration and creation of higher-skill, higher-wage jobs. EDA investments are results driven, embracing the principles of technological innovation, entrepreneurship, and regional development.

This historic investment will support bottom-up economic development focused on advancing equity, creating good-paying jobs, helping workers to develop in-demand skills building economic resilience, and accelerating the economic recovery for the industries and communities hit hardest by the coronavirus pandemic. Projects under this grant program must support the travel, tourism, and outdoor recreation sectors and be consistent with CDC guidelines for safe travel.

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 sub-agreement as well as additional Subrecipient monitoring procedures for grantees requiring special conditions. This process will differ based on the potential Subrecipient's organization type (ex. Nonprofit, government entity, or education 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 will then be scored by a committee based on the scoring criteria. Awards will be determined by the review committee.

Following the award decision by the review committee, a recommendation will be provided to the DED Director. Once approved, DED will notify EDA of the projects that have been selected. Notices of award and notices of non-select will be sent to the Applicants after EDA has approved each project.

I. Capacity	
	Description of organization, responsibilities, and number of employees gives confidence that organization will be able to implement proposed project as planned.
	Qualifications and experience of organization's staff.
	Number of staff members or volunteers the organization will commit to the project.
	Description of organization's position to be a leading provider in addressing the community's needs as described by applicant.
II. Financial and Administrative Readiness	
	Organization's experience handling federal grants in the last five years.
	External audit completed within past 5 years.
	Evaluation of audit findings in past 5 years.
	Organization's ability to take on additional projects and manage federal funds in a responsible manner.
III. Economic Impact	
	Quantitative Economic Impact: Estimated financial impact within the specified QCT.
	Qualitative Economic Impact: Impact on business development within the specified QCT.
	Number of people the project or event is estimated to impact.
IV. Alignment with EDA TTOR Objectives	
	Proposed project's overall alignment with EDA's mission.
	Proposed project's overall alignment with the purposes of the Travel, Tourism, and Outdoor Recreation Program
V. Project Task and Timeline	
	Feasibility of project timeline.
	Description of the tasks/functions staff members or volunteers will perform during the project.

V. Cost of Proposal/Budget	
	Budget line items are reasonable and justifiable.
	Sustainability: Vision for addressing the need in the community and actions to achieve long-term sustainability. Infrastructure Projects only: Points awarded for Matching Funds.

6 Award Administration

6.1 Notice of Award

As an integral component of the approval process, DED will obtain prior approval from EDA on a project-by-project basis before awarding any concessions. Once obtained, DED will issue written Notices of Award (NOA) to Awardees of an award. 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 Terms and Conditions

Following DED's NOA, DED will issue an electronic copy of the Nebraska EDA Tourism Grant Program Award Agreement via DocuSign. The Nebraska EDA Tourism Grant Program 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 contract.

The Awardee must review, sign, date, and return the agreement via DocuSign to accept Nebraska EDA Tourism Grant Program awards. DED signs the contract after it is signed by the Awardee. Once all parties have signed the agreement, Awardees will be required to provide the State of Nebraska W9 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 agreement and the meeting of any required conditions specified in the contract, the Awardee may submit the First Payment Request. Under the Economic Adjustment Assistance for Disaster Economic Recovery Under Sections 703 and 209 of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. §§ 3149 and 3233, the Nebraska EDA Tourism Grant Program Awardees will fall under two types: Construction and Non-Construction projects. Construction project grant monies will be disbursed exclusively under the reimbursement basis. Non-construction projects will receive payments through the State of Nebraska (from EDA) on an advance basis, unless the State of Nebraska requests reimbursement.

6.3.1 Construction expenditures

For construction expenditures, disbursement will occur through reimbursement basis only. This award will be disbursed on a reimbursement basis using the GMS. To receive reimbursement, 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 reimbursement Payment Request, which will be submitted to DED.

