
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
REGULAR AGENDA SESSION
JUDGE E. MAURICE BRASWELL
CUMBERLAND COUNTY COURTHOUSE - ROOM 564
MAY 12, 2022
1:00 PM

INVOCATION- Commissioner Larry Lancaster

PLEDGE OF ALLEGIANCE

1. APPROVAL OF AGENDA
2. APPROVAL OF MINUTES
 - A. April 14, 2022 Agenda Session Regular Meeting
3. PRESENTATIONS
 - A. Opioid Settlement Discussion and Feedback
 - B. Continuum of Care Update
4. CONSIDERATION OF AGENDA ITEMS
 - A. Opioid Settlement Fund Grant Project Budget Ordinance #B220136
 - B. Naming of Public Health Boardroom
 - C. Minimum Bid Policy
 - D. Discussion of Zero Lot Line Subdivisions
 - E. Contract for Recycling Center Fire Protection Improvements
 - F. Request to Apply for U.S. Department of Transportation Multimodal Project Discretionary Grant
 - G. FY23 Community Transportation Program Bid Tab for Proposed Services
 - H. Parking Lot Lease Renewal with First Presbyterian Church of Fayetteville
 - I. Intent to Lease Real Property to Service Source Employment Services, Inc.
 - J. Resolution of Intent to Lease Real Property to the Vision Resource Center, Inc.
 - K. Amendments to the Overhills Park Water and Sewer District Rate Structure
 - L. Amendments to the NORCRESS Water and Sewer District Rate Structure
 - M. Request of Law Office of K D White for Refund of Excise Tax
 - N. Request of Single Source Real Estate Services Inc. for Refund of Excise Tax
 - O. ARP Committee Recommendations: ARP Policies and Grant Project Ordinance

5. OTHER ITEMS

- A. Competitive Grants Report
- B. Update on the Emergency Rental Assistance Program (ERAP)
- C. Cumberland County Emergency Services Center Project Update
- D. Emergency Operations Center Capital Project Budget Ordinance Revision #B220053 and the Emergency Telephone System 911 Fund Budget Ordinance Amendment #B220052

6. MONTHLY REPORTS

- A. Financial Report
- B. ARPA Quarterly Project and Expenditure Report as of March 31, 2022
- C. Health Insurance Update
- D. Southern Health Partners, Inc., Quarterly Statistical Report on Inmate Healthcare
- E. Project Updates

7. CLOSED SESSION: If Needed

ADJOURN

AGENDA SESSION MEETINGS:

June 9, 2022 (Thursday) 1:00 PM

******There are no meetings in July******



**ASSISTANT COUNTY MANAGER STRATEGIC MANAGEMENT/ GOVERNMENTAL
AFFAIRS**

**MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: SALLY SHUTT, ASSISTANT COUNTY MANAGER

DATE: 4/19/2022

SUBJECT: OPIOID SETTLEMENT DISCUSSION AND FEEDBACK

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): JENNIFER GREEN, HEALTH DIRECTOR

BACKGROUND

Health Director Dr. Jennifer Green will facilitate a discussion about the opioid settlement funding and gather feedback from the Board of Commissioners. Dr. Green provided an overview of the settlement planning process during the May 2 Regular Meeting.

RECOMMENDATION / PROPOSED ACTION

Provide feedback during discussion to assist the planning process and development of recommendations for opioid settlement funding.

ATTACHMENTS:

Description	Type
May 12 presentation	Backup Material
Opioids - one-pager	Backup Material
MOA state and local governments	Backup Material

Opioid Settlement Funds

Board of Cumberland County Commissioners

Agenda Session

Jennifer Green, PhD, MPH

Health Director

May 12, 2022

Opioid Data

Cumberland County Opioid Data

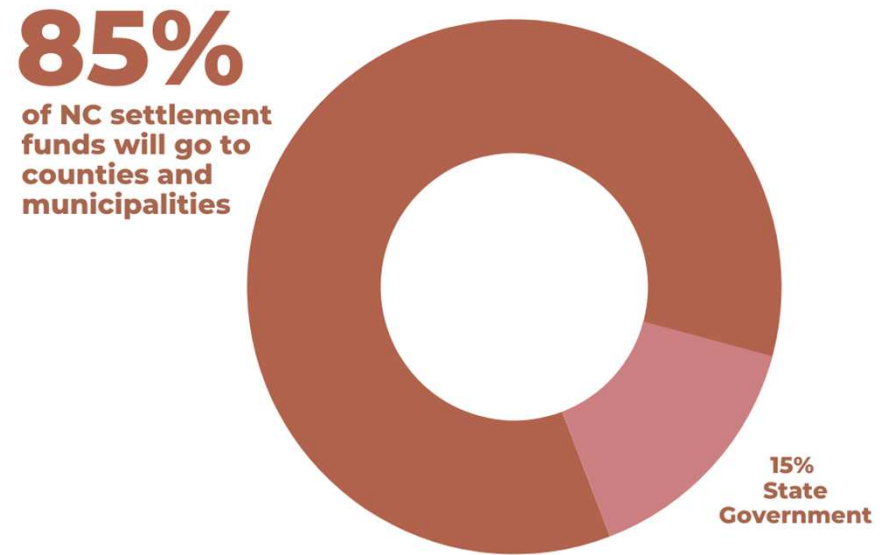
- 68 Opioid Overdose Emergency Department Visits for 2022 YTD
 - 52 visits (Jan to March in 2021)
- Populations disproportionately impacted
 - Adults, ages 25-64
 - Individuals who are White and American Indian/Alaskan Native
- 184 Overdose ED visits for Med/Drugs with dependency potential for 2022 YTD
 - 144 visits (Jan to March in 2021)

Opioid Settlement Funds

- In July 2021, Attorney General Josh Stein announced a \$26 billion agreement that will help communities harmed by the opioid epidemic
- Proceeds of settlements with the three largest drug distributors (McKesson, Cardinal Health, and AmerisourceBergen) plus the drug maker Johnson & Johnson (J&J)
- \$850 million to North Carolina over 18 years to support state and local efforts to address the epidemic

Opioid Settlement

- A Memorandum of Agreement between the State and local government directs how opioid settlement funds are distributed
- 18 Year payment to Cumberland County government: \$16,989,930
- 18 Year payment to City of Fayetteville: \$1,994,964



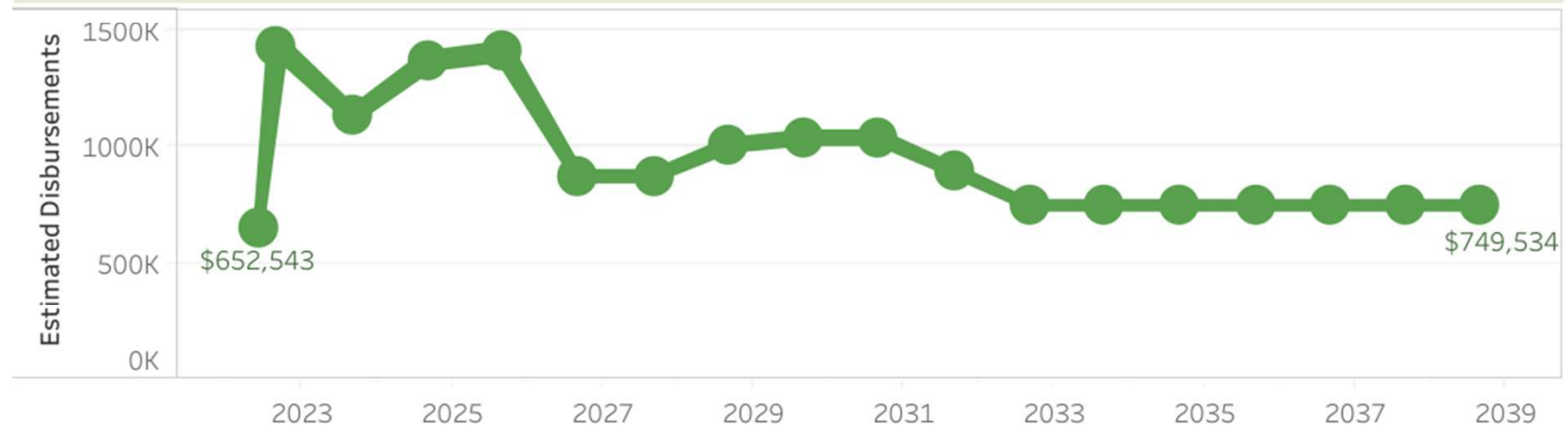
Choose a Place:

Cumberland

18 Year Payment to **Cumberland** (2022-2038):

\$16,984,644

Payments Over Time - Cumberland



Using Opioid Settlement Funds

- Annual meeting of counties and municipalities within each county
- Establish a special revenue fund, which cannot be comingled with other county funds
- Authorize spending in a budget or resolution
 - Amount and time period
 - Strategy you are spending funds on
 - Report information to the opioid settlement dashboard
- Option A or B remediation activities
- Annual financial reports
- Annual impact reports
- Report available on statewide opioid settlement dashboard

Opioid Settlement Funds

- MOA offers local governments two options:
 - **Option A:** a local government may fund one or more strategies from a shorter list of evidence-based, high impact strategies to address the epidemic
 - *Collaborative strategic planning is included*
 - **Option B:** a local government may fund one or more strategies from a longer list of strategies after engaging in a collaborative strategic planning process involving a diverse array of stakeholders

Feedback on Option A Strategies

OPTION A – High Impact Opioid Abatement Strategies

- Strategic Planning
- Evidence-based addiction treatment
- Recovery support services
- Recovery housing
- Employment-related services
- Early intervention programs
- Naloxone distribution
- Post-overdose response teams
- Syringe service programs
- Criminal justice diversion programs
- Addiction treatment for incarcerated persons
- Reentry programs

Use of Settlement Funds – Option B

Treatment

- A. Treat opioid use disorder
- B. Support people in treatment and recovery
- C. Connect people who need help to the help they need
- D. Address the needs of criminal justice involved persons
- E. Address the needs of pregnant or parenting women and their families, including babies with neonatal abstinence syndrome

Prevention

- F. Prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids
- G. Prevent misuse of opioids
- H. Prevent overdose deaths and other harms (harm reduction)

Other Strategies

- I. First responders
- J. Leadership, planning and coordination
- K. Training
- L. Research

Feedback of Option A and B Strategies

- Which strategies are already being implemented? By whom?
 - Which of these strategies could be expanded or enhanced?
- Where are there opportunities to implement new Option A strategies?
- Are there other non-option A strategies to consider (Option B)?

Option A Prioritization

Next Steps

Soliciting Input: Stakeholder and Community Meetings

- ✓ Justice Services Advisory Council (JSAC)
- ✓ Cumberland County Sheriff
- ✓ Mayors' Coalition Meeting
- ✓ Crisis Collaborative
- Cumberland-Fayetteville Opioid Response Team
- Cumberland County Schools
- SMART Recovery Groups (individuals with lived experience)
- Military Public Health Partnership Meeting

Soliciting Input: Stakeholder and Community Meetings

- Community Meeting Series
 - Pate Room, Headquarters Library – May 24, 5:30 p.m.
 - Hope Mills Library – June 7, 5:30 p.m.
 - Spring Lake – June 14, 5:30 p.m.
 - Eastover – June 22, 5:30 p.m.
- Invite community members to attend
- Collaborate with Cumberland County and Fayetteville PIO to invite members of the public

Next Steps

- Budget resolution
- Complete stakeholder and community feedback sessions (May-June)
- Synthesize data, strategy alignment, and feedback
- Present results to County Commissioners



CUMBERLAND **COUNTY**

NORTH CAROLINA

Department of Public Health



CUMBERLAND COUNTY

NORTH CAROLINA

Department of Public Health



Corporate Accountability: Fighting the Opioid Epidemic in North Carolina

WHAT IT IS

The NC Memorandum of Agreement (NC MOA) governs how North Carolina would use the proceeds of any future national settlement or bankruptcy resolution with drug distributors Cardinal, McKesson, and AmerisourceBergen and opioid manufacturers Johnson & Johnson and Purdue Pharma. These potential settlements and resolutions could bring as much as \$850 million to North Carolina over an 18-year period to support state and local efforts to address the epidemic.

WHAT IT DOES

Dedicates all funds to addressing the opioid epidemic.

Enables North Carolina to maximize resources to abating the crisis. For North Carolina to receive the maximum payout under national settlements and bankruptcy resolutions, all relevant parties – including the state itself, all 100 counties, and all large- and medium-sized municipalities – must sign on to the NC MOA and the national settlement agreements. To maximize resources flowing to communities on the front lines of the epidemic, the NC MOA would direct settlement funds as follows:

- 15 percent to the state, which the General Assembly would appropriate to address the epidemic.
- 80 percent to local governments, including all 100 counties and 17 municipalities.
- An additional five percent to an incentive fund to encourage counties and municipalities to sign on to the agreement.

Ensures high levels of transparency and accountability. The agreement offers a high level of transparency into how local governments use the funds, including special revenue funds subject to audit, annual financial and impact reports, and a public dashboard showing how they are using settlement funds to address the epidemic.

WHY IT MATTERS

Personal Cost. The opioid epidemic has taken the lives of more than 16,000 North Carolinians, torn families apart, and ravaged communities from the mountains to the coast. Just as we began to make progress in combatting the epidemic, the COVID-19 pandemic caused a new wave of isolation, despair, drug misuse, and overdose death. Individuals, families, and entire communities continue to suffer and struggle.

Accountability. The opioid epidemic was created and fueled by irresponsible marketing and inadequate monitoring on the part of opioid makers and distributors. Settlements with the big three drug distributors and Johnson & Johnson, and a resolution of the Purdue Pharma bankruptcy proceedings, have the potential to bring as much as \$850 million to North Carolina over an 18-year period to support state and local efforts to address the epidemic.

United Front to Heal North Carolina. The NC MOA is an important step forward in our collective effort to hold these companies accountable for their behavior and to secure and direct much-needed resources to communities across the state as they work to address the epidemic and its aftermath.

Click [here](#) to access an FAQ on this topic.

Click [here](#) to access the memorandum of agreement.

**MEMORANDUM OF AGREEMENT
BETWEEN THE STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS
ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION**

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Background Statement

Capitalized terms not defined below have the meanings set forth in the Definitions section of the Statement of Agreement.

WHEREAS, the State of North Carolina (the “State”), North Carolina counties and municipalities, and their people have been harmed by misconduct committed by certain entities that engage in or have engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic (“Pharmaceutical Supply Chain Participants”); and

WHEREAS, certain North Carolina counties and municipalities, through their counsel, and the State, through its Attorney General, are separately engaged in ongoing investigations, litigation and settlement discussions seeking to hold Pharmaceutical Supply Chain Participants accountable for the damage caused by their misconduct; and

WHEREAS, the State and the Local Governments share a common desire to abate and alleviate the impacts of the misconduct described above throughout North Carolina and in its local communities; and

WHEREAS, while the Local Governments and the State recognize the sums which may be available from the aforementioned litigation will likely be insufficient to fully abate the public health crisis caused by the opioid epidemic, they share a common interest in dedicating the most resources possible to the abatement effort; and

WHEREAS, settlements resulting from the investigations and litigation with Johnson & Johnson, AmerisourceBergen, Cardinal Health, and McKesson are anticipated to take the form of a National Settlement Agreement; and

WHEREAS, this Memorandum of Agreement (“MOA”) is intended to facilitate compliance by the State and by the Local Governments with the terms of the National Settlement Agreement and, to the extent appropriate, in other settlements related to the opioid epidemic reached by the state of North Carolina; and

WHEREAS, North Carolina’s share of settlement funds from the National Settlement Agreement will be maximized only if all North Carolina counties, and municipalities of a certain size, participate in the settlement; and

WHEREAS, the National Settlement Agreement will set a default allocation between each state and its political subdivisions unless they enter into a state-specific agreement regarding the distribution and use of settlement amounts (a “State-Subdivision Agreement”); and

WHEREAS, this MOA is intended to serve as such a State-Subdivision Agreement under the National Settlement Agreement; and

WHEREAS, the aforementioned investigations and litigation have caused some Pharmaceutical Supply Chain Participants to declare bankruptcy, and it may cause additional entities to declare bankruptcy in the future; and

WHEREAS, this MOA is also intended to serve as a State-Subdivision Agreement under resolutions of claims concerning alleged misconduct in manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic entered in bankruptcy court that provide for payments (including payments through a trust) to both the State and North Carolina counties and municipalities and allow for the allocation between a state and its political subdivisions to be set through a state-specific agreement (“Bankruptcy Resolutions”); and

WHEREAS, specifically, this MOA is intended to serve under the Bankruptcy Resolution concerning Purdue Pharma L.P. as a statewide abatement agreement, and under this MOA, a statewide abatement agreement is a type of State-Subdivision Agreement.

Statement of Agreement

The parties hereto agree as follows:

A. Definitions

As used in this MOA:

The terms “Bankruptcy Resolution,” “MOA,” “Pharmaceutical Supply Chain Participant,” “State,” and “State-Subdivision Agreement” are defined in the recitals to this MOA.

“Coordination group” refers to the group described in **Section E.7** below.

“County Incentive Fund” is defined in **Section G** below.

“Governing Body” means (1) for a county, the county commissioners of the county, and (2) for a municipality, the elected city council, town council, board of commissioners, or board of aldermen for the municipality.

“Incentive Eligible Local Government” is defined in **Section G** below.

“Local Abatement Funds” are defined in **Section B.2** below.

“Local Government” means all counties and municipalities located within the geographic boundaries of the State of North Carolina that have chosen to sign on to this MOA.

“MDL Matter” means the matter captioned *In re: National Prescription Opiate Litigation*, MDL 2804 pending in the United States District Court for the Northern District of Ohio.

“MDL Parties” means all parties who participated in the matter captioned *In re: National Prescription Opiate Litigation*, MDL 2804 pending in the United States District Court for the Northern District of Ohio as Plaintiffs.

“National Settlement Agreement” means a national opioid settlement agreement with the Parties and one or all of the Settling Defendants concerning alleged misconduct in manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.

“Opioid Settlement Funds” shall mean all funds allocated by the National Settlement Agreement and any Bankruptcy Resolutions to the State or Local Governments for purposes of opioid remediation activities or restitution, as well as any repayment of those funds and any interest or investment earnings that may accrue as those funds are temporarily held before being expended on opioid remediation strategies. Not included are funds made available in the National Settlement Agreement or any Bankruptcy Resolutions for the payment of the Parties’ litigation expenses or the reimbursement of the United States Government.

“Parties” means the State of North Carolina and the Local Governments.

“Settling Defendants” means Johnson & Johnson, AmerisourceBergen, Cardinal Health, and McKesson, as well as their subsidiaries, affiliates, officers, and directors named in a National Settlement Agreement.

“State Abatement Fund” is defined in **Section B.2** below.

B. Allocation of Settlement Proceeds

1. Method of distribution. Pursuant to the National Settlement Agreement and any Bankruptcy Resolutions, Opioid Settlement Funds shall be distributed directly to the State and to Local Governments in such proportions and for such uses as set forth in this MOA, provided Opioid Settlement Funds shall not be considered funds of the State or any Local Government unless and until such time as each annual distribution is made.
2. Overall allocation of funds. Opioid Settlement Funds shall be allocated as follows: (i) 15% directly to the State (“State Abatement Fund”), (ii) 80% to abatement funds established by Local Governments (“Local Abatement Funds”), and (iii) 5% to a County Incentive Fund described in **Section G** below.
3. Allocation of funds between Local Governments. The Local Abatement Funds shall be allocated to counties and municipalities in such proportions as set forth in **Exhibit G**, attached hereto and incorporated herein by reference, which is based upon the MDL Matter’s Opioid Negotiation Class Model. The proportions shall not change based on population changes during the term of the MOA. However, to the extent required by the terms of the National Settlement Agreement, the proportions set forth in **Exhibit G** shall be adjusted: (i) to provide no payment from the National Settlement Agreement to any listed county or municipality that does not participate in the National Settlement Agreement; and (ii) to provide a reduced payment from the National Settlement Agreement to any listed county or municipality that signs onto the National Settlement Agreement after the initial participation deadline.
4. Municipal allocations. Within counties and municipalities:

- a. Local Governments receiving payments. The proportions set forth in **Exhibit G** provide for payments directly to (i) all North Carolina counties, (ii) North Carolina municipalities with populations over 75,000 based on the United States Census Bureau's Vintage 2019 population totals, and (iii) North Carolina municipalities who are also MDL Parties as of January 1, 2021.
 - b. Municipality may direct payments to county. Any municipality allocated a share in **Exhibit G** may elect to have its share of current or future annual distributions of Local Abatement Funds instead directed to the county or counties in which it is located. Such an election may be made by January 1 each year to apply to the following fiscal year. If a municipality is located in more than one county, the municipality's funds will be directed based on the MDL Matter's Opioid Negotiation Class Model.
5. Use of funds for opioid remediation activities. This MOA requires that except as related to the payment of the Parties' litigation expenses and the reimbursement of the United States Government, all Opioid Settlement Funds, regardless of allocation, shall be utilized only for opioid remediation activities.
 6. Relationship of this MOA to other agreements and resolutions. All Parties acknowledge and agree the National Settlement Agreement will require a Local Government to release all its claims against the Settling Defendants to receive Opioid Settlement Funds. All Parties further acknowledge and agree based on the terms of the National Settlement Agreement, a Local Government may receive funds through this MOA only after complying with all requirements set forth in the National Settlement Agreement to release its claims. This MOA is not a promise from any Party that any National Settlement Agreement or Bankruptcy Resolution will be finalized or executed.

C. Payment of Litigating and Non-Litigating Parties

No Party engaged in litigating the MDL Matter shall receive a smaller payment than a similarly situated non-litigating Party, other than as based on the Allocation Proportions in **Exhibit G** or based on the eligibility criteria for payments from the County Incentive Fund as provided by **Section G** below.

D. Special Revenue Fund

1. Creation of special revenue fund. Every Local Government receiving Opioid Settlement Funds shall create a separate special revenue fund, as described below, that is designated for the receipt and expenditure of the Opioid Settlement Funds.
2. Procedures for special revenue fund. Funds in this special revenue fund shall not be commingled with any other money or funds of the Local Government. The funds in the

special revenue fund shall not be used for any loans or pledge of assets, unless the loan or pledge is for an opioid remediation purpose consistent with the terms of this MOA and adopted under the process described in **Section E.6** below. Although counties or municipalities may make contracts with or grants to a nonprofit, charity, or other entity, counties or municipalities may not assign to another entity their rights to receive payments from the national settlement or their responsibilities for funding decisions.

3. Interest earned on special revenue fund. The funds in the special revenue fund may be invested, consistent with the investment limitations for local governments, and may be placed in an interest-bearing bank account. Any interest earned on the special revenue fund must be used in a way that is consistent with this MOA.

E. Opioid Remediation Activities.

1. Limitation on use of funds. Local Governments shall expend Opioid Settlement Funds only for opioid-related expenditures consistent with the terms of this MOA and incurred after the date of the Local Government's execution of this MOA, unless execution of the National Settlement Agreement requires a later date.
2. Opportunity to cure inconsistent expenditures. If a Local Government spends any Opioid Settlement Funds on an expenditure inconsistent with the terms of this MOA, the Local Government shall have 60 days after discovery of the expenditure to cure the inconsistent expenditure through payment of such amount for opioid remediation activities through budget amendment or repayment.
3. Consequences of failure to cure inconsistent expenditures. If a Local Government does not make the cure required by **Section E.2** above within 60 days, (i) future Opioid Fund payments to that Local Government shall be reduced by an amount equal to the inconsistent expenditure, and (ii) to the extent the inconsistent expenditure is greater than the expected future stream of payments to the Local Government, the Attorney General may initiate a process up to and including litigation to recover and redistribute the overage among all eligible Local Governments. The Attorney General may recover any litigation expenses incurred to recover the funds. Any recovery or redistribution shall be distributed consistent with **Sections B.3 and B.4** above.
4. Annual meeting of counties and municipalities within each county. Each county receiving Opioid Settlement Funds shall hold at least one annual meeting with all municipalities in the Local Government's county invited in order to receive input as to proposed uses of the Opioid Settlement Funds and to encourage collaboration between local governments both within and beyond the county. These meetings shall be open to the public.
5. Use of settlement funds under Option A and Option B. Local Governments shall spend Opioid Settlement Funds from the Local Abatement Funds on opioid remediation activities using either or both of the processes described as Option A and Option B below, unless the relevant National Settlement Agreement or Bankruptcy Resolution further limit the spending.

- a. Option A.
 - i. Without any additional strategic planning beyond the meeting described in **Section E.4** above, Local Governments may spend Opioid Settlement Funds from the list of High-Impact Opioid Abatement Strategies attached as **Exhibit A**. This list is a subset of the initial opioid remediation strategies listed in the National Settlement Agreement.
 - ii. **Exhibit A** may be modified as set forth in Exhibit D below; provided, however, that any strategy listed on **Exhibit A** must be within the list of opioid remediation activities for the then-current National Settlement Agreement. Opioid remediation activities undertaken under a previously authorized strategy list may continue if they were authorized at the time of the Local Government's commitment to spend funds on that activity.
- b. Option B.
 - i. A Local Government that chooses to participate in additional voluntary, collaborative, strategic planning may spend Opioid Settlement Funds from the broader list of categories found in **Exhibit B**. This list contains all the initial opioid remediation strategies listed in the National Settlement Agreement.
 - ii. Before spending any funds on any activity listed in **Exhibit B**, but not listed on **Exhibit A**, a Local Government must first engage in the collaborative strategic planning process described in **Exhibit C**. This process shall result in a report and non-binding recommendations to the Local Government's Governing Body described in **Exhibit C** (right-hand column).
 - iii. A Local Government that has previously undertaken the collaborative strategic planning process described in **Exhibit C** and wishes to continue implementing a strategy listed in **Exhibit B**, but not listed in **Exhibit A**, shall undertake a new collaborative strategic planning process every four years (or more often if desired).
 - iv. A Local Government that has previously undertaken the collaborative strategic planning process described in **Exhibit C** that wishes to implement a new strategy listed in **Exhibit B** but not listed in **Exhibit A**, shall undertake a new collaborative strategic planning process.
 - v. Two or more Local Governments may undertake a single collaborative strategic planning process resulting in a report and recommendations to all of the Local Governments involved.

6. Process for drawing from special revenue funds.

- a. Budget item or resolution required. Opioid Settlement Funds can be used for a purpose when the Governing Body includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time.
- b. Budget item or resolution details. The budget or resolution should (i) indicate that it is an authorization for expenditure of opioid settlement funds; (ii) state the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in **Exhibit A** or **Exhibit B** to identify each funded strategy, and (iii) state the amount dedicated to each strategy for a stated period of time.

7. Coordination group. A coordination group with the composition and responsibilities described in **Exhibit D** shall meet at least once a year during the first three years that this MOA is in effect. Thereafter, the coordination group shall meet at least once every three years until such time as Opioid Settlement Funds are no longer being spent by Local Governments.

F. Auditing, Compliance, Reporting, and Accountability

1. Audits under Local Government Budget and Fiscal Control Act. Local Governments' Opioid Settlement Funds are subject to financial audit by an independent certified public accountant in a manner no less than what is required under G.S. 159-34. Each Local Government must file an annual financial audit of the Opioid Settlement Funds with the Local Government Commission. If any such audit reveals an expenditure inconsistent with the terms of this MOA, the Local Government shall immediately report the finding to the Attorney General.
2. Audits under other acts and requirements. The expenditure of Opioid Settlement Funds is subject to the requirements of the Local Government Budget and Fiscal Control Act, Chapter 159 of the North Carolina General Statutes; Local Government Commission rules; the Federal Single Audit Act of 1984 (as if the Opioid Settlement Funds were federal funds); the State Single Audit Implementation Act; Generally Accepted Government Auditing Standards; and all other applicable laws, rules, and accounting standards. For expenditures for which no compliance audit is required under the Federal Single Audit Act of 1984, a compliance audit shall be required under a compliance supplement approved by the coordination group.
3. Audit costs. Reasonable audit costs that would not be required except for this Section F may be paid by the Local Government from Opioid Settlement Funds..
4. Access to persons and records. During and after the term of this MOA, the State Auditor and Department of Justice shall have access to persons and records related to this MOA and expenditures of Opioid Settlement Funds to verify accounts and data affecting fees or

performance. The Local Government manager/administrator is the point of contact for questions that arise under this MOA.

5. Preservation of records. The Local Government must maintain, for a period of at least five years, records of Opioid Settlement Fund expenditures and documents underlying those expenditures, so that it can be verified that funds are being or have been utilized in a manner consistent with the National Settlement Agreement, any Bankruptcy Resolutions, and this MOA.
6. Reporting.
 - a. Annual financial report required. In order to ensure compliance with the opioid remediation provisions of the National Settlement Agreement, any Bankruptcy Resolutions, and this MOA, for every fiscal year in which a Local Government receives, holds, or spends Opioid Settlement Funds, the county or municipality must submit an annual financial report specifying the activities and amounts it has funded.
 - b. Annual financial report timing and contents. The annual financial report shall be provided to the North Carolina Attorney General by emailing the report to opioiddocs@ncdoj.gov, within 90 days of the last day of the state fiscal year covered by the report. Each annual financial report must include the information described on **Exhibit E**.
 - c. Reporting to statewide opioid settlement dashboard. Each Local Government must provide the following information to the statewide opioid settlement dashboard within the stated timeframes:
 - i. The budget or resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for a specific purpose or purposes during a specified period of time as described in **Section E.6.b** above (within 90 days of the passage of any such budget or resolution);
 - ii. If the Local Government is using Option B, the report(s) and non-binding recommendations from collaborative strategic planning described in **Section E.5.b.ii** above and **Exhibit C** (right hand column) (within 90 days of the date the report and recommendations are submitted to the local governing body for consideration);
 - iii. The annual financial reports described in Section F.6.a and **Exhibit E** (within 90 days of the end of the fiscal year covered by the report); and
 - iv. The impact information described in **Exhibit F** (within 90 days of the end of the fiscal year covered by the report).

The State will create an online portal with instructions for Local Governments to report or upload each of these four items by electronic means.

- d. Copy to NCDOJ of any additional reporting. If the National Settlement Agreement or any Bankruptcy Resolutions require that a Local Government file, post, or provide a report or other document beyond those described in this MOA, or if any Local Government communicates in writing with any national administrator or other entity created or authorized by the National Settlement Agreement or any Bankruptcy Resolutions regarding the Local Government's compliance with the National Settlement Agreement or Bankruptcy Resolutions, the Local Government shall email a copy of any such report, document, or communication to the North Carolina Department of Justice at opioiddocs@ncdoj.gov.
 - e. Compliance and non-compliance.
 - i. Every Local Government shall make a good faith effort to comply with all of its reporting obligations under this MOA, including the obligations described in **Section F.6.c** above.
 - ii. A Local Government that engages in a good faith effort to comply with its reporting obligations under **Section F.6.c** but fails in some way to report information in an accurate, timely, or complete manner shall be given an opportunity to remedy this failure within a reasonable time.
 - iii. A Local Government that does not engage in a good faith effort to comply with its reporting obligations under this MOA, or that fails to remedy reporting issues within a reasonable time, may be subject to action for breach of contract.
 - iv. Notwithstanding anything to the contrary herein, a Local Government that is in substantial compliance with the reporting obligations in this MOA shall not be considered in breach of this MOA or in breach of contract.
7. Collaboration. The State and Local Governments must collaborate to promote effective use of Opioid Settlement Funds, including through the sharing of expertise, training, technical assistance. They will also coordinate with trusted partners to collect and share information about successful regional and other high-impact strategies and opioid treatment programs.

G. County Incentive Fund

A Local Government receiving Settlement Proceeds pursuant to **Section B.4.a** shall be an Incentive Eligible Local Government if every municipality in the Local Government's county with population of at least 30,000 has executed this MOA by October 1, 2021, but no later than any such deadline set in the National Settlement Agreement for the highest possible participation in incentive structures for North Carolina. Each Incentive Eligible Local Government shall receive a share of the 5% County Incentive Fund set forth in **Section B.2.iii**, distributed pro rata among only Incentive Eligible Local Governments as set forth in **Exhibit G**. For purposes of the calculations required by this Section, populations will be based on United States Census Bureau's Vintage 2019 population totals, and a municipality with populations in multiple counties will be counted only toward the county which has the largest share of that municipality's population.

H. Effectiveness

1. When MOA takes effect. This MOA shall become effective at the time a sufficient number of Local Governments have joined the MOA to qualify this MOA as a State-Subdivision Agreement under the National Settlement Agreement or any Bankruptcy Resolution. If this MOA does not thereby qualify as a State-Subdivision Agreement, this MOA will have no effect.
2. Amendments to MOA.
 - a. Amendments to conform to final national documents. The Attorney General, with the consent of a majority vote from a group of Local Government attorneys appointed by the Association of County Commissioners, may initiate a process to amend this MOA to make any changes required by the final provisions of the National Settlement Agreement or any Bankruptcy Resolution. The Attorney General's Office will provide written notice of the necessary amendments to all the previously joining parties. Any previously joining party will have a two-week opportunity to withdraw from the MOA. The amendments will be effective to any party that does not withdraw.
 - b. Coordination group. The coordination group may make the changes authorized in **Exhibit D**.
 - c. No amendments to allocation between Local Governments. Notwithstanding any other provision of this MOA, the allocation proportions set forth in **Exhibit G** may not be amended.
 - d. General amendment power. After execution, the coordination group may propose other amendments to the MOA, subject to the limitation in **Section H.2.c** above. Such amendments will take effect only if approved in writing by the Attorney General and at least two-thirds of the Local Governments who are Parties to this MOA. In the vote, each Local Government Party will have a number of votes measured by the allocation proportions set forth in **Exhibit G**.
3. Acknowledgement. The Parties acknowledge that this MOA is an effective and fair way to address the needs arising from the public health crisis due to the misconduct committed by the Pharmaceutical Supply Chain Participants.
4. When MOA is no longer in effect. This MOA is effective until one year after the last date on which any Opioid Settlement Funds are being spent by Local Governments pursuant to the National Settlement Agreement and any Bankruptcy Resolution.
5. Application of MOA to settlements and bankruptcy resolutions. This MOA applies to all settlements under the National Settlement Agreement with the Settling Defendants and any Bankruptcy Resolutions. The Parties agree to discuss the use, as the Parties may deem appropriate in the future, of the settlement terms set out herein (after any necessary

amendments) for resolutions with Pharmaceutical Supply Chain Participants not covered by the National Settlement Agreement or a Bankruptcy Resolution.

6. Applicable law and venue. Unless required otherwise by the National Settlement Agreement or a Bankruptcy Resolution, this MOA shall be interpreted using North Carolina law and any action related to the provisions of this MOA must be adjudicated by the Superior Court of Wake County. If any provision of this MOA is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision which can be given effect without the invalid provision.
7. Scope of MOA. The Parties acknowledge that this MOA does not excuse any requirements placed upon them by the terms of the National Settlement Agreement or any Bankruptcy Resolution, except to the extent those terms allow for a State-Subdivision Agreement to do so.
8. No third party beneficiaries. No person or entity is intended to be a third party beneficiary of this MOA.
9. No effect on authority of parties. Nothing in this MOA shall be construed to affect or constrain the authority of the Parties under law.
10. Signing and execution of MOA. This MOA may be signed and executed simultaneously in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement. A signature transmitted by facsimile or electronic image shall be deemed an original signature for purposes of executing this MOA. Each person signing this MOA represents that he or she is fully authorized to enter into the terms and conditions of, and to execute, this MOA, and that all necessary approvals and conditions precedent to his or her execution have been satisfied.

(Signature pages follow.)

Signature pages will be structured as one page for the State of North Carolina,
followed by separate signature pages for each county.

These signature pages will also include blanks for the county's municipalities.

To avoid having 101 signature pages in the middle of this file,
the signature pages are in a separate document.

**EXHIBIT A TO NC MOA:
HIGH-IMPACT OPIOID ABATEMENT STRATEGIES (“OPTION A” List)**

In keeping with the National Settlement Agreement, opioid settlement funds may support programs or services listed below that serve persons with Opioid Use Disorder (OUD) or any co-occurring Substance Use Disorder (SUD) or mental health condition.

As used in this list, the words “fund” and “support” are used interchangeably and mean to create, expand, or sustain a program, service, or activity.

1. **Collaborative strategic planning.** Support collaborative strategic planning to address opioid misuse, addiction, overdose, or related issues, including staff support, facilitation services, or any activity or combination of activities listed in Exhibit C to the MOA (collaborative strategic planning).
2. **Evidence-based addiction treatment.** Support evidence-based addiction treatment consistent with the American Society of Addiction Medicine’s national practice guidelines for the treatment of opioid use disorder – including Medication-Assisted Treatment (MAT) with any medication approved for this purpose by the U.S. Food and Drug Administration – through Opioid Treatment Programs, qualified providers of Office-Based Opioid Treatment, Federally Qualified Health Centers, treatment offered in conjunction with justice system programs, or other community-based programs offering evidence-based addiction treatment. This may include capital expenditures for facilities that offer evidence-based treatment for OUD. (If only a portion of a facility offers such treatment, then only that portion qualifies for funding, on a pro rata basis.)
3. **Recovery support services.** Fund evidence-based recovery support services, including peer support specialists or care navigators based in local health departments, social service offices, detention facilities, community-based organizations, or other settings that support people in treatment or recovery, or people who use drugs, in accessing addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need to improve their health or well-being.
4. **Recovery housing support.** Fund programs offering recovery housing support to people in treatment or recovery, or people who use drugs, such as assistance with rent, move-in deposits, or utilities; or fund recovery housing programs that provide housing to individuals receiving Medication-Assisted Treatment for opioid use disorder.
5. **Employment-related services.** Fund programs offering employment support services to people in treatment or recovery, or people who use drugs, such as job training, job skills, job placement, interview coaching, resume review, professional attire, relevant courses at community colleges or vocational schools, transportation services or transportation vouchers to facilitate any of these activities, or similar services or supports.
6. **Early intervention.** Fund programs, services, or training to encourage early identification and intervention for children or adolescents who may be struggling with problematic use of drugs or mental health conditions, including Youth Mental Health

First Aid, peer-based programs, or similar approaches. Training programs may target parents, family members, caregivers, teachers, school staff, peers, neighbors, health or human services professionals, or others in contact with children or adolescents.

7. **Naloxone distribution.** Support programs or organizations that distribute naloxone to persons at risk of overdose or their social networks, such as Syringe Service Programs, post-overdose response teams, programs that provide naloxone to persons upon release from jail or prison, emergency medical service providers or hospital emergency departments that provide naloxone to persons at risk of overdose, or community-based organizations that provide services to people who use drugs. Programs or organizations involved in community distribution of naloxone may, in addition, provide naloxone to first responders.
8. **Post-overdose response team.** Support post-overdose response teams that connect persons who have experienced non-fatal drug overdoses to addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need to improve their health or well-being.
9. **Syringe Service Program.** Support Syringe Service Programs operated by any governmental or nongovernmental organization authorized by section 90-113.27 of the North Carolina General Statutes that provide syringes, naloxone, or other harm reduction supplies; that dispose of used syringes; that connect clients to prevention, treatment, recovery support, behavioral healthcare, primary healthcare, or other services or supports they need; or that provide any of these services or supports.
10. **Criminal justice diversion programs.** Support pre-arrest or post-arrest diversion programs, or pre-trial service programs, that connect individuals involved or at risk of becoming involved in the criminal justice system to addiction treatment, recovery support, harm reduction services, primary healthcare, prevention, or other services or supports they need, or that provide any of these services or supports.
11. **Addiction treatment for incarcerated persons.** Support evidence-based addiction treatment, including Medication-Assisted Treatment with at least one FDA-approved opioid agonist, to persons who are incarcerated in jail or prison.
12. **Reentry Programs.** Support programs that connect incarcerated persons to addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need upon release from jail or prison, or that provide any of these services or supports.

EXHIBIT B TO NC MOA:

Additional Opioid Remediation Activities (“OPTION B” List)

This list shall be automatically updated to match the list of approved strategies in the most recent National Settlement Agreement.

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:¹

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.
2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUD/MH conditions.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Treatment of trauma for individuals with OUD (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

¹ As used in this Exhibit B, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

8. Training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD or mental health conditions, including but not limited to training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
12. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.
13. Dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.
14. Development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in treatment for or recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.
4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.

5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.
9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
11. Training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.
12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
14. Create and/or support recovery high schools.
15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED (CONNECTIONS TO CARE)

Provide connections to care for people who have – or at risk of developing – OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Fund Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.

3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.
6. Training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically-appropriate follow-up care through a bridge clinic or similar approach.
8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
11. Expand warm hand-off services to transition to recovery services.
12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
13. Develop and support best practices on addressing OUD in the workplace.
14. Support assistance programs for health care providers with OUD.
15. Engage non-profits and the faith community as a system to support outreach for treatment.
16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice

system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
 - a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);
 - b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;
 - c. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
 - d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model;
 - e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
 - f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions.
4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison, have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (NAS), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women – or women who could become pregnant – who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Training for obstetricians or other healthcare personnel that work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; expand long-term treatment and services for medical monitoring of NAS babies and their families.
5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.
6. Child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
7. Enhanced family supports and child care services for parents with OUD and any co-occurring SUD/MH conditions.
8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including but not limited to parent skills training.
10. Support for Children's Services – Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Fund medical provider education and outreach regarding best prescribing practices for opioids consistent with Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).
2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:
 - a. Increase the number of prescribers using PDMPs;
 - b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or
 - c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.
6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.
7. Increase electronic prescribing to prevent diversion or forgery.
8. Educate Dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Fund media campaigns to prevent opioid misuse.
2. Corrective advertising or affirmative public education campaigns based on evidence.
3. Public education relating to drug disposal.
4. Drug take-back disposal or destruction programs.
5. Fund community anti-drug coalitions that engage in drug prevention efforts.
6. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction – including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).
7. Engage non-profits and faith-based communities as systems to support prevention.
8. Fund evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or other drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increase availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, individuals at high risk of overdose, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities that provide free naloxone to anyone in the community.

3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.
4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.
7. Public education relating to immunity and Good Samaritan laws.
8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
10. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Support mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Provide training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Support screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items in sections C, D, and H of this Exhibit relating to first responders, support the following:

1. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, coordination, facilitation, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local, or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment intervention services; to support training and technical assistance; or to support other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
2. A dashboard to share reports, recommendations, or plans to spend Opioid Settlement Funds; to show how Opioid Settlement Funds have been spent; to report program or strategy outcomes; or to track, share, or visualize key opioid-related or health-related indicators and supports as identified through collaborative statewide, regional, local, or community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection, and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.

3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.
4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).
7. Epidemiological surveillance of OUD-related behaviors in critical populations including individuals entering the criminal justice system, including but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (ADAM) system.
8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

**EXHIBIT C to NC MOA:
COLLABORATIVE STRATEGIC PLANNING PROCESS UNDER OPTION B**

	ACTIVITY NAME	ACTIVITY DETAIL	CONTENT OF REPORT & RECOMMENDATIONS
A	Engage diverse stakeholders	Engage diverse stakeholders, per "ITEM A DETAIL" below, throughout the collaborative strategic planning process	Report on stakeholder engagement per "ITEM A DETAIL" below
B	Designate facilitator	Designate a person or entity to facilitate the strategic collaborative planning process. Consider a trained, neutral facilitator.	Identify the facilitator
C	Build upon any related planning	Build upon or coordinate with prior or concurrent planning efforts that address addiction, drug misuse, overdose, or related issues, including but not limited to community health assessments.	Report any related planning efforts you will build upon or coordinate with
D	Agree on shared vision	Agree on a shared vision for positive community change, considering how strategic investments of Opioid Settlement Funds have the potential to improve community health and well-being and address root causes of addiction, drug misuse, overdose, and related issues	Report on shared vision for positive community change
E	Identify key indicator(s)	Identify one or more population-level measures to monitor in order to gauge progress towards the shared vision. (The NC Opioid Action Plan Data Dashboard contains several such measures.)	Report on the key indicators selected
F	Identify and explore root causes	Explore root causes of addiction, drug misuse, overdose, and related issues in the community, using quantitative data as well as stakeholder narratives, community voices, the stories of those with lived experience, or similar qualitative information	Report on root causes as described
G	Identify and evaluate potential strategies	Identify potential strategies to address root causes or other aspects of the opioid epidemic; identify these strategies (by letter or number) on EXHIBIT A or EXHIBIT B, and consider the effectiveness of each strategy based on available evidence	Identify and evaluate potential strategies
H	Identify gaps in existing efforts	For each potential strategy identified (or for favored strategies), survey existing programs, services, or supports that address the same or similar issues; and identify gaps or shortcomings	Report on survey of and gaps in existing efforts
I	Prioritize strategies	Prioritize strategies, taking into account your shared vision, analysis of root causes, evaluation of each strategy, and analysis of gaps in existing efforts	Report on prioritization of strategies
J	Identify goals, measures, and evaluation plan	For each strategy (or favored strategy), develop goals and an evaluation plan that includes at least one process measure (How much did you do?), at least one quality measure (How well did you do it?), and at least one outcome measure (Is anyone better off?)	Report on goals, measures, and evaluation plan for each chosen strategy
K	Consider ways to align strategies	For each potential strategy identified (or for favored strategies), consider opportunities to braid Opioid Settlement Funds with other funding streams; develop regional solutions; form strategic partnerships; or to pursue other creative solutions	Report on opportunities to align strategies as described
L	Identify organizations	Identify organizations and agencies with responsibility to implement each strategy; and identify the human, material, and capital resources to implement each strategy	Identify organizations and needs to implement each strategy

M	Develop budgets and timelines	Develop a detailed global budget for each strategy with anticipated expenditures, along with timelines for completing components of each strategy	Report budgets and timelines for each strategy
N	Offer recommendations	Offer recommendations to local governing body (e.g., the county board, city council, or other local governing body)	Report recommendations to governing body

ITEM A DETAIL: STAKEHOLDER INVOLVEMENT

	STAKEHOLDERS	DESCRIPTION	CONTENT OF REPORT & RECOMMENDATIONS
A-1	Local officials	County and municipal officials, such as those with responsibility over public health, social services, and emergency services	Report stakeholder involvement (who and how involved in process)
A-2	Healthcare providers	Hospitals and health systems, addiction professionals and other providers of behavioral health services, medical professionals, pharmacists, community health centers, medical safety net providers, and other healthcare providers	same as above
A-3	Social service providers	Providers of human services, social services, housing services, and community health services such as harm reduction, peer support, and recovery support services	same
A-4	Education and employment service providers	Educators, such as representatives of K-12 schools, community colleges, and universities; and those providing vocational education, job skills training, or related employment services	same
A-5	Payers and funders	Health care payers and funders, such as managed care organizations, prepaid health plans, LME-MCOs, private insurers, and foundations	same
A-6	Law enforcement	Law enforcement and corrections officials	same
A-7	Employers	Employers and business leaders	same
A-8	Community groups	Community groups, such as faith communities, community coalitions that address drug misuse, groups supporting people in recovery, youth leadership organizations, and grassroots community organizations	same
A-9	Stakeholders with "lived experience"	Stakeholders with "lived experience," such as people with addiction, people who use drugs, people in medication-assisted or other treatment, people in recovery, people with criminal justice involvement, and family members or loved ones of the individuals just listed	same
A-10	Stakeholders reflecting diversity of community	Stakeholders who represent the racial, ethnic, economic, and cultural diversity of the community, such as people of color, Native Americans, members of the LGBTQ community, and members of traditionally unrepresented or underrepresented groups	same

EXHIBIT D TO NC MOA: COORDINATION GROUP

COMPOSITION

The Coordination Group shall consist of the following twelve members:

Five Local Government Representatives

- Four appointed by the North Carolina Association of County Commissioners including:
 - One county commissioner
 - One county manager
 - One county attorney
 - One county local health director or consolidated human services director
- One municipal manager appointed by the North Carolina League of Municipalities

Four Experts Appointed by the Department of Health and Human Services

- Four appointed by the Secretary of the Department of Health and Human Services, having relevant experience or expertise with programs or policies to address the opioid epidemic, or with behavioral health, public health, health care, harm reduction, social services, or emergency services.

One Expert Appointed by the Attorney General

- One appointed by the Attorney General of North Carolina from the North Carolina Department of Justice or another state agency, having drug policy or behavioral health experience or expertise.

Two Experts Appointed by Legislative Leaders

- One representative from the University of North Carolina School of Government with relevant expertise appointed by the Speaker of the North Carolina House of Representatives.
- One representative from the board or staff of the North Carolina Institute of Medicine with relevant expertise appointed by the President Pro Tem of the North Carolina Senate.

The coordination group may appoint a non-voting administrator to convene meetings and facilitate the work of the coordination group. The administrator will not be paid from the Opioid Settlement Funds distributed under this MOA.

Appointees shall have relevant experience or expertise with programs or policies to address the opioid epidemic, behavioral health, public health, health care, social services, emergency services, harm reduction, management of local government, or other relevant areas.

Those responsible for making appointments to the coordination group are encouraged to appoint individuals who reflect the diversity of North Carolina, taking into consideration the need for geographic diversity; urban and rural perspectives; representation of people of color and

traditionally underrepresented groups; and the experience and perspective of persons with “lived experience.” Those responsible for making appointments may appoint a successor or replace a member at any time. Members of the coordination group serve until they resign or are replaced by the appointer. Eight members of the coordination group constitutes a quorum.

