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DEPT. OF ECONOMIC DEVELOPMENT

2023

Rural Community Recovery Program

ADMINISTRATIVE MANUAL

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 this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

TABLE OF CONTENTS

1 Introduction	1
2 Program Overview	1
2.1 Background	1
2.2 Program Purpose	2
2.3 Grant Schedule	2
2.4 Contact Information	3
3 Program Design	3
3.1 Program Eligibility	3
3.2 Regulatory Framework	5
3.3 Program Restrictions	6
3.4 Project Funding & Budget	7
4 Pre-Award and Application Submission	7
4.1 Federal Regulations	7
4.2 Pre-Award Requirements	7
4.3 Application Submission	9
5 Award Determination and Obligation	11
5.1 Threshold Requirements	11
5.2 Applicant Risk Assessment	11
5.3 Application Evaluation Criteria	11
5.4 Application Review and Selection Process	12
5.5 Additional Factors for Evaluation	13
6 Award Administration	14
6.1 Notice of Award	14
6.2 Subaward Agreement Terms and Conditions	14
6.3 Award Disbursement	14
7 Subrecipient Record Management	15
7.1 Governing Provisions	15
7.2 Federal Post-Award Requirements	16
7.3 Subrecipient Records	17
7.4 Enforcement and Termination	19
8 Performance & Financial Reporting	19
8.1 Performance Management	19
8.2 Required Legal Instruments	20
8.3 Records Retention and Access; Inspections	20
8.4 Ongoing Reporting Requirements	20
8.5 Performance Reports	21
8.6 Single Audit Report	22
8.7 Recovery Plan	22
8.8 Supplemental Financial/Integrity Review	22
8.9 Closeout	22
9 Technical Assistance for AmpliFund	23
9.1 DED Grants Help Center	23
9.2 AmpliFund Help Portal	23
10 Record of Change	24

1 INTRODUCTION

This program manual is designed to provide guidance and written standards for the administration and implementation of the Rural Community Recovery Program (RCRP) that utilizes funding provided through the COVID-19 State and Local Fiscal Recovery Fund through the American Rescue Plan Act of 2021.

The purpose of the program manual is to provide applicants and awarded organizations to employ leading practices, comply with funding requirements, achieve program goals, and successfully navigate the award lifecycle.

Program information and documents, including application information and grant schedule can be found on the Department of Economic Development’s webpage: <https://opportunity.nebraska.gov/programs/recovery/pandemic-relief-housing-program/>.

2 PROGRAM OVERVIEW

2.1 BACKGROUND

The American Rescue Plan Act (ARPA) is a \$1.9 trillion economic stimulus bill signed into law on March 11, 2021 by President Biden in response to the unprecedented public health emergency. Among other programs, ARPA designated \$350 billion to the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to provide financial assistance for State, territorial, local, and Tribal governments to respond to the economic and public health impacts of the COVID-19 public health emergency and address impacts on communities, residents, and businesses. Included in this allocation is \$130.2 billion for local governments split evenly between municipalities and counties.

Given the urgent need and exigent circumstances of the COVID-19 public health emergency, all ARPA funds must be obligated between March 3, 2021 and December 31, 2024 and must be expended by December 31, 2026.

Treasury published SLFRF administration guidance, reporting and compliance guidance, affordable housing guidance, and other resources that pertain to all SLFRF-funded programs. The present program manual synthesizes the Treasury guidance and requirements that apply to the PRH program. **Table 1**, below, summarizes this federal grant information.

Table 1. Federal Grant Information	
Federal Awarding Agency	U.S. Department of Treasury
Funding Source	American Rescue Plan Act
Federal Award ID Number (FAIN)	SLFRP1965
Total Amount of the Federal Award	\$1,040,157,440.40
Federal Award Date	May 28, 2021
Pass-Through Entity	State of Nebraska, Department of Economic Development
Assistance Listings Number and Title	21.027 – Coronavirus State and Local Fiscal Recovery Funds

The State of Nebraska received \$1.04 billion in SLFRF from the American Rescue Plan Act. The Nebraska State Legislature appropriated \$723 million in SLFRF and state funding to the Nebraska Department of Economic Development (DED) via LB1014 and LB1024, and later reappropriated via LB531 and LB1412, for programs that strengthen the Nebraska economy and create more resilient communities.

Since 1967, DED has been focused on growing and diversifying the state's economic base, bringing new dollars, new businesses, and new people into the state. The function of DED is to support communities with development efforts and assist with starting, retaining, and expanding businesses.

2.2 PROGRAM PURPOSE

The Rural Community Recovery Program is a one-time \$10 million fund for grants to political subdivisions in Nebraska to build strong, healthy communities through investment in neighborhoods to address vacant or abandoned properties or for future affordable housing development. The Rural Community Recovery Program was established in Section 254(6) of LB1412, as follows:

(6) (a) The unexpended reappropriation balances of the federal Coronavirus State Fiscal Recovery Fund pursuant to the federal American Rescue Plan Act of 2021, 42 U.S.C. 802, as amended, existing on June 30, 2023, for grants to prepare land parcels pursuant to the Rural Workforce Housing Investment Act, is hereby reappropriated for grants for rehabilitation and adaptive reuse of vacant or abandoned property in disproportionately impacted rural communities.

(b) In awarding the grants, the Department of Economic Development shall give preference to applicants that applied for grants pursuant to Laws 2022, LB1014, section 42.

(c) For the purposes of this subsection:

(i) Disproportionately impacted rural communities means any city or village that is located in a county with a population of fewer than one hundred thousand inhabitants as determined by the more recent federal decennial census and that is determined by the Department of Economic Development to have experienced disproportionately negative impacts on public health or the economy, or on both public health and the economy, due to the COVID-19 pandemic; and

(ii) Rehabilitation and adaptive reuse of vacant or abandoned property includes land acquisition, predevelopment, and site work in preparation for affordable housing development or installation of neighborhood features for public use, such as parks, recreation facilities, sidewalks, or community gardens.

2.3 GRANT SCHEDULE

The RCRP grant schedule is outlined in **Table 2**, below. Pursuant to guidance from Treasury and as required by ARPA, all program funds must be obligated before December 31, 2024 and must be expended before December 31, 2026.

DED has determined that the period of performance will end on September 30, 2026 for all RCRP projects. This will ensure that subrecipients have adequate time to submit final payment requests, compile data, and submit reports during the closeout process prior to the federal deadline.

