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**AGENDA**  
**CUMBERLAND COUNTY BOARD OF COMMISSIONERS**  
**JUDGE E. MAURICE BRASWELL**  
**CUMBERLAND COUNTY COURTHOUSE - ROOM 118**  
**MAY 16, 2022**  
**6:45 PM**

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INVOCATION - Commissioner Jimmy Keefe

PLEDGE OF ALLEGIANCE -

Fayetteville-Cumberland Youth Council Members

Laiya Davis

Jaedyn Daniels

Recognition of 2022 Governor's Volunteer Service Awards

Individuals

Wilma Hernandez – Fayetteville Urban Ministry Adult Literacy Education Center

Duncan Harling – BSA Venturing Crew 32, AL Post 32 SAL Squadron 32

Stacey Buckner – Medallion Winner – Veterans Affairs Hospital / ServiceSource Employee

Jerel D. McGeachy, Jr. – East Freedom Council #33 Knights of Pythagoras

Casey Ferris – Hope Mills Area Chamber of Commerce

Jacqueline Crawford – Army Community Service

Patricia Ann Archie Jackson – Fayetteville-Cumberland County Senior Citizens Advisory Commission

Organizations/Groups

Duncan Harling, Jacob Dahman, Julia Dahman, Philip Ryan, Sean Ryan, Luke Frassel, Owen Walkinshaw, Patrick Cook, Liam Creasey and Logan Williamson - BSA

Venturing Crew 32, AL Post 32

Bertha Council, John McCauley and Carol Ivey - U.S. Army Airborne & Special Operations Museum

**PUBLIC COMMENT PERIOD**

1. APPROVAL OF AGENDA

2. CONSENT AGENDA

- A. Approval of Proclamation Recognizing May 15-21, 2022 as National Public Works Week in Cumberland County
- B. Approval of Formal Bid Award for the Custom Two-Tone Paging System, DTMF and Monitoring, Contract Award, and Approval of Budget Ordinance Amendment B221150 for Emergency Services Department
- C. Approval of Budget Ordinance Amendments for the May 16, 2022 Board of Commissioners' Agenda

D. Approval of Cumberland County Board of Commissioners Agenda Session Items

1. Fayetteville State University Innovation and Entrepreneurship Hub
2. Opioid Settlement Fund Grant Project Budget Ordinance #B220136
3. Set Legislative Hearing to Consider Moratorium or Ordinance Amendments
4. Request to Apply for the U.S. Department of Transportation Multimodal Project Discretionary Grant
5. FY23 Community Transportation Program Bid Tab for Proposed Services
6. Contract for Recycling Center Fire Protection Improvements
7. Resolution of Intent to Lease Real Property to Service Source Employment Services, Inc.
8. Amendments to the Overhills Park Water and Sewer District Rate Structure
9. Amendments to the NORCRESS Water and Sewer District Rate Structure
10. Refund of Excise Tax to the Law Offices of K. D. White
11. Refund of Excise Tax to Single Source Real Estate Services, Inc.
12. ARP Committee Recommendations: ARP Policies and Grant Project Ordinance

3. PUBLIC HEARINGS

- A. Public Hearing and Approval of Resolution for the Issuance of Tax-Exempt Bonds not Exceed \$267,250,000 by the Public Finance Authority to Finance and Refinance Certain Costs of Various Projects on Behalf of Cumberland County Hospital System, Inc. D/B/A Cape Fear Valley Health System and Harnett Health System, Inc.
- B. Public Hearing and Consideration of Renaming a Portion of Old Plank Road and Naming a Newly Constructed Section of The Road – Case No. SN-0490
- C. Public Hearing and Consideration of Naming an Unnamed Street to Gaddy Lane – Case No. SN-0491

**Rezoning Cases**

- D. Case ZON-22-0036 \*\* The Applicant Requested the Hearing Be Moved to June 20, 2022 \*\*
- E. Case ZON-22-0038 \*\*This Case Has Been Withdrawn by Applicant\*\*

4. ITEMS OF BUSINESS

- A. Consideration of Request for Approval of Formal Bid for Judge E. Maurice Braswell Courthouse Boiler Replacement
- B. Consideration of Parking Lot Lease Renewal with First Presbyterian Church of Fayetteville
- C. Consideration of Resolution of Intent to Lease Real Property to the Vision Resource Center, Inc.
- D. Consideration of Emergency Operations Center Capital Project Budget Ordinance Revision #B220053 and the Emergency Telephone System 911 Fund Budget Ordinance

Amendment #B220052

E. Consideration of Policy to Name Rooms Within County Facilities

5. NOMINATIONS

A. Workforce Development Board

6. APPOINTMENTS

A. Alliance Health Board of Directors

**RECESS THE BOARD OF COMMISSIONERS' MEETING**

**CONVENE THE OVERHILLS PARK WATER AND SEWER DISTRICT GOVERNING BOARD MEETING**

7. OVERHILLS PARK WATER AND SEWER CONSENT AGENDA

A Amendments to the Overhills Park Water and Sewer District Rate Structure

**ADJOURN THE OVERHILLS PARK WATER AND SEWER DISTRICT GOVERNING BOARD MEETING**

**CONVENE THE NORCRESS WATER AND SEWER DISTRICT GOVERNING BOARD MEETING**

8. NORCRESS WATER AND SEWER CONSENT AGENDA

A Amendments to the NORCRESS Water and Sewer District Rate Structure

**ADJOURN THE NORCRESS WATER AND SEWER DISTRICT GOVERNING BOARD MEETING**

**RECONVENE THE REGULAR BOARD OF COMMISSIONERS MEETING**

9. CLOSED SESSION: If Needed

**ADJOURN**

**REGULAR BOARD MEETINGS:**

**June 6, 2022 (Monday) - 9:00 AM**

**June 20, 2022 (Monday) - 6:45 PM**

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

**WATCH THE MEETING LIVE**

**THIS MEETING WILL BE STREAMED LIVE THROUGH THE COUNTY'S WEBSITE, CUMBERLANDCOUNTYNC.GOV LOOK FOR THE LINK AT THE TOP OF THE HOMEPAGE.**

**THE MEETING WILL ALSO BE BROADCAST LIVE ON CCNC-TV SPECTRUM CHANNEL 5**



## **INTERNAL SERVICES**

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JEFFERY P. BROWN, PE, INTERNAL SERVICES MANAGER**

**DATE: 5/3/2022**

**SUBJECT: APPROVAL OF PROCLAMATION RECOGNIZING MAY 15-21, 2022 AS  
NATIONAL PUBLIC WORKS WEEK IN CUMBERLAND COUNTY**

#### **BACKGROUND**

National Public Works Week (NPWW) is a celebration of the tens of thousands of men and women in North America who provide and maintain the infrastructure and services collectively known as public works. Instituted as a public education campaign by the American Public Works Association (APWA) in 1960, NPWW calls attention to the importance of public works in community life. The Week seeks to enhance the prestige of the often-unsung heroes of our society.

National Public Works Week is observed each year during the third full week of May. Through NPWW and other efforts, APWA seeks to raise the public's awareness of public works issues and to increase confidence in public works employees who are dedicated to improving the quality of life for present and future generations.

#### **RECOMMENDATION / PROPOSED ACTION**

The Internal Services Department of Cumberland County respectfully request the approval of the 2022 National Public Works Week Proclamation beginning May 15<sup>th</sup> through May 21<sup>st</sup>.

#### **ATTACHMENTS:**

Description

National Public Works Week Proclamation

Type

Backup Material

## roclamation

**WHEREAS**, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Cumberland County; and,

**WHEREAS**, the infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment, sewer collection systems, solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

**WHEREAS**, it is in the public interest for the citizens, civic leaders and children in Cumberland County to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

**WHEREAS**, the year 2022 marks the 62<sup>nd</sup> annual National Public Works Week sponsored by the American Public Works Association; and

**NOW, THEREFORE, WE**, the Cumberland County Board of Commissioners, do hereby proclaim the week of May 15-21, 2022, as

### **“NATIONAL PUBLIC WORKS WEEK”**

and call upon all Cumberland County citizens and organizations to acquaint themselves with the issues involved in providing the County's public work services and programs, and to recognize the contributions the county's public works officials make every day to the county's health, safety, comfort, and quality of life.

Proclaimed this 16<sup>th</sup> day of May, 2022.

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*Glenn B. Adams, Chairman*  
*Cumberland County Board of Commissioners*



## **FINANCE OFFICE**

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JESSICA HULLENDER, FINANCE ACCOUNTANT II**

**DATE: 5/3/2022**

**SUBJECT: APPROVAL OF FORMAL BID AWARD FOR THE CUSTOM TWO-TONE PAGING SYSTEM, DTMF AND MONITORING, CONTRACT AWARD, AND APPROVAL OF BUDGET ORDINANCE AMENDMENT B221150 FOR EMERGENCY SERVICES DEPARTMENT**

#### **BACKGROUND**

A formal bid process was conducted for a Custom Two-Tone Paging System, Dual-Tone Multi-Frequency (DTMF) Signaling and Monitoring software/equipment for the Emergency Services department. This equipment is utilized for dispatching fire departments. The equipment will be installed at both the new 911 Communications Center located at 500 Executive Place and the broadcast tower located at Cliffdale Road. This equipment will also include remote monitoring for equipment failure at the Cliffdale tower. Monitoring for failure will assist in increasing the credit Fire Departments receive from the Communications system during the Department of Insurance (DOI) rating process.

During the FY2022 budget process, the Custom Two-Tone Paging System, DTMF and Monitoring was not included as part of the budget. The expenditure is a one-time non-recurring expense. Funds in the amount of \$111,000.00 have been identified in the Emergency Telephone Fund. Fund balance will need to be used. The 911 Board has given their approval to use fund balance for this approved expenditure.

Formal bids for a Custom Two-Tone Paging System, DTMF and Monitoring were sent out twice. No responses were received the first time. The second time a total of one bid was received. Radio Communications Company was the only responsive bidder and met all specifications with a proposed cost of \$110,940.00.

#### **RECOMMENDATION / PROPOSED ACTION**

Purchasing staff and management recommends that the Board of Commissioners:

1. Emergency Telephone Fund 260 – The Board is requested to approve Budget Ordinance Amendment

B221150 and appropriate Emergency Telephone fund Balance totaling \$111,000. These funds will be used to purchase a Custom Two-Tone Paging system, DTMF signaling and Monitoring software/equipment for the Emergency Services department. The 911 Board has given their approval to use fund balance for this approved one-time expenditure.

Please note this amendment requires no additional county funds.

2. Award Bid Number 22-21-EMS to Radio Communications Company (\$110,940.00) for the Custom Two-Tone Paging System, DTMF and Monitoring based on lowest, responsive, responsible bidder standard of award.

3. Delegate authority to the County Manager to approve the contract with Radio Communications Company.

**ATTACHMENTS:**

Description	Type
Bid Award Request Form	Backup Material
Bid Tab Summary	Backup Material
Vendor's Bid	Backup Material



## Formal Bid Award Request (Eff. 6/21/21)

**Please Note:** This form is required for purchases in the formal bid range and must be completed and signed prior to any final bid award recommendations being submitted to a committee or the Board. Please complete all applicable fields.

Date: 07/27/2022 Department: Emergency Services

**Bid Description** (If additional space necessary, may attach a separate sheet): Custom two tone paging system, DTMF and monitoring.

**Amount of Bid Award** (or estimated contract amount): \$110,940 (If \$90,000 – \$99,999.99 County Manager approval required only, if \$100,000 or more County Manager and Board approval required.)

**Budgeted Amount for Project:** \$111,000 **Original Budget (Y/N):** N or **Budget Revision #:** BR221150

**Budget Line:** Org. 2604595 **Object Code:** 577060 **Project Code:** \_\_\_\_\_

**Department Bid Award Recommendation** (specify the vendor):

Radio Communications Company

**Justification** (ex. lowest bidder) (Please note that if the lowest bidder is not selected a detailed explanation must be provided. If additional space necessary, may attach a separate sheet.):

Cumberland County Emergency Services, along with purchasing, issued an RFP for the purchase of a two-tone and DTMF paging system.

This RFP was issued twice. One bid received by Radio Communication Company. In addition to Radio Communications Company being the only bid recieved, RCC is the vendor that installed and provides maintainance of similer equipment at the current 911 center.

**Has this project** (not the bid award, just the actual project or funds for the project) **been reviewed by a committee?** No **If so, which committee?** \_\_\_\_\_ **on what date?** \_\_\_\_\_ (Please note committee review/approval is not necessarily required for all bids, if a department is not certain if committee review is necessary, they should consult their Assistant County Manager.)

**Recommended By:** Aue Booth  
Department Head

**Reviewed and Accepted By:**

This is within the County Manager's authority to approve range ☐

This is within the BOCC authority to approve range, requesting County Manager approval to send forward to BOCC ☒

Wadei Swans Date: 5/3/22

Finance Director (Please see question below)

Should this bid be submitted to the Agenda Session?

Yes \_\_\_\_\_ No ☒

Jessica Hillender Date: 5/3/22  
County Purchasing Manager

Amber Cannon Date: 5/3/2022  
County Manager (Please see question below)

Is the County Manager approval contingent upon any committee review/approvals of bid award? If so, please specify the required committee: \_\_\_\_\_

FOR PURCHASING ONLY BELOW THIS LINE

SAM CHECKED ☒  
DOA CHECKED ☒  
IRAN CHECKED ☒

[illegible]



# IFB# 22-43-EMS Custom Two-Tone Paging System DTMF and Monitoring

October 2022





**RADIO COMMUNICATIONS COMPANY**

8035 Chapel Hill Road  
Cary, North Carolina 27513  
P. O. Box 68, Cary, North Carolina 27512  
(919) 467-2421 • Fax (919) 467-6548

4<sup>th</sup> Oct 2022

Lorena Santos  
Purchasing Manager  
Cumberland County Finance Department  
117 Dick Street  
4th Floor, Room 451  
Fayetteville, NC 28301

Radio Communications Company (RCC) is pleased to provide Cumberland County (the County) this proposal for a new Custom Two-Tone and DTMF Paging System, radio transmitter, and remote monitoring.

We encourage the County to thoroughly examine our offer and consider its merits. Utilizing our years of experience in Critical Communications, RCC is prepared to work closely with the County to deliver a solution that meets and exceeds its expectations.

RCC is familiar with the situation that the County faces and is qualified to execute this project in partnership with the County. In fact, RCC provided the County its current Custom Two-Tone and DTMF Paging System in use at the 911 center. RCC has the experience, knowledge, trained technical staff, and references to confirm the company's excellent qualifications to execute this project professionally and on time.

Name of Provider:	Radio Communications Company
Contact Person:	Matthew Dean
Email address:	<a href="mailto:mdean@rccws.com">mdean@rccws.com</a>
Address:	8035 Chapel Hill Road, Cary, NC 27513
Telephone Number:	919-467-2421
Fax Number:	919-467-6548

Please contact us with any questions or comments regarding this proposal. Thank you for the opportunity and we look forward to working with you in this important matter.

Matthew Dean

A handwritten signature in blue ink, appearing to read 'M. Dean', with a stylized flourish extending from the end.

Radio Communications Company



## **Vendor Experience Radio Communications Company**

Radio Communications Company (RCC) is pleased to provide Cumberland County (the County) this proposal for a new Custom Two-Tone and DTMF Paging System, radio transmitter, and remote monitoring. This proposal is based on prior experience and discussions with County personnel for the known system requirements.

Radio Communications Company (RCC), founded in 1959, has been providing quality two-way communications products and systems from our present location in Cary, North Carolina for over 60 years. RCC has a long history of providing and supporting critical communications systems for government and private radio users. RCC is staffed with experienced and factory trained professionals available for sales consulting, engineering, installation, and service from its fully equipped and staffed service facility.

From its 8,500 sq. ft. facility near the Research Triangle Park and an office in Asheville, North Carolina, RCC is focused on selling, installing, and servicing products and systems that communicate voice and data over local and wide area networks for public safety, public service, and business users. Behind a core team of highly qualified and motivated professionals, RCC delivers value and service to its clients by providing cost effective and reliable solutions. RCC maintains a broad supplier base in order to best select the appropriate solution for the client based on their particular needs. RCC participates in supplier training, seminars, and certification programs to maintain an up to date understanding of products and market trends. RCC is a turnkey operation, offering its clients the full complement of services including product sales, design engineering, installation, repair, and maintenance agreements tailored to meet each client's particular requirements. We have qualified technicians on call 24 x 7 x 365 in support of these agreements.

As a full-service sales and service/engineering firm that provides turnkey communications solutions, our offerings include:

- Radio dispatch and E911 console solutions
- Radio system infrastructure – a single site to statewide; consultation, design, installation and maintenance
- Portable and Mobile radios, from a variety of manufacturers to meet your needs and budget
- New technology migrations
- Multicast and Simulcast systems

- RF Coverage modeling
- Interoperability solutions
- Mobile radio and emergency equipment installation, on-site or in-house
- Customizable service agreements tailored to the customer's needs

Today's proposal again includes custom configured server hardware, and the same custom software currently in use. In addition, RCC is offering a TB9400 series base station from Tait Communications, a world leader in the industry for over 50 years, as well as a remote monitoring solution from Davicom, a global provider of remote site management solutions for 25 years.

In 2015, RCC partnered with Cumberland County Emergency Services to provide the Custom Two-Tone and DTMF Paging System that is currently in use today. The solution includes custom configured server hardware, custom software and programming configuration for dispatch requirements, as well as interface to the existing paging transmitter. Gene Booth (910-850-8166) can be contacted about this system.

Prior to the original Cumberland County installation, RCC provided a similar solution to Moore County for their main 911 center, and then subsequently for the backup 911 center. Bryan Phillips, Director of the Department of Public Safety, can be reached at 910-947-6317.

RCC provides mission critical solutions for numerous customers, from dispatch console systems to county-wide radio systems, analog to P25 trunking. RCC's continued success in North Carolina is directly related to its excellent relationships with its customers, delivering complex communication systems competently to demanding communications end users, and then providing quality post sale maintenance and support.

The key to our qualification rests with RCC's staff of motivated and experienced, full-time employees. Collectively their knowledge and experience are what allows RCC to continually meet the complex challenges of our industry. Some of our key employees are that will be involved with the County project are:

#### Matthew Dean – General Manager

Matthew has been a part of the RCC team for over 16 years following a career in law enforcement where he had a role in managing the department's communications and technology. He is active in the daily operations of RCC, where he responsible for all company functions with emphasis on customer, vendor, and employee relations. He manages some key customer accounts and provides project management. He has attended countless industry seminars, dealer councils, and specialized training sessions.

Randy Giffin – Manager of the Systems Group

Randy is responsible for the daily operations of the technical activities of RCC. He has been in the industry since 1975, having worked for several manufacturers in a wide range of occupations including design, testing, and system integration. He provides technical project management and on-site network integration. He is skilled in a variety of disciplines including RF, IT, IP, Software, and product integration. He has been with RCC since 2003.

Keith Page – Field Engineer

Keith was an Assistant Chief Engineer for 10 years in the Broadcast Industry prior to migrating to the public safety radio communications industry 14 years ago. Keith also has years of public safety experience, having been a deputy fire chief, deputy EMS chief, part time dispatcher and part time police officer. His 24 years of total experience in the communications industry, with his public safety experience, brings a combination of skills and knowledge in the RF and IT disciplines.

Additional personnel will be assigned, as needed.

RCC will not use any subcontractors for this project.



## Project Approach

Upon receipt of Purchase Order from the County, RCC will begin procurement of the system hardware. Given the current global supply chain situation, especially in electronics, we may expect a longer than usual lead time before receiving equipment. Though the scheduled opening of the new 911 center is a number of months away, it is important that the project proceeds as soon as possible to allow for any supply issues.

As RCC receives equipment, the following tasks will follow:

- Custom build configuration will be completed and software installed and programmed
- The TB9400 base station will be programmed and the remote monitoring hardware will be configured with it
- The connectivity equipment will be configured and interfaced to the servers and base station
- Operation will be tested at RCC prior to field deployment.

RCC will coordinate with County personnel to determine readiness of the new 911 center, in order to install the server equipment, site connectivity hardware, and client software on position computers. The transmitter site equipment will be installed at the Cliffdale site and connectivity and operation tested.

If needed, training can be performed prior to the new 911 center going operational.

Final switchover will be made in coordination with the County.

As the new system is being installed in the new 911 center, there should be little to no disruption to daily center operation.

The County is responsible to provide the following for a successful implementation:

- Full access to site(s), as required
- Appropriate AC power for all equipment
- Appropriate IT network and connectivity, as required
- Appropriate fiber connectivity between the 911 centers and the Cliffdale site
- Required space in existing equipment racks for new equipment
- Appropriate indoor climate-controlled installation space at the sites
- Appropriate grounding points
- Proposal assumes the existing antenna and coax cabling are in good working order



## Hardware and Software Information

The proposed paging system was developed specifically for public safety use, providing critical communication to emergency first responders, and is in operation at the current Cumberland County 911 Center.

The Two-Tone and DTMF Paging System solution operates independently from the existing radio dispatch consoles, providing a redundant capability to the Communications Center. It is an IP-based solution consisting of client software on an existing operator position PC that interfaces with a customized database residing on redundant custom configured servers located in the “backroom.” These servers are built with industrial grade hardware and other custom components. As part of the resiliency of the system, the client software maintains a continual testing protocol with the servers.

Some of the many important features provided are:

- Large display for up to 81 paging buttons per screen
- Page stack activity display
- Activity log in both the client and server
- Multiple screens with stack paging configuration capability
- Highly customizable screen detail including button labels, colors, location on screen
- Customizable tone (0.1Hz increments) and timing (1ms increments) parameters for accurate dispatch alerting
- Customizable DTMF encoding to activate fire department station sirens
- Remote system access for monitoring, reconfiguration, reprogramming, and maintenance
- Analog audio output from the servers for integration/connection to logging recorder

The proposed transmitter is a TB9400 series 100W VHF base station, rated for 100% duty cycle. Please see the accompanying information sheet for further information.

The Davicom remote monitoring equipment will be configured to monitor forward and reflected power of the transmitter, and will be programmed to send an email notification when the transmit or reflected power meet predetermined/preprogrammed levels.

### Warranty

RCC will provide the County parts and labor warranty and emergency service response for one (1) year following deployment of the system. Emergency

response for a major critical failure will be provided 24x7x365 and next business day response for non-critical failure of the system.

### **Licensing**

The client software will be provided for twenty (20) operator position PCs (15 main dispatch positions and 5 training positions) provided by the County and server database software will run on two (2) servers provided by RCC. There are no individual licenses required for operation. As the system will run over the County's network, the County will need to provide IP addressing and other network support information for implementation.

### **Training**

As this solution is currently in use at the current 911 center, users are already intimately familiar with its operation. However, RCC will provide up to one (1) day of training to the County in a train-the-trainer format, providing for user and administrator operation, if requested.



## Costs and Pricing

Please see the following pricing breakout and additional information.

### Two-Tone and DTMF Paging System Equipment and Software:

- |   |          |
|---|----------|
| • Redundant Servers with custom audio interface boards          | \$9,750  |
| • Client/Server Software  | \$43,500 |
| • Switches and remote site connectivity hardware (multiplexers) | \$23,652 |

### Paging Transmitter and Remote Monitoring Equipment:

- |  |         |
|--|---------|
| • TB9400 analog base station, 100W                                 | \$7,259 |
| • Davicom Remote Monitoring RTU with Bidirectional RF Power Sensor | \$3,329 |

Services:	\$23,450
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- Configuration and Installation of both the paging system and transmitter site equipment
- Emergency Service included as described above

### Training:

- |  |          |
|--|----------|
| • Training (train-the-trainer) for up to 1 day | Included |
|--|----------|

<b>Total</b>	<b>\$110,940</b>
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*Taxes are additional, as applicable. Pricing included herein is valid for 60 days.*

Given the custom nature of the solution, RCC respectfully submits the following suggested Payment Terms:

25% non-refundable deposit upon Purchase Order/written notice to proceed

Balance due upon installation

**ATTACHMENT B: EXECUTION OF BID****EXECUTION**

In compliance with this Invitation for Bids (IFB), and subject to all the conditions herein, the undersigned vendor offers and agrees to furnish and deliver any or all items/services upon which prices are proposed. By executing this bid, the undersigned vendor certifies that this bid is submitted competitively and without collusion, that it and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible from covered transactions by any Federal or State department or agency. Furthermore, the undersigned Vendor certifies that it and its principals are not presently listed on the Department of State Treasurer's Final Divestment List as per N.C.G.S 147-86.55-69.

The potential Contractor certifies and/or understands the following by placing an "X" in all blank spaces:

- X     The County has the right to reject any and all bids or reject specific bids with deviated/omitted information, based on the County's discretion if the omitted information is considered a minor deviation or omission. The County will not contact Vendors to request required information/documentation that is missing from a bid packet. Additionally, if the County determines it is in its best interest to do so, the County reserves the right to award to one or more vendors and/or to award only a part of the services specified in the IFB.
- X     This bid was signed by an authorized representative of the Contractor.
- X     The potential Contractor has determined the cost and availability of all materials and supplies associated with performing the services outlined herein.
- X     All labor costs associated with this project have been determined, including all direct and indirect costs.
- X     The potential Contractor agrees to the conditions as set forth in this IFB with no exceptions.
- X     Selection of a contract represents a preliminary determination as to the qualifications of the Vendor. Vendor understands and agrees that no legally binding acceptance offer occurs until the Cumberland County Board of Commissioners, or its designee, executes a formal contract and/or purchase order.
- X     The selected vendor affirms an effective contract date beginning.

