



# Building Mental Health Treatment Facilities Program Manual

State of Nebraska

October 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.*

# Table of Contents

1 Introduction .....	4
2 Program Overview .....	4
2.1 Grant Schedule.....	5
GRANT SCHEDULE .....	5
2.2 Federal Grant Information .....	5
FEDERAL GRANT INFORMATION .....	5
2.3 Contact Information.....	5
3 Eligibility .....	6
3.1 Eligible Use .....	6
3.2 Eligible Applicants.....	6
3.3 Funding Restrictions and Allowable Costs .....	6
3.4 Award and Potential Matching Requirements .....	7
4 Pre-Award and Application Submission .....	7
4.1 Pre-Award .....	7
4.2 Application Submission.....	9
APPLICATION SCHEDULE .....	9
4.3 Conflicts of Interest in the Administration of Awards .....	10
5 Award Determination and Obligation .....	10
5.1 Application Evaluation Criteria .....	10
5.2 Applicant Risk Assessment .....	11
5.3 Application Review and Selection Process .....	11
6 Award Administration .....	11
6.1 Notice of Award.....	11
6.2 Grant Agreement Terms and Conditions .....	11
6.3 Award Disbursement .....	11
7 Post-Award Management and Implementation.....	12
7.1 Financial Management .....	12
7.2 Internal Controls.....	12
7.3 Cost Sharing and Matching .....	12
7.4 Program Income .....	12
7.5 Insurance .....	13
7.6 Real Property and Equipment.....	13
7.7 Procurement .....	13
7.8 Cost Principles .....	14
7.9 Records Retention and Access .....	14
7.10 Non Compliance Termination .....	15

7.11 Reporting ..... 15

7.12 Single Audit Report ..... 16

7.13 Department of Economic Development Monitoring and Reporting ..... 16

8 Technical Assistance for Using the Grants Management System ..... 17

8.1 DED Help Portal ..... 17

8.2 GMS Help Portal ..... 18

8.3 Customer Support ..... 18

Record of Change ..... 19

# 1 Introduction

---

This Program Manual is designed to provide guidance and written standards for the applicable components of the Building Mental Health Treatment Facilities Program (BMHF) that utilize funding provided through the Coronavirus State and Local Fiscal Recovery Fund (SLFRF) 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 & Program Manual, grant schedule, listing of prior awards, and other documents can be found at the Building Mental Health Treatment Facilities Program webpage:

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

## 2 Program Overview

---

The Building Mental Health Treatment Facilities Program is an authorized use of funding from SLFRF (Assistance Listing #21.027) 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. SLFRF 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.

In Section 45 of LB1014 amounts of \$10,000,000.00 for Fiscal Year 2021-22 and \$30,000,000.00 for Fiscal Year 2022-23 was appropriated to the Nebraska Department of Economic Development (DED) for DED to provide for capital construction grants to build mental health care and education capacity.

Improving mental health care and education capacity is a foundation for a full societal recovery from the COVID-19 pandemic. The benefits of expanding mental health treatment and education capacity include improved access to mental health and education services. This improved access to services will reduce utilization of hospital emergency rooms and crisis care; decrease police involvement and incarceration; foster a higher quality of life through better education, workforce, and life skills; and increase job retention.

With this purpose in mind, DED will make an application available to nonprofit organizations for the purpose of applying for construction grants from the BMHF Program. Awards will be issued until funds are exhausted.

**DED has determined that those receiving grants (“awardees”) under the Building Mental Health Treatment Facilities Program may be either subrecipients or beneficiaries based on the rational for funding.**

A subrecipient is an entity that receives a subaward to carry out a project funded by SLFRF funds on behalf of the State. Individuals or entities that are direct beneficiaries of a project funded by SLFRF funds are not considered subrecipients. Households, communities, small businesses, nonprofits, and impacted industries are all potential beneficiaries of projects carried out with SLFRF 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 SLFRF 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	October 19, 2022 at 9:00 AM CST
Application Deadline	October 28, 2022 at 5:00 PM CST
Anticipated Award Date	November 14, 2022
Period of Performance	Funds must be expended before December 31, 2026

## 2.2 Federal Grant Information

FEDERAL GRANT INFORMATION	
Federal Authorizing Agency	U.S. Department of Treasury
Federal Grant Program	SLFRF
Assistance Listing # <i>(formerly Catalog of Federal Domestic Assistance)</i>	21.027 – SLFRF

## 2.3 Contact Information

Dave Dearmont, Research Administrator  
 Nebraska Department of Economic Development  
 Incentives Division  
 P.O. Box 94666  
 245 Fallbrook Blvd, Suite 002  
 Lincoln, NE 68521  
 402-471-3777  
[dave.dearmont@nebraska.gov](mailto:dave.dearmont@nebraska.gov)

## 3 Eligibility

The Building Mental Health Treatment Facilities Program and any awards made thereunder are funded with federal funds allocated to the State of Nebraska from the federal SLFRF 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. §802(c), 31 C.F.R. Part 35, the U.S. Department of the Treasury regulations implementing that section, all relevant Treasury guidance, and the Federal Award Terms and Conditions.

