

NEBRASKA

**GUIDELINES: SITE AND
BUILDING DEVELOPMENT FUND
SUBACCOUNT FOR MUNICIPAL
INLAND PORT AUTHORITIES**

**State of Nebraska
Department of Economic Development**

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NOTICE:

This guidance document is advisory in nature but is binding on the Department of Economic Development (“DED” or “Department”) until amended. A guidance document does not include internal procedural documents that only affect the internal operations of DED 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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*The Site and Building Development Act is codified in Neb. Rev. Stat. §§ 81-12,144 to 81-12,151.
The Municipal Inland Port Authority Act is codified in Neb. Rev. Stat. §§ 13-3301 to 13-3313.*

Application Portal and Management System

To administer the Site and Building Development Act subaccount, DED uses a grants management system (“GMS”), AmpliFund. GMS User Guides, with instructions for accessing and using the system, along with other resources, are available on [DED's website](#) and on DED’s AmpliFund resource page, [AmpliFund--Nebraska Department of Economic Development](#).

CHAPTER 1: INTRODUCTION TO THE SITE AND BUILDING DEVELOPMENT FUND SUBACCOUNT FOR MUNICIPAL INLAND PORT AUTHORITIES

1.1 PURPOSE

The purpose of the Site and Building Development Act is to assist in the provision of industrial, shovel-ready, commercial sites to create conditions favorable to growing the industrial and commercial readiness of the state. The Nebraska Legislature created a subaccount to the Site and Building Development Fund (“SBDF Subaccount”) to finance large, shovel-ready, industrial sites developed under the Municipal Inland Port Authority Act (“MIPAA”).

1.2 TERMS AND DEFINITIONS

- **Inland Port Authority** means an entity created pursuant to the procedure and criteria required under MIPAA to manage an Inland Port District.
- **Inland Port District** means the area designated as such pursuant to the procedure and criteria required under MIPAA and managed by an Inland Port Authority.

CHAPTER 2: APPLYING FOR SBDF SUBACCOUNT FUNDS

DED will begin accepting applications for SBDF Subaccount funds on September 11, 2023. DED will accept and review applications on a rolling basis. Filing an application does not guarantee approval.

2.1 ELIGIBLE APPLICANTS AND FUNDING PARAMETERS PER PROJECT APPLICATION

Only Inland Port Authorities that are properly formed and functioning pursuant to all MIPAA requirements are eligible to apply for SBDF Subaccount funds.

Inland Port Authorities must provide a description of the large, shovel-ready, industrial project (“Project”) for which the Inland Port Authority seeks to use SBDF Subaccount funds. If an application is approved, DED will typically award a grant of up to \$2 million to be used by the Inland Port Authority for its proposed Project. DED reserves the ability to award a grant in excess of \$2 million on a case-by-case basis where the Department finds that the Inland Port Authority has shown a compelling reason for a larger grant award.

2.2 ELIGIBLE PROJECTS AND ELIGIBLE USES OF GRANT FUNDS

For purposes of the SBDF Subaccount, a large Project is one with a total cost of at least \$1 million. A shovel-ready Project is one that begins the development of the Project within six months of executing a SBDF Subaccount agreement with DED. An industrial Project means pertaining to any general business, manufacturing, or commercial activity. Thus, to be eligible for SBDF Subaccount funds, a proposed Project must have a total cost of at least \$1 million, be able to commence development within six months of executing a SBDF Subaccount agreement with DED, and have as its purpose the development of business, manufacturing, or other commercial sites.

SBDF Subaccount funds must be expended by the Inland Port Authority. An Inland Port Authority must expend its SBDF Subaccount funds for Project activities that are: (i) within the scope of an

Inland Port Authority’s statutorily prescribed powers under MIPAA and (ii) in furtherance of the development of large, shovel-ready, industrial sites.

Prohibited uses of SBDF Subaccount funds include but are not limited to: (i) payroll expenses, (ii) travel expenses, (iii) other administrative costs not directly related to the development of large, shovel-ready, industrial sites, and (iv) loan repayment not directly related to the development of large, shovel-ready, industrial sites. Additionally, because SBDF Subaccount funds must be expended by the Inland Port Authority, SBDF Subaccount funds may not be donated or used by another entity.