RESPONSIBILITIES

- a. As provided in **Section F.2** of the MOA, where no compliance audit would be required under the Federal Single Audit Act of 1984 for expenditures of Opioid Settlement Funds, a compliance audit shall be required under a compliance supplement established by a vote of at least 8 members of the coordination group. The compliance supplement shall address, at least, procedures for determining:
 - i. Whether the Local Government followed the procedural requirements of the MOA in ordering the expenditures.
 - ii. Whether the Local Government’s expenditures matched one of the types of opioid-related expenditures listed in **Exhibit A** of the MOA (if the Local Government selected Option A) or **Exhibit B** of the MOA (if the Local Government selected Option B).
 - iii. Whether the Local Government followed the reporting requirements in the MOA.
 - iv. Whether the Local Government (or sub-recipient of any grant or loan, if applicable) utilized the awarded funds for their stated purpose, consistent with this MOA and other relevant standards.
 - v. Which processes (such as sampling) shall be used:
 - i. To keep the costs of the audit at reasonable levels; and
 - ii. Tailor audit requirements for differing levels of expenditures among different counties.
- b. The coordination group may, by a vote of at least 8 members, propose amendments to the MOA as discussed in **Section H** of the MOA or modify any of the following:
 - i. The high-impact strategies discussed in **Section E.5** of the MOA and described in **Exhibit A** to the MOA;
 - ii. The collaborative strategic planning process discussed in **Section E.5** of the MOA and described in **Exhibit C** to the MOA;
 - iii. The annual financial report discussed in **Section F.4** of the MOA and described in **Exhibit E** to the MOA;
 - iv. The impact information discussed in **Section F.4** of the MOA and described in **Exhibit F** to the MOA; or
 - v. Other information reported to the statewide opioid dashboard.

- c. The coordination group may, by consensus or by vote of a majority of members present and voting, work with the parties to this MOA, the North Carolina Association of County Commissioners, the North Carolina League of Municipalities, other associations, foundations, non-profits, and other government or nongovernment entities to provide support to Local Governments in their efforts to effectuate the goals and implement the terms of this MOA. Among other activities, the coordination group may coordinate, facilitate, support, or participate in any of the following activities:
- i. Providing assistance to Local Governments in identifying, locating, collecting, analyzing, or reporting data used to help address the opioid epidemic or related challenges, including data referred to in **Exhibit F**;
 - ii. Developing resources or providing training or technical assistance to support Local Governments in addressing the opioid epidemic and carrying out the terms of this MOA;
 - iii. Developing pilot programs, trained facilitators, or other resources to support the collaborative strategic planning process described in this MOA;
 - iv. Developing and implementing a voluntary learning collaborative among Local Governments and others to share best practices in carrying out the terms of this MOA and addressing the opioid epidemic, including in-person or virtual convenings or connections;
 - v. Developing voluntary leadership training programs for local officials on strategies to address the opioid epidemic, opportunities for Local Governments to harness the ongoing transition to value-based healthcare, and other relevant topics;
 - vi. Taking other actions that support Local Governments in their efforts to effectuate the goals and implement the terms of this MOA but do not in any way change the terms of this MOA or the rights or obligations of parties to this MOA.

**EXHIBIT E TO NC MOA:
ANNUAL FINANCIAL REPORT**

Each annual financial report must include the following financial information:

1. The amount of Opioid Settlement Funds in the special revenue fund at the beginning of the fiscal year (July 1).
2. The amount of Opioid Settlement Funds received during the fiscal year.
3. The amount of Opioid Settlement Funds disbursed or applied during the fiscal year, broken down by funded strategy (with any permissible common costs prorated among strategies).
4. The amount of Opioid Settlement Funds used to cover audit costs as provided in Section F.3 of this MOA.
5. The amount of Opioid Settlement Funds in the special revenue fund at the end of the fiscal year (June 30).

All Local Governments that receive two-tenths of one percent (0.2 percent) or more of the total Local Government Allocation as listed in **Exhibit G** shall provide the following additional information:

6. For all Opioid Settlement Funds disbursed or applied during the fiscal year as reported in item 3 above, a single breakdown of the total amount disbursed or applied for all funded strategies during the fiscal year into the following categories:
 - a. Human resource expenditures.
 - b. Subcontracts, grants, or other payments to sub-recipients involved in implementing of the funded strategies listed item 4 above.
 - c. Operational expenditures.
 - d. Capital expenditures.
 - e. Other expenditures.
7. With respect to item 6.b above, the Local Government shall provide the following information for any sub-recipient that receives ten percent or more of the total amount that the Local Government disbursed or applied during the fiscal year:
 - a. The name of the sub-recipient.
 - b. The amount received by the sub-recipient during the fiscal year.
 - c. A very brief description of the goods, services, or other value provided by the sub-recipient (for example, “addiction treatment services” or “peer-support services” or “syringe service program” or “naloxone purchase”).

The coordination group may clarify or modify specifications for this annual financial report as provided in Exhibit D.

EXHIBIT F TO NC MOA: IMPACT INFORMATION

Within 90 days of the end of any fiscal year in which a Local Government expends Opioid Settlement Funds, the Local Government shall report impact information for each strategy that it funded with Opioid Settlement Funds during that fiscal year (“funded strategy”), using the STANDARD FORM or the SHORT FORM for each funded strategy.

The STANDARD FORM is recommended to all Local Governments for all funded strategies. However, Local Governments may use the SHORT FORM as follows:

- All Local Governments that receive less than 0.2 percent (two-tenths of one percent) of the total Local Government Allocation as shown on **Exhibit G** may use the SHORT FORM for all funded strategies.
- All Local Governments that receive 0.2 percent (two-tenths of one percent) or more but less than 0.3 percent (three-tenths of one percent) of the total Local Government Allocation as shown on **Exhibit G** must use the STANDARD FORM for the funded strategy that received the largest amount of settlement funds during the fiscal year and may use the SHORT FORM for all other funded strategies.
- All Local Governments that receive 0.3 percent (three-tenths of one percent) or more but less than 0.4 percent (four-tenths of one percent) of the total Local Government Allocation as shown on **Exhibit G** must use the STANDARD FORM for the two funded strategies that received the largest amount of settlement funds during the fiscal year and may use the SHORT FORM for all other funded strategies.

STANDARD FORM

1. County or municipality and fiscal year covered by this report.
2. Name, title, and organization of person completing this report.
3. Name of funded strategy, letter and/or number of funded strategy on **Exhibit A** or **Exhibit B** to the MOA, and number and date of resolution(s) authorizing expenditure of settlement funds on funded strategy.
4. **Brief progress report** describing the funded strategy and progress made during the fiscal year. Recommended length: approximately one page (250 words).
5. **Brief success story** from a person who has benefitted from the strategy (de-identified unless the person has agreed in writing to be identified). Recommended length: approximately one page (250 words).
6. **One or more process measures**, addressing the question, “How much did you do?”
Examples: number of persons enrolled, treated, or served; number of participants trained; units of naloxone or number of syringes distributed.
7. **One or more quality measures**, addressing the question, “How well did you do it?”
Examples: percentage of clients referred to care or engaged in care; percentage of staff with

certification, qualification, or lived experience; level of client or participant satisfaction shown in survey data.

8. **One or more outcome measures**, addressing the question, “Is anyone better off?”
Examples: number or percentage of clients with stable housing or employment; self-reported measures of client recovery capital, such as overall well-being, healthy relationships, or ability to manage affairs; number or percentage of formerly incarcerated clients receiving community services or supports within X days of leaving jail or prison.
9. In connection with items 6, 7, and 8 above, **demographic information** on the participation or performance of people of color and other historically marginalized groups.

The State will provide counties and municipalities with recommended measures and sources of data for common opioid remediation strategies such as those listed in **Exhibit A**.

Counties or municipalities that have engaged in collaborative strategic planning are encouraged to use the measures for items 6 through 8 above identified through that process.

SHORT FORM

1. County or municipality and fiscal year covered by this report.
2. Name, title, and organization of person completing this report.
3. Name of funded strategy, letter and/or number of funded strategy on **Exhibit A** or **Exhibit B** to the MOA, and number and date of resolution(s) authorizing expenditure of settlement funds on strategy.
4. **Brief progress report** describing the funded strategy and progress made on the funded strategy during the fiscal year. Recommended length: approximately one-half to one page (125-250 words).

**EXHIBIT G TO NC MOA:
LOCAL GOVERNMENT ALLOCATION PROPORTIONS**

Counties:

Alamance	1.378028967612490%
Alexander	0.510007879580514%
Alleghany	0.149090598929352%
Anson	0.182192960366522%
Ashe	0.338639188321974%
Avery	0.265996766935006%
Beaufort	0.477888434887858%
Bertie	0.139468575095652%
Bladen	0.429217809476617%
Brunswick	2.113238507591200%
Buncombe	2.511587857322730%
Burke	2.090196827047270%
Cabarrus	1.669573446626000%
Caldwell	1.276301146194650%
Camden	0.073036400412663%
Carteret	1.128465593852300%
Caswell	0.172920237524674%
Catawba	2.072695222699690%
Chatham	0.449814383077585%
Cherokee	0.782759152904478%
Chowan	0.113705596126821%
Clay	0.224429948904576%
Cleveland	1.119928027749120%
Columbus	1.220936938986050%
Craven	1.336860190247190%
Cumberland	2.637299659634610%
Currituck	0.186778551294444%
Dare	0.533126731273811%
Davidson	1.940269530393250%
Davie	0.513147526867745%
Duplin	0.382785147396895%
Durham	1.797994362444460%
Edgecombe	0.417101939026669%
Forsyth	3.068450809484740%
Franklin	0.500503643290578%
Gaston	3.098173886907710%
Gates	0.079567516632414%
Graham	0.183484561708488%
Granville	0.590103409340146%

Greene	0.123274818647799%
Guilford	3.375015231147900%
Halifax	0.453161173976264%
Harnett	0.988980772198890%
Haywood	0.803315110111045%
Henderson	1.381595087040930%
Hertford	0.206843050128754%
Hoke	0.332485804570157%
Hyde	0.027237354085603%
Iredell	2.115931374540020%
Jackson	0.507757731330674%
Johnston	1.250887468217670%
Jones	0.087966986994631%
Lee	0.653115683614534%
Lenoir	0.604282592625687%
Lincoln	0.926833627125253%
Macon	0.466767666100745%
Madison	0.237776496104888%
Martin	0.232882220579515%
McDowell	0.587544576492856%
Mecklenburg	5.038301259920550%
Mitchell	0.309314151564137%
Montgomery	0.226050543041193%
Moore	0.971739112775481%
Nash	0.845653639635102%
New Hanover	2.897264892001010%
Northampton	0.120996238921878%
Onslow	1.644001364710850%
Orange	1.055839419023090%
Pamlico	0.119936151028001%
Pasquotank	0.374816210815334%
Pender	0.585749331860312%
Perquimans	0.111833180344914%
Person	0.403024296727131%
Pitt	1.369008066415930%
Polk	0.266142985954851%
Randolph	1.525433986174180%
Richmond	0.749132839979529%
Robeson	1.359735343574080%
Rockingham	1.365368837477560%
Rowan	2.335219287913370%
Rutherford	0.928941617994687%
Sampson	0.619513740526226%
Scotland	0.449148274209402%

Stanly	0.724974208589555%
Stokes	0.623953112434303%
Surry	1.410826706091650%
Swain	0.281162928604502%
Transylvania	0.497595509451435%
Tyrrell	0.041440907207785%
Union	1.466702679869700%
Vance	0.536258255282162%
Wake	4.902455667205510%
Warren	0.106390583495122%
Washington	0.074770720453604%
Watauga	0.469675799939888%
Wayne	0.970699333078804%
Wilkes	1.997177160589100%
Wilson	0.646470841490459%
Yadkin	0.562147145073638%
Yancey	0.382114976889272%

Municipalities:

Asheville	0.235814724255298%
Canton	0.011453823221205%
Cary	0.144151645370137%
Charlotte	1.247483814366830%
Concord	0.227455870287483%
Durham	0.380405026684971%
Fayetteville	0.309769055181433%
Gastonia	0.257763823789835%
Greensboro	0.527391696384329%
Greenville	0.162656474659432%
Henderson	0.032253478794181%
Hickory	0.094875835682315%
High Point	0.206428762905859%
Jacksonville	0.095009869783840%
Raleigh	0.566724612722679%
Wilmington	0.119497493968465%
Winston-Salem	0.494459923803644%



COMMUNITY DEVELOPMENT

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022 AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DELORES TAYLOR, COMMUNITY DEVELOPMENT DIRECTOR

DATE: 5/6/2022

SUBJECT: CONTINUUM OF CARE UPDATE

Requested by: BOARD OF COMMISSIONERS

Presenter(s): COMMUNITY DEVELOPMENT STAFF AND COC CHAIR

BACKGROUND

As requested by the Board of Commissioners, the Fayetteville/Cumberland County Continuum of Care (CoC) on Homelessness will provide an overview of the coalition, to include its purpose, goals, and performance in achieving its goals.

RECOMMENDATION / PROPOSED ACTION

No action is necessary. For information purposes only.



FINANCE OFFICE

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 5/4/2022

**SUBJECT: OPIOID SETTLEMENT FUND GRANT PROJECT BUDGET
ORDINANCE #B220136**

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): VICKI EVANS, FINANCE DIRECTOR

BACKGROUND

Grant project budget ordinance #B220136 specific to Cumberland County's allocation of Opioid Settlement funds is attached in draft form for consideration. Approval of the budget ordinance now will ensure a budget is in place prior to the anticipated arrival of two 2022 funding distributions that are broadly scheduled to arrive in the "spring" and "summer". A special revenue fund has been established to budget, account for, and report on fund usage.

Language has been added in italics within Section 2 of the ordinance as a placeholder for the strategies and dollar amounts to be approved by the Board of Commissioners at a later date.

RECOMMENDATION / PROPOSED ACTION

Staff recommend the following action be placed on the May 16, 2022 Board of Commissioners' Meeting Agenda:

The Board is requested to approve Grant Project Budget Ordinance #B220136 appropriating Opioid Settlement Funds and the estimated amount of interest earnings to be utilized on authorized opioid abatement or remediation strategies covering fiscal years 2022 and 2023 in a total amount of \$3,224,285.

ATTACHMENTS:

Description	Type
Grant Project Budget Ordinance	Backup Material



Financial Services

**GRANT PROJECT BUDGET ORDINANCE #B220136
NORTH CAROLINA OPIOID SETTLEMENT FUNDS**

The Cumberland County Board of Commissioners hereby adopt the following Grant Project Ordinance in accordance with North Carolina General Statutes 159-13.2:

Section 1. This ordinance is to establish a budget for the funds being distributed to Cumberland County through the North Carolina Opioid Settlement. The state of North Carolina is expected to receive a total of \$757,666,411 in funding distributions scheduled to occur between 2022 – 2038. Of those funds, Cumberland County is expected to receive a total of \$16,984,643 in funding distributions scheduled to occur between 2022 – 2038. The amount distributed by year will vary. Opioid settlement funds and any interest earnings revenue shall only be utilized on authorized opioid abatement or remediation activities.

Section 2. Cumberland County hereby adopts the following expenditure amounts for opioid abatement or remediation activities:

Opioid Abatement or Remediation Activities: \$3,224,285

After community meetings are held and before any expenditures are obligated, the expenditure amounts will further be divided into strategy specific designated amounts. Funds will be appropriated for each spending strategy option and authorized for expenditure from the date the ordinance is approved through June 30, 2023 as follows: [TBD]

Strategy: Option [A or B]	Allocated Amount
Strategy Specific [Numeric or Alpha Character]	[\$]
Strategy Specific [Numeric or Alpha Character]	[\$]
Strategy Specific [Numeric or Alpha Character]	[\$]
Strategy Specific [Numeric or Alpha Character]	[\$]
Strategy Specific [Numeric or Alpha Character]	[\$]
(add or remove rows as needed)	
Total shall not exceed:	\$3,224,285

Section 3. The following revenues are anticipated to be available for expenditures and strategies identified in Section 2 from the date the ordinance is approved through June 30, 2023:

Opioid Settlement Funds:	\$3,223,285
Interest Earnings:	1,000

Section 4. The Finance Director is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the settlement award and to request Board of County Commissioners approval of an amended grant project ordinance as additional funds are distributed each fiscal year, prior to obligating those funds. A special revenue fund (246) has been established to account for and report on these funds.

Section 5. The Finance Director is hereby directed to report the financial status of the grant project to the governing board at the end of each fiscal year. The Public Health Director is hereby directed to file an annual impact report at the end of each fiscal year.

Section 6. Within five days after adoption, copies of this ordinance shall be filed with the Finance Officer, Budget Officer, and Clerk to the Board, to be kept on file by them for their direction in the disbursement of County funds for this project.

Section 7. This grant project ordinance shall expire on June 30, 2039, or when all the Opioid Settlement funds have been obligated and expended by the County, whichever occurs sooner.

Adopted this _____ day of _____, 2022.

Attest:

Clerk to the Board

Chairman, Board of County Commissioners



BOARD OF COMMISSIONERS' OFFICE

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CANDICE H. WHITE, CLERK TO THE BOARD

DATE: 5/12/2022

SUBJECT: NAMING OF PUBLIC HEALTH BOARDROOM

Requested by: COMMISSIONER JIMMY KEEFE

Presenter(s): COMMISSIONER JIMMY KEEFE

BACKGROUND

Commissioner Keefe would like the Board of Commissioners to consider naming the Public Health Boardroom after Dr. Jennifer Green, Public Health Director, at the May 12, 2022 Agenda Session meeting.

RECOMMENDATION / PROPOSED ACTION

Consider naming the Public Health Boardroom.



OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: COUNTY ATTORNEY

DATE: 5/3/2022

SUBJECT: MINIMUM BID POLICY

Requested by: BOARD OF COMMISSIONERS

Presenter(s): COUNTY ATTORNEY

BACKGROUND

On April 4, 2022, the board took action to table a bid offer on a 12.44-acre parcel until the board could confirm the policy on considering minimum bids for surplus property. The most recent revision of the minimum bid policy was approved by the board May 17, 2021. The minimum bid policy is attached. If the board wishes to direct surplus property sales to be advertised on the county's website, the following revision to Section 3 of the policy will suffice:

3. The resale of properties acquired by the county through tax foreclosures shall be in accordance with N.C.G.S. § 105-376(c), **with additional notice of the intent to accept an offer to be posted on the county's website by a link appearing prominently on the county's homepage.**

RECOMMENDATION / PROPOSED ACTION

This was provided as information only. No action is needed unless the board wants to adopt the revision for giving additional notice on the county's website.

ATTACHMENTS:

Description	Type
Minimum Bid Policy	Backup Material

Cumberland County

Section I – Board Approved Policies

Subsection 9: General / Miscellaneous

Policy No. 9-3: Policy Establishing the Minimum Offer to be Considered for the Sale of Surplus Real Property

1. The Board of Commissioners requests the tax office to review all surplus real property annually and adjust the tax value through the informal appeal process as determined by the review.

2. For foreclosures commenced after the February 18, 2019, in which the county becomes the purchaser, the Board of Commissioners elects, pursuant to N.C.G.S. § 105-376(b), to pay only that part of the purchase price that would not be distributed to it and other taxing units on account of taxes, penalties, interest, and such costs as accrued prior to the initiation of the foreclosure action; and the county shall hold the property for the benefit of all taxing units that have an interest in it.

3. The resale of properties acquired by the county through tax foreclosures shall be in accordance with N.C.G.S. § 105-376(c).

4. For the first five years after a property acquired by the county through a tax foreclosure is designated as surplus property, the minimum offer to be accepted for consideration by the Board of Commissioners shall be the amount of the foreclosure judgment or the tax value, whichever is less.

5. After five years on the surplus list, the minimum offer to be accepted for consideration by the Board of Commissioners shall be the estimated cost of advertising for the upset bid process, but not less than \$300.

6. All bids shall be made in the name of the person or entity intended to be the grantee in the deed for the property and bids shall not be assigned except with the consent of the Board of Commissioners.

7. No bid shall be accepted from any bidder who owes delinquent property taxes to the Cumberland County Tax Collector.

8. No sale shall be approved for any bidder who shall become delinquent in property taxes due to the Cumberland County Tax Collector after the bidder's bid has been accepted by the Board of Commissioners.

9. The County Attorney shall implement a procedure to determine whether any bidder has delinquent property taxes.

(Agenda Session 2-7-19; Adopted 2-18-19)(Agenda Session 5-13-21; Adopted 5-17-21)

<END>



BOARD OF COMMISSIONERS' OFFICE

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CANDICE H. WHITE, CLERK TO THE BOARD

DATE: 5/12/2022

SUBJECT: DISCUSSION OF ZERO LOT LINE SUBDIVISIONS

Requested by: COMMISSIONER JIMMY KEEFE

Presenter(s): COMMISSIONER JIMMY KEEFE

BACKGROUND

Commissioner Keefe requested a discussion of zero lot line subdivisions at the May 12, 2022 Agenda Session meeting.



SOLID WASTE MANAGEMENT

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022 AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMANDA L. BADER, PE, SOLID WASTE DIRECTOR

DATE: 4/25/2022

**SUBJECT: CONTRACT FOR RECYCLING CENTER FIRE PROTECTION
IMPROVEMENTS**

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): AMANDA BADER, PE, SOLID WASTE DIRECTOR

BACKGROUND

This item was presented at the June 17, 2021 Board of Commissioners' Agenda Session meeting. The Board approved the bid for the Recycling Center Fire Improvements project and awarded a contract to Crawford Sprinkler Company of Raleigh, Inc. at the June 21, 2021 Board of Commissioners' Regular meeting.

The existing dry pipe sprinkler system protecting the Recycling Center (formerly baling plant) at Ann Street has exceeded its useful life and is now experiencing water leaks and nuisance alarms resulting from pipe corrosion. The project will consist of removing the existing sprinkler system and replacing it with a new dry sprinkler system equipped with a nitrogen generator to prevent future pipe corrosion.

The contract has undergone pre-audit and has been deemed legally sufficient by the County Legal Department.

RECOMMENDATION / PROPOSED ACTION

Staff recommend that the proposed actions below be placed on the May 16, 2022 Board of Commissioners consent agenda:

1. Approve the contract with Crawford Sprinkler Company of Raleigh, Inc.
2. Allow the Chairman to execute the contract on behalf of the County.

ATTACHMENTS:

Description

Type

Agreement

Backup Material

Bid Award

Backup Material

SECTION 005213

AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR CONSTRUCTION CONTRACT (STIPULATED PRICE)

THIS AGREEMENT is by and between **Cumberland County**, a political subdivision of the State of North Carolina, hereinafter referred to as "Owner"; and _____ hereinafter referred to as "Contractor". Owner and Contractor hereby agree as follows:

ARTICLE 1 – WORK

- 1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:
- A. Mobilization and demobilization from the site.
 - B. Demolish existing fire protection system.
 - C. Furnish and install fire protection system.
 - D. Furnish and install electrical and fire alarm system modifications.
 - E. Demolish, furnish and install mechanical equipment.
 - F. Demolish and construct walls to expand fire sprinkler room.
 - G. Construction and as-built surveying.

ARTICLE 2 – THE PROJECT

- 2.01 The Project, of which the Work under the Contract Documents is a part, is the Fire Protection Improvements project.

ARTICLE 3 – ENGINEER

- 3.01 The Project has been designed by:
- Dewberry Engineers
2610 Wycliff Rd, Suite 410
Raleigh, North Carolina 27607
Kim Pierson, PE
- 3.02 The Owner has retained Dewberry Engineers Inc ("Engineer") to act as Owner's representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 4 – CONTRACT TIMES

- 4.01 Time of the Essence
- A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 Contract Times: Days

- A. The Work will be substantially completed within 365 calendar days after the date when the Contract Times commence to run as provided in Paragraph 4.01 of the General Conditions, and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within 120 calendar days after the date when the Contract Times commence to run.

4.03 Liquidated Damages

- A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 4.01 above and that Owner will suffer financial and other losses if the Work is not completed and Milestones not achieved within the times specified in Paragraph 4.02 above, plus any extensions thereof allowed in accordance with the Contract. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration preceding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty):

- 1. Substantial Completion: Contractor shall pay Owner \$500 for each day that expires after the time (as duly adjusted pursuant to the Contract) specified in Paragraph 4.02.A above for Substantial Completion until the Work is substantially complete.

ARTICLE 5 – CONTRACT PRICE

- 5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents the amounts that follow, subject to adjustment under the Contract:

- A. For all Work, at the prices stated in Contractor's Bid, attached hereto as an exhibit.

ARTICLE 6 – PAYMENT PROCEDURES

6.01 Submittal and Processing of Payments

- A. Contractor shall submit monthly Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 Progress Payments; Retainage

- A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the 10th day of each month during performance of the Work as provided in Paragraph 6.02.A.1 below, provided that such Applications for Payment have been submitted in a timely manner and otherwise meet the requirements of the Contract. All such payments will be measured by the Schedule of Values established as provided in the General Conditions (and in the case

of Unit Price Work based on the number of units completed) or, in the event there is no Schedule of Values, as provided elsewhere in the Contract.

1. Retainage by Owner on progress payments will be withheld in accordance with North Carolina General Statute 143-134.1.

6.03 Final Payment

- A. Upon final completion and acceptance of the Work in accordance with Paragraph 15.06 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 15.06.

ARTICLE 7 – CONTRACTOR’S REPRESENTATIONS

7.01 In order to induce Owner to enter into this Contract, Contractor makes the following representations:

- A. Contractor has examined and carefully studied the Contract Documents, and any data and reference items identified in the Contract Documents.
- B. Contractor has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Contractor is familiar with and is satisfied as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Contractor has considered the information known to Contractor itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Site-related reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor; and (3) Contractor’s safety precautions and programs.
- E. Based on the information and observations referred to in the preceding paragraph, Contractor agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.
- F. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- G. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
- H. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

- I. Contractor's entry into this Contract constitutes an incontrovertible representation by Contractor that without exception all prices in the Agreement are premised upon performing and furnishing the Work required by the Contract Documents.

ARTICLE 8 – CONTRACT DOCUMENTS

8.01 Contents

- A. The Contract Documents consist of the following:
 1. Instructions to Bidders (Section 002113).
 2. This Agreement (Section 005213).
 3. Performance bond.
 4. Payment bond.
 5. Certificates of Insurance.
 6. General Conditions (Section 000700).
 7. Supplementary Conditions (Section 000800).
 8. Specifications as listed in the table of contents of the Contract Documents and Technical Specifications.
 9. Construction Drawings consisting of 29 sheets, with each sheet bearing the following general title:

Cumberland County Recycling Center
Fire Protection Improvements
 10. Addenda; numbers _____ to _____, inclusive.
 11. The following which may be delivered or issued on or after the Effective Date of the Contract and are not attached hereto:
 - a. Notice to Proceed.
 - b. Work Change Directives.
 - c. Change Orders.
 - d. Field Orders.
- B. The Contract Documents may only be amended, modified, or supplemented as provided in the General Conditions.

ARTICLE 9 – MISCELLANEOUS

9.01 Terms

- A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

9.02 Assignment of Contract

- A. Unless expressly agreed to elsewhere in the Contract, no assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, money that may become due and money that is due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

9.03 Successors and Assigns

- A. Owner and Contractor each binds itself, its successors, assigns, and legal representatives to the other party hereto, its successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

9.04 Severability

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

9.05 Contractor's Certifications

- A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 9.05:
 - 1. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process or in the Contract execution;
 - 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 - 3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and
 - 4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement.

This Agreement will be effective on _____ (which is the Effective Date of the Contract).

OWNER:

CONTRACTOR:

Cumberland County

Crawford Sprinkler Co of Raleigh, Inc

By: _____

By: Brian Crawford

Title: _____

Title: PRESIDENT

(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest: _____

Attest: Matt Johnson

Title: _____

Title: VICE PRESIDENT

Address for giving notices:

Address for giving notices:

2725 SOUTH SAUNDERS ST
RALEIGH, NC 27603

Contractor NC

License No.: 23634, FS-I

APPROVED FOR LEGAL SUFFICIENCY
UPON FORMAL EXECUTION BY ALL PARTIES

BY: 4/21/22

County Attorney's Office

THIS INSTRUMENT HAS BEEN PRE-AUDITED
IN THE MANNER REQUIRED BY THE LOCAL
GOVERNMENT BUDGET AND FISCAL CON-
TROL ACT.

Wickham
FINANCE DIRECTOR



SOLID WASTE MANAGEMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 21, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMANDA L. BADER, PE

DATE: 6/15/2021

**SUBJECT: APPROVAL OF BID AWARD TO CRAWFORD SPRINKLER COMPANY
OF RALEIGH, INC. FOR RECYCLING CENTER FIRE
IMPROVEMENTS**

BACKGROUND

The existing dry pipe sprinkler system protecting the Recycling Center (formerly baling plant) at Ann Street has exceeded its useful life and is now experiencing water leaks and nuisance alarms resulting from pipe corrosion. The project will consist of removing the existing sprinkler system and replacing it with a new dry sprinkler system equipped with a nitrogen generator to prevent future pipe corrosion. The existing dry pipe sprinkler will be demolished. System improvements are being made in compliance with the requirements of the 2018 NC State Fire Code (NCSFC) and the local Authority Having Jurisdiction (AHJ). The project was originally bid on September 25, 2020, rebid on January 28, 2021, and was rebid with an alternate on May 5, 2021. Crawford Sprinkler Company of Raleigh, Inc has been the only bidder.

RECOMMENDATION / PROPOSED ACTION

Solid Waste Director and County Management recommend that the proposed actions:

1. Accept the bid for the Recycling Center Fire Improvements project and award a contract to Crawford Sprinkler Company of Raleigh, Inc. in the amount of \$630,000 inclusive of 5% for contingency purposes.

ATTACHMENTS:

Description

Bid Recommendation and Negotiation

Type

Backup Material



Dewberry Engineers Inc.
2610 Wycliff Road, Suite 410
Raleigh, NC 27607

919.881.9939
919.881.9923 fax
www.dewberry.com

May 28, 2021

Amanda Bader, PE, Director
Solid Waste Management Department
Cumberland County Solid Waste
698 Ann Street, Fayetteville NC 28301

**Reference: CCSW Recycling Center Fire Protection Improvements
Cumberland County Project No. 6254606 577021
Dewberry Project No. 50129886
Bid Results for May 5, 2021 and Memo of Negotiations**

Dear Ms. Bader,

On May 5, 2021 at 9:00 a.m., bids were received, opened, and read aloud for the construction of the Recycling Center Fire Protection Improvements project. After declaring the bidding closed, we asked the following questions of those attending the bid opening and received the italicized answers.

1. Was anyone denied the right to bid? *No. (Unanimous)*
3. Does anyone object to proceeding with opening the bids? *No. (Unanimous)*

The project was bid as a single prime contract. One (1) bid was received. As this was a rebid, the single bid was opened and read aloud.

Bid Analysis

The project was originally bid on September 25, 2020. However, only one (1) bid was received at the time and it was unable to be opened.

The project was rebid on January 28, 2021. Again, only one (1) bid was received. The bid was opened since it was a rebid. The bid amount totaled \$669,490.00. This total exceed the project budget and it was decided to rebid the project and include the warehouse fire protection improvements project as an additional alternate to try and capitalize on economy of scale.

The project was rebid with the add alternate on May 5, 2021. There was only one (1) bid received and the total for both projects was \$1,479,685.00, which exceeded the total budget for both projects and did not show any savings due to combining the projects.

The apparent low bidder whose bid complies with all of the prescribed requirements was:

Crawford Sprinkler Co. of Raleigh, Inc.
2725 S. Saunders Street
Raleigh, NC 27603

Crawford has also been the only bidder throughout the process and CCSW requested that Crawford revisit the base bid for the Recycling Center Fire Protection Improvements, accounting for the removal of off-hours work and changes in the electrical scope. From this negotiation, Crawford submitted a new price of \$630,000.00.

The negotiated bid consists of a base bid for all of the project work, and an alternate that includes the county's required 5% project contingency.

With the following Total Bid:

Base Bid.....\$600,000

Alternate No. 1, which is an addition to include the county's contingency:

Add for 5% Contingency.....\$30,000

Total Additions.....\$30,000

Ms. Amanda Bader, PE
Project: CCSW Recycling Center Fire Protection Improvements
May 28, 2021
Page 2 of 2

Therefore, the project will be awarded per the following:

Base Bid Proposal.....	\$600,000
Total Additions.....	\$ 30,000
Final Proposal.....	\$630,000

Conclusion/Recommendation

In our opinion, Crawford Sprinkler Co. of Raleigh, Inc. meets the minimum experience requirements of the Contract Documents. Crawford Sprinkler Co. of Raleigh, Inc. appears to be qualified and licensed to perform the work in this contract.

We recommend that Cumberland County Solid Waste award the CCSW Recycling center Fire Protection Improvements project to Crawford Sprinkler Co. of Raleigh, Inc. in the amount of \$630,000.00 subject to Cumberland County's approval.

Please call if you have any questions.

Sincerely,

Dewberry Engineers Inc.



Kim Pierson, PE, PMP, LC, LEED Green Associate
Assistant Project Manager

Attachments: Certified Bid Tabulation from January 2021 Bid
Certified Bid Tabulation from May 2021 Bid
Crawford Fire Sprinkler Co. of Raleigh, Inc. Updated Proposal



Project Name: Recycling Center Fire Protection Improvements
Owner Project Number: 6254606 577021
Dewberry Project Number: 50129886

[illegible]



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022 **AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: RAWLS HOWARD, DIRECTOR OF PLANNING AND INSPECTIONS

DATE: 5/12/2022

**SUBJECT: REQUEST TO APPLY FOR U.S. DEPARTMENT OF TRANSPORTATION
MULTIMODAL PROJECT DISCRETIONARY GRANT**

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): HANK GRAHAM, FAMPO EXECUTIVE DIRECTOR

BACKGROUND

USDOT has announced \$2.9 billion in competitive funding for major infrastructure projects, including on-demand mobility services in rural areas through the combined Multimodal Projects Discretionary Grant (MPDG) opportunity. On-demand service (microtransit) is eligible under the Rural Surface Transportation Grant within MPDG. Microtransit is defined as a technology-enabled transit service that typically uses shuttles or vans to provide pooled, on-demand transportation with dynamic routing.

The NCDOT Integrated Mobility Division (IMD) is surveying transit partners across the state to understand local mobility needs and gauge interest in applying for this grant opportunity. IMD would prepare a combined grant application on behalf of participating transit systems. If awarded, the grant would fund upfront costs to initiate microtransit service as well as ongoing operating expenses for 3-5 years for up to 10 transit systems serving rural areas in North Carolina. There is no local match required for the County. Applications are due May 23, 2022.

RECOMMENDATION / PROPOSED ACTION

Staff requests this item be forwarded to the Consent Agenda at the Board's May 16, 2022 regular meeting for authorization from the Board of County Commissioners to apply for this funding opportunity.

ATTACHMENTS:

Description	Type
Grant Details	Backup Material
Micro-Transit Flyer	Backup Material

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

Notice of Funding Opportunity for the Department of Transportation's Multimodal Project Discretionary Grant Opportunity

AGENCY: Office of the Secretary of Transportation, U.S. Department of Transportation

ACTION: Notice of Funding Opportunity (NOFO)

Multimodal Project Discretionary Grant Opportunity (MPDG)

SUMMARY: The purpose of this notice is to solicit applications for three funding opportunities: the National Infrastructure Project Assistance grants program (Mega), the Nationally Significant Multimodal Freight and Highways Projects grants program (INFRA), and the Rural Surface Transportation Grant program (Rural). While applicants can choose to apply for only one grant program, this combined solicitation will allow applicants to apply for two, or all three of these funding opportunities by submitting only one application. It also aims to better enable the Department to proactively assist project sponsors in matching projects with the most appropriate grant program(s) and facilitate individual projects in potentially receiving funding from multiple grant programs. Funds for the INFRA, Mega, and Rural funding opportunities will be awarded on a competitive basis for surface transportation infrastructure projects – including highway and bridge, intercity passenger rail, railway-highway grade crossing or separation, wildlife crossing, public transportation, marine highway, and freight projects, or groups of such projects – with significant national or regional impact, or to improve and expand the surface transportation infrastructure in rural areas.

DATES: Applications must be submitted by 11:59 p.m. EDT on May 23, 2022. The Grants.gov “Apply” function will open by March 25, 2022.

ADDRESSES: Applications must be submitted through www.Grants.gov. Only applicants who comply with all submission requirements described in this notice and submit applications through www.Grants.gov on or before the application deadline will be eligible for award.

FOR FURTHER INFORMATION CONTACT: For further information regarding this notice, please contact the Office of the Secretary via email at MPDGrants@dot.gov, or call Paul Baumer at (202) 366-1092. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, up to the application deadline, the U.S. Department of Transportation (Department) will post answers to common questions and requests for clarifications on the Department's website at <https://www.transportation.gov/grants/mpdg-frequently-asked-questions>.

SUPPLEMENTARY INFORMATION:

The organization of this notice is based on an outline set forth in Appendix I to title 2 of the Code of Federal Regulations (CFR) Part 200 to ensure consistency across Federal financial assistance programs. However, that format is designed for locating specific information, not for linear reading. For readers seeking to familiarize themselves with how the Multimodal Project Discretionary Grant (MPDG) combined application process will work, the Department recommends starting with Section A (Program Description), which describes the Department's goals for the MPDG common application and purpose in making awards, and Section E (Application Review Information), which describes how the Department will select among eligible applications for each of the three funding opportunities. Those two sections will provide appropriate context for the remainder of the notice: Section B (Federal Award Information) describes information about the size and nature of awards; Section C (Eligibility Information) describes eligibility requirements for applicants and projects; Section D (Application and

Submission Information) describes in detail how to apply for an award; Section F (Federal Award Administration Information) describes legal requirements that will accompany awards; and Sections G (Federal Awarding Agency Contacts) and H (Other Information) provide additional administrative information.

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A. Program Description

1. Overview

The Multimodal Project Discretionary Grant common application (MPDG) provides Federal financial assistance to highway and bridge, intercity passenger rail, railway-highway grade and separation, wildlife crossing, public transportation, marine highway, and freight and multimodal projects, or groups of such projects, of national or regional significance, as well as to projects to improve and expand the surface transportation infrastructure in rural areas.

Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021) (Bipartisan Infrastructure Law, or BIL) provided funds to the Department across three programs to invest in projects of national or regional significance – the National Infrastructure Project Assistance grants program, found under 49 U.S.C. § 6701 (Mega), the Nationally Significant Multimodal Freight and Highways Projects grants program, found at 23 U.S.C. § 117 (Infrastructure for Rebuilding America or INFRA), and the Rural Surface Transportation Grant program, found at 23 U.S.C. § 173 (Rural). To help streamline the process for applicants, the Department has combined the applications for the Mega, INFRA, and Rural programs into the MPDG common application. Applicants may choose to apply to one, two, or all three of these grant programs.)

The Fiscal Year (FY) 2022 MPDG awards will be made for each of the three grant programs as appropriate and consistent with each grant program’s statutory language. The FY 2022 MPDG round will be implemented, as appropriate and consistent with law, in alignment with

the priorities in Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64355)¹, and will focus on supporting projects that improve safety, economic strength and global competitiveness, equity, and climate and sustainability consistent with the Department's strategic goals.

Applicants are encouraged to apply for multiple programs, to maximize their potential of receiving Federal support. Applicants for the MPDG will be considered across all three programs unless they opt out. To support applicants through the application process, the Department will provide technical assistance and resources.²

The Department seeks to fund projects under the MPDG common application that reduce greenhouse gas emissions and are designed with specific elements to address climate change impacts. Section E provides more information on the specific measures a project may undertake to support these goals.

The Department also seeks to award projects under the MPDG common application that address environmental justice, particularly for communities (including rural communities) that may disproportionately experience consequences from climate change and other pollutants. Environmental justice, as defined by the Environmental Protection Agency, is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As part of the Department's implementation of Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619), the Department seeks to fund

¹ The priorities of Executive Order 14052, *Implementation of the Infrastructure Investments and Jobs Act* are: to invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve job opportunities by focusing on high labor standards and equal employment opportunity, strengthen infrastructure resilience to all hazards including climate change, and to effectively coordinate with State, local, Tribal, and territorial government partners.

² For Technical Assistance for projects in rural areas, visit <https://www.transportation.gov/rural>.

projects that, to the extent possible, target at least 40 percent of resources and benefits towards low-income communities, disadvantaged communities, communities underserved by affordable transportation, or overburdened communities. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by the Department, will be required to do so before receiving funds for construction. See Section F.2 of this Notice of Funding Opportunity (NOFO) for program requirements.

The Department also seeks to award projects under the MPDG common application that proactively address equity and barriers to opportunity, including automobile dependence as a form of barrier, or redress prior inequities and barriers to opportunity. Section E describes equity considerations that an applicant can undertake and the Department will consider during the review of applications. Projects that have not sufficiently considered equity and barriers to opportunity in their planning, as determined by the Department, will be required to do so before receiving funds for construction. All projects must comply with Federal civil rights requirements. See Section F.2 of this NOFO for program requirements.

In addition, the Department intends to use the MPDG opportunity to support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and workforce programs, in particular registered apprenticeships, labor management partnerships and Local Hire agreements,³ in project planning stages and program delivery. Projects that incorporate such planning considerations are expected to support a strong economy and labor market. Section E describes job creation and labor considerations an applicant can undertake and that the Department will consider during the review of applications. Projects that have not sufficiently considered job creation and labor considerations in their

³ Contracts awarded with geographic hiring preferences are eligible for assistance under most Department financial assistance programs.

planning, as determined by the Department, will be required to do so to the full extent possible under the law before receiving funds for construction. See Section F.2 of this NOFO for program requirements.

Section E of this NOFO describes the process for selecting projects that further these goals under each of the three grant programs. Section F.3 describes progress and performance reporting requirements for selected projects, including the relationship between that reporting and the program's selection criteria.

Consistent with the Department's Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative, the Department seeks to award funding to rural projects that address deteriorating conditions and disproportionately high fatality rates and transportation costs in rural communities.

2. Changes from the FY 2021 INFRA NOFO

Of the three programs in the MPDG opportunity, INFRA is the only program that existed in FY2021, while the Rural and Mega are new programs created by the Bipartisan Infrastructure Law. Applicants who are planning to reapply using materials prepared for prior competitions should ensure that their FY 2022 application fully addresses the criteria and considerations described in this notice and that all relevant information is up to date.

The FY 2022 INFRA program will be evaluated under common project outcome criteria (formally labeled in FY 2021 as "merit criteria") that apply to all three programs within the MPDG opportunity, as described in Section E. The FY 2022 MPDG opportunity's common project outcome criteria will not consider the Performance and Accountability criterion from INFRA 2021. Instead, the Department will utilize standard approaches to monitoring project performance and ensuring projects are delivered efficiently. Leverage of non-Federal funds

contribution, or “leverage,” will now be assessed within the Innovation criterion and for the separate INFRA FY 2022 Leverage pilot set-aside. The Leverage pilot set-aside is described in further detail in Section B.2.ii.

The BIL expanded INFRA eligibility to include wildlife crossing projects; marine highway corridor projects; highway, bridge, or freight projects carried out on the National Multimodal Freight Network⁴; surface transportation projects located within or functionally connected to an international border crossing; and transportation facilities owned by a Federal, State, or local government entity.

3. Additional Information

This common application process will result in grants being awarded under three funding programs. The Mega program is authorized at 49 U.S.C. § 6701. The INFRA program is authorized at 23 U.S.C. § 117. The Rural program is authorized at 23 U.S.C. § 173. They are described respectively in the Federal Assistance Listings under the assistance listing program titles “National Infrastructure Project Assistance” (assistance listing number 20.937), “Nationally Significant Freight and Highway Projects” (assistance listing number 20.934), and “Rural Surface Transportation Grant Program” (assistance listing number 20.938).

The Department is committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. The Department also recognizes that applicants may be seeking funding from multiple discretionary grant programs and opportunities. An applicant may seek the same award amounts from multiple Department discretionary opportunities or seek a combination of funding from multiple Department opportunities. The applicant should identify describe from any other Department programs and

⁴ DOT has not yet designated an National Multimodal Freight Network. Any project relying on being on the National Multimodal Freight Network as their sole basis for eligibility may be considered higher risk.

opportunities they intend to apply for (or utilize if the Federal funding is already available to the applicant), and what award amounts they will be seeking, in the appropriate sections including Sections D.2.i. and D.2.ii.IV.

B. Federal Award Information

1. Amount Available

The BIL makes available up to \$5 billion for the Mega program for the period of FY 2022 through 2026; up to \$8 billion to the INFRA program for the period of FY 2022 through 2026; and up to \$2 billion for the Rural program for the period of FY 2022 through 2026, for a combined total of up to \$15 billion for FY 2022 through 2026. This notice solicits applications for up to \$2.85 billion in FY 2022 MPDG opportunity funds. Up to \$1 billion will be made available for the Mega program, up to \$1.55 billion will be made available for the INFRA program, and up to \$300 million will be made available for the Rural funding opportunities program. In addition to the FY 2022 funding, the Department may make award decisions in the MPDG FY 2022 round to fund Mega project awards in future fiscal years, based on a potential awarded project's schedule and availability of funding.⁵ In addition to the FY 2022 funds, amounts from prior year INFRA authorizations, presently estimated at up to \$150 million, may be made available and awarded under this solicitation. Any award under this notice will be subject to the availability of funding. Mega, INFRA, and the Rural program each have their own specific funding restrictions, including award size and types of projects. Refer to Section D.5 for greater detail on funding restrictions for each program.

C. Eligibility Information

⁵ 49 U.S.C. § 6701(j) authorizes the Department to enter multiyear grant agreements for Mega projects. Those agreements may include a commitment, contingent on amounts to be specified in law in advance for such commitments, to provide future year funds.

To be selected for a grant, an applicant must be an Eligible Applicant and the project must be an Eligible Project that meets the minimum project size requirement.

1. Eligible Applicants

Each of the three funding opportunities has slightly different statutory rules for what kinds of applicants are eligible to apply. Applicants should review this section in determining for which of the three programs they are applying.

Eligible Applicants		
Mega	INFRA	Rural
<ol style="list-style-type: none"> 1. a State or a group of States; 2. a metropolitan planning organization; 3. a unit of local government; 4. a political subdivision of a State; 5. a special purpose district or public authority with a transportation function, including a port authority; 6. a Tribal government or a consortium of Tribal governments; 7. a partnership between Amtrak and 1 or more entities described in (1) through (6); and, 8. a group of entities described in any of (1) through (7). 	<ol style="list-style-type: none"> 1. a State or group of States; 2. a metropolitan planning organization that serves an Urbanized Area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals; 3. a unit of local government or group of local governments; 4. a political subdivision of a State or local government; 5. a special purpose district or public authority with a transportation function, including a port authority; 6. a Federal land management agency that applies jointly with a State or group of States; 7. a tribal government or a consortium of tribal governments; 	<ol style="list-style-type: none"> 1. a State; 2. a regional transportation planning organization; 3. a unit of local government; 4. a tribal government or a consortium of tribal governments; or 5. a multijurisdictional group of entities above.

	8. a multistate corridor organization; or 9. a multistate or multijurisdictional group of entities described in this paragraph.	
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i. Mega

Eligible applicants for Mega grants are: (1) a State or a group of States; (2) a metropolitan planning organization; (3) a unit of local government; (4) a political subdivision of a State; (5) a special purpose district or public authority with a transportation function, including a port authority; (6) a Tribal government or a consortium of Tribal governments; (7) a partnership between Amtrak and 1 or more entities described in (1) through (6); and (8) a group of entities described in any of (1) through (7).

ii. INFRA

Eligible applicants for INFRA grants are: (1) a State or group of States; (2) a metropolitan planning organization that serves an Urbanized Area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals; (3) a unit of local government or group of local governments; (4) a political subdivision of a State or local government; (5) a special purpose district or public authority with a transportation function, including a port authority; (6) a Federal land management agency that applies jointly with a State or group of States; (7) a tribal government or a consortium of tribal governments; (8) a multistate corridor organization; or (9) a multistate or multijurisdictional group of entities described in this paragraph.

iii. Rural

Eligible applicants for Rural grants are: (1) a State; (2) a regional transportation planning organization; (3) a unit of local government; (4) a tribal government or a consortium of tribal governments; or (5) a multijurisdictional group of entities above.

iv. Joint Applications for Any Program

Multiple States or entities that submit a joint application should identify a lead applicant as the primary point of contact. Joint applications should include a description of the roles and responsibilities of each applicant and should be signed by each applicant. The applicant that will be responsible for financial administration of the project must be an eligible applicant.

2. Cost Sharing or Matching

i. Mega

Mega grants may be used for up to 60 percent of future total eligible project costs. Other Federal assistance may satisfy the non-Mega share requirement for a Mega grant, but total Federal assistance for a project receiving a Mega grant may not exceed 80 percent of future total eligible project costs.

ii. INFRA

INFRA grants may be used for up to 60 percent of future eligible project costs. Other Federal assistance may satisfy the non-INFRA share requirement for an INFRA grant, but total Federal assistance for a project receiving an INFRA grant may not exceed 80 percent of future total eligible project costs, except that, for States with a population density of not more than 80 persons per square mile of land area, based on the 2010 census, the maximum share of the total Federal assistance provided for a project receiving a grant under this section shall be the applicable share under section 120(b) of title 23, U.S.C. The following chart identifies the

maximum total Federal cost share for INFRA projects, under such section 120(b), for projects for FY 2022.

State	Maximum Federal Share for INFRA projects
Alaska	90.97%
Arizona	90.94%
California	83.57%
Colorado	82.79%
Hawaii	81.30%
Idaho	84.97%
Montana	82.75%
Nevada	94.89%
New Mexico	85.44%
Oregon	84.63%
South Dakota	81.95%
Utah	89.52%
Washington	81.42%
Wyoming	86.77%

If a Federal land management agency applies jointly with a State or group of States, and that agency carries out the project, then Federal funds that were not made available under titles 23 or 49 of the U.S.C. may be used for the non-Federal share.

iii. Rural

Rural grants may be used for up to 80 percent of future eligible project costs, except eligible projects that further the completion of a designated segment of the Appalachian Development Highway System under section 14501 of title 40 of the U.S.C., or address a surface transportation infrastructure need identified for the Denali access system program under section 309 of the Denali Commission Act of 1998 may apply for up to 100 percent of the project costs. Other Federal assistance may satisfy the non-Rural share requirement for a Rural grant up to

100 percent of project costs.

Please note that the Rural Program has a higher statutory maximum Federal share than Mega and INFRA. Applications which seek funding above the statutory maximum share for MEGA and INFRA will only be eligible for an award from the Rural program.

iv. Universal Cost Sharing or Matching Guidance

Unless otherwise authorized by statute, non-Federal cost-share may not be counted as non-Federal share for both the programs under MPDG and another Federal program. For any project under MPDG, the Department cannot consider previously incurred costs or previously expended or encumbered funds towards the matching requirement. Matching funds are subject to the same Federal requirements described in Section F.2.iii as awarded funds. See Section D.2 for information about documenting cost sharing in the application.