### 3.1 Eligible Use

Pursuant to 42 U.S.C. §802(c)(1), awards made by the Building Mental Health Treatment Facilities Program are in response to the public health emergency with respect to the Coronavirus Pandemic (COVID-19). This response is an enumerated eligible pursuant to 31 C.F.R. §§ 35.6(b)(2)(ii) and 35.6(b)(3)(i)(C).

As indicated in 31 C.F.R. Part 35, capital expenditures related to behavioral health that Treasury recognizes as eligible, include behavioral health facilities and equipment (e.g., inpatient or outpatient mental health or substance use treatment facilities, crisis centers, education centers), as long as they adhere to the standards detailed in the Final Rule Capital Expenditures section.

Per Final Rule, the general public is presumed to be impacted by the public health emergency for the purposes of providing behavioral health care, including prevention, treatment, emergency or first-responder programs, harm reduction, supports for long-term recovery, and behavioral health facilities and equipment and the following populations, are presumed to be disproportionately impacted by the public health emergency or its negative economic impacts:

Populations residing in a qualified census tract; households and populations receiving services provided by Tribal governments; households and populations residing in the territories; households and populations receiving services provided by territorial governments; low-income households and populations; households that qualify for Temporary Assistance for Needy Families (42 U.S.C. 601 et seq.), the Supplemental Nutrition Assistance Program (7 U.S.C. 2011 et seq.), Free and Reduced Price School Lunch and/or Breakfast programs (42 U.S.C. 1751 et seq. and 42 U.S.C. 1773), Medicare Part D Low-income Subsidies (42 U.S.C. 1395w-114), Supplemental Security Income (42 U.S.C. 1381 et seq.), Head Start (42 U.S.C. 9831 et seq.), Early Head Start (42 U.S.C. 9831 et seq.), the Special Supplemental Nutrition Program for Women, Infants, and Children (42 U.S.C. 1786), Section 8 Vouchers (42 U.S.C. 1437f), the Low-Income Home Energy Assistance Program (42 U.S.C. 8621 et seq.), Pell Grants (20 U.S.C. 1070a), and, if SLFRF funds are to be used for services to address educational disparities, Title I eligible schools.

### 3.2 Eligible Applicants

Nebraska Department of Economic Development has designed the Building Mental Health Treatment Facilities Program to be extended to nonprofit organizations that provide mental health services and education in Nebraska.

To be considered as a non-profit, applicants must submit a copy of the organization's IRS letter of determination identifying the entity as a non-profit.

### 3.3 Funding Restrictions and Allowable Costs

The Building Mental Health Treatment Facilities Program will provide capital construction grants, to build mental health care and education capacity, to nonprofit organizations that provide mental health service and education in Nebraska. Through this grant DED will reimburse costs incurred during the construction of mental health facilities in Nebraska.

In applying for and receiving an award 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 an 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.

Treasury's Final Rule and guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR § 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable. However, costs for audits that were not performed, or not in accordance with 2 CFR Part 200, Subpart F are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

### 3.4 Award and Potential Matching Requirements

Grants will be awarded for amounts up to \$10,000,000.00, as stated by State of Nebraska legislation.

## 4 Pre-Award and Application Submission

---

### 4.1 Pre-Award

The following actions are required prior to submission of an application for this program.

#### 4.1.1 Unique Entity Identifier

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

1. Type [www.sam.gov](http://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 allow 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".
14. During the Receive UEI (SAM) process (final process), you will receive your UEI. Keep this information for your records.

#### 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 of 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 SLFRF 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.

APPLICATION SCHEDULE	
Application Open Date	October 17,2022
Application Close Date	October 28,2022

### 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/mental-health-capacity-program/>.

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
  - Does the project have at least \$10 million in qualified construction costs?
  - Readiness of the project. How much funding from other sources has been raised/budgeted?
  - How project will address the impact of COVID-19 on mental health/education
- 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 provide information on performance goals.