Therefore, in compliance with the foregoing IFB, and subject to all terms and conditions thereof, the undersigned offers and agrees to furnish the services for the prices quoted within the timeframe required and to make valid all bid cost and terms through contract execution.

**Failure to execute/sign bid prior to submittal shall render the bid invalid and it WILL BE REJECTED.**

<b>VENDOR:</b> RADIO COMMUNICATIONS COMPANY		
<b>STREET ADDRESS:</b> 8035 CHAPEL HILL ROAD	<b>P.O. BOX:</b> 68	<b>ZIP:</b> 27512
<b>CITY &amp; COUNTY &amp; ZIP:</b> CARY, WAKE COUNTY, 27513	<b>TELEPHONE NUMBER:</b> 919-467-2421	<b>TOLL FREE TEL. NO:</b>
<b>PRINCIPAL PLACE OF BUSINESS ADDRESS IF DIFFERENT FROM ABOVE (SEE INSTRUCTIONS TO VENDORS ITEM #10):</b>		
<b>PRINT NAME &amp; TITLE OF PERSON SIGNING ON BEHALF OF VENDOR:</b> MATTHEW DEAN, GENERAL MANAGER		<b>FAX NUMBER:</b> 919-467-6548
<b>VENDOR'S AUTHORIZED SIGNATURE:</b>	<b>DATE:</b> 3-2-22	<b>EMAIL:</b> MDEAN@RCCWS.COM

**ATTACHMENT C: CERTIFICATION OF FINANCIAL CONDITION**

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Name of Vendor: RADIO COMMUNICATIONS COMPANY

The undersigned hereby certifies that: [check all applicable boxes]

☒ The vendor is in sound financial condition and, if applicable, has received an unqualified audit opinion for the latest audit of its financial statements.

Date of latest audit: \_\_\_\_\_

☒ The vendor has no outstanding liabilities, including tax and judgment liens, to the Internal Revenue Service or any other government entity.

☒ The vendor is current in all amounts due for payments of federal and state taxes and required employment-related contributions and withholdings.

☒ The vendor is not the subject of any current litigation or findings of noncompliance under federal or state law.

☒ The vendor has no findings in any past litigation, or findings of noncompliance under federal or state law that may impact in any way its ability to fulfill the requirements of this Contract.

☒ He or she is authorized to make the foregoing statements on behalf of the vendor.

**Note:** This is a continuing certification and vendor shall notify the Contract Lead within 15 days of any material change to any of the representations made herein.

**If any one or more of the foregoing boxes is NOT checked, vendor shall explain the reason in the space below:**

---

	3-2-22
Signature	Date
MATTHEW DEAN	GENERAL MANAGER
Printed Name	Title

**[This certification must be signed by an individual authorized to speak for the vendor]**



## References

RCC's continued success in North Carolina is directly related to its excellent relationships with its customers, which confirms RCC's track record of delivering complex communication systems competently to demanding communications end users, and then providing quality post sale maintenance and support.

As noted earlier in the proposal, this custom paging solution is currently in use in Cumberland County, and Gene Booth is listed below. It is also in operation in Moore County, and Bryan Phillip is listed below. The additional references do not use the same kind of paging, and the system solutions we have provided are larger in scope than this proposal.

County of Cumberland  
Gene Booth  
910-850-8166  
[wbooth@co.cumberland.nc.us](mailto:wbooth@co.cumberland.nc.us)

County of Moore  
Bryan Phillips  
910-947-6317  
[bphillips@moorecountync.gov](mailto:bphillips@moorecountync.gov)

County of Richmond  
Bob Smith  
910-997-8238  
[Bob.Smith@richmondnc.com](mailto:Bob.Smith@richmondnc.com)

County of Wayne  
Bryan Taylor  
(919) 731-1416  
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## **BUDGET DIVISION**

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: AMY H. CANNON, COUNTY MANAGER**

**DATE: 5/9/2022**

**SUBJECT: APPROVAL OF BUDGET ORDINANCE AMENDMENTS FOR THE MAY 16, 2022 BOARD OF COMMISSIONERS' AGENDA**

#### **BACKGROUND**

##### **General Fund 101**

##### **1) Emergency Services – Budget Ordinance Amendment B221044 to recognize Emergency Management Performance Grant funds in the amount of \$23,553**

The Board is requested to accept the grant award and approve Budget Ordinance Amendment B221044 to recognize Emergency Management Performance Grant funds in the amount of \$23,553. These funds will be used for closing, building or sustaining capabilities as identified in state or local Threat and Hazard Identification and Risk Assessments (THIRA). Examples of eligible projects include training and exercises, plan development and purchasing of equipment. This grant award ends on September 20, 2023.

Please note this amendment requires no additional county funds.

##### **2) Public Safety Other – Budget Ordinance Amendment B220146 to appropriate fund balance in the amount of \$216,552 for youth detention subsidies**

The Board is requested to approve Budget Ordinance Amendment B220146 to appropriate fund balance in the amount of \$216,552 for youth detention subsidies. The North Carolina Youth Detention Subsidy is based on the length of time a Judge remands a juvenile at their discretion. This amount includes projected expenses over the budgeted amount for the remainder of Fiscal Year 2022.

Please note this amendment requires appropriation of general fund balance.

## **Capital Investment Fund 107**

### **3) Capital Investment Fund – Vehicles - Budget Ordinance Amendment B220178 to recognize insurance reimbursement funds in the amount of \$4,673**

The Board is requested to approve Budget Ordinance Amendment B220178 to recognize insurance settlement funds in the amount of \$4,673. These funds represent a total loss vehicle incident which occurred on February 1, 2022.

Please note this amendment requires no additional county funds.

### **RECOMMENDATION / PROPOSED ACTION**

Approve Budget Ordinance Amendments



**OFFICE OF THE COUNTY MANAGER**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: AMY CANNON, COUNTY MANAGER**

**DATE: 5/13/2022**

**SUBJECT: FAYETTEVILLE STATE UNIVERSITY INNOVATION AND  
ENTREPRENEURSHIP HUB**

**BACKGROUND**

This item was originally presented at the April 14, 2022 Agenda Session Meeting by Chancellor Allison. The University is seeking support from the Board of Commissioners for their Innovation and Entrepreneurship Hub scheduled to be launched in August 2022. The goal of this project is to empower entrepreneurs and small businesses to achieve their full potential for economic success. The center will provide advisory and consulting services, educational and entrepreneurial summits. The University is seeking \$250,000 from the County to assist with expenses related to assisting small businesses.

**RECOMMENDATION / PROPOSED ACTION**

At May 12, 2022 Agenda Session Meeting, the Board of Commissioners approved placing the actions below on the May 16, 2022 meeting as a consent agenda item:

Approve \$250,000 for the FSU Innovation and Entrepreneurship Hub and determine if American Rescue Plan funds can be utilized for these services.

**ATTACHMENTS:**

Description	Type
Letter of Request	Backup Material
Funding Proposal	Backup Material



Office of the Chancellor

May 10, 2022

Glenn Adams, J.D.  
Chairman  
Cumberland County Board of Commissioners  
117 Dick Street  
Fayetteville, NC 28301

Dear Chairman Adams,

First, I would like to thank you once again for the opportunity on April 14<sup>th</sup> to present to the Cumberland County Board of Commissioners our vision for Fayetteville State University's soon-to-be-launched Innovation and Entrepreneurship Hub. We appreciate the interest and support that was expressed at that meeting. We are excited to be able to create this unique catalyst for accelerated regional economic growth. As we shared at the prior meeting, the key goal of this new Hub will be to help empower entrepreneurs and small businesses throughout the greater Cumberland County region to achieve their full potential for economic success. A copy of our full proposal with additional details is attached.

To date, the University has invested approximately \$600,000 of the \$1.7 million total investment required to bring this responsive, inspiring, and impactful Hub space to life. To help enable expedited completion, FSU seeks \$250,000 from Cumberland County to go toward renovation expenses. I am writing now to ask that this \$250,000 funding request be considered at the May 12, 2022 meeting of the Cumberland County Board of Commissioners. This investment from the County will go far toward accelerating the achievement of our shared vision to empower even greater economic growth throughout the County and beyond.

Thanking you in advance for your support of this request.

Sincerely,

Darrell T. Allison, J.D.  
Chancellor

Encl: Fayetteville State University Innovation and Entrepreneurship Hub Funding Proposal

**Fayetteville State University  
Innovation and Entrepreneurship Hub**

**Funding Proposal  
Prepared for Cumberland County  
Board of Commissioners**

**May 2022**



**Darrell T. Allison, J.D.  
Chancellor**



## **Innovation and Entrepreneurship Hub Funding Proposal**

### **Executive Summary**

The purpose this proposal is to seek the financial support of the Cumberland County Board of Commissioners to fully implement the recently announced Innovation and Entrepreneurship Hub at Fayetteville State University (FSU)--scheduled to be launched August 2022. Designed to be readily accessible to the community, the key goal of this new Hub will be to help empower entrepreneurs and small businesses throughout the greater Cumberland County region to achieve their full potential for economic success. As an HBCU, Fayetteville State University is particularly interested in assisting businesses owned by under-represented demographic segments to improve their access to opportunities through enhanced capacity to meet market needs.

To help create a more intentional catalyst for local economic growth, in October 2021 the University announced that affiliated entities of the University had acquired 100% ownership of the Bronco Square Commercial Development (previously 50% owned by private developer Gary Ciccone). Further, the University announced that the 6,500 square foot stand-alone anchor Bookstore in this development will be reimagined and repurposed to serve as the Fayetteville State University Innovation and Entrepreneurship Hub. This new Hub will provide innovative workspaces, meeting facilities, business counseling expertise, workshops, computers, 3D printers, and other tools to support the needs of regional small businesses and associated organizations. One of the most impactful Hub initiatives will be a collaboration with community partners to assist under-represented contractors in qualifying for--and bidding for--contracts associated with the historic levels of new construction recently approved by the state legislature for Fayetteville State University and for Cumberland County (over \$150 million at FSU alone).

To-date, the University has already invested approximately \$600,000 of the \$1.7 million total investment required to bring this responsive, inspiring, and impactful Hub space to life. To help enable expedited completion, FSU seeks \$250,000 from Cumberland County to go toward renovation expenses. This investment from the County will go far toward accelerating achievement of our shared vision to be an even greater catalyst for regional economic development.

### **Organizational Background:**

With origins as the first publicly funded HBCU in North Carolina, Fayetteville State University (FSU) has a rich legacy of offering new opportunities for previously underserved segments of the population. Serving approximately 6,700 students, FSU is now the most ethnically diverse institution in the University of North Carolina system. The University provides readily accessible, high-quality offerings, with a focus on maintaining currency in emerging new fields.

Fayetteville State University is committed to contributing to the economic transformation of Cumberland County and the surrounding area. One path to accomplish this is through preparing our students with the critical skills needed by employers across all key sectors. With many of its



## **Innovation and Entrepreneurship Hub Funding Proposal**

degree programs ranked among the best in the nation for their combination of excellence and affordability, the University continues to expand its offering of degree programs responsive to growing opportunities.

In addition, the University has invested significantly in a number of activities to directly support small business success and economic development. These small business advisory and support services are housed in the University's Broadwell College of Business and Economics (BCBE). US News and World Reports ranks the online MBA program in the top 3 in North Carolina, behind only UNC Chapel Hill and NC State University. With 45 faculty members and 1,000+ students, the Business School will be an important regional asset in empowering local business success.

Entrepreneurship and community economic development activities currently located on campus in the Business School include:

- Regional branch of the North Carolina Small Business Technology Development Center, focusing primarily on business advisory services for established businesses seeking assistance with growth opportunities
- Veterans Business Outreach Center (VBOC), funded by the US Small Business Administration, serving the entire state of North Carolina. The VBOC provides business counseling for approximately 1,000 veteran entrepreneurs annually, and coordinates business training attended by 2,000 participants each year.
- University Center for Economic Development, funded by the US Department of Commerce – Economic Development Administration, providing in-depth entrepreneurial training and capital access for nascent and established entrepreneurs in the six-county area surrounding FSU.
- Construction Resource Office to provide small construction firms with easy access to complex bidding material and systems needed to be able to respond to local construction opportunities.
- Student Entrepreneurship-Lab (e-Lab) to foster student engagement in entrepreneurship across disciplines in support of the creation and growth of regional enterprises, including student owned and operated ventures.

### **Innovation and Entrepreneurship Hub Description**

To make the business support resources more accessible to the community, and to grow FSU's capacity to be a catalyst for regional economic growth, in October 2021 the University announced that affiliated entities of the University had acquired 100% ownership of the Bronco Square Commercial Development adjacent to the campus on Murchison Road (previously 50% owned by private developer Gary Ciccone). Further, the University announced that the 6,500 square foot stand-alone anchor Bookstore in this development will be reimaged and repurposed to serve as the Fayetteville State University Innovation and Entrepreneurship Hub. Scheduled to be fully operational by the Fall of 2022, the Hub is designed to provide readily



## Innovation and Entrepreneurship Hub Funding Proposal

accessible expertise and resources to enable regional entrepreneurs to launch new enterprises, grow existing businesses, and increase job opportunities for local residents. The Hub will feature a variety of flexibly configured workspaces designed to inspire relaxed creative collaboration as well as enable intense technical research and development. Meeting space will be made available for community use as well—such as for meetings of the Chamber of Commerce. Specially designed collaborative and conversation areas will help entrepreneurs generate creative ideas and solve complex problems. Technology made available for use on premises will include high powered desktops with high-capacity broadband connections, laptops with high bandwidth wifi, meeting rooms supporting effective video conferencing, and maker space with 3D printing.

Even more important than the technology and the creative use of space will be the expertise housed in the Hub to assist small businesses. The Small Business Technology Development Center, the Veterans Business Outreach Center, the EDA University Center, and the Construction Resource Office will all be consolidated at the Hub, providing one-stop access to businesses to a broad range of consultative expertise. The hub team will market the availability of its services extensively and will proactively reach out to enterprises owned by under-represented demographic segments to offer assistance with identifying growth opportunities and to help improve capacity to pursue those opportunities. One of the most impactful Hub initiatives will be a collaboration with community partners to assist under-represented contractors in qualifying for—and bidding for—contracts associated with the historic levels of new construction recently approved by the state legislature for Fayetteville State University and for Cumberland County (over \$150 million at FSU alone).

The Hub location in the Bronco Square development is particularly attractive due to readily accessible parking, easy access to campus resources for students and faculty, and convenient access to a McAllister's Deli and a soon-to-be constructed Chick-Fil-A. Entrepreneurs, particularly nascent entrepreneurs, are not always comfortable with downtown office locations, lack of parking, and/or university campus settings. By locating in a mixed used commercial property with shops and restaurants, the Hub is more welcoming and less intimidating. It is also easy for community partners to access.

Programmatic offerings will include:

- **Advisory Services:** Access to faculty-led consulting services offered by graduate and undergraduate students. This permits more time-consuming and in-depth research and analysis than SBTDC, VBOC, and the EDA University Center can provide on their own. Coaching and advisory services are available.
- **Education:** A logically structured and regularly scheduled workshop (face-to-face and online seminar) series facilitated by subject matter experts to introduce small business owners to innovative business skills such as data analytics and opportunity research. This is paired with mindset and skills assessment and the opportunity for coaching.



## Innovation and Entrepreneurship Hub Funding Proposal

- **Entrepreneurial Summits & Expos** – FSU will partner with local organizations to host workshops, pitch opportunities, and an exposition where regional entrepreneurs can exhibit their goods, and services, concepts while gaining skills and contacts.

Considerable research indicates that more business support resources are needed to counteract declining economic performance in the Fayetteville/Sandhills region. The 2018 Sandhills Prosperity Zone Data Book compiled by the NC Department of Commerce reports that over the 2012-17 period, the number of business establishments declined by 2.1 percent in the Sandhills region, compared with an increase of 5.4 percent statewide. Similarly, data available from the US Commerce Department shows that employment in the Fayetteville Metropolitan Statistical Area declined by 1 percent from 2016 to 2017 while total employment across all North Carolina metropolitan areas grew by 2 percent over that same period. This points to an unmet need for impactful, targeted business advisory assistance to help more enterprises achieve sufficient success to stay in business and grow.

Moreover, the Census Bureau's County Business Pattern data reports that of the 23,775 business in Cumberland County, 18,176 or 76 percent were classified as non-employer establishments. This metric provides reinforcing evidence of the prevalence of small business ownership in this region, with most of the establishments being sole proprietorships. This also points to the job creation and economic development potential if more resources are invested in helping these businesses to achieve sufficient success to drive the hiring of additional employees.

Current publicly supported, readily accessible sources of business advisory services, such as the Small Business and Technology Development Center (SBTDC) and the Veterans Business Outreach Center (VBOC) housed at FSU, do not have sufficient resources to provide the in-depth firsthand assistance needed by so many small business owners. As a result of the high demand for services and limited advisory resources, SBDTC and VBOC are typically positioned to provide primarily high-level guidance. For example, the VBOC at FSU provides close to 1,000 counseling sessions annually for veterans interested in establishing new business ventures, but most are online or via phone, with typically one session provided for most clients.

For businesses statewide, the SBTDC in its last pre-pandemic Annual Report noted that in 2018 counselors provided an average of 12 hours of counseling per client. In addition, 630 student consultants worked with SBTDC project teams, with each student providing an average of 40 hours of assistance. However, these student teams could assist only a small fraction of the 4,500 North Carolina clients the SBTDC served. Similarly, in the first 3 quarters of 2019, the SBTDC office housed in FSU's Broadwell College of Business and Economics, had invested roughly 5,500 program hours in consultations with 257 clients, or approximately 21 hours per client. The small business support generated by this office has led to 23 business start-ups; over \$7 million in sales increases; \$6 million in capital formation; and the creation of close to 300 jobs. This level of impact in serving 257 clients points to the potential benefits that can accrue if more of the 23,000 establishments in Cumberland County could receive the assistance needed to achieve full growth



## **Innovation and Entrepreneurship Hub Funding Proposal**

potential—particularly if student teams are able to increase the number of hours of research and analysis assistance.

The number of entrepreneurs that come to the SBTDC and VBOC for assistance represents an excellent referral source for the in-depth assistance to be offered through FSU's Innovation and Entrepreneurship Hub. Other prospective referral sources will include Fayetteville's Center for Economic Empowerment and Development (CEED), Fayetteville Technical Community College Small Business Center, Revolutionary Coworking, and the Greater Fayetteville Chamber of Commerce, and the Fayetteville Cumberland Economic Development Corporation.

The FSU Hub will feature multiple levels of advisory services, workshops, and webinars. The primary level of support will be teams of faculty-approved students to assist selected small business clients. Clients will be matched with student teams from project-based learning classes in FSU's Broadwell College of Business and Economics, covering marketing, entrepreneurship, operations, and finance/accounting topics.

In addition, workshops, webinars, and other training events will be conducted in collaboration with, and complimentary to, existing sources of entrepreneurial/small business support training offered by the SBTDC, VBOC, and other local organizations. The Hub will share information regarding programming offered by its collaborators to provide users with the maximum access to resources.

To maximize the reach and efficacy of the training offered, the Innovation and Entrepreneurship Hub training space will include video conferencing equipment that will permit training to be provided remotely and will enable training to be provided by subject matter experts who may be located elsewhere. Research shows that in addition to access to business expertise, a key benefit of entrepreneurship development resources is mentorship and networking. By enabling access to potential networking partners independent of location, the video conferencing capability will greatly expand the expertise available.

FSU's Innovation and Entrepreneurship Hub uniquely combines best practices from multiple existing initiatives. For example:

- The Hub will build upon the SBTDC practice of leveraging faculty-led student teams to assist clients-- expanding the number of such student teams available to serve regional business needs
- The Hub will also build upon the National Science Foundation (NSF) Innovation Corps (i-Corps) model, which tends to be based on university campuses with the highest levels of scientific research activity; through i-Corp the NSF funds the support of entrepreneurially minded business students to assist technically focused inventors in evaluating business prospects of new inventions and in starting up businesses where feasibility is demonstrated. I-Corps also features a significant entrepreneurial training component, which will be part of the Hub's programming.



## **Innovation and Entrepreneurship Hub Funding Proposal**

- The Hub will include a 'Makerspace' component that has been shown by researchers to be an important contributor to innovation and entrepreneurship (see for example "Makerspaces and Contributions to Entrepreneurship," Eric Joseph Van Holm-Georgia Institute of Technology, published at the World Conference on Technology, Innovation and Entrepreneurship, 2015)

As an HBCU, FSU has a unique mission to serve those who have historically been disadvantaged in their access to opportunity. To maximize accessibility, the FSU workspace will be made available free of charge for high potential endeavors with limited or no current revenue streams—no other shared workspace in the region offers this level of access. Further, as an HBCU, FSU has a particularly credible platform to support underrepresented populations in the pursuit of their business ideas.

**Economic Investment and Job Creation.** The funding provided will be used to invest in renovation and re-purposing of the Bronco Square facility currently owned by Fayetteville State University. Based on the most recently available experience of faculty-led FSU student teams assisting small businesses through focused class projects, FSU anticipates that approximately 30-50 jobs will be created and/or new ventures launched by serving a broad range of small businesses within the first 2 years. It is also expected that small businesses benefiting from Hub advisory services and training will improve profitability and re-investment in the target region.

### **Sustainability**

The requested grant will support FSU's establishment of the Innovation and Entrepreneurship Hub as a viable, high impact catalyst for regional economic growth. The Hub will become self-sustaining in the manner of most successful comparable programs--through a combination of state funding for faculty support, current university donors and grant sources eager to support proven initiatives of this nature, and new grant sources anticipated to be attracted by participant successes. The Golden Leaf Foundation has already provided approximately \$200,000 to be used for renovation expense, furnishings, and programming. The CREATE initiative within the UNC Kenan-Flagler Business School will be providing resources to work closely with the Hub to assist in improving effectiveness and access to opportunities for small businesses owned by members of under-represented communities. The University has committed approximately \$600,000 to-date in renovation expense necessary repurpose the bookstore to serve as the stand-alone Innovation and Entrepreneurship Hub, and is committed to making this a successful long-term endeavor.

### **Conclusion**

Fayetteville State University looks forward to collaborating with Cumberland County officials to help achieve economic development goals shared by entire community. The Innovation and Entrepreneurship Hub will be an excellent shared resource to cost-effectively deliver existing small business success expertise in a more impactful, accessible manner, and to support that



## **Innovation and Entrepreneurship Hub Funding Proposal**

expertise with creative space and innovative technology. The result is sure to be an institution of lasting value, and a catalyst for ongoing growth in jobs and opportunities.



## FINANCE OFFICE

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: VICKI EVANS, FINANCE DIRECTOR**

**DATE: 5/12/2022**

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

#### **BACKGROUND**

This item was presented during the May 12, 2022 Agenda Session meeting. 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**

A the May 12, 2022 Agenda Session Meeting, the Board of Commissioners approved placing the actions below on the May 16, 2022 meeting as a consent agenda item:

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



**OFFICE OF THE COUNTY ATTORNEY**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: COUNTY ATTORNEY**

**DATE: 5/13/2022**

**SUBJECT: SET LEGISLATIVE HEARING TO CONSIDER MORATORIUM OR  
ORDINANCE AMENDMENTS**

**BACKGROUND**

At its May 12, 2022, Agenda Session, the board voted unanimously to implement a moratorium on zero lot line subdivision and directed staff to prepare the necessary ordinance amendments to remove zero lot line subdivision and bring back to the board within ninety days. The board must conduct a legislative hearing to impose a moratorium on any development approval. The earliest that can be done will be the June 6, 2022, meeting. The board may also consider the amendment of the subdivision ordinance at that same hearing.

**RECOMMENDATION / PROPOSED ACTION**

The county attorney recommends that board approve the following resolution to move each of the matters forward:

Be it resolved, the board of commissioners intends to conduct a legislative hearing at its Regular Meeting on June 6, 2022, to consider the implementation of a ninety-day moratorium on zero lot line subdivision or to consider the amendment of the Cumberland County Subdivision Ordinance to remove zero lot line subdivision and request the Joint Planning Board to review the Cumberland County Zoning Ordinance for the same purpose.



## **PLANNING AND INSPECTIONS DEPARTMENT**

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: RAWLS HOWARD, DIRECTOR OF PLANNING AND INSPECTIONS**

**DATE: 5/9/2022**

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

#### **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**

At the May 12, 2022 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a consent item on the May 16, 2022 Board of Commissioners Meeting:

- Approval to Apply for the U.S. Department of Transportation Multimodal Project Discretionary Grant

#### **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](http://www.Grants.gov). Only applicants who comply with all submission requirements described in this notice and submit applications through [www.Grants.gov](http://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](mailto: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)<sup>1</sup>, 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.<sup>2</sup>

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

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<sup>1</sup> 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.

<sup>2</sup> 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,<sup>3</sup> 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

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<sup>3</sup> 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 Network<sup>4</sup>; 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

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<sup>4</sup> 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.<sup>5</sup> 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**

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<sup>5</sup> 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.

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

	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.

<b>State</b>	<b>Maximum Federal Share for INFRA projects</b>
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.