Non-Federal sources include State funds originating from programs funded by State revenue, local funds originating from State or local revenue-funded programs, private funds, or other funding sources of non-Federal origin.

For the purpose of evaluating eligibility under the statutory limit on total Federal assistance in the Mega and INFRA programs, funds from TIFIA and RRIF credit assistance programs are considered Federal assistance and, combined with other Federal assistance, may not exceed 80 percent of the future eligible project costs, except as indicated for the INFRA program (see Section C.2.ii).

3. Eligible Projects

Each of the three funding opportunities has different statutory rules for what kinds of projects are eligible for funding. Applicants should review this section in determining for which of the three programs they are applying, given the type of project being proposed. Projects may be

eligible for funding under multiple MPDG programs and applicants may apply for any program for which their project is eligible.

Eligible Project Types		
Mega	INFRA	Rural
<ol style="list-style-type: none"> 1. A highway or bridge project on the National Multimodal Freight Network 2. A highway or bridge project on the National Highway Freight Network 3. A highway or bridge project on the National Highway System 4. A freight intermodal (including public ports) or freight rail project that provides public benefit 5. A railway highway grade separation or elimination project 6. An intercity passenger rail project 7. A public transportation project that is eligible under assistance under Chapter 53 of title 49 or is a part of any of the project types described above 	<ol style="list-style-type: none"> 1. A highway freight project on the National Highway Freight Network 2. A highway or bridge project on the National Highway System 3. A freight intermodal, freight rail, or freight project within the boundaries of a public or private freight rail, water (including ports), or intermodal facility and that is a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility* 4. A highway-railway grade crossing or grade separation project 5. A wildlife crossing project 6. A surface transportation project within the boundaries or functionally connected to an international border crossing that improves a facility owned by Fed/State/local government and increases throughput efficiency 7. A project for a marine highway corridor that is functionally connected to the NHFN and is likely to reduce road mobile source emissions 	<ol style="list-style-type: none"> 1. A highway, bridge, or tunnel project eligible under National Highway Performance Program 2. A highway, bridge, or tunnel project eligible under Surface Transportation Block Grant 3. A highway, bridge, or tunnel project eligible under Tribal Transportation Program 4. A highway freight project eligible under National Highway Freight Program 5. A highway safety improvement project, including a project to improve a high risk rural road as defined by the Highway Safety Improvement Program 6. A project on a publicly-owned highway or bridge that provides or increases access to an agricultural, commercial, energy, or intermodal facility that supports the economy of a rural area 7. A project to develop, establish, or maintain an integrated mobility management system, a transportation demand management system, or on-demand mobility services

	8. A highway, bridge, or freight project on the National Multimodal Freight Network	
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i. Mega

Eligible projects for Mega grants are: a highway or bridge project on the National Multimodal Freight Network; a highway or bridge project on the National Highway Freight Network; a highway or bridge project on the National Highway System; a freight intermodal (including public ports) or freight rail project that provides public benefit; a railway-highway grade separation or elimination project; an intercity passenger rail project; a public transportation project that is eligible under assistance under Chapter 53 of title 49 U.S.C. and is a part of any of the project types described above; or a grouping, combination, or program of interrelated, connected, or dependent projects of any of the projects described above.

ii. INFRA

Eligible projects for INFRA grants are: highway freight projects carried out on the National Highway Freight Network (NHFN) (23 U.S.C. § 167); highway or bridge projects carried out on the National Highway System (NHS), including projects that add capacity on the Interstate System to improve mobility or projects in a national scenic area; railway-highway grade crossing or grade separation projects; or a freight project that is 1) an intermodal or rail project, or 2) within the boundaries of a public or private freight rail, water (including ports), or intermodal facility; a wildlife crossing project; a surface transportation project within the boundaries of, or functionally connected to, an international border crossing that improves a facility owned by a Federal, State, or local government and increases throughput efficiency; a project for a marine highway corridor that is functionally connected to NHFN and is likely to reduce on-road mobile source emissions; or a highway, bridge, or freight project on the National Multimodal Freight

Network under section 70103 of title 49 of the United States Code. To be eligible under INFRA, a project within the boundaries of a freight rail, water (including ports), or intermodal facility must be a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility and must significantly improve freight movement on the NHFN. In this context, improving freight movement on the NHFN may include shifting freight transportation to other modes, thereby reducing congestion and bottlenecks on the NHFN. For a freight project within the boundaries of a freight rail, water (including ports), or intermodal facility, Federal funds can only support project elements that provide public benefits.

iii. Rural

Eligible projects for Rural grants are: a highway, bridge, or tunnel project eligible under National Highway Performance Program (23 U.S.C.119); a highway, bridge, or tunnel project eligible under Surface Transportation Block Grant (23 U.S.C. 133); a highway, bridge, or tunnel project eligible under Tribal Transportation Program (23 U.S.C. 202); a highway freight project eligible under National Highway Freight Program (23 U.S.C.167); a highway safety improvement project, including a project to improve a high risk rural road as defined by the Highway Safety Improvement Program (23 U.S.C. 148); a project on a publicly-owned highway or bridge that provides or increases access to an agricultural, commercial, energy, or intermodal facility that supports the economy of a rural area; or a project to develop, establish, or maintain an integrated mobility management system, a transportation demand management system, or on-demand mobility services.

An eligible entity may bundle two or more similar eligible projects under the Rural program if projects are included as a bundled project in a statewide transportation improvement program under 23 U.S.C. § 135 and will be awarded to a single contractor or consultant pursuant to a contract

for engineering and design or construction between the contractor and the eligible entity.

4. *Eligible Project Costs*

The table below defines eligible project costs for each program per the program statutes:

Eligible Project Costs		
Mega	INFRA	Rural
Development-phase activities and costs, including planning, feasibility analysis, revenue forecasting, alternatives analysis, data collection and analysis, environmental review and activities to support environmental review, preliminary engineering and design work, and other preconstruction activities, including the preparation of a data collection and post-construction analysis plan; and, Construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to that land), environmental mitigation (including projects to replace or rehabilitate culverts or reduce stormwater runoff for the purpose of improving habitat for aquatic species), construction contingencies, acquisition of equipment, protection, and operational improvements directly relating to the project.	Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering, design, and other preconstruction activities, provided the project meets statutory requirements. Construction, reconstruction, rehabilitation, or acquisition of property (including land related to the project and improvements to the land), environmental mitigation (including a project to replace or rehabilitate a culvert, or to reduce stormwater runoff for the purpose of improving habitat for aquatic species), construction contingencies, equipment acquisition, and operational improvements directly related to system performance. INFRA grant recipients may use INFRA funds to pay for the subsidy and administrative costs necessary to receive TIFIA credit assistance.	Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and, Construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

v. **Mega**

Mega grants may be used for development-phase activities and costs, including planning, feasibility analysis, revenue forecasting, alternatives analysis, data collection and analysis, environmental review and activities to support environmental review, preliminary engineering

and design work, and other preconstruction activities, including the preparation of a data collection and post-construction analysis plan; and construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to that land), environmental mitigation (including projects to replace or rehabilitate culverts or reduce stormwater runoff for the purpose of improving habitat for aquatic species), construction contingencies, acquisition of equipment, protection, and operational improvements directly relating to the project.

vi. INFRA

INFRA grants may be used for the construction, reconstruction, rehabilitation, or acquisition of property (including land related to the project and improvements to the land), environmental mitigation (including a project to replace or rehabilitate a culvert, or to reduce stormwater runoff for the purpose of improving habitat for aquatic species), construction contingencies, equipment acquisition, and operational improvements directly related to system performance. Statutorily, INFRA grants may also fund development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering, design, and other preconstruction activities, provided the project meets statutory requirements. However, the Department is seeking to prioritize INFRA funding for projects that result in construction; as a result, development phase activities may be less competitive under INFRA by nature of the evaluation structure described in Section E. Public-private partnership assessments for projects in the development phase are also eligible costs.

INFRA grant recipients may use INFRA funds to pay for the subsidy and administrative costs necessary to receive TIFIA credit assistance.

vii. Rural

Rural grants may be used for development phase activities, including planning, feasibility

analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

5. Project Requirements for Each Funding Opportunity

Applicants only need to address the requirements for the program or programs from which they are requesting funding in in their application.

i. Mega

For the purposes of determining whether a project meets the minimum project size requirement, the Department will count all future eligible project costs under the award and some related costs incurred before selection for a Mega grant. Previously incurred costs will be counted toward the minimum project size requirement only if they were eligible project costs under Section C.4.i and were expended as part of the project for which the applicant seeks funds. Although those previously incurred costs may be used for meeting the minimum project size thresholds described in this Section, they cannot be reimbursed with Mega grant funds, nor will they count toward the project's required non-Federal share.

(a) Mega Project Sizes

The Department will make awards under the Mega program both to projects greater than \$500 million in cost, and to projects greater than \$100 million but less than \$500 million in cost. For each fiscal year of Mega funds, 50 percent of available funds are reserved for projects greater than \$500 million in cost, and 50 percent to projects between \$100 million and \$500 million in cost.

(b) Mega Project Requirements

For a Mega project to be selected, the Department must determine that the project meets all five requirements described in 49 U.S.C. § 6701(f)(1) and below and further described in Section E.1.b.v and Section D.2.b.vii. If your project consists of multiple components with independent utility, the Department must determine that each component meets each requirement to select it for an award. See Section D.2.ii.VIII.

Mega Project Requirement #1: The project is likely to generate national or regional economic, mobility, or safety benefits.

Mega Project Requirement #2: The project is in significant need of Federal funding.

Mega Project Requirement #3: The project will be cost-effective.

Mega Project Requirement #4: With respect to related non-Federal financial commitments, one or more stable and dependable funding or financing sources are available to construct, maintain, and operate the project, and to cover cost increases.

Mega Project Requirement #5: The applicant has, or will have, sufficient legal, financial, and technical capacity to carry out the project.

(c) Mega Data Collection Requirements

In accordance with 49 U.S.C. 6701(g), an applicant wishing to submit a project to be considered for a Mega grant award will be required to submit, as an attachment to their application, a plan for the collection and analysis of data to identify the impacts of the project and the accuracy of any forecast prepared during the development phase of the project and included in the grant application. The contents of the plan shall include an approach to measuring proposed project outcome criteria as described in Section E and an approach for analyzing the consistency of predicted project characteristics with actual outcomes.

Each applicant selected for Mega grant funding must collect and report to the Department

information on the project's performance based on performance indicators related to program goals (e.g., travel time savings, greenhouse gas emissions, passenger counts, or level of service) among other information. Performance indicators should include measurable goals or targets that Department will use internally to determine whether the project meets program goals and grant funds achieve the intended long-term outcomes of the Mega Grant Program. To the extent possible, performance indicators used in the reporting should align with the measures included in the application and should relate to at least one of the selection criteria defined in Section E.⁶ Before the start of construction of the Mega project, the project sponsor must submit a report providing baseline data for the purpose of analyzing the long-term impact of the project. Not later than six (6) years after the date of substantial completion of a project, the eligible entity carrying out the project shall submit a project outcomes report that compares the baseline data to quarterly project data for the duration of the fifth year of the project after substantial completion.

ii. INFRA

For the purposes of determining whether a project meets the minimum project size requirement, the Department will count all future eligible project costs under the award and some related costs incurred before selection for an INFRA grant. Previously incurred costs will be counted toward the minimum project size requirement only if they were eligible project costs under Section C.3.ii. and were expended as part of the project for which the applicant seeks funds. Although those previously incurred costs may be used for meeting the minimum project size thresholds described in this Section, they cannot be reimbursed with INFRA grant funds, nor

⁶ The Department may in the future publish a more detailed framework for performance measure data collection that will: indicate standardized measurement approaches; data storage system requirements; and any other requirements the Secretary determines to be necessary.

will they count toward the project's required non-Federal share.

For the INFRA Leverage Pilot, at least 50 percent of the project's future eligible project costs must be funded by non-Federal contributions.

(a) Large Projects

The minimum project size for large projects is the lesser of (1) \$100 million; (2) 30 percent of a State's FY 2021 Federal-aid apportionment if the project is located in one State; or (3) 50 percent of the larger participating State's FY 2021 apportionment for projects located in more than one State. The following chart identifies the minimum total project cost, rounded up to the nearest million, for projects for FY 2022 for both single and multi-State projects.

State	FY 22 INFRA (30% of FY 21 apportionment)	FY 22 INFRA (50% of FY 21 apportionment)
	One-State Minimum (millions)	Multi-State Minimum* (millions)
Alabama	\$100	\$100
Alaska	\$100	\$100
Arizona	\$100	\$100
Arkansas	\$100	\$100
California	\$100	\$100
Colorado	\$100	\$100
Connecticut	\$100	\$100
Delaware	\$56	\$93
Dist. Of Col.	\$52	\$87
Florida	\$100	\$100
Georgia	\$100	\$100
Hawaii	\$56	\$93
Idaho	\$94	\$100
Illinois	\$100	\$100
Indiana	\$100	\$100
Iowa	\$100	\$100
Kansas	\$100	\$100
Kentucky	\$100	\$100
Louisiana	\$100	\$100

Maine	\$61	\$100
Maryland	\$100	\$100
Massachusetts	\$100	\$100
Michigan	\$100	\$100
Minnesota	\$100	\$100
Mississippi	\$100	\$100
Missouri	\$100	\$100
Montana	\$100	\$100
Nebraska	\$95	\$100
Nevada	\$100	\$100
New Hampshire	\$54	\$90
New Jersey	\$100	\$100
New Mexico	\$100	\$100
New York	\$100	\$100
North Carolina	\$100	\$100
North Dakota	\$82	\$100
Ohio	\$100	\$100
Oklahoma	\$100	\$100
Oregon	\$100	\$100
Pennsylvania	\$100	\$100
Rhode Island	\$72	\$100
South Carolina	\$100	\$100
South Dakota	\$93	\$100
Tennessee	\$100	\$100
Texas	\$100	\$100
Utah	\$100	\$100
Vermont	\$67	\$100
Virginia	\$100	\$100
Washington	\$100	\$100
West Virginia	\$100	\$100
Wisconsin	\$100	\$100
Wyoming	\$84	\$100

* For multi-State projects, the minimum project size is the largest of the multi-State minimums from the participating States.

(b) Small Projects

A small project is an eligible project that does not meet the minimum project size described in Section C.5.ii.

(c) Large/Small Project Requirements

For a large project to be selected, the Department must determine that the project meets

seven requirements described in 23 U.S.C. § 117(g) and below and further described in Section E.1.v.b. and Section D.2.b.vii. If your project consists of multiple components with independent utility, the Department must determine that each component meets each requirement to select it for an award. See Section E.1.v.b.:

Large Project Requirement #1: The project will generate national or regional economic, mobility, or safety benefits.

Large Project Requirement #2: The project will be cost-effective.

Large Project Requirement #3: The project will contribute to the accomplishment of one or more of the goals described in 23 U.S.C. § 150.

Large Project Requirement #4: The project is based on the results of preliminary engineering.

Large Project Requirement #5: With respect to related non-Federal financial commitments, one or more stable and dependable funding or financing sources are available to construct, maintain, and operate the project, and contingency amounts are available to cover unanticipated cost increases.

Large Project Requirement #6: The project cannot be easily and efficiently completed without other Federal funding or financial assistance available to the project sponsor.

Large Project Requirement #7 The project is reasonably expected to begin construction no later than 18 months after the date of obligation of funds for the project.

For a small project to be selected, the Department must consider the cost-effectiveness of the proposed project, the effect of the proposed project on mobility in the State and region in which the project is carried out, and the effect of the proposed project on safety on freight corridors with significant hazards, such as high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire,

wildlife crossing onto the roadway, or steep grades.

iii. Rural

For a Rural project to be selected, the Department must determine that the project meets five requirements described in 23 U.S.C. § 173(g) and below and further described in Section E.1.v.b and Section D.2.b.vii. If your project consists of multiple components with independent utility, the Department must determine that each component meets each requirement, to select it for an award. See Section D.2.VIII.

Rural Project Requirement #1: will generate regional economic, mobility, or safety benefits.

Rural Project Requirement #2: The project will be cost-effective.

Rural Project Requirement #3: The project will contribute to the accomplishment of 1 or more of the national goals under 23 U.S.C. § 150.

Rural Project Requirement #4: The project is based on the results of preliminary engineering.

Rural Project Requirement #5: The project is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project.

6. *Definition of Rural and Urban Areas*

This section describes the definition of urban and rural areas and the minimum statutory requirements for projects that meet those definitions. The INFRA and Rural program statutes define a rural area as an area outside an Urbanized Area⁷ with a population of over 200,000. In this

⁷ For Census 2010, the Census Bureau defined an Urbanized Area (UA) as an area that consists of densely settled territory that contains 50,000 or more people. Updated lists of UAs are available on the Census Bureau website at http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/. For the purposes of the INFRA program, Urbanized Areas with populations fewer than 200,000 will be considered rural.

notice, urban area is defined as inside an Urbanized Area, as designated by the U.S. Census Bureau, with a population of 200,000 or more.⁸ Rural and urban definitions differ in some other Department programs, including TIFIA. Cost share requirements and minimum grant awards are the same for projects located in rural and urban areas. The Department will consider a project to be in a rural area if the majority of the project (determined by geographic location(s) where the majority of the money is to be spent) is located in a rural area. However, if a project consists of multiple components, as described under section C.8 or C.9, then for each separate component the Department will determine whether that component is rural or urban. In some circumstances, including networks of projects under section C.9 that cover wide geographic regions, this component-by-component determination may result in awards that include urban and rural funds.

7. Areas of Persistent Poverty and Historically Disadvantaged Communities

BIL specifies that the Secretary consider, as an additional consideration for the Mega program, whether a project may benefit an Area of Persistent Poverty or a Historically Disadvantaged Community.

In this context, an Area of Persistent Poverty means: (1) any county that has consistently had greater than or equal to 20 percent of the population living in poverty during the 30-year period preceding November 15, 2021, as measured by the 1990 and 2000 decennial census and the most recent annual Small Area Income Poverty Estimates as estimated by the Bureau of the Census; (2) any census tract with a poverty rate of at least 20 percent as measured by the 2014-2018 5-year data series available from the American Community Survey of the Bureau of the Census; or (3) any territory or possession of the United States. A county satisfies this definition only if 20 percent of its population was living in poverty in all three of the listed datasets: (1) the 1990

⁸ See www.transportation.gov/buildamerica/INFRAgrants for a list of Urbanized Areas with a population of 200,000 or more.

decennial census; (2) the 2000 decennial census; and (3) the 2020 Small Area Income Poverty Estimates. The Department lists all counties and census tracts that meet this definition for Areas of Persistent Poverty at <https://datahub.transportation.gov/stories/s/tsyd-k6ij>.

Historically Disadvantaged Communities – The Department has been developing a definition of Historically Disadvantaged Communities as part of its implementation of the Justice40 Initiative and will use that definition for the purpose of this NOFO. Consistent with the Office of Management and Budget’s (OMB) Interim Guidance for the Justice40 Initiative, Historically Disadvantaged Communities include (1) certain qualifying census tracts, (2) any Tribal land, or (3) any territory or possession of the United States. The Department is providing a list of census tracts that meet the definition of Historically Disadvantaged Communities, as well as a mapping tool to assist applicants in identifying whether a project is located in a Historically Disadvantaged Community, available at <https://datahub.transportation.gov/stories/s/tsyd-k6ij>.

8. Project Components

An application may describe a project that contains more than one component. The Department may award funds for a component, instead of the larger project, if that component (1) independently meets minimum award amounts described in Section B and all eligibility requirements described in Section C, including the project requirements of the program(s) being applied for described in Sections C and D.2; (2) independently aligns well with the selection criteria specified in Section E; and (3) meets National Environmental Policy Act (NEPA) requirements with respect to independent utility. In this context, independent utility means that the component will represent a transportation improvement that is usable and represents a reasonable expenditure of the Department funds even if no other improvements are made in the area, and will be ready for intended use upon completion of that component’s construction. If an

application describes multiple components, the application should demonstrate how the components collectively advance the purposes of the funding program or programs for which the applicant is applying. An applicant should not add multiple components to a single application merely to aggregate costs or to avoid submitting multiple applications.

Applicants should be aware that, depending upon applicable Federal law and the relationship among project components, an award funding only some project components may make other project components subject to Federal requirements as described in Section F.2.ii. For example, under 40 CFR § 1509(e), the NEPA review for the funded project component may need to include evaluation of all project components as connected, similar, or cumulative actions.

The Department strongly encourages applicants to identify in their applications the project components that meet the independent utility definition above and separately detail the costs and program funding (Mega, INFRA, and/or Rural) requested for each component. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses selection criteria and produces benefits on its own, in addition to describing how the full proposal of which the independent component is a part addresses selection criteria.

9. Network of Projects

An application may describe and request funding for a network of projects. A network of projects is a single grant award that funds multiple projects addressing the same transportation problem. For example, if an applicant seeks to improve efficiency along a rail corridor, then their application might propose one award for four grade separation projects at four different railway-highway crossings. Each of the four projects would independently increase rail safety and reduce roadway congestion but the overall benefits would be greater if the projects were

completed together under a single award.

The Department will evaluate applications that describe networks of projects similar to how it evaluates projects with multiple components. Because of their similarities, the guidance in Section C.8. is applicable to networks of projects, and applicants should follow that guidance on how to present information in their application. As with project components, depending upon applicable Federal law and the relationship among projects within a network of projects, an award that funds only some projects in a network may make other projects subject to Federal requirements as described in Section F.2.

10. Application Limit

To encourage applicants to prioritize their MPDG opportunity submissions, each eligible applicant may submit three unique applications per grant program (Mega, INFRA, and Rural), for a total application limit of nine. The three-unique-applications-per-grant program applies only to applications where the applicant is the lead applicant. There is no limit on applications for which an applicant can be listed as a partnering agency. If a lead applicant submits more than three unique applications to a particular grant program as the lead applicant, only the first three received will be considered.

D. Application and Submission Information

1. Address

Applications must be submitted through www.Grants.gov. Instructions for submitting applications can be found at <https://www.transportation.gov/grants/mpdg-how-apply>

2. Content and Form of Application

The application must include the Standard Form 424 (Application for Federal Assistance), Standard Form 424C (Budget Information for Construction Programs), cover page, and the Project Narrative. More detailed information about the cover pages and Project

Narrative follows.

i. Cover Page

Each application should contain a cover page with the following chart:

Basic Project Information	
What is the Project Name?	
Who is the Project Sponsor?	
Was an application for USDOT discretionary grant funding for this project submitted previously?	(If Yes, please include project title and applicable grant programs)
A project will be evaluated for eligibility for consideration for all three programs, unless the applicant wishes to opt-out of being evaluated for one or more of the grant programs.	<input type="checkbox"/> Opt-out of Mega? <input type="checkbox"/> Opt-out of INFRA? <input type="checkbox"/> Opt-out of Rural?
Project Costs	
MPDG Request Amount	Exact Amount in year-of-expenditure dollars: \$ _____
Estimated Other Federal funding (excl. MPDG)	Estimate in year-of-expenditure dollars: \$ _____
Estimated Other Federal funding (excl. MPDG) further detail	Other Federal funding from Federal Formula dollars: \$ _____ Other Federal funding being requested from other USDOT grant opportunities?: \$ _____ From What Program(s)?: _____
Estimated non- Federal funding	Estimate in year-of-expenditure dollars: \$ _____
Future Eligible Project Cost (<i>Sum of previous three rows</i>)	Estimate in year-of-expenditure dollars: \$ _____
Previously incurred project costs (<i>if applicable</i>)	Estimate in year-of-expenditure dollars: \$ _____
Total Project Cost (Sum of 'previous incurred' and 'future eligible')	Estimate in year-of-expenditure dollars: \$ _____

INFRA: Amount of Future Eligible Costs by Project Type	<ol style="list-style-type: none"> 1) A highway freight project on the National Highway Freight Network: \$ _____ 2) A highway or bridge project on the National Highway System: \$ _____ 3) A freight intermodal, freight rail, or freight project within the boundaries of a public or private freight rail, water (including ports), or intermodal facility and that is a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility: \$ _____ 4) A highway-railway grade crossing or grade separation project: \$ _____ 5) A wildlife crossing project: \$ _____ 6) A surface transportation project within the boundaries or functionally connected to an international border crossing that improves a facility owned by fed/state/local government and increases throughput efficiency: \$ _____ 7) A project for a marine highway corridor that is functionally connected to the NHFN and is likely to reduce road mobile source emissions: \$ _____ 8) A highway, bridge, or freight project on the National Multimodal Freight Network: \$ _____
Mega: Amount of Future Eligible Costs by Project Type	<ol style="list-style-type: none"> 1) A highway or bridge project on the National Multimodal Freight Network: \$ _____ 2) A highway or bridge project on the National Highway Freight Network: \$ _____ 3) A highway or bridge project on the National Highway System: \$ _____ 4) A freight intermodal (including public ports) or freight rail project that provides public benefit: \$ _____ 5) A railway highway grade separation or elimination project: \$ _____ 6) An intercity passenger rail project: \$ _____ 7) A public transportation project that is eligible under assistance under Chapter 53 of title 49 and is a part of any of the project types described above: \$ _____ 8) A grouping, combination, or program of interrelated, connected, or dependent projects of any of the projects described above
Rural: Amount of Future Eligible Costs by Project Type	<ol style="list-style-type: none"> 1) A highway, bridge, or tunnel project eligible under National Highway Performance Program: \$ _____ 2) A highway, bridge, or tunnel project eligible under Surface Transportation Block Grant: \$ _____ 3) A highway, bridge, or tunnel project eligible under Tribal Transportation Program: \$ _____

	<p>4) A highway freight project eligible under National Highway Freight Program: \$ _____</p> <p>5) A highway safety improvement project, including a project to improve a high risk rural road as defined by the Highway Safety Improvement Program: \$ _____</p> <p>6) A project on a publicly-owned highway or bridge that provides or increases access to an agricultural, commercial, energy, or intermodal facility that supports the economy of a rural area: \$ _____</p> <p>7) A project to develop, establish, or maintain an integrated mobility management system, a transportation demand management system, or on-demand mobility services: \$ _____</p>
Project Location	
State(s) in which project is located	
INFRA: Small or Large project	Small/Large
Urbanized Area in which project is located, if applicable	
Population of Urbanized Area (According to 2010 Census)	
Is the project located (entirely or partially) in Area of Persistent Poverty or Historically Disadvantaged Community?	List census tracts that qualify as within these areas. (https://datahub.transportation.gov/stories/s/tsyd-k6ij)
Is the project located (entirely or partially) in Federal or USDOT designated areas	<p>Yes/No. If yes, please describe which of the four Federally designated community development zones in which your project is located.</p> <p>Opportunity Zones: (https://opportunityzones.hud.gov/)</p> <p>Empowerment Zones: (https://www.hud.gov/hudprograms/empowerment_zones)</p> <p>Promise Zones: (https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgt_pz)</p> <p>Choice Neighborhoods: (https://www.hud.gov/program_offices/public_indian_housing/programs/ph/cn)</p>
Is the project currently programmed in the:	<p>Yes/No</p> <p>(please specify in which plans the project is currently programmed, and provide the identifying number if applicable)</p> <ul style="list-style-type: none"> • TIP • STIP

<ul style="list-style-type: none"> • MPO Long Range Transportation Plan • State Long Range Transportation Plan • State Freight Plan 	
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ii. Project Narrative

The Department recommends that the project narrative follow the basic outline below to address the program requirements and assist evaluators in locating relevant information.

I. Project Description	See D.ii.I
II. Project Location	See D.2.ii.II
III. Project Parties	See D.2.ii.III
IV. Grant Funds, Sources and Uses of all Project Funding	See D.2.ii.IV
V. Project Outcome Criteria	See D.2.ii.V
VI. Benefit-Cost Analysis	
VII. Project Readiness and Environmental Risk	See D.2.ii.VII and E.1.c.ii
VIII. Project Requirements	See D.2.ii.VIII and C.5

The project narrative should include the information necessary for the Department to determine that the project satisfies project requirements described in Sections B and C for each of the grant programs from which the applicant is seeking funding and to assess the selection criteria specified in Section E.1 that are applicable to the grant programs from which the applicant is seeking funding To the extent practicable, applicants should provide supporting data and documentation in a form that is directly verifiable by the Department. The Department may ask any applicant to supplement data in its application, but it expects applications to be complete

upon submission.

In addition to a detailed statement of work, detailed project schedule, and detailed project budget, the project narrative should include a table of contents, maps, and graphics, as appropriate, to make the information easier to review. The Department recommends that the project narrative be prepared with standard formatting preferences (i.e., a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins). The project narrative may not exceed 25 pages in length, excluding cover pages and table of contents. Appendices may include documents supporting assertions or conclusions made in the 25-page project narrative and do not count towards the 25-page limit. If possible, website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the project narrative the relevant portion of the project narrative that each supporting document supports. At the applicant's discretion, relevant materials provided previously to a modal administration in support of a different USDOT financial assistance program may be referenced and described as unchanged. The Department recommends using appropriately descriptive final names (e.g., "Project Narrative," "Maps," "Memoranda of Understanding and Letters of Support," etc.) for all attachments. The USDOT recommends applications include the following sections:

I. Project Description

The first section of the application should provide a concise description of the project, the transportation challenges that it is intended to address, and how it will address those challenges. This section should discuss the project's history, including a description of any previously incurred costs. The applicant may use this section to place the project into a broader context of other infrastructure investments being pursued by the project sponsor.

II. Project Location

This section of the application should describe the project location, including a detailed geographical description of the proposed project, a map of the project's location and connections to existing transportation infrastructure, and geospatial data describing the project location. The application should also identify:

(a) whether the project is located in an Area of Persistent Poverty, including the relevant County and/or census tract(s);

(b) whether the project is located in a Historically Disadvantaged Community, including the relevant census tract(s);

(c) If the project is located within the boundary of a 2010 Census-designated Urbanized Area, the application should identify the Urbanized Area;⁹ and

(d) whether the project is located in one of four Federally designated community development zones (Opportunity Zones, Empowerment Zones, Promise Zones, or Choice Neighborhoods).

Information under (d) may be used for the Department's internal data tracking.

III. Project Parties

This section of the application should provide details about the lead applicant, including the lead applicant's experience with receipt and expenditure of Federal transportation funds. This section of the application should also list and briefly describe all of the other public and private parties who are involved in delivering the project, such as port authorities, terminal operators, freight railroads, shippers, carriers, freight-related associations, third-party logistics providers, and

⁹ Lists of Urbanized Areas are available on the Census Bureau website at http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/ and maps are available at <https://tigerweb.geo.census.gov/tigerweb/>. For the purposes of the INFRA program, Urbanized Areas with populations fewer than 200,000 will be considered rural.

freight industry workforce organizations.

IV. Grant Funds, Sources, and Uses of Project Funds

This section of the application should describe the project's budget and the plans for covering the full cost of the project from all sources. At a minimum, it should include:

Previously incurred expenses, as defined in Section C.

- Future eligible costs, as defined in Section C.5.
- For all funds to be used for future eligible project costs, the source and amount of those funds.
- For non-Federal funds to be used for future eligible project costs, documentation of funding commitments should be referenced here and included as an appendix to the application.
- All Federal funds to be used for future eligible project costs, including grant programs covered by this MPDG application (Mega, INFRA, and/or Rural), other Federal grants that have been awarded to the project or for which the project intends to apply in the future (e.g., Bridge Investment Program, FTA Capital Investment Grant, etc.) and any Federal formula funds that have already been programmed for the project or are planned to be programmed for the project.
- For each category of Federal funds to be used for future eligible project costs, the amount, nature, and source of any required non-Federal match for those funds.

The Department is committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. The Department also recognizes that applicants may be seeking discretionary grant funding from multiple discretionary grant programs and opportunities. An applicant may seek the same award amounts from multiple Department

discretionary opportunities or seek a combination of funding from multiple Department opportunities. The applicant should indicate, within the Federal funding description, details as to what other potential Department programs and opportunities they intend to solicit funds, and what award amounts they will be seeking.

(A) A budget showing how each source of funds will be spent. The budget should show how each funding source will share in each major construction activity and present those data in dollars and percentages. Funding sources should be grouped into three categories: non-Federal; MPDG; and other Federal. If the project contains components, the budget should separate the costs of each project component. If the project will be completed in phases, the budget should separate the costs of each phase. The budget should be detailed enough to demonstrate that the project satisfies the statutory cost-sharing requirements described in Section C.2 and those associated with each category of Federal funding.

(B) Information showing that the applicant has budgeted sufficient contingency amounts to cover unanticipated cost increases.

(C) The amount of the requested MPDG funds that would be subject to the limit on freight rail, port, and intermodal infrastructure described in Section B.2.ii., if being considered for INFRA funding.

In addition to the information enumerated above, this section should provide complete information on how all project funds may be used. For example, if a source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant's control over whether it is satisfied. Similarly, if a source of funds is available for expenditure only during a fixed period, the application should describe that restriction. Complete information about project funds will ensure that the Department's expectations for award execution align with any funding restrictions unrelated to the Department, even if an

award differs from the applicant's request.

V. Project Outcome Criteria

This section of the application should demonstrate how the project aligns with the Project Outcome Criteria described in Section E.2 of this notice. The Department encourages applicants to address each criterion as it applies to the funding programs to which they are applying or else to expressly state that the project does not address the criterion. Insufficient information to assess any criterion will negatively impact the project rating. Applicants are not required to follow a specific format, but the following organization, which addresses each criterion separately, promotes a clear discussion that assists project evaluators. To minimize redundant information in the application, the Department encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

The guidance here is about how the applicant should organize their application. Guidance describing how the Department will evaluate projects against the Project Outcome Criteria is in Section E.2 of this notice. Applicants also should review that section before considering how to organize their application.

Criterion #1: Safety

This section of the application should describe the anticipated outcomes of the project that support the Safety criterion (described in Section E.2 of this notice). The applicant should include information on, and to the extent possible, quantify, how the project will target known, documented safety problems within the project area or wider transportation network, and demonstrate how the project will protect all users of the transportation system and/or communities from health and safety risks. The application should provide evidence to support the claimed level of effectiveness

of the project in protecting all travelers, including vulnerable users, from health and safety risks, such as the number and rate of reduced crashes, serious injuries, and/or fatalities. If the project is providing increased access to commercial motor vehicle parking, the application should provide information demonstrating the lack of parking in the area and evidence estimating the number of vehicles that will use the new parking.

Criterion #2: State of Good Repair

This section of the application should describe how the project will contribute to a state of good repair by restoring and modernizing core infrastructure assets and/or addressing current or projected system vulnerabilities (described in Section E.2 of this notice). The application should include information on the current condition of all assets that will be affected by the project, how the proposed project will improve asset condition, plans to ensure the ongoing state of good repair of new assets constructed as part of the project, and any estimates of impacts on long-term cost structures or overall life-cycle costs.

Criterion #3: Economic Impacts, Freight Movement, and Job Creation

This section of the application should describe how the project will contribute to at least one of the following outcomes: (1) improve system operations to increase travel time reliability and manage travel demand for goods movement, especially for supply chain bottlenecks, thereby reducing the cost of doing business and improving local and regional freight connectivity to the national and global economy; (2) improve multimodal transportation systems that incorporate affordable transportation options such as public transit to improve mobility of people and goods; (3) decrease transportation costs and provide reliable and timely access to employment centers and job opportunities; (4) significantly improve the economic strength of regions and cities by

increasing the economic productivity of land, capital, or labor, and linkages between distinct rural areas and rural and urban areas; (5) enhance recreational and tourism opportunities by providing access to Federal lands (including national parks, national forests, national recreation areas, national wildlife refuges, and wilderness areas) or State parks; (6) result in high-quality job creation by supporting good-paying jobs with a free and fair choice to join a union in project construction and in on-going operations and maintenance, and incorporate strong labor standards, such as through the use of project labor agreements, registered apprenticeship programs, and other joint labor-management training programs¹⁰; (7) result in workforce opportunities for historically underrepresented groups, such as through the use of local hire provisions or other workforce strategies targeted at or jointly developed with historically underrepresented groups, to support project development; (8) foster economic growth and development while creating long-term high-quality jobs, while addressing acute challenges, such as energy sector job losses in energy communities as identified in the report released in April 2021 by the interagency working group established by section 218 of Executive Order 14008¹¹; (9) support integrated land use, economic development and transportation planning to improve the movement of people and goods and local fiscal health, facilitate greater public and private investments and strategies in land-use productivity, including rural main street revitalization or increase in the production or preservation of location-efficient housing; or (10) help the United States compete in a global economy by encouraging the location of important industries and future innovations and technology in the U.S., and facilitating efficient and reliable freight movement.

¹⁰ <https://www.apprenticeship.gov/> <https://www.apprenticeship.gov>

¹¹ https://netl.doe.gov/sites/default/files/2021-04/Initial%20Report%20on%20Energy%20Communities_Apr2021.pdf

Criterion #4: Climate Change, Resiliency, and the Environment

This section of the application should describe how the project will incorporate considerations of climate change and environmental justice in the planning stage and in project delivery, such as through incorporation of specific design elements that address climate change impacts. The application should describe the degree to which the project is expected to reduce transportation-related pollution such as air pollution and greenhouse gas emissions, increase use of lower-carbon travel modes such as transit and active transportation, improve the resiliency of at-risk¹² infrastructure, incorporate lower-carbon pavement and construction materials, or address the disproportionate negative environmental impacts of transportation on disadvantaged communities. The application should explain to what extent the project will prevent stormwater runoff that would be a detriment to aquatic species. The application should describe whether the project will promote energy efficiencies, support fiscally responsible land use and transportation efficient design that reduces greenhouse gas emissions, improve public health and increase use of lower-carbon travel modes such as transit, active transportation and multimodal freight, incorporate electrification or zero emission vehicle infrastructure, increase resilience to all hazards, and recycle or redevelop brownfield sites, particularly in communities that disproportionately experience climate-change-related consequences. The application should describe if projects in floodplains are upgraded consistent with the Federal Flood Risk Management Standard in Executive Order 14030, Climate-Related Financial Risk (86 FR 27967) and 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (80 FR 6425.)

¹² For the MPDG opportunity, at-risk infrastructure is defined as infrastructure that is subject to, or faces increased long-term future risks of, a weather event, a natural disaster, or changing conditions, such as coastal flooding, coastal erosion, wave action, storm surge, or sea level rise, in order to improve transportation and public safety and to reduce costs by avoiding larger future maintenance or rebuilding costs.

Criterion #5: Equity, Multimodal Options, and Quality of Life

This section of the application should describe how the project will proactively address equity and barriers to opportunity, improve quality of life in rural areas or urbanized areas, and benefit Historically Disadvantaged Communities or populations, or Areas of Persistent Poverty. This may include increasing affordable transportation choices, especially for transportation disadvantaged communities. It should also describe how the project has or will meaningfully engage communities affected by the project, with effective public participation that is accessible to all persons regardless of race, color, national origin, disability, age, and sex. Equity considerations should be integrated into planning, development, and implementation of transportation investments, including utilization of Disadvantaged Business Enterprises (DBEs). The application should describe any public involvement plan or targeted outreach, demonstrating engagement of diverse input such as community-based organizations during project planning and consideration of such input in the decision-making. The project application should describe planning and engagement in the project design phase to mitigate and, to the greatest extent possible, prevent, physical and economic displacement.

Criterion #6: Innovation Areas: Technology, Project Delivery, and Financing

This section of the application should contain sufficient information to evaluate how the project can be transformative in achieving program goals, and includes or enables innovation in: (1) the accelerated deployment of innovative and secure-by-design technology, including expanded access to broadband; (2) use of innovative permitting, contracting, and other project delivery practices; and (3) innovative financing. If the project does not address a particular innovation area, the application should state this fact. Please see Section E.1.a for additional information.

VI. Benefit-Cost Analysis

This section describes the recommended approach for the completion and submission of a benefit-cost analysis (BCA) as an appendix to the Project Narrative. The purpose of the BCA is to enable Department to evaluate the project's cost effectiveness by comparing its expected benefits to its expected costs. The results of the analysis should be summarized in the Project Narrative directly, as described in Section D.2. Applicants should also provide all relevant files used for their BCA, including any spreadsheet files and technical memos describing the analysis (whether created in-house or by a contractor). The spreadsheets and technical memos should present the calculations in sufficient detail and transparency to allow the analysis to be reproduced by Department evaluators.

The BCA should carefully document the assumptions and methodology used to produce the analysis, including a description of the baseline, the sources of data used to project the outcomes of the project, and the values of key input parameters. The analysis should provide present value estimates of a project's benefits and costs relative to a no-build baseline. To calculate present values, applicants should apply a real discount rate of 7 percent per year to the project's streams of benefits and costs, which should be stated in constant-dollar terms. The costs and benefits that are compared in the BCA must cover the same project scope.

Any benefits claimed for the project, both quantified and unquantified, should be clearly tied to the expected outcomes of the project. Projected benefits may accrue to both users of the facility and those who are affected by its use (such as through changes in emissions of greenhouse gases and other pollutants, or availability of affordable housing or more affordable transportation choices). Usage forecasts applied in estimating future benefits should account for any additional demand induced by the improvements to the facility. While benefits should be quantified wherever possible, applicants may also describe other categories of benefits in the BCA that are more

difficult to quantify and/or value in economic terms.

The BCA should include the full costs of developing, constructing, operating, and maintaining the proposed project, as well as the expected timing or schedule for costs in each of these categories. The BCA may also include the present discounted value of any remaining service life of the asset at the end of the analysis period.

Detailed guidance from the Department on estimating benefits and costs, together with recommended economic values for converting them to dollar terms and discounting to their present values, is available on the program website (see www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance-discretionary-grant-programs-0)

VII. Project Readiness and Environmental Risk

This section of the application should include information that, when considered with the project budget information presented elsewhere in the application, is sufficient for the Department to evaluate whether the project is reasonably expected to begin construction in a timely manner. To assist the Department's project readiness assessment, the applicant should provide the information requested on technical feasibility, project schedule, project approvals, and project risks, each of which is described in greater detail in the following sections.

Applicants are not required to follow the specific format described here, but this organization, which addresses each relevant aspect of project readiness, promotes a clear discussion that assists project evaluators. To minimize redundant information in the application, the Department encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

The guidance here is about what information applicants should provide and how the applicant should organize their application. Guidance describing how the Department will evaluate a project's readiness is described in section E.4 of this notice. Applicants also should

review that section before considering how to organize their application.

- a) **Technical Feasibility.** The applicant should demonstrate the technical feasibility of the project with engineering and design studies and activities; the development of design criteria and/or a basis of design; the basis for the cost estimate presented in the application, including the identification of contingency levels appropriate to its level of design; and any scope, schedule, and budget risk-mitigation measures. Applicants should include a detailed statement of work that focuses on the technical and engineering aspects of the project and describes in detail the project to be constructed. The applicant must demonstrate compliance with Title VI/Civil Rights requirements, to ensure that no person is excluded from participation, denied benefits, or otherwise subjected to discrimination under any program or activity, on the basis of race, color, national origin, sex, age, or disability.
- b) **Project Schedule.** The applicant should include a detailed project schedule that identifies all major project milestones. Examples of such milestones include State and local planning approvals (programming on the Statewide Transportation Improvement Program); start and completion of NEPA and other Federal environmental reviews and approvals including permitting, design completion, right-of-way acquisition, approval of plans, specifications and estimates (PS&E); procurement; State and local approvals; project partnership and implementation agreements including agreements with railroads; and construction. The project schedule should be sufficiently detailed to demonstrate that:

- all necessary activities will be complete to allow MPDG funds to be obligated¹³ sufficiently in advance of the statutory deadline for applicable programs (For INFRA

¹³ Obligation occurs when a selected applicant enters a written, project-specific agreement with the Department and is generally after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements.

- and Rural, the statutory obligation deadline is September 30, 2025 for FY 2022 funds. For Mega, there is no statutory obligation deadline; however, the Department seeks projects that will begin construction before September 30, 2025) and that any unexpected delays will not put the funds at risk of expiring before they are obligated;
- the project can begin construction quickly upon obligation of grant funds, and that the grant funds will be spent expeditiously once construction starts; and
 - all real property and right-of-way acquisition will be completed in a timely manner in accordance with 49 CFR part 24, 23 CFR part 710, and other applicable legal requirements or a statement that no acquisition is necessary. A plan for securing any required Right-of-Way agreements should be included. If applicable, this section should describe a right-of-way acquisition plan that minimally disrupts communities and maintains community cohesion.

c) Required Approvals.

- i. Environmental Permits and Reviews. The application should demonstrate receipt (or the schedule for anticipated receipt) of all environmental approvals and permits necessary for the project to proceed to construction on the timeline specified in the project schedule and necessary to meet the statutory obligation deadline, including satisfaction of all Federal, State, and local requirements and completion of the NEPA process. Specifically, the application should include:
 - Information about the NEPA status of the project, including whether the project may qualify for a Categorical Exclusion under current regulations. If the NEPA process is complete, an applicant should indicate the date of completion, and provide a website link or other reference to the final Categorical Exclusion, Finding of No Significant

Impact, Record of Decision, and any other NEPA documents prepared. If the NEPA process is underway, but not complete, the application should detail the NEPA class of action, where the project is in the NEPA process, and indicate the anticipated date of completion of all milestones and of the final NEPA determination. If the final agency action with respect to NEPA occurred more than three years before the application date, the applicant should describe a proposed approach for updating this material in accordance with applicable NEPA reconsideration requirements.

- Information on reviews, approvals, and permits by other Federal and State agencies. An application should indicate whether the proposed project requires reviews or approval actions by other agencies,¹⁴ indicate the status of such actions, and provide detailed information about the status of those reviews or approvals and should demonstrate compliance with any other applicable Federal, State, or local requirements, and when such approvals are expected. Applicants should provide a website link or other reference to copies of any reviews, approvals, and permits prepared.
- Environmental studies or other documents—preferably through a website link—that describe in detail known project impacts, and possible mitigation for those impacts.
- A description of discussions with the appropriate Department modal administration field or headquarters office regarding the project’s compliance with NEPA and other applicable Federal environmental reviews and approvals.
- A description of public engagement about the project that has occurred, including details on the degree to which public comments and commitments have been

¹⁴ Projects that may impact protected resources such as wetlands, species habitat, cultural or historic resources require review and approval by Federal and State agencies with jurisdiction over those resources.

integrated into project development and design.

- ii. State and Local Approvals. The applicant should demonstrate receipt (or the schedule for anticipated receipt) of State and local approvals on which the project depends, such as State and local environmental and planning approvals, and statewide transportation improvement program (STIP) or transportation improvement program (TIP) funding. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project has broad public support.
- iii. Federal Transportation Requirements Affecting State and Local Planning. The planning requirements applicable to the Federal-aid highway program apply to all projects, but for port, freight, and rail projects, planning requirements of the operating administration that will administer the project will also apply,¹⁵ including intermodal projects located at airport facilities.¹⁶ Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning

¹⁵ In accordance with 23 U.S.C. § 134 and § 135, all projects requiring an action by the Federal Highway Administration (FHWA) must be in the applicable plan and programming documents (e.g., metropolitan transportation plan, transportation improvement program (TIP), and statewide transportation improvement program (STIP)). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. Inclusion in the STIP is required under certain circumstances. To the extent a project is required to be on a metropolitan transportation plan, TIP, and/or STIP, it will not receive a grant until it is included in such plans. Projects not currently included in these plans can be amended by the State and metropolitan planning organization (MPO). Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans to receive a grant. Port, freight rail, and intermodal projects are not required to be on the State Rail Plans called for in the Passenger Rail Investment and Improvement Act of 2008. However, applicants seeking funding for freight projects are encouraged to demonstrate that they have done sufficient planning to ensure that projects fit into a prioritized list of capital needs and are consistent with long-range goals. Means of demonstrating this consistency would include whether the project is in a TIP or a State Freight Plan that conforms to the requirements of Section 70202 of Title 49 U.S.C. prior to the start of construction. Port planning guidelines are available at StrongPorts.gov.

¹⁶ Projects at grant obligated airports must be compatible with the Federal Aviation Administration (FAA) approved Airport Layout Plan (ALP), as well as aeronautical surfaces associated with the landing and takeoff of aircraft at the airport. Additionally, projects at an airport: must comply with established Sponsor Grant Assurances, including (but not limited to) requirements for non-exclusive use facilities, consultation with users, consistency with local plans including development of the area surrounding the airport, and consideration of the interest of nearby communities, among others; and must not adversely affect the continued and unhindered access of passengers to the terminal.

documents has been or will be included in such documents. If the project is not included in a relevant planning document at the time the application is submitted, the applicant should submit a statement from the appropriate planning agency that actions are underway to include the project in the relevant planning document. To the extent possible, freight projects should be included in a State Freight Plan and supported by a State Freight Advisory Committee (49 U.S.C. § 70201, 70202). Applicants should provide links or other documentation supporting this consideration.

Because projects have different schedules, the construction start date for each grant will be specified in the project-specific agreements signed by relevant modal administration and the grant recipients, will be based on critical path items that applicants identify in the application, and will be consistent with relevant State and local plans.

- iv. **Assessment of Project Risks and Mitigation Strategies.** Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local match, pushback from stakeholders or impacted communities, or lack of legislative approval, affect the likelihood of successful project start and completion. The applicant should identify all material risks to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake to mitigate those risks. The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.

To the extent it is unfamiliar with the Federal program, the applicant should contact the Department modal field or headquarters offices as found at <https://www.transportation.gov/grants/mega-additional-guidance> for information on what steps are prerequisite to the obligation of Federal funds to ensure that their project

schedule is reasonable and that there are no risks of delays in satisfying Federal requirements.

VIII. Statutory Project Requirements

To select a project for award, the Department must determine that the project—as a whole, as well as each independent component of the project—satisfies statutory requirements relevant to the program from which it will receive an award. The application should include sufficient information for the Department to make these determinations for both the project as a whole and for each independent component of the project. Applicants should use this section of the application to summarize how their project meets applicable statutory requirements and, if present, how each independent project component meets each of the following requirements. Applicants are not required to reproduce the table below in their application, but following this format will help evaluators identify the relevant information that supports each large project determination. Supporting information provided in appendices may be referenced.