Table 2. Application and Award Schedule	
Application Cycle*	
Start of Application Cycle	May 20, 2024 at 9:00am (Central)
Letter of Intent Due	June 3, 2024 at 5:00pm (Central)
Application Due	July 22, 2024 at 5:00pm (Central)
Notices of Award	October 2024
Performance Period End	September 30, 2026

**DED reserves the right to hold additional application cycles or make changes to the above application cycle as it deems necessary to meet program goals and objectives.*

2.4 CONTACT INFORMATION

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3 PROGRAM DESIGN

3.1 PROGRAM ELIGIBILITY

Rural Community Recovery Program (RCRP) grants will fund rehabilitation or adaptive reuse projects designed to address vacant, abandoned, or deteriorated (“VAD”) properties.¹ Political subdivisions are eligible to apply for RCRP funding with proposals for projects located in disproportionately impacted counties. Addressing vacant, abandoned, or deteriorated properties will improve the neighborhood built environment and revitalize communities disproportionately impacted by the pandemic. Research shows that VAD properties may pose an environmental hazard to the community and environment. VAD properties also present a barrier to economic recovery and affordable housing production.

3.1.1 Applicants

RCRP grants will be awarded only to eligible political subdivisions in Nebraska. For the purposes of this program, “political subdivisions” includes villages, cities, counties, school districts, public power districts, community colleges, natural resources districts, and all other units of local government² located in any of 41 rural counties that are part of the disproportionately impacted class. Eligible applicants must propose a project that conforms to criteria for purpose areas, project activities, beneficiaries, and location, which are factors in the selection process.

3.1.2 Purpose Areas

RCRP grants will be awarded to eligible applicants with projects that contain any of the following eligible activities:

- **Purpose Area 1: Installation of Public Features.** Projects that install neighborhood features for public use, which will increase access to healthy foods; conduct neighborhood cleanup; revitalize public spaces; improve residents’ physical and mental well-being; create spaces that allow safe and accessible recreation; encourage investment in the neighborhood; increase community engagement; or provide access to fresh, nutritious food.

¹ 31 CFR §§ 35.6(b)(3)(ii)(A)(11)(iii) and (iv)

² Political subdivisions, as defined in Neb. Rev. St. § 13-1612

- **Purpose Area 2: Site Development for Affordable Housing.** Projects that intend to conduct pre-development activities for future affordable housing will mitigate the blight of vacant, abandoned, or deteriorated properties in the neighborhood, invest in safe, quality housing in the community, and build momentum for the future development of affordable housing units. For this program, “affordable housing” is not explicitly defined. DED expects proposed projects to use other federal or state funding sources for affordable housing development. The definition of “affordable housing” used by the other funding source(s), including income and rent limits, will apply.

3.1.3 Project Activities and Allowable Costs

Eligible projects will permit activities pertaining to rehabilitation or adaptive reuse of vacant, abandoned, or deteriorated properties in disproportionately impacted rural communities, including:

- (i) Rehabilitation, renovation, maintenance, or costs to secure vacant or abandoned properties to reduce their negative impact.
- (ii) Costs associated with acquiring and securing legal title of vacant or abandoned properties and other costs to position the property for current or future productive use.
- (iii) Removal and remediation of environmental contaminants or hazards from vacant or abandoned properties, when conducted in compliance with applicable environmental laws or regulations.
- (iv) Demolition or deconstruction of vacant or abandoned buildings (including residential, commercial, or industrial buildings) paired with greening or other lot improvements as part of a strategy for neighborhood revitalization.
- (v) Greening or cleanup of vacant lots, as well as other efforts to make vacant lots safer for the surrounding community.
- (vi) Installation of neighborhood features for public use, such as parks, green spaces, recreation facilities, sidewalks, pedestrian safety features like crosswalks, projects that increase access to healthy goods like community gardens, streetlights, neighborhood cleanup, and other projects to revitalize public spaces, to promote physical and mental well-being and promote healthier living environments by allowing for safe and accessible recreation.
- (vii) Conversion of vacant or abandoned properties to affordable housing.
- (viii) Inspection fees and other administrative costs incurred to ensure compliance with applicable environmental laws and regulations for demolition, greening, or other remediation activities.

3.1.4 Project Beneficiaries

RCRP grants will fund projects that serve individuals, communities, or populations identified by DED as having been “disproportionately impacted” by COVID-19.

“Disproportionately impacted” entities experienced disproportionate public health or economic outcomes from the pandemic. To be classified as “disproportionately impacted,” pre-existing disparities were amplified by the impacts of the pandemic, causing more severe impacts in underserved communities. This classification contrasts with “impacted” entities, who were impacted by the disease itself or the harmful consequences of the economic disruption resulting from the pandemic, e.g., job loss or decreased business revenue, but for whom pre-existing disparities have not been identified.

Classification as “disproportionately impacted” may be made at the individual or class level. Class-based classification only requires verification that an individual falls within the specified class and, unlike individual-level classification, does not require documentation supporting personal impact.

3.1.5 Project Location

Forty-two (42) counties were determined by DED to have been disproportionately impacted by the COVID-19 public health emergency. To be classified as “disproportionately impacted,” a Nebraska county had to have experienced

disproportionately negative public health or economic effects during the COVID-19 pandemic when compared to other Nebraska counties. The classification required a county to meet at least three of the four following criteria:

- Labor force decreased from 2010 to 2019;³
- Labor force growth between 2019 and 2020 was depressed due to the COVID-19 pandemic;⁴
 - a. Estimated labor force growth was calculated based on the average rate of change over the last decade. If the actual labor force growth in 2020 was less than the predicted measure, DED considered the county’s labor force to have been negatively impacted.
- More housing cost-burdened⁵ households per capita than the Nebraska measure;⁶
- The 2020 household median income was less than Nebraska’s median income.⁷

This program excludes Lancaster County, one of the 42 counties determined to have been disproportionately impacted by COVID-19, because it does not meet the rural definition established in Section 254(6) of LB1412. **Table 3**, below, contains the list of eligible, rural counties that were classified by DED to have been disproportionately impacted by COVID-19.