<b>Eligible Project Types</b>		
<b>Mega</b>	<b>INFRA</b>	<b>Rural</b>
<ol style="list-style-type: none"> <li>1. A highway or bridge project on the National Multimodal Freight Network</li> <li>2. A highway or bridge project on the National Highway Freight Network</li> <li>3. A highway or bridge project on the National Highway System</li> <li>4. A freight intermodal (including public ports) or freight rail project that provides public benefit</li> <li>5. A railway highway grade separation or elimination project</li> <li>6. An intercity passenger rail project</li> <li>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</li> </ol>	<ol style="list-style-type: none"> <li>1. A highway freight project on the National Highway Freight Network</li> <li>2. A highway or bridge project on the National Highway System</li> <li>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*</li> <li>4. A highway-railway grade crossing or grade separation project</li> <li>5. A wildlife crossing project</li> <li>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</li> <li>7. A project for a marine highway corridor that is functionally connected to the NHFN and is likely to reduce road mobile source emissions</li> </ol>	<ol style="list-style-type: none"> <li>1. A highway, bridge, or tunnel project eligible under National Highway Performance Program</li> <li>2. A highway, bridge, or tunnel project eligible under Surface Transportation Block Grant</li> <li>3. A highway, bridge, or tunnel project eligible under Tribal Transportation Program</li> <li>4. A highway freight project eligible under National Highway Freight Program</li> <li>5. A highway safety improvement project, including a project to improve a high risk rural road as defined by the Highway Safety Improvement Program</li> <li>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</li> <li>7. A project to develop, establish, or maintain an integrated mobility management system, a transportation demand management system, or on-demand mobility services</li> </ol>

	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:

<b>Eligible Project Costs</b>		
<b>Mega</b>	<b>INFRA</b>	<b>Rural</b>
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.<sup>6</sup> 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

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<sup>6</sup> 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.

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

<b>Maine</b>	\$61	\$100
<b>Maryland</b>	\$100	\$100
<b>Massachusetts</b>	\$100	\$100
<b>Michigan</b>	\$100	\$100
<b>Minnesota</b>	\$100	\$100
<b>Mississippi</b>	\$100	\$100
<b>Missouri</b>	\$100	\$100
<b>Montana</b>	\$100	\$100
<b>Nebraska</b>	\$95	\$100
<b>Nevada</b>	\$100	\$100
<b>New Hampshire</b>	\$54	\$90
<b>New Jersey</b>	\$100	\$100
<b>New Mexico</b>	\$100	\$100
<b>New York</b>	\$100	\$100
<b>North Carolina</b>	\$100	\$100
<b>North Dakota</b>	\$82	\$100
<b>Ohio</b>	\$100	\$100
<b>Oklahoma</b>	\$100	\$100
<b>Oregon</b>	\$100	\$100
<b>Pennsylvania</b>	\$100	\$100
<b>Rhode Island</b>	\$72	\$100
<b>South Carolina</b>	\$100	\$100
<b>South Dakota</b>	\$93	\$100
<b>Tennessee</b>	\$100	\$100
<b>Texas</b>	\$100	\$100
<b>Utah</b>	\$100	\$100
<b>Vermont</b>	\$67	\$100
<b>Virginia</b>	\$100	\$100
<b>Washington</b>	\$100	\$100
<b>West Virginia</b>	\$100	\$100
<b>Wisconsin</b>	\$100	\$100
<b>Wyoming</b>	\$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 Area<sup>7</sup> with a population of over 200,000. In this

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<sup>7</sup> 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/](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.<sup>8</sup> 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

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<sup>8</sup> See [www.transportation.gov/buildamerica/INFRAgrants](http://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](http://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"> <li>1) A highway freight project on the National Highway Freight Network: \$ _____</li> <li>2) A highway or bridge project on the National Highway System: \$ _____</li> <li>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: \$ _____</li> <li>4) A highway-railway grade crossing or grade separation project: \$ _____</li> <li>5) A wildlife crossing project: \$ _____</li> <li>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: \$ _____</li> <li>7) A project for a marine highway corridor that is functionally connected to the NHFN and is likely to reduce road mobile source emissions: \$ _____</li> <li>8) A highway, bridge, or freight project on the National Multimodal Freight Network: \$ _____</li> </ol>
Mega: Amount of Future Eligible Costs by Project Type	<ol style="list-style-type: none"> <li>1) A highway or bridge project on the National Multimodal Freight Network: \$ _____</li> <li>2) A highway or bridge project on the National Highway Freight Network: \$ _____</li> <li>3) A highway or bridge project on the National Highway System: \$ _____</li> <li>4) A freight intermodal (including public ports) or freight rail project that provides public benefit: \$ _____</li> <li>5) A railway highway grade separation or elimination project: \$ _____</li> <li>6) An intercity passenger rail project: \$ _____</li> <li>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: \$ _____</li> <li>8) A grouping, combination, or program of interrelated, connected, or dependent projects of any of the projects described above</li> </ol>
Rural: Amount of Future Eligible Costs by Project Type	<ol style="list-style-type: none"> <li>1) A highway, bridge, or tunnel project eligible under National Highway Performance Program: \$ _____</li> <li>2) A highway, bridge, or tunnel project eligible under Surface Transportation Block Grant: \$ _____</li> <li>3) A highway, bridge, or tunnel project eligible under Tribal Transportation Program: \$ _____</li> </ol>

	<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>
<b>Project Location</b>	
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. ( <a href="https://datahub.transportation.gov/stories/s/tsyd-k6ij">https://datahub.transportation.gov/stories/s/tsyd-k6ij</a> )
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: (<a href="https://opportunityzones.hud.gov/">https://opportunityzones.hud.gov/</a>)</p> <p>Empowerment Zones: (<a href="https://www.hud.gov/hudprograms/empowerment_zones">https://www.hud.gov/hudprograms/empowerment_zones</a>)</p> <p>Promise Zones: (<a href="https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgt_pz">https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgt_pz</a>)</p> <p>Choice Neighborhoods: (<a href="https://www.hud.gov/program_offices/public_indian_housing/programs/ph/cn">https://www.hud.gov/program_offices/public_indian_housing/programs/ph/cn</a>)</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"> <li>• TIP</li> <li>• STIP</li> </ul>

<ul style="list-style-type: none"> <li>• MPO Long Range Transportation Plan</li> <li>• State Long Range Transportation Plan</li> <li>• State Freight Plan</li> </ul>	
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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;<sup>9</sup> 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

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<sup>9</sup> Lists of Urbanized Areas are available on the Census Bureau website at [http://www2.census.gov/geo/maps/dc10map/UAUC\\_RefMap/ua/](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 programs<sup>10</sup>; (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 14008<sup>11</sup>; (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.

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

<sup>11</sup> [https://netl.doe.gov/sites/default/files/2021-04/Initial%20Report%20on%20Energy%20Communities\\_Apr2021.pdf](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-risk<sup>12</sup> 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.)

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<sup>12</sup> 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](http://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 obligated<sup>13</sup> sufficiently in advance of the statutory deadline for applicable programs (For INFRA

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<sup>13</sup> 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,<sup>14</sup> 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

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<sup>14</sup> 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,<sup>15</sup> including intermodal projects located at airport facilities.<sup>16</sup> Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning

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<sup>15</sup> 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](http://StrongPorts.gov).

<sup>16</sup> 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.

<b>Statutory Selection Requirements</b>			
<b>23 U.S.C. 117 INFRA</b>	<b>49 U.S.C. 6701 Mega</b>	<b>23 U.S.C. 173 Rural</b>	<b>Guidance</b>
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"> <li>• Environmental Assessments</li> <li>• Topographic Surveys</li> <li>• Metes and Bounds Surveys</li> <li>• Geotechnical Investigations</li> <li>• Hydrologic Analysis</li> <li>• Utility Engineering</li> <li>• Traffic Studies</li> <li>• Financial Plans</li> <li>• Revenue Estimates</li> <li>• Hazardous Materials Assessments</li> <li>• General estimates of the types and quantities of materials</li> <li>• Other work needed to establish parameters for the final design.</li> </ul> <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"> <li>1. How would the project scope be affected if MPDG (or other Federal funds) were not received?</li> <li>2. How would the project schedule be affected if MPDG (or other Federal funds) were not received?</li> <li>3. How would the project cost be affected if MPDG (or other Federal funds) were not received?</li> </ol> <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;<sup>17</sup>
- (2) Register with the System for Award Management (SAM) at [www.sam.gov](http://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*

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<sup>17</sup> 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.<sup>18</sup> 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.

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<sup>18</sup> 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](mailto: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.

	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>
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 <b>significant</b> 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:

<b>Score:</b>	<b>Rating</b>
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](#)).<sup>19</sup>

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.

<sup>19</sup> <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*<sup>20</sup>, 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

<sup>20</sup> [https://www.fhwa.dot.gov/bipartisan-infrastructure-law/docs/building\\_a\\_better\\_america-policy\\_framework.pdf](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 programs<sup>21</sup>; (7) result in workforce opportunities for historically

<sup>21</sup> <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.

<b>Score:</b>	<b>Economic Impacts, Freight Movement, and Job Creation Criterion</b>	<b>Example</b>
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 equity<sup>22</sup> 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.

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<sup>22</sup> 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 2000<sup>23</sup> decennial census and the most recent annual Small Area Income Poverty Estimates as estimated by the Bureau of the census<sup>24</sup>; (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<sup>25</sup>; 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,<sup>26</sup> 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

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

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

<sup>25</sup> 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

<sup>26</sup> <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 Design<sup>27</sup>;

- (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 Principles<sup>28</sup> 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

<sup>27</sup> "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/>

<sup>28</sup> <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.<sup>29</sup>

**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

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<sup>29</sup> <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.

<b>Score:</b>	<b>Innovation Criterion</b>	<b>Example</b>
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:

<b>Rating</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>Technical Assessment</b>	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
<b>Financial Completeness</b>	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.
<b>Environmental Review and Permitting Risk</b>	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](https://www.hud.gov/hudprograms/empowerment_zones))
- Promise Zones:  
([https://www.hud.gov/program\\_offices/field\\_policy\\_mgt/fieldpolicymgtptz](https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgtptz))
- Choice Neighborhoods:  
([https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/ph/cn](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.<sup>30</sup> 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.<sup>31</sup>

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

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<sup>30</sup> Information on State-specific strategic highway safety plans is available at [https://safety.fhwa.dot.gov/shsp/other\\_resources.cfm](https://safety.fhwa.dot.gov/shsp/other_resources.cfm).

<sup>31</sup> 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).<sup>32</sup>

(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).<sup>33</sup>

(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

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<sup>32</sup> 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>

<sup>33</sup> 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.<sup>34</sup> 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

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<sup>34</sup> <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](mailto: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](mailto: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

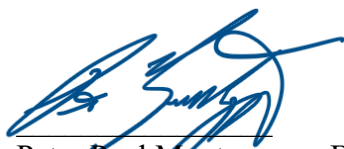
described in Section E, but that are not awarded, are automatically designated *MPDG Extra Projects*, unless the Department determines that they are not reasonably likely to satisfy the TIFIA project type (23 U.S.C. § 601(a)(12)) and project size (23 U.S.C. § 602(a)(5)) eligibilities. This designation 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

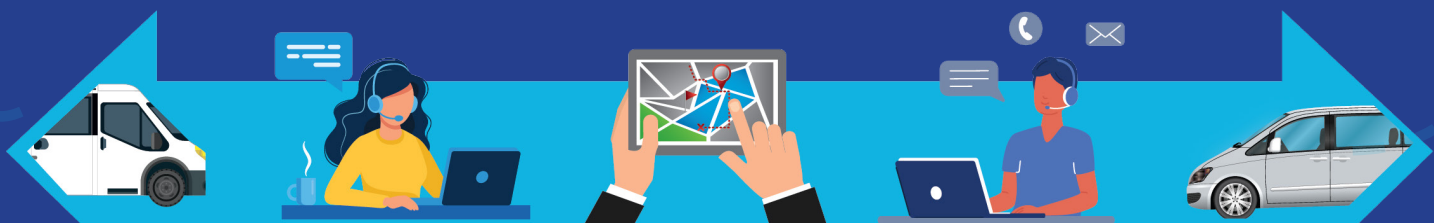


## WHAT IS MICROTRANSIT?

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

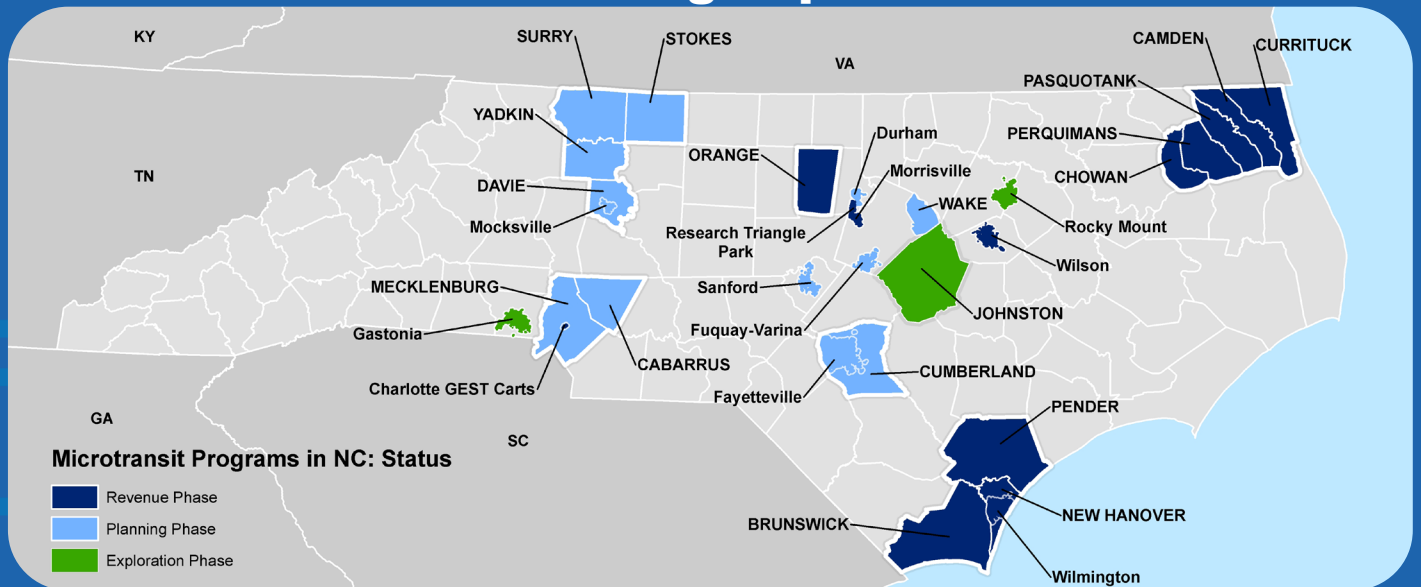
### Benefits

- ▷ 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 BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: RAWLS HOWARD, DIRECTOR OF PLANNING AND INSPECTIONS**

**DATE: 5/9/2022**

**SUBJECT: FY23 COMMUNITY TRANSPORTATION PROGRAM BID TAB FOR PROPOSED SERVICES**

#### **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**

At their May 12, 2022 Agenda Session, the Board of County Commissioners approved placing the actions below on the May 16, 2022 meeting as a consent agenda item:

Approve the contract bids and authorize the Chairman to sign the contracts when pre-audited by Finance and approved for legal sufficiency

**ATTACHMENTS:**

Description

CTP RFP Bid Summary

Type

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	90	96
4	Squared, LLC	\$58.00	20	20	10	0	70	75



## **SOLID WASTE MANAGEMENT**

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

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

**DATE: 5/11/2022**

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

#### **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.

This item was presented at the May 12, 2022 Agenda Session.

#### **RECOMMENDATION / PROPOSED ACTION**

At the May 12, 2022 Agenda Session Meeting, the Board of Commissioners approved placing the actions below on the May 16, 2022 meeting as a consent agenda item:

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  
Agreement

Type  
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 10<sup>th</sup> 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  
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 - 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	Type
Bid Recommendation and Negotiation	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



Bid Tab

Owner: Cumberland County Solid Waste

Date: January 28, 2021

Project Name: Recycling Center Fire Protection Improvements

Owner Project Number: 6254606 577021

Dewberry Project Number: 50129886

Bidder Name	Items Submitted with the Bid				Base Bid \$
	License No.	Addendum #1, 2, & 3 Received	Completed Proposal Form	MBE	
Crawford Sprinkler Co of Raleigh	236034	✓	✓	No	\$669,490.00



**OFFICE OF THE COUNTY MANAGER**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

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

**DATE: 5/10/2022**

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

**BACKGROUND**

This item was presented at the May 12, 2022 Board of Commissioners' Agenda Session and was moved forward as a Consent Agenda item to the May 16, 2022 Regular Board of Commissioners' Meeting. Service Source Employment Services, Inc. (DBA, Service Source) 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. 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.

The consensus of the Board was to entertain a lease option with Service Source for a term of ten (10) years at an annual lease rate of \$1.00 per year for 23,622 SF of space with Service Source maintaining all the utilities, custodial services, buildings and grounds for the aforementioned property.

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 and advertise the public notice at least thirty (30) days in advance of the lease approval.

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 ten (10) year term, at a lease rate of ONE DOLLAR (\$1.00) per year, proposed for the lease of the property to Service Source Employment Services, Inc. (DBA, Service Source), 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 Service Source Employment Services, Inc. (DBA, Service Source), for a term of ten (10) years commencing on July 1, 2022, at a rental rate of ONE DOLLAR (\$1.00) per year.



## ENGINEERING AND INFRASTRUCTURE DEPARTMENT

### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022

**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**

#### **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 1<sup>st</sup> and will go into effect on July 1, 2022. The existing rate structure and proposed rate structure are provided in the chart below.

	<b><u>Existing</u></b> <b><u>Rate</u></b>	<b><u>Existing Rate</u></b>	<b><u>Proposed</u></b> <b><u>Rate</u></b>	<b><u>Proposed</u></b> <b><u>Rate</u></b>
	<b><u>Connected</u></b>	<b><u>Nonconnected</u></b>	<b><u>Connected</u></b>	<b><u>Nonconnected</u></b>
	<b><u>Customer</u></b>	<b><u>Customer</u></b>	<b><u>Customer</u></b>	<b><u>Customer</u></b>
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
<b>Total</b>	<b>\$54.00</b>	<b>\$29.50</b>	<b>\$56.00</b>	<b>\$30.50</b>

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**

This item was presented at the May 12, 2022, Board of Commissioners' Agenda Session and brought forward as a Consent Agenda Item.

Staff recommends the Board of Commissioners and the Overhills Park Governing Board approve the amendments to the rate structure.

#### **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.

<b>RATES AS OF:</b>	<b>July 1, 2023</b>	<b>July 1, 2024</b>	<b>July 1, 2025</b>	<b>July 1, 2026</b>
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.

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

### Other Fees

<b>RATES AS OF:</b>	<b>July 1, 2023</b>	<b>July 1, 2024</b>	<b>July 1, 2025</b>	<b>July 1, 2026</b>
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 BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022

**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**

#### **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 1<sup>st</sup> 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 9<sup>th</sup>. The Advisory Board suggested to increase the deposit to \$150.00 from the current \$100.00.

<b><u>Rate Description</u></b>	<b><u>Current Rate</u></b>	<b><u>Proposed Rate</u></b>
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**

This item was presented at the May 12, 2022, Board of Commissioners' Agenda Session and brought forward as a Consent Agenda Item.

Staff recommends the Board of Commissioners and the NORCRESS Governing Board approve the amendments to the rate structure.

### **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.

<b>RESIDENTIAL RATES AS OF:</b>	<b>July 1, 2022</b>	<b>July 1, 2023</b>	<b>July 1, 2024</b>	<b>July 1, 2025</b>
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
<b>COMMERCIAL RATES AS OF:</b>	<b>July 1, 2022</b>	<b>July 1, 2023</b>	<b>July 1, 2024</b>	<b>July 1, 2025</b>
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
<b>FLAT RATE SEWER RATES AS OF:</b>	<b>July 1, 2022</b>	<b>July 1, 2023</b>	<b>July 1, 2024</b>	<b>July 1, 2025</b>
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**

<b>INDUSTRIAL SEWER RATES AS OF:</b>	<b>July 1, 2022</b>	<b>July 1, 2023</b>	<b>July 1, 2024</b>	<b>July 1, 2025</b>
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**

<b>RATES AS OF:</b>	<b>July 1, 2020</b>	<b>July 1, 2021</b>	<b>July 1, 2022</b>	<b>July 1, 2023</b>
Deposit	\$150.00	\$150.00	\$150.00	\$150.00
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 BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: COUNTY ATTORNEY**

**DATE: 5/12/2022**

**SUBJECT: REFUND OF EXCISE TAX TO THE LAW OFFICES OF K. D. WHITE**

#### **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.

At its May 12, 2022, Agenda Session, the board recommended moving this item to the May 16, 2022, Regular Meeting as a consent item, subject to a hearing if requested by the taxpayer.

#### **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 BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: COUNTY ATTORNEY**

**DATE: 5/12/2022**

**SUBJECT: REFUND OF EXCISE TAX TO SINGLE SOURCE REAL ESTATE SERVICES, INC.**

**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.

At its May 12, 2022, Agenda Session, the board recommended moving this item to the May 16, 2022, Regular Meeting as a consent item, subject to a hearing if requested by the taxpayer.

**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 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 BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: TYE VAUGHT, MANAGEMENT ANALYST**

**DATE: 5/12/2022**

**SUBJECT: ARP COMMITTEE RECOMMENDATIONS: ARP POLICIES AND  
GRANT PROJECT ORDINANCE**

**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**

At the May 12, 2022 Agenda Session meeting, the Board of Commissioners approved placing the proposed actions below on the consent agenda at the May 16, 2022 Board of Commissioners meeting:

- Approve the ARP Policies
- Approve Grant Project Ordinance

**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/CLSFRR)**

**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 “CLSFRR 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/CLSFRR 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 CLSFRR funds, Cumberland County agrees to follow all federal statutes and regulations prohibiting discrimination in its administration of CLSFRR under the terms and conditions of the ARP/CLSFRR 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**  
**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/CLSFRR)**

("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"<sup>1</sup> 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**

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<sup>1</sup> 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.

**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/CLSFRF)**

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 CSLFRF pursuant to the ARP/CLSFRF 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.

**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/CLSFRF)**

**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

<b><i>Potential Examples of a “Financial or Other Interest” in a Firm or Organization Considered for a Contract or Subaward</i></b>	<b><i>Potential Examples of a “Tangible Personal Benefit” From a Firm or Organization Considered for a Contract or Subaward</i></b>
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"><li>- Stock in a corporation.</li><li>- Membership interest in a limited liability company.</li><li>- Partnership interest in a general or limited partnership.</li><li>- 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.</li><li>- Option to purchase any equity interest in a firm or organization.</li></ul>	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"><li>- Secured debt (e.g., debt backed by an asset of the firm (like a firm’s building or equipment))</li><li>- Unsecured debt (e.g., a promissory note evidencing a promise to repay a loan).<ul style="list-style-type: none"><li>o Holder of a judgment against the firm.</li></ul></li></ul>	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:

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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. <b>Public Health</b>		
<b>A. Enumerated Uses/ Safe Harbors (Must select one)</b> <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 <b>Attachment A</b>.</i>		
<b>B. Written Justification (Please provide detailed responses to both these questions if checked "Not on Enumerated List" in Box A)</b> (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?		
<b>C. Is the project reasonably designed to benefit the individual or class that experienced a public health impact or harm?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>D. Is the project related and reasonably proportional to the extent and type of public health impact or harm experienced?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>E. Does proposed project involve a capital expenditure between \$1 million and \$10 million?</b>	<input type="checkbox"/> Yes – Proceed to Box F.	<input type="checkbox"/> No – Proceed to Box G.
<b>F. Is proposed project on enumerated list in Box A?</b> <i>*Written justification must include the following elements:</i> <ul style="list-style-type: none"> <li>Describe the harm or need to be addressed;</li> <li>Explain why a capital expenditure is appropriate; and</li> <li>Compare the proposed capital expenditure to at least two alternative capital expenditures and demonstrate why the proposed capital expenditure is superior.</li> </ul>	<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

<b>G. Does the proposed project involve a capital expenditure of \$10 million or more?</b>	<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](#).*

<b>Beneficiaries Who Experience Negative Economic Impact from the Pandemic</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Low-moderate income households or communities</li> <li><input type="checkbox"/> Household that experienced unemployment</li> <li><input type="checkbox"/> Households that experienced increased food or housing insecurity</li> <li><input type="checkbox"/> Households that qualify for the Children’s Health Insurance Program, Childcare Subsidies through the Child Care Development Fund Program, or Medicaid</li> <li><input type="checkbox"/> When providing affordable housing programs: households that qualify for the National Housing Trust Fund and Home Investment Partnerships Program</li> <li><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</li> <li><input type="checkbox"/> Small business that experienced decreased revenue or gross receipts, increased costs, financial insecurity, or other financial challenges due to the pandemic</li> <li><input type="checkbox"/> Nonprofit the experienced decreased revenue, increased costs, financial insecurity, or other financial challenges due to the pandemic</li> <li><input type="checkbox"/> Travel, tourism, hospitality industries</li> <li><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</li> <li><input type="checkbox"/> Local government</li> </ul>	<b>Beneficiaries Who Experienced Disproportionately Negative Economic Impact from the Pandemic</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Low-income households and communities</li> <li><input type="checkbox"/> Households residing in a Qualified Census Tract (QCT)</li> <li><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.</li> <li><input type="checkbox"/> Small businesses operating in a Qualified Census Tract (QCT)</li> <li><input type="checkbox"/> Nonprofits operating in a Qualified Census Tract (QCT)</li> </ul> <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)**

<b>Projects for Negatively Economically Impacted</b>  <u>Households &amp; Communities</u> <ul style="list-style-type: none"> <li><input type="checkbox"/> Food assistance &amp; food banks</li> <li><input type="checkbox"/> Emergency housing assistance: rental assistance, mortgage</li> </ul>	<b>Projects for Disproportionately Negatively Economically Impacted</b>  <u>Households &amp; Communities</u> <ul style="list-style-type: none"> <li><input type="checkbox"/> Pay for community health workers to help households access health &amp; social services</li> </ul>
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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?