DED may reject the payment request and require resubmission if documentation is incomplete, funds are requested for ineligible costs, match contribution is not sufficient, or other issues are identified. Upon DED's approval of payment requests, DED will disburse grant funds on a reimbursement basis up to the amount detailed in the reimbursement documentation. An email from the AmpliFund Administrator will give notice to the Grant Manager that DED has approved or denied the request for payment. Funds are transferred electronically to the account designated on the State of Nebraska ACH Enrollment Form. If an email address was provided on the State of Nebraska ACH Enrollment Form, it will be notified once the payment has been processed.

6.3.2 Non-construction expenditures by the State and for all subawards

The Awardee may submit the first payment request using the GMS as an initial tranche payment for an amount pre-determined by your contract. This will be an advance payment. DED retains the right to change Recipients from "advance" to "reimbursement" or "agency review" status if the Program Manager deems it necessary or prudent to ensure successful monitoring of Federal Funds in compliance with EDA's Grant Program requirements.

Upon DED's approval of the First Payment Request, DED will disburse the initial tranche of funding. Subsequent funding will be provided on a reimbursement basis. Before submitting another payment request, the Awardee must spend the initial tranche, spending additional grant funds, and contribute required match. This will be reported to DED by logging expenses in the GMS. To receive reimbursement, 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 reimbursement Payment Request, which will be submitted to DED.

DED may reject the payment request and require resubmission if documentation is incomplete, funds are requested for ineligible costs, match contribution is not sufficient, or other issues are identified. Upon DED's approval of payment requests, DED will disburse grant funds on a reimbursement basis up to the amount detailed in the reimbursement documentation, minus the initial tranche. An email from the AmpliFund Administrator will give notice to the Grant Manager that DED has approved or denied the request for payment. Funds are transferred electronically to the account designated on the State of Nebraska ACH Enrollment Form, which must be submitted with the signed Grant Agreement. If an email address was provided on the State of Nebraska ACH Enrollment Form, it will be notified once the payment has been processed.

Awardees can find detailed instructions for how to submit payment requests in the user guides and other information found in Section 8 of this document. Payment of the reimbursement is subject to Awardee's submission of compliance materials (e.g., paid invoices, receipt of expenditures, required supporting documentation, proof of payment, etc.) for review and approval by DED.

The timing of the final disbursement request depends on the Awardee's ability to document expenditure of funds as required in the agreement but should be submitted to DED on or before the end of the contract term.

7 Post-Award Management and Implementation

7.1 Financial Management

Awardees are required to properly manage their financial resources. DED has established a financial management framework that allows for the appropriate recording and reporting of the receipt and

expenditures of federal grant funds. Awardees are required to be in compliance regarding expenditure requirements outlined in 2 CFR §200.

7.2 Internal Controls

Awardees must agree to comply with applicable laws, regulations and provisions of grant agreements which includes the requirement to maintain internal controls to provide reasonable assurance of compliance with these requirements. Awardee internal control requirements are further outlined in 2 CFR §200.303

7.3 Cost Sharing and Matching

Cost Sharing and Matching requirements do not apply to the EAA Program.

7.4 Program Income

7.4.1 Construction Projects

For Projects that generate revenue (e.g., rent for buildings or real property constructed or improved with EDA funds, rent or fees charged for use of equipment purchased with EDA funds, fees charged by the Recipient or a third party in connection with Project operations, etc.), the Awardee agrees, for the estimated useful life of the EDA-assisted facility or equipment, to use income generated from the facility or equipment, in the following order of priority unless modified by a specific award condition:

- a. Administration, operation, maintenance, and repair of Project facilities in a manner consistent with good property management practice and in accordance with established building codes. This includes, where applicable, repayment of indebtedness resulting from any EDA-approved encumbrance (e.g., approved mortgage) on the EDA-assisted facility. In the case of equipment, administration, operation, maintenance, and repair of the equipment, or the facility in which the equipment is located as required to maintain and operate the equipment, for the equipment's estimated useful life.
- b. Economic development activities that are authorized for support by EDA, provided such activities meet the economic development purposes of PWEDA and are located within the designated Project region.
- c. Any program income in excess of paragraphs a. and b. of this section that is generated during the period of performance must be deducted from total allowable Project costs in accordance with 2 CFR § 200.307(e)(1). See also 2 CFR § 200.307 ("Program income").