Arthur County	Deuel County	Howard County	Red Willow County
Boone County	Dixon County	Jefferson County	Richardson County
Box Butte County	Dundy County	Kimball County	Scotts Bluff County
Boyd County	Franklin County	Lincoln County	Sherman County
Brown County	Frontier County	Logan County	Valley County
Butler County	Gage County	Merrick County	Wayne County
Cherry County	Garden County	Morrill County	Webster County
Cheyenne County	Greeley County	Nemaha County	Wheeler County
Custer County	Harlan County	Pawnee County	
Dakota County	Holt County	Phelps County	
Dawes County	Hooker County	Polk County	

3.2 REGULATORY FRAMEWORK

The Rural Community Recovery Program and any awards made thereunder are funded with federal SLFRF funds allocated to the State of Nebraska from the US Department of the Treasury pursuant to ARPA. As such, all funds must be used in full compliance with all applicable laws, both federal and state, including but not limited to Section 602(c) of the Social Security Act; 42 USC § 802(c); 31 CFR part 35; Treasury regulations implementing that section; all relevant Treasury guidance; the federal award terms and conditions; and the requirements of applicable state statutes and regulations.

The Rural Community Recovery Program is an authorized use of SLFRF via Assistance Listing 21.027. It is designed to provide state and local governments with the resources needed to respond to the COVID-19 pandemic and its economic effects and to build a stronger economy during the recovery. Awards made by the PRH program will be used to respond to the COVID-19 public health emergency or its negative economic impacts, including

³ Bureau of Labor Statistics. (2010-2020). Local Area Unemployment Statistics. U.S. Department of Labor.

⁴ Id.

⁵ Cost burden is defined in 24 CFR § 91.5 as “the extent to which gross housing costs, including utility costs, exceed 30 percent of gross income, based on data available from the U.S. Census Bureau.” DED utilized this definition for both owner- and renter-households.

⁶ U.S. Census Bureau. (2020). Tables B25074 and B25101. American Community Surveys (ACS) 5-Yr. Estimates.

⁷ Id.

assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality.⁸

The Rural Community Recovery Program conforms to the eligible use of SLFRF enumerated in 31 CFR §§ 35.6(b)(3)(ii)(A)(11)(iii) and (iv), which respond to the negative economic impacts of the public health emergency through provision of programs, services, capital expenditures, or other assistance to a disproportionately impacted household, population, or community, including (iii) investments in communities to promote improved health outcomes and public safety such as parks, recreation facilities, and programs that increase access to healthy foods, and (iv) capital expenditures and other services to address vacant or abandoned properties.

3.2.1 Subrecipient Determination

DED has determined that those receiving grants (“Awardees”) under the PRH program are subrecipients. A subrecipient is an entity that receives a subaward to carry out a project on behalf of the State.⁹ 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 to carry out an 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 to directly benefit 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.

3.3 PROGRAM RESTRICTIONS

3.3.1 Ineligible Project Types

Project costs incurred prior to the Notice of Award are not eligible for reimbursement under the Rural Community Recovery Program.

Proposals for projects with sites that are not vacant at the time of application will not be considered. A property will be considered vacant if no persons have occupied the site or property within 60 days of application submittal to DED and no persons would be displaced for the enactment of project activities.¹⁰

Projects are not eligible if the current or future use of the vacant or abandoned property is the development of workforce housing, as defined by the Rural Workforce Housing Investment Act in Neb. Rev. St. §§ 81-1226 through 81-1234 and by the Middle Income Workforce Housing Investment Act in Neb. Rev. St. §§ 81-1235 through 81-1243. In Neb. Rev. St. §§ 81-1228 and 81-1237, workforce housing units are defined by the construction cost and not required to impose individual or household limitations or restrictions. As such, workforce housing development does not conform to an eligible use of RCRP funds.

⁸ 42 USC § 802(c)(1)(A)

⁹ 2 CFR § 200.1 “Definitions”

¹⁰ As defined by 42 U.S.C. § 4601(6)(A), a property will be considered vacant if no tenant, homeowner, farm owner, or business owner occupied the site or property within 60 days of application submittal to DED and no tenant, homeowner, farm owner, or business owner would be displaced, as defined by the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) found in (42 U.S.C. §§ 4601 through 4655), for the enactment of project activities.

3.3.2 Environmental Regulations

In accordance with SLFRF FAQ No. 6.4, the National Environmental Policy Act (NEPA) does not apply to Treasury's administration of the SLFRF funds. However, projects that are supported with funds from other federal financial assistance programs may be subject to NEPA requirements.

3.4 PROJECT FUNDING & BUDGET

3.4.1 Award and Potential Matching Requirements

Combined awards of the program may not exceed \$10 million. DED advises applicants to submit proposals for at least \$250,000 in grant funds for a project. There is no maximum request amount, but DED anticipates a typical award request of \$1 million. Applicants may not submit multiple applications for this program. DED reserves the right to partially fund any request.

3.4.2 Cost Share or Match

The program does not have a match requirement, but RCRP grant funds may be used along with other funding sources to complete a project. Applicants, especially those with projects involving site development of affordable housing, are strongly encouraged to leverage other funding sources when possible and if required for project completion.

The types of cost share or match, as defined in 2 CFR § 200.306, include both other leverage funding sources and in-kind sources of products or services. Funds may not be used for a non-federal cost share or match if prohibited by other federal programs, and applicants should ensure appropriate braiding of multiple funding sources.

3.4.3 Audit Costs

Treasury's final rule and the Uniform Guidance outline the types of allowable costs, 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. For more information, refer to 2 CFR part 200 subpart E, regarding Cost Principles, and subpart F, regarding Audit Requirements.

4 PRE-AWARD AND APPLICATION SUBMISSION

4.1 FEDERAL REGULATIONS

In applying for and receiving an award, the organization must adhere to the federal requirements of 2 CFR part 200, including 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 a subrecipient 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. Subrecipients must implement robust financial management practices with a system of internal controls and effective monitoring.

4.2 PRE-AWARD REQUIREMENTS

4.2.1 Letter of Intent

Interested applicants must submit a letter of intent to apply for RCRP grant funding. Letters of intent should be submitted via email to the DED program manager. Refer to §2.4 Contact Information for details.

The letter of intent must be entitled "*RCRP Letter of Intent_[Insert Applicant Name]*" and placed on the applicant's letterhead. Applicants who fail to submit a letter of intent will not be considered for funding.

For each application cycle, letters of intent for potential applicants are due two weeks after the start date of the application cycle. To be considered for funding, letters must be received by 5:00 PM (Central) on the due date. Refer to §2.3 Grant Schedule for more information.

Completion of a Site Review Form is not required, but applicants are strongly encouraged to complete necessary environmental review processes on the potential site(s) in accordance with program requirements of other funding sources that may be used for development of the site(s).