Statutory Selection Requirements			
23 U.S.C. 117 INFRA	49 U.S.C. 6701 Mega	23 U.S.C. 173 Rural	Guidance
1) The project will generate national, or regional economic, mobility, or safety benefits	(1) The project is likely to generate national or regional economic, mobility, safety benefits	(1) The project will generate regional economic, mobility, or safety benefits	Summarize the economic, mobility, and safety benefits of the project and independent project components, and describe the scale of their impact in national or regional terms. The Department will base its determination on the assessment of this information by Project Outcome evaluators.
2) The project will be cost effective	(3) The project will be cost effective	(2) The project will be cost effective	Highlight the results of the Benefit-Cost analysis, as well as the analyses of independent project components if applicable. The Department will base its determination on the ratio of project benefits to project costs as assessed by the Economic Analysis Team.

3) The project will contribute to 1 or more of the national goals described under Section 150	<i>No statutory requirement</i>	(3) The project will contribute to 1 or more of the national goals described under Section 150	Specify the Goal(s) and summarize how the project and independent project components contribute to that goal(s). The Department will base its determination on the assessment of this information by Project Outcome evaluators.
4) The project is based on the results of preliminary engineering	<i>No statutory requirement</i>	(4) The project is based on the results of preliminary engineering	For a project or independent project component to be based on the results of preliminary engineering, please indicate which of the following activities have been completed as of the date of application submission: <ul style="list-style-type: none"> • Environmental Assessments • Topographic Surveys • Metes and Bounds Surveys • Geotechnical Investigations • Hydrologic Analysis • Utility Engineering • Traffic Studies • Financial Plans • Revenue Estimates • Hazardous Materials Assessments • General estimates of the types and quantities of materials • Other work needed to establish parameters for the final design. <p>If one or more of these studies was included in a larger plan or document not described above, please explicitly state that and reference the document. The Department will base its determination on the assessment by technical capacity evaluators.</p>
5) With respect to related non-federal financial commitments, 1 or more stable and dependable sources of funding and financing are available to construct, maintain, and operate the project, and contingency	(4) With respect to non-federal financial commitments, 1 or more stable and dependable sources are available to construct, operate, and maintain the project, and to cover cost increases	<i>No statutory requirement</i>	Please indicate funding source(s) and amounts that will account for all project costs, broken down by independent project component, if applicable. Demonstrate that the funding is stable, dependable, and dedicated to this specific project by referencing the STIP/TIP, a letter of commitment, a local government resolution, memorandum of understanding, or similar documentation. Please state the contingency amount available for the project. The Department will base its determination on an assessment of this information by financial completeness evaluators.

amounts are available to cover unanticipated cost increases			The Department will base its determination on an assessment of this information by financial completeness evaluators.
6) The project cannot be easily and efficiently completed without other Federal funding or financing available to the project sponsor	(2) The project is in significant need of Federal funding	<i>No statutory requirement</i>	<p>Describe the potential negative impacts on the proposed project if the MPDG grant (or other Federal funding) was not awarded. Respond to the following:</p> <ol style="list-style-type: none"> 1. How would the project scope be affected if MPDG (or other Federal funds) were not received? 2. How would the project schedule be affected if MPDG (or other Federal funds) were not received? 3. How would the project cost be affected if MPDG (or other Federal funds) were not received? <p>If there are no negative impacts to the project scope, schedule, or budget if MPDG funds are not received, state that explicitly. Impacts to a portfolio of projects will not satisfy this requirement; please describe only project-specific impacts. Re-stating the project's importance for national or regional economic, mobility, or safety will not satisfy this requirement. The Department will base its determination on an assessment of this information by program evaluators.</p>
7) The project is reasonably expected to begin not later than 18 months after the date of obligation of funds for the project	(5) The applicant have, or will have, sufficient legal, financial, and technical capacity to carry out the project	(5) The project is reasonably expected to begin not later than 18 months after the date of obligation of funds for the project	<p>Please provide expected obligation date and construction start date, referencing project budget and schedule as needed. If the project has multiple independent components, or will be obligated and constructed in multiple phases, please provide sufficient information to show that each component meets this requirement. The Department will base its determination on the project risk rating as assessed according to the Project Readiness consideration. The Department will base its determination on the project risk as assessed by the Environmental Risk, Financial Completeness, and Technical Capacity evaluators.</p>

For an INFRA small project to be selected, the Department must consider the cost effectiveness of the proposed project, the effect of the proposed project on mobility in the State and region in which the project is carried out, and the effect of the proposed project on safety on freight corridors with significant hazards such as high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, wildlife crossing onto the roadway, or steep grades. If an applicant seeks an award for an INFRA small project, it should use this section to provide information on the project's cost effectiveness, including by summarizing the results of the benefit-cost analysis for the project, and the project's effect on the mobility in its State and region, and the effect of the proposed project on safety of freight corridors with significant hazards, or refer to where else the information can be found in the application.

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant must: 1) be registered in SAM before submitting its application; 2) provide a valid unique entity identifier in its application; and 3) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The Department may not make an MPDG grant to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Department is ready to make an MPDG grant, the Department may determine that the applicant is not qualified to receive an MPDG grant and use that determination as a basis for making an MPDG grant to another applicant.

4. Submission Dates and Times

Applications must be submitted by 11:59 p.m. EDT May 23, 2022. The Grants.gov "Apply" function will open by March 25, 2022. To submit an application through Grants.gov, applicants

must:

- (1) Obtain a Unique Entity Identifier (UEI) number;¹⁷
- (2) Register with the System for Award Management (SAM) at www.sam.gov;
- (3) Create a Grants.gov username and password; and
- (4) The E-business Point of Contact (POC) at the applicant's organization must also respond to the registration email from Grants.gov and login at Grants.gov to authorize the POC as an Authorized Organization Representative (AOR). Please note that there can only be one AOR per organization.

Please note that the Grants.gov registration process usually takes 2-4 weeks to complete and that the Department will not consider late applications that are the result of failure to register or comply with Grants.gov applicant requirements in a timely manner. For information and instruction on each of these processes, please see instructions at <http://www.grants.gov/web/grants/applicants/applicant-faqs.html>. If applicants experience difficulties at any point during the registration or application process, please call the Grants.gov Customer Service Support Hotline at 1(800) 518-4726.

5. Funding Restrictions

i. Mega

BIL specifies that 50 percent of available Mega funds are set aside for projects between \$100 million and \$500 million in cost. The remaining available Mega funds, less 2 percent for program administration, are for projects greater than \$500 million in cost.

ii. INFRA

¹⁷ On April 4, 2022 the Federal government will stop using the Data Universal Numbering System (DUNS) number to uniquely identify entities. At that point, entities doing business with the Federal government will use a Unique Entity Identifier (UEI) created in SAM.gov. If your entity is currently registered in SAM.gov, your UEI has already been assigned and is viewable in SAM.gov. This includes inactive registrations.

The Department will make awards under the INFRA program to both large and small projects (refer to section C.5.ii for a definition of large and small projects). For a large project, BIL specifies that an INFRA grant must be at least \$25 million. For a small project, including both construction awards and project development awards, the grant must be at least

\$5 million. For each fiscal year of INFRA funds, a minimum of 15 percent of available funds are reserved for small projects, and a maximum of 85 percent of funds are reserved for large projects.

The program statute specifies that not more than 30 percent of INFRA grants for each of the fiscal years 2022 to 2026 may be used for grants to freight rail, water (including ports and marine highway corridors), other freight intermodal projects that make significant improvements to freight movement on the National Highway Freight Network or National Multimodal Freight Network, wildlife crossing projects, projects located within or functionally connected to an international border crossing area in the United States, improves a transportation facility owned by a Federal, State, or local government entity, and projects that increase the throughput efficiency of border crossings. As much as \$482 million may be available within this provision. Only the nonhighway portion(s) of multimodal projects count toward this limit.

Grade crossing and grade separation projects do not count toward the limit for freight rail, port, and intermodal projects. The Department may award less than the full amount available under this provision.

The program statute requires that at least 25 percent of the funds provided for INFRA large project grants must be used for projects located in rural areas, as defined in Section C.6 The program statute requires that at least 30 percent of the funds provided for INFRA small project grants must be used for projects located in rural areas, as defined in Section C.6. The

Department may elect to go above that threshold. The USDOT must consider geographic diversity among grant recipients, including the need for a balance in addressing the needs of urban and rural areas.

BIL specifies that \$150 million in available INFRA funding for each of the fiscal years 2022 to 2026 be set aside for an INFRA Leverage Pilot program. The INFRA Leverage Pilot program will fund projects with a Federal share of less than 50 percent. Not less than 10 percent of the INFRA Leverage Pilot funds will be awarded to small INFRA projects, as defined in Section C.5.ii.(b), and not less than 25 percent of the INFRA Leverage Pilot funds will be awarded to rural projects, as defined in Section C.6.

iii. Rural

The Department will make awards under the Rural program. All funding under this program will be awarded to projects defined as rural projects, as defined in Section C.6. BIL specifies that at least 90 percent of Rural grant amounts must be at least \$25 million, and up to 10 percent of Rural grants may be for grant amounts of less than \$25 million. BIL specifies that 15 percent of the Rural program funds shall be reserved for eligible projects located in States that have rural roadway fatalities as a result of lane departures that are greater than the average of rural roadway fatalities as a result of lane departures in the United States.¹⁸ This is defined based on five-year rolling average of rural roadway departure fatality rate per 100 million VMT. BIL specifies that 25 percent of the Rural program funds shall be reserved for eligible projects that further the completion of designated routes of the Appalachian Development Highway System under section 14501 of title 40 U.S.C.

¹⁸ States with above average rural roadway departure fatalities (based on five-year rolling average of rural roadway departure fatality rate per 100 million VMT) include: Alabama; Alaska; Arkansas; Idaho; Iowa; Kansas; Kentucky; Louisiana; Maine; Mississippi; Missouri; Montana; Nebraska; New Mexico; North Carolina; North Dakota; Oklahoma; Oregon; South Carolina; South Dakota; Tennessee; Vermont; West Virginia; Wyoming.

6. Other Submission Requirements

a. Consideration of Application

Only applicants who comply with all submission deadlines described in this notice and submit applications through Grants.gov will be eligible for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

b. Late Applications

Applications received after the deadline will not be considered except in the case of unforeseen technical difficulties outlined below.

c. Late Application Policy

Applicants experiencing technical issues with Grants.gov that are beyond the applicant's control must contact MPDGrants@dot.gov prior to the application deadline with the user name of the registrant and details of the technical issue experienced. The applicant must provide:

1. Details of the technical issue experienced;
2. Screen capture(s) of the technical issues experienced along with corresponding Grants.gov "Grant tracking number";
3. The "Legal Business Name" for the applicant that was provided in the SF-424;
4. The AOR name submitted in the SF-424;
5. The UEI number associated with the application; and
6. The Grants.gov Help Desk Tracking Number.

To ensure a fair competition of limited competitive funds, the following conditions are not valid reasons to permit late submissions: 1) failure to complete the registration process before the deadline; 2) failure to follow Grants.gov instructions on how to register and apply as posted on its website; 3) failure to follow all the instructions in this notice of funding opportunity; and

4) technical issues experienced with the applicant's computer or information technology environment. After the Department reviews all information submitted and contacts the Grants.gov Help Desk to validate reported technical issues, the Department staff will contact late applicants to approve or deny a request to submit a late application through Grants.gov. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

E. Application Review Information

1. Criteria

i. Overall Application Rating

The Department will assign each eligible project a rating of highly recommended, recommended, or not recommended for each of the grant programs for which the applicant is applying. The rating will be assigned by the Department on the following basis:

A rating of "Not Recommended" will be assigned to projects that:

- The Department determines do not meet one or more statutory requirements for award, or additional information is required for one or more statutory requirements; or
- Receive a low rating in one or more of project outcome, economic analysis, or project readiness; or
- Are otherwise identified by the Senior Review Team to not be suitable for a grant award based on its weakness within a Project Outcome Area.

A rating of "Highly Recommended" will be assigned to projects that:

- The Department determines meet all statutory requirements for award and receive high ratings in all of project outcomes, economic analysis, and project readiness; or
- Meet all statutory requirements for award and are otherwise determined by the Senior Review Team to be an exemplary project of national or regional significance that generates significant benefits in one of the project outcome areas.

A rating of “Recommended” will be assigned to projects that:

- The Department determines meet all statutory requirements for award; and
- Are not otherwise assigned a “Highly Recommended or “Not Recommended” rating.

ii. Project Outcome Criteria

The Department will consider the extent to which the project addresses the following project outcome criteria, which are explained in greater detail below and reflect the key program objectives described in Section D.V: (1) safety; (2) state of good repair; (3) economic impacts, freight movement, and job creation; (4) climate change, resiliency, and the environment; (5) equity, multimodal options, and quality of life; and (6) innovation areas: technology, project delivery, and financing. For each project outcome area, the Project Outcome Analysis team will assign a 0, 1, 2, or 3 according to the guidelines below.

	0	1	2	3
Rating Scale	The project negatively affects this outcome area OR the application contains insufficient information to assess this outcome area.	The project’s claimed benefits in this outcome area are plausible but minimal OR the project’s claimed benefits in this area are not plausible.	The project has clear and direct benefits in this outcome area stemming from adopting common practices for planning, designing or building infrastructure.	The project has clear and direct, data-driven, and significant benefits in this outcome area, that are well supported by the evidence in the application.

The Department is neither weighting these criteria nor is a project required to score highly in each criterion, but project sponsors are encouraged to propose projects that score highly in as many areas as possible. The Department will assign a high, medium-high, medium, medium-low, and low project outcome rating on the following basis:

Score:	Rating
At least three 3’s, no 0’s	High
At least one 3, no 0’s	Medium-High

No 3's, no 0's	Medium
No more than one 0	Medium-Low
Two or more 0's	Low

Criterion #1: Safety

The Department will assess how the project targets a known safety problem and seeks to protect motorized and non-motorized travelers and communities, including vulnerable users, from health and safety risks. The Department will consider the project's estimated impacts on the number, rate, and consequences of crashes, fatalities and serious injuries among transportation users; the degree to which the project addresses vulnerable roadway users; and the degree to which the project addresses inequities in crash victims; the project's incorporation of roadway design and technology that is proven to improve safety. Applicants are encouraged to support actions and activities identified in the National Roadway Safety Strategy ([National Roadway Safety Strategy | US Department of Transportation](#)).¹⁹

The Department is also focused on the national priority of addressing the shortage of long-term parking for commercial motor vehicles on the National Highway System. Projects which increase access to truck parking generate safety benefits for motorized and non-motorized users as well as commercial vehicle operators.

Score	Safety Criterion	Example
0	The project negatively impacts this project outcome area	
1	The project's claimed benefits in this outcome area are plausible but minimal OR the project's claimed benefits in this area are not plausible	Example: The project will result in minimal improvements to safety, with little impact on the number of crashes, fatalities, or serious injuries to the traveling public.

¹⁹ <https://www.transportation.gov/NRSS> <https://www.transportation.gov/NRSS>

2	The project produces nontrivial, positive benefits in this outcome area that are well supported by the evidence in the application.	Example: The project results in measurable reductions in crashes, fatalities, or serious injuries to the traveling public, including vulnerable roadway users, by adopting actions and activities identified in the National Roadway Safety Strategy.
3	The project produces <i>significant</i> , transformative benefits in this outcome area, that are well supported by the evidence in the application.	Example: The project targets a well-known safety problem; results in a significant reduction in fatalities or serious injuries to motorized and nonmotorized users. The project incorporates innovative roadway design or technology aimed at protecting the health and safety of vulnerable roadway users.

Criterion #2: State of Good Repair

DOT will assess whether and to what extent the project: (1) is consistent with relevant plans to maintain transportation facilities or systems in a state of good repair, including Department-required asset management plans; and (2) addresses current and projected vulnerabilities that, if left unimproved, will threaten future transportation network efficiency, mobility of goods or accessibility and mobility of people, or economic growth. The Department will also consider whether the project includes a plan to maintain the transportation infrastructure built with grant funds in a state of good repair. The Department will prioritize projects that ensure the good condition of transportation infrastructure, including rural transportation infrastructure, and support commerce and economic growth. Projects that represent routine or deferred maintenance will be less competitive in this criterion. Per FHWA's published *Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America*²⁰, the Department encourages applicants to improve the condition and safety of existing State and locally-owned transportation infrastructure within the right-of-way.

Score	State of Good Repair Criterion	Example
0	The project negatively impacts this project outcome area	
1	The project's claimed benefits in this outcome area are plausible but minimal OR the project's claimed benefits in this area are not plausible	Example: The project is identified in the sponsor's Asset Management Plan, but it is difficult to verify that the infrastructure asset will operate at a full level of performance after the project improvements.
2	The project produces nontrivial, positive benefits in this outcome area that are well	Example: The project is identified in the sponsor's Asset Management Plan and will repair or rebuild an infrastructure asset so that will operate at a full level of

²⁰ https://www.fhwa.dot.gov/bipartisan-infrastructure-law/docs/building_a_better_america-policy_framework.pdf

	supported by the evidence in the application.	performance.
3	The project produces <i>significant</i> , transformative benefits in this outcome area, that are well supported by the evidence in the application.	Example: The project is identified in the sponsor's Asset Management Plan, will repair or rebuild an infrastructure asset so that will operate at a full level of performance, and is designed to significantly reduce future operation and maintenance costs throughout the asset life, beyond the costs saved from the initial project expenditure, and/or that will significantly lengthen the standard useful life of the asset.

Criterion #3: Economic Impacts, Freight Movement, and Job Creation

The Department will assess the degree to which the project contributes to one or more of the following outcomes (1) improve system operations to increase travel time reliability and manage travel demand for goods movement, especially strengthening the resilience and expanding the capacity of critical supply chain bottlenecks, to promote economic security and improve local and regional freight connectivity to the national and global economy; (2) improve multimodal transportation systems that incorporate affordable transportation options such as public transit to improve mobility of people and goods; (3) decrease transportation costs and improve access, through reliable and timely access, to employment centers and job opportunities; (4) offer significant regional and national improvements in economic strength by increasing the economic productivity of land, capital, or labor, and improving the economic strength of regions and cities; (5) enhance recreational and tourism opportunities by providing access to Federal land, national parks, national forests, national recreation areas, national wildlife refuges, wilderness areas, or State parks; (6)) result in high quality job creation by supporting good-paying jobs with a free and fair choice to join a union, in project construction and in on-going operations and maintenance, and incorporate strong labor standards, such as through the use of project labor agreements, registered apprenticeship programs, and other joint labor-management training programs²¹; (7) result in workforce opportunities for historically

²¹ <https://www.apprenticeship.gov/>

underrepresented groups, such as through the use of local hire provisions or other workforce strategies targeted at or jointly developed with historically underrepresented groups, to support project development; (8) foster economic growth and development while creating long-term high quality jobs, while addressing acute challenges, such as energy sector job losses in energy communities as identified in the report released in April 2021 by the interagency working group established by section 218 of Executive Order 14008; (9) Support integrated land use, economic development, and transportation planning to improve the movement of people and goods and local fiscal health, and facilitate greater public and private investments and strategies in land-use productivity, including rural main street revitalization or increase in the production or preservation of location-efficient housing or (10) help the United States compete in a global economy by encouraging the location of important industries and future innovations and technology in the U.S. and facilitating efficient and reliable freight movement.

Score:	Economic Impacts, Freight Movement, and Job Creation Criterion	Example
0	The project negatively impacts this project outcome area	
1	The project's claimed benefits in this outcome area are plausible but minimal OR the project's claimed benefits in this area are not plausible	<p>Example 1: The project sponsor provides some justification, but with minimal evidence, that the project will help to positively impact regional economic development in the area or help to offset job losses in the area.</p> <p>Example 2: The project sponsor provides minimal evidence that the project will create high quality jobs with a free choice to join a union or the incorporation of strong labor standard and practice, such as project labor agreements, use of registered apprenticeships or other joint labor-management training programs, and the use of an appropriately credentialed workforce.</p>
2	The project produces nontrivial, positive benefits in this outcome area that are well supported by the evidence in the application.	<p>Example 1: The project sponsor demonstrates some or limited new short-term or long-term job creation as a result of the project and it is documented by a signed letter from a business(es) stating the amount of new jobs to be created, and how the project is vital to the creation of those jobs.</p> <p>Example 2: The project opens additional new tourism or recreational access and is aligned with a plan that demonstrates that intention.</p> <p>Example 3: The project sponsor demonstrates some evidence that the project will create high quality jobs with a free choice to join a union or the incorporation of strong labor standard and practice, such as project labor agreements, use of registered apprenticeships or other joint labor-management training programs, and the use of an appropriately credentialed workforce.</p>

3	The project produces <i>significant</i> , transformative benefits in this outcome area, that are well supported by the evidence in the application.	<p>Example 1: The project sponsor demonstrates that the project addresses a national supply chain bottleneck, the main goal of the project is to positively impact that bottleneck, and ample evidence is provided that shows significant national supply chain benefits from the project.</p> <p>Example 2: The project sponsor demonstrates significant creation of good-paying jobs with a free and fair choice to join a union and the incorporation of strong labor standards and practices, such as project labor agreements, use of registered apprenticeships or other joint labor-management training programs, and the use of an appropriately credentialed workforce. This can be documented by a signed letter for a labor union, or worker organization that describes the number and characteristics of high-quality jobs on the project.</p>
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Criterion #4: Climate Change, Resiliency, and the Environment

The Department will consider the extent to which the project incorporates considerations of climate change and environmental justice in the planning stage and in project delivery, such as through incorporation of specific design elements that address climate change impacts. The Department will evaluate the degree to which the project is expected to reduce transportation-related pollution such as air pollution and greenhouse gas emissions, increase use of lower-carbon travel modes such as transit and active transportation, improve the resilience of at-risk infrastructure to climate change and other natural hazards, incorporate lower-carbon pavement and construction materials, or address the disproportionate negative environmental impacts of transportation on disadvantaged communities. DOT will evaluate the extent which the project prevents stormwater runoff that would be a detriment to aquatic species. The Department will also consider whether the project will promote energy efficiency, support fiscally responsible land use and transportation efficient design, facilitate the production or preservation of location-efficient affordable housing, incorporate electrification or zero emission vehicle infrastructure, increase resiliency and recycle or redevelop brownfield sites, particularly in communities that disproportionately experience climate-change-related consequences. The Department will consider whether projects in floodplains are upgraded consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law, in Executive Order 14030

Climate-Related Financial Risk (86 FR 27967,) and Executive Order 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input* (80 FR 6425.)

The Department will assess whether the project has addressed environmental sustainability, including but not limited to consideration of the following examples:

- (1) The project results in greenhouse gas emissions reductions relative to a no-action baseline;
- (2) A Local/Regional/State Climate Action Plan that results in lower greenhouse gas emissions has been prepared and the project directly supports that Climate Action Plan;
- (3) The regional transportation improvement program (TIP) or statewide transportation improvement program (STIP) is based on integrated land use and transportation planning and design that increases low-carbon mode travel, reduction of greenhouse gases and vehicle miles traveled or multimodal transportation choices and/or incorporates electrification or zero emission vehicle infrastructure.
- (4) The project sponsor has used environmental justice tools such as the EJSCREEN to minimize adverse impacts to environmental justice communities (<https://ejscreen.epa.gov/mapper/>);
- (5) A Local/Regional/State Energy Baseline Study has been prepared and the project directly supports that study;
- (6) The project supports a modal shift in freight (e.g., from highway to rail) or passenger movement (e.g., from driving to transit, walking, and/or cycling) to reduce emissions. The project utilizes demand management strategies to reduce congestion, induced travel demand, and greenhouse gas emissions;
- (7) The project incorporates electrification infrastructure (e.g., installation of electric vehicle charging stations, zero-emission vehicle infrastructure, or both);

- (8) The project promotes energy efficiency;
- (9) The project serves the renewable energy supply chains;
- (10) The project improves disaster preparedness and resilience to all hazards;
- (11) The project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, such as through reduction in Clean Air Act criteria pollutants and greenhouse gases, improved stormwater management, or improved habitat connectivity;
- (12) The project repairs existing dilapidated or idle infrastructure that is currently causing environmental harm (e.g., brownfield redevelopment);
- (13) The project supports or incorporates the construction of energy- and location-efficient buildings, including residential or mixed-use development; or
- (14) The project proposes recycling of materials, use of materials known to reduce or reverse carbon emissions, or both.

Score:	Climate Change, Resiliency, and the Environment Criterion	Example
0	The project negatively impacts this project outcome area	
1	The project's claimed benefits in this outcome area are plausible but minimal OR the project's claimed benefits in this area are not plausible	Example: A Local/Regional/State Climate Action Plan has been prepared but it is difficult to verify with the information provided how the actual project would directly positively impact climate or resiliency.
2	The project produces nontrivial, positive benefits in this outcome area that are well supported by the evidence in the application.	Example 1: The project demonstrates some greenhouse gas emission reduction. Example 2: The project sponsor demonstrates that one of the goals of the project is to improve or enhance resiliency of at-risk infrastructure.
3	The project produces <i>significant</i> , transformative benefits in this outcome area, that are well supported by the evidence in the application.	Example 1: The project significantly reduces transportation-related air pollution and greenhouse gas emissions from uncoordinated land-use decisions Example 2: The project sponsor demonstrates that the main goal of the project is to improve or enhance resiliency of at-risk infrastructure and the sponsor has provided ample evidence of increased climate impacts to the project area. Example 3: The project incorporates electrification or zero emission vehicle infrastructure.

Criterion #5: Equity, Multimodal Options, and Quality of Life

The Department will consider the extent to which the project improves quality of life in rural areas or urbanized areas. This may include projects that:

- (1) increase affordable and accessible transportation choices and equity for individuals, including disadvantaged communities;
- (2) improve access to emergency care, essential services, healthcare providers, or drug and alcohol treatment and rehabilitation centers;
- (3) reduce transportation and housing cost burdens, including through public and private investments to support greater commercial and mixed-income residential development near public transportation, along rural main streets or in walkable neighborhoods;
- (4) increase the walkability and accessibility for pedestrians and encourage thriving communities for individuals to work, live, and play by creating transportation choices for individuals to move freely with or without a car;
- (5) enhance the unique characteristics of the community;
- (6) proactively address equity²² or other disparities and barriers to opportunity, through the planning process or through incorporation of design elements;
- (7) have engaged, or will engage, diverse people and communities and demonstrate that equity considerations and community input and ownership, particularly among disadvantaged communities, are meaningfully integrated into planning, development, and implementation of transportation investments. Competitive applications should demonstrate strong collaboration and support among a broad range of stakeholders, including community-based organizations, other public or private entities, and labor unions; or
- (8) support a Local/Regional/State Equitable Development Plan.

The Department will consider the extent to which the project benefits a historically disadvantaged community or population, or areas of persistent poverty.

²² Definitions for “equity” and “underserved communities” are found in Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, Sections 2 (a) and (b).

(a) In this context, Areas of Persistent Poverty means: (1) any county that has consistently had greater than or equal to 20 percent of the population living in poverty during the 30-year period preceding November 15, 2021, as measured by the 1990 and 2000²³ decennial census and the most recent annual Small Area Income Poverty Estimates as estimated by the Bureau of the census²⁴; (2) any census tract with a poverty rate of at least 20 percent as measured by the 2014-2018 5-year data series available from the American Community Survey of the Bureau of the Census²⁵; or (3) any territory or possession of the United States. A county satisfies this definition only if 20 percent of its population was living in poverty in all three of the listed datasets: (a) the 1990 decennial census; (b) the 2000 decennial census; and (c) the 2020 Small Area Income Poverty Estimates. This definition is the same as the definition used for the RAISE program. The Department lists all counties and census tracts that meet this definition for Areas of Persistent Poverty at <https://datahub.transportation.gov/stories/s/tsyd-k6ij>.

(b) Historically Disadvantaged Communities – The Department has developed a definition of Historically Disadvantaged Communities as part of its implementation of the Justice40 Initiative and will use that definition for the purpose of this Notice of Funding Opportunity. Consistent with OMB’s Interim Guidance for the Justice40 Initiative,²⁶ Historically Disadvantaged Communities include (a) certain qualifying census tracts, (b) any Tribal land, or (c) any territory or possession of the United States. This definition is the same as the definition used for the RAISE program. The Department is providing a list of

²³ See <https://www.census.gov/data/tables/time-series/dec/census-poverty.html> for county dataset.

²⁴ See <https://www.census.gov/data/datasets/2020/demo/saie/2020-state-and-county.html> for December 2020 Small Area Income Poverty Dataset

²⁵ See <https://data.census.gov/cedsci/table?q=ACSST1Y2018.S1701&tid=ACSST5Y2018.S1701&hidePreview=false> for 2014-2018 five year data series from the American Community Survey

²⁶ <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>

census tracts that meet the definition of Historically Disadvantaged Communities, as well as a mapping tool to assist applicants in identifying whether a project is located in a Historically Disadvantaged Community, available at <https://datahub.transportation.gov/stories/s/tsyd-k6jj>.

The Department will assess whether the project proactively addresses equity and barriers to opportunity, including but not limited to the following examples:

- (1) An equity impact analysis has been completed for the project;
- (2) The project sponsor has adopted an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing, construction, inspection, hiring, or other activities designed to ensure equity in the overall project delivery and implementation;
- (3) The project includes comprehensive planning and policies to promote hiring of underrepresented populations including local and economic hiring preferences and investments in high-quality workforce development programs with supportive services, including labor-management programs, to help train, place, and retain people in good-paying jobs or registered apprenticeship.
- (4) The project includes physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities that are underserved by transportation;
- (5) The project includes new or improved walking and bicycling infrastructure, reduces automobile dependence, and improves access for people with disabilities and proactively

incorporates Universal Design²⁷;

- (6) The project includes new or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities; or
- (7) The project addresses automobile dependence as a form of barrier to opportunity.

The Department will also consider the extent to which the project benefits a Historically Disadvantaged Community or population, or Areas of Persistent Poverty, as defined in Section C of this Notice.

Score:	Equity, Multimodal Options, and Quality of Life Criterion	Example
0	The project negatively impacts this project outcome area	
1	The project's claimed benefits in this outcome area are plausible but minimal OR the project's claimed benefits in this area are not plausible	Example 1: The project sponsor has developed and published a general equity policy statement for their agency but have not demonstrated any other equity considerations for the actual project. Example 2: The project sponsor has created additional multimodal access in conjunction with the project, but only as a minimum project requirement, and not as a result of intentional planning efforts.
2	The project produces nontrivial, positive benefits in this outcome area that are well supported by the evidence in the application.	Example: The project sponsor is supporting workforce development programs, including labor-management programs, local hire provisions and incorporating workforce strategy into project development in a manner that produces non-trivial benefits.
3	The project produces <i>significant</i> , transformative benefits in this outcome area, that are well supported by the evidence in the application.	Example: The project sponsor includes new and/or greatly improved multimodal and transit access across previously bifurcated disadvantaged neighborhoods, and demonstrates how specifically the disadvantaged neighborhoods will be positively impacted, and how those improvements were as a result of intentional planning and public input.

Criterion #6: Innovation Areas: Technology, Project Delivery, and Financing

Consistent with the Department's Innovation Principles²⁸ to support workers, to allow for experimentation and learn from failure, to provide opportunities to collaborate, and to be flexible and adapt as technology changes, the Department will assess the extent to which the applicant uses innovative and secure-by-design strategies, including: (1) innovative technologies, (2) innovative

²⁷ "Universal design" is a concept in which products and environments are designed to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. For more information: <https://www.section508.gov/develop/universal-design/>

²⁸ <https://www.transportation.gov/priorities/innovation/us-dot-innovation-principles>

project delivery, or (3) innovative financing.

Innovative Technology: Consistent with the Department's Innovation Principles, the Department will assess innovative and secure-by-design technological approaches to transportation, particularly in relation to automated, connected, and electric vehicles and the detection, mitigation, and documentation of safety risks. When making grant award decisions, the Department will consider any innovative technological approaches proposed by the applicant, particularly projects that incorporate innovative technological design solutions, enhance the environment for connected, electric, and automated vehicles, or use technology to improve the detection, mitigation, and documentation of safety risks.

Innovative technological approaches may include, but are not limited to:

- Conflict detection and mitigation technologies (e.g., intersection alerts and signal prioritization);
- Dynamic signaling, smart traffic signals, or pricing systems to reduce congestion;
- Traveler information systems, to include work zone data exchanges;
- Signage and design features that facilitate autonomous or semi-autonomous vehicle technologies;
- Applications to automatically capture and report safety-related issues (e.g., identifying and documenting near-miss incidents);
- Vehicle-to-Everything (V2X) Technologies (e.g., technology that facilitates passing of information between a vehicle and any entity that may affect the vehicle);
- Vehicle-to-Infrastructure (V2I) Technologies (e.g., digital, physical, coordination, and other infrastructure technologies and systems that allow vehicles to interact with transportation infrastructure in ways that improve their mutual performance);

- Vehicle-to-Grid Technologies (e.g., technologies and infrastructure that encourage electric vehicle charging, and broader sustainability of the power grid);
- Cybersecurity elements to protect safety-critical systems;
- Broadband deployment and the installation of high-speed networks concurrent with the transportation project construction;
- Technology at land and seaports of entry that reduces congestion, wait times, and delays, while maintaining or enhancing the integrity of our border;
- Work Zone data exchanges or related data exchanges; or
- Other Intelligent Transportation Systems (ITS) that directly benefit the project's users or workers, such as a project to develop, establish, or maintain an integrated mobility management system, a transportation demand management system, or on-demand mobility services.

For innovative safety proposals, the Department will evaluate safety benefits that those approaches could produce and the broader applicability of the potential results. The Department will also assess the extent to which the project uses innovative technology that supports surface transportation to significantly enhance the operational performance of the transportation system. Please note that all innovative technology must be in compliance with 2 CFR § 200.216.²⁹

Innovative Project Delivery: The Department will consider the extent to which the project utilizes innovative practices in contracting (such as public-private partnerships and single contractor design-build arrangements), congestion management, asset management, or long-term operations and maintenance.

The Department also seeks projects that employ innovative approaches to improve the efficiency and effectiveness of the environmental permitting and review to accelerate project

²⁹ <https://ecfr.federalregister.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-C/section-200.216>

delivery and achieve improved outcomes for communities and the environment. The Department's objective is to achieve timely and consistent environmental review and permit decisions. Participation in innovative project delivery approaches will not remove any statutory requirements affecting project delivery.

Innovative Financing: The Department will assess the extent to which the project incorporates innovations in transportation funding and finance through both traditional and innovative means, including by using private sector funding or financing or using congestion pricing or other demand management strategies to address congestion. This includes the use of non-traditional sources of transportation funding to leverage traditional federal sources of funding to expand the overall investment in transportation infrastructure.

Score:	Innovation Criterion	Example
0	The project negatively impacts this project outcome area	
1	The project's claimed benefits in this outcome area are plausible but minimal OR the project's claimed benefits in this area are not plausible	Example: The project references the incorporation of innovative technologies but does not elaborate on the benefits of those technologies or demonstrate how those technologies align with USDOT's innovation principles.
2	The project produces nontrivial, positive benefits in this outcome area that are well supported by the evidence in the application.	Example 1: The project incorporates some or limited amount of materials or construction processes that reduce greenhouse gas emissions. Example 2: The project incorporates innovative technology that advances USDOT innovation goals and employs innovative project delivery methods that will accelerate delivery and achieved improved outcomes.
3	The project produces <i>significant</i> , transformative benefits in this outcome area, that are well supported by the evidence in the application.	Example 1: The project incorporates a significant amount of materials or construction processes that reduce greenhouse gas emissions. Example 2: The project will generate significant benefits as a direct result of innovative technology, project delivery approaches, or innovative financing.

iii. Economic Analysis Rating

The Department will consider a project's benefits as compared to its costs to determine whether a project is cost effective and assign an economic analysis rating. To the extent possible, the Department will rely on quantitative, evidence-based and data-supported analysis, in this assessment. Based on the Department's assessment, the Department will assign an economic analysis rating of high, medium-high, medium, medium-low, or low according to the following table:

Rating	Description
High	The project's benefits will exceed its costs, with a benefit-cost ratio of at least 1.5
Medium-High	The project's benefits will exceed its costs
Medium	The project's benefits are likely to exceed its costs
Medium-Low	The project's costs are likely to exceed its benefits
Low	The project's costs will exceed its benefits

iv. Project Readiness Rating

The Department will consider project readiness to assess the likelihood of a successful project. In that project readiness analysis, the Department will consider three evaluation ratings: Environmental Risk, Technical Assessment, and Financial Completeness Assessment. The application should contain a section that explicitly addresses Environmental Risk, but the Technical Assessment and Financial Completeness Assessment will be based on information contained throughout the application.

Environmental Risk assessment analyzes the project's environmental approvals and likelihood of the necessary approval affecting project obligation, and results in a rating of "high risk," "moderate risk," or "low risk."

The Technical Assessment will be reviewed for all eligible applications and will assess the

applicant’s capacity to successfully deliver the project in compliance with applicable Federal requirements based on factors including the recipient’s experience working with Federal agencies, civil rights compliance (including compliance with Title VI of the Civil Rights Act of 1964 and accompanying DOT regulations, the Americans with Disability Act, and Section 504 of the Rehabilitation Act), previous experience with Department discretionary grant awards and the technical experience and resources dedicated to the project. Technical Assessment ratings will be one of the following: “certain,” “somewhat certain,” “uncertain,” or “unknown.” Lack of previous project delivery according to Federal requirements is not sufficient justification for a rating of “uncertain,” but may result in a rating of “unknown.”

The Financial Completeness Assessment reviews the availability of matching funds and whether the applicant presented a complete funding package, and will receive a rating of “complete,” “partially complete,” or “incomplete.” For projects that receive a rating of “complete” and include funding estimates that are based on early stages of design (e.g. less than 30 percent design) or outdated cost estimates, without specified contingency, evaluators may add a comment to note the potential for uncertainty in the estimated project costs. All applicants should describe a plan to address potential cost overruns.

The Project Readiness Ratings described above will be translated to a high, medium-high, medium, medium-low, or low rating, using the table below:

Rating	1	2	3
Technical Assessment	Uncertain: The team is not confident in the applicant's capacity to deliver this project in a manner that satisfies Federal requirements	Somewhat Certain/Unknown: The team is moderately confident in the applicant's capacity to deliver the project in a manner that satisfies Federal requirements	Certain: The team is confident in the applicant's capacity to deliver the project in a manner that satisfies Federal requirements
Financial Completeness	Incomplete Funding: The project lacks full funding, or one or more Federal or non-Federal match sources are still uncertain as to whether they will be secured in time to meet the project's construction schedule	Partially Complete/Appears Stable and Highly Likely to be Available: Project funding is not fully committed but appears highly likely to be secured in time to meet the project's construction schedule	Complete, Stable and Committed: The Project's Federal and non-Federal sources are fully committed—and there is demonstrated funding available to cover contingency/cost increases.
Environmental Review and Permitting Risk	High Risk: The project has not completed or begun NEPA and there are known environmental or litigation concerns associated with the project.	Moderate Risk: The project has not completed NEPA or secured necessary Federal permits, and it is uncertain whether they will be able to complete NEPA or secure necessary Federal permits in the time necessary to meet their project schedule.	Low Risk: The Project has completed NEPA or it is highly likely that they will be able to complete NEPA and other environmental reviews in the time necessary to meet their project schedule.

Score:	Rating
All 3's	High
Two 3's, one 2	Medium-High
One 3, two 2's	Medium
All 2's	Medium-Low
Any 1's	Low

v. Additional Considerations

a. Geographic Diversity

By statute, when selecting MPDG projects, the Department must consider contributions to geographic diversity among recipients, including the need for a balance between the needs of rural and urban communities. The Department will consider whether the project is located in an Area of Persistent Poverty or a Historically Disadvantaged Community, as defined in Section C of this Notice.

The Department will also consider whether the project is located in the Department or Federally designated area such as a qualified opportunity zone, Empowerment Zone, Promise Zone, or Choice Neighborhood. Applicants can find additional information about each of the designated zones at the sites below:

- Opportunity Zones: (<https://opportunityzones.hud.gov/>)
- Empowerment Zones: (https://www.hud.gov/hudprograms/empowerment_zones)
- Promise Zones:
(https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgtpz)
- Choice Neighborhoods:
(https://www.hud.gov/program_offices/public_indian_housing/programs/ph/cn)

A project located in a Federally designated community development zone is more competitive than a similar project that is not located in a Federally designated community development zone. The Department will rely on applicant-supplied information to make this determination and will only consider this if the applicant expressly identifies the designation in their application.

b. Evaluation of Project Requirements

The following describes how the Department will evaluate the statutory Project requirements for the MPDG opportunity.

1. The project will generate (or for Mega, “is likely to generate”) national or regional economic, mobility, or safety benefits (applicable for Mega, INFRA, and Rural).

A project meets this determination if the Project Outcome Analysis documents national or regional economic, mobility, or safety benefits.

2. The project will be cost effective (applicable for Mega, INFRA, and Rural).

The Department’s determination will be based on its estimate of the project’s benefits and costs: a project is determined to be cost effective if the Department estimates that the project’s benefits will or are likely to exceed its costs.

3. The project will contribute to the accomplishment of one or more of the goals described in 23 U.S.C. § 150 (applicable for INFRA and Rural).

A project meets this requirement if the Project Outcome Analysis documents benefits related to one of the following:

National Goals.—It is in the interest of the United States to focus the Federal-aid highway program on the following national goals:

(1) Safety.—To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.

(2) Infrastructure condition.—To maintain the highway infrastructure asset system in a state of good repair.

(3) Congestion reduction.—To achieve a significant reduction in congestion on the National Highway System.

(4) System reliability.—To improve the efficiency of the surface transportation system.

(5) Freight movement and economic vitality.—To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.

(6) Environmental sustainability.—To enhance the performance of the transportation system while protecting and enhancing the natural environment.

(7) Reduced project delivery delays.—To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices.

4. The project is based on the results of preliminary engineering (applicable for INFRA and Rural).

A project meets this requirement if the application provides evidence that at least one of the following activities has been completed at the time of application submission: environmental assessments, topographic surveys, metes and bounds surveys, geotechnical investigations, hydrologic analysis, hydraulic analysis, utility engineering, traffic studies, financial plans, revenue estimates, hazardous materials assessments, general estimates of the types and quantities of materials, or other work needed to establish parameters for the final design.

5. With respect to related non-Federal financial commitments, one or more stable and dependable funding or financing sources are available to construct, maintain, and operate the project, and contingency amounts are available to cover unanticipated cost increases (applicable for Mega and INFRA).

A project meets this requirement if the application demonstrates that financing sources are dedicated to the proposed project and are highly likely to be available within the proposed project schedule, and if it provides evidence of contingency funding in the project budget.

6. The project cannot be easily and efficiently completed without other Federal funding or financial assistance available to the project sponsor (applicable to INFRA) -or- The project is in significant need of Federal funding (applicable to Mega).

A project meets this requirement if the application demonstrates one or more of the following:

- (1) The project scope would be negatively affected if MPDG or other Federal funds were not received.
- (2) The project schedule would be negatively affected if MPDG or other Federal funds were not received.
- (3) The project cost would materially increase if MPDG or other Federal funds were not received.

7. The project is reasonably expected to begin construction no later than 18 months after the date of obligation of funds for the project (applicable to INFRA and Rural).

A project meets this requirement if the proposed project schedule and the evaluation of the project readiness evaluation team indicate that it is reasonably expected to begin construction not later than 18 months after obligation.

8. The applicant has, or will have, sufficient legal, financial, and technical capacity to carry out the project (applicable to Mega).

A project meets this requirement if the EMO team determines, based on the assessment of project readiness evaluation teams, that the applicant has sufficient legal, financial, and technical capacity to carry out the project, as described in Section E.

9. Small INFRA Projects (applicable to Small INFRA projects)

For Small INFRA projects to be selected, the Department must consider the cost effectiveness of the proposed project, the effect of the proposed project on mobility in the State and region in which the project is carried out, and the effect of the proposed project on safety on freight corridors with significant hazards, such as high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, wildlife crossing onto the roadway, or steep grades. The

Department will consider a small INFRA project's cost effectiveness based on the results of the benefit-cost analysis submitted with the application. The Department will consider the effect of the proposed project on mobility as part of the Economic Impacts and Equity Project Outcome Areas. The Department will consider the effect on safety on freight corridors with significant hazards as part of the Climate, Safety, and Economic Impact Project Outcome areas.

vi. Previous Awards

The Department may consider whether the project has previously received an award from the RAISE, INFRA, or other departmental discretionary grant programs.

2. Review and Selection Process

Section E addresses the statutory requirement that the Department describe the methodology that will be used to determine if projects satisfy statutory project requirements, how they will be rated according to selection criteria and considerations, and how those criteria and considerations will be used to assign an overall rating.

The MPDG evaluation process consists of a Analysis Phase and Senior Review Phase. In the Analysis Phase, teams will, for each project, determine whether the project satisfies statutory requirements and rate how well it addresses the selection criteria using the rating system described in section E.1. If an applicant opts out of a specific program, then the Department will not consider whether the proposed project meets that program's requirements.

The Senior Review Team will consider the applications and the technical evaluations, assign an overall rating according to the methodology described above. Once every project has been assigned an overall rating for each program, The SRT will review if the list of Highly Recommended projects under each program is sufficient to satisfy program set-asides and geographic diversity requirements. If not, 'Recommended' projects may be added to each

program's proposed list of Projects for Consideration until each program's list can satisfy necessary program set asides and geographic diversity requirements. The SRT can add a Recommended project only if that project directly addresses an identified insufficiency related to the program set-asides, geographic diversity requirements, or to ensure there are sufficient projects to distribute all available funds, *and* the SRT treats all similarly situated Recommended projects the same.

For each program, the SRT will present the list of Projects for Consideration to the Secretary, either collectively or through a representative. The SRT may advise the Secretary on any project on the list of Projects for Consideration, including options for reduced awards, but the Secretary makes final project selections. The Secretary must prioritize selections from among the projects assigned a "Highly Recommended" Rating. The Secretary's selections identify the applications that best address program requirements and are most worthy of funding.

3. Additional Information

Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR § 200.206. The Department must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. The Department will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

F. Federal Award Administration Information

1. Federal Award Notices

Following the evaluation outlined in Section E, the Secretary will announce awarded projects by posting a list of selected projects at <https://www.transportation.gov/grants/mpdg-announcement> Following the announcement, the Department will contact the point of contact listed in the SF 424 to initiate negotiation of a project-specific agreement.

2. Administrative and National Policy Requirements

i. Safety Requirements

The Department will require MPDG projects to meet two general requirements related to safety. First, MPDG projects must be part of a thoughtful, data-driven approach to safety. Each State maintains a strategic highway safety plan.³⁰ MPDG projects will be required to incorporate appropriate elements that respond to priority areas identified in that plan and are likely to yield safety benefits. Second, MPDG projects will incorporate appropriate safety-related activities that the Federal Highway Administration (FHWA) has identified as “proven safety countermeasures” due to their history of demonstrated effectiveness.³¹

After selecting MPDG recipients, the Department will work with those recipients on a project-by-project basis to determine the specific safety requirements that are appropriate for each award.

ii. Program Requirements

(a) Climate Change and Environmental Justice Impact Consideration

Each applicant selected for MPDG grant funding must demonstrate effort to

³⁰ Information on State-specific strategic highway safety plans is available at https://safety.fhwa.dot.gov/shsp/other_resources.cfm.

³¹ Information on FHWA proven safety countermeasures is available at: <https://safety.fhwa.dot.gov/provencountermeasures/>.

consider climate change and environmental justice impacts as described in Section A. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by the Department, will be required to do so before receiving funds for construction, consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619).³²

(b) Equity and Barriers to Opportunity

Each applicant selected for MPDG grant funding must demonstrate effort to improve equity and reduce barriers to opportunity as described in Section A. Projects that have not sufficiently considered equity and barriers to opportunity in their planning, as determined by the Department, will be required to do so before receiving funds for construction, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009).³³

(c) Labor and Work

Each applicant selected for MPDG grant funding must demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of high labor standards as described in Section A. To the extent that applicants have not sufficiently considered job quality and labor rights in their planning, as determined by the Department of Labor, the applicants will be required to do so before receiving funds for construction, consistent with Executive Order 14025, *Worker Organizing and Empowerment* (86 FR

³² An illustrative example of how these requirements are applied to recipients can be found here: <https://cms.buildamerica.dot.gov/buildamerica/financing/infra-grants/infra-fy21-fhwa-general-terms-and-conditions>

³³ An illustrative example of how these requirements are applied to recipients can be found here: <https://cms.buildamerica.dot.gov/buildamerica/financing/infra-grants/infra-fy21-fhwa-general-terms-and-conditions>

22829), and Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335).

As expressed in section A, equal employment opportunity is an important priority. The Department wants to ensure that project sponsors have the support they need to meet requirements under EO 11246, *Equal Employment Opportunity* (30 FR 12319, and as amended). All federally assisted contractors are required to make good faith efforts to meet the goals of 6.9% of construction project hours being performed by women and goals that vary based on geography for construction work hours and for work being performed by people of color.³⁴ The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. Through the program, OFCCP offers contractors and subcontractors extensive compliance assistance, conducts compliance evaluations, and helps to build partnerships between the project sponsor, prime contractor, subcontractors, and relevant stakeholders. OFCCP will identify projects that receive an award under this notice and are required to participate in OFCCP's Mega Construction Project Program from a wide range of federally assisted projects over which OFCCP has jurisdiction and that have a project cost above \$35 million. DOT will require project sponsors with costs above \$35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their DOT award. Under that partnership, OFCCP will ask these project sponsors to make clear to prime contractors

³⁴ <https://www.dol.gov/sites/dolgov/files/ofccp/ParticipationGoals.pdf>

in the pre-bid phase that project sponsor's award terms will require their participation in the Mega Construction Project Program. Additional information on how OFCCP makes their selections for participation in the Mega Construction Project Program is outlined under "Scheduling" on the Department of Labor website:

<https://www.dol.gov/agencies/ofccp/faqs/construction-compliance>.