Applicants must provide the following:

- Applicant's Organization Overview
- Applicant's Work Plan
- **Description of the harm or need to be addressed.** Recipients should provide a description of the specific harm or need to be addressed and why the harm was exacerbated or caused by the public health emergency. Recipients may provide quantitative information on the extent and the type of harm, such as the number of individuals or entities affected.
- **Explanation of why a capital expenditure is appropriate.** For example, recipients should include an explanation of why existing equipment and facilities, or policy changes or additional funding to pertinent programs or services, would be inadequate.
- **Comparison of proposed capital project against at least two alternative capital expenditures and demonstration of why the proposed capital expenditure is superior.**

Recipients should consider the effectiveness of the capital expenditure in addressing the harm identified and the expected total cost (including pre-development costs) against at least two alternative capital expenditures. Where relevant, recipients should consider the alternatives of improving existing capital assets already owned or leasing other capital assets.

#### 4.2.2 Timely Receipt and Completeness Requirements

Applications must be submitted by the Application Deadlines in Section 2.2. 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.

#### 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. Awardees must assert that they conducted a due diligence assessment that reasonable efforts were made to prevent and detect any such financial conflicts of interest. 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	The ability of the recipient to complete the program activities within the program period of performance and efficient and effective use of funds.	50%
Financial and Administrative Readiness	Experience of the recipient in managing federal grant funds and developing program internal controls, established procurement processes, and adhering to reporting requirements.	30%

In addition, the following criteria will be observed:

The proposed project must contain at least \$10 million in qualified construction costs.

While there is no formal match requirement, preference will be given to applicants who demonstrate a cash match from privately raised funds to be matched with grants from the BMHF Program. Higher scores will be granted for projects with more non-ARPA funding matches: e.g. A \$50 million project (including the \$10 million ARPA grant) would have a 400% match and would score higher than a \$40 million project at a 300% match.

. Preference will also be given to applicants who are not affiliated with a political subdivision.

## 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 differs based on the potential subrecipient's organization type (ex., non-profit, 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. Once they pass this threshold, then applications will be scored by a committee based on the scoring criteria in section 5.1. 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, 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 Recipients 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 issues an electronic copy of the [Program Title] Award Agreement via DocuSign. The BMHF 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 BMHF 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 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 agreement and the meeting of any required conditions specified in the contract, the Awardee must submit the First Payment Request.

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.

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 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.

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 Part 200.

### 7.2 Internal Controls

Awardees must agree to comply with applicable laws, regulations and provisions of grant agreements which include 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 SLFRF Program per U.S. Treasury Guidelines. While there is no formal match requirement, preference will be given to applicants who demonstrate a cash match from privately raised funds to be matched with grants from the BMHF program.

### 7.4 Program Income

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 SLFRF 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. U.S. Treasury clarified in the SLFRF Final Rule Frequently Asked Questions that recipients may add program

income to the Federal award. Any program income generated from SLFRF funds must be used for the purpose and under the conditions of the Federal award.

SLFRF Final Rule Frequently Asked Questions can be found at this link:

<https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-FAQ.pdf>

## 7.5 Insurance

The Awardee must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with Federal funds as provided to property owned by the Awardee in accordance with 2 CFR §§ 200.310, 200.311 and 200.313.

## 7.6 Real Property and Equipment

Any purchase or improvement of equipment or real property with SLFRF 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 200.313, any equipment or real property acquired using SLFRF funds shall vest with the Awardee. Any procurement of equipment or real property must also be in compliance with 2 CFR §§ 200.317-200.327.

## 7.7 Procurement

DED and its subrecipients 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 §§ 200.317-200.327, 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 Part 200 for additional procurement standards.

The Uniform Guidance requires that all procurement transactions for property or services must be conducted in a manner providing full and open competition, consistent with standards outlined in the procurement standards, which allows for non-competitive procurements only in circumstances where at least one of the conditions below is true: the item is below the micro-purchase threshold; the item is only available from a single source; the public exigency or emergency will not permit a delay from publicizing a competitive solicitation; or after solicitation of a number of sources, competition is determined inadequate. The Uniform Guidance requires an infrastructure for competitive bidding and contractor oversight, including maintaining written standards of conduct and prohibitions on dealing with suspended or debarred parties. Awardees must ensure adherence to all applicable local, State, and federal procurement laws and regulations.

### 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 the Federal awarding agency or pass-through entity 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.

**Gifts** – In accordance with the Nebraska Political Accountability and Disclosure Act ([Neb. Rev. St. § 49-1401 et seq.](#)) and its associated [regulations](#), any gift defined as “payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, unless consideration of equal or greater value is given therefor” given to a public official or a member of a public official’s staff is governed by the restrictions and reporting requirements established therein.

### 7.7.2 Supply Schedules and Purchasing Programs

The subrecipient 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 subrecipient will use joint procurements, purchasing agents, and Federal and State supply schedules.

**Davis-Bacon Act.** While the Davis-Bacon Act requirements (prevailing wage rates) do not apply to projects funded solely with award funds from the SLFRF program, except for certain SLFRF-funded construction projects undertaken by the District of Columbia, when undertaking capital expenditures, Treasury 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. Treasury 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.