4.2.2 Unique Entity Identifier

A Unique Entity Identifier (UEI) is required for all applicants, recipients, and subrecipients of federal financial assistance, in accordance with 2 CFR part 25. Applicants without a UEI should follow the following instructions to obtain a UEI through the System of Award Management (SAM):

1. Go to [SAM.gov](https://sam.gov).
2. Create an account
 - a. Click “Sign In” in the upper right corner of the webpage.
 - b. Accept the terms to sign into the website on the pop-up window.
 - c. Select “Create an account” and enter the required information. Click “Submit.”
 - d. An account verification email will be sent to the provided email account. Follow the instruction in the email to continue the registration process. For assistance, refer to the Help or Contact Links resources at the bottom of the webpage.
3. Register your entity
 - a. Return to the [SAM.gov](https://sam.gov) “Home” page.
 - b. Select “Get Started” from the “Register Your Entity or Get a Unique Entity ID” sub-window of the webpage.
 - i. The progress bar across the top allows you to see where you are in the request process.
 - c. Click “Get Unique Entity ID” to initiate the request for a UEI for your organization.
 - d. Enter the required information. Ensure these details are an exact match to the legal name and physical address registered with your State’s filing office. When all required information has been entered, a “Next” arrow will appear. Click the arrow to advance to the next page.
 - e. A pop-up window will appear while the system searches for the organization match. When the search is complete, the pop-up window will disappear. Results will be displayed on screen.
 - f. During the Validate Information step, the system shows the entity details as you entered them and all possible matches. Select the correctly matching entity and click “Next.”
 - i. If the system was unable to validate the entity details as you entered them, a “No Match Found” message will appear at the top of the form. Review and correct the entity information as necessary.
 - ii. If you are unable to see your information, select “Start Over” to reenter your information.
 - iii. For assistance in this process, select “Create Incident” to request help.
 - g. In the Validate Additional Information step, organization details will be required, including year of incorporation and the state of incorporation. When complete, click “Next.”
 - h. In the Public Display step, select your preference to allow the organization to be a public display record. When complete, click “Next.”
 - i. In the Request UEI step, check the box to certify that you are authorized to conduct transactions on behalf of the entity. When complete, click “Request Unique Entity ID.”
 - j. In the final step, you will receive a UEI. Retain this information for your records.

DED is aware of the delays with the SAM as it relates to obtaining a UEI number. If the applicant’s UEI number is pending, enter “PENDING” under the “Unique Entity Identifier (UEI)” field on the application. In Part 4 of the application, the applicant must also upload evidence of the active or pending UEI registration through the SAM (Attachment A). If the applicant is awarded funds, an applicant with a pending UEI at the time of application must provide 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.**

4.3 APPLICATION SUBMISSION

Applications will be submitted electronically in AmpliFund, DED's grant management system, at any time during the application cycle.

4.3.1 Timely Receipt and Completeness Requirements

Applications must be submitted by the deadline in §2.3 Grant Schedule or as posted on the DED website. Applications will be accepted until 5:00 p.m. CDT on the due date. Applications must be completed online at <https://ne.amplifund.com/Public/Opportunities/Details/750afc1a-a317-424d-9c0c-26b7200fc9c5> and must fully comply with all requirements specified. Applications with missing or incomplete documentation will not be considered for funding. DED may request supplemental materials from applicants at its discretion. DED reserves the right to fund or not fund applications based on the Director's discretion. DED also reserves the right to partially fund a grant request.

4.3.2 Application Components

Applicants must complete all required fields and sections of the application and submit all required supplementary documents in order for the application to be considered for funding. Applicants may access the application through the program webpage available in Section 1 of this program manual.

Applications will have the following sections:

- Opportunity Details
- Project Information
- Project Description
 - Part 01: Applicant, Contact, and Preparer Information
 - Part 02: Application Questions
 - Exhibit 1. Project Design
 - Exhibit 2. Community Need
 - Exhibit 3. Community Impact
 - Exhibit 4. Capacity
 - Exhibit 5. Project Readiness
 - Part 03: Budget and Other Funding Sources
 - Part 04: Attachment Uploads
 - Attachment A. Evidence of active or pending SAM.gov registration
 - Attachment B. Letter(s) of support
 - Attachment C. Approval of project by City Council/Village Board/County Commission
 - Attachment D. Single Audit or most recent financial statements
 - Attachment E. Development cost schedule (DED template)
 - Attachment F. (*if applicable*) Partnering entity certification of nonprofit status.
 - Attachment G. (*if applicable*) Memorandum of Understanding (MOU) (or equivalent description of the partnership) between the applicant and the partnering entity.
 - Attachment H. Other relevant documentation related to the project not otherwise provided with the application.
 - Part 05: Terms of Acceptance
- Budget

4.3.3 Duplication of Funds

Applicants are required to avoid a duplication of benefits. A duplication of benefits occurs when the amount of the award exceeds the total identified need. Applicants should conduct an analysis prior to applying for program funding to determine needs not met by other sources. Best practices to determine if there is a duplication of benefits include the following:

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

4.3.4 Debarment and Suspension

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

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:

- 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
- 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 information regarding debarment, suspension, or other exclusion from federal assistance programs or activities will render the application or project ineligible.

4.3.5 Conflicts of Interest in the Administration of Awards

Awardees must disclose to DED any financial conflicts of interest that arise and are required to be managed during the life of the award. DED is required to disclose any potential conflicts of interest to the federal awarding agency in accordance with 2 CFR § 200.113. Awardee employees may neither solicit nor accept gratuities, favors, or anything of monetary value from the contractors or parties to contract. Such a conflict of interest would arise when the employee of an Awardee or any member of their immediate family, their spouse/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 and that reasonable efforts were made to prevent and detect any such financial conflicts of interest. Failure to make required disclosures can result in any of the remedies described in 2 CFR § 200.338, including suspension or debarment.

4.3.6 Acknowledgement of Terms and Conditions for Federal Grants

The applicant must attest to DED in the application and, if awarded, in the subaward agreement, that funds will only be utilized for activities allowed under the federal grant.

The subrecipient must consent in the application and agreement that any activities performed, which are determined to be unallowable by DED, or state and federal oversight monitors or auditors, must be returned to DED or the U.S. Department of the Treasury, as federal grantor.

5 AWARD DETERMINATION AND OBLIGATION

5.1 THRESHOLD REQUIREMENTS

Applications that fail to meet initial threshold requirements will not be reviewed or scored and will thus be ineligible for award during the application cycle. DED may request clarifying information of an applicant during the threshold review. The following criteria must be met to ensure the applicant and application has complied with all regulations and program requirements. Criteria will be evaluated individually on a pass/fail basis. Failure to comply with one or more of these criteria will result in failure to meet the threshold requirements.