(d) Critical Infrastructure Security and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. Each applicant selected for MPDG grant funding must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department and the Department of Homeland Security, will be required to do so before receiving funds for construction, consistent with *Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience and the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems*.

iii. Other Administrative and Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR part 200, as adopted by the Department at 2 CFR part 1201. INFRA and Rural grant funds are made available under title 23 of the United States Code and generally subject to the requirements of that title. Consistent with 23 U.S.C. §§ 117(l) and 173(o), for freight projects awarded INFRA grant funds and all projects award Rural grant funds, the project will be treated as if it is located

on a Federal-aid highway. The Department will also treat non-Freight projects eligible for INFRA funding under 23 U.S.C. § 117(c)(1)(A)(iv-vii) as though they are federal-aid highway projects for the purposes of applying federal requirements. For projects awarded Mega grant funds, the project will be treated in relation to project's modal nature: the requirements of title 23 shall apply to a highway, road or bridge project; the requirements of chapter 53 of title 49 of the United States Code shall apply to a transit project; the requirements of 49 U.S.C. § 22905 shall apply to a rail project or component; and, the requirements of 49 U.S.C. § 5333 shall apply to any public transportation component of a project. Additionally, as permitted under the requirements described above, applicable Federal laws, rules, and regulations of the relevant operating administration administering the project will apply to the projects that receive MPDG grants, including planning requirements, Stakeholder Agreements, and other requirements under the Department's other highway, transit, rail, and port grant programs..

As expressed in Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America's Workers* (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. The Mega, INFRA, and Rural programs are infrastructure programs subject to the Build America, Buy America Act (Pub. L. No 117-58, div. G §§ 70901–70927). All INFRA and Rural projects are subject to the Buy America requirement at 23 U.S.C. § 313, as are Mega projects administered by the Federal Highway Administration. Mega projects administered by other OAs will be subject to the Buy America regime applicable to that OA. The Department expects all recipients to be able to complete their project without needing a waiver. However, to obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project.

The applicability of Federal requirements to a project may be affected by the scope of the

NEPA reviews for that project. For example, under 23 U.S.C. § 313(g), Buy America requirements apply to all contracts that are eligible for assistance under title 23, United States Code, and are carried out within the scope of the NEPA finding, determination, or decision regardless of the funding source of such contracts if at least one contract is funded with Title 23 funds. As another example, Americans with Disabilities Act (ADA) regulations apply to all projects funded under this Notice.

Recipients of Federal transportation funding will be required to comply fully with the ADA, Title VI of the Civil Rights Act of 1964, and all other civil rights requirements. The Department's and the applicable Operating Administrations' Office of Civil Rights may work with awarded projects to ensure full compliance with Federal civil rights requirements.

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, nondiscrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the Department of Transportation; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If the Department determines that a recipient has failed to comply with applicable Federal requirements, the Department may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

MPDG projects involving vehicle acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards and Federal Motor Vehicle Safety

Regulations, or vehicles that are exempt from Federal Motor Carrier Safety Standards or Federal Motor Carrier Safety Regulations in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

3. Reporting

i. Progress Reporting on Grant Activity

Each applicant selected for an MPDG opportunity grant must submit the Federal Financial Report (SF-425) on the financial condition of the project and the project's progress, as well as an Annual Budget Review and Program Plan to monitor the use of Federal funds and ensure accountability and financial transparency in the MPDG opportunity. In addition, Mega grant recipients will be required to submit a data collection baseline and a Project Outcomes report, as described in Section C.5.i.(c).

ii. Reporting of Matters Related to Integrity and Performance

If the total value of a selected applicant'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 applicant during that period of time must maintain the currency of information reported SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Pub. L. No.110-417, as amended (41 U.S.C. § 2313). As required by section 3010 of Pub. L. No. 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.

iii. Program Evaluation

As a condition of grant award, grant recipients may be required to participate in an evaluation undertaken by DOT or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. We may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and subrecipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115-435 (2019) urges federal awarding agencies and federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.” Evidence Act § 101 (codified at 5 U.S.C. § 311). Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290).

For grant recipients receiving an award, evaluation costs are allowable costs (either as

direct or indirect), unless prohibited by statute or regulation, and such costs may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation. (2 CFR Part 200).

G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact the Office of the Secretary via email at MPDGrants@dot.gov. In addition, up to the application deadline, the Department will post answers to common questions and requests for clarifications on the Department's website at <https://www.transportation.gov/grants/mpdg-frequently-asked-questions>. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact the Department directly, rather than through intermediaries or third parties, with questions. Department staff may also conduct briefings on the MPDG Transportation grant selection and award process upon request.

H. Other Information

1. Protection of Confidential Business Information

All information submitted as part of, or in support of, any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) note on the front cover that the submission "Contains Confidential Business Information (CBI)"; (2) mark each affected page "CBI"; and (3) highlight or otherwise denote the CBI portions.

The Department protects such information from disclosure to the extent allowed under applicable law. In the event the Department receives a Freedom of Information Act (FOIA) request for the information, the Department will follow the procedures described in its FOIA

regulations at 49 CFR § 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

2. Publication of Application Information

Following the completion of the selection process and announcement of awards, the Department intends to publish a list of all applications received along with the names of the applicant organizations and funding amounts. Except for the information properly marked as described in Section H, the Department may make application narratives publicly available or share application information within the Department or with other Federal agencies if the Department determines that sharing is relevant to the respective program's objectives.

As required by statute the Department will also publish the overall rating for each project seeking Mega Project funds.

3. Department Feedback on Applications

The Department strives to provide as much information as possible to assist applicants with the application process. The Department will not review applications in advance, but Department staff are available for technical questions and assistance. To efficiently use Department resources, the Department will prioritize interactions with applicants who have not already received a debrief on their FY 2021 INFRA application. Program staff will address questions to MPDGGrants@dot.gov throughout the application period.

4. Prohibition on Use of Funds to Support or Oppose Union Organizing

MPDG funds may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

5. MPDG Extra, Eligibility and Designation

The MPDG Extra initiative is aimed at encouraging sponsors with competitive projects that do not receive an MPDG award to consider applying for TIFIA credit assistance.

Projects for which a MPDG application receives a Highly Recommended rating, as

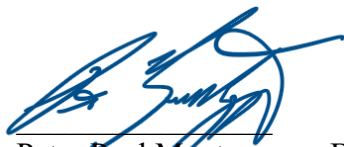
described in Section E, but that are not awarded, are automatically designated *MPDG Extra Projects*, unless the Department determines that they are not reasonably likely to satisfy the TIFIA project type (23 U.S.C. § 601(a)(12)) and project size (23 U.S.C. § 602(a)(5)) eligibilities. This designation provides the sponsors of these projects the opportunity to apply for TIFIA credit assistance for up to 49% of eligible project costs. Under current policy, TIFIA credit assistance is limited to 33% of eligible project costs unless the applicant provides strong rationale for requiring additional assistance.

Projects designated as MPDG Extra Projects will be announced by the Secretary after MPDG award announcements are made.

For further information about the TIFIA program in general, including details about the types of credit assistance available, eligibility requirements and the creditworthiness review process, please refer to the Build America Bureau Credit Programs Guide, available on the Build America Bureau website: <https://www.transportation.gov/buildamerica/financing/program-guide>.

DISCLAIMER: A MPDG Extra Project designation does not guarantee that an applicant will receive TIFIA credit assistance, nor does it guarantee that any award of TIFIA credit assistance will be equal to 49% of eligible project costs. Receipt of TIFIA credit assistance is contingent on the applicant's ability to satisfy applicable creditworthiness standards and other Federal requirements.

Issued in Washington D.C. on March 22, 2022:



Peter Paul Montgomery Buttigieg
Secretary of Transportation

Microtransit Overview



Integrated Mobility Division
N.C. DEPARTMENT OF TRANSPORTATION



WHAT IS MICROTRANSIT?

A technology-enabled transit service that typically uses shuttles or vans to provide pooled on-demand transportation with dynamic routing



Models



Software as a Service (SaaS)

Provides the software and the transit agency provides the drivers, vehicles, and operations management.

Transportation as a Service (TaaS) / Turnkey

Provides the drivers, vehicles, software, and operations management as a turnkey solution on behalf of the transit agency.

Overview

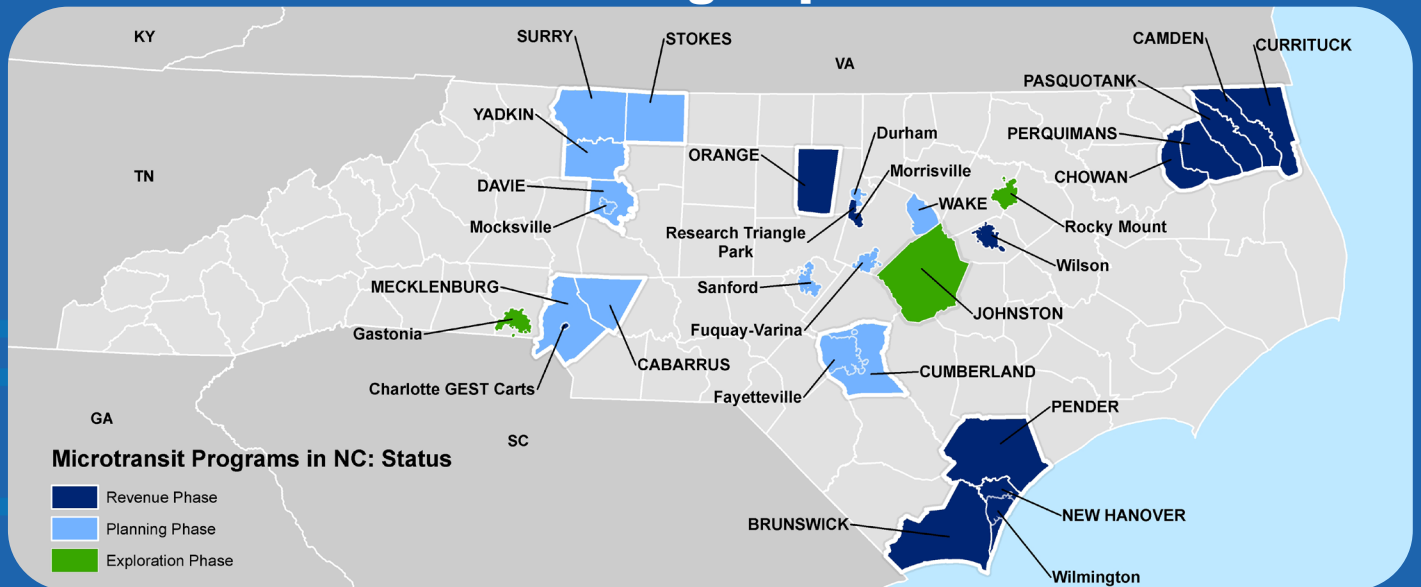
Benefits

- ▷ More efficient and responsive service that responds to rider demands
- ▷ Provides transit to low density, hilly, or otherwise difficult to serve areas
- ▷ Does not require advance reservations
- ▷ Flexible for serving late-shift workers and those with unpredictable schedules
- ▷ Robust data and insights on trip behavior
- ▷ Assists with providing paratransit services

Potential Challenges

- ▷ Implementing changes to transit agency staff and vehicle fleets
- ▷ Data gatekeeping by microtransit companies
- ▷ Less control over cost increases
- ▷ More responsive service may require additional resources due to increased demand
- ▷ Equitable access for unbanked riders and those without mobile app access
- ▷ More responsive service often increases demand, requiring additional resources

Where is microtransit being implemented?



Subject to change as additional projects are initiated and implemented.

What have we learned from microtransit projects across the state and nationally?*

- ▷ **Plan for the increased ridership demand** potentially resulting from an on-demand service that is more convenient and efficient.
- ▷ **Establish level of service metrics** which may be different from those used for fixed-route or other demand-responsive services.
- ▷ **Design a service that is equitable and accessible** to diverse rider populations by operating a call center and accepting pre-paid debit cards.
- ▷ **Include an option for pre-booking** trips when designing the service.
- ▷ **Identify a local maintenance provider** to minimize vehicle downtime.
- ▷ **Provide flexible service** that includes curb-to-curb service for non-ambulatory passengers and virtual stops for ambulatory riders.
- ▷ **Identify priorities of service** by balancing wait times with the size of the service zone and the number of vehicles.

How does microtransit support equity?

Microtransit can reach underserved communities by providing an on-demand transit option to those not reached by fixed-route services or unable to access a personal vehicle.

- ▷ **Level of service** provided is typically higher and more responsive.
- ▷ **Expands freedom** to riders to schedule their trips when they need them.
- ▷ **Shortens walking** and waiting times.
- ▷ Agencies may consider relocating operations staff or **providing opportunities** with the new service in order to avoid job displacement.

* Selected National Examples

[Sacramento, CA](#) [Lubbock, TX](#)
[Los Angeles, CA](#) [Dallas, TX](#)
[Detroit, MI](#) [Austin, TX](#)





PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: RAWLS HOWARD, DIRECTOR OF PLANNING AND INSPECTIONS

DATE: 4/28/2022

SUBJECT: FY23 COMMUNITY TRANSPORTATION PROGRAM BID TAB FOR PROPOSED SERVICES

Requested by: AMY H. CANNON, COUNTY MANAGER

**Presenter(s): RAWLS HOWARD, DIRECTOR OF PLANNING AND INSPECTIONS;
HANK GRAHAM FAMPO EXECUTIVE DIRECTOR**

BACKGROUND

An evaluation committee consisting of five members of the Transportation Advisory Board (TAB), met Thursday, April 21, 2022 to review Cumberland County Community Transportation Program provider proposals. The Transportation Advisory Board then met on Thursday, April 26, 2022 to review and approve the recommendations from the evaluation committee for the following proposals: Section 5310 Transportation (5310) Employment Transportation (EMPL) Rural General Public Transportation (RGP) Area Agency on Aging Medical Transportation (AAA Medical) Area Agency on Aging General Transportation (AAA Gen) Elderly and Disabled Medical Transportation (EDTAP) The proposals were rated on proposal response, qualifications and experience, references, Disadvantaged Business Enterprise (DBE) efforts, and value for cost.

After review, B&W Transportation was recommended for the following contracts: 5310, EMPL, RGP, AAA Gen, and AAA Medical at a rate of \$30.00 per unit of service.

FAMIKS Transportation was recommended for the following contracts: 5310, RGP, AAA Medical, and EDTAP at a rate of \$34.00 per unit of service.

Chapman Management Company was recommended for the following contracts: 5310, EMPL, RGP, AAA

Gen, and AAA Medical at a rate of \$30.00 per unit of service.

These three companies were recommended out of a total of four transportation providers that submitted proposals. Each was rated by the evaluation committee using the aforementioned criteria. A copy of the Bid Tab is attached with this memo.

The Transportation Advisory Board would like to request your approval to enter into contracts with the above selected transportation providers at the stated rates of service.

RECOMMENDATION / PROPOSED ACTION

Staff and the Transportation Advisory Board (TAB) recommend that the proposed actions below be placed on the May 16, 2022 Board of Commissioners' consent agenda:

1. Review and Approve the bid tab
2. Authorize staff to complete the provider contracts and authorize the Chairman to sign the contracts when pre-audited by Finance and approved for legal sufficiency.

ATTACHMENTS:

Description	Type
CTP RFP Bid Summary	Backup Material

Evaluation Sheet FY22 Request for Proposals for Provision of the FY 2023 Cumberland County Community Transportation Program								
Vendor-Contractor		Proposed Rate per Trip		Terrasine Gardner			Totals	
			Response	Qual. & Exp	References	DBE Efforts		
			25 Points	25 Points	10 Points	10 Points		
1	B & W Transporting, Inc.	\$30.00	25	25	10	10	30	100
2	Famiks Transport, Inc.	\$34.00	25	25	10	10	30	100
3	Chapman Management Co.	\$30.00	25	25	10	10	30	100
4	Squared, LLC	\$58.00	25	20	10	0	15	70
Vendor-Contractor		Proposed Rate per Trip		Ashley Patterson			Totals	
			Response	Qual. & Exp	References	DBE Efforts		
			25 Points	25 Points	10 Points	10 Points		
1	B & W Transporting, Inc.	\$30.00	25	25	10	10	30	100
2	Famiks Transport, Inc.	\$34.00	25	25	10	10	27	97
3	Chapman Management Co.	\$30.00	20	20	10	10	30	90
4	Squared, LLC	\$58.00	25	20	10	0	20	75
Vendor-Contractor		Proposed Rate per Trip		Amber Gulch			Totals	
			Response	Qual. & Exp	References	DBE Efforts		
			25 Points	25 Points	10 Points	10 Points		
1	B & W Transporting, Inc.	\$30.00	25	25	10	10	30	100
2	Famiks Transport, Inc.	\$34.00	25	25	10	10	30	100
3	Chapman Management Co.	\$30.00	24	24	10	10	30	98
4	Squared, LLC	\$58.00	25	25	10	0	20	80
Vendor-Contractor		Proposed Rate per Trip		Nicole Willingham			Totals	
			Response	Qual. & Exp	References	DBE Efforts		
			25 Points	25 Points	10 Points	10 Points		
1	B & W Transporting, Inc.	\$30.00	25	25	10	10	30	100
2	Famiks Transport, Inc.	\$34.00	25	25	10	10	30	100
3	Chapman Management Co.	\$30.00	25	25	10	10	30	100
4	Squared, LLC	\$58.00	25	25	10	0	20	80
Vendor-Contractor		Proposed Rate per Trip		Nkechi Kamalu			Totals	Average Scores
			Response	Qual. & Exp	References	DBE Efforts		
			25 Points	25 Points	10 Points	10 Points		
1	B & W Transporting, Inc.	\$30.00	25	25	10	10	30	100
2	Famiks Transport, Inc.	\$34.00	25	25	10	10	30	99
3	Chapman Management Co.	\$30.00	20	20	10	10	30	96
4	Squared, LLC	\$58.00	20	20	10	0	70	75



ASSISTANT COUNTY MANAGER - ENVIRONMENTAL/ COMMUNITY SAFETY

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL & COMMUNITY SAFETY**

DATE: 4/29/2022

**SUBJECT: PARKING LOT LEASE RENEWAL WITH FIRST PRESBYTERIAN
CHURCH OF FAYETTEVILLE**

Requested by: AMY H. CANNON, COUNTY MANAGER

**Presenter(s): TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL & COMMUNITY SAFETY**

BACKGROUND

Cumberland County last renewed a lease for parking lot space from the First Presbyterian Church of Fayetteville in June of 2017. The current lease is set to expire on June 30, 2022. The following proposed terms for renewal have been put forth and are agreeable to the church:

1. Five-year term starting July 1, 2022 and ending June 30, 2027
2. Annual lease rate of TWENTY-ONE THOUSAND DOLLARS (\$21,000.00) per year payable in monthly installments of ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$1,750.00); this amount is unchanged from the current lease rate
3. County agrees to maintain property as specified in the current agreement

RECOMMENDATION / PROPOSED ACTION

Staff requests this item be forwarded for approval to the May 16, 2022 Regular Board of Commissioners' Meeting as a Consent Agenda Item.

ATTACHMENTS:

Description
Proposed FPC Lease

Type
Backup Material

**STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND**

PARKING LOT LEASE

This Lease Agreement made and entered into this 16th day of May, 2022, to be effective July 1, 2022, by and between First Presbyterian Church of Fayetteville, North Carolina, Inc., and Cumberland County, a body politic and corporate of the State of North Carolina;

WITNESSETH:

WHEREAS, the County of Cumberland, hereinafter referred to as "COUNTY," wishes to obtain additional overflow parking space to accommodate persons conducting business in the Courthouse; and

WHEREAS, the First Presbyterian Church of Fayetteville, North Carolina, Inc., Bow and Ann Streets, Fayetteville, North Carolina 28302, hereinafter referred to as "CHURCH," has parking space in excess of its immediate needs which it desires to lease to the COUNTY.

NOW THEREFORE, COUNTY and CHURCH, in consideration of the mutual benefits to be derived hereunder, agree as follows:

1. CHURCH leases to COUNTY, and COUNTY leases from CHURCH, the areas identified as "A" and "B" on the attached plat (the "Space"), consisting of approximately 111 parking spaces. COUNTY shall use the Space for parking by COUNTY employees and the public using the COUNTY Courthouse during the weekdays (Monday through Friday) from 7 a.m. until 7 p.m. CHURCH reserves the right to use the Space at all other times.
2. This lease term shall be for five (5) years from July 1, 2022, to June 30, 2027.
3. Ingress and egress to the Space shall be strictly limited to the Person Street entrance.
4. For this lease term, COUNTY will pay CHURCH rental in the annual amount of \$21,000, payable on the first of each month in advance equal monthly installments of \$1,750 with the first installment due upon execution of this lease by the parties. In addition to the rent for this term, COUNTY shall pay any COUNTY property taxes assessed or charged against the Space by COUNTY. COUNTY property taxes shall not include any CITY taxes or any fees other than property taxes.

5. COUNTY will use signs to indicate the location of the leased premises and will be responsible for traffic control, mowing, landscaping, cleaning and repair of any potholes occurring on the leased premises. CHURCH will maintain the existing outdoor lighting and pay the utilities expense for the existing lighting.
6. COUNTY will indemnify and hold harmless CHURCH from and against all losses, claims, or damages of any kind whatsoever out of the use by COUNTY, its employees or invitees.

IN AGREEMENT hereto, the parties intending to be bound hereby have authorized the affixing of their signatures and seals by their duly authorized officers on their behalf and as their respective acts.

This the 16th day of May, 2022.

COUNTY OF CUMBERLAND

ATTEST

BY: _____
Candice White, Clerk

BY: _____
Amy Cannon, County Manager

**FIRST PRESBYTERIAN CHURCH OF
FAYETTEVILLE, NORTH CAROLINA, INC.**

ATTEST

BY: _____
(Asst.) Secretary

BY: _____



ASSISTANT COUNTY MANAGER - ENVIRONMENTAL/ COMMUNITY SAFETY

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL & COMMUNITY SAFETY**

DATE: 4/29/2022

**SUBJECT: INTENT TO LEASE REAL PROPERTY TO SERVICE SOURCE
EMPLOYMENT SERVICES, INC.**

Requested by: AMY H. CANNON, COUNTY MANAGER

**Presenter(s): TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL & COMMUNITY SAFETY**

BACKGROUND

ServiceSource Employment Services, Inc. (DBA, ServiceSource) is a charitable non-profit organization that provides the operation of services and contracts to foster and promote employment of persons with disabilities. "Service Source" operates in 6 states and Washington, DC.

Service Source currently leases real property from the County which is located at 600 and 620 Ames Street in Fayetteville. The property consists of 12.96 acres and 7 buildings circa 1987 or later totaling 44,022 square feet of conditioned office and unconditioned warehouse space (see aerial map attached for reference). Service Source is requesting to renew a lease agreement with the County for \$1.00 per year for a term of fifteen (15) years and decrease the total leased square footage to 23,622 SF. They offer to continue providing all maintenance for facilities and grounds, utilities, and janitorial service (see attached proposal submitted by Service Source).

Staff requests the Board of Commissioners consider the following options and provide guidance regarding the potential intent to lease (see attached summary for a comparison with current terms).

1. Renew the lease for the same terms minus the requested reduction in square footage (i.e., removal of the

Metal Fabrication Building, Wood Fabrication Building, or Old Horse Barn from the lease)

2. Renew the lease for the requested terms with the new square footage
3. Charge a per square footage rate on a per year basis payable in monthly installments with a new term (most leases are 3 years in duration) for the new square footage
4. Do not renew

If renewed, a notice of intent to enter into a proposed lease must be advertised thirty (30) days in advance of the lease approval.

RECOMMENDATION / PROPOSED ACTION

Adopt the following resolution, with specific terms, and advertise the public notice at least thirty (30) days in advance of the lease approval if there is an intent to lease.

BE IT RESOLVED the Cumberland County Board of Commissioners finds that the real property located at 600 and 620 Ames Street in Fayetteville, will not be needed for government purposes for the _____ year term proposed for the lease of the property to ServiceSource Employment Services, Inc., and this Board intends to adopt a resolution at its June 20, 2022 regular meeting, approving the lease pursuant to terms to be advertised as follows:

PUBLIC NOTICE OF PROPOSED LEASE PURSUANT TO G.S. 160A-272

TAKE NOTICE that the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its meeting to be held on June 20, 2022, approving the lease of approximately 23,622 square feet of space located at 600 and 620 Ames Street in Fayetteville, NC, to ServiceSource Employment Services, Inc., for a term of _____ years commencing on July 1, 2022, at an annual rental rate of \$_____.

ATTACHMENTS:

Description	Type
SSI Letter to BOC	Backup Material
SSI PPT Presentation	Backup Material
ServiceSource NPO Status	Backup Material
Campus Facility Map	Backup Material
Summary of Lease Options	Backup Material



Date: Thursday, May 5, 2022

County Commissioners
117 Dick Street
Room 564
Fayetteville, NC

Re: Lease Renewal for ServiceSource at 600 Ames Street

Dear Commissioners,

Thank you for allowing us to be a long-standing community nonprofit partner since 2001, serving over 2700 individuals with disabilities annually in Cumberland County. Employment Source Inc., dba ServiceSource (SSI) respectfully requests to renew our lease with Cumberland County, North Carolina at 600 Ames Street, with a 15-year term, at a lease rate of \$1 annually. Lessee would continue to be responsible for all utilities, maintenance expenses and any improvements or alterations (outlined in Appendix 1).

Our request is based upon the following:

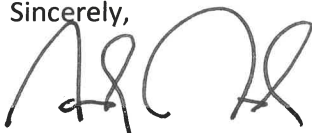
1. ServiceSource (SSI) spends on average **\$166,000 annually** in Maintenance and Capital Improvements expenditures (**approximately \$1,000,000 in Maintenance Costs over the last six years**)
2. SSI spends an additional **\$84,000** annually in program and direct financial assistance to support our most at risk individuals and veterans with disabilities in our community. Including maintenance costs this represents a total investment for the last six years of approximately **\$1,500,000**.
3. SSI is committed to invest an additional **\$600,000** in the short term, on new capital improvements to expand existing office and program space to serve our most 'at risk' individuals with disabilities in our community. Our partnership goals working with the engineering division and Cumberland County are the following:
 - a. **\$55,000** in improvements to our main office at 600 Ames Street that will allow for additional offices, ADA compliant bathrooms, and additional conference room.
 - b. **\$555,000** in capital improvements to support the expansion of new office space that will meet our growing need for additional space and parking. SSI is working with Andy Privette for building plans and pricing that will provide us with 2,500 sq. feet and 20 additional parking spaces.
4. **The estimated government cost savings provided by SSI in Cumberland County is \$6.6 million annually. Employment Source Inc. employs and places over 360 individuals and veterans with disabilities annually in Cumberland County.** These individuals draw fewer federal disability benefits paid on Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI), SNAP and reduced expenditures on Medicare and Medicaid (mean annual amounts based on Social Security Administration 2021).
5. **SSI provides an annual payroll for the Cumberland County area of over \$7,146,000.**

SSI will continue to provide significant public benefit to Cumberland County as a large employer and leader in providing rehabilitation services in housing, job placement, and support services for individuals with disabilities. Employment Source Inc. DBA Service Source is incorporated in North Carolina as a separate 501c3 and maintains local ownership of all its contracts and operations while sharing a volunteer Board of Directors with the ServiceSource organization.

SSI is extremely grateful to the Cumberland County Commissioners for the use of the campus and buildings to allow us to continue to provide critical rehabilitation services to thousands of individuals with disabilities in our community to maximize their independence and overall well-being. As a key partner of Cumberland County, SSI is committed to continue to make significant financial investments to enhance the campus and buildings at 600 Ames Street.

On behalf of Employment Source Inc. dba ServiceSource we appreciate the opportunity to consider our lease request and commitment to provide critical services and costs savings to the Cumberland County community. We also welcome the opportunity to explore additional collaborative opportunities to address the demand for affordable housing for our most vulnerable citizens.

Sincerely,

A handwritten signature in black ink, appearing to read 'ARind', written over the word 'Sincerely,'.

Andrew Rind
Senior Vice President, Executive Director
Employment Source Inc. DBA ServiceSource

Cc:

W. Tracy Jackson, ICMA-CM
Assistant County Manager/Environmental & Community Safety
Office of the County Manager

Jeffery P. Brown, PE
Internal Services Manager
Internal Services Department
Cumberland County



Service Source

Lease Renewal Request with
Cumberland County, NC
5/12/2022

Agenda



- ServiceSource Overview
- Request for Lease Renewal
- Maintenance and Capital Improvements
- Additional Community Impact
- Potential Public Private Partnerships
- Questions



Employee at the Fort Bragg Mail room for the U.S. Army.



VA Fayetteville Staff

ServiceSource in North Carolina



Serving the North Carolina Region since 2001

- ▶ Headquartered in Fayetteville
- ▶ More than 2,700 people with disabilities served annually
- ▶ Directly employ 300 individuals with disabilities – in our community.
- ▶ Serves people with a variety of disabilities including I/DD and mental health diagnoses
- ▶ Top 25 Cumberland County Employer (450)
- ▶ Separate 501c3, nonprofit
- ▶ Our goal is to be a leading community resource

Service Highlights

- ▶ Competitive Integrated Employment through contracts
- ▶ Job placement and evaluation services
- ▶ Community Inclusion Day program
- ▶ Benefits Counseling to improve financial independence
- ▶ Warrior Bridge – Peer Support and Resources for veterans with disabilities
- ▶ Pre-Employment Transitional Services for Youth in 11 High Schools
- ▶ Individual Placement and Support (IPS)
- ▶ Housing – 40 HUD units & Friendship House Fayetteville



Community Inclusion Day Program



AbilityOne



Friendship House Fayetteville

Request for Lease Renewal: 600 Ames Street Fayetteville, NC

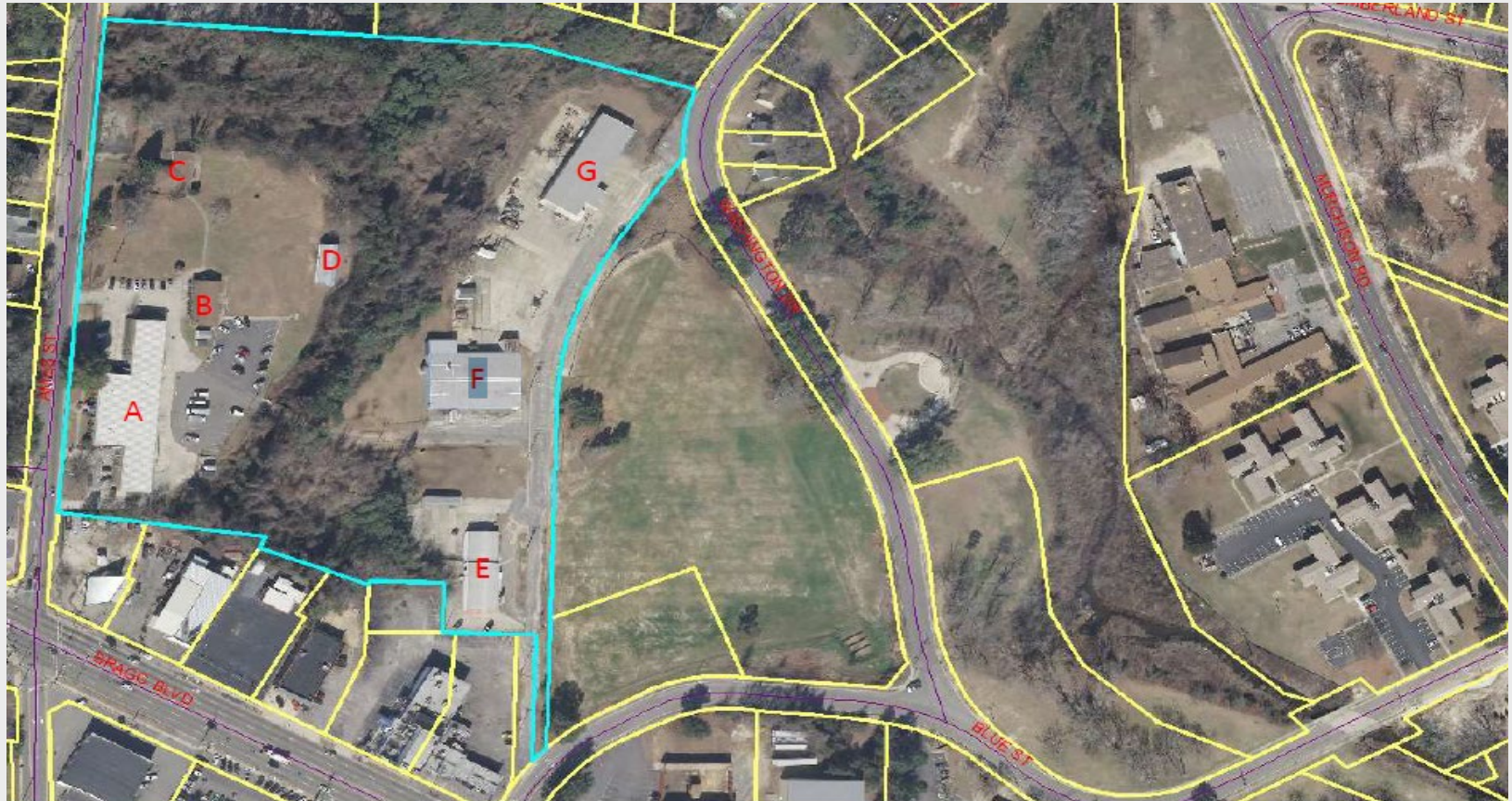


Renewal of current lease arrangement:

- **Term:** SSI requests a 15-year lease renewal at \$1 per year.
- **Maintenance and Capital Improvements:** SSI proposes to be solely responsible for maintenance of the buildings, campus, and all capital improvements (designated on the map on the next slide).
 - Prior Annual Maintenance and Capital Improvements Costs: \$166,000
 - SSI will return the other 2 vacant warehouse buildings (F and G) to the county that have been maintained over the course of the prior lease.
- **Future Capital Improvements: \$600,000**
 - Current office space is converted warehouse buildings.
 - Plan is to partner with Cumberland County and Engineers to meet community demand for services
 - Expand office and program space, add 20 parking spaces, install ADA compliant bathrooms and potentially add additional 2500 square feet of office space.



Property and Buildings Requested for Lease Renewal:



A – Main Office Building Yes

B – Overflow Office Space Yes

C – Training Building Yes

D – Old Barn

E – Contract Close-out Yes

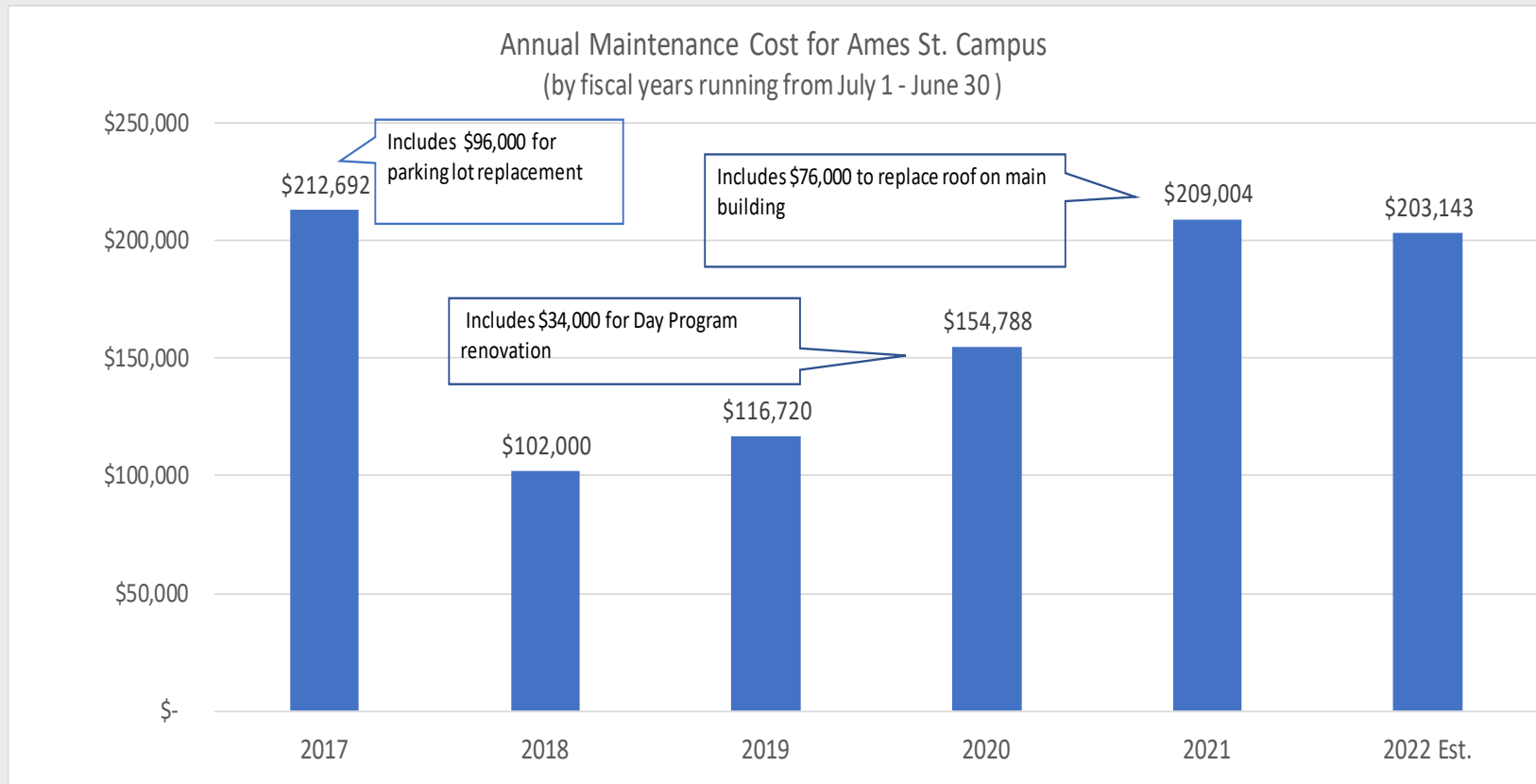
F – Storage (Previously Metal Fabrication)

G – Previously Wood Fabrication Shop

Actual Costs: Maintenance and Capital Improvements at 600 Ames Street



\$166,000 per year; approximately \$1,000,000 over the last six years



Total over six years = \$998,346

Average over six years = \$166,391

ServiceSource Property and Community Investment:



SSI Direct Expenditures: \$1.5 Million over last six years in Cumberland County (maintenance, capital, and program investment)

Yearly Expenditure Maintenance and Capital	2017	2018	2019	2020	2021	2022 Est.	6 Yr Total	Avg.
Total Annual Maintenance Expenses	\$ 106,635	\$ 102,000	\$ 108,600	\$ 115,705	\$ 138,464	\$ 161,116	\$ 732,520	\$ 122,087
Total Capital Improvements	\$ 106,057	\$ -	\$ 8,120	\$ 39,083	\$ 70,540	\$ 42,026	\$ 265,826	\$ 44,304
Total SSI expenditure for Ames St. Campus	\$ 212,692	\$ 102,000	\$ 116,720	\$ 154,788	\$ 209,004	\$ 203,142	\$ 998,346	\$ 166,391

Annual ServiceSource investment in community	2017	2018	2019	2020	2021	2022 Est.	6 Yr Total	Avg.
ServiceSource Foundation	\$ 200,000	\$ 40,000	\$ 100,000	\$ 10,000	\$ 75,000	\$ 80,000	\$ 505,000	\$ 84,167

Total ServiceSource investment in the campus and community	2017	2018	2019	2020	2021	2022 Est.	6 Yr Total	Avg.
Annual SSI expenditure for Ames St. Campus	\$ 412,692	\$ 142,000	\$ 216,720	\$ 164,788	\$ 284,004	\$ 283,143	\$ 1,503,346	\$ 250,558

Additional Community Impact



- Estimated government cost savings provided by SSI in Cumberland County is **\$6.6 million annually**.
- **SSI employs and places over 360 individuals and veterans** with disabilities annually in Cumberland County.
 - *Increase tax base and sales revenue*
 - *These individuals draw fewer federal disability benefits: Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI), SNAP and reduced expenditures on Medicare and Medicaid*
 - *Creates self sufficiency and overall community well being*
- SSI provides an annual payroll in Cumberland County area of **\$9,580,000**
- SSI is committed to invest an additional **\$600,000** in capital improvements.
- Goal: Develop public/private partnership and integrated/affordable housing with requisite supports for veterans, low-income families, and individuals with disabilities



*Duvall Park Florida – what can be achieved in Cumberland County
88 Unit Affordable Housing for Veterans with Disabilities*



Questions?

Non-Profit Corporation

Legal Name

Servicesource Employment Services, Inc.

Information

SosId: 0571056

Status: Current-Active ⓘ

Date Formed: 11/21/2000

Citizenship: Domestic

Annual Report Due Date:

Registered Agent: Aynes, James R.

Addresses

Principal Office	Reg Office	Reg Mailing	Mailing
336 Longhorn Drive	600 Ames Street	600 Ames Street	600 Ames Street
Fayetteville, NC 28303	Fayetteville, NC 28301	Fayetteville, NC 28301	Fayetteville, NC 28301

Officers



A – Main Office Building
B – Overflow Office Space
C – Training Building
D – Old Barn

E – Contract Close-out
F – Storage (Previously Metal Fabrication)
G – Previously Wood Fabrication Shop

Summary of Lease Renewal Options

For 600 & 620 Ames Street

(Main Office Building, Warrior Bridge Building, Training Building, Contract Close-out)

	Term	Total Building Square Footage	Rental Rate	Lessee to Provide
Current	10 yrs	44,022 SF	\$1/yr	Utilities, janitorial, and maintenance of buildings and grounds except the building exterior
Option 1 (Current minus 3 bldgs)	10 yrs	23,622 SF	\$1/yr	Utilities, janitorial, and maintenance of buildings and grounds except the building exterior
Option 2 (Requested by SSI)	15 yrs	23,622 SF	\$1/yr	Utilities, janitorial, and maintenance of buildings and grounds except the building exterior
Option 3	3 yrs	23,622 SF	\$9/SF for CS (20,382 SF) \$4/SF for UCS (3,240 SF)*	Utilities and Janitorial only; County would be responsible for maintenance of entire building and grounds**

*CS – Conditioned Space/UCS – Unconditioned Space; rates based on analysis of local lease rates for similar class of office space; results in total annual lease rate of \$196,398 (\$16,366.50/mth)

**Potential cost for assuming building and grounds maintenance could be \$28,500 annually. This does not include replacing end-of-life building systems; we should anticipate costs with these aging facilities and systems, but those costs are unknown at this time



ASSISTANT COUNTY MANAGER - ENVIRONMENTAL/ COMMUNITY SAFETY

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL & COMMUNITY SAFETY**

DATE: 4/29/2022

**SUBJECT: RESOLUTION OF INTENT TO LEASE REAL PROPERTY TO THE
VISION RESOURCE CENTER, INC.**

Requested by: AMY H. CANNON, COUNTY MANAGER

**Presenter(s): TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL & COMMUNITY SAFETY**

BACKGROUND

The Vision Resource Center, Inc. (VRC) currently has a lease with Cumberland County for the real property located at 2736 Cedar Creek Road known as the "Alphin House," and the lease will expire June 30, 2022. The VRC is a charitable non-profit that provides services to the visually impaired. The VRC is requesting to renew the lease at the same terms of TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00) per year for three (3) years.

Staff requests the Board of Commissioners consider the following options and provide guidance regarding the potential intent to lease.

1. Renew the lease for the same terms
2. Charge a per square footage rate on a per year basis payable in monthly installments
3. Do not renew

If renewed, a notice of intent to enter into a proposed lease must be advertised thirty (30) days in advance of the lease approval.

RECOMMENDATION / PROPOSED ACTION

Adopt the following resolution, with specific terms, and advertise the public notice at least thirty (30) days in advance of the lease approval if there is any intent to lease.

BE IT RESOLVED the Cumberland County Board of Commissioners finds that the real property located at 2736 Cedar Creek Road in Fayetteville, will not be needed for government purposes for the three (3) year term proposed for the lease of the property to the Vision Resource Center, and this Board intends to adopt a resolution at its June 20, 2022 regular meeting, approving the lease pursuant to terms to be advertised as follows:

PUBLIC NOTICE OF PROPOSED LEASE PURSUANT TO G.S. 160A-272

TAKE NOTICE that the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its meeting to be held on June 20, 2022, approving the lease of approximately 2,752 square feet of space located at 2736 Cedar Creek Road, Fayetteville, NC, to the Vision Resource Center, Inc., for a term of three (3) years commencing on July 1, 2022, at an annual rental rate of \$_____.

ATTACHMENTS:

Description

Current NPO Info

Type

Backup Material

Non-Profit Corporation

Legal Name

Vision Resource Center

Prev Legal Name

Cape Fear Regional Center for the Blind

Prev Legal Name

Cumberland County Association for the Blind

Information

SosId: 0037105

Status: Current-Active ⓘ

Date Formed: 2/10/1976

Citizenship: Domestic

Annual Report Due Date:

Registered Agent: Thomas, Terri

Addresses

Reg Office	Mailing	Principal Office	Reg Mailing
1600 Purdue Drive	725 West Rowan Street	725 West Rowan Street	P.O. Box 87385
Fayetteville, NC 28304	Fayetteville, NC 28301	Fayetteville, NC 28301	Fayetteville, NC 28304

Officers



ENGINEERING AND INFRASTRUCTURE DEPARTMENT

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JERMAINE WALKER, E & I DIRECTOR

DATE: 5/4/2022

SUBJECT: AMENDMENTS TO THE OVERHILLS PARK WATER AND SEWER DISTRICT RATE STRUCTURE

Requested by: AMY CANNON, COUNTY, MANAGER

Presenter(s): JERMAINE WALKER, E & I DIRECTOR

BACKGROUND

After reviewing the operational costs of the Overhills Park sewer system, it has been determined that the present rate structure for sewer service does not meet the operation and maintenance costs incurred by the system nor generate adequate revenue for future capital costs. The present rate structure needs to be revised and updated to generate sufficient revenue to set aside in a capital reserve fund for future operation and maintenance of the system.

The current rates were approved in 2018, when the installation of the sewer system was completed. The attached rate structure is proposed for the Overhills Park Water and Sewer District. This proposed rate structure must be mailed to all the customers on the system no later than June 1st and will go into effect on July 1, 2022. The existing rate structure and proposed rate structure are provided in the chart below.

	<u>Existing</u>	<u>Existing Rate</u>		<u>Proposed</u>	<u>Proposed Rate</u>	
	<u>Rate</u>	<u>Existing Rate</u>		<u>Rate</u>	<u>Rate</u>	
	<u>Connected</u>	<u>Nonconnected</u>	<u>Customer</u>	<u>Connected</u>	<u>Nonconnected</u>	<u>Customer</u>
Flat Rate Sewer Usage	\$24.50	-		\$25.50	-	
Operation and Maintenance	\$10.50	\$10.50		\$11.50	\$11.50	

Availability	\$17.00	\$17.00	\$17.00	\$17.00
Administration	\$2.00	\$2.00	\$2.00	\$2.00
Total	\$54.00	\$29.50	\$56.00	\$30.50

The attached rate structure also includes a suggested rate increase of 5% per year for the next three years. Research by the UNC School of Government indicates that many other utilities have taken this approach to addressing long term operations & maintenance needs. The benefit of setting the rates this way allows the customers to know exactly how much the rates will be increased yearly as opposed to different rates being applied randomly over time.

RECOMMENDATION / PROPOSED ACTION

The Public Utilities Department and County Management requests this item be placed on the May 16, 2022, Board of Commissioners' Consent Agenda and the Overhills Park Governing Board Consent Agenda for approval.

ATTACHMENTS:

Description	Type
Overhills Park Rate Schedule	Backup Material

Overhills Park Water and Sewer District Sanitary Sewer Rate Schedule

Availability Fee shall be the fee charged to all customers to which a County water or sewer line has been made directly available.

Monthly Rate shall be the sum of the Availability Fee, the Administration Fee and the Operation and Maintenance Fee.

RATES AS OF:	July 1, 2023	July 1, 2024	July 1, 2025	July 1, 2026
Availability Fee	\$17.00	\$17.00	\$17.00	\$17.00
Administration Fee	\$2.00	\$2.00	\$2.00	\$2.00
Operation and Maintenance Fee	\$11.50	\$12.08	\$12.68	\$13.31

Monthly Flat Rate shall be the sum of the Flat Rate Usage Charge, Availability Fee, the Administration Fee and the Operation and Maintenance Fee.

RATES AS OF:	July 1, 2023	July 1, 2024	July 1, 2025	July 1, 2026
Flat Rate Usage Charge	\$25.50	\$26.78	\$28.11	\$29.52

Other Fees

RATES AS OF:	July 1, 2023	July 1, 2024	July 1, 2025	July 1, 2026
Deposit	\$100.00	\$100.00	\$100.00	\$100.00
Late Penalty	\$10.00	\$10.00	\$10.00	\$10.00
Processing Fee per Collection Action	\$30.00	\$30.00	\$30.00	\$30.00
Administrative Filing Fee per Collection Action	\$100.00	\$100.00	\$100.00	\$100.00
Disconnect Fee (Administrative charge to discontinue service for non-payment)	\$25.00	\$25.00	\$25.00	\$25.00
Reconnect Fee - Business Hours (Administrative charge to re-establish service after discontinuance for non-payment)	\$25.00	\$25.00	\$25.00	\$25.00
After-Hours Reconnect Fee (Available until 9:00 pm)	\$75.00	\$75.00	\$75.00	\$75.00
Returned Bank Fee (Amount of bank item plus return fee - CASH, MONEY ORDER or CERTIFIED CHECK ONLY)	Per NCGS 25-3-506	Per NCGS 25-3-506	Per NCGS 25-3-506	Per NCGS 25-3-506
Court Costs	Actual	Actual	Actual	Actual
Elder Valve	Actual plus 10%	Actual plus 10%	Actual plus 10%	Actual plus 10%

Overhills Park Water and Sewer District Sanitary Sewer Rate Schedule

Connection Fees and Charges

1. Sewer Laterals:

An estimate shall be given to the applicant prior to installation and shall be paid by the applicant prior to any installation of laterals to be connected to the sewer system. All charges include labor, equipment and materials required for the installation of the specified pipe size or sizes.