<b>E. Is the project reasonably designed to benefit</b> the individual or class that experienced a public health impact or harm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>F. Is the project related and reasonably proportional</b> to the extent and type of public health impact or harm experienced?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>G. Does proposed project involve a capital expenditure between \$1 million and \$10 million?</b>	<input type="checkbox"/> Yes – Proceed to H.	<input type="checkbox"/> No – Go to Box I.
<b>H. Is proposed project on enumerated list in Box C?</b> <i>*Written justification must include the following elements:</i> <ul style="list-style-type: none"><li>• Describe the harm or need to be addressed;</li><li>• Explain why a capital expenditure is appropriate; and</li><li>• Compare the proposed capital expenditure to at least two alternative capital expenditures and demonstrate why the proposed capital expenditure is superior.</li></ul>	<input type="checkbox"/> Yes – Record written justification* for file, but not required in Project & Expenditure Reports	<input type="checkbox"/> No – Record written justification* for file and include in Project & Expenditure Reports
<b>I. Does the proposed project involve a capital expenditure of \$10 million or more?</b>	<input type="checkbox"/> Yes – Record written justification* for file and include in Project & Expenditure Reports	<input type="checkbox"/> 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
<a href="#">200.430</a>	Compensation		Choose an item.		
<a href="#">200.431</a>	Fringe Benefits		Choose an item.		
<a href="#">200.475</a>	Travel		Choose an item.		

<a href="#">200.439</a>	Equipment & Other Capital		Choose an item.		
<a href="#">200.453</a>	Materials & Supplies		Choose an item.		
200.318 & 200.92	Contractual Services & Subawards		Choose an item.		
<a href="#">200.459</a>	Consultants / Professional Services		Choose an item.		
<a href="#">200.465</a>	Occupancy (Rent & Utilities)		Choose an item.		
<a href="#">200.471</a>	Telecommunications		Choose an item.		
<a href="#">200.473</a>	Training & Education		Choose an item.		
<a href="#">200.413 (c)</a>	Direct Administrative Costs		Choose an item.		
	Add'l Cost Item		Choose an item.		
	Total Direct Costs		Choose an item.		
<a href="#">200.414</a>	Indirect Costs		Choose an item.		
<b>Total Project Budget</b>					

#### 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"/> Complies with all state and federal laws and local ordinance |
| <input type="checkbox"/> No Conflict of Interest   | <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.

<b>Administration Type</b>	<input type="checkbox"/> In-House	<input type="checkbox"/> Contractor/Vendor	<input type="checkbox"/> Sub-Recipient/Subaward
<a href="#">If Contractor/Vendor or Sub-recipient, has this been verified using the Classification Checklist?</a>	<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
- ✓ Testing programs, equipment and sites
- ✓ Monitoring, contact tracing & public health surveillance (e.g., monitoring for variants)
- ✓ Public communication efforts
- ✓ Public health data systems
- ✓ COVID-19 prevention and treatment equipment, such as ventilators and ambulances
- ✓ 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
- ✓ Support for prevention, mitigation, or other services in congregate living facilities, public facilities, and schools
- ✓ Support for prevention and mitigation strategies in small businesses, nonprofits, and impacted industries
- ✓ Medical facilities generally dedicated to COVID-19 treatment and mitigation (e.g., ICUs, emergency rooms)
- ✓ Temporary medical facilities and other measures to increase COVID-19 treatment capacity
- ✓ Emergency operations centers & emergency response equipment (e.g., emergency response radio systems)
- ✓ Public telemedicine capabilities for COVID-19 related treatment

Dh.

## 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.<sup>3</sup> 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.



<sup>3</sup> 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 Fund<sup>4</sup>

<sup>4</sup> 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 benefits<sup>5</sup>
- ✓ 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.<sup>6</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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 housing<sup>7</sup>
- ✓ 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

<sup>7</sup> 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 occupiable 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:

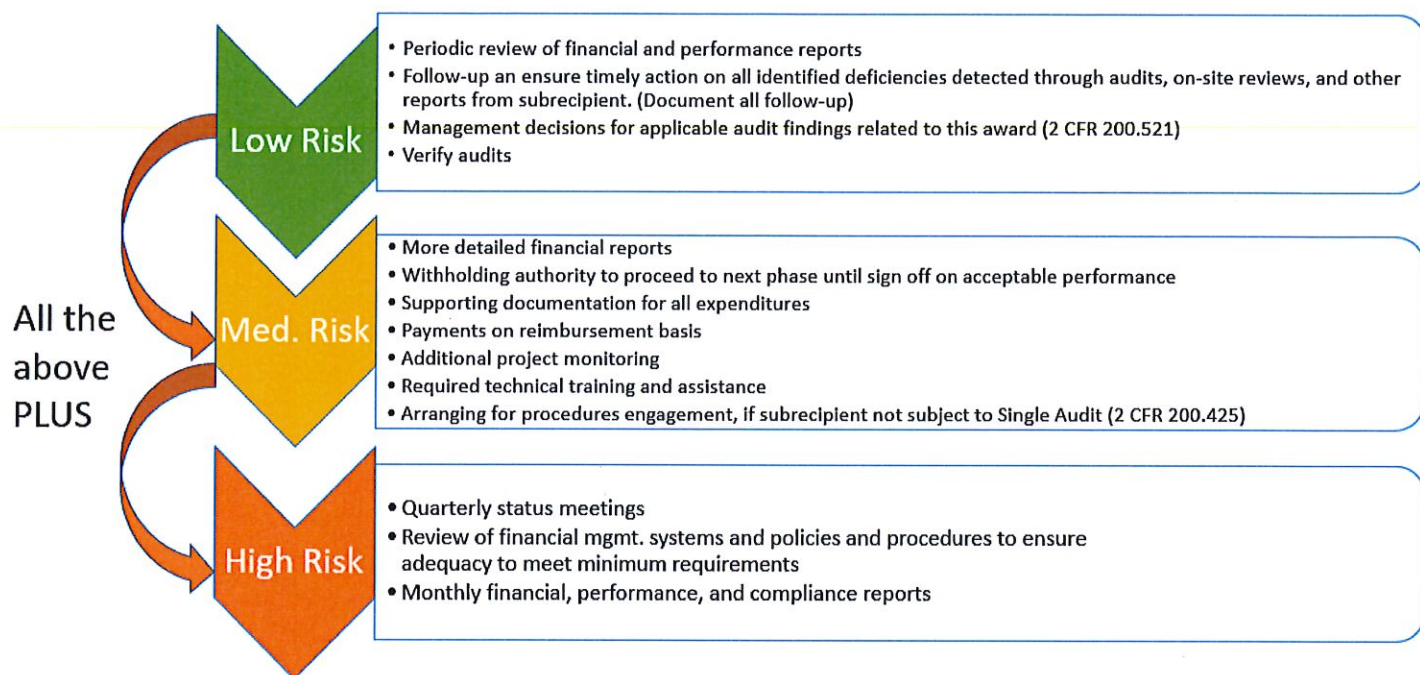
Reviewer Name:

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

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- Leverage and align with other funding sources
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- 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

### 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

<b>Entity Name</b>			
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"	\$	
<b>MEASURE</b>	<b>NOTES</b>	<b>MAX POINTS AVAILABLE</b>	<b>POINTS ASSIGNED</b>
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	
<b>TOTALS</b>		<b>100</b>	-

# 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



**OFFICE OF THE COUNTY MANAGER**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: AMY CANNON, COUNTY MANAGER**

**DATE: 5/9/2022**

**SUBJECT: PUBLIC HEARING AND APPROVAL OF RESOLUTION FOR THE  
ISSUANCE OF TAX-EXEMPT BONDS NOT EXCEED \$267,250,000 BY  
THE PUBLIC FINANCE AUTHORITY TO FINANCE AND REFINANCE  
CERTAIN COSTS OF VARIOUS PROJECTS ON BEHALF OF  
CUMBERLAND COUNTY HOSPITAL SYSTEM, INC. D/B/A CAPE FEAR  
VALLEY HEALTH SYSTEM AND HARNETT HEALTH SYSTEM, INC.**

**BACKGROUND**

The Cumberland County Hospital System, Inc. d/b/a Cape Fear Valley Health System and Harnett Health System, Inc. has asked the public finance Authority to issue tax exempt bonds for (1) construction of new health care facilities and the acquisition and installation of new equipment at Cape Fear Valley Medical Center and Central Harnett Hospital and (2) the refunding of certain bonds and existing debt of the corporation and Harnett Health System, Inc. which financed facilities and equipment in Cumberland County, NC, Harnett County, NC, and Hoke County, NC. The Authority will lend the proceeds of the refunding bonds to the Corporation, who will use the proceeds to retire the previously issued bonds.

Because the Corporation is a 501(c)(3) organization, federal income tax law requires that the tax-exempt bonds issued for the benefit of the Corporation be approved by each government unit having jurisdiction over the area in which any facility to be financed with the proceeds of the bond is located.

The attached resolution approves the issuance of tax-exempt bonds not to exceed \$267,250,000 to be issued by the Public Finance Authority to finance and refinance certain costs of various projects on behalf of Cumberland County Hospital System, Inc. d/b/a Cape Fear Valley Health System and Harnett Health System, Inc. The resolution states that in no event shall the County of Cumberland, the State of North Carolina or any political subdivision thereof be liable for such bonds nor shall the bonds constitute a debt of the County of Cumberland, the State of North Carolina or any political subdivision thereof.

**RECOMMENDATION / PROPOSED ACTION**

Hold the May 16, 2022 public hearing and approve the attached resolution approving the issuance of tax exempt bonds, not to exceed \$267,250,000 by the Public Finance Authority to finance and refinance certain costs of various projects on behalf of Cumberland County Hospital System, Inc. d/b/a Cape Fear Valley Health System and Harnett Health System, Inc.

**ATTACHMENTS:**

Description	Type
Request for TEFRA Hearing and Approval for Cape Fear Valley Health System Financing	Backup Material
Extracts from Minutes of May 16, 2022 Public Hearing and Approval of a Resolution for the Issuance of Tax Exempt Bonds by the Public Finance Authority	Backup Material
Affidavit of Publication	Backup Material

# Memorandum

## VIA E-MAIL

**TO:** Amy H. Cannon, County Manager, Cumberland County

**FROM:** Charles H. Bowyer

**DATE:** May 10, 2022

**RE:** TEFRA Hearing and Approval and Approval of the Financing of the 2022 Projects in Cumberland County, North Carolina for Cumberland County Hospital System, Inc. d/b/a Cape Fear Valley Health System and Harnett Health System, Inc.

Cumberland County Hospital System, Inc. d/b/a Cape Fear Valley Health System (the "Corporation") has asked the Public Finance Authority (the "Authority") to issue tax-exempt bonds in one or more series (the "Bonds") for the purposes described herein. The Authority will sell the Bonds to one or more financial institutions and lend the proceeds of the Bonds to the Corporation. The proceeds of the Bonds will be used to (1) finance and refinance the costs of the Project (as defined herein), (2) pay a portion of the interest accruing on the Bonds and (3) pay certain expenses incurred in connection with the issuance of the Bonds.

The "Project" consists of (i) the construction of new health care facilities and the acquisition and installation of new equipment at Cape Fear Valley Medical Center located in Fayetteville, North Carolina and Central Harnett Hospital located in Lillington, North Carolina (collectively, the "2022 Projects") and (ii) the refunding of certain bonds and existing debt of the Corporation and Harnett Health System, Inc. ("Harnett"), which financed facilities and equipment in Cumberland County, North Carolina (the "County"), Harnett County, North Carolina and Hoke County, North Carolina. The Project, the 2022 Projects and the plan of financing are described in further detail in the notice of public hearing published on May 9, 2022 in *The Fayetteville Observer* (the "TEFRA Notice"), a copy of which is attached hereto as **Exhibit A** and incorporated herein.

We are serving as bond counsel for the issuance of the Bonds.

Because the Corporation and Harnett are 501(c)(3) organizations, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that tax-exempt bonds issued for the benefit of the Corporation and Harnett be approved by each governmental unit having jurisdiction over the area in which any facility to be financed or refinanced with the proceeds of the bonds is located.

Under Section 147(f) of the Code, the Board of Commissioners of the County (the "Board of Commissioners") must approve the plan of financing described in the TEFRA Notice and the issuance of the Bonds pursuant to such plan of financing after a public hearing following reasonable public notice. This is referred to as a "TEFRA hearing" and a "TEFRA approval."

Because the Bonds will be issued by the Authority, Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the “Joint Powers Agreement”) require that the financing of a capital improvement project to be financed with bonds issued by the Authority must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries such project is located.

A portion of the facilities to be refinanced with the proceeds of the Bonds and certain of the 2022 Projects are located in the County, and the Board of Commissioners is the governing body of the County.

The TEFRA hearing is scheduled to occur at the May 16, 2022 meeting of the Board of Commissioners. Federal tax law provides that notice of the public hearing is presumed reasonable if published no fewer than 7 days before the hearing. The TEFRA Notice was published on May 9, 2022, which is 7 days before the hearing.

The Corporation is requesting that the Board of Commissioners provide the TEFRA approval of the plan of financing described in the TEFRA Notice, the issuance of the Bonds pursuant such plan of financing and the approval of the financing of the portion of the 2022 Projects that is in the County for the purposes of 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Powers Agreement during its meeting on May 16th, after the public hearing.

**EXHIBIT A**

**TEFRA NOTICE**

[Attached.]

## **EXTRACTS FROM MINUTES OF BOARD OF COMMISSIONERS**

The Board of Commissioners for the County of Cumberland, North Carolina (the “County”) held a regular meeting in the Board of Commissioners Meeting Room (Room 118) on the first floor of the Judge E. Maurice Braswell Cumberland County Courthouse, 117 Dick Street, Fayetteville, North Carolina 28301, the regular place of meeting, at 6:45 p.m. on May 16, 2022. The following Commissioners were:

Present:

Absent:

\* \* \* \* \*

Motion was made by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_ and carried unanimously, to open the public hearing.

**WHEREAS**, at [6:45] p.m., the Chairman announced that the Board of Commissioners (the “Board”) would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance by the Public Finance Authority (the “Authority”), a unit of government and a body corporate and politic of the State of Wisconsin, of its revenue bonds in one or more series (the “Bonds”) in an aggregate principal amount not to exceed \$267,250,000 pursuant to the plan of financing described herein;

**WHEREAS**, the Authority has been requested to issue the Bonds and to lend the proceeds from the sale thereof to Cumberland County Hospital System, Inc. d/b/a Cape Fear Valley Health System (the “Corporation”) or Harnett Health System, Inc. (“Harnett”), each a North Carolina nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”), pursuant to the plan of financing described herein;

**WHEREAS**, the plan of financing calls for the proceeds of the Bonds to be used for the purpose of (a) financing capital expenditures for health care facilities, including but not limited to paying the costs of (i) acquiring, constructing, equipping and furnishing (A) a 100-bed expansion of the Valley Pavilion Tower (the “Pavilion Tower Project”) at Cape Fear Valley Medical Center located at 1638 Owen Drive, Fayetteville, North Carolina (“Cape Fear Valley Medical Center”) and (B) a new medical office/cancer center building (the “2022 Harnett Project”) at Central Harnett Hospital located at 215 Brightwater Drive, Lillington, North Carolina (“Central Harnett Hospital”), and (ii) acquiring and installing medical, computer, office and capital equipment for use at Cape Fear Valley Medical Center and Central Harnett Hospital (the “2022 Equipment,” and collectively with the Pavilion Tower Project and the 2022 Harnett Project, the “2022 Projects”); (b) refunding all or a part of the Public Finance Authority Health Care Facilities Revenue Refunding Bonds (Cape Fear Valley Health System) Series 2020 (the “2020 Bonds”); (c) refunding all or a part of the taxable Harnett Adjustable Rate Hospital Bonds Series 2011A (the “Harnett 2011 Taxable Bonds”); (d) refunding all or a part of the taxable Harnett Hospital Notes, Series 2013 numbered R-1 through R-8 (collectively, the “Harnett 2013

USDA Notes”); (e) paying a portion of the interest accruing on the Bonds; and (f) paying certain expenses incurred in connection with the issuance of the Bonds;

**WHEREAS**, the proceeds of the 2020 Bonds were used to refund a portion of the Public Finance Authority Health Care Facilities Revenue Refunding Bonds (Cape Fear Valley Health System), Series 2017 (the “2017 Bonds”). The proceeds of the 2017 Bonds were used to refund the North Carolina Medical Care Commission Health Care Facilities Revenue Bonds (Cape Fear Valley Health System), Series 2008A (the “2008A Bonds”). The proceeds of the 2008A Bonds were used with certain other bond proceeds to, among other things, (1) refund the North Carolina Medical Care Commission Health Care Facilities Revenue Bonds (Cape Fear Valley Health System) Series 2006B (the “2006B Bonds”) and (2) reimburse the Corporation for the cost of acquiring certain equipment for the Health System (as defined in the hereinafter defined TEFRA Notice) (the “2008 Project”);

**WHEREAS**, the proceeds of the 2006B Bonds were used to finance the acquisition of the Health System by the Corporation from the County and the construction, improvement and equipping of certain health care facilities (the “2006B Project”), as more particularly described in the notice of public hearing published on May 9, 2022 in *The Fayetteville Observer* (the “TEFRA Notice”), a copy of which is attached hereto and incorporated herein;

**WHEREAS**, the proceeds of the Harnett 2011 Taxable Bonds were used to refund the North Carolina Medical Care Commission FHA Insured Mortgage Revenue Bonds (Betsy Johnson Regional Hospital Project), Series 2003 (the “2003 Bonds”). The proceeds of the 2003 Bonds were used to finance a four-story addition to the existing acute care hospital facility located at 800 Tilghman Drive, Dunn, North Carolina known as Betsy Johnson Hospital that included space for a new main lobby, administrative offices, dining room, laboratory, pharmacy, medical records, radiology, and mechanical space and other renovations to Betsy Johnson Hospital (the “2003 Betsy Johnson Project”);

**WHEREAS**, the proceeds of the Harnett 2013 USDA Notes were used to pay-off an interim construction loan that was used to finance the construction and equipping of the then new Central Harnett Hospital (the “Central Harnett Project,” and collectively with the 2003 Betsy Johnson Project, the 2006B Project, the 2008 Project and the 2022 Projects, the “Project”);

**WHEREAS**, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the “Joint Exercise Agreement”), prior to the Authority issuing bonds to finance a capital improvement project, the financing of such project must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries such project is located, which with respect to the 2022 Projects includes the County;

**WHEREAS**, the Corporation has requested that the Board approve the plan of financing of the health care facilities described herein to be financed or refinanced with the issuance of the Bonds and the issuance of the Bonds pursuant to the plan of financing described herein in an amount not to exceed \$267,250,000 in order to satisfy the public approval requirement of Section 147(f) of the Code and approve the financing of the 2022 Projects located in the County in order

to satisfy the requirements of Section 4 of the Joint Exercise Agreement and Section 66.0304(11)(a) of the Wisconsin Statutes;

**WHEREAS**, the TEFRA Notice was published on May 9, 2022 in *The Fayetteville Observer* and sets forth a general, functional description of the type and use of the facilities to be financed and refinanced with the proceeds of the Bonds pursuant to the plan of financing, the maximum principal amount of the Bonds to be issued, the initial owner and operator of the facilities and the location of the facilities, among other things;

**WHEREAS**, the names, address and testimony of the persons who were present and who offered comments on the proposed issuance of the Bonds or who responded in writing to the notice of public hearing are as follows:

[None.]

**WHEREAS**, the Chairman of the Board inquired elsewhere in and around the meeting room to determine whether there were any other persons who wished to speak at the public hearing and the Chairman of the Board determined that no other persons who wished to speak at the public hearing were found; and

**WHEREAS**, a purpose of the above-described public hearing and this resolution is to satisfy the public approval requirement of Section 147(f) of the Code, in order to qualify the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code;

After the Board had heard all persons who had requested to be heard, Commissioner \_\_\_\_\_ moved that the public hearing be closed. The motion was adopted unanimously.

Commissioner \_\_\_\_\_ introduced the following resolution, a copy of which had been distributed to each Commissioner:

RESOLUTION APPROVING THE PLAN OF FINANCING OF HEALTH CARE FACILITIES WITH PROCEEDS OF TAX-EXEMPT BONDS TO BE ISSUED BY THE PUBLIC FINANCE AUTHORITY FOR THE BENEFIT OF CUMBERLAND COUNTY HOSPITAL SYSTEM, INC. D/B/A CAPE FEAR VALLEY HEALTH SYSTEM AND HARNETT HEALTH SYSTEM, INC.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CUMBERLAND, NORTH CAROLINA:**

Section 1. For the purpose of qualifying the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code and to satisfy the public approval requirement of Section 147(f) of the Code, the Board hereby approves the plan of financing of the health care facilities described herein to be financed and refinanced with the issuance of the Bonds and the issuance of the Bonds by the Authority pursuant to the plan of financing described herein in an amount not to exceed \$267,250,000, *provided that* in no event shall the County or any political subdivision thereof be liable for such Bonds nor shall the Bonds constitute a debt of the County

or any political subdivision thereof. Additionally, it is the purpose and intent of the Board that this resolution also constitute approval by the Board of the financing of the portion of the 2022 Projects that is located in the County in accordance with Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement. The Board is the governing body of the political jurisdiction within whose boundaries a portion of the 2022 Projects is located.

Section 2. This resolution shall take effect immediately upon its passage.

Commissioner \_\_\_\_\_ seconded the motion and the motion was adopted by the following vote:

AYES:

NAYS:

\* \* \* \* \*

**STATE OF NORTH CAROLINA    )**

**COUNTY OF CUMBERLAND        )**

I, Candice White, Clerk to the Board of Commissioners of the County of Cumberland,

**DO HEREBY CERTIFY** as follows:

1.       A meeting of the Board of Commissioners of the County of Cumberland, located in the State of North Carolina, was duly held May 16, 2022, such meeting having been noticed, held and conducted in accordance with all requirements of law (including open meetings requirements), and minutes of that meeting have been or will be duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of the Board of Commissioners.

2.       The attached extract accurately reflects the actions taken by the Board of Commissioners with respect to the matters therein.

3.       The attached extract correctly states the time when the meeting was convened and the place where the meeting was held and the members of the Board of Commissioners who attended the meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and have hereunto affixed the seal of the County of Cumberland as of May 16, 2022.

(SEAL)

---

Clerk to the Board of Commissioners

[Attach TEFRA Notice]

# LOCALiQ

StarNews | The Dispatch | Times-News  
Sun Journal | The Daily News | The Star  
The Free Press | Gaston Gazette  
The Fayetteville Observer

PO Box 631245 Cincinnati, OH 45263-1245

## **PROOF OF PUBLICATION**

Robinson, Bradshaw & Hins  
Terry  
Robinson, Bradshaw & Hins  
101 NORTH TRYON ST  
SUITE 1900  
Charlotte NC 28246

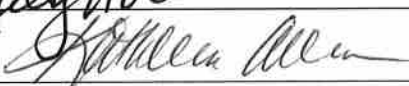
STATE OF NORTH CAROLINA, COUNTY OF CUMBERLAND

The Fayetteville Observer, a newspaper distributed in the county of Cumberland, published in the City of Fayetteville, County of Cumberland, State of North Carolina printed and published and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated on:

05/09/2022

and that the fees charged are legal. The Fayetteville Observer was a newspaper meeting all the requirements and qualifications prescribed by Sec. No. 1-597 G.S. of N.C.  
Sworn to and subscribed before on 05/09/2022

  
\_\_\_\_\_  
Legal Clerk

  
\_\_\_\_\_  
Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$1517.28

Order No: 7252574

# of Copies:

Customer No: 510895

1

PO #: 24748.00011

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

KATHLEEN ALLEN  
Notary Public  
State of Wisconsin

NOTICE OF PUBLIC  
HEARING BY THE  
BOARD OF  
COMMISSIONERS FOR  
THE COUNTY OF  
CUMBERLAND, NORTH  
CAROLINA REGARDING  
THE PLAN OF  
FINANCING OF HEALTH  
CARE FACILITIES WITH  
PROCEEDS OF TAX-  
EXEMPT BONDS TO BE  
ISSUED BY THE PUBLIC  
FINANCE AUTHORITY  
FOR THE BENEFIT OF  
CUMBERLAND COUNTY  
HOSPITAL SYSTEM, INC.  
D/B/A CAPE FEAR  
VALLEY HEALTH  
SYSTEM AND HARNETT  
HEALTH SYSTEM, INC.