- Letter of Intent submitted by the due date.
- Applicant is eligible to apply for grant funding for this program.
- Full application was submitted through AmpliFund on or before the due date.
- All required attachments were included in the application.

5.2 APPLICANT RISK ASSESSMENT

DED will assess applications to identify the potential risks associated with this particular award and address those risks by including mitigating terms and conditions in the subaward agreement and requiring additional monitoring procedures commensurate with the assessed level of risk. Applications will be evaluated as having low, moderate, or high risk. Assessment of risk will not prohibit an application from being awarded grant funds.

The risk assessment will be performed by reviewing information about the organization and assigning an appropriate risk level based on the following characteristics:

- Project scope (number of sites and activities)
- Project complexity (project type and use of other funding)
- Project timeline/potential barriers (site control and if other funding requires environmental review)
- Project funding (total project cost)
- Financial stability (Single Audit findings, concerns, and/or issues)

5.3 APPLICATION EVALUATION CRITERIA

Applications will be scored and evaluated using the criteria detailed in **Table 4**, below.

Table 4. Evaluation Criteria Summary	
PROJECT DESIGN	20%
Detailed description of the proposed project, including scope, goals, outcomes, and activities.	
COMMUNITY NEED	30%
Description of the community needs remaining from the COVID-19 pandemic and initial efforts made to address these needs, support neighborhood stabilization, and/or community investment.	
COMMUNITY IMPACT	30%
Description of the project impact on the community relative to the investment of awarded funds, including how the project aligns with current goals and existing initiatives to address community needs, promote neighborhood stabilization, and improve the condition of vacant or abandoned properties.	

CAPACITY	10%
Ability to complete the program activities within the period of performance, maintain efficient and effective use of funds, and adhere to reporting requirements, plus organization/staff experience in managing grant-funded projects and funds with proper standards and practices.	
PROJECT READINESS	10%
The feasibility of the project reaching completion within the period of performance, identification of the project site(s), planning, zoning, and other barriers, and environmental review.	
ADDITIONAL FACTORS FOR EVALUATION	See Section 5.5 for specific information.

5.4 APPLICATION REVIEW AND SELECTION PROCESS

Applications that pass review of threshold requirements will be scored by a committee based on the scoring criteria in **Table 5**, below. Award recommendations will be determined by a review committee.

Table 5. Evaluation Criteria Details

I. PROJECT DESIGN

- Project type (1) installation of public features or (2) site development for affordable housing.
- Summary of project activities.
- Project location and specific site(s), if identified, or description of type(s) of site on which project will be completed.
- Partners involved (not limited to the Partnering Entity).
- Project goals and intended outcomes.
- (For *Affordable Housing* projects) Summary of the state or federal funding source that will be leveraged for construction, and what affordability requirements apply (i.e., length of affordability period, rent/income limits, mix of affordable to market rate units, etc.)

II. COMMUNITY NEED

- Pre-existing (pre-COVID-19) public health and/or economic disparities in the community, and what population(s) are most affected by these disparities.
- How the COVID-19 pandemic worsened these disparities.
- Current efforts to respond to these disparities and promote neighborhood stabilization in response to the COVID-19 pandemic.
- Current need for the proposed project and how this was determined.

III. COMMUNITY IMPACT

- Potential effect of the project on the community and the population(s) most affected by pre-existing disparities.
- How project supports existing initiatives to address community needs.
- How project promotes neighborhood stabilization and community revitalization.
- (For *Public Feature* projects) How the project will improve public health and/or safety for community residents, including how the project incorporates sustainability, climate resilience, and/or accessibility to support long-term public use.
- (For *Affordable Housing* projects) How the project aligns with community's overall plan to increase production of affordable housing, including how the project advances housing equity and removes barriers for communities that have been historically underserved, under resourced, and/or marginalized.

IV. CAPACITY

- Ability to undertake and complete the project within the period of performance.
- Ability to maintain efficient and effective use of funds and adhere to reporting requirements.
- Experience in managing federal grant funds, developing internal controls, and establishing procurement standards.
- Experience in managing comparable projects and description of the past project outcomes.
- Relevant qualifications and experience of any staff that will play a key role in the project.
- Existing community relationships and history of collaboration with project partners.
- Evidence of community support for the project, including letters of support from community members or organizations and approval from City Council/Village Board/County Commission.

V. PROJECT READINESS

- Feasibility of the project reaching completion within the period of performance.
- Proposed timeline for completion of major project milestones.
- Potential barriers to project completion and strategies/plans to navigate them.
- Identification of the project site(s), or criteria used to evaluate potential site(s).
- Proper zoning of the project site(s) or plan to obtain proper zoning of the site(s) to ensure compliance with URA requirement.
- Site control of the project site(s) or plan to obtain site control.
- (For *Affordable Housing* projects) State or federal funds that are or will be leveraged to develop affordable housing on the site(s).
- (For *Affordable Housing* projects) Completion of environmental review and/or site review as required by state or federal grant program.

Following the application review by the review committee, a recommendation will be provided to the DED Director.

5.5 ADDITIONAL FACTORS FOR EVALUATION

After the initial scoring of all applications, the review committee will consider additional factors for applications that were tied to make final funding determinations. These additional factors include one or more of the following:

1. In awarding the grants, DED will give preference to applicants that applied for grants under the 2022 Rural Workforce Housing Land Development (RWLD) Program. Such applicants will be prioritized for funding if project proposals align with the current program goals and outcomes. The Rural Workforce Housing Land Development Program was discontinued in 2023, and the Nebraska State Legislature reappropriated the \$10 million in ARPA funds for the Rural Community Recovery Program.

2A. (For *Public Features* projects) An application will be evaluated favorably if the proposed project incorporates sustainability, climate resilience, and/or accessibility to support long-term public use of the site.

For this program, “sustainability” is the ability to maintain the project site over time economically, environmentally, and socially. “Climate resilience” includes project planning and design to address the negative impacts caused by inclement weather events, soil erosion, floods, droughts, environmental contamination, and/or conservation efforts. “Accessibility” includes design and strategies to make the environment and/or activities usable and beneficial for as many people as possible.

2B. (For *Affordable Housing* projects) An application will be evaluated favorably if the project proposes development that will remove barriers to affordable housing for communities that have been historically underserved, marginalized, adversely affected by inequality, and disproportionately impacted by the COVID-19 pandemic.

For this program, “barriers to affordable housing” include, but are not limited to, the removal of local ordinances that contributed to historical redlining, disproportionate allocation of resources and neighborhood disinvestment, food deserts, lack of access to public transportation, and other challenges.