2. Main Extension Charges:

An estimate shall be given to the applicant prior to installation and shall be paid by the applicant prior to extending the main in the sewer district. All charges include labor, equipment and materials required for the installation of the specified pipe size or sizes.

3. Debt Charge:

A debt charge equaling the sum of the Availability Charges that would have been paid had the customer connected when the main was first available.



ENGINEERING AND INFRASTRUCTURE DEPARTMENT

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022 **AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JERMAINE WALKER, E & I DIRECTOR

DATE: 5/6/2022

SUBJECT: AMENDMENTS TO THE NORCRESS WATER AND SEWER DISTRICT RATE STRUCTURE

Requested by: AMY CANNON, COUNTY, MANAGER

Presenter(s): JERMAINE WALKER, E & I DIRECTOR

BACKGROUND

A review of the operational costs of the NORCRESS sewer system, has revealed the present rate of collections for sewer service is not meeting the costs being incurred by the system for operations and maintenance. There have been increases by the sewer service provider, chemical provider, and electrical providers. At the present rate we are not generating any revenue to set aside as a capital reserve fund to pay for replacement equipment or needed repairs.

The rates were last increased in 2018, in which the increase raised the rate on residential sewer service to \$7.50 per 1,000 gallons, commercial sewer service to \$8.00 per 1,000 gallons and flat rate services to \$33.42 per month. The attached rate structure is proposed for the NORCRESS Water and Sewer District. This proposed rate structure must be mailed to all the customers on the system no later than June 1st and will go into effect on July 1, 2022. The existing rate structure and proposed rate structure are provided in the chart below.

The NORCRESS Advisory Board, consisting of Mayors from Wade, Falcon, and Godwin, met to discuss the proposed rate increases and changes on May 9th.

<u>Rate Description</u>	<u>Current Rate</u>	<u>Proposed Rate</u>
Residential Sewer Customers	\$7.50/thousand gallons	\$9.50/thousand gallons

Commercial Sewer Customers	\$8.00/thousand gallons	\$10.00/thousand gallons
Industrial Sewer Customers	-	\$11.00/thousand gallons
Flat Rate Sewer Customers	\$33.42 per month	\$45.00 per month
Operation & Maintenance Fee Residential	\$3.00 per month	\$6.50 per month
Operation & Maintenance Fee Commercial	\$2.00/thousand gallons	\$7.50 per month
Operation & Maintenance Fee Industrial	-	\$3.00/thousand gallons
Administration Fee	\$2.00 per month	\$2.00 per month
Local Town Fee	\$1.75 per month	\$2.00 per month

The attached rate structure also includes a suggested rate increase of 5% per year for the next three years. Research by the UNC School of Government indicates that many other utilities have taken this approach to addressing long term operations and maintenance needs. The benefit of setting the rates this way allows the customers to know exactly how much the rates will be increased yearly as opposed to something different each year.

RECOMMENDATION / PROPOSED ACTION

The Public Utilities Department and County Management recommend that the item be placed on the May 16, 2022, Board of Commissioners agenda and the NORCRESS Governing Board agenda as a consent item.

ATTACHMENTS:

Description

NORCRESS FY23 Rate Structure

Type

Backup Material

NORCRESS Water and Sewer District Sanitary Sewer Rate Schedule

Availability Fee shall be the fee charged to all customers to which a County water or sewer line has been made directly

Monthly Rate shall be the sum of the Availability Fee, Administration Fee, Operation and Maintenance Fee, and Town Fee.

Monthly Sewer Usage Rate shall be the sum of the Sewer Usage Charge, Availability fee, Administration Fee, Operation and Maintenance Fee and Town Fee.

RESIDENTIAL RATES AS OF:	July 1, 2022	July 1, 2023	July 1, 2024	July 1, 2025
Availability Fee	\$10.00	\$10.00	\$10.00	\$10.00
Administration Fee	\$2.00	\$2.00	\$2.00	\$2.00
Operation and Maintenance Fee	\$6.50	\$6.83	\$7.18	\$7.54
Town Fee	\$2.00	\$2.00	\$2.00	\$2.00
Sewer Usage Charge	\$9.50 per 1,000 Gallons	\$9.98 per 1,000 Gallons	\$10.48 per 1,000 Gallons	\$11.01 per 1,000 Gallons
COMMERCIAL RATES AS OF:	July 1, 2022	July 1, 2023	July 1, 2024	July 1, 2025
Availability Fee	\$10.00	\$10.00	\$10.00	\$10.00
Administration Fee	\$2.00	\$2.00	\$2.00	\$2.00
Operation and Maintenance Fee	\$7.50	\$7.88	\$8.28	\$8.70
Town Fee	\$2.00	\$2.00	\$2.00	\$2.00
Sewer Usage Charge	\$10.00 per 1,000 Gallons	\$10.50 per 1,000 Gallons	\$11.03 per 1,000 Gallons	\$11.59 per 1,000 Gallons
FLAT RATE SEWER RATES AS OF:	July 1, 2022	July 1, 2023	July 1, 2024	July 1, 2025
Availability Fee	\$10.00	\$10.00	\$10.00	\$10.00
Administration Fee	\$2.00	\$2.00	\$2.00	\$2.00
Operation and Maintenance Fee	\$6.50	\$6.83	\$7.18	\$7.54
Town Fee	\$2.00	\$2.00	\$2.00	\$2.00
Flat Rate Usage Charge	\$45.00	\$47.25	\$49.62	\$52.11

NORCRESS Water and Sewer District Sanitary Sewer Rate Schedule

INDUSTRIAL SEWER RATES AS OF:	July 1, 2022	July 1, 2023	July 1, 2024	July 1, 2025
Availability Fee	\$10.00	\$10.00	\$10.00	\$10.00
Administration Fee	\$2.00	\$2.00	\$2.00	\$2.00
Operation and Maintenance Fee	\$3.00 per 1,000 gallons	\$3.45 per 1,000 gallons	\$3.97 per 1,000 gallons	\$4.57 per 1,000 gallons
Town Fee	\$2.00	\$2.00	\$2.00	\$2.00
Industrial Usage Charge	\$11.00 per 1,000 Gallons	\$12.65 per 1,000 Gallons	\$14.55 per 1,000 Gallons	\$16.73 per 1,000 Gallons

Other Fees

RATES AS OF:	July 1, 2020	July 1, 2021	July 1, 2022	July 1, 2023
Deposit	\$100.00	\$100.00	\$100.00	\$100.00
Late Penalty	\$10.00	\$10.00	\$10.00	\$10.00
Processing Fee per Collection Action	\$30.00	\$30.00	\$30.00	\$30.00
Administrative Filing Fee per Collection Action	\$100.00	\$100.00	\$100.00	\$100.00
Disconnect Fee (Administrative charge to discontinue service for non-payment)	\$25.00	\$25.00	\$25.00	\$25.00
Reconnect Fee - Business Hours (Administrative charge to re-establish service after discontinuance for non-payment)	\$25.00	\$25.00	\$25.00	\$25.00
After-Hours Reconnect Fee (Available until 9:00 pm)	\$75.00	\$75.00	\$75.00	\$75.00
Returned Bank Fee (Amount of bank item plus return fee - CASH, MONEY ORDER or CERTIFIED CHECK ONLY)	Per NCGS 25-3-506	Per NCGS 25-3-506	Per NCGS 25-3-506	Per NCGS 25-3-506
Court Costs	Actual	Actual	Actual	Actual
Elder Valve	Actual plus 10%	Actual plus 10%	Actual plus 10%	Actual plus 10%

Connection Fees and Charges

1. Facility Investment Fee:

The Facility Investment Fee (FIF) are fees imposed by PWC on new users connecting to the sewer system. FIFs are based on the customer's water meter size.

<u>Size of Water Meter</u>	<u>Facility Investment Fee</u>
5/8"	\$1,107.00
1"	\$1,738.00
1 1/2"	\$4,749.00
2"	\$6,321.00

Facility Investment Fees for water meter sizes 3" or larger shall be determined by an engineering estimate.

2. Sewer Laterals:

An estimate shall be given to the applicant prior to installation and shall be paid by the applicant prior to any installation of laterals to be connected to the sewer system. All charges include labor, equipment and materials required for the installation of the specified pipe size or sizes.

3. Main Extension Charges:

An estimate shall be given to the applicant prior to installation and shall be paid by the applicant prior to extending the main in the sewer district. All charges include labor, equipment and materials required for the installation of the specified pipe size or sizes.

4. Debt Charge:

A debt charge equaling the sum of the Availability Charges that would have been paid had the customer connected when the main was first available.



OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: COUNTY ATTORNEY

DATE: 5/3/2022

SUBJECT: REQUEST OF LAW OFFICE OF K D WHITE FOR REFUND OF EXCISE TAX

Requested by: LAW OFFICE OF K D WHITE

Presenter(s): COUNTY ATTORNEY

BACKGROUND

The Law Offices of K. D. White has requested a refund of the county's one-half of the excise tax paid for the following recording:

Deed recorded in Book 11126 at page 802 with the excise tax incorrectly shown as \$900 instead of \$90; one-half of tax is \$450

The register of deeds has recommended that this refund be granted in the total amount of \$450. The county attorney has reviewed the recorded documents and confirmed that the stated excise tax is \$900 which reflects a sales price of \$450,000. The county attorney reviewed the sales history and determined the property was sold in 2007 for \$70,000 and has a current tax value of \$40,000. The county attorney recommends the refund based on the sales history and tax value

G.S. § 105-228.37 governs this refund process. The board of commissioners must conduct a hearing on the request after at least 10 days' notice of the hearing to the taxpayer. Notice of the hearing was provided to the taxpayer by email sent by the county attorney to the taxpayer on May 2, 2022. This is not a public hearing. The county may only refund one-half of the total tax because the county only received one-half of the tax and the state received the other half. The refund cannot be granted until the taxpayer records a new instrument reflecting the correct amount of the tax due in accordance with G.S. § 105-228.37(e). The register of deeds

must notify the finance officer and the secretary of revenue when the corrective instrument has been recorded. The refund will bear interest pursuant to the statute.

RECOMMENDATION / PROPOSED ACTION

The county attorney recommends that the board set a hearing on this matter at its May 16, 2022, meeting at 6:45 p.m. and grant the taxpayer's request for this refund by adopting the following resolution:

Whereas, this matter was heard by the Board of Commissioners May 16, 2022; and

Whereas, the Law Offices of K. D. White requested a refund of the county's one-half of the excise tax paid for the following recording:

Deed recorded in Book 11126 at page 802 with the excise tax incorrectly shown as \$900 instead of \$90; one-half of tax is \$450; and

Whereas, the county attorney reported that the sales history of the property conveyed by the referenced deed shows that the property was sold in 2007 for \$70,000 and has a current tax value of \$40,000.

Be it resolved, that the Cumberland County Board of Commissioners finds that the facts stated above warrant the refund of the excise tax as requested by the taxpayer.

Be it further resolved, that upon the taxpayer recording a new instrument reflecting the correct amount of the tax due in accordance with G.S. § 105-228.37(e), the register of deeds shall notify the finance officer and the secretary of revenue of the board's action in this matter and the county finance officer shall refund the taxpayer one-half of the excise tax in the amount of \$450 with interest as provided by G.S. § 105-228.37.



OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: COUNTY ATTORNEY

DATE: 5/3/2022

**SUBJECT: REQUEST OF SINGLE SOURCE REAL ESTATE SERVICES INC. FOR
REFUND OF EXCISE TAX**

Requested by: SINGLE SOURCE REAL ESTATE SERVICES INC.

Presenter(s): COUNTY ATTORNEY

BACKGROUND

Single Source Real Estate Services, Inc., has requested a refund of the county's one-half of the excise tax paid for the following recordings:

- (1) Duplicate recording of deed in Book 10714 at pages 52 and 85; one-half of tax is \$351.50
- (2) Recording deed in Book 10782 at page 427 which should have been recorded in Hoke County; one-half of tax is \$179.50
- (3) Recording deed in Book 11431 at page 153 which should have been recorded in Harnett County; one-half of tax is \$320

The register of deeds has recommended that these refunds be granted in the total amount of \$851. The county attorney has reviewed the recorded documents and confirmed that the reasons stated by the taxpayer for each is correct and is a sufficient basis for granting the refunds.

G.S. § 105-228.37 governs this refund process. The board of commissioners must conduct a hearing on the request after at least 10 days' notice of the hearing to the taxpayer. Notice of the hearing was provided to the taxpayer by email sent by the county attorney to the taxpayer on May 2, 2022. This is not a public hearing.

The county may only refund one-half of the total tax because the county only received one-half of the tax and the state received the other half. The refund cannot be granted until the taxpayer records a corrective document for each of the recordings that complies with G.S. § 105-228.37(e). The register of deeds must notify the finance officer and the secretary of revenue when the corrective instrument has been recorded. The refund will bear interest pursuant to the statute.

RECOMMENDATION / PROPOSED ACTION

The county attorney recommends that the board set a hearing on this matter at its May 16, 2022, meeting at 6:45 p.m. and grant the taxpayer's request for these refunds by adopting the following resolution:

Whereas, this matter was heard by the Board of Commissioners May 16, 2022; and

Whereas, Real Estate Services, Inc., has requested a refund of the county's one-half of the excise tax paid for the following recordings:

- (1) Duplicate recording of deed in Book 10714 at pages 52 and 85; one-half of tax is \$351.50
- (2) Recording deed in Book 10782 at page 427 which should have been recorded in Hoke County; one-half of tax is \$179.50
- (3) Recording deed in Book 11431 at page 153 which should have been recorded in Harnett County; one-half of tax is \$320; and

Whereas, the county attorney reported that he had reviewed the recorded documents and confirmed that the reasons stated by the taxpayer for each is correct and is a sufficient basis for granting the refunds.

Be it resolved, that the Cumberland County Board of Commissioners finds that the facts stated above warrant the refund of the excise tax as requested by the taxpayer.

Be it further resolved, that upon the taxpayer recording a recording a corrective document for each of the recordings that complies with G.S. § 105-228.37(e), the register of deeds shall notify the finance officer and the secretary of revenue of the board's action in this matter and the county finance officer shall refund the taxpayer one-half of the excise taxes in the total amount of \$851 with interest as provided by G.S. § 105-228.37.



OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: TYE VAUGHT, MANAGEMENT ANALYST

DATE: 5/5/2022

SUBJECT: ARP COMMITTEE RECOMMENDATIONS: ARP POLICIES AND GRANT PROJECT ORDINANCE

Requested by: ARP COMMITTEE

Presenter(s): BRENDA REID JACKSON, ARP PROGRAM MANAGER

BACKGROUND

The American Rescue Plan Committee met on May 2, 2022. The committee recommended the following items be placed on the May 12, 2022 agenda for consideration:

- Non-Discrimination Policy
- Conflict of Interest Policy
- Conflict of Interest Disclosure Form
- Eligibility Determination Policy
- Project Funding Eligibility Determination Form
- Aid to Non-Profit Organizations Policy Revision
- Aid to Non-Profit Organizations Responsive Proposal Review Guidelines
- ARPA Grant Project Ordinance Proposed Revisions

RECOMMENDATION / PROPOSED ACTION

Staff requests the recommendations be forwarded to the May 16, 2022 Board of Commissioners Meeting as a Consent Agenda item.

ATTACHMENTS:

Description	Type
Non-Discrimination Policy	Backup Material
Conflict of Interest Policy	Backup Material
Eligibility Determination Policy	Backup Material
Project Funding Eligibility Determination Form	Backup Material
Aid to Non-Profit Organizations Policy Revision	Backup Material
Aid to Non-Profit Organizations Responsive Proposal Review Guidelines	Backup Material
ARPA Grant Project Ordinance Proposed Revisions	Backup Material

Cumberland County
Section I – Board Approved Policies
Subsection 3 – Cumberland County Financial/Audit
Policy No. 3-10: Policy of Nondiscrimination: American Rescue Plan Act Coronavirus
State and Local Fiscal Recovery Funds
(ARPA/CLSRF)

1.0 PURPOSE

Cumberland County has received an allocation of funds from the “Coronavirus State Fiscal Recovery Fund” or “Coronavirus Local Fiscal Recovery Fund” (together “CSLFRF funds”), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the “ARP/CSLFRF award”). These funds are subject to the U.S. Department of Treasury (“Treasury”) regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22.

2.0 SCOPE

As a condition of receiving CSLFRF funds, Cumberland County agrees to follow all federal statutes and regulations prohibiting discrimination in its administration of CSLFRF under the terms and conditions of the ARP/CSLFRF award, including, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin within programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury’s implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

3.0 STATEMENT OF THE POLICY

It is the policy of Cumberland County to ensure that no person shall, on the ground of race, color, national origin (including limited English Proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity administered by Cumberland County, including programs or activities that are funded in whole or part, with Coronavirus State and Local Fiscal Recovery Funds

Cumberland County
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("CLSFRR"), which Cumberland County received from the U.S. Department of Treasury ("Treasury") pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (herein the "ARP/CLSFRR award").

GOVERNING STATUTORY & REGULATORY AUTHORITIES

As required by the CLSFRR award terms and conditions, Cumberland County shall ensure that each "activity," "facility," or "program"¹ that is funded in whole, or in part, with CLSFRR and administered under the ARP/CLSFRR award, will be facilitated, operated, or conducted in compliance with the following federal statutes and federal regulations prohibiting discrimination. These include, but are not limited to, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age within programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

DISCRIMINATION PRACTICES PROHIBITED IN THE ADMINISTRATION OF ARP/CLSFRR AWARD

¹ 22 C.F.R. § 22.3 defines "program" and "activity" as all operations of an entity, including local governments, that receive Federal financial assistance, and the departments, agencies, or special purpose districts of the local governments to which Federal financial assistance is distributed. "Federal financial assistance" includes, among other things, grants and loans of federal funds. "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

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To ensure compliance with Title VII of the Civil Rights Act of 1964, and Title 31 Code of Federal Regulations, Part 22, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities, Cumberland County shall prohibit, at a minimum, the following practices in its administration of CLSFRR pursuant to the ARP/CLSFRR award:

1. Denying to a person any service, financial aid, or other program benefit without good cause;
2. Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program.
3. Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;
4. Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet to be provided any service, financial aid, or other benefit provided under the program;
6. Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program;
7. Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
8. Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;
9. **Unlawfully** discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment;
10. Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because an individual made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

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REPORTING & ENFORCEMENT

1. Cumberland County shall cooperate in any enforcement or compliance review activities by the Department of the Treasury. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. Cumberland County shall comply with information requests, on-site compliance reviews, and reporting requirements.
2. Cumberland County shall maintain a complaint log and inform the Treasury of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, whether pending or completed, including the outcome. Cumberland County shall inform the Treasury if it has received no complaints under Title VI.
3. Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Treasury. Any such complaint must be in writing and filed with the Treasury's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.
4. Any person who believes that because of that person's race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability that he/she/they have been discriminated against or unfairly treated by Cumberland County in violation of this policy should contact the following office within 180 days from the date of the alleged discriminatory occurrence:

Primary Contact: Chief Diversity Officer
Office of the County Manager
Cumberland County Courthouse, 5th Floor
117 Dick Street
Fayetteville, NC 28302-1829
(910) 678-7723

Secondary Contact: Employee Relations Manager
Cumberland County Human Resources Department
County Courthouse, 117 Dick Street, Room 25
Fayetteville, NC 28301
(910)-678-7653

CUMBERLAND COUNTY BOARD OF COMMISSIONERS

CONFLICT OF INTEREST POLICY

**APPLICABLE TO CONTRACTS AND SUBAWARDS OF CUMBERLAND COUNTY
SUPPORTED BY FEDERAL FINANCIAL ASSISTANCE**

Adopted May _____, 2022

I. Scope of Policy

- a. Purpose of Policy. This Conflict of Interest Policy ("*Policy*") establishes conflict of interest standards that (1) apply when Cumberland County ("*Unit*") enters into a Contract (as defined in Section II hereof) or makes a Subaward (as defined in Section II hereof), and (2) meet or exceed the requirements of North Carolina law and 2 C.F.R. § 200.318(c).
- b. Application of Policy. This Policy shall apply when the Unit (1) enters into a Contract to be funded, in part or in whole, by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies, or (2) makes any Subaward to be funded by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies. If a federal statute, regulation, or the terms of a financial assistance agreement applicable to a particular form of Federal Financial Assistance conflicts with any provision of this Policy, such federal statute, regulation, or terms of the financial assistance agreement shall govern.

II. Definitions

Capitalized terms used in this Policy shall have the meanings ascribed thereto in this Section II: Any capitalized term used in this Policy but not defined in this Section II shall have the meaning set forth in 2 C.F.R. § 200.1.

- a. "*COI Point of Contact*" means any individual identified in Section III of this Policy.
- b. "*Contract*" means, for the purpose of Federal Financial Assistance, a legal instrument by which the Unit purchases property or services needed to carry out a program or project under a federal award.
- c. "*Contractor*" means an entity or individual that receives a Contract.
- d. "*Covered Individual*" means a Public Officer, employee, or agent of the Unit.
- e. "*Covered Nonprofit Organization*" means a nonprofit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes, excluding any board, entity, or other organization created by the State of North Carolina or the Unit.

- f. “*Direct Benefit*” means, with respect to a Public Officer or employee of the Unit, or the spouse of any such Public Officer or employee, (i) having a ten percent (10%) ownership interest or other interest in a Contract or Subaward; (ii) deriving any income or commission directly from a Contract or Subaward; or (iii) acquiring property under a Contract or Subaward.
- g. “*Federal Financial Assistance*” means federal financial assistance that the Unit receives or administers in the form of grants, cooperative agreements, non-cash contributions or donations of property (including donated surplus property), direct appropriations, food commodities, and other federal financial assistance (except that the term does not include loans, loan guarantees, interest subsidies, or insurance).
- h. “*Governing Board*” means the Board of County Commissioners of the Unit.
- i. “*Immediate Family Member*” means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
- j. “*Involved in Making or Administering*” means (i) with respect to a Public Official or employee, (a) overseeing the performance of a Contract or Subaward or having authority to make decisions regarding a Contract or Subaward or to interpret a Contract or Subaward, or (b) participating in the development of specifications or terms or in the preparation or award of a Contract or Subaward, (ii) only with respect to a Public Official, being a member of a board, commission, or other body of which the Public Official is a member, taking action on the Contract or Subaward, whether or not the Public Official actually participates in that action.
- k. “*Pass-Through Entity*” means a non-federal entity that provides a Subaward to a Subrecipient to carry out part of a federal program.
- l. “*Public Officer*” means an individual who is elected or appointed to serve or represent the Unit (including, without limitation, any member of the Governing Board), other than an employee or independent contractor of the Unit.
- m. “*Recipient*” means an entity, usually but not limited to non-federal entities, that receives a federal award directly from a federal awarding agency. The term does not include Subrecipients or individuals that are beneficiaries of the award.
- n. “*Related Party*” means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

- o. “*Subaward*” means an award provided by a Pass-Through Entity to carry out part of a federal award received by the Pass-Through Entity. It does not include payments to a contractor or payments to a contractor or payments to an individual that is a beneficiary of a federal program.
- p. “*Subcontract*” means mean any agreement entered into by a Subcontractor to furnish supplies or services for the performance of a Contract or a Subcontract. It includes, but is not limited to, purchase orders, and changes and modifications to purchase orders.
- q. “*Subcontractor*” means an entity that receives a Subcontract.
- r. “*Subrecipient*” means an entity, usually but not limited to non-Federal entities, that receives a subaward from a Pass-Through Entity to carry out part of a federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a federal awarding agency.
- s. “*Unit*” has the meaning specified in Section I hereof.

III. COI Point of Contact.

The county manager may appoint an employee of the Unit to have primary responsibility for managing the disclosure and resolution of potential or actual conflicts of interest arising under this Policy on a grant-by-grant or project basis. The individual with responsibility for managing the disclosure and resolution of potential or actual conflicts of interest under this Section III shall be known as the “*COI Point of Contact*.”

IV. Conflict of Interest Standards in Contracts and Subawards

- a. North Carolina Law. North Carolina law restricts the behavior of Public Officials and employees of the Unit involved in contracting on behalf of the Unit. The Unit shall conduct the selection, award, and administration of Contracts and Subawards in accordance with the prohibitions imposed by the North Carolina General Statutes and restated in this Section IV.
 - i. G.S. § 14-234(a)(1). A Public Officer or employee of the Unit Involved in Making or Administering a Contract or Subaward on behalf of the Unit shall not derive a Direct Benefit from such a Contract or Subaward.
 - ii. G.S. § 14-234(a)(3). No Public Officer or employee of the Unit may solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a Contract or Subaward by the Unit.
 - iii. G.S. § 14-234.3. If a member of the Governing Board of the Unit serves as a director, officer, or governing board member of a Covered Nonprofit Organization, such member shall not (1) deliberate or vote on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, (2) attempt

to influence any other person who deliberates or votes on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, or (3) solicit or receive any gift, favor, reward, service, or promise of future employment, in exchange for recommending or attempting to influence the award of a Contract or Subaward to the Covered Nonprofit Organization.

- iv. G.S. § 14-234.1. A Public Officer or employee of the Unit shall not, in contemplation of official action by the Public Officer or employee, or in reliance on information which was made known to the public official or employee and which has not been made public, (1) acquire a pecuniary interest in any property, transaction, or enterprise or gain any pecuniary benefit which may be affected by such information or other information, or (2) intentionally aid another in violating the provisions of this section.

b. Federal Standards.

- i. Prohibited Conflicts of Interest in Contracting. Without limiting any specific prohibition set forth in Section IV(a), a Covered Individual may not participate in the selection, award, or administration of a Contract or Subaward if such Covered Individual has a real or apparent conflict of interest.

1. Real Conflict of Interest. A real conflict of interest shall exist when the Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward. Exhibit A attached hereto provides a non-exhaustive list of examples of (i) financial or other interests in a firm considered for a Contract or Subaward, and (ii) tangible personal benefits from a firm considered for a Contract or Subaward.

2. Apparent Conflict of Interest. An apparent conflict of interest shall exist where a real conflict of interest may not exist under Section IV(b)(i)(1), but where a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the appearance that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.

- ii. Identification and Management of Conflicts of Interest.

1. Duty to Disclose.

Each Covered Individual expected to be or actually involved in the selection, award, or administration of a Contract or Subaward has an ongoing duty to disclose to the COI Point of Contact, or the county manager if a COI Point of Contact has not been designated, potential real or apparent conflicts of interest arising under this Policy.

2. Notice of Disclosure.

Upon the county manager's receipt of notice of a potential conflict of interest under this Section IV, the county manager shall consult with the county attorney to determine the appropriate action to be taken to address it and report such proposed action to the Governing Board.

V. Oversight of Subrecipient's Conflict of Interest Standards

- a. Subrecipients of Unit Must Adopt Conflict of Interest Policy. Prior to the Unit's execution of any Subaward for which the Unit serves as a Pass-Through Entity, the county manager shall ensure that the proposed Subrecipient of Federal Financial Assistance has adopted a conflict of interest policy that satisfies the requirements of 2 C.F.R. § 200.318(c)(1), 2 C.F.R. § 200.318(c)(2), and all other applicable federal regulations.
- b. Obligation to Disclose Subrecipient Conflicts of Interest. The county manager shall ensure that the legal agreement under which the Unit makes a Subaward to a Subrecipient shall require such Subrecipient to disclose to the COI Point of Contact designated in the agreement any potential real or apparent conflicts of interest that the Subrecipient identifies. Upon receipt of such disclosure, the county manager shall disclose such information to the federal awarding agency that funded the Subaward in accordance with that agency's disclosure policy.

VI. Gift Standards

- a. Federal Standard. Subject to the exceptions set forth in Section VI(b), a Covered Individual may not solicit or accept gratuities, favors, or anything of monetary value from a Contractor or a Subcontractor.
- b. Exception. Notwithstanding Section VI(a), a Covered Individual may accept an unsolicited gift from a Contractor or Subcontractor of one or more types specified below if the gift has an aggregate market value of \$20 or less per source per occasion, provided that the aggregate market value of all gifts received by the Covered Individual pursuant to this Section VI(b) does not exceed \$50 in a calendar year:
 - i. honorariums for participating in meetings;
 - ii. advertising items or souvenirs of nominal value; or
 - iii. meals furnished at banquets.
- c. Internal Reporting. A Covered Individual shall report any gift accepted under Section VI(b) to the COI Point of Contact or the county manager if a COI Point of Contact has not been designated. If required by regulation of a federal awarding agency, the COI Point of Contact or county manager shall report such gifts to the federal awarding agency or a Pass-Through Entity for which the Unit is a Subrecipient.

VII. Violations of Policy

- a. Disciplinary Actions for Covered Individuals. Any Covered Individual that fails to disclose a real, apparent, or potential real or apparent conflict of interest arising with respect to the Covered Individual or Related Party may be subject to disciplinary action, including, but not limited to, an employee's termination or suspension of employment with or without pay, the consideration or adoption of a resolution of censure of a Public Official by the Governing Board, or termination of an agent's contract with the Unit.
- b. Disciplinary Actions for Contractors and Subcontractors. The Unit shall terminate any Contract with a Contractor or Subcontractor that violates any provision of this Policy.
- c. Protections for Whistleblowers. In accordance with 41 U.S.C. § 4712, Unit shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant: (i) a member of Congress or a representative of a committee of Congress; (ii) an Inspector General; (iii) the Government Accountability Office; (iv) a Treasury or other federal agency employee responsible for grant oversight or management; (v) an authorized official of the Department of Justice or other law enforcement agency; (vi) a court or grand jury; or (vii) a management official or other employee of the Unit, a Contractor, or Subcontractor who has the responsibility to investigate, discover, or address misconduct.

* * * * *

Adopted this the _____ day of April, 2022.

EXHIBIT A

Examples

<i>Potential Examples of a “Financial or Other Interest” in a Firm or Organization Considered for a Contract or Subaward</i>	<i>Potential Examples of a “Tangible Personal Benefit” From a Firm or Organization Considered for a Contract or Subaward</i>
Direct or indirect equity interest in a firm or organization considered for a Contract or Subaward, which may include: <ul style="list-style-type: none">- Stock in a corporation.- Membership interest in a limited liability company.- Partnership interest in a general or limited partnership.- Any right to control the firm or organization’s affairs. For example, a controlling equity interest in an entity that controls or has the right to control a firm considered for a contract.- Option to purchase any equity interest in a firm or organization.	Opportunity to be employed by the firm considered for a contract, an affiliate of that firm, or any other firm with a relationship with the firm considered for a Contract. A position as a director or officer of the firm or organization, even if uncompensated.
Holder of any debt owed by a firm considered for a Contract or Subaward, which may include: <ul style="list-style-type: none">- Secured debt (e.g., debt backed by an asset of the firm (like a firm’s building or equipment))- Unsecured debt (e.g., a promissory note evidencing a promise to repay a loan).<ul style="list-style-type: none">o Holder of a judgment against the firm.	A referral of business from a firm considered for a Contract or Subaward.
Supplier or contractor to a firm or organization considered for a Contract or Subaward.	Political or social influence (e.g., a promise of appointment to an local office or position on a public board or private board).



ARP CONFLICT OF INTEREST DISCLOSURE FORM FOR CONTRACTS AND SUBAWARDS

Name:	
County Department or Employer:	
Position/Job Title:	
Date of Completion:	

Background: Cumberland County has received an allocation of funds from the "Coronavirus State Fiscal Recovery Fund" or "Coronavirus Local Fiscal Recovery Fund" (together "CSLFRF funds"), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the "ARP/CSLFRF award"). These funds are subject to the U.S. Department of Treasury ("Treasury") regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22.

Purpose: Compliance with conflict of interest standards when Cumberland County enters into a Contract or Subaward using federal financial assistance such as ARP/CSLFRF funding. The purpose of disclosure of financial and personal interests (business, professional, or political) related to covered individuals is to avoid real or apparent conflicts of interest as it relates to contracts or subawards supported by federal financial assistance. Covered individuals include Public Officers such as the Board of Commissioners, employees or anyone involved in the selection, decision-making, award, or administrative process of the contract or subaward.

Covered Individuals have an affirmative duty to disclose any real or apparent conflicts of interest between their public and private interests. Also, personal relationships that may inappropriately influence (bias) or appear to influence actions must be disclosed.

Please answer the following questions:

I acknowledge that I have reviewed and understand Cumberland County's Conflict of Interest Policy.

Yes _____ No _____

If no, do not proceed to complete this form until you have reviewed the County's Conflict of Interest Policy.

1. Do you or your spouse or someone that you reside with serve as a director, officer, or governing board member of the firm that is under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

--

2. Do you or your spouse or someone that you reside with have a ten percent (10%) ownership interest or other interest in the firm that is under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

--

3. Do you or your spouse or someone that you reside with have any financial interest in the firm that is under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

4. Do you or your spouse or someone that you reside with derive any income or commission directly from the firm that is under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

5. Will you or your spouse or someone that you reside with acquire any property as a result of the firm under consideration being awarded the Contract or Subaward?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

6. Will you or your spouse or someone that you reside receive any tangible personal benefit as a result of the firm under consideration being awarded the Contract or Subaward? See Exhibit A attached hereto for a non-exhaustive list of examples of (i) financial or other interests in a firm considered for a Contract or Subaward, and (ii) tangible personal benefits from a firm considered for a Contract or Subaward.

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

7. Do you or your spouse or someone that you reside with have any financial interest in any property, transaction, employer (other than the county), business or enterprise which may be affected by the approval of the Contract or Subaward to the firm under consideration?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

8. Will you or your spouse or someone that you reside with gain any financial benefits (regardless of the amount) by the approval of the Contract or Subaward to the firm under consideration?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

9. Will you or your spouse or someone that you reside with derive any type of benefit (financial or otherwise) from the approval of the Contract or Subaward to the firm under consideration?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

10. Have you or your spouse or someone that you reside with solicited or received any gift, favor, reward, service, or promise of reward, including a promise of future employment in exchange for recommending, influencing or attempting to influence the award of the Contract or Subaward to the firm under consideration?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

For purposes of the following questions your "Immediate Family Members" include: (i) your spouse and their parents, (ii) your child, (iii) your parent and any spouse of your parent, (iv) your sibling and any spouse of your sibling, (v) your grandparents or grandchildren, and the spouses of each, (vi) any domestic partner of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with you is the equivalent of a family relationship.

11. Do you have an Immediate Family Member with any financial interest in the firm under consideration for the Contract or subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

12. Do you have an Immediate Family Member that will receive a tangible personal benefit from the firm under consideration for the Contract or subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

13. Do you have an Immediate Family Member who has any type of interest (financial or otherwise) in the firm under consideration for the Contract or subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

14. Does a current or potential employer of any of your Immediate Family Members have a financial or other interest in the firm under consideration for the Contract or subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

15. Will a current or potential employer of any of your Immediate Family Members receive a tangible personal benefit should the firm under consideration receive the Contract or subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

16. Do you or your spouse or someone that you reside with have any contact with or any kind of relationship with the owners or employees or anyone associated with the firm under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

17. Does any existing personal or business situation or personal or business relationship create the appearance that you have a financial or other interest in the firm under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

18. Does any existing personal or business situation or personal or business relationship create the appearance that you will receive a tangible personal benefit from the firm under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

19. Does any existing personal or business situation or personal or business relationship of an Immediate Family Member of yours create the appearance that an Immediate Family Member of yours has a financial or other interest in a firm under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

20. Does any existing personal or business situation or personal or business relationship of an Immediate Family Member of yours create the appearance that an Immediate Family Member of yours will receive a tangible benefit from the firm under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

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If replying "Yes" to questions 1 through 20 above, the ARP/CSLFRF County Designee will complete a description of the steps that will be taken to address any conflicts of interest.

Signature:		Date:	
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For County Designee Use Only

Identified Real or Apparent Conflict of Interest	Action Steps
County Designee	
Name:	
County Department:	
Position/Job Title:	
Date of Completion:	

Cumberland County
Section I – Board Approved Policies
Subsection 3 – Cumberland County Financial/Audit
Policy No. 3-9: Policy for Eligibility Determination for Expenditures of American Rescue
Plan Act Coronavirus State and Local Fiscal Recovery Funds
(ARPA/CLSFRRF)

1.0 PURPOSE

Cumberland County has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARPA/CLSFRRF). A separate ARPA fund has been established through an ARPA Grant Project Ordinance to budget and account for receipt and use of the funds.

2.0 SCOPE

These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Provide services to disproportionately impacted communities to include providing housing support, healthy childhood environments, social, emotional and mental health services;
4. Provide premium pay for essential workers offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors;
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.
6. Revenue replacement; and,
7. Administrative expenses.

These funds are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the [Assistance Listing](#); and the [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#) which dictate implementation of the ARP/CLSFRRF award terms and compliance requirements. Cumberland County must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

3.0 STATEMENT OF THE POLICY

Cumberland County hereby adopts and enacts the following Eligibility Determination Policy for the expenditure of ARPA/CLSFRRF funds.

PERMISSIBLE USES OF ARP/CSLFRF FUNDING

US Treasury issued its **Final Rule** regarding use of ARPA funds on January 6, 2022. (The Final Rule is effective as of April 1, 2022. Until that date, a local government may proceed under the regulation promulgated by US Department of the Treasury in its **Interim Final Rule** or the Final Rule.) The Final Rule (and the Interim Final Rule) identify permissible uses of ARP/CSLFRF funds and certain limitations and process requirements. Cumberland County must allocate ARP/CSLFRF funds no later than December 31, 2024 and disburse all funding no later than December 31, 2026. Failure of an entity to expend all funds by December 31, 2026 will result in forfeiture of ARPA funds.

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

PROHIBITED USES OF ARPA FUNDING

The ARP/CSLFRF and US Treasury's Final Rule prohibit certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.);
2. To borrow money or make debt service payments;
3. To replenish rainy day funds or fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding (There is an exception to this prohibition if the settlement or judgment requires Cumberland County to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed.);
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

Cumberland County and any of its contractors or subrecipients, shall not expend any ARP/CSLFRF funds for these purposes.

PROCEDURES FOR PROJECT APPROVAL

The following are procedures for ARP/CSLFRF project approvals. All Cumberland County employees and officials must comply with these requirements.

1. Requests for ARP/CSLFRF funding eligibility determination, must be documented on the Cumberland County ARPA Project Funding Eligibility Determination Form which shall include all the following:
 - a. Brief description of the project
 - b. Identification of ARP/CSLFRF Expenditure Category (EC)
 - c. Required justifications for applicable projects, according to the requirements in the Final Rule.
 - d. Proposed budget, broken down by cost item, in accordance with Cumberland County's Allowable Cost Policy.
 - e. A project implementation plan and estimated implementation timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.)
2. Eligibility Determination forms must be submitted to Cumberland County's ARPA Staff Committee for consideration and preliminary review.
3. If a proposal does not meet the required criteria as documented on the form, the requesting party may be requested to revise and resubmit.
4. All requests being recommended to move forward to the Board of Commissioner's ARP Committee will be reviewed by the County Attorney's Office for ARP/CSLFRF compliance and by the ARPA Finance Accountant for contractor/sub-recipient relationship determination other financial review such as a valid SAM registration (if applicable) and vendor setup information required to establish a formal agreement with Cumberland County.
5. Following approval, employees responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget. Any changes in project budgets must be approved in advance and may require a budget amendment before proceeding. Any delay in the projected project completion date shall be communicated to the ARPA Program Manager immediately.
6. The ARPA Finance Accountant must collect and document required information for each EC, for purposes of completing the required Project and Expenditure reports.
7. No ARP/CSLFRF project expenditures may be obligated or expended before the Board of County Commissioners approves the use within the grant project budget ordinance.
8. For audit purposes, the ARPA Finance Accountant must maintain a file containing project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.

Cumberland County American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Fund Project Funding Eligibility Determination

Reference Cumberland County Policy No. 3-9 – Policy for Eligibility Determination for Expenditure of ARPA/CLSRF

BASIC INFORMATION AND DESCRIPTION

Program/Project Name:	
Program/Project Description:	
Responsible Department/Committee:	
Program/Project Manager Name:	
Total Amount Requested:	
Treasury Expenditure Category Level:	Choose an item.
Treasury Expenditure Category:	Choose an item.

ELIGIBILITY REVIEW

Please select appropriate ARP/CLSRF Category below and complete the required information. Note that each requested project may only be associated with one of the following categories as selected above. Please complete all information in the applicable category and attach any required additional justifications and documentation.

1. Public Health		
A. Enumerated Uses/ Safe Harbors (Must select one) <input type="checkbox"/> COVID-19 mitigation & prevention* <input type="checkbox"/> Medical expenses* <input type="checkbox"/> Behavioral health care* <input type="checkbox"/> Preventing & responding to violence* <input type="checkbox"/> Not on Enumerated List (Must complete Box B.)		
<i>*See detailed list of enumerated projects in each of these categories in Attachment A.</i>		
B. Written Justification (Please provide detailed responses to both these questions if checked "Not on Enumerated List" in Box A) (1) What is the specific negative public health impact or harm experienced by an individual or a class? (2) How does proposed project address the negative public health impact or harm?		
C. Is the project reasonably designed to benefit the individual or class that experienced a public health impact or harm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
D. Is the project related and reasonably proportional to the extent and type of public health impact or harm experienced?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
E. Does proposed project involve a capital expenditure between \$1 million and \$10 million?	<input type="checkbox"/> Yes – Proceed to Box F.	<input type="checkbox"/> No – Proceed to Box G.
F. Is proposed project on enumerated list in Box A? <i>*Written justification must include the following elements:</i> <ul style="list-style-type: none"> Describe the harm or need to be addressed; Explain why a capital expenditure is appropriate; and Compare the proposed capital expenditure to at least two alternative capital expenditures and demonstrate why the proposed capital expenditure is superior. 	<input type="checkbox"/> Yes – Record written justification* in file, but not required in Project & Expenditure Reports	<input type="checkbox"/> No – Record written justification* in file and include in Project & Expenditure Reports

G. Does the proposed project involve a capital expenditure of \$10 million or more?	<input type="checkbox"/> Yes – Record written justification* for file and include in Project & Expenditure Reports	<input type="checkbox"/> No – No further action required.
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2. Negative Economic Impact

A. Enumerated Beneficiaries (Must select one)
**See detailed list of enumerated beneficiaries and income in [Attachment B](#).*

Beneficiaries Who Experience Negative Economic Impact from the Pandemic <ul style="list-style-type: none"> <input type="checkbox"/> Low-moderate income households or communities <input type="checkbox"/> Household that experienced unemployment <input type="checkbox"/> Households that experienced increased food or housing insecurity <input type="checkbox"/> Households that qualify for the Children’s Health Insurance Program, Childcare Subsidies through the Child Care Development Fund Program, or Medicaid <input type="checkbox"/> When providing affordable housing programs: households that qualify for the National Housing Trust Fund and Home Investment Partnerships Program <input type="checkbox"/> When providing services to address lost instructional time in K-12 schools: any student that lost access to in-person instruction for a significant period <input type="checkbox"/> Small business that experienced decreased revenue or gross receipts, increased costs, financial insecurity, or other financial challenges due to the pandemic <input type="checkbox"/> Nonprofit the experienced decreased revenue, increased costs, financial insecurity, or other financial challenges due to the pandemic <input type="checkbox"/> Travel, tourism, hospitality industries <input type="checkbox"/> Other industry that experienced at least 8% employment loss from pre-pandemic levels or is experiencing comparable or worse economic impacts as national tourism, travel, and hospitality sector <input type="checkbox"/> Local government 	Beneficiaries Who Experienced Disproportionately Negative Economic Impact from the Pandemic <ul style="list-style-type: none"> <input type="checkbox"/> Low-income households and communities <input type="checkbox"/> Households residing in a Qualified Census Tract (QCT) <input type="checkbox"/> Households that qualify for Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Free- and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income (SSI), Head Start and/or Early Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Section 8 Vouchers, Low-Income Home Energy Assistance Program (LIHEAP), and Pell Grants. For services to address educational disparities, Treasury will recognize Title I eligible schools as disproportionately impacted and responsive services that support the school generally or support the whole school as eligible. <input type="checkbox"/> Small businesses operating in a Qualified Census Tract (QCT) <input type="checkbox"/> Nonprofits operating in a Qualified Census Tract (QCT) <p style="text-align: right;"><input type="checkbox"/> Not on enumerated list (Must complete Box B.)</p>
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B. Written Justification (Provide detailed response to this question if proposed beneficiary not on enumerated list in Box A)
 Define the group/class/geographical area that experienced a negative economic impact from the COVID-19 pandemic. Be specific in defining group/class/area and in defining the negative economic impact to the group/class/area.

C. Enumerated / Safe Harbor Projects (Must Select One)

Projects for Negatively Economically Impacted <u>Households & Communities</u> <ul style="list-style-type: none"> <input type="checkbox"/> Food assistance & food banks <input type="checkbox"/> Emergency housing assistance: rental assistance, mortgage 	Projects for Disproportionately Negatively Economically Impacted <u>Households & Communities</u> <ul style="list-style-type: none"> <input type="checkbox"/> Pay for community health workers to help households access health & social services
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assistance, utility assistance, assistance paying delinquent property taxes, counseling and legal aid to prevent eviction and homelessness & emergency programs or services for homeless individuals, including temporary residences for people experiencing homelessness

- ☐ Health insurance coverage expansion
- ☐ Benefits for surviving family members of individuals who have died from COVID-19
- ☐ Assistance to individuals who want and are available for work, including job training, public jobs programs and fairs, support for childcare and transportation to and from a jobsite or interview, incentives for newly- employed workers, subsidized employment, grants to hire underserved workers, assistance to unemployed individuals to start small businesses & development of job and workforce training centers
- ☐ Financial services for the unbanked and underbanked
- ☐ Burials, home repair & home weatherization
- ☐ Programs, devices & equipment for internet access and digital literacy, including subsidies for costs of access
- ☐ Cash assistance
- ☐ Paid sick, medical, and family leave programs
- ☐ Assistance in accessing and applying for public benefits or services
- ☐ Childcare and early learning services, home visiting programs, services for child welfare- involved families and foster youth & childcare facilities
- ☐ Assistance to address the impact of learning loss for K-12 students (e.g., high-quality tutoring, differentiated instruction)
- ☐ Programs or services to support long-term housing security: including development of affordable housing and permanent supportive housing

Small Businesses

- ☐ Loans or grants to mitigate financial hardship, such as by supporting payroll and benefits, costs to retain employees, and mortgage, rent, utility, and other operating costs
- ☐ Technical assistance, counseling, or other services to support business planning

Nonprofits

- ☐ Loans or grants to mitigate financial hardship
- ☐ Technical or in-kind assistance or other services that mitigate negative economic impacts of the pandemic

Travel, Tourism, Hospitality Industry

- ☐ Aid to mitigate financial hardship, such as supporting payroll costs, lost pay and benefits for returning employees, support of operations and maintenance of existing equipment and facilities
- ☐ Technical assistance, counseling, or other services to support business planning
- ☐ COVID-19 mitigation and infection prevention measures (see section Public Health)

- ☐ Remediation of lead paint or other lead hazards
- ☐ Primary care clinics, hospitals, integration of health services into other settings, and other investments in medical equipment & facilities designed to address health disparities
- ☐ Housing vouchers & assistance relocating to neighborhoods with higher economic opportunity
- ☐ Investments in neighborhoods to promote improved health outcomes
- ☐ Improvements to vacant and abandoned properties, including rehabilitation or maintenance, renovation, removal and remediation of environmental contaminants, demolition or deconstruction, greening/vacant lot cleanup & conversion to affordable housing
- ☐ Services to address educational disparities, including assistance to high-poverty school districts & educational and evidence-based services to address student academic, social, emotional, and mental health needs
- ☐ Schools and other educational equipment & facilities

Small Businesses

- ☐ Rehabilitation of commercial properties, storefront improvements & façade improvements
- ☐ Technical assistance, business incubators & grants for start-up or expansion costs for small businesses
- ☐ Support for microbusinesses, including financial, childcare, and transportation costs

Local Government

- ☐ Public safety, public health, and human services salaries/benefits, to extent responding to the COVID-19 public health emergency
- ☐ Restoring pre-pandemic employment levels
- ☐ Effective service delivery

☐ Not on enumerated list (Must proceed to Box D.)

D. Written Justification (Provide detailed response to this question if proposed project not on enumerated list in Box C.)

- (1) What is the specific negative economic impact or harm caused or exacerbated by the pandemic?
- (2) How does the proposed project address the impact or harm?

E. Is the project reasonably designed to benefit the individual or class that experienced a public health impact or harm?

☐ Yes

☐ No

F. Is the project related and reasonably proportional to the extent and type of public health impact or harm experienced?

☐ Yes

☐ No

G. Does proposed project involve a capital expenditure between \$1 million and \$10 million?

☐ Yes – Proceed to H.

☐ No – Go to Box I.

H. Is proposed project on enumerated list in Box C?

**Written justification must include the following elements:*

- Describe the harm or need to be addressed;
- Explain why a capital expenditure is appropriate; and
- Compare the proposed capital expenditure to at least two alternative capital expenditures and demonstrate why the proposed capital expenditure is superior.

☐ Yes – Record written justification* for file, but not required in Project & Expenditure Reports

☐ No – Record written justification* for file and include in Project & Expenditure Reports

I. Does the proposed project involve a capital expenditure of \$10 million or more?

☐ Yes – Record written justification* for file and include in Project & Expenditure Reports

☐ No – No further action needed

3. Premium Pay

Please provide description of project and attach any necessary documentation. Must conform with requirements in 31 CFR 35.6(c). (More details on this expenditure category are available [here](#).)

4. Water, Sewer, Stormwater Infrastructure

Please provide description of project and attach any necessary documentation. Must conform with requirements in 31 CFR 35.6(e)(1).

5. Broadband Infrastructure

Please provide description of project and attach any necessary documentation. Must conform with requirements in 31 CFR 35.6(e)(2).