NOTICE IS HEREBY GIVEN to all interested persons that the Board of Commissioners for the County of Cumberland, North Carolina (the "County") will hold a public hearing in the Board of Commissioners Meeting Room (Room 118) on the first floor of the Judge E. Maurice Braswell Cumberland County Courthouse, 117 Dick Street, Fayetteville, North Carolina 28301, at 6:45 p.m., on May 16, 2022, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to the proposed issuance by the Authority (as defined below) of its revenue bonds in one or more series (the "Bonds") pursuant to the plan of financing described in this notice.

The Bonds are expected to be issued, in one or more series, pursuant to 66.0304 of the Wisconsin Statutes, as amended, by the Public Finance Authority (the "Authority"), a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, as amended, and the proceeds from the sale of the Bonds will be loaned to Cumberland County Hospital System, Inc. d/b/a Cape Fear Valley Health System (the "Corporation") or Harnett Health System, Inc. ("Harnett"), each a North Carolina nonprofit corporation and an organization described in Code Section 501(c)(3), pursuant to the plan of financing described herein. The Bonds will be qualified 501(c)(3) bonds as defined in Code Section 145. The maximum stated principal amount of Bonds to be issued is \$267,250,000.

The plan of financing calls for the proceeds of the Bonds to be used for the purpose of (a) financing capital expenditures for health care facilities, including but not limited to paying the costs of (i) acquiring, constructing, equipping and furnishing (A) a 100-bed expansion of the Valley Pavilion Tower (the "Pavilion Tower Project") at Cape Fear Valley Medical Center located at 1638 Owen Drive, Fayetteville, North Carolina ("Cape Fear Valley Medical Center") and (B) a new medical office/cancer center building (the "2022 Harnett Project") at Central Harnett Hospital located at 215 Brightwater Drive, Lillington, North Carolina ("Central Harnett Hospital"), and (ii) acquiring and installing medical, computer, office and capital equipment for use at Cape Fear Valley Medical Center

and Central Harnett Hospital (the "2022 Equipment," and collectively with the Pavilion Tower Project and the 2022 Harnett Project, the "2022 Projects"); (b) refunding all or a part of the Public Finance Authority Health Care Facilities Revenue Refunding Bonds (Cape Fear Valley Health System) Series 2020 (the "2020 Bonds"); (c) refunding all or a part of the taxable Harnett Adjustable Rate Hospital Bonds Series 2011A (the "Harnett 2011 Taxable Bonds"); (d) refunding all or a part of the taxable Harnett Hospital Notes, Series 2013 numbered R-1 through R-8 (collectively, the "Harnett 2013 USDA Notes"); (e) paying a portion of the interest accruing on the Bonds; and (f) paying certain expenses incurred in connection with the issuance of the Bonds.

The maximum stated principal amount of Bonds to be issued to finance the Pavilion Tower Project is \$111,500,000, the 2022 Harnett Project is \$21,500,000 and the 2022 Equipment is \$11,000,000. The maximum stated principal amount of Bonds to be issued to refund the 2020 Bonds is \$51,000,000. The maximum stated principal amount of Bonds to be issued to refund the Harnett 2011 Taxable Bonds is \$16,500,000. The maximum stated principal amount of Bonds to be issued to refund the Harnett 2013 USDA Notes is \$55,750,000.

The proceeds of the 2020 Bonds were used to refund a portion of the Public Finance Authority Health Care Facilities Revenue Refunding Bonds (Cape Fear Valley Health System), Series 2017 (the "2017 Bonds"). The proceeds of the 2017 Bonds were used to refund the North Carolina Medical Care Commission Health Care Facilities Revenue Bonds (Cape Fear Valley Health System), Series 2008A (the "2008A Bonds"). The proceeds of the 2008A Bonds were used with certain other bond proceeds to, among other things, (1) refund the North Carolina Medical Care Commission Health Care Facilities Revenue Bonds (Cape Fear Valley Health System) Series 2006B (the "2006B Bonds") and (2) reimburse the Corporation for the cost of acquiring certain equipment for the Health System (as defined below) (the "2008 Project").

The proceeds of the 2006B Bonds were used to finance (1) the acquisition of the following facilities (collectively, the "Health System") by the Corporation from the County of Cumberland, North Carolina:

(a) an 800,000 square feet, 472-bed acute care hospital and related facilities known as Cape Fear Valley Medical Center and located at 1638 Owen Drive;

(b) an 81,000 square feet, 112-bed long term acute care hospital and related facilities known as Highsmith-Rainey Memorial Hospital and located at 150 Robeson Street;

(c) a 67,000 square feet, 32-bed behavioral health care facility with outpatient practice, known as Behavioral Health Care of CFVHS and located at 3425 Melrose Road;

- (d) 35,122 square feet of various suites comprising of outpatient services and administrative offices known as the Medical Arts Center and located at 101 Robeson Street;
- (e) a 4,362 square feet primary care physician building known as Cape Fear Valley Internal Medicine and located at 1262-A Oliver Street;
- (f) a 4,362 square feet pediatric care physician building known as Melrose Pediatric Care and located at 1262-B Oliver Street;
- (g) a 8,086 square feet primary care physician building known as Cape Fear Valley OB-GYN and located at 1320 Medical Drive;
- (h) a 10,798 square feet primary care physician building known as Hope Mills Family Care and located at 4092 Professional Drive, Hope Mills, NC;
- (i) a 5,014 square feet primary care physician building known as North Ramsey Family Care and located at 3412 Ramsey Street;
- (j) a 4,454 square feet primary care physician building known as Westside Medical Care and located at 1463 Pamalee Drive;
- (k) a 18,070 square feet primary care physician building known as the Diagnostic Center and located at 524 Beaumont Road;
- (l) a 3,350 square feet pediatric care physician building known as Highland Valley Pediatric Care and located at 1219 Walter Reed Road;
- (m) an 18,567 square feet ambulance maintenance facility, known as Ambulance Non-Emergency Operations and located at 610 Gillespie Street;
- (n) a 65,261 square feet medically oriented fitness center known as Healthplex and located at 1930 Skibo Road;
- (o) 3,314 square feet of lodging for patient's relatives known as Stanton Hospitality House and located at 1617 Roxie Avenue;
- (p) 1,247 square feet of lodging for patient's relatives known as Cape Fear Valley Medical Center Foundation, Inc. and located at 3533 Furman Drive;
- (q) a 1,664 square feet ambulance service known as Cape Fear Valley EMS and located at 1126 Cedar Creek Road;
- (r) a 2,889 square feet administrative office known as Patient Financial Services and located at 1641 Owen Drive;
- (s) a 8,006 square feet primary care physician building known as the Sleep Center and located at 1213 Walter Reed Road;
- (t) a 3,213 square feet physician practice that is no longer in use and had been located at 3318 Melrose Road;
- (u) a 4,295 square feet administrative office known as the Pediatric Acute Care Administration and located at 3322 Melrose Road; and
- (v) an 18,000 square feet primary care physician building known as Hoke Family Medical Center and located at 4056 South Main Street Raeford, NC (Hoke County);
- (2) the construction of a patient care tower, attached to and integrated with the then-existing structure at

Cape Fear Valley Medical Center at all levels; (3) the construction of a 5 level parking deck along with new and reconfigured ground level parking at Cape Fear Valley Medical Center; (4) renovations of existing space at Cape Fear Valley Medical Center, including the then-current Emergency Department and Imaging Department to be the primary Outpatient Diagnostic and Treatment Facility, with new construction for an outpatient entrance; first floor renovation of Outpatient Registration, Sleep Lab and Outpatient Rehabilitation; and second floor renovation of Outpatient Surgery; (5) the acquisition of 100% of the membership interest in a limited liability company that was constructing an outpatient facility known as "Health Pavilion North" located at the corner of Ramsey Street and Andrews Road in Fayetteville, North Carolina, including the payment of the construction loan therefor and completion of the facility; (6) the acquisition of additional equipment for the Health System, including particularly for the Health Pavilion North and the Cape Fear Valley Medical Center (collectively, the "2006B Project"); (7) the payment of interest on the 2006B Bonds during completion of the 2006B Project; and (8) the payment of certain expenses incurred in connection with the issuance of the 2006B Bonds, including the premium for the financial guaranty insurance policy for the 2006B Bonds.

The proceeds of the Harnett 2011 Taxable Bonds were used to refund the North Carolina Medical Care Commission FHA Insured Mortgage Revenue Bonds (Betsy Johnson Regional Hospital Project), Series 2003 (the "2003 Bonds"). The proceeds of the 2003 Bonds were used to finance a four-story addition to the existing acute care hospital facility located at 800 Tilghman Drive, Dunn, North Carolina known as Betsy Johnson Hospital that included space for a new main lobby, administrative offices, dining room, laboratory, pharmacy, medical records, radiology, and mechanical space and other renovations to Betsy Johnson Hospital (the "2003 Betsy Johnson Project").

The proceeds of the Harnett 2013 USDA Notes were used to pay-off an interim construction loan that was used to finance the construction and equipping of the then new Central Harnett Hospital (the "Central Harnett Project," and collectively with the 2003 Betsy Johnson Project, the 2006B Project, the 2008 Project and the 2022 Projects, the "Project").

The Project is or will be owned and operated by the Corporation and Harnett.

The Bonds will be special limited obligations of the Authority payable solely from the loan repayments to be made by the Corporation to the Authority, and certain funds and accounts established by the documents for the Bonds. The principal of, premium, if any, and interest on the Bonds will not constitute an indebtedness or

liability of the County of Cumberland, the State of North Carolina, or any political subdivision of the State of North Carolina, or a charge against their general credit or any taxing powers.

The hearing will provide a reasonable opportunity to be heard for persons wishing to express their views on the merits and locations of the 2022 Projects, the issuance of the Bonds pursuant to the plan of financing described herein or related matters. Any person wishing to comment in writing should do so prior to such meeting to the Board of Commissioners for the County of Cumberland, North Carolina, Post Office Box 1829, Fayetteville, North Carolina, 28302-1829, Attention: Clerk to the Board of Commissioners.

BOARD OF COMMISSIONERS FOR THE COUNTY OF CUMBERLAND, NORTH CAROLINA

By: Candice White  
Clerk to the Board of Commissioners

Dated: May 9, 2022  
May 9, 2022 #7252574



## **PLANNING AND INSPECTIONS DEPARTMENT**

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: RAWLS HOWARD, DIRECTOR OF PLANNING AND INSPECTIONS**

**DATE: 4/26/2022**

**SUBJECT: PUBLIC HEARING AND CONSIDERATION OF RENAMING A  
PORTION OF OLD PLANK ROAD AND NAMING A NEWLY  
CONSTRUCTED SECTION OF THE ROAD – CASE NO. SN-0490**

#### **BACKGROUND**

Due to a North Carolina Department of Transportation project (I-295), Old Plank Road was severed into two sections. With the implementation of the Next Gen E911 standards you cannot have two streets with the same name within the County. It has been requested by the Stoney Point Fire Department that we continue the Glenn Road name from Robeson County over I-295 through to Black Bridge Road (see attached map). This change will engulf the 6400-6800 blocks of what is currently Old Plank Road and the newly constructed section that goes over I-295 to Black Bridge Road.

#### **RECOMMENDATION / PROPOSED ACTION**

Staff recommends the Board of County Commissioners hold a public hearing at their May 16th, 2022 Regular Meeting and approve the name assignment as presented.

#### **ATTACHMENTS:**

Description	Type
SN0490 County Ordinance	Backup Material
SN0490 Map	Backup Material
Legal Ad	Backup Material

Cumberland County Board of Commissioners

Ordinance Renaming a Portion of Old Plank Road and Naming a Newly Constructed Section of the Road by the North Carolina Department of Transportation to Glenn Road

This Ordinance renaming a portion of Old Plank Road and a newly constructed section by the North Carolina Department of Transportation that goes over the bridge to Black Bridge Road is authorized by G.S. § 153A-239.1 and is enacted pursuant to Sec. 4-172 of the Cumberland County Code.

Whereas, Old Plank Road (4,187.33 feet) has been realigned from the Robeson County Line to a newly constructed section (5,723.36 feet) and will intersect with SR1115, Black Bridge Road.

Whereas, the proposed road will continue from the Robeson County line and cross over I-295 to SR1115, Black Bridge Road.

Whereas, a duly advertised public hearing was conducted on this matter at the May 16, 2022 Regular Meeting of the Cumberland County Board of Commissioners.

Now therefore be it ordained as follows:

(1) A portion of Old Plank Road and a newly constructed section is hereby named Glenn Road.

(2) Planning staff is directed to cause notice of this action to be given to the local postmaster with jurisdiction over the road, to the Board of Transportation, and to any city within five miles of the road.

Adopted May 16, 2022.

Cumberland County Board of Commissioners  
By:

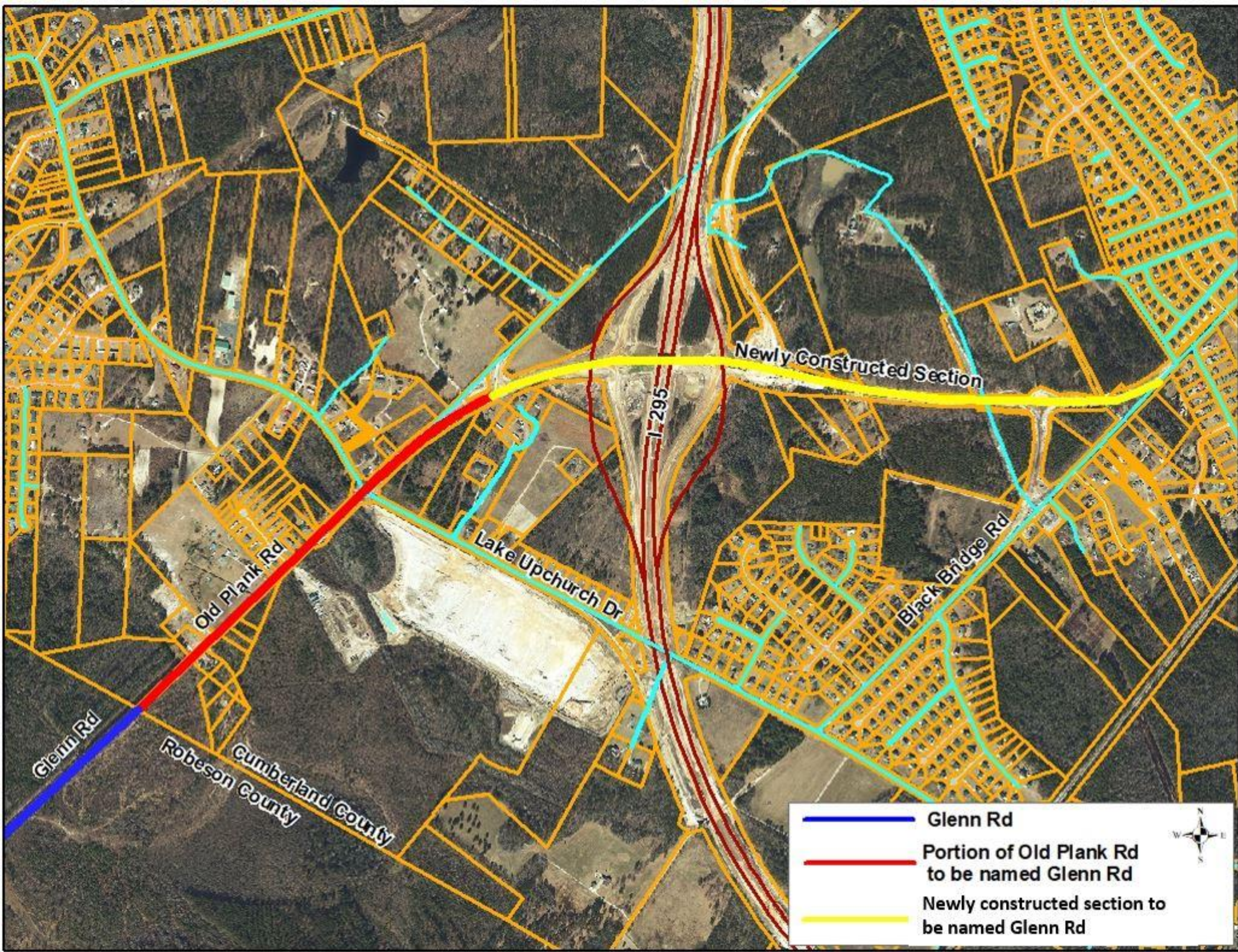
---

Glenn Adams, Chair

Attest:

---

Candice White, Clerk to the Board





StarNews | The Dispatch | Times-News  
Sun Journal | The Daily News | The Star  
The Free Press | Gaston Gazette

## Order Confirmation

Not an Invoice

<b>Account Number:</b>	744350
<b>Customer Name:</b>	Cumb Co Joint Planning,Laverne Howard
<b>Customer Address:</b>	Cumb Co Joint Planning,Laverne Howard 130 Gillespie ST  Attn: Laverne Howard Fayetteville NC 28301-5669
<b>Contact Name:</b>	Laverne Howard Cumb Co Joint Planning
<b>Contact Phone:</b>	9106787600
<b>Contact Email:</b>	
<b>PO Number:</b>	

<b>Date:</b>	04/27/2022
<b>Order Number:</b>	7220673
<b>Prepayment Amount:</b>	\$ 0.00

<b>Column Count:</b>	1.0000
<b>Line Count:</b>	44.0000
<b>Height in Inches:</b>	0.0000

### Print

Product	#Insertions	Start - End	Category
FAY Fayetteville Observer	2	05/02/2022 - 05/09/2022	Public Notices
FAY fayobserver.com	2	05/02/2022 - 05/09/2022	Public Notices

Total Order Confirmation

\$231.88

## Ad Preview

### PUBLIC NOTICE

The Cumberland County Board of Commissioners will meet at 6:45 p.m. on May 16, 2022, in room 118 of the County Courthouse at 117 Dick Street to hear the following:

ZON-22-0036: Rezoning from O&I(P) CZ Planned Office and Institutional District Conditional Zoning to C1(P) Planned Local Business District or a more restrictive zoning district; 1.11 +/- combined ac; 4799 & 4807 S Main St; Clear Blue & 22 LLC/Tina Dawson (owner/applicant).

ZON-22-0038: Rezoning from RR Rural Residential District to R7.5 Residential District for eight parcels on 5.4 +/- ac or a more restrictive zoning district; NW corner Muscat Rd & Advance Dr; George Rose (applicant), EK International LLC (owners).

SN0490 consideration of renaming a portion of Old Plank Road and naming a newly constructed section of the same road to be Glenn Road

SN0491 consideration of naming an unnamed street to Gaddy Lane

5/2, 9 7220673



## **PLANNING AND INSPECTIONS DEPARTMENT**

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: RAWLS HOWARD, DIRECTOR OF PLANNING AND INSPECTIONS**

**DATE: 4/26/2022**

**SUBJECT: PUBLIC HEARING AND CONSIDERATION OF NAMING AN UNNAMED STREET TO GADDY LANE – CASE NO. SN-0491**

#### **BACKGROUND**

Planning and Inspections staff received a request from Mr. Craven Gaddy about naming a private street. The said street will be available for REID #'s 0420807390000 (address: 4880) and 0420808439000 (address: 4878) which are two land-locked parcels off of Chicken Foot Road (see attached map). The owner has an easement for access to both parcels. The reason for naming the private street is people are having a difficult time finding his home from Chicken Foot Road. The proposed street name will be Gaddy Ln.

#### **RECOMMENDATION / PROPOSED ACTION**

Staff recommends the Board of County Commissioners hold a public hearing at their May 16, 2022 Regular Meeting and approve the name assignment as presented.

#### **ATTACHMENTS:**

Description	Type
SN0491 County Ordinance	Backup Material
SN0491 Map	Backup Material
Legal Ad	Backup Material

Cumberland County Board of Commissioners  
Ordinance Naming an Unnamed Road to Gaddy Lane

This Ordinance Naming an Unnamed Road to Gaddy Lane is authorized by G.S. § 153A-239.1 and is enacted pursuant to Sec. 4-172 of the Cumberland County Code.

Whereas, an unnamed road was created by Craven Gaddy off of SR 2252, Chicken Foot Road. There are two parcels that access the same access easement.

Whereas, the proposed road Gaddy Lane will extend from the center line of Chicken Foot Road, west 421 feet along said easement.

Whereas, a duly advertised public hearing was conducted on this matter at the May 16, 2022, regular meeting of the Board of Commissioners.

Now therefore be it ordained as follows:

- (1) A road created off SR 2252 Chicken Foot Road, is hereby named Gaddy Lane.
- (2) Planning staff is directed to cause notice of this action to be given to the local postmaster with jurisdiction over the road, to the Board of Transportation, and to any city within five miles of the road.

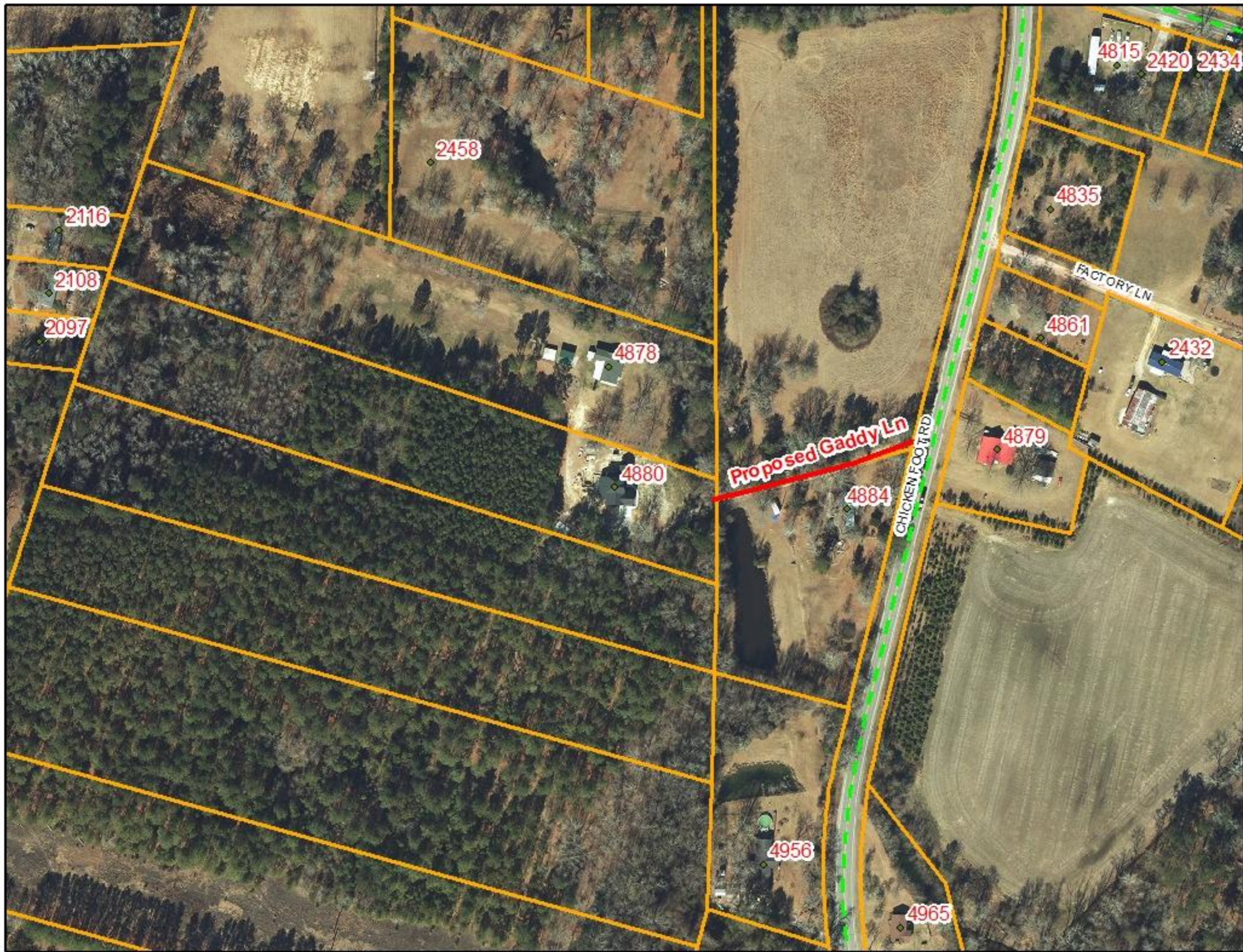
Adopted May 16, 2022.