6 AWARD ADMINISTRATION

6.1 NOTICE OF AWARD

DED issues written Notices of Award to Awardees of grant funding. The NOA will outline the anticipated grant amount. Funds will be reserved for the potential Awardee until a subaward agreement is signed by both parties, or until such time it is determined that a subaward agreement cannot be entered between the Awardee and DED.

6.1.1 Non-Selection

DED issues written notices of non-selection to applicants who submitted full applications that were not chosen for grant funding by the scoring committee. Non-select letters will describe the reason(s) for the decision and may include information for other funding opportunities that may be available for the proposed project.

6.2 SUBAWARD AGREEMENT TERMS AND CONDITIONS

Following DED's Notice of Award, DED issues an electronic copy of the RCRP Subaward Agreement via DocuSign. The 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 agreement.

The Awardee must review, sign, date, and return the agreement via DocuSign to accept the RCRP award. 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](#).

The 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 by state or federal oversight monitors or auditors must be returned to DED for utilization on other SLFRF allowable activities or to the federal grantor.

6.3 AWARD DISBURSEMENT

The Awardee may submit the first payment request after full execution of the agreement and approval of any required conditions specified in the agreement.

This award will be disbursed on a reimbursement basis using the grant management system. To receive reimbursement, the Awardee must create one expense and submit supporting documentation. Such documentation includes source (expense) documents and proof of completed payment for 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 grant management system administrator will give notice to Awardee's Grant Manager that DED has approved or denied the request for payment. Denied requests may be modified as required and resubmitted.

Funds are transferred electronically to the account designated on the State of Nebraska W-9 and ACH Enrollment Form. If an email address was provided on the State of Nebraska W-9 and ACH Enrollment Form, notification that payment has been processed will be sent via email to the address provided.

Awardees can find detailed instructions for how to submit payment requests in this manual and DED Help Center user guides. Payment of the reimbursement is subject to Awardee's submission of supporting documentation for review and approval by DED.

A source (expense) document is any document that contains the details of the business transaction, such as receipts, invoices, or payroll documents. A source document captures the key information about a transaction, such as the names of the parties involved, amounts paid (if any), the date, and the substance of the transaction, which demonstrates the allowability, applicability, and reasonableness of the cost.

Proof of payment means a copy of the cleared or cancelled check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, or other similar document, which provides substantiating evidence that payment has been made in the amount due 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 SUBRECIPIENT RECORD MANAGEMENT

7.1 GOVERNING PROVISIONS

The Awardee must develop and operate a project in full compliance with all applicable laws and regulations, both federal and state, including but not limited to:

7.1.1 Programmatic Provisions

1. Title VI of the Social Security Act (42 U.S.C. §§ 602 and 603), as added by section 9901 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-2), codified as 42 U.S.C. § 802 and 42 U.S.C. § 803 respectively.
2. Pandemic Relief Programs, 31 CFR part 35, which specifies eligible use of SLFRF grant awards, ineligible use of such funds, payment of funds by Treasury to states pursuant to section 602(d)(1) of the Social Security Act, restrictions on compensation and capital distributions, and ensures compliance with the American Rescue Plan Act.
3. Universal Identifier and System for Award Management (SAM), 2 CFR part 25, pursuant to which the award term set forth in Appendix A to 2 CFR part 25 is hereby incorporated by reference.
4. Reporting Subaward and Executive Compensation Information, 2 CFR part 170, pursuant to which the award term set forth in Appendix A to 2 CFR part 170 is hereby incorporated by reference.
5. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR part 200;

7.1.2 Civil Rights and Equal Opportunity Provisions

6. Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d-1 through 2000d-7, and Treasury's implementing regulations at 31 CFR part 22;
7. Title VIII of the Civil Rights Act of 1968 (The Fair Housing Act), 42 U.S.C. §§ 3601 through 3631;
8. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794;
9. The Age Discrimination Act of 1975, as amended, 42 U.S.C. §§ 6101 through 6107, and Treasury's implementing regulations at 31 CFR part 23;
10. Executive Order 13985, On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government;

7.1.3 Fair Housing Standards and Provisions

11. The Architectural Barriers Act of 1968, as amended, 42 U.S.C. §§ 4151 through 4157;
12. Title III of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12181 through 12189;

13. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, 42 U.S.C. §§ 4601 through 4655;
14. Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

7.1.4 Labor Standards and Provisions

15. Title I of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12111 through 12117;
16. Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. § 1324a), known as the E-Verify Program;
17. Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101 through 8106), and implementing regulations outlined in 31 CFR part 20;
18. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement), 2 CFR part 180 and Treasury's implementing regulation at 31 CFR part 19;

7.1.5 Other Provisions

19. New Restrictions on Lobbying, 31 CFR part 21, and related federal requirements imposed by 31 U.S.C. § 1352;
20. Hatch Act of 1939 (5 U.S.C. §§ 7321 through 7326), and specific regulations for state or local employees found in 5 U.S.C. §§ 1501 through 1508;
21. Transparency and public accountability guidance for SLFRF award funds, including the Federal Funding Accountability and Transparency Act (Pub. L. 109-282, 31 U.S.C. § 6101 and related federal requirements); Memorandum M-21-20 and Memorandum M-20-21;
22. Nebraska Contractor Registration Act (Neb. Rev. St. §§ 48-2101 through 48-2117);
23. Building Construction Act (Neb. Rev. St. §§ 71-6402 through 71-6408);
24. Executive Order 13043, Increasing Seat Belt Use in the United States;
25. Executive Order 13513, Reducing Text Messaging While Driving;
26. Generally applicable federal environmental laws and regulations;
27. Any and all federal laws and regulations that apply if subaward funds are used in conjunction with other federal funding sources; and
28. All applicable state laws, ordinances, rules, regulations, and statutes established by the State of Nebraska and its respective political subdivisions, that are relevant to the activities carried out by the Awardee set forth in the subaward agreement.

7.2 FEDERAL POST-AWARD REQUIREMENTS

7.2.1 Statutory and National Policy Requirements

Federal funding that is expended and associated programs that are implemented must be managed and administered in a manner in full accordance with the U.S. Constitution, federal law, and public policy requirements: Including, but not limited to, those protecting free speech, religious liberty, public welfare, the environment, and prohibiting discrimination. Relevant public policy requirements are incorporated directly or by reference in the terms and conditions of the subaward agreement.

7.2.2 Financial Management

Awardees are required to manage their financial resources in accordance with state laws and procedures for expending and accounting for the state's own funds. 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 as outlined in 2 CFR § 200.302.