6. Revenue Loss

This portion of ARP/CSLFRF funds may be used for the provision of government services. Please provide description of project and attach any necessary documentation. Note that water, sewer, stormwater, and broadband projects may be funded in this category, without having to meet all of the criteria specified in the other categories.

Key Project Dates

Due Date	Task Type	Task Description	Status
	Choose an item.		Choose an item.
	Choose an item.		Choose an item.
	Choose an item.		Choose an item.

Proposed Project Budget, delineated by Cost Item for Allowable Cost Review

U.G. Provisions	Cost Items	Estimated Amount	Necessary/ Reasonable	% Allocable	Required Documentation
200.430	Compensation		Choose an item.		
200.431	Fringe Benefits		Choose an item.		
200.475	Travel		Choose an item.		

200.439	Equipment & Other Capital		Choose an item.		
200.453	Materials & Supplies		Choose an item.		
200.318 & 200.92	Contractual Services & Subawards		Choose an item.		
200.459	Consultants / Professional Services		Choose an item.		
200.465	Occupancy (Rent & Utilities)		Choose an item.		
200.471	Telecommunications		Choose an item.		
200.473	Training & Education		Choose an item.		
200.413 (c)	Direct Administrative Costs		Choose an item.		
	Add'l Cost Item		Choose an item.		
	Total Direct Costs		Choose an item.		
200.414	Indirect Costs		Choose an item.		
Total Project Budget					

PROHIBITIONS VERIFICATION:

By checking these boxes, the [REVIEWER NAME HERE] attests that the statements are true.

- | | |
|--|---|
| <input type="checkbox"/> Project does not contravene the statutory purpose of ARP, including program, service, or capital expenditure that includes a term or condition that undermines efforts to stop the spread of COVID-19
<input type="checkbox"/> No Conflict of Interest | <input type="checkbox"/> Complies with all state and federal laws and local ordinance
<input type="checkbox"/> No pension fund deposit
<input type="checkbox"/> No borrowings or debt service
<input type="checkbox"/> No financial reserves |
|--|---|

STOP HERE – REVIEW MOVES FORWARD ONLY IF PROJECT IS BEING RECOMMENDED TO THE BOARD OF COMMISSIONERS' ARP COMMITTEE

Administrative Classification – to determine whether contractor/vendor OR sub-recipient/subaward, complete Attachment C. After completing Attachment C and the determination is Sub-recipient/subaward, complete Attachment D – Risk Assessment. The level of risk will determine the needed monitoring at levels described on Attachment E - Monitoring.

Administration Type	<input type="checkbox"/> In-House	<input type="checkbox"/> Contractor/Vendor	<input type="checkbox"/> Sub-Recipient/Subaward
If Contractor/Vendor or Sub-recipient, has this been verified using the Classification Checklist?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Program Sub-Recipient and/or Contractor List:

Name	Tax ID #	Completion of Classification Checklist?	Contractor or Sub-Recipient	DUNS #/UEI	Date checked SAM.gov
		Choose an item.	Choose an item.		
		Choose an item.	Choose an item.		
		Choose an item.	Choose an item.		

JUSTIFICATION AND LEGAL REVIEW FOR STATE AUTHORITY:

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DRAFT 5-2-22 ARP COMMITTEE

ATTACHMENT A (PAGE 1)

SPECIFIC ENUMERATED PROJECTS FROM THE FINAL RULE

RESPONDING TO THE PUBLIC HEALTH EMERGENCY

While the country has made tremendous progress in the fight against COVID-19, including a historic vaccination campaign, the disease still poses a grave threat to Americans' health and the economy. Providing state, local, and Tribal governments the resources needed to fight the COVID-19 pandemic is a core goal of the Coronavirus State and Local Fiscal Recovery Funds, as well as addressing the other ways that the pandemic has impacted public health. Treasury has identified several public health impacts of the pandemic and enumerated uses of funds to respond to impacted populations.

- **COVID-19 mitigation and prevention.** The pandemic has broadly impacted Americans and recipients can provide services to prevent and mitigate COVID-19 to the general public or to small businesses, nonprofits, and impacted industries in general. Enumerated eligible uses include:

- | | |
|--|---|
| ✓ Vaccination programs, including vaccine incentives and vaccine sites | ✓ Support for prevention, mitigation, or other services in congregate living facilities, public facilities, and schools |
| ✓ Testing programs, equipment and sites | ✓ Support for prevention and mitigation strategies in small businesses, nonprofits, and impacted industries |
| ✓ Monitoring, contact tracing & public health surveillance (e.g., monitoring for variants) | ✓ Medical facilities generally dedicated to COVID-19 treatment and mitigation (e.g., ICUs, emergency rooms) |
| ✓ Public communication efforts | ✓ Temporary medical facilities and other measures to increase COVID-19 treatment capacity |
| ✓ Public health data systems | ✓ Emergency operations centers & emergency response equipment (e.g., emergency response radio systems) |
| ✓ COVID-19 prevention and treatment equipment, such as ventilators and ambulances | ✓ Public telemedicine capabilities for COVID-19 related treatment |
| ✓ Medical and PPE/protective supplies | |
| ✓ Support for isolation or quarantine | |
| ✓ Ventilation system installation and improvement | |
| ✓ Technical assistance on mitigation of COVID-19 threats to public health and safety | |
| ✓ Transportation to reach vaccination or testing sites, or other prevention and mitigation services for vulnerable populations | |

ATTACHMENT A (PAGE 2)

- **Medical expenses.** Funds may be used for expenses to households, medical providers, or others that incurred medical costs due to the pandemic, including:

- ✓ Unreimbursed expenses for medical care for COVID-19 testing or treatment, such as uncompensated care costs for medical providers or out-of-pocket costs for individuals
- ✓ Paid family and medical leave for public employees to enable compliance with COVID-19 public health precautions
- ✓ Emergency medical response expenses
- ✓ Treatment of long-term symptoms or effects of COVID-19

- **Behavioral health care, such as mental health treatment, substance use treatment, and other behavioral health services.** Treasury recognizes that the pandemic has broadly impacted Americans' behavioral health and recipients can provide these services to the general public to respond. Enumerated eligible uses include:

- ✓ Prevention, outpatient treatment, inpatient treatment, crisis care, diversion programs, outreach to individuals not yet engaged in treatment, harm reduction & long-term recovery support
- ✓ Enhanced behavioral health services in schools
- ✓ Services for pregnant women or infants born with neonatal abstinence syndrome
- ✓ Support for equitable access to reduce disparities in access to high-quality treatment
- ✓ Peer support groups, costs for residence in supportive housing or recovery housing, and the 988 National Suicide Prevention Lifeline or other hotline services
- ✓ Expansion of access to evidence-based services for opioid use disorder prevention, treatment, harm reduction, and recovery
- ✓ Behavioral health facilities & equipment

- **Preventing and responding to violence.** Recognizing that violence – and especially gun violence – has increased in some communities due to the pandemic, recipients may use funds to respond in these communities through:

- ✓ Referrals to trauma recovery services for victims of crime
- ✓ Community violence intervention programs, including:
 - Evidence-based practices like focused deterrence, with wraparound services such as behavioral therapy, trauma recovery, job training, education, housing and relocation services, and financial assistance
- ✓ In communities experiencing increased gun violence due to the pandemic:
 - Law enforcement officers focused on advancing community policing
 - Enforcement efforts to reduce gun violence, including prosecution
 - Technology & equipment to support law enforcement response

ATTACHMENT B (PAGE 1)

SPECIFIC ENUMERATED BENEFICIARIES AND INCOME FROM THE FINAL RULE

The pandemic caused severe economic damage and, while the economy is on track to a strong recovery, much work remains to continue building a robust, resilient, and equitable economy in the wake of the crisis and to ensure that the benefits of this recovery reach all Americans. While the pandemic impacted millions of American households and businesses, some of its most severe impacts fell on low-income and underserved communities, where pre-existing disparities amplified the impact of the pandemic and where the most work remains to reach a full recovery.

The final rule recognizes that the pandemic caused broad-based impacts that affected many communities, households, and small businesses across the country; for example, many workers faced unemployment and many small businesses saw declines in revenue. The final rule describes these as "impacted" households, communities, small businesses, and nonprofits.

At the same time, the pandemic caused disproportionate impacts, or more severe impacts, in certain communities. For example, low-income and underserved communities have faced more severe health and economic outcomes like higher rates of COVID-19 mortality and unemployment, often because pre-existing disparities exacerbated the impact of the pandemic. The final rule describes these as "disproportionately impacted" households, communities, small businesses, and nonprofits.

To simplify administration of the program, the final rule presumes that certain populations were "impacted" and "disproportionately impacted" by the pandemic; these populations are presumed to be eligible for services that respond to the impact they experienced. The final rule also enumerates a non-exhaustive list of eligible uses that are recognized as responsive to the impacts or disproportionate impacts of COVID-19. Recipients providing enumerated uses to populations presumed eligible are clearly operating consistently with the final rule.

As discussed further in the section Framework for Eligible Uses Beyond Those Enumerated, recipients can also identify other pandemic impacts, impacted or disproportionately impacted populations or classes, and responses.

However, note that the final rule maintains that general infrastructure projects, including roads, streets, and surface transportation infrastructure, would generally not be eligible under this eligible use category, unless the project responded to a specific pandemic public health need or a specific negative economic impact. Similarly, general economic development or workforce development – activities that do not respond to negative economic impacts of the pandemic but rather seek to more generally enhance the jurisdiction's business climate – would generally not be eligible under this eligible use category.

ATTACHMENT B (PAGE 2)

Assistance to Households

Impacted Households and Communities

Treasury presumes the following households and communities are impacted by the pandemic:

- ✓ Low- or-moderate income households or communities
- ✓ Households that experienced unemployment
- ✓ Households that experienced increased food or housing insecurity
- ✓ Households that qualify for the Children's Health Insurance Program, Childcare Subsidies through the Child Care Development Fund (CCDF) Program, or Medicaid
- ✓ *When providing affordable housing programs:* households that qualify for the National Housing Trust Fund and Home Investment Partnerships Program
- ✓ *When providing services to address lost instructional time in K-12 schools:* any student that lost access to in-person instruction for a significant period of time



Low- or moderate-income households and communities are those with (i) income at or below 300 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines or (ii) income at or below 65 percent of the area median income for the county and size of household based on the most recently published data. For the vast majority of communities, the Federal Poverty Guidelines are higher than the area's median income and using the Federal Poverty Guidelines would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

The income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$65,880 per year.³ In other words, recipients can always presume that a household earning below this level, or a community with median income below this level, is impacted by the pandemic and eligible for services to respond. Additionally, by following the steps detailed in the section Framework for Eligible Uses Beyond Those Enumerated, recipients may designate additional households as impacted or disproportionately impacted beyond these presumptions, and may also pursue projects not listed below in response to these impacts consistent with Treasury's standards.



³ For recipients in Alaska, the income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$82,350 per year. For recipients in Hawaii, the income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$75,780 per year.

ATTACHMENT B (PAGE 3)

Treasury recognizes the enumerated projects below, which have been expanded under the final rule, as eligible to respond to impacts of the pandemic on households and communities:

- ✓ Food assistance (e.g., child nutrition programs, including school meals) & food banks
- ✓ Emergency housing assistance: rental assistance, mortgage assistance, utility assistance, assistance paying delinquent property taxes, counseling and legal aid to prevent eviction and homelessness & emergency programs or services for homeless individuals, including temporary residences for people experiencing homelessness
- ✓ Health insurance coverage expansion
- ✓ Benefits for surviving family members of individuals who have died from COVID-19
- ✓ Assistance to individuals who want and are available for work, including job training, public jobs programs and fairs, support for childcare and transportation to and from a jobsite or interview, incentives for newly-employed workers, subsidized employment, grants to hire underserved workers, assistance to unemployed individuals to start small businesses & development of job and workforce training centers
- ✓ Financial services for the unbanked and underbanked
- ✓ Burials, home repair & home weatherization
- ✓ Programs, devices & equipment for internet access and digital literacy, including subsidies for costs of access
- ✓ Cash assistance
- ✓ Paid sick, medical, and family leave programs
- ✓ Assistance in accessing and applying for public benefits or services
- ✓ Childcare and early learning services, home visiting programs, services for child welfare-involved families and foster youth & childcare facilities
- ✓ Assistance to address the impact of learning loss for K-12 students (e.g., high-quality tutoring, differentiated instruction)
- ✓ Programs or services to support long-term housing security: including development of affordable housing and permanent supportive housing
- ✓ Certain contributions to an Unemployment Insurance Trust Fund⁴

⁴ Recipients may only use SLFRF funds for contributions to unemployment insurance trust funds and repayment of the principal amount due on advances received under Title XII of the Social Security Act up to an amount equal to (i) the difference between the balance in the recipient's unemployment insurance trust fund as of January 27, 2020 and the balance of such account as of May 17, 2021, plus (ii) the principal amount outstanding as of May 17, 2021 on any advances received under Title XII of the Social Security Act between January 27, 2020 and May 17, 2021. Further, recipients may use SLFRF funds for the payment of any interest due on such Title XII advances. Additionally, a recipient that deposits SLFRF funds into its unemployment insurance trust fund to fully restore the pre-pandemic balance may not draw down that balance and deposit more SLFRF funds, back up to the pre-pandemic balance. Recipients that deposit SLFRF funds into an unemployment insurance trust fund, or use SLFRF funds to repay principal on Title XII advances, may not take action to reduce benefits available to unemployed workers by changing the computation method governing regular unemployment compensation in a way that results in a reduction of average weekly benefit amounts or the number of weeks of benefits payable (i.e., maximum benefit entitlement).

ATTACHMENT B (PAGE 4)

Disproportionately Impacted Households and Communities

Treasury presumes the following households and communities are disproportionately impacted by the pandemic:

- ✓ Low -income households and communities
- ✓ Households residing in Qualified Census Tracts
- ✓ Households that qualify for certain federal benefits⁵
- ✓ Households receiving services provided by Tribal governments
- ✓ Households residing in the U.S. territories or receiving services from these governments

Low-income households and communities are those with (i) income at or below 185 percent of the Federal Poverty Guidelines for the size of its household based on the most recently published poverty guidelines or (ii) income at or below 40 percent of area median income for its county and size of household based on the most recently published data. For the vast majority of communities, the Federal Poverty Guidelines level is higher than the area median income level and using this level would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the service they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

The income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$40,626 per year.⁶ In other words, recipients can always presume that a household earning below this level, or a community with median income below this level, is disproportionately impacted by the pandemic and eligible for services to respond.

⁵ These programs are Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Free- and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income (SSI), Head Start and/or Early Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Section 8 Vouchers, Low-Income Home Energy Assistance Program (LIHEAP), and Pell Grants. For services to address educational disparities, Treasury will recognize Title I eligible schools as disproportionately impacted and responsive services that support the school generally or support the whole school as eligible.

⁶ For recipients in Alaska, the income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$50,783 per year. For recipients in Hawaii, the income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$46,731 per year.

ATTACHMENT B (PAGE 5)

Treasury recognizes the enumerated projects below, which have been expanded under the final rule, as eligible to respond to disproportionate impacts of the pandemic on households and communities:

- ✓ Pay for community health workers to help households access health & social services
- ✓ Remediation of lead paint or other lead hazards
- ✓ Primary care clinics, hospitals, integration of health services into other settings, and other investments in medical equipment & facilities designed to address health disparities
- ✓ Housing vouchers & assistance relocating to neighborhoods with higher economic opportunity
- ✓ Investments in neighborhoods to promote improved health outcomes
- ✓ Improvements to vacant and abandoned properties, including rehabilitation or maintenance, renovation, removal and remediation of environmental contaminants, demolition or deconstruction, greening/vacant lot cleanup & conversion to affordable housing⁷
- ✓ Services to address educational disparities, including assistance to high-poverty school districts & educational and evidence-based services to address student academic, social, emotional, and mental health needs
- ✓ Schools and other educational equipment & facilities
- ✓ Responses available to respond to impacts of the pandemic on households and communities

⁷ Please see the final rule for further details and conditions applicable to this eligible use. This includes Treasury's presumption that demolition of vacant or abandoned residential properties that results in a net reduction in occupable housing units for low- and moderate-income individuals in an area where the availability of such housing is lower than the need for such housing is ineligible for support with SLFRF funds.

Attachment C (Page 1)

Cumberland County Checklist to Determine if Partner Entity is a Subrecipient or Contractor Classification for Purposes of the Uniform Guidance

DEFINITIONS FROM UNIFORM GUIDANCE (2 CFR 200):

- Subrecipient:** *§200.93 Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding*
- Contractor:** *§200.23 Contractor means an entity that receives a contract as defined in §200.22*
- Contract:** *§200.22 Contract means a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award.*

INSTRUCTIONS: Complete sections one and two of the checklist by marking all characteristics that apply to the outside entity. The section with the greatest number of marked characteristics indicates the likely type of relationship the entity will have with Cumberland County. On occasion there may be exceptions to the type of relationship indicated by the completed checklist. In these situations, the substance of the relationship should be given greater consideration than the form of agreement between Cumberland County and the outside entity. Section 3 should be used to provide documentation on the use of judgment in determining the proper relationship classification.

ATTACHMENT C (PAGE 2)

NAME OF OUTSIDE ENTITY:

SECTION 1 - SUBRECIPIENT. *A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. Characteristics which support the classification of the non-Federal entity as a subrecipient include when the contractor:*

- ☐ Determines who is eligible to receive what Federal assistance;
- ☐ Has its performance measured in relation to whether objectives of a Federal program were met;
- ☐ Has responsibility for programmatic decision-making;
- ☐ In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

Entities that include these characteristics are responsible for adherence to applicable Federal program requirements specified in the Federal award.

SECTION 2 - CONTRACTOR. *A contract is for the purpose of obtaining goods and services for the non-Federal entity's own use and creates a procurement relationship with the contractor. Characteristics indicative of a procurement relationship between the non-Federal entity and a contractor are when the non-Federal entity receiving the Federal funds:*

- ☐ Procurement relationship
- ☐ Provides the goods and services within normal business operations;
- ☐ Provides similar goods or services to many different purchasers;
- ☐ Normally operates in a competitive environment;
- ☐ Provides goods or services that are ancillary to the operation of the Federal program.

Entities that include these characteristics are not subject to compliance requirements of the Federal program because of the agreement, though similar requirements may apply for other reasons.

SECTION 3 - USE OF JUDGMENT. (Use only when the determination cannot clearly be made using the above criteria) *In determining whether an agreement between a pass-through entity and another non-Federal entity casts the latter as a subrecipient or a contractor, the substance of the relationship is more important than the form of the agreement. All the characteristics listed above may not be present in all cases, and the pass-through entity must use judgment in classifying each agreement as a subaward or a procurement contract.*

Explanation of Use of Judgment Determination:

FINAL DETERMINATION:

- ☐ SUBRECIPIENT
- ☐ CONTRACTOR

Signature:

Date:

ATTACHMENT D

Subrecipient Risk Assessment Tool

Subrecipient Entity Name:

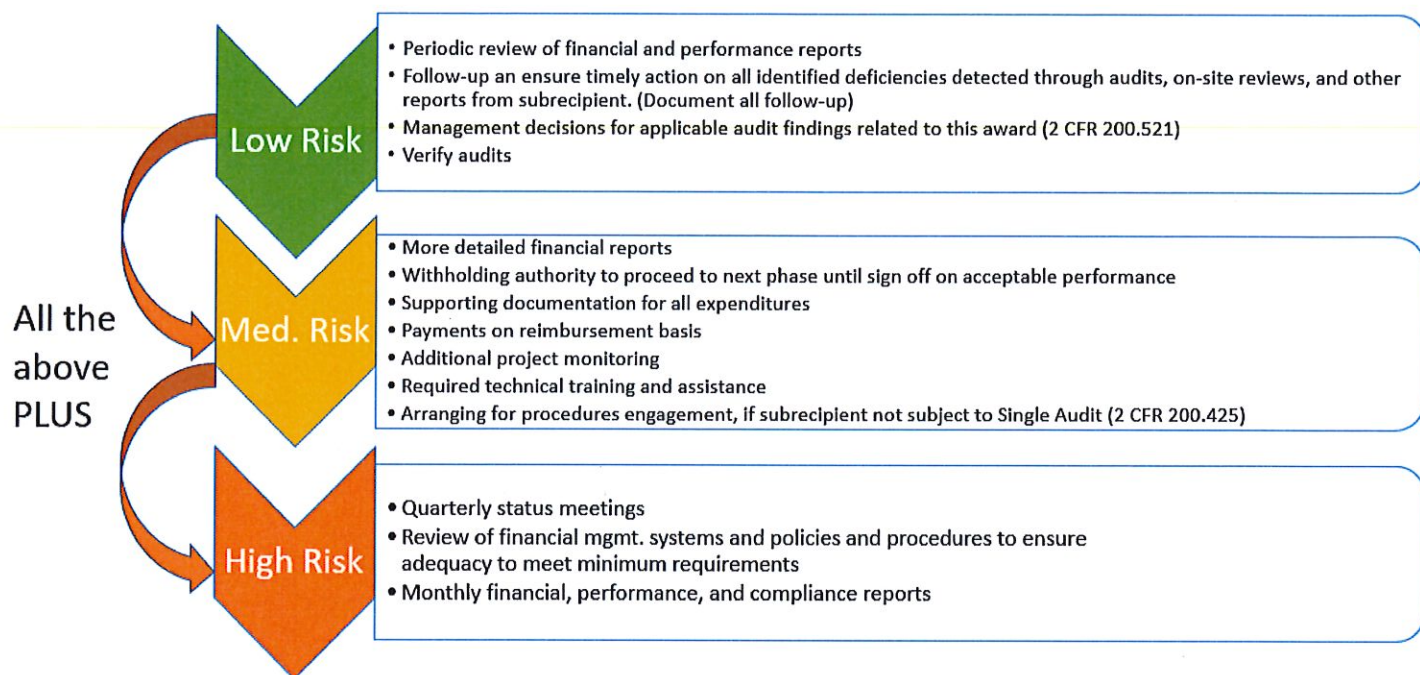
Reviewer Name:

Source for risk assessment determination (circle all that apply): most recent audit, org chart, staff resumes, project staff credentials, listing of entity federal awards by year, financial policies review. Place a check mark beside the applicable risk measure below.

LOW RISK	
<input type="checkbox"/>	No audit findings
<input type="checkbox"/>	Minor audit findings & assessed as low risk by auditor
<input type="checkbox"/>	Successful history with federal awards
<input type="checkbox"/>	Seasoned staff and systems
MEDIUM RISK	
<input type="checkbox"/>	Organization without prior experience with federal awards
<input type="checkbox"/>	Newer staff or systems
<input type="checkbox"/>	Limited prior audits
HIGH RISK	
<input type="checkbox"/>	No prior audits
<input type="checkbox"/>	Prior audit findings with major deficiencies/material weakness
<input type="checkbox"/>	Organization without sufficient personnel, accounting systems & internal controls

ATTACHMENT E

Monitoring



DRAFT 5-2-22 ART

The following [revised](#) policy was approved at the _____ Board of Commissioner's meeting.

Cumberland County

Section I – Board Approved Policies

Subsection 10: American Rescue Plan Act of 2021

**[Revised](#) Policy No. 10-2.10: Aid to Nonprofit Organizations Serving Residents
Affected by COVID-19 Impacts**

1.0 PURPOSE

Cumberland County has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARPA/CSLFRF). The Board of Commissioners approved allocating ARPA funding to nonprofit organizations that conduct programs and projects that help the community recover from and respond to COVID-19 and its negative impacts and to aid in a strong and equitable recovery.

2.0 SCOPE

The County will seek proposals from nonprofit organizations [or will provide direct subawards](#) for projects or programs to help the Cumberland County community respond to and recover from COVID-19. Proposals [and subawards](#) should align with the priorities of ARPA funding and further the County Board of Commissioners' goals. Collaborative proposals are welcome and collaborating nonprofit organizations should select a lead entity for application submission and contracting purposes.

Funded projects must:

- Meet the eligible use of funds for Coronavirus State and Local Fiscal Recovery Funds, per [U.S. Treasury guidance](#)
- Meet the eligible use of funds per the [Federal Office of Management and Budget Uniform Guidance](#).
- Meet a public purpose and fall within County authority to fund per NC General Statutes, to be affirmed and reviewed by the Cumberland County legal department prior to execution of a contract or funding agreement.
- Identify and directly address a need or negative impact of the COVID-19 public health emergency
- Support equitable outcomes for most impacted populations
- Leverage and align with other funding sources
- Make best use of this one-time infusion of resources
- [Support evidence-based outcomes](#)
- Provide [evidence-based](#) performance reporting regarding use of funds and project impact
- Comply with all provisions of the funding contract, including expenditure tracking and federal subrecipient monitoring include costs incurred no earlier than March 3, 2021
- All funds must be obligated by December 31, 2024
- Complete all work and fully expend all funds by December 31, 2026

The following [revised](#) policy was approved at the _____ Board of Commissioner's meeting.

Cumberland County

Section I – Board Approved Policies

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- Comply with all provisions of the funding contract, including expenditure tracking and federal subrecipient monitoring include costs incurred no earlier than March 3, 2021
- All funds must be obligated by December 31, 2024
- Complete all work and fully expend all funds by December 31, 2026

3.0 STATEMENT OF THE POLICY

Cumberland County will solicit funding requests through a competitive Request for Proposal process. Proposals will be assessed by members of the Cumberland County ARPA Staff Committee using a scoring tool. [The ARPA Staff Committee may designate a Review Panel to assist with the assessment of proposals.](#) Proposals need to clearly demonstrate eligibility under ARPA guidance and must include a budget utilizing the Budget Template for ARPA Projects form.

[Note: The Board of Commissioners has the authority to subaward ARPA/SLFRF funds to nonprofit and/or other governmental entities without conducting a competitive bid process. \(Reference April 4, 2022 UNC SOG Training\)](#)

Programs must be reasonably connected to a legitimate aim of government and the ultimate gain must be in the public's interest, not that of the private entity. [Bid award](#) Recommendations will be presented to the commissioners' ARP Committee. The ARP Committee funding recommendations will go to the full Board of Commissioners for approval. Once [grants/funds](#) are awarded, contracts [or subawards](#) will be established in compliance with the Fiscal Recovery Compliance and Reporting Guidance and general federal subrecipient requirements.

The ARPA Staff Committee will review, analyze, and rank [proposed all](#) submittals based on their response to the information requested. [The ARPA Staff Committee may designate a Review Panel to assist with reviewing, analyzing, and ranking the proposals submitted.](#) The selection process will include the following criteria in the evaluation of proposals.

- Amount of Funds Requested
- Recovery Fund Eligible Category
- Project Plan
- Statement of Need
- Link to COVID-19
- Population Served
- Results
- Evaluation
- [Evidence-based performance metrics](#)
- Equity Impact
- Project Partners
- Organizational Capacity
- Budget
- Special Considerations
- Federal, State or Local Assistance Related to COVID-19 previously applied for and/or received

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4.0 IMPLEMENTATION

The Assistance to Nonprofit Organization program will be implemented internally by the County. A Cumberland County ARPA Staff Committee will vet the requests for proposals using a scoring instrument.

Recommendations for funding will be presented to the ARP Committee with final approval

| coming from the Board of Commissioners. A contractual [or subaward](#) relationship will be
| established between the County and the nonprofit to ensure compliance with county, state and
| federal guidelines._

Draft 5-2-22 ARP Committee

Implementation and enforcement of this policy shall be the responsibility of County Administration, Finance, and Legal.

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Draft 5-2-22 ARP Committee

Aid to Non-Profit Organizations
RESPONSIVE PROPOSAL REVIEW GUIDELINES

The following guidelines are based on the American Rescue Plan Act of 2021- Assistance to Non-Profit Organizations Policy No. 10-2.10 as revised during the May 16 2022, Board of County Commissioner's meeting.

NOTE: A Conflict-of-Interest Disclosure Form must be completed before the review process begins IAW the County's Conflict of Interest Policy.

REVIEW GUIDELINES

1. Minimum Requirement Review – Cumberland County Purchasing will conduct an initial screening to ensure the proposal is complete/responsive.
2. Programmatic Review – The ARP Staff Committee may designate a Panel to conduct a review; complete the ARPA Project Funding Eligibility Determination Form, analyze, and rank all proposals by using a scoring tool (Attachment A) based on the below criteria.
 - Amount of Funds Requested
 - Recovery Fund Eligible Category
 - Project Plan
 - Statement of Need
 - Link to COVID-19
 - Population Served
 - Results
 - Evaluation
 - Equity Impact
 - Project Partners
 - Organizational Capacity
 - Budget
 - Special Considerations
 - Federal, State or Local Assistance Related to COVID-19 previously applied for and/or received
3. Rankings along with the proposed funding requests and ARPA Project Funding Eligibility Determination Forms completed through page 6 will be submitted to the ARPA Program

Manager to be prepped for presentation to the BOCC ARPA Committee at the next scheduled meeting.

4. The BOCC ARPA Committee members (who will be subject to completing the Conflict-of-Interest Disclosure Form IAW the County's conflict of interest policy) will take action to make recommendations for bid award based on the rankings provided by the ARPA Program Manager and overall total funding amount desired.
 - In anticipation of the bid award approval by the BOCC, the County Attorney's Office and finance staff will finalize the ARPA Project Funding Eligibility Determination Forms and will prepare contracts and/or subrecipient agreements IAW County Policy.
5. The BOCC ARPA Committee recommendations for bid award will be forwarded to the next scheduled meeting of the BOCC (who will be subject to completing the Conflict-of-Interest Disclosure Form IAW the County's conflict of interest policy) for bid award approval as a consent agenda item. At that meeting, the BOCC may take action to also designate contract/agreement signature authority to the County Manager to save time in the process of getting fully executed contracts/agreements in place.
6. If the BOCC does not designate contract/agreement signature authority, the contracts/agreements will be provided to the BOCC as a consent agenda item at a meeting after the contracts/agreements have been approved for legal sufficiency.
7. A bid award notification will be provided by purchasing staff to all proposal responders and will be posted on the County's website.

ATTACHMENT A

RFP FOR Aid to Non-Profit Organizations RFP-22-15-CTY

Evaluation Sheet / Scoring Tool

Entity Name			
Amount of Funds Requested	\$		
Recovery Fund Eligibility Category	select one from drop down		
Project Partners	if yes, insert partners if no, insert "NA"		
Federal, State, or Local Assistance Related to COVID-19 previously applied for and/or received	yes/no (if yes, amount received) if no, insert "NA"	\$	
MEASURE	NOTES	MAX POINTS AVAILABLE	POINTS ASSIGNED
Project Plan Description		10	
Statement of Need		15	
Link to COVID-19		5	
Population Served		5	
Results		15	
Evaluation		15	
Equity Impact		15	
Organizational Capacity		10	
Budget	allowable/practical/reasonable	10	
Special Considerations		include points in measures above	
TOTALS		100	-

American Rescue Plan (ARP) Fund 240

The Board is requested to approve Budget Ordinance Amendment B220002 to update the ARPA Grant Project Ordinance as approved by the BOC ARP Committee on May 2, 2022. This budget ordinance amendment allocates \$140,000 for the purchase of Narcan to be administered by Cape Fear Valley Hospital System, \$2,000,000 for a job training program to be administered by FTCC, and de-allocates \$250,000 originally allocated to support a homeless shelter. The net amount of the total increases/decreases are off set in the Administration - Unassigned category which has been reduced to \$2,192,726.

Details provided for the BOC ARP Committee on May 2, 2022.

DRAFT ARPA GRANT PROJECT ORDINANCE AMENDMENT				as of March 21, 2022		MAY 2022 ADJUSTMENTS	BUDGET ORDINANCE AMENDMENT B220002	
ARPA Reporting Code	Fund 240 Expenditure Category	Project Description	Cost Object	Appropriation of CSLFRF Funds	Project Allocation Total	Appropriation of CSLFRF Funds	Appropriation of CSLFRF Funds	Project Allocation Total
1.13	Public Health (2404551)	Substance Use Services: Purchase Narcan for distribution to the Sheriff's Office and County Fire Departments	Medical Supplies	\$ -	\$ -	\$ 140,000	\$ 140,000	140,000
2.2	Negative Economic Impacts (2404552)	Household Assistance: Rent, Mortgage, and Utility Aid Mortgage Assistance: Make funding available to assist residents at risk of foreclosure.	Contracted Services	2,000,000	2,000,000	-	2,000,000	2,000,000
2.2	Negative Economic Impacts (2404552)	Household Assistance: Rent, Mortgage, and Utility Aid Rental Assistance: Make funding available to assist renters at risk of eviction.	Contracted Services	1,500,000	1,500,000	-	1,500,000	1,500,000
2.10	Negative Economic Impacts (2404552)	Assistance to Unemployed or Underemployed Workers: Trade job training program in partnership with FTCC, Mid-Carolina COG - Workforce Development, and Cumberland County Schools	Contracted Services	-	-	2,000,000	2,000,000	2,000,000
1.8 2.29-2.33	Public Health (2404551)	COVID19 Assistance to Small Business (1.8) Assistance to Small Businesses (2.29-2.33)	Contracted Services	3,500,000	3,500,000		3,500,000	3,500,000
1.9 2.34	Public Health (2404551)	COVID19 Assistance to Non-Profits (1.9) Assistance to Non-Profits (2.34)	Contracted Services	3,640,000	3,640,000	(140,000)	3,500,000	3,500,000
2.15	Negative Economic Impacts (2404552)	Long-term Housing Security: Affordable Housing - New construction of a multi-family housing development in the Shaw Heights neighborhood (QCT 24.01).	Engineering/Construction	10,000,000	10,000,000		10,000,000	10,000,000
2.16	Negative Economic Impacts (2404552)	Long-term Housing Security: Services for Unhoused Persons - Planning funding for a homeless shelter to determine number of beds, who will be served, how large facility should be, construction cost, operational questions and other aspects.	Engineering/Construction	250,000	250,000	(250,000)	-	-
2.18	Negative Economic Impacts (2404552)	Housing Support: Other Housing Assistance - First-time homebuyers program	Contracted Services	2,500,000	2,500,000		2,500,000	2,500,000
5.5	Infrastructure (2404555)	Clean Water: Other Sewer Infrastructure - Construction of a sanitary sewer system to be located in the Shaw Heights neighborhood (QCT 24.01).	Engineering/Construction	12,000,000	12,000,000		12,000,000	12,000,000
5.15	Infrastructure (2404555)	Drinking Water: Other Water Infrastructure - Construction of a water system to be located in the Gray's Creek Water and Sewer District	Engineering/Construction	10,000,000	10,000,000		10,000,000	10,000,000
5.21	Infrastructure (2404555)	Broadband: Other projects Broadband expansion into underserved areas in partnership with the State of NC, and a vendor to be selected through a competitive RFP process	Contracted Services	1,000,000	1,000,000		1,000,000	1,000,000
6.1	Revenue Replacement (2404556)	Provision of Government Services Salaries and benefit costs of Public Safety Personnel	Salaries/Benefits	10,000,000	10,000,000		10,000,000	10,000,000
1.4	BOC Meeting Room	Physical plant changes to Public Facilities that respond to the COVID-19 Public Health Emergency	Engineering/Construction	3,000,000	3,000,000		3,000,000	3,000,000
7.1	Administration (2404557)	Administrative Expenses - 3.5 County positions to manage CSLFRF programs and compliance requirements. ARPA allows up to 10% of total award.	Salaries	1,321,348	5,778,690		1,321,348	4,028,690
			Benefits	389,281			389,281	
			Operating	125,335			125,335	
			Unassigned	3,942,726		(1,750,000)	2,192,726	
NA	Unallocated Funds	Funds to be allocated at a future date	Unallocated Funds	-	-		-	-
TOTAL				\$65,168,690	\$65,168,690	\$ -	\$65,168,690	\$65,168,690



**ASSISTANT COUNTY MANAGER STRATEGIC MANAGEMENT/ GOVERNMENTAL
AFFAIRS**

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: SALLY SHUTT, ASSISTANT COUNTY MANAGER

DATE: 4/28/2022

SUBJECT: COMPETITIVE GRANTS REPORT

Requested by: COMMISSIONER JIMMY KEEFE

Presenter(s): SALLY SHUTT, ASSISTANT COUNTY MANAGER

BACKGROUND

Commissioner Jimmy Keefe requested a list of grants applied for by the County from 2020 to present, including grants that were not awarded, and grants that the county plans to submit within the next three months.

The attached report on competitive grant activity shows that Cumberland County departments have received \$7,538,725 in grant funding since FY2020.

Departments have recently submitted or plan to submit in the next three months grant applications totaling \$23,518,002 in funding.

Cumberland County contracted with DH Leonard Consulting and Grant Writing Services LLC in December 2021. The County is also implementing eCivis grants software for grants management.

RECOMMENDATION / PROPOSED ACTION

For information purposes.

ATTACHMENTS:

Description

Type

Grants Applied for Since FY2020 ** federal formula grants are not included												
Department	Date	Grant Title	Project Name	Granting Agency	Amount Requested	Amount Awarded	Project Summary	Status	Match			
Animal Services	6/7/2019		Best Friends/Rachel Ray	Best Friends/Rachel Ray	\$ 21,500.00	\$ 21,500.00	Surgical Equip. supplies	Complete				
Animal Services	9/1/2019		Stanton Foundation	Stanton Foundation	\$ 160,000.00	\$ 160,000.00	Purchase Mobile Van	Complete				
Animal Services	10/31/2019		Petco	Petco	\$ 60,000.00	\$ 60,000.00	TNR, Increase Adoptions	Complete				
Animal Services	11/25/2019		Petsmart	Petsmart	\$ 30,000.00	\$ 30,000.00	Spay/Neuter Surgeries	Complete				
Animal Services	12/23/2019		Cumberland Community Foundation	Cumberland Community Foundation	\$ 500.00	\$ 500.00	Animal Medical	Complete				
Animal Services	1/2/2020		Petco	Petco	\$ 60,000.00	\$ 60,000.00	TNR, Adoptions	Complete				
Animal Services	5/21/2020		Maddie Fund	Maddie Fund	\$ 10,000.00	\$ 10,000.00	Heartworm Treatment	Complete				
Animal Services	10/31/2020		NCVMA	NCVMA	\$ 2,500.00	\$ 2,500.00	Medical Supplies	Complete				
			TOTAL DEPT GRANT FUNDING		\$ 344,500.00	\$ 344,500.00				\$ 344,500.00		
County Administration	FY2022	State-directed grant - State Capital Infrastructure Funds	Homeless Shelter	NC General Assembly	\$1,000,000.00	\$1,000,000.00	Capital costs for a homeless shelter		No			
			TOTAL DEPT GRANT FUNDING		\$1,000,000.00	\$1,000,000.00				1,000,000.00		
Emergency Services	FY2022 - Award Date 12/3/2021	Hazardous Material Emergency Preparedness Grant	Aircraft Spill Exercise	State - NCDPS		\$ 10,000.00	The HMEP grant program is designed to allow grantees the flexibility to implement training and planning programs that address differing needs for each location based on demographics, emergency response capabilities, commodity flow studies, and hazard analysis.		No			
Emergency Services	FY2022 - Award Date 11/9/2021	Homeland Security Grant	Rehab Trailer	State - NCDPS		\$ 40,800.00	Homeland security grants fund projects related to Homeland security Planning, Operations, Equipment purchases, Training and Exercise. This grant is being used to purchase a fire rehab trailer to support local first responders.		No			
Emergency Services	FY2022 - Award Date 06/10/2021	NC Tier II	LEPC Hazmat Response	State - NCDPS		\$ 10,000.00	The Tier II grants may provide Local Emergency Planning Committees funding and more options to expand the scope of their hazardous materials emergency preparedness programs though response planning, training and related exercises.		No			

Emergency Services	FY2021 - Award Date 9/22/2020	Homeland Security Grant	EOC Activation	State - NCDPS		\$ 5,000.00	Homeland security grants fund projects related to Homeland security Planning, Operations, Equipment purchases, Training and Exercise. This grant is being used to perform a exercise planned by the LEPC for a EOC activation in a COVID19 environment.		No				
Emergency Services	FY2022 - Award Date 1/1/2021	NC Tier II	LEPC	State - NCDPS		\$ 1,000.00	The Tier II grants may provide Local Emergency Planning Committees funding and more options to expand the scope of their hazardous materials emergency preparedness programs though response planning, training and related exercises.		No				
Emergency Services	FY2022 - Award Date 7/1/2021	Emergency Management Performance Grant	EMPG	State - NCDPS		\$ 65,375.00	EMPG grants are used for planning, operations, equipment purchases, training and exercise expenses.		No				
Emergency Services	FY2020 - Award Date 9/15/2019	NC 911	Communication Center Re-location	State - 911 Board		\$ 2,251,387.00	Construction for New 911 Center		No				
			TOTAL GRANT FUNDING			\$ 2,383,562.00				2,383,562.00			
Health Department	FY2021 - 6/1/2020	Healthiest Cities & Counties Challenge Grant	Healthiest Cities & Counties Challenge Grant	American Public Health Association		\$ 100,000.00	The project focuses on reducing adult and childhood obesity by improving access to healthy foods I Cumberland Count and Ft. Bragg.		No				
Health Department	FY2022 - Award Date 6/1-/2021	Improving Health Outcomes through Mobile Clinics and Social Determinants of Health		Cumberland Community Foundation, Inc.		\$ 64,000.00	Identify patients with high unmet needs by screening all patients for social determinants of health, with a focus on patients with food, transportation barriers, housing needs and those experiencing violence. Funding will be used for direct payments to vendors for unmet needs of patients.		No				
Health Department	FY2020 - Award Date 9/30/2019	Reduction of Opioid Injuries and Deaths in Cumberland County	Reduction of Opioid Injuries and Deaths in Cumberland County	Federal - DOJ/OJP/BJA		\$ 899,614.00	Reduce the number of opioid overdose injuries and deaths by expanding post overdose outreach, providing linkage to care oportunities for person who experience a non-fatal overdose, enhance diversion programs and strengthen community knowledge and awareness regarding substance use disorders.		No				

Health Department	FY2020/2021	Standard 4 Uniform Inspection Program / Standard 7 Community and Industry Relations	Standard 4 Uniform Inspection Program / Standard 7 Community and Industry Relations	Association of Food and Drug Officials (AFDO)	\$3,000	\$3,000	Implementation of training related to to enhance conformance with the Voluntary National Retail Food Regulatory Program Standards					
Health Department	FY2020/2021	Smiles for Kids	Smiles for Kids	Delta Dental Foundation	\$2,400.00	\$2,400.00	The effort will focus on oral health in primary school aged youth by raising awareness of oral health and healthy smiles that improve student self-esteem and academic success.					
Health Department	FY2021	Child Care Health Consultants		Partnership for Children and SMART Start	\$220,928.00	\$220,928.00	Child Care Health Consultants (CCHCs) are trained health professionals with education and experience in both child and community health and early care and education. CCHCs work with programs to assess, plan, implement, and evaluate strategies to achieve high quality, safe and healthy child care environments.					
			TOTAL DEPT GRANT FUNDING			\$ 1,289,942.00				1,289,942.00		
Library	FY20		11th Annual Storytelling Festival-Create Your Own Story	Arts Council	\$8,500.00	\$6,000.00	Working with some elementary schools and hosting children's authors and illustrators reflecting diversity in children's literature	Completed				
Library	FY 20 NOTE: Items highlighted were for the library but processed through the Friends of Library, prior to changes implemented in 2021		Passports	Arts Council	\$4,210.00	\$3,500.00	Collaboration with Cape Fear Regional Theatre teaching children and teens screenwriting.	Completed				
Library	FY 20		Musical me	Arts Council	\$9,600.00	\$7,500.00	Fayetteville Symphony Orchestra will present music programs for preschool children	Completed				
Library	FY 20		Artisan Alley & Create & Take	Arts Council	\$1,000.00	\$941.56	Artisan/artist market hosted at HQU and separately two artists located at 2 downtown event spaces	Compeleted				
Library	FY 20		StoryWalk: Improving Literacy One Step at a Time	CCF - Women's Giving Circle	\$12,148.00	\$12,148.00	Create a Storywalk at Clark Park	Compeleted				
Library	FY 20		Library Census Outreach to Hard-to-Reach Populations	CCF	\$3,129.00	\$3,129.00	Purchase 5 laptops and a carrying case which will be loaned to qualifying nonprofit community organizations to allow patrons to complete the 2020 Census.	Completed				
Library	FY 20 - 21		Summer Time Kids - Imagine Your Story	CCF	\$7,500.00	\$7,500.00	Summertime Kids books and book bags to kids in summer camps with underserved populations	Completed				

[illegible]

Planning & Inspections Department	FY2020 - Awarded 11/23/2021	2020 Hurricanes Florence and Michael National Park Service Subgrants	Cumberland County Historic Resources Survey			\$ 90,000.00	This project will result in an architectural survey update of rural Cumberland County; the small towns Eastover, Falcon, Godwin, Linden, Spring Lake, Stedman, and Wade; and the census-designated place Vander. The Study Area covers approximately 400 square miles		No			
			TOTAL DEPT GRANT FUNDING			\$ 90,000.00				90,000.00		
Pretrial Services			Sobriety Court			\$ 296.25			Yes			
			TOTAL DEPT GRANT FUNDING			\$ 296.25				296.25		
Sheriff's Office	FY2022 - awarded 12/20/2021	BJA FY 21 Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies	Cumberland County Sheriff's Office Body-Worn Camera Policy and Implementation Program	US Dept of Justice/Office of Justice Programs/Bureau of Justice Assistance		\$ 700,000.00	CCSO will purchase and deploy 350 cameras and related required technology needed to establish a comprehensive camera policy and implementation program (PIP). This project will allow for additional documentation of police-public contacts, arrests, and critical incidents, serve as a means to enhance officer accountability, enhance the agency's ability to review probable cause for arrest and officer and suspect interaction, provide evidence for investigative and prosecutorial purposes and supplemental documentation of crime and accident scene, and provide additional information for officer training needs.		Yes			
Sheriff's Office	2022	Homeland Security Grant Program (HSGP) Fiscal Year 21	BA Face Shield Kit EOD 10/10E	State - NCDPS/Emergency Management		\$ 3,013.00	Funding will be utilized to purchase a Explosive Ordance Disposal (EOD) 10 breathing apparatus (BA) face shield kit to better protect the bomb squad technical dealing iwth known or suspected chemical, biological, rediological, necular, and explosive (CBRNE) threats.					
			TOTAL DEPT GRANT FUNDING			\$ 703,013.00				703,013.00		
Social Services	Nov-22	Emergency Solutions Grant	Family Violence Care Center	State of NC	\$ 32,596.00	\$ 32,596.00	Emergency Shelter Operations	Awarded	No			
Social Services	Nov-21	Family Violence Grant	Family Violence Care Center	State of NC-Dept of Admin	\$ 20,000.00	\$ 20,000.00	Shelter Salary and Fringes for staff	Awarded	No			
Social Services	Oct-21	Domestic Violence Grant	Family Violence Care Center	State of NC-Dept of Admin	\$ 17,500.00	\$ 17,500.00	Shelter Salary and Fringes for staff	Awarded	No			

Social Services	Apr-20	Family Violence Prevention	Family Violence Care Center	State of NC-DHHS Div of SS	\$ 35,000.00	\$ 35,000.00	Shelter Salary and Fringes for staff	Awarded 2020-23	No			
Social Services	Jan-21	Governor's Crime Commission	Family Violence Care Center	State of NC-Governor's Crime Commission	\$ 334,612.80	\$ 334,612.80	Shelter Salary and Fringes for staff	Awarded	No			
Social Services	10/1/2021	Divorce Filing Fee	Family Violence Care Center	State of NC-Dept of Admin	\$ 19,000.00	\$ 19,000.00	Shelter client expenses	Awarded	No			
Social Services	5/12/2021	Dept of Juvenile Justice and Delinquency Prevention	Safe Landing Group Home	Juvenile Crime Prevention Council	\$ 147,000.00	\$ 147,000.00	Successful reunification of youth with family	Awarded	No			
Social Services	FY2020	Chapin Hall; SWS, LLC	multiple	The Duke Endowment	\$450,000	\$450,000	Salary, Fringes, Support Services, Project Development	Awarded	Yes			
Social Services		NCWWI - Child Welfare Workforce Development	SW Traineeship Project	Fayetteville State University and UNC, Pembroke	\$ 894,548.24	\$ -	Social Worker Traineeship Project	Not Awarded	n/a			
			TOTAL DEPT GRANT FUNDING			\$ 1,055,708.80				1,055,708.80		
Solid Waste	FY2021 - Award Date 9/10/20	NC VW Settlement Phase 1 award	Roll-off Fleet Improvement	State - NCDEQ		\$ 315,891.00	Purchase of 3 new fuel efficient roll-off trucks in return for the destruction of 3 obsolete vehicles.		Yes			
Solid Waste	FY2021 - Award Date 7/1/2020	Community Waste Reduction and Recycling (CWRAR)	Concrete Shingle Recycling pad	State - NCDEQ		\$ 40,000.00	Concrete pad to relocate shingles recycling area		Yes			
			TOTAL DEPT GRANT FUNDING			\$ 355,891.00				355,891.00		
			TOTAL COUNTY GRANT FUNDING AMOUNT							7,538,725.61		
Recently Submitted and Planned Grant Applications for FY2022/FY2023												
Department	Date	Grant Title	Project Name	Granting Agency	Amount of Requested	Amount Awarded	Project Summary	Status				
Animal Services	3/14/2022		Kia Pet Adoption grant	Petfinder Foundation	not specified		will pay adoption fees for dogs and cats	submitted				
Animal Services	3/14/2022		REDI training grant	Petfinder Foundation	\$4,500		will pay for DEI training class for staff	submitted				
County Administration/Sheriff's Office	Apr-22	Congressionally Directed Spending Request	Radio replacement project	Congress	\$ 2,473,794.00		Seeking funding to replace radios and handheld devices to satisfy the FCC-required TDMA upgrade. Otherwise, the equipment will be inoperative on the NC VIPER radio - NC Voice Interoperability Project for Emergency Responders.	submitted	Yes			
County BOC-Partnership with Brightspeed	4-May-22	Growing Rural Economies with Access to Technology (GREAT) Grant	GREAT Grant Partnership	NC Department of Inforamiton Technology's Broadband Infrastructure Office	\$ 3,000,000.00		The County has designated \$1 million in ARPA funds as a matching contribution for the GREAT Grant partnership with private sector provider, Brightspeed.	Submitted	Yes			

FAMPO - Fayetteville Area Metropolitan Planning Organization	Due on 5/23/2022	Multimodal Projects Discretionary Grant	Rural Microtransit Services	US Department of Transportation through NCDOT	\$500,000		A technology-enabled transit service that typically uses shuttles or vans to provide pooled on-demand transportation with dynamic routing.	submission pending	No			
Internal Services	2-May-22	NC Volkswagen Settlement - Zero-Emission Vehicle Infrastructure Program	Public Charging Stations for the JEB Courthouse Parking Lot	NCDEQ	\$10,000		The grant request is for the installation of a dual port electric vehicle charging station to be installed in the front parking lot of the Judge E. Maurice Braswell Courthouse. The grant pays up to \$5,000 per port.	Submitted				
Library	FY2023		Summertime Kids - Oceans of Possibilities	Cumberland Community Foundation	\$4,500.00		Summertime Kids - Oceans of Possibilities	Submitted				
Library	FY2023		Forward Together: Capacity Building at CCPL	State Library of NC - LSTA	\$135,712.64			Submitted				
Library	FY2023		14th Annual Storytelling Festival: Rhythm of a Story	Arts Council	\$10,000.00		Theme - Rhythm of a Story	Submitted				
Public Utilities	5/2/2022	Wastewater State Reserve and/or Viable Utility Reserve	NORCRESS	NCDEQ	\$ 1,543,275		Improvements to the wastewater system	Submitted				
Public Utilities	5/2/2022	Drinking Water State Revolving Fund	Gray's Creek Water & Sewer District	NCDEQ	\$ 15,000,000		Construction of a drinking water system.	Submitted				
Soil and Water	3/30/2022	Streamflow Rehabilitation Assistance Program (StRAP)	Clearing and Snagging, Streambank Stabilization, and Sediment Removal	State Streamflow Rehabilitation Assistance Program (StRAP)	\$836,220		Harrison Creek, Flea Hill (Wade Canal and Lateral) and a few other small drainages that I have labeled Unnamed Tributaries	Submitted				
Solid Waste	5/2/2022		Stormwater Ponds No. 2 and No. 3 Improvements	NCDEQ - DWI	\$1,763,374		Sampling from Sediment Pond No. 2 and No. 3 indicates a need to reduce the concentrations of total suspended solids, ammonia and TKN in the discharge from the ponds and its impacts on Cross Creek and the Cape Fear River downstream.	Submitted				
Solid Waste	5/2/2022		Landfill Leachate PFAS Removal	NCDEQ - DWI	\$13,893,518		Once a pilot study on froth flotation to remove PFAS compounds is completed, a full-scale PFAS removal implementation project may be constructed capable of treating all leachate discharged from the landfill, currently at 30,000 gallons per day, but could increase to 50,000 gallons per day with landfill expansions planned at the site.	Submitted				

[illegible]



DEPARTMENT OF SOCIAL SERVICES

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: HEATHER SKEENS, SOCIAL SERVICES DIRECTOR

DATE:

SUBJECT: UPDATE ON THE EMERGENCY RENTAL ASSISTANCE PROGRAM (ERAP)

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): HEATHER SKEENS, SOCIAL SERVICES DIRECTOR

BACKGROUND

Heather Skeens will be providing an update on the ERAP transition from Innovative Emergency Management (IEM), Inc. to the County/DSS at the May 12, 2022 Agenda Session Meeting.