Cumberland County Board of Commissioners  
By:

\_\_\_\_\_  
Glenn Adams, Chair

Attest:

\_\_\_\_\_  
Candice White, Clerk to the Board





StarNews | The Dispatch | Times-News  
Sun Journal | The Daily News | The Star  
The Free Press | Gaston Gazette

## Order Confirmation

Not an Invoice

<b>Account Number:</b>	744350
<b>Customer Name:</b>	Cumb Co Joint Planning,Laverne Howard
<b>Customer Address:</b>	Cumb Co Joint Planning,Laverne Howard 130 Gillespie ST  Attn: Laverne Howard Fayetteville NC 28301-5669
<b>Contact Name:</b>	Laverne Howard Cumb Co Joint Planning
<b>Contact Phone:</b>	9106787600
<b>Contact Email:</b>	
<b>PO Number:</b>	

<b>Date:</b>	04/27/2022
<b>Order Number:</b>	7220673
<b>Prepayment Amount:</b>	\$ 0.00

<b>Column Count:</b>	1.0000
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<b>Height in Inches:</b>	0.0000

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Product	#Insertions	Start - End	Category
FAY Fayetteville Observer	2	05/02/2022 - 05/09/2022	Public Notices
FAY fayobserver.com	2	05/02/2022 - 05/09/2022	Public Notices

Total Order Confirmation

\$231.88

## Ad Preview

### PUBLIC NOTICE

The Cumberland County Board of Commissioners will meet at 6:45 p.m. on May 16, 2022, in room 118 of the County Courthouse at 117 Dick Street to hear the following:

ZON-22-0036: Rezoning from O&I(P) CZ Planned Office and Institutional District Conditional Zoning to C1(P) Planned Local Business District or a more restrictive zoning district; 1.11 +/- combined ac; 4799 & 4807 S Main St; Clear Blue & 22 LLC/Tina Dawson (owner/applicant).

ZON-22-0038: Rezoning from RR Rural Residential District to R7.5 Residential District for eight parcels on 5.4 +/- ac or a more restrictive zoning district; NW corner Muscat Rd & Advance Dr; George Rose (applicant), EK International LLC (owners).

SN0490 consideration of renaming a portion of Old Plank Road and naming a newly constructed section of the same road to be Glenn Road

SN0491 consideration of naming an unnamed street to Gaddy Lane

5/2, 9 7220673



## PLANNING AND INSPECTIONS DEPARTMENT

### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD**

**DATE: 5/5/2022**

**SUBJECT: CASE ZON-22-0036 \*\* THE APPLICANT REQUESTED THE HEARING  
BE MOVED TO JUNE 20, 2022 \*\***

#### **BACKGROUND**

**ZON-22-0036:** Rezoning from O&I(P)/CZ Planned Office and Institutional District/Conditional Zoning and R6A Residential District to C1(P) Planned Local Business District or to a more restrictive zoning district for two parcels on 1.11 +/- combined acres; located at 4799 & 4807 South Main Street; submitted by Clear Blue & 22 LLC/Tina Dawson Tina Dawson (owner/applicant).

#### **RECOMMENDATION / PROPOSED ACTION**

**Planning Board Action:** Recommended approval of the rezoning request from O&I(P)/CZ Planned Office and Institutional/Conditional Zoning and R6A Residential to C1(P) Planned Local Business at the April 19, 2022 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board meeting which are incorporated herein by reference.

**Staff Recommendation:** In Case ZON-22-0036, the Planning and Inspections staff recommends approval of the rezoning request from O&I(P)/CZ Planned Office and Institutional/Conditional Zoning and R6A Residential to C1(P) Planned Local Business. Staff finds the request is consistent with the Southwest Cumberland Land Use Plan which calls for "Mixed Use Development" at this location. Staff also finds that the request is reasonable and in the public interest as the request is compatible to and in harmony with the surrounding land use activities and zoning.

**If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:**

**MOTION:**

In Case ZON-22-0036, I move to approve the rezoning request from O&I(P)/CZ Planned Office and Institutional/Conditional Zoning and R6A Residential to C1(P) Planned Local Business and find the request is consistent with the Southwest Cumberland Land Use Plan which calls for “Mixed Use Development” at this location. The request is reasonable and in the public interest as well as compatible to and in harmony with the surrounding land use activities and zoning.

**If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:**

**MOTION:**

In Case ZON-22-0036, I move to deny the rezoning request from O&I(P)/CZ Planned Office and Institutional/Conditional Zoning and R6A Residential to C1(P) Planned Local Business, and find that the request is not consistent with the Southwest Cumberland Land Use Plan, is not in harmony with the character of the surrounding area, and is not reasonable or in the public interest because \_\_\_\_\_.

**ATTACHMENTS:**

Description

Case ZON-22-0036

Type

Backup Material

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Planning & Inspections Department

MAY 5, 2022

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **ZON-22-0036:** Rezoning from O&I(P)/CZ Planned Office and Institutional District/Conditional Zoning and R6A Residential District to C1(P) Planned Local Business District or to a more restrictive zoning district for two parcels on 1.11 +/- combined acres; located at 4799 & 4807 South Main Street; submitted by Clear Blue & 22 LLC/Tina Dawson Tina Dawson (owner/applicant).

ACTION: Recommended approval of the rezoning request from O&I(P)/CZ Planned Office and Institutional/Conditional Zoning and R6A Residential to C1(P) Planned Local Business at the April 19, 2022 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board meeting which are incorporated herein by reference.

### MINUTES OF APRIL 19, 2022

In Case ZON-22-0036, the Planning and Inspections staff recommends approval of the rezoning request from O&I(P)/CZ Planned Office and Institutional/Conditional Zoning and R6A Residential to C1(P) Planned Local Business. Staff finds the request is consistent with the Southwest Cumberland Land Use Plan which calls for "Mixed Use Development" at this location. Staff also finds that the request is reasonable and in the public interest as the request is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-22-0036, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from O&I(P)/CZ Planned Office and Institutional/Conditional Zoning and R6A Residential to C1(P) Planned Local Business. Staff finds the request is consistent with the Southwest Cumberland Land Use Plan which calls for "Mixed Use Development" at this location. Staff also finds that the request is reasonable and in the public interest as the request is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

#### First Class and Record Owners' Mailed Notice Certification

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.*

Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1829  
Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631

[cumberlandcountync.gov](http://cumberlandcountync.gov)

**REQUEST**

**Rezoning O&I(P)/CZ & R6A To C1(P)**

Applicant requests a change of zoning from O&I(P)/CZ Planned Office and Institutional/Conditional Zoning, and R6A Residential to C1(P) Planned Local Business for approximately 1.11 acres of land at 4799 and 4807 S. Main Street for two parcels under the same ownership. The purpose of the request is to assign a commercial zoning that can accommodate real estate offices, offices for business purposes, office, and variety shop retail to both parcels. The current O&I(P)/Conditional Zoning assigned to the southern parcel (4807 S. Main St.) limits use of the 0.87-acre parcel to a real estate office use only (Refer to Condition #7 of the CZ Condition Sheet). The north parcel (4700 S. Main St.) is assigned the R6 Residential District and contains 0.36 acres. Exhibit "A" identifies the location of the subject property. Exhibit "B" (attached) provides the current zoning conditions (Case P12-11) that are applicable to the parcel zoned O&I/CZ. Exhibit "C" (attached) provides the current conditional use site plan.

**PROPERTY INFORMATION**

**OWNER/APPLICANT:** Clear Blue & 22 LLC/Tina Dawson

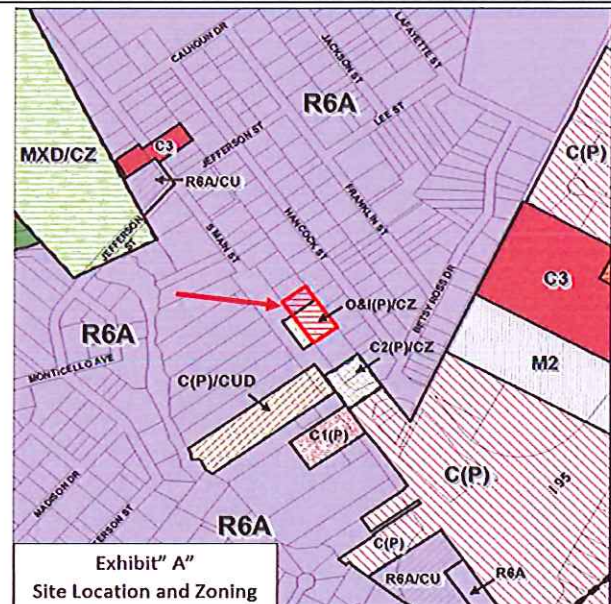
**ADDRESS/LOCATION:**

4799 and 4807 S Main Street Refer to Exhibit "A",  
Location and Zoning Map.

**REID number:** 0413965681000, 0413965703000

**SIZE:** 1.11 acres. This request includes two parcels along S. Main Street, all owned by the applicant. The parcel zoned R6A has 0.36 acres while the parcel zoned O&I(P)/CZ has 0.87 acres.

**EXISTING ZONING:** The subject properties are currently zoned O&I(P)/CZ Planned Office and Institutional/Conditional Zoning and R6A Residential. Exhibit "A" illustrates the Zoning Map for the subject property and surrounding areas. The O&I/Conditional Zoning for the southern parcel was adopted by the BOCC on May 21, 2022, with a condition limiting the use to real estate office only. The O&I(P) district is designed primarily for agencies and offices rendering services in the professions, finance, real estate, and brokerage, as well as both public and private institutional functions, public assembly, religious and certain cultural and recreational activities, and group housing. R6A district is a district designed for a mix of single- and multi-family dwellings including the use of manufactured homes on individual lots and in manufactured home parks. Exhibit "A" shows the zoning assigned to the property.



**EXISTING LAND USE:** The property currently includes a real estate office and a security alarm company. Exhibit "D" provides an aerial photograph showing the current use of the subject properties as well as uses occurring on surrounding properties.

**SURROUNDING LAND USE:** Exhibit "D" illustrates the following land uses:

**North:** Predominantly single-family homes

**East:** Single-family home with commercial use at the intersections of S. Main Street and US HWY 301 S

**West:** Single-family residential

**South:** Mix of single-family and commercial use.

**OTHER SITE CHARACTERISTICS:** The subject property, as delineated in Exhibit "E", illustrates no presence of hydric or hydric inclusion soils on the property. The property is not located within a Watershed or within a Flood Zone Hazard Area.

**TEN YEAR ZONE CASE HISTORY:** Exhibit "F" denotes the location of the zoning case history described below.

- P20-51: R6A to C2(P)/CZ; Approval with Conditions
- P12-11: R6A to C2(P); Approved O&I(P)/CZ With Conditions for Office
- P07-29: R6A TO C(P)/CUD; Approved

**DEVELOPMENT REVIEW:** Subdivision review by County Planning & Inspections will be required before any development.

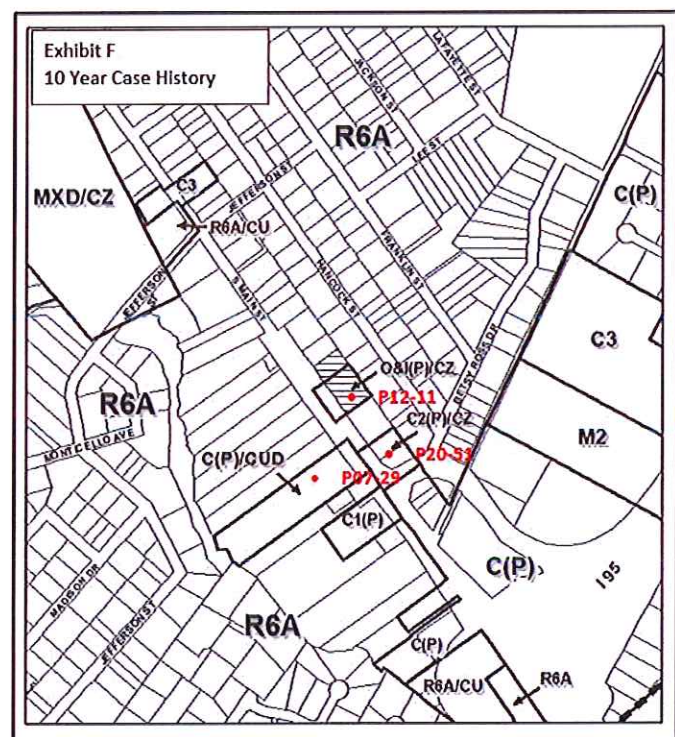
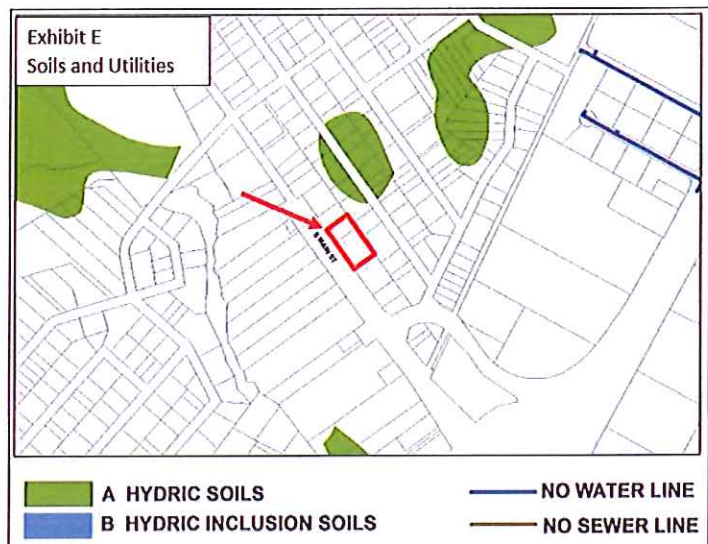
**Dimensional Provisions for Requested District:**

Minimum Standard	O&I(P) (Existing Zoning)	R6A (Existing Zoning)	C1(P) (Proposed)
Front Yard Setback	35 feet	25 feet	45 feet
Side Yard Setback	15 feet (one story)	10 feet (one story) 12 feet (two story)	15 feet
Rear Yard Setback	20 feet	15 feet	20 feet
Lot Area	N/A	6000 sq. feet	N/A
Lot Width	N/A	60 feet	N/A

**Development Potential:**

Existing Zoning O&I(P) & R6A	Proposed Zoning C1(P)
2 dwelling units (for the R6A parcel)	N/A

- Assumes 80% of land is usable for development after exclusion of potential area for roads and drainage.
- Calculation: (total developable area times 0.8)/minimum lot size for zone district.



**COMPREHENSIVE PLANS:** This property is located within the Southwest Cumberland Land Use Plan (adopted 2013). The future land use designation of the property is Mixed Use Development. The rezoning request is consistent with the adopted Land Use Plan.

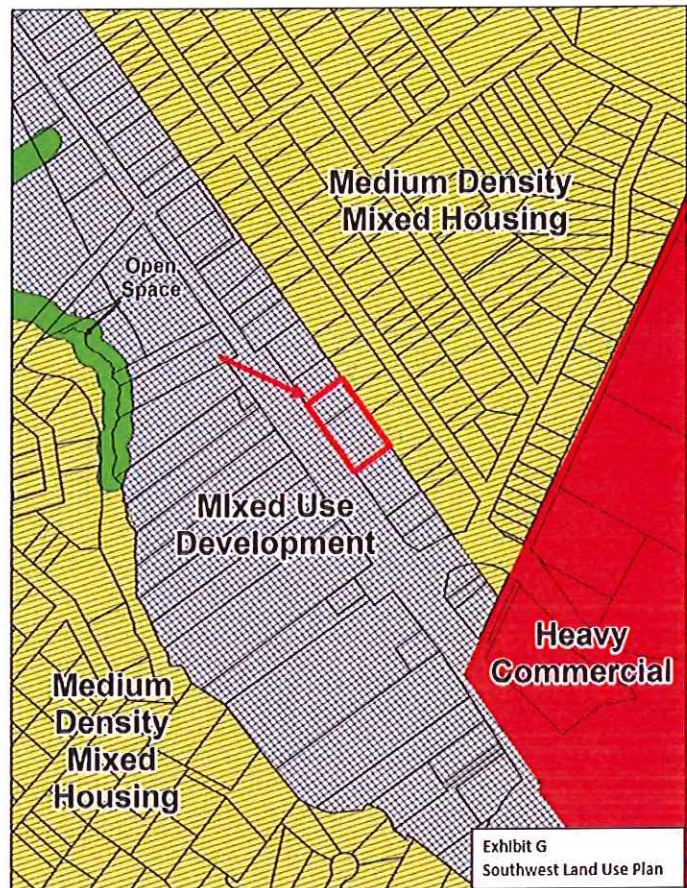
**APPLICABLE PLAN GOALS/POLICIES:**

**-Mixed Use Development Goal:** [A mixed use development is] an area that allows a mixture of uses to included residential, office and institutional uses and generally light commercial uses. The mixed use can be either vertical or horizontal.

**-Commercial Goal:** The C1(P)-Planned Local Business District is designed to cater to the ordinary shopping needs of the immediate neighborhood with emphasis on convenience goods and site plan approval is required.

**-Objectives:**

Create an atmosphere that supports existing and future commercial activities while complimenting the existing residential area; encourages and fosters economic development that is harmonious with the character of the area; respects environmentally sensitive areas; is well-designed and attractive; located in areas with sufficient infrastructure to support the type of commercial activities; and provides a range of commercial locations that accommodate market demands that meet the needs of area residents.



**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**UTILITIES:** Water and sewer lines are not available near the property. It is the applicant's responsibility to determine if a utility provider will serve their development. Utilities for water and sewer are shown on Exhibit "E". Well and septic permits would be required prior to issuance of a building permit.

**TRAFFIC:** The subject property sits on S. Main St. and is identified as another principal arterial in the Metropolitan Transportation Plan. S. Main St. is identified in the Transportation Improvement Program as "U-6001, SR 1243 (Shipman Road) to SR 1118 (Parkton Road). Widen to three lanes. Right of way is scheduled for FY 2029." In addition, S. Main has a 2020 AADT of 12,500 and a road capacity of 13,200. Due to lack of data and the small scale of the site, the new zoning request does not warrant a trip generation study. The new zoning should not generate enough traffic to significantly impact S. Main St.

**SCHOOLS CAPACITY/ENROLLMENT:**

School	Capacity	Enrollment
Gallberry Farm Elem	884	897
Gray's Creed Middle	1,083	1,125
Gray's Creek High	1,517	1,396

**ECONOMIC DEVELOPMENT:** Fayetteville Cumberland County Economic Development Corporation has reviewed the request and has not objections.

**EMERGENCY SERVICES:** Cumberland County Fire Marshal's office has reviewed the request and stated that the applicant must ensure that all fire department access roads requirements are met in accordance

with Section 503 of the 2018 NC Fire Code, where required and to submit building plans to scale for new construction and building renovation.

**SPECIAL DISTRICTS:** The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

**CONDITIONS OF APPROVAL:** This is a conventional zoning and there are no conditions at this time.

#### **STAFF RECOMMENDATION**

In Case ZON-22-0036, the Planning and Inspections staff **recommends approval** of the rezoning request from O&I(P)/CZ Planned Office and Institutional/Conditional Zoning and R6A Residential to C1(P) Planned Local Business. Staff finds the request is consistent with the Southwest Cumberland Land Use Plan which calls for "Mixed Use Development" at this location. Staff also finds that the request is reasonable and in the public interest as the request is compatible to and in harmony with the surrounding land use activities and zoning.

Attachments:

Condition Sheet

Site Plan

Notification Mailing List

Application

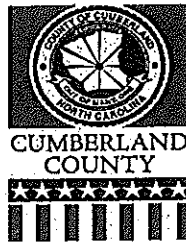
**EXHIBIT "B"**

**P12-11 O&I /CZ CONDITIONS – ADOPTED**

Roy Turner,  
Chair  
Cumberland County

Walter Clark,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Lori Epler,  
Sara E. Pitland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

#### CERTIFIED MAIL

May 23, 2012

MAILED 91 7108 2133 3937 1188 5190  
5-23-12 BAREFOOT

Bill & Jimmie Barefoot  
4039 Hall Street  
Hope Mills, NC 28348

SUBJECT: P12-11: REZONING OF .90+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4807 AND 4817 SOUTH MAIN STREET, SUBMITTED BY BILLY RAY AND JIMMIE A. BAREFOOT (OWNERS).

Dear Mr. & Mrs. Barefoot,

The Cumberland County Board of Commissioners met on Monday, May 21, 2012 and approved the rezoning from R6A Residential to O&I(P) Planned Office and Institutional/CZ Conditional Zoning district for two offices, subject to the contents of the application, the site plan and the following conditions:

#### Pre- Permit Related:

1. A recombination plat (also known as a "No Approval Required" or "NAR") must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
2. The developer must provide three copies of a revised site plan to the Planning & Inspection Department showing the following changes:
  - a. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and shown on the revised site plan. The following are the minimum standards for the required landscaping of this site:
    - a. Four large shade trees or eight small ornamental trees within the front yard setback area along NC HWY 59 (S Main Street); and
    - b. Three ornamental trees and 13 shrubs are required in the building yard area;

In addition:

- Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
- All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.

- b. The proposed sign location shown on the site plan must be a minimum of five feet from the right-of-way line, the revised plan must indicate the correct sign location and the revised plan must be approved prior to application for any freestanding sign permits. This conditional approval is not approval of any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs – also see Condition No. 21 below.
- c. Future lateral access drives to the adjacent properties on each side must be reflected on the site plan. The lateral access drives are required to be reserved in the form of an easement (shown on the recombination plat) to allow for the future connection of drives in the event these properties are rezoned to a non-residential zoning district.
- d. "South Main Street Highway 59" must be labeled as "NC HWY 59 (S Main Street)" on the revised plans and on the recombination plat.

**Permit-Related:**

- 3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
- 4. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
- 5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
- 6. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

- 7. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances, and the contents of the application and site plan for this C2(P)/CZ zoning district for a real estate office must be complied with, as applicable.
- 8. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
- 9. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)

10. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
11. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
12. Turn lanes may be required by the NC Department of Transportation (NCDOT).
13. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
14. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residentially zoned properties in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
15. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
16. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of seven off-street parking spaces are required for this development.
17. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

**Plat-Related:**

18. The recombined lots must be drawn with solid property lines with the bearing and distances, acreage and lot identifier must be reflected on the recombination plat.
19. Future lateral access must be provided to the adjacent residential properties for the future connectivity of non-residential lots along NC HWY 59 (S Main Street) and the recombination plat must reflect a "lateral access" easement to each lot along NC HWY 59 (S Main Street).
20. "South Main Street Highway 59" must be labeled as "NC HWY 59 (S Main Street)" on the recombination plat.
21. Dedication of 15 feet of right-of-way and reservation of 10 feet of right-of way along NC HWY 59 (S Main Road) is required and the metes and bounds for both dedication and reservation is required to be shown on the recombination plat and/or reflected on any future site plans.. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line. (Section 2302 F, Planned Public Right-of-Way, County Subdivision Ordinance)
22. Any/All easements must be reflected on the recombination plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.

23. The NC Department of Transportation (NCDOT) stamp must be affixed to the recombination plat prior to submission for approval for recording by Land Use Codes.
24. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for approval for recording. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
25. The recombination plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statements:**

26. Since this development does not have public water/sewer, the following disclosure statement is required to be provided on the recombination plat (Section 2504 C, On-Site Water and/or Sewer Disclosure, County Subdivision Ordinance):

“The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording.”

27. All structures are required to be shown on the recombination plat or the plat must reflect the following statement (Section 2504 D, County Subdivision Ordinance):

“Nonconforming structures have not been created by this recombination plat.”

**Other Relevant Conditions:**

28. The applicant is advised to consult an expert on wetlands before proceeding with any development.
29. The developer is encouraged to contact a Building Inspector prior to proceeding with this development, specifically addressing the requirements for conversion of a residential structure to non-residential.
30. If the two principle structures and/or the storage buildings are ever removed or destroyed more than 50%, any replacement structure will be required to comply with the setback requirements of the C2(P) zoning district. This conditional approval is not an approval of the location of the storage buildings and the storage container to be use for anything other storage.
31. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
32. If the storage building or storage containers are to be used for anything other then storage, such as office or work space for the real estate office than these building will be required to be meet all building standards for a commercial structure. (Note: Since the buildings do not meet setback requirements for a principle structure, prior to any upgrades to these building the developer would be required to go to the Board of Adjustment for a setback variance or submit for approval of a zero lot line development with the affected adjacent properties.)

33. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

"Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department."

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.**

Contact Information (Area Code is 910 unless otherwise stated):

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
Town of Hope Mills:		424-4555*
Chief Building Inspector:	Mike Bailey	
County Public Utilities:	Amy Hall	678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

\*This is the main telephone number for the Town of Hope Mills; once connected, the caller will be directed to the various departments.

If you have any questions, please email me at [pspeicher@co.cumberland.nc.us](mailto:pspeicher@co.cumberland.nc.us) or you may call (910) 678-7905.