2.3 REQUIRED DOCUMENTATION

The following documentation is required to be included with an application:

- a. A listing of the Inland Port Authority’s board of commissioners. The listing should provide the name, domicile, contact information, and professional qualifications for each member of the Inland Port Authority’s board of commissioners.
- b. A certified copy of the Inland Port District boundaries on file with the applicable city or county clerk(s) as required by § 13-3305 of MIPAA.
- c. A copy of the bylaws, rules, and/or regulations governing the Inland Port Authority.
- d. A resolution or resolutions supported by minutes from the Inland Port Authority’s board of commissioners which: (i) authorize the Inland Port Authority’s involvement in developing the proposed Project, (ii) approve submitting an application to DED requesting SBDF Subaccount grant funds, and (iii) designate the person(s) authorized to submit the application, execute an SBDF Subaccount agreement, and execute any and all related SBDF Subaccount documents between the Inland Port Authority and DED.
- e. The Inland Port Authority’s five-year plan for developing the Inland Port District.
- f. A listing indicating the amount and source of non-SBDF Subaccount funding available to the Inland Port Authority for undertaking the proposed Project.
- g. A map of the Inland Port District with the specific proposed Project site indicated therein.
- h. Project timeline with dates for the various development phases, including projected dates for starting and completing the Project.
- i. Miscellaneous: merge into a single PDF any other documents, studies, etc. either referenced in the application responses or which will support the application (optional).

All required documentation must be received by DED for an application to be considered. When deemed necessary by the Department, DED may request additional information or supplemental documentation to aid its review of the application.

2.4 HOW TO APPLY

All applications and supporting documentation must be submitted to DED electronically using the Department’s grants management system (“GMS”). Applications must be in the form and manner required by DED. To apply, an Inland Port Authority should follow the “Apply Now” link for SBDF Subaccount funds on the DED MIPAA [webpage](#), create a user profile in the GMS application portal, and complete the application. The user profile allows for saving a partially completed application after the application opens.

Questions regarding the application process should be sent to:

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402-471-3367

Individuals who are hearing and/or speech impaired and have a TTY, may contact DED through the Statewide Relay System by calling (711) INSTATE (800) 833-7352 (TTY) or (800) 833-0920 (voice). The relay operator should be asked to call DED at (800) 426-6505 or (402) 471-3111. Additional information can be found at the Nebraska Relay website <http://www.nebraskarelay.com/>.

Nebraska Relay offers Spanish relay service for our Spanish-speaking customers. Spanish-to-Spanish (711) or 1-888-272-5528/ Spanish-to-English (711) or 1-877-564-3503. Nebraska le ofrece el servicio de relevo a nuestros clientes en español. Los consumidores de TTY pueden escribir por máquina en español y las conversaciones serán retransmitidas en español y inglés.

CHAPTER 3: AWARD PROCESS¹

3.1 APPLICATION REVIEW, AWARD NOTIFICATION, AND ACCOUNT SETUP

Applications for SBDF Subaccount funds are reviewed by a Department committee. A consensus decision is reached in determining whether to approve an application. In determining whether to approve an application, the review committee will consider: whether the applicant is a properly formed and functioning Inland Port Authority; whether the proposed Project activities are within the scope of an Inland Port Authority's statutorily prescribed powers under MIPAA; whether the scope and nature of the Project contributes to the development of a large, shovel-ready, industrial site; the capacity of the Inland Port Authority to successfully complete the Project; and the likelihood that the Project will result in attracting new enterprises and economic growth to the Inland Port District. If an application is approved, the review committee will also consider the following factors when determining the amount of grant funds to award: the cost of the Project; whether the Project will initiate or expand development of intermodal transportation capacities at the Inland Port District; whether the Project will contribute to the establishment or development of a foreign trade zone within the Inland Port District; whether the Project will enhance the Inland Port Authority's ability to effectively manage its Inland Port District; and whether the Project will increase the Inland Port Authority's ability to attract innovative industries deemed to be national or state priorities to the Inland Port District.

If an application is approved, DED will issue a written notice of approval. Following DED's issuance of the notice of approval, the Inland Port Authority will receive a GMS-generated email from AmpliFund Administrator, "no-reply@gotomygrants.com", with instructions on how to set up the post-award user account. This email is sent to the primary contact as identified in the Inland Port Authority's application. The primary contact should check their spam or junk mail folder as email

¹ Please note that DED's GMS user guides or GMS-generated emails may include additional instructions.

settings may direct this system-generated email there. If the primary contact's information is no longer valid, the links in the email are expired, or the email is not received within thirty (30) days of the notice of approval, the Inland Port Authority should contact the SBDF Subaccount coordinator.

Once the Inland Port Authority's primary contact sets up the user account, the option to add other users to help manage the grant becomes available, as does the ability to be assigned or to assign tasks to complete various steps of grant implementation (e.g. sign the award agreement, submit a completed ACH form, submit a payment request, etc.). The Inland Port Authority must identify a grant manager. This person will receive notifications ("tasks") requiring action to implement the grant. The Inland Port Authority's grant manager is the primary point of contact for all grant-related matters. All DED and GMS automated emails are directed to the grant manager. *NOTE: The application portal is distinct from the award management side of the GMS. The URL used to apply for the grant is different from the URL used for checking the status of and managing the grant.*

If an application is denied, DED will issue a written notice of denial. If an application is denied, an Inland Port Authority may reapply for the SBDF Subaccount funds with a different or revised proposal.