7.4.2 Non-Construction Projects

Generally, program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards and principal and interest on loans made with Federal award funds. Program income does not include interest earned on advances of Federal funds, rebates, credits, discounts, or interest on rebates, credits, or discounts. Awardees of EAA funds should calculate, document, and record the organization's program income. Additional controls that Awardees should implement include written policies that explicitly identify appropriate allocation methods, accounting standards and principles, compliance monitoring checks for program income calculations, and records. Awardees will report on program income following the reporting procedures enumerated in the grant agreement.

The Uniform Guidance outlines the requirements that pertain to program income at 2 CFR §200.307.

7.5 Insurance

With respect to any property acquired or improved in whole or in part with Award funds, the Awardee must comply with the Property Standards set forth at 2 CFR §§ 200.310 ("Insurance coverage") through 200.316

(“Property trust relationship”), and EDA’s regulations at 13 CFR part 314. Property acquired or improved in whole or in part by the Awardee under this Award may consist of real property; personal property, including equipment and supplies; and intangible property, such as money, notes, contractual rights, and security interests.

7.6 Real Property and Equipment

Any purchase or improvement of equipment or real property with EAA funds must be consistent with the Uniform Guidance at 2 CFR Part 200, Subpart D. Equipment and real property acquired under this program must be used for the originally authorized purpose. Consistent with 2 CFR §200.311 and 2 CFR §200.313, any equipment or real property acquired using EAA funds shall vest with the Awardee. Any procurement of equipment or real property must also be in compliance with 2 CFR §200.317 through 2 CFR §200.327.

Real Property, Tangible Personal Property and Intangible Property Reports and Requests for Dispositions. Unless otherwise required by the terms and conditions of a DED award, where real property, tangible personal property or intangible property is acquired or improved (in the case of real property or tangible personal property), or produced or acquired (in the case of intangible property), pursuant to a DED award, non-Federal entities are required to submit the following real property, tangible personal property and intangible property reports (as appropriate):

- (1) Real Property Status Reports and Requests for Dispositions: Non-Federal entities must submit reports using Form SF-429 (Real Property Status Report) or any successor form, including appropriate attachments thereto, at least annually disclosing the status of real property that is Federally owned property or real property in which the Federal Government retains a Federal Interest, unless the Federal Interest in the real property extends 15 years or longer. In cases where the Federal Interest attached is for a period of 15 years or more, the DED or pass-through entity, at its option, may require the non-Federal entity to report at various multi-year frequencies (e.g., every two years or every three years, not to exceed a five-year reporting period; or, the DED or pass-through entity may require annual reporting for the first three years of a Federal award and thereafter require reporting every five years). In addition, DED or a pass-through entity may require a non-Federal entity to submit Form SF-429, with appropriate attachments, relating to a non-Federal entity’s request to acquire, improve or contribute real property under a DED financial assistance award.

Non-Federal entities wishing to dispose of real property acquired or improved, in whole or in part, pursuant to a DED award must request disposition instructions, including the submission of Form SF-429, with appropriate attachments, from the Program Manager in accordance with the requirements set forth in 2 C.F.R. § 200.311(c).