Sincerely,

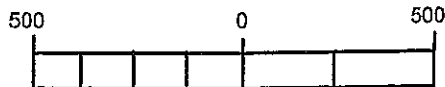
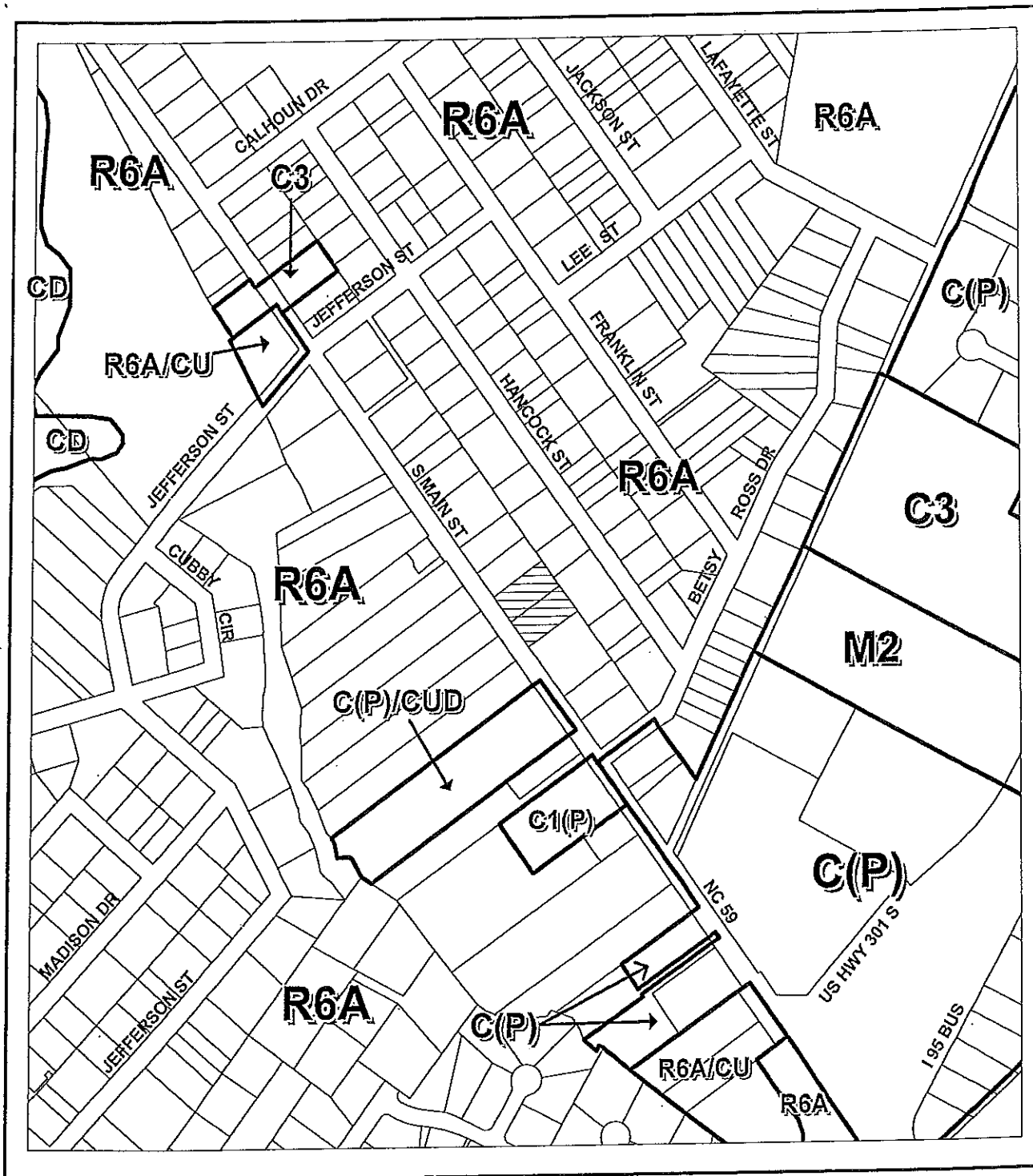


Patricia Speicher  
Land Use Codes Supervisor

**Attachments:**

1. Rezoning Sketch Map
2. Site Plan
3. Application

cc: Jimmie Ann Barefoot, P. O. Box 1292, Hope Mills, NC 28348  
Billy Ray & Jimmie Barefoot, 4817 South Main Street, Hope Mills, NC 28348  
Ken Sykes -- Code Enforcement  
file



SCALE IN FEET

## REQUESTED REZONING R6A TO C2(P)/CZ

ACREAGE: 0.90 AC.+/-

HEARING NO: P12-11

ORDINANCE: COUNTY

HEARING DATE

ACTION

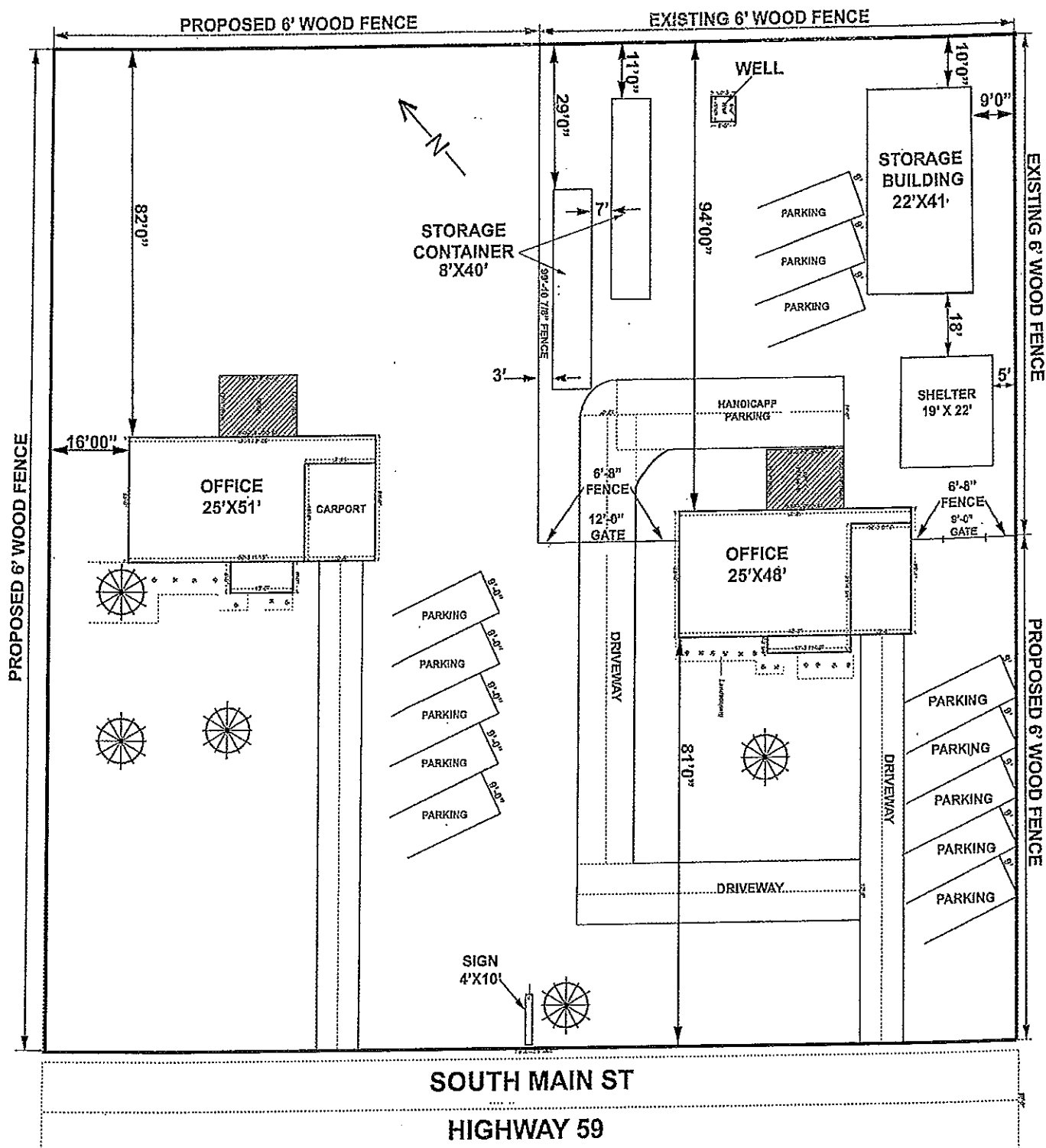
STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

PIN: 0413-96-5665  
PIN: 0413-96-6527

3/14/2012  
AM

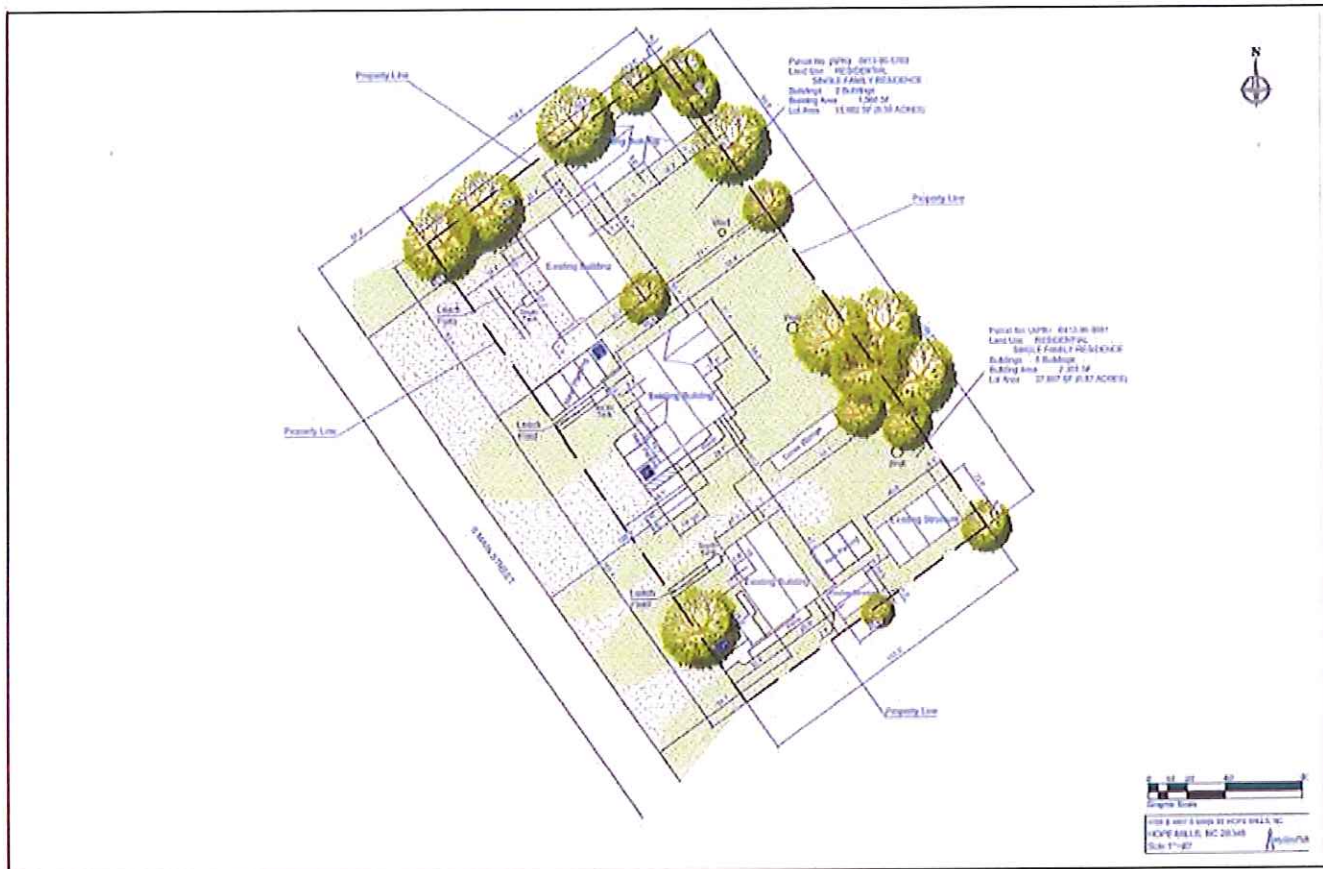


**CONDITIONAL ZONING DISTRICT**  
**REQUEST: FOR REAL ESTATE OFFICES**  
**CASE: P12-11 ACREAGE: 0.90 AC +/-**  
**ZONED: R6A SCALE: NTS**  
**PARKING: 14 SPACES**

\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

... AM

## P12-11 CONDITIONAL USE SITE PLAN (Adopted)



## ATTACHMENT – MAILING LIST

Elizabeth Garcia  
2822 Marcus James Dr  
Fayetteville, NC 28306

John Jr. & Janet ~~Ridgen~~  
114 Brooklyn Cir  
Hope Mills, NC 28348

Stephan & Jane McLain  
4776 Legion Rd.  
Hope Mills, NC 28348

Joy Lynn & Timothy ~~Lakham~~  
2852 S Main St  
Hope Mills, NC 28348

Divine Empowerment Christian  
Center  
608 ~~Torhunta~~ Dr  
Hope Mills, NC 28348

Martin & Donnie Mae Parker  
4800 S Main St.  
Hope Mills, NC 28348

Thomas Beard & Wife  
4788 S Main St  
Hope Mills, NC 28340

Vance Johnson Rentals LLC  
3242 Mid Pine Dr  
Fayetteville, NC 28306

Kelvin Bramble  
5080 Madison Dr  
Hope Mills, NC 28348

Christopher Allen, Jr.  
4601 ~~Redmill~~ Lane  
Hope Mills, NC 28348

Christopher Allen, Jr.  
4601 S Main St  
Hope Mills, NC 28348

Clear Blue & 22 LLC  
3166 ~~Sids~~ Mill Rd  
Fayetteville, NC 28312

Clear Blue & 22 LLC  
4817 S Main St  
Hope Mills, NC 28348

Darryl & Blanche Davis  
1931 Ireland Dr  
Fayetteville, NC 28304

NC Dept. of Transportation  
1546 Mail Service Ctr  
Raleigh, NC 27699

Denny Davis  
1126 Asbury Rd  
Eastover, NC 28312

Frederick Wallace  
4006 Polk Dr  
Hope Mills, NC 28348

Brian & Natalie Moore  
1244 Shawnee Creek Ct  
Hope Mills, NC 28348

Frank McGowan  
303 Cranbrook Ct  
Prattville, AL 36067

Ronald & Sally Ludwigsen  
5761 Hancock St  
Hope Mills, NC 28348

Gerald & Betty ~~Elixson~~  
4933 S Main St  
Hope Mills, NC 28348

Thomas Manor LLC  
2221 Taylor Made Dr  
Hope Mills, NC 28348

David & Connie Strickland  
5731 Hancock St  
Hope Mills, NC 28348

Ronald & Sally Ludwigsen  
104 Village Way  
Sapphire, NC 28774

Oscar Luna-Rivera  
4745 S Main St  
Hope Mills, NC 28348

J.M.B.B., LLC  
3508 Tree Ring Ct.  
Fayetteville, NC 28306

James & Dovie Clark  
5320 Church St.  
Hope Mills, NC 28348

Carlo Brown  
5646 Hancock St.  
Hope Mills, NC 28348

David & Crystal Baggett  
5632 Hancock St.  
Hope Mills, NC 28348

Timothy & Donna Gray  
5662 Hancock St.  
Hope Mills, NC 28348

If It Was Easy, LLC  
3166 Sids Mill Rd.  
Fayetteville, NC 28312

Carmelo Saavedra  
5641 Hancock St.  
Hope Mills, NC 28348

Johnny Mack Suber  
5706 Franklin St.  
Hope Mills, NC 28348

Robert F Bleeker LLC  
926 E 4<sup>th</sup> Ave  
Red Springs, NC 28377

James M Blackwell  
1460 Poole Rd  
Raeford, NC 28376

John Lee McArthur Jr  
PO BOX 356  
Hope Mills, NC 28348

Valente Garcia Luna  
5744 Franklin St  
Hope Mills, NC 28348

James & Mary Cotterell JR  
5760 Franklin St  
Hope Mills, NC 28348

David & Connie Strickland  
5731 Hancock St.  
Hope Mills, NC 28348

Steve Virgil Bond  
5780 Franklin St  
Hope Mills, NC 28348

Steve Ullom  
2271 School Rd  
Hope Mills, NC 28348

If It Was Easy, LLC  
3096 AB Carter Rd  
Fayetteville, NC 28312

Steven Swigart  
5783 Franklin St  
Hope Mills, NC 28348

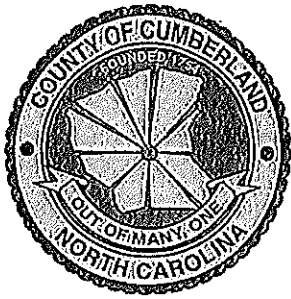
Daniel & Catalina Miles  
820 Kimpton Ct  
Fuquay Varina, Nc 27526

Kelly Adams  
5777 Franklin St  
Hope Mills, NC 28348

Hilda Cooper  
4100 Billy Joe Ln  
Linden, NC 28356

Janice Jones  
201 Alphin St.  
Fayetteville, NC 28312

ATTACHMENT: APPLICATION



## County of Cumberland

### Planning & Inspections Department

CASE #: ZON-22-0036

PLANNING BOARD

MEETING DATE: \_\_\_\_\_

DATE APPLICATION

SUBMITTED: \_\_\_\_\_

RECEIPT #: \_\_\_\_\_

RECEIVED BY: 3/10/22

#### APPLICATION FOR CONDITIONAL ZONING DISTRICT REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

Upon receipt of this application (petition), the Planning and Inspections Staff will present to the Planning Board the application at a hearing. In accordance with state law and board's policy, a notice of the hearing will be mailed to the owners of the adjacent and surrounding properties, which may be affected by the proposed Conditional Zoning. In addition, a sign will be posted on the property.

The Planning Board will make a recommendation to the Cumberland County Board of Commissioners concerning the request. The Board of Commissioners will schedule a public hearing and issue a final decision on the matter. Generally, the Commissioners will hold the public hearing four weeks following the Planning Board meeting. The Conditional Zoning District is not effective until the request is heard and approval granted by the Board of Commissioners.

The following items are to be submitted with the completed application:

1. A copy of the recorded deed and/or plat,
2. If a portion of an existing tract is/are being submitted for rezoning, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to an engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. A check made payable to the "Cumberland County" in the amount of \$ \_\_\_\_\_ (See attached Fee Schedule)

**NOTE:** Any revisions, inaccuracies or errors to the application or site plan may cause the case to be delayed and will be scheduled for the next available Board meeting according to the Board's meeting schedule. Also, the application fee is *nonrefundable*.

*The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application or preparation of the site plan. For questions call (910)678-7603 or (910) 678-7602. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.*

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF  
COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, as hereinafter requested, the following facts are submitted:

1. Applicant/Agent Tina Dawson Clear Blue 22
2. Address: 3166 Sicks Mill Rd Fayette NC Zip Code 28312
3. Telephone: (Home) 910 988 1969 (Work) 910 864 3948
4. Location of Property: 4807 South Main / 4799 South Main  
Hope Mills NC 28348
5. Parcel Identification Number (PIN #) of subject property: 0413-96-5681/0413-96-5703  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: \_\_\_\_\_ Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_
7. Water Provider: Well Water Septage Provider: \_\_\_\_\_
8. Deed Book 09765 / 010325, Page(s) 0001-0003 / 00839, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Residential Real Estate Office Alarm Company
10. Proposed use(s) of the property: C-1

NOTE: Be specific and list all intended uses.

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes \_\_\_\_\_ No X
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No X
13. It is requested that the foregoing property be rezoned FROM: \_\_\_\_\_  
TO: (Select one)

\_\_\_\_\_ Conditional Zoning District, with an underlying zoning district of \_\_\_\_\_  
(Article V)  
\_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)  
\_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)  
\_\_\_\_\_ Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density  
(Article VIII)

APPLICATION FOR  
CONDITIONAL ZONING

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Zoning. (Use of the underlying district will be restricted only to the use(s) specified in this application if approved.)

Real estate offices, office use  
Business offices,  
Variety Shop,

- B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

1.11

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks.

- B. Off-street parking and loading, Sec. 1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.

15 ~~21~~ Parking spaces dirt / crush and  
run

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs. (Sec. 1102N). NOTE: All required landscaping must be included on the site plan.

1 Large tree already on property  
2 trees  
15 shrubs

- B. Indicate the type of buffering and approximate location, width and setback from the property lines. (Sec. 1102G). NOTE: All required buffers must be included on the site plan.

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

Office hours 9-5 Monday - Sunday  
Currently 8 Agents  
personal offices

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan must be of sufficient detail to allow the Planning and Inspections Staff, Planning Board and County Commissioners to analyze the proposed uses and arrangement of uses on the site. It also must include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. STATEMENT OF ACKNOWLEDGMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (rezoning) rest with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Clear Blue & 22  
NAME OF OWNER(S) (PRINT OR TYPE)

3166 Sids Mill Rd, Fayetteville NC 28312  
ADDRESS OF OWNER(S)

tina.r.dawson@gmail.com  
E-MAIL

/  
HOME TELEPHONE

910 988 1969  
WORK TELEPHONE

Tina Renee Dawson  
SIGNATURE OF OWNER(S)

Tina Renee Dawson  
SIGNATURE OF OWNER(S)

Tina Renee Dawson  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

3166 Sids Mill Rd Fayetteville NC 28312  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

/  
HOME TELEPHONE

910 988 1969  
WORK TELEPHONE

tina.r.dawson@gmail.com  
E-MAIL ADDRESS

/  
FAX NUMBER

Tina Renee Dawson  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

- \* ALL record property owners must sign this petition.
- \* The contents of this application, upon submission, becomes "public record."

## Ad Preview

### PUBLIC NOTICE

The Cumberland County Board of Commissioners will meet at 6:45 p.m. on May 16, 2022, in room 118 of the County Courthouse at 117 Dick Street to hear the following:

ZON-22-0036: Rezoning from O&I(P) CZ Planned Office and Institutional District Conditional Zoning to C1(P) Planned Local Business District or a more restrictive zoning district; 1.11 +/- combined ac; 4799 & 4807 S Main St; Clear Blue & 22 LLC/Tina Dawson (owner/applicant).

ZON-22-0038: Rezoning from RR Rural Residential District to R7.5 Residential District for eight parcels on 5.4 +/- ac or a more restrictive zoning district; NW corner Muscat Rd & Advance Dr; George Rose (applicant), EK International LLC (owners).

SN0490 consideration of renaming a portion of Old Plank Road and naming a newly constructed section of the same road to be Glenn Road

SN0491 consideration of naming an unnamed street to Gaddy Lane

5/2, 9 7220673



## PLANNING AND INSPECTIONS DEPARTMENT

### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD**

**DATE: 5/5/2022**

**SUBJECT: CASE ZON-22-0038 \*\*THIS CASE HAS BEEN WITHDRAWN BY APPLICANT\*\***

#### **BACKGROUND**

**ZON-22-0038:** Rezoning from RR Rural Residential District to R7.5 Residential District or to more restrictive zoning district for eight parcels on 5.4 +/- acres, located at the northwest corner of Muscat Road and Advance Drive; submitted by George Rose (applicant) on behalf of EK International LLC (owners).

#### **RECOMMENDATION / PROPOSED ACTION**

**Planning Board Action:** Recommended denial of the rezoning request from RR Rural Residential to R7.5 Residential District at the April 19, 2022 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board meeting which are incorporated herein by reference.

**Staff Recommendation:** In Case ZON-22-0038, the Planning and Inspections staff recommends denial of the rezoning request from RR Rural Residential to R7.5 Residential District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for "Suburban Residential" at this location. Staff also finds that the request is not reasonable or in the public interest as the request is not compatible to or in harmony with the surrounding land use activities and zoning.

**If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:**

#### **MOTION:**

In Case ZON-22-0038, I move to deny the rezoning request from RR Rural Residential to R7.5 Residential District, and find the request is not consistent with the Southwest Cumberland Land Use Plan which calls for "Suburban Residential" at this location. The Board finds that the request is not reasonable or in the public interest as the request is not compatible to or in harmony with the surrounding land use

activities and zoning.

**If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:**

**MOTION:**

In Case ZON-22-0038, I move to approve the rezoning request from RR Rural Residential to R7.5 Residential District, and find the request is not consistent with the Southwest Cumberland Land Use Plan which calls for “Suburban Residential” at this location. However, the request is an approval of an amendment to the adopted Southwest Cumberland Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request. Approval of the request is reasonable and in the public interest because \_\_\_\_\_.

**ATTACHMENTS:**

Description

Case ZON-22-0038

Type

Backup Material

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Planning & Inspections Department

MAY 5, 2022

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **ZON-22-0038:** Rezoning from RR Rural Residential District to R7.5 Residential District or to more restrictive zoning district for eight parcels on 5.4 +/- acres, located at the northwest corner of Muscat Road and Advance Drive; submitted by George Rose (applicant) on behalf of EK International LLC (owners).

ACTION: Recommended denial of the rezoning request from RR Rural Residential to R7.5 Residential District at the April 19, 2022 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board meeting which are incorporated herein by reference.

MINUTES OF APRIL 19, 2022

Mr. Moon presented the case information and photos.

In Case ZON-22-0038, the Planning and Inspections staff recommends denial the rezoning request from RR Rural Residential to R7.5 Residential District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for "Suburban Residential" at this location. Staff also finds that the request is not reasonable and in the public interest as the request is not compatible to and in harmony with the surrounding land use activities and zoning.

There was no one present to speak in opposition or in favor.

In Case ZON-22-0038, Mrs. Moody made a motion, seconded by Mr. Lloyd to deny the rezoning request from RR Rural Residential to R7.5 Residential District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for "Suburban Residential" at this location. Staff also finds that the request is not reasonable and in the public interest as the request is not compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.*

Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1829  
Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631

[cumberlandcountync.gov](http://cumberlandcountync.gov)

**REQUEST**

Rezoning RR to R7.5

Applicant requests a change of zoning from RR Rural Residential to R7.5 Residential District for approximately 5.4 +/- combined acres of land at 6132, 6108, & 6118 Muscat Road and 5478, 5482, 5486, 5490, & 5494 Advance Drive. The purpose of the request is to assign a residential zoning that can accommodate residential homes at a higher density. Exhibit "A" identifies the location of the property and the zoning currently assigned to it. Exhibit "B" includes existing and surrounding uses while Exhibit "C" provides the soils and utilities.