RECOMMENDATION / PROPOSED ACTION

No action needed. For information and discussion purposes only.



ENGINEERING AND INFRASTRUCTURE DEPARTMENT

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022 **AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JERMAINE WALKER, DIRECTOR OF ENGINEERING AND INFRASTRUCTURE

DATE: 5/6/2022

SUBJECT: CUMBERLAND COUNTY EMERGENCY SERVICES CENTER PROJECT UPDATE

Requested by: BOARD OF COMMISSIONERS

Presenter(s): JERMAINE WALKER, DIRECTOR OF ENGINEERING AND INFRASTRUCTURE

BACKGROUND

On May 6, 2022, Staff presented a project update to the Cumberland County Board of Commissioners 9-1-1 Committee. The presentation detailed the current status of the project, outstanding tasks and projected durations, challenges that would impact schedule and budgetary status.

Staff informed the Committee of the impacts of supply chain issues and lack of skilled labor have had on the project completion timeline. Staff also highlighted a potential issue with the required permitting for installation of the required secondary fiber communications line.

The project still remains under budget and Staff is now estimating a "go live" date of December 2022.

RECOMMENDATION / PROPOSED ACTION

No action is necessary. This is for information only.

ATTACHMENTS:

Description

Type

Cumberland County Emergency Services Center:

Remaining Tasks

Exterior Tasks

- Handrailing: (May 9 – May 12)
- Power washing: (May 9 – May 12)
- Striping: (May 18)
- Communication Pad Walkway: (May 9 – May 12)
- Communication Tower Fencing: (May 9 – May 10)
- Paint Handrails and Front Gate: (May 13 – May 17)
- Aluminum Canopy: May 27 – May 30)
- Backup Generator: (May 9 – May 10)
- Chiller Startup: (May 12 – May 13)
- Exterior Lighting: (May 23 – May 30)
- Communications Shelter: (July 30)

Interior Tasks

- Conditioned air: (May 12 – May 13)
- Flooring: (May 16 – May 20)
- Final Painting: (May 16 – May 23)
- Cabinetry: (May 24 – May 27)
- Wood Veneer Wallcovering: (May 20)
- Interior Glass Windows: (May 12 – May 13)
- Acoustical Ceiling Tile: (May 17 – May 20)
- Door Hardware: (May 25 – May 30)
- Signage: (May 30)
- MEP Punchlist: (May 16 – May 30)
- Cleaning: (May 23 – May 30)
- Arrival of 911 Workstations and final Network Equipment: (June 1 – July 30)
- Installation Security System: (May – July)

Cumberland County Emergency Services Center: Challenges and Impact to Schedule

- Uninterruptable Power System (UPS):
 - Cannot complete automation install without complete UPS configuration
 - Cannot “go live” without it (Estimated final component delivery date (mid July 2022))
 - After complete ITS automation installation and testing, this moves Beneficial Occupancy Date (BOD) to September 2022

Cumberland County Emergency Services Center: Challenges and Impact to Schedule

- Secondary Fiber Line
 - 911 Board contracted with AT&T for installation
 - Subcontractor has not received easement from Railroad authority
 - Coordinating for alternate solution
 - If unsuccessful could move “go live” date to October 2022

Exterior Storefront



Building Addition and Mechanical Yard



Mechanical Yard



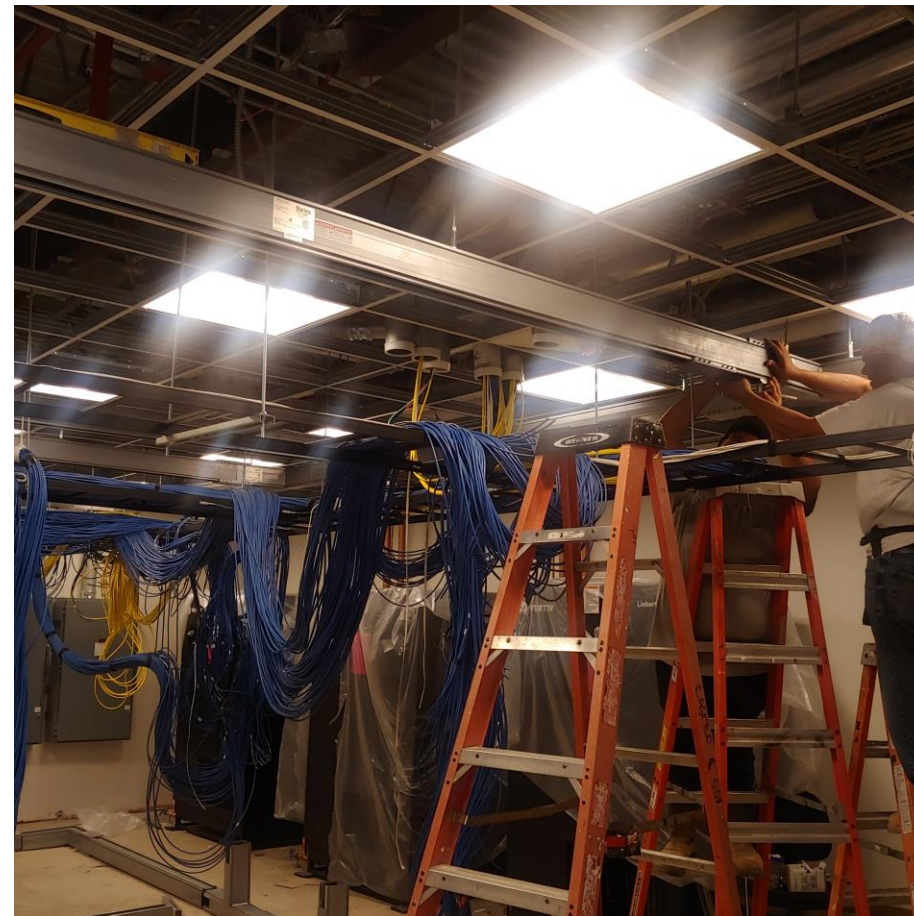
Floor tray cabling and Raised Access Flooring Installation



Acoustical Ceiling Grid and Raised Access Flooring



UPS Busbar and Server Room





FINANCE OFFICE

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 5/5/2022

**SUBJECT: EMERGENCY OPERATIONS CENTER CAPITAL PROJECT BUDGET
ORDINANCE REVISION #B220053 AND THE EMERGENCY
TELEPHONE SYSTEM 911 FUND BUDGET ORDINANCE
AMENDMENT #B220052**

Requested by: EMERGENCY OPERATIONS CENTER COMMITTEE

Presenter(s): VICKI EVANS, FINANCE DIRECTOR

BACKGROUND

Staff presented a budgetary update to the Emergency Operations Center Committee on Friday, May 6, 2022. The Committee recommended this information be moved forward to the Agenda Session meeting on Thursday, May 12, 2022.

Emergency Operations Center (EOC) Capital Project Fund (404)

The EOC Capital Project Budget Ordinance Amendment number B220053 will remove the 911 Grant Award totaling \$2,251,387 as well as the \$1,000,000 Emergency Telephone System (ETS) fund balance transfer as sources of revenue. Instead, these revenues and offsetting expenditures will be budgeted and accounted for within the county's ETS 911 fund as required by the 911 Board.

In addition, the budgeted amount of debt proceeds revenue is being increased to the actual amount received, a budgeted increase of \$1,371,941. The construction and technology expenditure lines of the capital project ordinance have been decreased accordingly by the net amount of \$1,879,446.

Emergency Telephone System Fund for 911 (260)

Budget Ordinance Amendment number B220052 for the ETS 911 Fund is being amended to add the \$2,251,387 911 Grant Award and the \$1,000,000 ETS 911 fund balance appropriation as revenue sources with corresponding offsetting expenditure amounts to the construction and technology lines. The total increase in budget to this fund is \$3,351,387.

RECOMMENDATION / PROPOSED ACTION

Staff recommend the following action be placed on the May 16, 2022 Board of Commissioners' Meeting Agenda as a Consent Agenda item:

The Board is requested to approve the EOC Capital Project Budget Ordinance Amendment B220053 which removes the 911 Grant Award amount of \$2,251,387 and the ETS 911 Fund Balance amount of \$1,000,000; increases the debt proceeds revenue by \$1,371,941; and decreases construction and technology expenditures by a net total of \$1,879,446.

The Board is requested to approve Budget Ordinance Amendment number B220052 for the ETS 911 Fund. This amendment adds the \$2,251,387 911 Grant Award and the \$1,000,000 ETS 911 fund balance appropriation as revenue sources with corresponding offsetting expenditure amounts to the construction and technology lines. The total increase in budget to this fund is \$3,351,387.

ATTACHMENTS:

Description

EOC Capital Project Budget Ordinance Revision

Type

Backup Material

Emergency Operations Center Capital Budget Ordinance Revision
DRAFT for the May 16, 2022 Board of Commissioners' meeting
BR220053

NOTES

Revenues	Current	Adjustment	As Revised
NC 911 Board	\$ 2,251,387	\$ (2,251,387)	\$ -
County 911 Fund Balance	1,000,000	(1,000,000)	-
CARES Freed-up Capacity	150,000		150,000
Premium on debt issued		3,412,300	3,412,300
Debt proceeds revenue	13,135,359	(2,040,359)	11,095,000
Total Budgeted Project Revenues	16,536,746	(1,879,446)	14,657,300

911 Board requires grant award and 911 FB allocation revenue and expenditures be expended from the County's 911 fund. A separate BR220052 to set these funds up in the ETS Fund has been created.

Debt proceeds available to utilize on the EOC capital project total \$14,507,300. \$13,135,359 is currently budgeted. Utilizing the full amount provides \$1,371,941 in additional available revenue. If the proceeds are not needed, they will be utilized to pay down the overall debt.

Expenditures	Current	Adjustment	As Revised
Construction	6,673,652	(1,014,846)	5,658,806
Soft Costs (Engineering, architect, permits, surveying)	1,496,124	-	1,496,124
County Procurement (Equipment, furniture, technology)	2,926,835	(864,600)	2,062,235
Property Acquisition	5,113,537	-	5,113,537
Contingency	-	-	-
Debt Issuance Costs	326,598	-	326,598
Total Budgeted Project Expenditures	16,536,746	(1,879,446)	14,657,300

Only PSAP eligible expenditures are allowed for reimbursement through grant funds and 911 allocated fund balance. The construction cost decrease in this fund will be offset by construction costs being charged to the 911 Grant Award. The technology cost decrease in this fund will be offset by technology costs being charged to the ETS 911 fund balance. Decreases balance to net decrease in revenues totaling \$1,879,446.

Interfund Transfers

Transfer from CIF to EOC Capital Project Fund	(5,801,818)	-	(5,801,818)
Transfer to CIF from EOC Capital Project Fund	5,801,818	-	5,801,818



FINANCE OFFICE

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 5/2/2022

SUBJECT: FINANCIAL REPORT

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): NA

BACKGROUND

The attached financial report shows results of the general fund for fiscal year 2022, March year-to-date. Additional detail has been provided on a separate page explaining percentages that may appear inconsistent with year-to-date budget expectations.

RECOMMENDATION / PROPOSED ACTION

No action needed. For information and discussion purposes.

ATTACHMENTS:

Description

Monthly Financial Report

Type

Backup Material

**County of Cumberland
General Fund Revenues**

REVENUES	FY20-21 AUDITED	FY21-22 ADOPTED BUDGET	FY21-22 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF March 31, 2022	PERCENT OF BUDGET TO DATE	*
Ad Valorem Taxes						
Current Year	\$ 169,200,461	\$ 168,721,614	\$ 168,721,614	\$ 167,457,841	99.3%	(1)
Prior Years	1,629,364	828,000	828,000	1,241,659	150.0%	
Motor Vehicles	23,101,696	22,348,691	22,348,691	14,984,676	67.0%	(2)
Penalties and Interest	788,466	578,000	578,000	592,067	102.4%	
Other	926,779	894,959	894,959	849,248	94.9%	
Total Ad Valorem Taxes	195,646,766	193,371,264	193,371,264	185,125,490	95.7%	
Other Taxes						
Sales	55,084,708	53,023,227	53,023,227	30,133,162	56.8%	(3)
Real Estate Transfer	2,215,078	1,600,000	1,600,000	2,445,936	152.9%	
Other	847,834	873,000	873,000	326,284	37.4%	
Total Other Taxes	58,147,620	55,496,227	55,496,227	32,905,382	59.3%	
Unrestricted & Restricted Intergovernmental Revenues	70,904,229	65,581,449	77,462,574	34,931,343	45.1%	(4)
Charges for Services	14,618,559	13,422,090	13,434,090	8,814,097	65.6%	(5)
Other Sources (includes Transfers In)	1,658,932	1,184,882	1,361,489	1,061,604	78.0%	
Lease Land CFVMC	4,313,522	4,313,522	4,313,522	4,205,080	97.5%	
Total Other	5,972,454	5,498,404	5,675,011	5,266,684	92.8%	
Total Revenue	\$ 345,289,628	\$ 333,369,434	\$ 345,439,166	\$ 267,042,997	77.3%	
Fund Balance Appropriation		9,159,873	20,753,650	-	0.0%	
Total Funding Sources	\$ 345,289,628	\$ 342,529,307	\$ 366,192,816	\$ 267,042,997	72.9%	

County of Cumberland
General Fund Expenditures

DEPARTMENTS	YTD ACTUAL					PERCENT OF BUDGET TO DATE	**
	FY20-21 AUDITED	FY21-22 ADOPTED BUDGET	FY21-22 REVISED BUDGET	(unaudited) AS OF March 31, 2022			
Governing Body	\$ 612,166	\$ 682,250	\$ 682,250	\$ 472,831		69.3%	
Administration	1,678,886	1,992,345	2,062,103	983,448		47.7%	(1)
Public Affairs/Education	755,572	916,658	846,900	558,179		65.9%	
Human Resources	948,963	1,071,556	1,071,556	536,855		50.1%	
Print, Mail, and Design	732,642	780,535	780,535	402,346		51.5%	
Court Facilities	111,108	144,920	144,920	94,801		65.4%	
Facilities Maintenance	1,209,766	1,158,465	1,109,032	648,306		58.5%	
Landscaping & Grounds	703,267	800,763	800,763	488,881		61.1%	
Carpentry	218,864	217,753	217,753	138,257		63.5%	
Facilities Management	1,471,010	1,556,056	1,556,056	990,027		63.6%	
Public Buildings Janitorial	878,654	965,301	965,301	645,490		66.9%	
Central Maintenance	704,021	675,219	747,510	458,149		61.3%	
Information Services	4,941,565	6,507,246	7,234,066	3,905,459		54.0%	
Board of Elections	1,924,356	1,556,013	1,556,013	530,590		34.1%	(2)
Finance	1,366,775	1,378,438	1,406,949	960,881		68.3%	
Legal	738,495	1,087,181	1,087,181	580,218		53.4%	
Register of Deeds	2,366,082	2,616,316	3,297,413	1,650,159		50.0%	
Tax	5,768,829	6,387,092	6,551,767	4,089,960		62.4%	
General Government Other	7,508,484	4,622,876	8,863,111	6,458,141		72.9%	
Sheriff	46,770,661	58,503,564	60,514,678	32,127,299		53.1%	
Emergency Services	3,979,703	4,190,026	4,304,115	2,731,292		63.5%	
Criminal Justice Pretrial	537,704	691,215	691,215	345,355		50.0%	
Youth Diversion	30,438	36,687	36,687	22,572		61.5%	
Animal Services	3,296,041	3,509,785	3,844,426	2,241,568		58.3%	
Public Safety Other (Medical Examiners, NC Detention Subsidy)	1,303,113	1,369,155	1,617,155	879,187		54.4%	
Health	23,030,559	25,020,602	31,512,988	15,734,696		49.9%	
Mental Health	5,429,603	5,694,167	5,694,167	4,051,378		71.1%	
Social Services	55,098,629	64,644,188	69,018,514	36,698,962		53.2%	
Veteran Services	437,822	547,167	547,167	338,625		61.9%	

**County of Cumberland
General Fund Expenditures**

DEPARTMENTS	FY20-21 AUDITED	FY21-22 ADOPTED BUDGET	FY21-22 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF March 31, 2022	PERCENT OF BUDGET TO DATE	**
Child Support	5,110,079	5,693,462	5,693,462	3,215,799	56.5%	
Spring Lake Resource Administration	28,155	39,074	39,074	22,134	56.6%	
Library	9,538,367	10,495,183	10,925,139	6,841,082	62.6%	
Culture Recreation Other (Some of the Community Funding)	260,569	260,569	260,569	248,823	95.5%	
Planning	2,968,616	3,489,338	3,564,370	2,209,223	62.0%	
Engineering	409,892	607,937	610,207	415,054	68.0%	
Cooperative Extension	622,080	839,559	842,559	415,158	49.3%	
Location Services	204,386	275,533	202,162	103,665	51.3%	
Soil Conservation	208,202	2,288,939	2,669,781	115,471	4.3%	(3)
Public Utilities	91,456	96,900	96,900	66,586	68.7%	
Economic Physical Development Other	20,000	20,000	20,000	20,000	100.0%	
Industrial Park	17,535	4,332	4,332	3,889	89.8%	
Economic Incentive	632,132	767,447	767,447	593,541	77.3%	
Water and Sewer	179,456	250,000	268,570	53,090	19.8%	(4)
Education	94,876,432	98,053,453	98,053,453	72,506,725	73.9%	
Other Uses:						
Transfers Out	20,391,447	20,024,042	23,412,500	504,109	2.2%	(5)
TOTAL	\$ 310,112,582	\$ 342,529,307	\$ 366,192,816	\$ 207,098,258	56.6%	

Expenditures by Category	FY20-21 AUDITED	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF March 31, 2022	PERCENT OF BUDGET TO DATE	
Personnel Expenditures	\$ 134,059,243	\$ 154,487,473	\$ 158,466,701	\$ 94,532,407	59.7%	
Operating Expenditures	153,904,502	164,954,413	180,025,704	111,800,438	62.1%	
Capital Outlay	1,757,391	3,063,379	4,287,911	261,305	6.1%	(6)
Transfers To Other Funds	20,391,446	20,024,042	23,412,500	504,109	2.2%	(5)
TOTAL	\$ 310,112,582	\$ 342,529,307	\$ 366,192,816	\$ 207,098,258	56.6%	

COUNTY OF CUMBERLAND

Fiscal Year 2022 - March Year-to-Date Actuals (Report Run Date: April 28, 2022)

Additional Detail

General Fund Revenues

*

- (1) **Current Year Ad Valorem 99.3%** of budget (97.83% = Total Collection Rate as of 3/31/22)
- (2) **Motor Vehicles 67.0%** - YTD Actual reflects 8 months of collections.
- (3) **Sales Tax 56.8%** - YTD actual reflects 6 months of collections. Collections for the fiscal year are first recorded in October.
- (4) **Unrestricted/Restricted Intergovernmental 45.1%** - There is typically a one to two month lag in receipt of this funding.
- (5) **Charges for Services 65.6%** - The largest component of charges for services is revenue from the Board of Ed for security at 22% of budget. 48% of that revenue has been billed/collected to date.

General Fund Expenditures

**

- (1) **Administration 47.7%** - Personnel costs are low as a result of vacancies in the department.
- (2) **Board of Elections 34.1%** - Municipal election expenses came in lower than anticipated as compared to budget.
- (3) **Soil Conservation 4.3%** - Approximately \$2.1M in USDA Grant funds were budgeted and are unexpended.
- (4) **Water and Sewer 19.8%** - Expenditures are in line with past fiscal year trends at this point in the fiscal year.
- (5) **Transfers Out 2.2%** - Transfers are often prepared toward the end of the fiscal year.
- (6) **Capital Outlay 6.1%** - Most of these capital items are typically purchased in the second and third quarters of the fiscal year.



FINANCE OFFICE

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 5/2/2022

SUBJECT: ARPA QUARTERLY PROJECT AND EXPENDITURE REPORT AS OF MARCH 31, 2022

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): NA

BACKGROUND

Quarterly project and expenditure reporting of American Rescue Plan Act funding is required for metropolitan cities and counties with a population that exceeds 250,000. Cumberland County's quarterly report of projects and expenditures was submitted for the timeframe of January 1, 2022 through March 31, 2022 on April 28, 2022 as shown within the attached report. The report was also provided to the Board's ARPA Committee on May 2, 2022.

To aid in public transparency, each quarterly report will be provided within the Board of Commissioners' Agenda Session agenda and will also be posted to the County's ARPA webpage at: https://www.cumberlandcountync.gov/docs/default-source/commissioners-documents/americanrescueplan/slfrf-compliance-report-1-31-2022-for-march-december-2021.pdf?sfvrsn=d66a7615_2

RECOMMENDATION / PROPOSED ACTION

No action needed. For information and discussion purposes only.

ATTACHMENTS:

Description	Type
ARPA C&E Report for Quarter ending 3/31/22	Backup Material

SLFRF Compliance Report - SLT-1353-P&E Report-Q1 2022

Report Period : Quarter 1 2022 (January-March)

Recipient Profile

Recipient Information

Recipient UEI	VAUSC2ZZKJ78
Recipient TIN	566000291
Recipient Legal Entity Name	County Of Cumberland, North Carolina
Recipient Type	
FAIN	
CFDA No./Assistance Listing	
Recipient Address	117 Dick Street
Recipient Address 2	
Recipient Address 3	
Recipient City	Fayetteville
Recipient State/Territory	NC
Recipient Zip5	28301
Recipient Zip+4	
Recipient Reporting Tier	Tier 1. States, U.S. territories, metropolitan cities and counties with a population that exceeds 250,000 residents
Discrepancies Explanation	
Is the Recipient Registered in SAM.Gov?	Yes

Project Overview

Project Name: Direct Costs to Administer ARPA Funds

Project Identification Number	AR701
Project Expenditure Category	7-Administrative
Project Expenditure Subcategory	7.1-Administrative Expenses
Status To Completion	Completed less than 50%
Adopted Budget	\$5,778,690.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$18,010.82
Total Cumulative Expenditures	\$18,010.82
Current Period Obligations	\$18,010.82
Current Period Expenditures	\$18,010.82
Project Description	Salary and benefit costs of ARPA program manager. Advertising costs.

Project Name: Grays Creek Water Project

Project Identification Number	AR515
Project Expenditure Category	5-Infrastructure
Project Expenditure Subcategory	5.15-Drinking water: Other water infrastructure
Status To Completion	Not Started
Adopted Budget	\$10,000,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	The Grays Creek area of Cumberland County has been tested and confirmed to have above normal/unsafe limits of contaminants within its ground water and wells that provide water to the schools, residences, and businesses in the area. Construction is planned to create a community water system to address the existing public health problems associated with consuming unsafe drinking water provided by the individual well. ARPA funds will assist in partially funding the initial phases of this water project.

Project Name: Shaw Heights Sanitary Sewer System Project

Project Identification Number	AR505

Project Expenditure Category	5-Infrastructure
Project Expenditure Subcategory	5.5-Clean Water: Other sewer infrastructure
Status To Completion	Not Started
Adopted Budget	\$12,000,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Cumberland County is in the process of exploring the addition of a sanitary sewer system located within the Shaw Heights community, which is located within a Qualified Census Tract (QCT). Failing septic systems has been an issue within this community and in order for the Shaw Heights Affordable Housing ARPA Project (AR215) to be the most successful, the installation and construction of new pipes, pump stations, and force mains for sewer systems is required.

Project Name: Broadband Expansion

Project Identification Number	AR521
Project Expenditure Category	5-Infrastructure
Project Expenditure Subcategory	5.21-Broadband: Other projects
Status To Completion	Not Started
Adopted Budget	\$1,000,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Cumberland County plans to partner with an internet service provider to expand fiber optic internet access into the more remote areas of the County. ARPA funds will provide for a portion of the project cost with the remaining required funds coming from the State of North Carolina and the internet service provider. A state grant request has been submitted and results are pending. If awarded, the combined funds will provide access to approximately 2,017 homes.

Project Name: Homeless Shelter Property

Project Identification Number	AR216
Project Expenditure Category	2-Negative Economic Impacts
	2.16-Long-Term Housing Security: Services for Unhoused

Project Expenditure Subcategory	persons
Status To Completion	Not Started
Adopted Budget	\$250,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Cumberland County is in the process of exploring potential property/building locations for a homeless shelter to be located within a qualified census tract. A previously issued needs assessment survey indicated the County is lacking in available temporary housing solutions and beds available for the homeless population. Although this item is budgeted utilizing a portion of ARPA funds currently, it is expected that this will be removed from consideration as we now understand with the Final Rule this type of project is not allowed.
What is the Total expected capital expenditure, including pre-development costs, if applicable	\$250,000.00
Type of capital expenditures, based on the following enumerated uses	Improvements to existing facilities

Project Name: Shaw Heights Affordable Housing

Project Identification Number	AR215
Project Expenditure Category	2-Negative Economic Impacts
Project Expenditure Subcategory	2.15-Long-Term Housing Security: Affordable Housing
Status To Completion	Not Started
Adopted Budget	\$10,000,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Cumberland County is in the planning phase of construction of affordable housing to be located within the Shaw Heights community, which is located within a Qualified Census Tract (QCT). This project is being explored in conjunction with the installation of a sanitary sewer system described in the Shaw Heights Sanitary Sewer System ARPA Project (AR505). The number of housing units is to be determined. The affordable housing units will provide for permanent housing options for those citizens who are within the low to moderate income range.

What is the Total expected capital expenditure, including pre-development costs, if applicable	\$10,000,000.00
Type of capital expenditures, based on the following enumerated uses	Affordable housing, supportive housing, or recovery housing
Does the project prioritize local hires?	No
Does the project have a Community Benefit Agreement, with a description of any such agreement?	No

Project Name: First Time Home Buyers Program

Project Identification Number	AR218
Project Expenditure Category	2-Negative Economic Impacts
Project Expenditure Subcategory	2.18-Housing Support: Other Housing Assistance
Status To Completion	Not Started
Adopted Budget	\$2,500,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Cumberland County plans to issue a request for applications, with a focus on first-time home buyers of low to moderate income and/or those who have had an adverse economic impact as a result of COVID-19, and/or residents of a Qualified Census Tract (QCT). Eligible applicants may receive financial assistance in the household per person amounts that do not exceed the payment totals provided by the federal government within the COVID-19 Stimulus & Relief packages.

Project Name: Mortgage Assistance

Project Identification Number	AR202
Project Expenditure Category	2-Negative Economic Impacts
Project Expenditure Subcategory	2.2-Household Assistance: Rent, Mortgage, and Utility Aid
Status To Completion	Not Started
Adopted Budget	\$3,500,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
	Cumberland County plans to issue a request for applications

Project Description	tailored to those who had existing mortgages, who were negatively affected by the pandemic, and who have been thus rendered unable to maintain their current mortgage payments. Eligibility will be limited to providing mortgage assistance to those who reside in a QCT, and/or those who qualify as low to moderate income households, without duplicating similar assistance that has already been provided to these households.
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Project Name: Board Meeting Room Update

Project Identification Number	AR104
Project Expenditure Category	1-Public Health
Project Expenditure Subcategory	1.4-Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, Child care facilities, etc.)
Status To Completion	Not Started
Adopted Budget	\$3,000,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Board of Commissioner meetings are required to be open to the public. Sufficient space is not available in the current congregate meeting room to allow for social distancing between commissioners or in the employee/public seating area. Funds will be utilized to enhance airflow, provide commissioner and employee/public seating sufficient enough to provide for social distancing in a different meeting room that will allow for safety in this congregate setting.
What is the Total expected capital expenditure, including pre-development costs, if applicable	\$3,000,000.00
Type of capital expenditures, based on the following enumerated uses	Improvements to existing facilities

Project Name: CCOVID Assistance to Nonprofits

Project Identification Number	AR109
Project Expenditure Category	1-Public Health
Project Expenditure Subcategory	1.9-COVID-19 Assistance to Non-Profits
Status To Completion	Not Started
Adopted Budget	\$3,640,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00

Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Cumberland County has issued a formal request for proposals seeking the assistance of nonprofit entities to recommend ideas on how to best provide county citizens in need with supports/services to aid in COVID-19 recovery efforts. The highest ranked proposals will be considered for a subaward agreement.

Project Name: Provision of Government Services

Project Identification Number	AR610
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	
Adopted Budget	\$10,000,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	The salary and benefit costs of public safety employees will be the basis for drawing down the allowable \$10,000,000 standard allowance for revenue replacement.

Project Name: COVID Small Business Assistance

Project Identification Number	AR108
Project Expenditure Category	1-Public Health
Project Expenditure Subcategory	1.8-COVID-19 Assistance to Small Businesses
Status To Completion	Not Started
Adopted Budget	\$3,500,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Cumberland County has issued a request for applications, focused on for-profit small businesses located within the County. Eligible small businesses have an opportunity to receive a one-time amount up to \$50,000 to aid in COVID-19 recovery efforts. Higher priority is being given

	to eligible small businesses who employ one or more individuals of low to moderate income and/or whose business is located within a qualified census tract.
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Expenditures

Aggregate Expenditures for Awards less than \$50,000

Expenditure: EN-00305141

Project Name	Direct Costs to Administer ARPA Funds
Subaward Type (Aggregates)	Aggregate of Direct Payments
Total Period Expenditure Amount	\$18,010.82
Total Period Obligation Amount	\$18,010.82

Report

Revenue Replacement

Is your jurisdiction electing to use the standard allowance of up to \$10 million, not to exceed your total award allocation, for identifying revenue loss?	Yes
Revenue Loss Due to Covid-19 Public Health Emergency	\$10,000,000.00
Were Fiscal Recovery Funds used to make a deposit into a pension fund?	No
Please provide an explanation of how revenue replacement funds were allocated to government services	The funds will be utilized to cover staff costs of the Sheriff's Office and Detention Center. The funds will cover the regular and routine overtime salaries and corresponding fringe benefit expenses for those employees beginning in April 2022 until available funds are exhausted. Covered salaries are based on Cumberland County's current pay schedule and the fringe benefits are based on the Board of Commissioner adopted benefits ordinance.

Ineligible Activities: Tax Offset Provision

Revenue-reducing Covered Changes from date of award through July 31, 2021	
Revenue-reducing Covered Changes from August 1, 2021 – September 30, 2021	

Overview

Total Obligations	\$18,010.82
Total Expenditures	\$18,010.82
Total Number of Projects	12
Total Number of Subawards	1
Total Number of Expenditures	0

Certification

Name	Victoria Evans
Telephone	(910) 678-7750
Title	Finance Director
Email	yevans@co.cumberland.nc.us
Submission Date	4/28/2022 5:08 PM



RISK MANAGEMENT

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022 **AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JULIE A. CRAWFORD, BENEFITS COORDINATOR

DATE: 4/29/2022

SUBJECT: HEALTH INSURANCE UPDATE

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): N/A

BACKGROUND

As of July 1, 2019, retirees who are 65 and older became covered by a County funded fully insured plan through AmWINS. All other covered members remained insured by the County's self-funded plan through BCBS. The information provided below and within the graphs has been updated to include the monthly premium amount paid to fund the fully insured plan and the actual monthly claims amounts for all other covered members. Combining these amounts for FY20 and beyond is necessary to ensure a complete picture when comparing the claims results to prior years.

Total health insurance claims plus the fully insured premium amount for FY22 are up 27.27% for the month of March as compared to the same month in FY21. To provide some perspective, below is the nine-month average for the past five fiscal years. This average represents the average monthly year-to-date claims for each fiscal year and includes the fully insured premium for fiscal years 20, 21 and 22. Additionally, graphs are provided in the attachment to aid in the analysis. Staff are continuing to closely monitor claims costs against budget and will bring forth a budget ordinance amendment to appropriate health insurance fund balance.

Year to date claims and premium payment through March	\$19,435,702
Less year to date stop loss credits	<u>(\$ 2,975,574)</u>
Net year to date claims and premium payment through March	\$16,460,128

Average monthly claims and fully insured premium (before stop loss) per fiscal year through March:

FY18 \$1,484,097

FY19 \$1,805,766

FY20 \$1,566,183

FY21 \$1,633,601

FY22 \$2,159,522

RECOMMENDATION / PROPOSED ACTION

For information only – no action needed.

ATTACHMENTS:

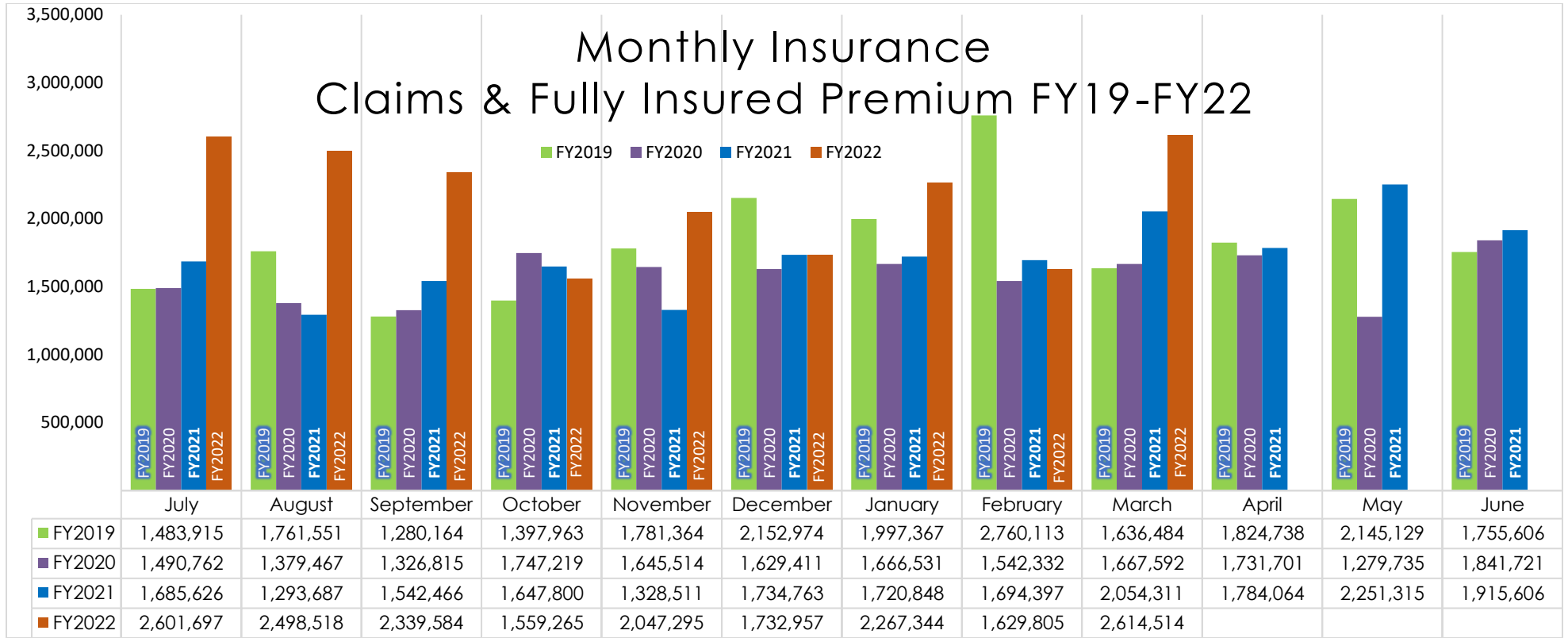
Description

Health Insurance Graphs

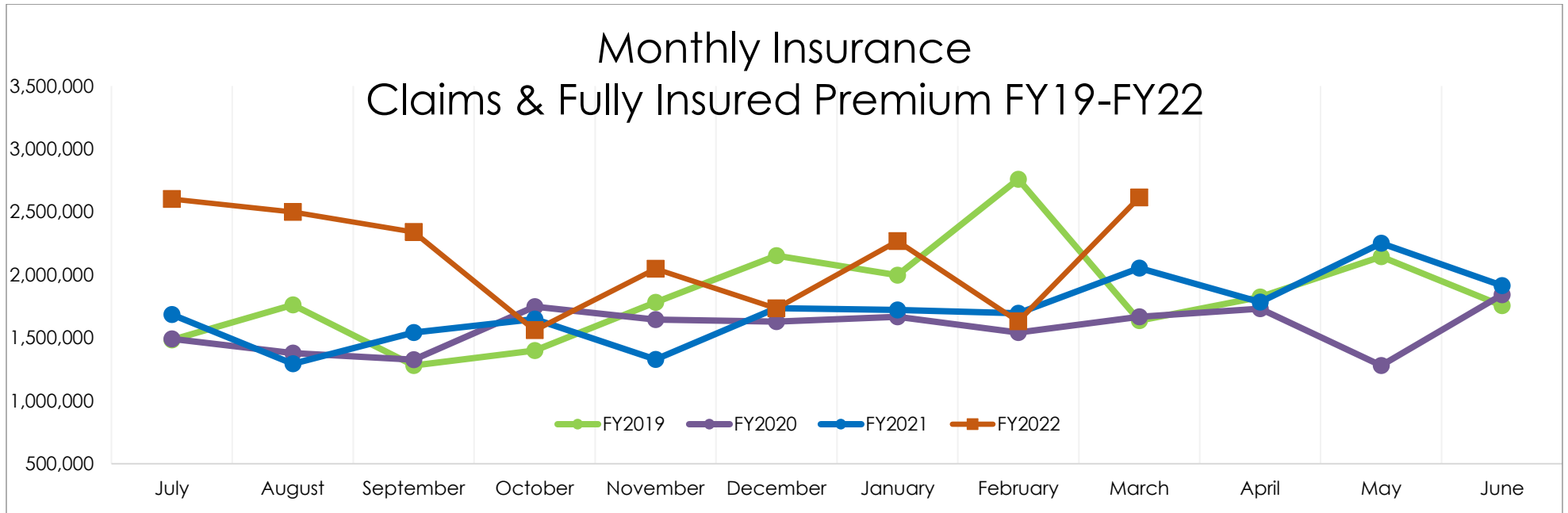
Type

Backup Material

Monthly Insurance Claims & Fully Insured Premium FY19-FY22



Monthly Insurance Claims & Fully Insured Premium FY19-FY22





FINANCE OFFICE

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 5/2/2022

**SUBJECT: SOUTHERN HEALTH PARTNERS, INC., QUARTERLY STATISTICAL
REPORT ON INMATE HEALTHCARE**

Requested by: BOARD OF COUNTY COMMISSIONERS

Presenter(s): NA

BACKGROUND

Through a contract with the Board of County Commissioners, Southern Health Partners, Inc. has been providing services to the inmates at the Cumberland County Detention Center since July 2017.

The most recently updated quarterly statistical report of inmate healthcare as reported by Southern Health Partners, Inc. is provided in the attachment.

RECOMMENDATION / PROPOSED ACTION

For information only. No action needed.

ATTACHMENTS:

Description	Type
SHP - Quarterly Report	Backup Material

Southern Health Partners, Inc. Quarterly Statistics Report on Inmate Health Care
July 1, 2018 - March 31, 2022

Provided for the Cumberland County Board of Commissioners

Data Set	Description	Fiscal Year 2019				Fiscal Year 2020				Fiscal Year 2021				Fiscal Year 2022				Average over all Quarters
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
1	# of Hospital Admissions	6	4	4	3	3	4	2	3	2	5	8	3	5	6	8		4
2	# Sent to Emergency Room	18	16	11	8	10	16	6	9	6	15	29	7	24	22	20		14
3	# Outside Medical Visits (includes any specialty)	44	27	28	40	41	19	24	12	15	26	31	28	34	26	22		28
4	# of In-House X-Ray Services	78	54	69	95	75	78	105	45	195	88	51	66	59	62	57		78
5	# Seen On-Site By Mental Health	1220	1403	1324	963	1043	859	1034	691	528	938	733	737	960	1153	818		960
6	# Seen by Physician and/or Physician Providers	354	288	299	319	256	300	267	196	251	321	227	248	198	161	199		259
7	# Seen by Dentist (includes on-site & off-site)	53	42	56	69	63	51	48	54	54	52	20	49	44	38	32		48
8	# of Receiving Screens done by Medical Staff	0	2021	3500	2946	2924	2923	2836	1479	1959	1970	1895	2287	2616	2400	2645		2293
9	# Seen by Medical Staff for Sick Call	3512	3672	3739	3598	3507	4304	3513	3045	3553	2834	3350	2527	4114	4384	4352		3600
10	# of History and Physicals Performed	1365	1353	1296	1243	1721	1476	1418	925	1011	1064	933	853	906	785	996		1156
11	# of Rapid Plasma Reagin's performed (STD testing/syphilis)	538	489	486	440	342	415	312	0	0	0	0	0	0	0	0		201
12	# of Other Sexually Transmitted Diseases	12	6	18	14	7	13	6	8	5	8	22	16	16	12	15		12
13	# of Medical Refusals by Inmate	504	358	409	502	602	774	603	385	564	352	367	414	502	453	921		514
14	# of Inmate Blood Sugar Checks	2508	2100	4265	3455	3362	3993	4105	2651	1818	1633	1647	1814	2706	2632	1592		2685
15	# of Inmate Blood Pressure Checks	1193	1508	1705	2105	2510	2006	1776	1012	1036	1184	2112	1615	1480	1025	1533		1587
16	# of TB Screens and/or PPD Tests	1365	1353	1296	1250	1305	1476	1418	925	1011	1068	933	920	906	785	2718		1249
17	# of Staph/MRSA Patients In-house	0	1	0	15	7	1	2	1	0	2	3	4	2	2	2		3
18	# of Pregnant Females	22	19	18	12	9	14	15	5	9	9	4	15	13	11	6		12
19	# of HIV Patients In-House	16	11	25	26	25	14	17	12	17	15	20	13	19	18	15		18
20	# of Inmates Placed on Suicide Watch	94	141	133	305	861	169	260	504	765	530	529	215	51	39	58		310
21	# of Inmate Deaths	0	0	0	0	2	1	0	0	1	0	0	0	1	0	0		0
22	# of Inmates on Detox Protocols	80	200	175	208	214	177	150	49	111	88	110	179	184	128	94		143
23	# of Diabetic Patients	no data	no data	no data	no data	no data	no data	41	19	30	31	30	40	54	53	20		35
24	# of Asthma Patients	no data	no data	no data	no data	no data	no data	33	12	21	15	23	40	24	46	22		26
25	# of Meds Administered	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	1858	2470	4578	3626	3738		3254
26	# of Medication Assisted Treatment	no data	no data	no data	no data	no data	no data	9	0	0	0	0	0	0	0	1		1
27	# of patients tested for COVID19	no data	no data	no data	no data	no data	no data	0	121	423	886	1194	826	1134	1188	919		743
28	# of patients testing positive for COVID19	no data	no data	no data	no data	no data	no data	0	20	9	16	98	8	11	25	133		36
Average Daily Population per Quarter:		751	725	697	649	680	714	674	537	501	472	452	442	467	475	450		579

ADDITIONAL INFORMATION ON OUTLIERS AS COMPARED TO AVERAGES:

Gray highlighted cells show outliers as compared to quarterly averages. Per contact at SHP, those quarters' data were inaccurately counted and reported.

Please note: HIPAA laws do not allow cause of death information to be released within the quarterly reports.

Line 27	Per Dr. Jennifer Green, Cumberland County Public Health Director: All new inmates are being tested upon intake (~day 5 or 6 after arrival) and quarantined.
Line 28	Per Dr. Jennifer Green, Cumberland County Public Health Director: Some of the positive tests were among those that were tested upon intake and already in isolation or quarantine. The detention center was in "outbreak status" during the 3rd Quarter of FY 22. The outbreak was during the height of the Omicron wave. The significant increase in the Detention Centered followed the trend of an increase of cases nationwide January-March 2022. The Health Department collaborates with Detention Center staff and Southern Health Partners to appropriately isolate and quarantine individuals in the facility. The Detention Center is not currently in outbreak status.



ENGINEERING AND INFRASTRUCTURE DEPARTMENT

MEMORANDUM FOR THE AGENDA OF THE MAY 12, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JERMAINE WALKER, DIRECTOR OF ENGINEERING AND INFRASTRUCTURE

DATE: 5/5/2022

SUBJECT: PROJECT UPDATES

Requested by: BOARD OF COMMISSIONERS

Presenter(s): JERMAINE WALKER, DIRECTOR OF ENGINEERING AND INFRASTRUCTURE

BACKGROUND

Please find attached the monthly project report update for your review.

RECOMMENDATION / PROPOSED ACTION

No action is necessary. This is for information only.

ATTACHMENTS:

Description	Type
May 2022 Monthly Project Report	Backup Material

MONTHLY PROGRESS REPORT				
Project Location	Contract Amount	Project Status	Contract Start Date	Contract Duration
500 Executive Place - Cumberland County Emergency Services Center	\$16.5M	83% Complete. Construction phase is expected to be completed by May 31, 2022. Experiencing significant supply chain and labor shortages. Awaiting delivery of critical infrastructure items (UPS and Backup Generator). Secondary fiber network permitting still pending and will significantly impact "go live" date. Estimated completion date is December 30, 2022.	3/8/2021	360 days
DSS Elevators	\$1,000,000.00	Materials are scheduled to be delivered on May 23, 2022. Will deconflict with DSS Roof Replacement project. Estimated completion is December 31, 2022.	N/A	N/A
Headquarters Library Parking Lot	\$37,200.00	Completed boring on February 16, 2022. Results should be available mid-March 2022. Will revise design based upon boring results. Revising design based upon boring results. Design will be completed by EOM May 2022. Will solicit on July 1, 2022.	5/13/2021	1/19/2022
Doorway for Register of Deeds	\$115,000.00	Construction started on date April 8, 2022. Project nearing completion.	N/A	N/A
DSS Camera Replacement and Security System Upgrades	\$219K	99% complete. Awaiting programming and issue of new access cards. Estimated completion date is May 27, 2022.	10/11/2021	270 days
Judge Maurice E. Braswell Courthouse Access Management and Security Camera System	\$452K	Kickoff meeting conducted on May 4, 2022. Expected start date is May 9, 2022. Estimated completion date is mid-July, 2022 due to all work being completed after hours.	10/11/2021	270 days
Judge Maurice E. Braswell Courthouse Bathroom Updates	Pending	Intent is to do LL bathrooms first. Finalized scope and awaiting permitting. Bids closed on March 30, 2022. Kennedy Construction was only responsive bid. Preparing release of Purchase Order. Reviewing material submittals.	N/A	N/A
DSS roof replacement	\$1.5M	Conducted pre-construction meeting on January 25, 2022. Construction will start on April 25, 2022. Estimate July 11, 2022.	N/A	N/A
Judge Maurice E. Braswell Courthouse roof replacement	\$400K	Construction started March 21, 2022. Estimated completion date is June 3, 2022.	N/A	N/A