- (2) Tangible Personal Property Status Reports and Requests for Dispositions: DED or a pass-through entity may also require a non-Federal entity to submit periodic reports using Form SF-428 (Tangible Personal Property Report) or any successor form, including appropriate attachments thereto, concerning tangible personal property that is Federally owned or tangible personal property in which the Federal Government retains an interest. In addition, DED or a pass-through entity may require a non-Federal entity to submit Form SF-428 in connection with a non-Federal entity’s request to dispose of tangible personal property acquired under a DED financial assistance award. Non-Federal entities wishing to dispose of tangible personal property acquired or improved, in whole or in part, pursuant to a DED award must request disposition instructions, including the submission of Form SF-428, with appropriate attachments, from the Program Manager in accordance with the requirements set forth in 2 C.F.R. § 200.313(e).
- (3) Intangible Property Status Reports and Requests for Dispositions: The specific requirements governing the development, reporting, and disposition of rights to intangible property, including inventions and patents resulting from DED awards, are set forth in 37 C.F.R. § 401, which is hereby incorporated by reference into this award. Non-Federal entities are required to submit their disclosures, elections, and requests for waiver from any requirement for substantial U.S.

manufacture, electronically using the Interagency Edison extramural invention reporting system (iEdison) at www.iedison.gov. Non-Federal entities may obtain a waiver of this electronic submission requirement by providing to the Program Manager compelling reasons for allowing the submission of paper reports. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 C.F.R. § 200.313(e).

The Awardee agrees to properly and efficiently administer, operate, and maintain the Project for its estimated useful life as defined by EDA properly and efficiently.

EDA's policy regarding useful life is defined as follows:

- Useful life is 20 years for new buildings and infrastructure
- Useful life is 15 years for renovated buildings
- Useful life for pieces of equipment will be evaluated on a case-by-case basis but will be 5 or 10 years depending on the evaluation outcome.

Awardees agrees to follow EDA's policy on useful life including but not limited to:

- Monitoring and preventing the project from waste, fraud, and abuse;
- Listing EDA as debtor or interested party as part of the security agreement for any property or equipment that is financed;
- Properly and efficiently administering, operating, and maintaining the project for its estimated useful life; and
Using project income in the order of priority as outlined by EDA guidance.

7.7 Procurement

DED and its Awardees are responsible for ensuring that any procurement using award funds, or payments under procurement contracts using such funds are consistent with the procurement standards set forth in the Uniform Guidance at 2 CFR §200.317 through 2 CFR §200.327, as applicable. For instance, 2 CFR §200.318 requires Subrecipients to:

- (1) To have and use documented procurement procedures;
- (2) Maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders; and
- (3) Requires and must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

Please consult 2 CFR §200 for additional procurement standards.

7.7.1 Competition and Conflicts of Interest

Competition - All written procurement policies will include procedures to conduct all procurement transactions in a manner providing full and open competition consistent with the standards. DED considers "full and open" competition to mean that a complete requirement is publicly solicited (except if specifically not required) and all responsible sources that are interested in doing so, are permitted to compete.

There are numerous benefits to full and open competition, such as increasing the probability of reasonable pricing from the most qualified contractors and helping discourage and prevent favoritism, collusion, fraud, waste, and abuse.

Conflict of interest - In accordance with 2 CFR §200.112, DED and Awardees must disclose in writing any potential conflict of interest to DED in accordance with applicable Federal awarding agency policy. Also, in accordance with 2 CFR §200.113, DED and Awardees of a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or DED all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required

disclosures can result in any of the remedies described in 2 CFR §200.338 Remedies for non-compliance, including suspension or debarment.

7.7.2 Supply Schedules and Purchasing Programs

The Awardee's procurement procedures must address what procurement methods will be used, including a description of those methods and the circumstances when used. These methods should also include a description of how and when the Awardee will use joint procurements, purchasing agents, and Federal and State supply schedules.

7.7.3 Additional Federal Requirements

Davis-Bacon Act. The Davis-Bacon Act, as amended (40 U.S.C. §§ 3141–3144, 3146, 3147; 42 U.S.C. § 3212), requirements (prevailing wage rates) do not apply to projects under \$2,000.00. However, DED encourages Awardees to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions regardless of the value of the project. DED also encourages Awardees to prioritize in their procurements, employers with high labor standards and to prioritize employers without recent violations of federal and state labor and employment laws. Additional standards may be applicable based on state statutes (i.e., [Neb. Rev. St. Chapter 73 “Public Lettings and Contracts”](#)) and award agreement terms and conditions.