7.3 SUBRECIPIENT RECORDS

As a subrecipient of federal funds, the Awardee must develop and maintain records to document their effective use of grant funds and efficient program administration including, at a minimum, standards and practices that apply to the regulations contained in this section. These documents must be maintained by the Awardee and made available upon request.

7.3.1 Internal Controls

Awardees are required to maintain effective internal control over the federal award and agree to comply with federal statutes, regulations, and the terms and conditions of the subaward agreement. Awardee internal control requirements are further outlined in 2 CFR § 200.303.

7.3.2 Cost Sharing or Matching

Cost Sharing and Matching requirements do not apply to the SLFRF Program per Treasury guidelines.

7.3.3 Program Income

Program income means gross income that is directly generated by a supporting activity or earned as a result of the federal award during the period of performance. 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.

Program income must be tracked and used in accordance with 2 CFR § 200.307. Treasury clarified in the SLFRF Final Rule Frequently Asked Questions¹¹ that recipients may add program income to the federal award. Any program income generated from SLFRF funds must be used for the eligible use defined by the program conditions.

Awardees should implement additional controls including 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 subaward agreement.

7.3.4 Insurance Coverage

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. In addition, Awardees, developers, and contractors are expected to maintain the appropriate insurance coverage for the project type, including but not limited to builder's risk insurance, general liability, workers compensation coverage, and flood insurance policies.

DED must be listed as a "Loss Payee" on all policies pertaining to the project site and project activities.

7.3.5 Real Property or Equipment

Any purchase or improvement of real property with SLFRF funds must be consistent with the Uniform Guidance at 2 CFR part 200 subpart D. Title to real property acquired using SLFRF funds will vest upon acquisition with the Awardee. Real property acquired or improved upon using federal funds must be used for the originally authorized purpose.

When no longer needed for the originally authorized purpose, the Awardee may dispose of the real property by

¹¹ SLFRF Final Rule Frequently Asked Questions can be found online at, <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-FAQ.pdf>

1. Retaining title after compensating the U.S. Department of the Treasury, in accordance with 2 CFR § 200.311(c)(1). The amount due will be calculated by applying the percentage of SLFRF funds expended for the cost of original purchase and improvement of the property to the fair market value of the property.
2. Selling the property and compensating the U.S. Department of the Treasury, in accordance with 2 CFR § 200.311(c)(2). The amount due will be calculated by applying the percentage of SLFRF funds expended for the cost of original purchase or improvement to the proceeds after the sale after deduction of any actual and reasonable selling and fixing-up expenses.

Requirements for proper management of real equipment, supplies, and intangible property are found in 2 CFR part 200 subpart D, specifically in 2 CFR §§ 200.313 through 200.315.

7.3.6 Procurement Standards

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 200.327, as applicable. The Awardee must make available upon request any technical specifications on proposed procurements for which the federal awarding agency or DED determines a review is required.

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.

7.3.7 Competition

All written procurement policies will include procedures to conduct all procurement transactions in a manner consistent with the Uniform Guidance, which 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.

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

7.3.8 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 through 200.476.

7.3.9 Davis-Bacon Act

The Davis-Bacon Act requirements regarding prevailing wage rates do not apply to projects funded solely with SLFRF funds with the exception of 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 and award agreement terms and conditions.

7.3.10 Contracting with Small and Minority Businesses, Women’s Business Enterprises, and Labor Surplus Area Firms

The Awardee must take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus are firms are used when possible. Affirmative steps are detailed in 2 CFR § 200.321.

7.3.11 Domestic Preferences for Procurements

The Awardee must provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States in accordance with 2 CFR § 200.322.

7.4 ENFORCEMENT AND TERMINATION

The subaward agreement or contract may be terminated in full, or in part, if:

- DED suffers a loss of funding which permitted it to fund the award;
- A natural disaster or other similar event outside of the control of and not the fault of the Awardee or DED renders the project infeasible or unable to be performed;
- The Awardee and DED mutually agree to terminate the subaward agreement, if both parties agree that continuation is not feasible or would not produce the beneficial results commensurate with the further expenditure of funds;
- DED identifies a deficiency or the Awardee’s noncompliance with the subaward agreement; or
- The Awardee makes any false statements or claims in connection with the federal award.

7.4.1 Remediation and Recoupment

If DED determines that the Awardee materially fails to comply with any term of the subaward 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 will have all remedies available under state or federal law. DED, at its sole discretion, may impose sanctions without first requiring or allowing a corrective action plan.

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.

8 PERFORMANCE & FINANCIAL REPORTING

8.1 PERFORMANCE MANAGEMENT

DED will measure the Awardee’s performance to show achievement of program goals and objectives, share lessons learned, improve program outcomes, and foster adoption of promising practices. Program goals and objectives will be derived from program planning and design. Where appropriate, the subaward agreement may include specific program goals, indicators, targets, baseline data, data collection, and expected outcomes with an expected timeline for accomplishment, and may include performance measures or independent sources of data that may be used to measure progress. Performance measurement progress must be measured by the Awardee and reported to DED.

Performance goals and objectives must be aligned with the federal awarding agency strategic goals, strategic objectives, or performance goals that are relevant to the program. Performance reporting frequency and content will be established by DED at the beginning of the period of performance.

8.2 REQUIRED LEGAL INSTRUMENTS

For each project site, the Awardee must provide the existing liens, deed restrictions, restrictive covenants, or other such legal instruments, filed and currently existing all sites on which program activities will occur.

A Declaration of Covenant, which will be considered to run with the land, must be executed and recorded with the county assessor or register of deeds to protect the investment of federal funds and to ensure the property's continued eligible use for the duration of the 20-year compliance period. The Department of Economic Development must be recorded in first position on the Covenant.

8.3 RECORDS RETENTION AND ACCESS; INSPECTIONS

As required by Retention Requirements for Records found in 2 CFR §§ 200.334 through 200.338, Awardees must maintain all records and financial documents for five years after all funds have been expended or returned.

DED and any duly authorized official of the state and federal government will have full access to and the right to examine, audit, excerpt, and/or transcribe any of the Subrecipient's records pertaining to all matters covered by this agreement. The Awardee must transfer records pertinent to this project and work undertaken as part of the project to DED upon request.

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 provide or make available such records to the State of Nebraska, the Department of Economic Development, and the U.S. Department of the 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.

8.4 ONGOING REPORTING REQUIREMENTS

All Awardees must complete and submit project reports as required by the subaward agreement and 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. Expenses will be entered and approved within DED's grant management system in order to receive payments. A Final Financial Report will be required to receive final payment.