## 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, 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 grantee 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 grantee 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

All Awardees must complete and submit financial reports as required by the BMHF Award Agreement in accordance with the Coronavirus State Fiscal Recovery Funds reporting requirements. Expenditures may be reported on a cash or accrual basis, as long as the methodology is disclosed and consistently applied. Reporting must be consistent with the definition of expenditures pursuant to 2 CFR § 200.1.

### 7.11.2 Program Performance Reporting Requirements

All Awardees must complete and submit performance reports as required by the BMHF Award Agreement and in accordance with the Coronavirus State and Local Fiscal Recovery Funds Reporting Requirements.

#### 7.11.2.1 Performance Reports

Performance Reports will be expressed in the Award Agreement and will include:

- Timeline
  - Construction Start Date
  - Construction End Date
  - Other milestones as defined by Awardee

#### 7.11.2.2 Program Performance Reporting Periods and Due Dates

Reporting Period	Due Dates
1st Quarterly Report	TBD
2nd Quarterly Report	TBD
3rd Quarterly Report	TBD
4th Quarterly Report	TBD

### 7.11.3 Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the recipient 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 recipient 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 SLFRF 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 Subrecipients in regard to meeting performance goals and ensuring compliance with applicable rules and regulations.

#### **Subrecipients 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, 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

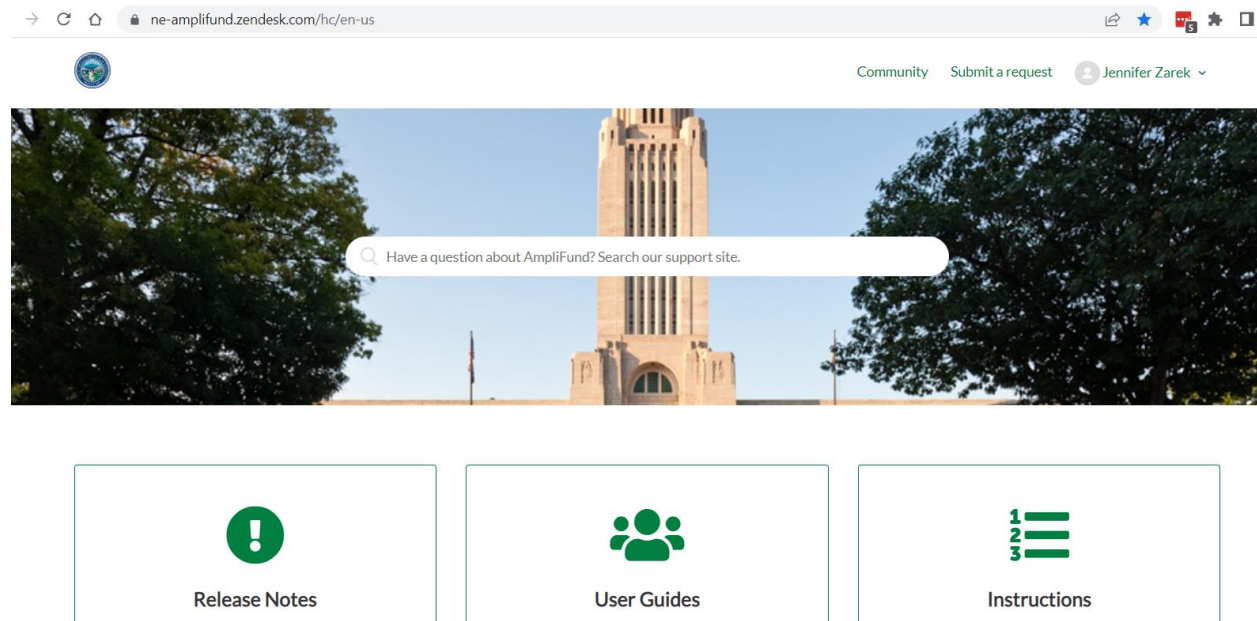
For initial instructions on managing your award, please see **Getting Started with your Award** (<https://dednebraska.zendesk.com/hc/en-us/categories/7865773985307-Getting-Started-with-your-Award>).

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

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

## 8.2 GMS Help Portal

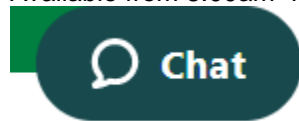
For user guides about using AmpliFund, please visit <https://ne-amplifund.zendesk.com>. This help portal will help you learn how to use the system, navigate the system, and more.



## 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](mailto: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
1.1	mm/yyy	1. Note 2. Note 3. Note
1.2	mm/yyy	1. Note 2. Note 3. Note