For Construction Projects:

The National Environmental Policy Act. The National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) implementing regulations (40 C.F.R. Parts 1500 through 1508) require that an environmental analysis be completed for all projects to determine whether they have significant impacts on the environment. The Awardee must submit to DED a completed Environmental Narrative and Applicant Certification Clause using the EDA's Environmental Narrative Template, which can be found at: <https://eda.gov/programs/eda-programs/>.

DED, through the direction of EDA, may also require the Awardee to initiate consultation on EDA's behalf under the Endangered Species Act, National Historic Preservation Act, or other statutes. The Awardee will be required to secure all concurrences or clearances from other agencies or third parties as EDA may reasonably require to fulfill its statutory and regulatory obligations, and the Awardee agrees to pursue all such clearances diligently.

Please note that environmental reviews can be lengthy. DED or EDA will not be held responsible for any delays associated with the environmental review process or required consultations, nor can the deadline for project completion be extended beyond May 31, 2027 for this reason.

7.8 Cost Principles

Awardees must assume responsibilities for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the federal award. Costs pertaining to a Federal award should be allowable, allocable, and reasonable and treated consistently. Cost Principles should be followed in accordance with 2 CFR §§200.400-200.476.

7.9 Records Retention and Access

As required by Retention Requirements for Records found in 2 CFR §§200.334 - 200.338. Awardees must maintain records and financial documents for five years after all funds have been expended or returned. Treasury may request transfer of records of long-term value at the end of such period. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats. Awardees must agree to provide or make available such records to the State of Nebraska, the Nebraska Department of Economic Development, and the U.S. Department of Treasury upon request, and

to any authorized oversight body, including but not limited to the Government Accountability Office (“GAO,”) Treasury’s Office of Inspector General (“OIG,”) and the Pandemic Relief Accountability Committee (“PRAC,”) and the Nebraska Auditor of Public Accounts.

7.10 Non-Compliance Termination

If DED determines that the Awardee materially fails to comply with any term of this grant agreement, whether stated in a federal or 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 this 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 this Grant Agreement;
9. Imposing a corrective action plan;
10. Withholding further awards; or
11. Taking other remedies or appropriate actions.

The Awardee’s 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.

7.11 Reporting

7.11.1 Financial Reporting Requirements

The Awardee shall submit to DED a “*Federal Financial Report*” (Form SF-425 or any successor form) on a semi-annual basis. The dates for submission will be listed in Award Agreement. Form SF-425 and instructions for completing it are available at: <https://www.grants.gov/forms/post-award-reporting-forms.html>.

7.11.2 Progress and Program Performance Reporting Requirements

Awardee agrees to provide DED with project progress reports, communicating the important activities and accomplishments of the project including the status of progress the grant award. Progress reports will be required on a semi-annual basis. The Award Agreement will list the dates for submission.

For Construction Projects, Awardees will be given a specific template for its project progress reports and the project progress report must contain the following information for each Project program, function, or activity:

1. A comparison of planned and actual accomplishments according to the timetable or list of Project objectives in this Award;
2. An explanation of any delays or failures to meet the Project timetable or Project goals; and
3. Any other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

Performance progress reports shall be submitted to DED in an electronic format no later than the due date listed in the Award Agreement. Reports shall be in a clear format, not exceeding six pages, and shall:

1. Provide a concise overview of the activities undertaken during the semi-annual reporting period;
2. Document accomplishments, benefits, and impacts of the project. The Awardee should identify activities that have led to specific outcomes, such as job creation/retention, private investment, increased regional collaboration, engagement with historically excluded groups or regions, enhanced regional capacity, or other positive economic development benefits;
3. Identify any upcoming or potential press events or opportunities for collaborative press engagements to highlight the benefits of the EDA investment;
4. Compare progress on the project with the targeted schedule, explaining any departures, identifying how those departures will be remedied, and projecting the course of work for the next semi-annual reporting period;
5. Outline challenges impeding or that may impede progress on the project over the next semi-annual reporting period and identify ways to address those challenges;
6. Outline any areas in which DED or EDA assistance is needed to support the project; and
7. Provide any other information that would be helpful for DED or EDA to know.