The Awardee must maintain records and financial statements in accordance with applicable federal, state, and local regulations, outlined in the subaward agreement. DED may request additional information and change the frequency of reporting at its discretion, based on its assessment of the project performance.

Failure to provide required reports to DED by the required due dates may result in DED declaring the Awardee to be in substantial breach of the subaward agreement, for which DED may immediately terminate the subaward agreement and/or require repayment of all SLFRF funds disbursed to the Awardee for the project.

8.4.1 Reporting of Matters Related to Recipient/Subrecipient Integrity and Performance

If the total value of the recipient (or subrecipient) 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 current information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently Federal Awardee Performance and Integrity Information System [FAPIIS]) about civil, criminal, or administrative proceedings described in program manual. This is a statutory requirement under Section 872 of Public Law 110-417, as amended in 41 U.S.C. § 2313.

Before awarding a contract in excess of the simplified acquisition threshold, DED will review the performance and integrity information available in the Federal Awardee Performance and Integrity Information System (FAPIIS) (available at <https://www.cpars.gov/>), including FAPIIS information from the SAM Exclusions and the Contractor Performance Assessment Reporting System (CPARS).

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.

8.4.2 Department of Economic Development Monitoring and Reporting

As a subrecipient of federal award funds, DED is entrusted with financial resources and responsibilities for the management, disbursement, and accountability of SLFRF monies under ARPA. 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 meeting performance goals and ensuring compliance with applicable rules and regulations.

By accepting SLFRF grant funds, Awardees affirm their requirements to:

- 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 performance reports 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 that enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than planned.

8.5 PERFORMANCE REPORTS

Project and financial reporting will be prepared and submitted by the Awardee at an interval described in the subaward agreement and in compliance with the federal, state, and DED requirements, including 2 CFR §§ 200.328 through 200.330.

The Awardee must establish and maintain a system that assures effective control over and accountability for all funds, property, and other assets used in the project. Financial reports will align with the Awardee's proposed budget and will be supported by appropriate source documentation and proofs of payment.

The Awardee must submit documentation evidencing completion of all financial management system requirements and execution of the financial management certification form prescribed by DED.

8.6 FEDERAL PROCUREMENT REPORTING REQUIREMENTS

All federal awardees are required to report all procurement contracts related to their federal award. Submission of all procurement contracts is required within 30 days of any procurement contract that the Awardee enters into with any vendor. Awardees will fulfill this reporting requirement in AmpliFund, DED's grants management software.

8.7 SINGLE AUDIT REPORT

Awardees that expend more than \$750,000 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->.

8.8 RECOVERY PLAN

DED must submit annually to the U.S. Department of the Treasury a Recovery Plan, which will cover all SLFRF-funded programs during the previous 12-month period of the period of performance. DED may request additional information from the Awardee for the purpose of the Recovery Plan, which may include, but is not limited to:

- Executive Summary of the Awardee's eligible use of funds, including key outcome goals, project progress status, the Awardee's plan for use of funds to promote long-term housing stability in the community, and noteworthy challenges or opportunities identified during the reporting period.
- Uses of Funds, including both intended and actual uses of funds, which address how the SLFRF funds respond to negative economic impacts of the COVID-19 pandemic and to ensure effective, efficient, and equitable outcomes for disproportionately impacted communities, populations, or individuals.
- Promoting Equitable Outcomes, including details of the project's goals, design, access and distribution, outcomes, and prioritization of economic and racial equity as a goal.
- Community Engagement, including details of how feedback from the community, constituents, and community-based organizations was incorporated into the project design.
- Use of Evidence, including whether evidence-based interventions or program evaluation tools have been implemented by the Awardee to ensure program effectiveness and equitability.
- Required performance indicators and programmatic data, including the number of affordable housing units preserved or developed.

8.9 SUPPLEMENTAL FINANCIAL/INTEGRITY REVIEW

The Awardee will be required to report on the status of the project. DED reserves the right to audit the project at any time, ensuring that funds are spent appropriately, and timelines are met. Following project completion, a final report may be required.

8.10 CLOSEOUT

The Awardee will comply with program closeout procedures as specified by DED to ensure a timely closeout, in accordance with 2 CFR §§ 200.344 and 200.345.

All final financial and program reports will be submitted to DED by the Awardee reports must be submitted to DED by the Awardee within 30 calendar days of the end of the period of performance. DED may approve an extension if requested and justified in writing by the Awardee. The Awardee must account for any real and personal property acquired or improved upon with grant funds in accordance with 2 CFR §§ 200.310 through 200.316 and 200.330.

Project closeout does not affect the right of DED or any duly authorized official of the state or federal government to disallow costs and recover funds from the Awardee on the basis of a later audit or other review. The obligation of the Awardee to return any funds due as a result of an audit is not affected by closeout of the grant or termination of the agreement between the Awardee and DED.

9 TECHNICAL ASSISTANCE FOR AMPLIFUND

To administer this program, DED uses AmpliFund, a grant management system (GMS). Applications will be submitted, and awards will be managed, through this GMS.

9.1 DED GRANTS HELP CENTER

DED has published user guides and tutorials for 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 displayed in tiles on the main webpage. You can enter key words into the search bar to find specific articles.

9.1.1 Applicant User Guides

- **User Management** provides instructions on registering users on the AmpliFund website in order to apply for an award.
- **How to Apply** contains instructions on applying through the GMS.

9.1.2 Awardee User Guides

- **Award Information** provides initial instructions to manage your award.
- **Amendments** contains information on submitting an amendment of your subaward agreement within your award.
- **Budget** provides information on how to edit and track expenses within your award.
- **Payment Requests** contains instructions for submitting payment requests and supporting documentation within your award.
- **DED Reporting Requirements** provides instructions for completing and submitting required reports throughout the period of performance within your award.
- **ARPA** contains specific user guides specific to ARPA programs.

9.2 AMPLIFUND HELP PORTAL

For user guides about using AmpliFund, please visit <https://ne-amplifund.zendesk.com>. This help portal will assist users in navigating the system and more. You can enter key words into the search bar to find specific articles, user guides, access recorded and live trainings and videos, and submit a support ticket for assistance from the AmpliFund Help Desk.

9.2.1 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 to 7:00pm (Central)
2. Online chat
 - a. Available from 8:00am to 4:00pm (Central)
3. Email support@ne-amplifund.zendesk.com

10 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	May 2024	Initial publication.
2.0		