3.2 AWARD AGREEMENT AND DISBURSEMENT PROCESS

Following a notice of approval, DED will prepare and deliver a SBDF Subaccount award agreement ("Agreement"). The Agreement must be reviewed and approved by the Inland Port Authority's board of commissioners. The Agreement must be ratified and executed pursuant to the requirements of the Inland Port Authority's governing bylaws, rules, and regulations. Agreements are transmitted and signatures are obtained via DocuSign.

Upon full execution of the award Agreement and the meeting of any required conditions specified therein, the Inland Port Authority must submit a payment request. The payment request is submitted to DED via the GMS. Instructions for submitting the payment request are available in the user guides located on DED's website. A payment request will not be acted upon until after the award Agreement is fully executed by both the Inland Port Authority and DED. If approved, an email from AmpliFund Administrator will give notice to the Inland Port Authority grant manager that DED has approved the request for processing of payment.

Funds are transferred electronically to the account designated on the State of Nebraska ACH Enrollment Form submitted with the payment request. *NOTE: Each Inland Port Authority will be required to provide and keep a separate bank account into which SBDF Subaccount funds are to be distributed. The separate bank account is to be used solely for SBDF Subaccount funds. Each Inland Port Authority will be required to provide DED with source documentation regarding the separate bank account and the Inland Port Authority's use of the SBDF Subaccount funds for Project activities that are: (i) within the scope of the Inland Port Authority's statutorily prescribed powers under MIPAA and (ii) in furtherance of the development of the large, shovel-ready, industrial Project.*

3.3 REPORTING REQUIREMENTS

Annual Report: An Inland Port Authority accepting SBDF Subaccount funds must submit an annual report to DED in the form and manner provided by the Department. The annual report must detail costs, achievements, and Project progress from the prior calendar year and provide supporting source documentation including the bank account statements for the SBDF Subaccount funds. Annual reports are due February 1st each year for the duration of the Agreement term and until administrative closeout by DED. The annual reports must be submitted to DED via the GMS. If an annual report is incomplete or requires additional clarification or documentation, DED will request supplemental reporting and documentation.

Final Report: Upon completion of the Project or exhaustion of its SBDF Subaccount grant funds, the Inland Port Authority must submit its final report. The final report must demonstrate that the Project, as expressed in the Inland Port Authority's SBDF Subaccount application, has been successfully completed or progressed satisfactorily, as the case may be. The final report must also detail the total cost of the Project and provide relevant source documentation to substantiate the reported information—including bank account statements for the SBDF Subaccount funds. The final report must be submitted to DED via the GMS. If the final report is incomplete or requires additional clarification or documentation, DED will request supplemental reporting and documentation.

CHAPTER 4: CLOSEOUT, ADDITIONAL FUNDS, AND RECAPTURE

4.1 CLOSEOUT

An Inland Port Authority initiates the closeout process by submitting the final report and marking all tasks complete in the GMS. Detailed instructions for the GMS closeout process are available in the user guides located on the DED website. DED shall review the Inland Port Authority's final report and closeout request. If DED approves the final report and closeout request, DED will issue a notice of closeout. If an Inland Port Authority completes its Project without expending all of its SBDF Subaccount funds, the Inland Port Authority will be required to return the unused SBDF Subaccount funds to DED.

4.2 APPLYING FOR ADDITIONAL GRANT FUNDS

An Inland Port Authority may only have one active SBDF Subaccount Agreement with DED at any given time. An Inland Port Authority with a prior SBDF Subaccount Agreement must complete its SBDF Subaccount Project or exhaust its SBDF Subaccount grant funds and receive a notice from DED that its prior SBDF Subaccount Agreement is administratively closed out before it can reapply for additional SBDF Subaccount grant funds. Subject to available funding, an Inland Port Authority may reapply to DED for additional SBDF Subaccount funding for the same or separate Project within its Inland Port District.

4.3 RECAPTURE

To the extent it is discovered that SBDF Subaccount funds were disbursed to an Inland Port Authority in error; that an Inland Port Authority's application contained material omissions,

errors, or misrepresentations; or an Inland Port Authority failed to comply with the terms of the award Agreement—including but not limited to failure to diligently undertake and timely complete the Project, failure to timely submit an annual report, failure to timely submit the final report and closeout request, or inappropriate use of SBDF Subaccount funds—DED shall have the ability to terminate the award Agreement and/or recapture all SBDF Subaccount funds disbursed to the Inland Port Authority. DED will issue a written notice of any determination to terminate the Agreement and/or recapture SBDF Subaccount funds.