7.11.3 Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the Awardee entity's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the Awardee entity during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in numbered section 2 of this two-part award condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. §2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

7.12 Single Audit Report

Awardees that expend more than \$750,000.00 in total federal awards during their fiscal year will be subject to an audit under the Single Audit Act and its implementing regulation at 2 CFR Part 200, Subpart F regarding audit requirements. Awardees may also refer to the Office of Management and Budget (OMB) Compliance Supplements for audits of federal funds and related guidance and the Federal Audit Clearinghouse to see examples and single audit submissions. Awardees will be notified via email through Amplifund to submit an annual audit. More information can be found at the DED website: <https://dednebraska.zendesk.com/hc/en-us/articles/6660531499291-Submitting-the-Notification-of-Annual-Audit-NAA->

7.13 Department of Economic Development Monitoring and Reporting

As a recipient for Federal award funds, DED is entrusted with financial resources and responsibilities for the management, disbursement, and accountability of the ARPA EAA program. By extension, 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 is critical for the Federal awarding agency and DED to have up-to-date information on awards and

subawards, and invaluable for Awardees in regard to meeting performance goals and ensuring compliance with applicable rules and regulations.

Awardees will:

- Be responsible for oversight of the operations of Federal award-supported activities;
- Monitor its activities performed under Federal awards to ensure compliance with applicable Federal requirements and performance expectations are being achieved. Monitoring will cover each program, function and activity;
- Submit quarterly financial and performance report (Quarterly Report) for each open project to DED within 15 days of the reporting period end date, which will include the following:
 - Comparison of actual accomplishments to the objectives of the Federal award established for the period. Where the accomplishments of the Federal awards 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 Federal 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 reports to DED on the status of real property in which the Federal Government retains an interest.

8 Technical Assistance for Using the Grants Management System

To administer this program, the Nebraska Department of Economic Development (DED) uses a grants management system (GMS), 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

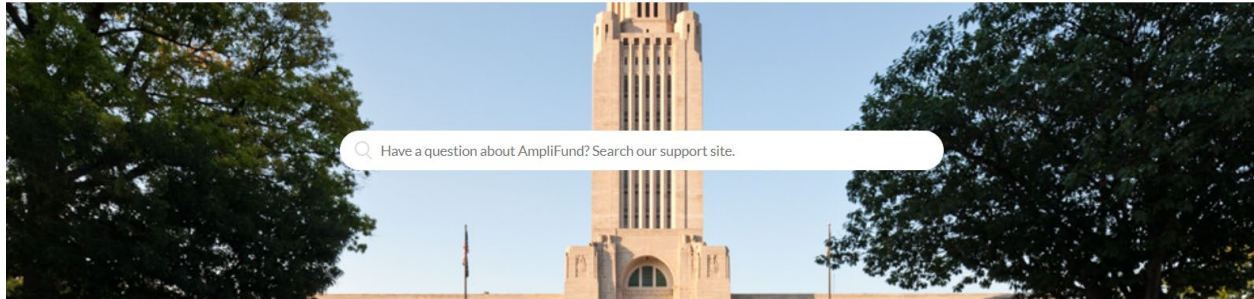

For initial instructions on managing your award, please see **Getting Started with your Award** (<https://dednebraska.zendesk.com/hc/en-us/categories/7865773985307-Getting-Started-with-your-Award>).

Other post-award user guides can be found by topic, such as Payment Requests or Amendments.


For also program-specific user guides, please see **ARPA** (<https://dednebraska.zendesk.com/hc/en-us/categories/7542922996379-ARPA>).

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 you 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	12/2022	Initial Version
1.1	12/2022	Word count updated for Letter of Intent