**PROPERTY INFORMATION**

**OWNER/APPLICANT:** George Rose (applicant) on behalf of EK International LLC (owner)

**ADDRESS/LOCATION:**

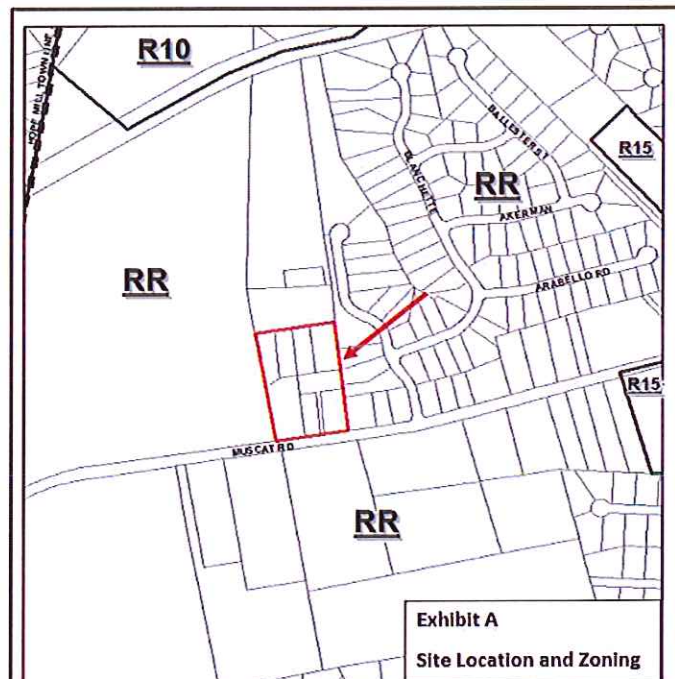
6132, 6108, & 6118 Muscat Road and 5478, 5482, 5486, 5490, & 5494 Advance Drive. Refer to Exhibit "A", Location and Zoning Map.

**REID number:** 0413053893000, 0413055729000, 0413056841000, 0413055974000, 0413065196000, 0413064184000, 0413063193000, 0413063101000

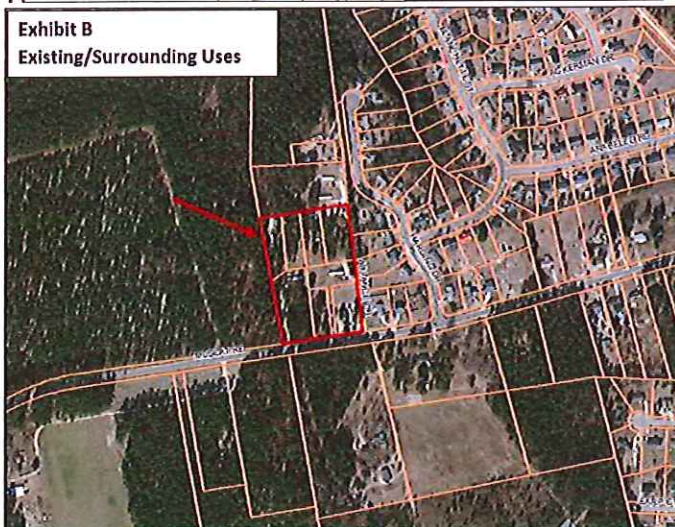
**SIZE:** 5.4 +/- acres among eight contiguous parcels.

**EXISTING ZONING:** The subject properties are currently zoned RR Rural Residential District. A district for traditional rural use with lots of 20,000 square feet or above. The principal use of the land is for suburban density residential, including manufactured housing units, and agricultural purposes. These districts are intended to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide for a healthful environment.

**EXISTING LAND USE:** The property currently includes existing mobile homes. Exhibit "B" provides an aerial photograph showing the current use of the subject properties as well as uses occurring on surrounding properties.



**Exhibit A**  
Site Location and Zoning



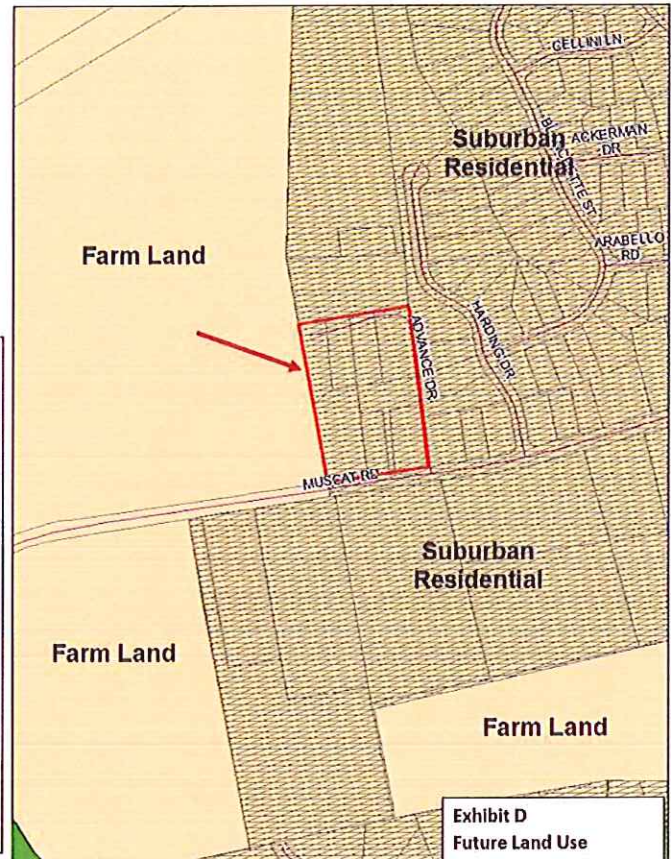
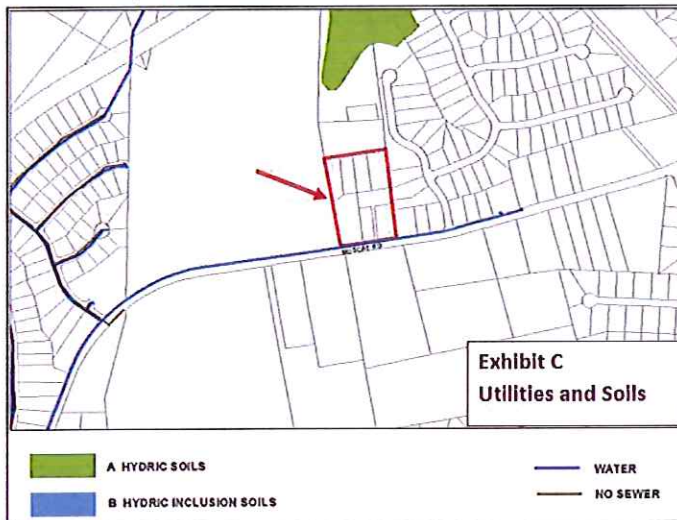
**Exhibit B**  
Existing/Surrounding Uses

**SURROUNDING LAND USE:** Exhibit "B" illustrates the following land uses:

- North:** Mix of wooded land and single-family residential.  
**East:** Single-family residential neighborhood called Raintree II Subdivision  
**West:** Land uses to the east is wooded land zoned RR.  
**South:** Mix of single-family and wooded land.

**OTHER SITE CHARACTERISTICS:** The subject property, as delineated in Exhibit "C", illustrates no presence of hydric or hydric inclusion soils on the property. The site is not located in a Special Flood Hazard Area according to the County Engineering Department and is not located in a Watershed Protection Area.

**DEVELOPMENT REVIEW:** Subdivision and Watershed Protection review by County Planning & Inspections will be required before any development.



#### DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	RR (Existing Zoning)	R7.5 (Proposed)
Front Yard Setback	30 feet	30 feet
Side Yard Setback	15 feet (one story) 15 feet (two story)	10 feet 15 feet (two story)
Rear Yard Setback	35 feet	35 feet
Lot Area	20,000 sq. feet	7,500 sq. feet
Lot Width	100 feet	75 feet

#### Development Potential:

Existing Zoning (RR)	Proposed Zoning (R7.5)
9 dwelling units	25 dwelling units

- Assumes 80% of land is usable for development after exclusion of potential area for roads and drainage.
- Calculation:  $(\text{total developable area times } 0.8) / \text{minimum lot size for zone district}$ .
- Section 202 (A): Lot count may be rounded-up when a fraction occurs. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded.

## COMPREHENSIVE PLANS:

This property is located within the Southwest Cumberland Land Use Plan (adopted 2013). The future land use designation of the property is Suburban Residential. The applicable zoning districts are R30, R30A, R20 and RR. **The rezoning request is not consistent with the adopted Land Use Plan.**

## APPLICABLE PLAN GOALS/POLICIES:

**Residential Development Goal:** "[Suburban Density Residential] is a residential category where any type of residential units (except Manufactured homes) is allowed with a density of two or less units per acre... The applicable zoning districts are R30, R30A, R20 and RR."

"Provide a full range of housing types and sites with adequate infrastructure in new and redeveloped neighborhoods throughout the area that is in harmony with the surrounding areas; respects environmentally sensitive areas; and that accommodates the present and future needs of the residents while maintaining the character of the area.

**R7.5 Zoning:** "The R7.5- Residential District is designed primarily for single family dwellings with a lot area of 7,500 square feet or above."

## IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

**UTILITIES:** A water line runs adjacent to the properties along Muscat Road and a sewer line is located to the west of the properties, located at the Sheffield's Farms North subdivision, one parcel away. It is the applicant's responsibility to determine if this utility provider will serve their development. Utilities for water and sewer are shown on Exhibit "C". Well and Septic permits would be required prior to issuance of a building permit if public water and sewer lines are not available at the time of a subdivision or site plan.

**TRAFFIC:** The subject property sits on Muscat Road and is identified as a local road in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, Muscat Road has a 2020 AADT of 1,500. However, there is no available road capacity data for Muscat Road. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. The new development should not generate enough traffic to significantly impact Muscat Road.

## SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Gallberry Farm Elem	884	897
Gray's Creed Middle	1,083	1,125
Gray's Creek High	1,517	1,396

**ECONOMIC DEVELOPMENT:** Fayetteville Cumberland County Economic Development Corporation has reviewed the request and has no objections.

**EMERGENCY SERVICES:** Cumberland County Fire Marshal's office has reviewed the request and stated that the applicant must ensure all applicable fire department access requirements are met in accordance with Section 503 of the 2018 NC Fire Code for any additional single-family dwellings added to the properties.

**SPECIAL DISTRICTS:** The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

**CONDITIONS OF APPROVAL:** This is a conventional zoning and there are no conditions at this time.

## STAFF RECOMMENDATION

In Case ZON-22-0038, the Planning and Inspections staff **recommends denial** the rezoning request from RR Rural Residential to R7.5 Residential District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for "Suburban Residential" at this location. Staff also finds that the request is not reasonable and in the public interest as the request is not compatible to and in harmony with the surrounding land use activities and zoning.

Attachments:  
Notification Mailing List  
Application

## ATTACHMENT – MAILING LIST

John & Betty Ray  
6301 Muscat Rd  
Hope Mills, NC 28348

Robert Neal Ray  
6301 Muscat Rd  
Hope Mills, NC 28348

Robert N Ray  
6171 Muscat Rd  
Hope Mills, NC 28348

EK International, LLC  
5203 ~~Maewood St~~  
Fayetteville, NC 28314

James & Kathryn Owens  
6037 Muscat Rd  
Hope Mills, NC 28340

Gabriella ~~Ledezma~~  
6086 Muscat Rd  
Hope Mills, NC 28348

Kevin Penny  
6078 Muscat Rd  
Hope Mills, NC 28348

~~Doreca~~ Goodman  
5410 Harding Dr  
Hope Mills, NC 28348

Robert & Heather Jacobs  
5416 Harding Dr.  
Hope Mills, NC 28348

Robert & Janet Hallett JR. Trustees  
19 E Main St  
Ayer, MA 01432

Laura & Charles Freeman  
5308 Harding Dr  
Hope Mills, NC 28348

Kenneth Michael O'Neal  
5442 Harding Dr  
Hope Mills, NC 28348

Leon B Olinger  
5308 Harding Dr  
Hope Mills, NC 28348

Jason & Tory Lawrence  
5404 Harding Dr  
Hope Mills, NC 28348

Erica ~~Hokett~~  
5327 Harding Dr.  
Hope Mills, NC 28348

Wesley Acevedo Villanueva  
Amy ~~Acedvedo~~  
5321 Harding Dr  
Hope Mills, NC 28348

Ariel Smith  
5313 Harding Dr  
Hope Mills, NC 28348

Jarvis Morris  
5317 Harding Dr  
Hope Mills, NC 28348

Jorge & Anastacia Rodriguez  
5309 Harding Dr  
Hope Mills, NC 28348

Max & Pamela Horton  
5422 Blanchette St  
Hope Mills, NC 28348

Johannsen & ~~Zuleyka~~ Perez  
5335 Harding Dr  
Hope Mills, NC 28348

Stephanie Evans  
5331 Harding Dr  
Hope Mills, NC 28348

CF KL Assets 2019-1 LLC  
1345 Avenue of the Americas  
FLR 46  
New York, NY 10105

Martin Heflin  
25699 N 71 HWY  
Parkton, NC 28371

Marshall & Beatrice Jackson  
5300 Harding Dr  
Hope Mills, NC 28348

James & Ada Owens  
6077 Muscat Rd  
Hope Mills, NC 28348

Julio & Luz ~~Pedrogo~~  
5417 Harding Dr  
Hope Mills, NC 28348

David & Brigitte Crisp  
6046 Muscat Rd  
Hope Mills, NC 28348

Wiley & Pamela McKinnon  
6036 Muscat Rd  
Hope Mills, NC 28348

Kathryn Patterson  
6037 Muscat Rd  
Hope Mills, NC 28348

Karol Humphrey  
5409 Harding Dr  
Hope Mills, NC 28348

Andrew & Angelina Thomas  
5416 Blanchette St  
Hope Mills, NC 28348

Joseph & Rebecca ~~Krick Jr~~  
5320 Blanchette St  
Hope Mills, NC 28348

Jason & Sherry ~~Dooney~~  
5316 Blanchette St  
Hope Mills, NC 28348

Orin & Sylvia Phillips  
5423 Blanchette St  
Hope Mills, NC 28348

James & Vickie Oswalt  
5412 Blanchette St  
Hope Mills, NC 28348

Phillip & Sarah Miller  
5328 Blanchette St  
Hope Mills, NC 28348

Julie ~~Liverman~~  
5324 Blanchette St  
Hope Mills, NC 28348

Francisco & Marie Villar  
5419 Blanchette St  
Hope Mills, NC 28348

~~Marice~~ Riggins  
5415 Blanchette St  
Hope Mills, NC 28348

Yolanda Fuller  
5408 Blanchette St  
Hope Mills, NC 28348

Heather Bass  
5404 Blanchette St  
Hope Mills, NC 28348

Carl & Janet Forrester, III  
5332 Blanchette St  
Hope Mills, NC 28348

**ATTACHMENT: APPLICATION**



## County of Cumberland

### Planning & Inspections Department

CASE #: \_\_\_\_\_

PLANNING BOARD  
MEETING DATE: \_\_\_\_\_

DATE APPLICATION  
SUBMITTED: \_\_\_\_\_

RECEIPT #: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

### APPLICATION FOR REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ 220.00.  
(See attached Fee Schedule).

#### Rezoning Procedure:

1. Completed application submitted by the applicant.
2. Notification to surrounding property owners.
3. Planning Board hearing.
4. Re-notification of interested parties / public hearing advertisement in the newspaper.
5. County Commissioners' public hearing (approximately four weeks after Planning Board public hearing)
6. If approved by the County Commissioners, rezoning becomes effective immediately.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7603 or (910)678-7609. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

**NOTE:** Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF  
COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:**

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, the following facts are submitted:

1. Requested Rezoning from RR to R7.5
2. Address of Property to be Rezoned: 6132 MUSCAT ROAD
3. Location of Property: 6132 MUSCAT ROAD, 6108 MUSCAT ROAD,  
6118 MUSCAT ROAD, 5478-5494 ADVANCE DRIVE
4. Parcel Identification Number (PIN #) of subject property: 0413053893000, 0413055729000,  
0413056841000, 0413055974000,  
(also known as Tax ID Number or Property Tax ID) 0413065196000, 0413064184000,  
0413063193000, 0413063101000
5. Acreage: 5.4 Frontage: 369' Depth: 576'
6. Water Provider: Well: \_\_\_\_\_ PWC: \_\_\_\_\_ Other (name): \_\_\_\_\_
7. Septage Provider: Septic Tank \_\_\_\_\_ PWC ☒ WITH SEWER EXTENSION
8. Deed Book 11297, Page(s) 274, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: SINGLE FAMILY (MOBILE HOMES)
10. Proposed use(s) of the property: SINGLE FAMILY
11. Do you own any property adjacent to or across the street from this property?  
Yes \_\_\_\_\_ No ☒ If yes, where? \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No ☒

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

*The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.*

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

EK INTERNATIONAL LLC (KFIR NURIELI)  
NAME OF OWNER(S) (PRINT OR TYPE)

5203 MAEWOOD STREET FAYETTEVILLE, NC 28314  
ADDRESS OF OWNER(S)


917-488-7041  
HOME TELEPHONE # WORK TELEPHONE #


GEORGE M. ROSE, AGENT  
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

1206 LONGUEAF DRIVE FAYETTEVILLE, NC 28305  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

george@gmrpe.com  
E-MAIL

910-977-5822  
HOME TELEPHONE # WORK TELEPHONE #

  
SIGNATURE OF OWNER(S)

  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

## Ad Preview

### PUBLIC NOTICE

The Cumberland County Board of Commissioners will meet at 6:45 p.m. on May 16, 2022, in room 118 of the County Courthouse at 117 Dick Street to hear the following:

ZON-22-0036: Rezoning from O&I(P) CZ Planned Office and Institutional District Conditional Zoning to C1(P) Planned Local Business District or a more restrictive zoning district; 1.11 +/- combined ac; 4799 & 4807 S Main St; Clear Blue & 22 LLC/Tina Dawson (owner/applicant).

ZON-22-0038: Rezoning from RR Rural Residential District to R7.5 Residential District for eight parcels on 5.4 +/- ac or a more restrictive zoning district; NW corner Muscat Rd & Advance Dr; George Rose (applicant), EK International LLC (owners).

SN0490 consideration of renaming a portion of Old Plank Road and naming a newly constructed section of the same road to be Glenn Road

SN0491 consideration of naming an unnamed street to Gaddy Lane

5/2, 9 7220673



## **ENGINEERING AND INFRASTRUCTURE DEPARTMENT**

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JERMAINE WALKER, DIRECTOR OF ENGINEERING AND INFRASTRUCTURE**

**DATE: 5/5/2022**

**SUBJECT: CONSIDERATION OF REQUEST FOR APPROVAL OF FORMAL BID FOR JUDGE E. MAURICE BRASWELL COURTHOUSE BOILER REPLACEMENT**

#### **BACKGROUND**

This project was advertised through the formal bid process in which the bidding period opened on March 17, 2022 and closed on April 1, 2022. There were no addendums to the original solicitation. Haire Plumbing and Mechanical Company Incorporated had the only responsive bid at \$284K. Funds are budgeted for this replacement project.

This boiler was installed during initial occupancy in 1978 and industry recommended lifecycle replacement is 20-25 years.

#### **RECOMMENDATION / PROPOSED ACTION**

Staff recommends the following:

1. The Board of Commissioners accept Haire Plumbing and Mechanical Company Incorporated as the lowest responsive bid through the formal bid process.
2. Approve contract execution by the Chairman once the contract completes pre-audit and is deemed legally sufficient.

#### **ATTACHMENTS:**

Description	Type
Project Bid Tab	Backup Material
Project Bid Solicitation	Backup Material

CUMBERLAND COUNTY  
JUDGE E. MAURICE BRASWELL CORUTHOUSE ELECTRIC BOILER REPLACEMENT

BIDDER	TOTAL
Haire Mechanical. Inc.	\$284,000
Ivey Mechanical	no response
Mechanical Maintenance	no response
Smith's Refrigeration	no response



## Internal Services Department

*Facilities Management Division · Fleet Management Division · Landscaping & Grounds Division*

MARCH 17, 2022

### INVITATION FOR BIDS

FOR

CUMBERLAND COUNTY  
INTERNAL SERVICES DEPARTMENT

JUDGE E. MAURICE BRASWELL CUMBERLAND COUNTY COURTHOUSE BOILER  
REPLACEMENT

Cumberland County  
North Carolina

Pursuant to Section 143-131 of the General Statutes of North Carolina, formal bids are solicited and will be received via email directly to [jbutler@co.cumberland.nc.us](mailto:jbutler@co.cumberland.nc.us) or by mail to the following address: 420 Mayview Street, Fayetteville, NC 28306 at any time before **2:00 PM** on **April 1, 2022**.

A **mandatory pre-bid meeting** will be held on-site (117 Dick Street, Fayetteville, NC 28301) at 10:00 AM on Wednesday, March 23, 2022.

**Instructions:** Vendors invited to submit bids are urged to have a representative present at the site visit and appraise themselves of the conditions and requirements which will affect the performance of the work called for by this invitation for bid.

Vendor is cautioned that any information released to attendees during the site visit, other than that involving the physical aspects of the facility referenced above, and which conflicts with, supersedes, or adds to requirements in this invitation for bid, must be confirmed by written addendum before it can be considered to be a part of this proposal.

Due to the COVID 19 event, all attendees **MUST** adhere to County and CDC guidelines for protective measures. Attendees must wear a face covering and maintain social distance protocol. Please do not attend if you are feeling sick, displaying symptoms of COVID, have been exposed to COVID, have tested positive for COVID, or are currently waiting on results of a COVID19 test. We request attendance of only one representative per company.

A 5% bid bond is **not required** for this project.

Performance and Payment Bonds are **not required** for this project.

**Fleet Management**  
426 Mayview Street  
Fayetteville, NC 28306  
910 321-6963

**Facilities Management**  
420 Mayview Street  
Fayetteville, NC 28306  
910-678-7699

**Landscaping & Grounds**  
807 Grove Street  
Fayetteville, NC 28302  
910-678-7560

[co.cumberland.nc.us](http://co.cumberland.nc.us)

All Contractors are notified that North Carolina Statutory provisions as to licensing for Contractors will be observed in receiving, reading, and awarding of contracts.

The County reserves the right to reject any or all proposals. The bidder to whom the contract may be awarded must comply with the requirements of G.S. Section 143-131, as amended.

No bids may be withdrawn after the scheduled closing time for the receipt of proposals for a period of sixty (60) days.

#### CONTRACTORS INSURANCE:

The Contractor shall not commence work under this Contract until he has obtained all insurance required below and submitted to the Owner in the form of a Certificate of Liability Insurance naming the County of Cumberland, P.O. Box 1829, Fayetteville, NC 28302 as the certificate holder, and such insurance has been approved by the Owner; nor shall the Contractor allow any subcontractor to commence work until such insurance has been obtained and approved. If a subcontractor does not take out insurance in his own name and his principle Contractor wishes to provide insurance protection for such subcontractor and such subcontractor's employees, a rider must be attached to the principal policy, the Contractor must take out appropriate policies in the name of the subcontractor.

Minimum acceptable coverages are as follows:

Workers Compensation	Statutory
General Liability	\$1,000,000
Vehicle Bodily Injury	\$300,000 per Occurrence \$500,000 Annual Aggregate
Property Damage	\$500,000 Annual Aggregate

The Contractor and/or subcontractors shall furnish Certificate of Liability Insurance with proposal and keep in force the insurance requirements for a period of one (1) year after completion and acceptance of the work by the Owner. The certificate is to make reference to the project and the Owner.

Vendors with concerns regarding insurance requirements must submit questions prior to the bid due date. Vendors may propose alternative insurance requirements. Acceptance of any insurance requirement changes will be at the discretion of the County and must be pre-authorized by the County's Risk Management Coordinator.

#### PERMITS AND LICENSES:

The Contractor shall procure and pay all charges and fees for all permits and licenses incidental to the due and lawful prosecution of the work.

#### CONSTRUCTION TRASH & DEBRIS REMOVAL:

During construction of the Project, the Contractor shall be responsible for the removal of any trash or debris created by his work to an approved disposal site. The site will be maintained in a clean condition at all times. Trash and debris from daily operations are to be stored in appropriate storage containers or trucks until removal to the disposal facility.

#### WARRANTY

The CONTRACTOR shall provide a 12-month warranty on all materials and workmanship beginning on the date of final acceptance.

## SUMMARY OF WORK

- Contractor to disconnect all power wiring, control wiring, vent piping, and hot water piping as needed for removal and disposal of the existing Dewey-Shepard hot water boiler.
- Contractor to provide all labor and materials required to completely execute the installation of a new **Lochinvar BWX24-680F Electric Boiler**. Manufacturer's specs attached.
- Contractor is responsible for confirming new hot water boiler unit is sized sufficiently for building size and occupant load and will fit within existing boiler footprint.
  - New hot water boiler unit should include in addition to "Standard Features":
    - BACNet MS/TP card compatible with Cumberland County Building Automation System.
    - Short-Circuit Current Rating of 65,000 Amps.
- Contractor to furnish and install all pipe, manual valves, and fittings as required to connect the hot water loop to the new boiler.
- Contractor will furnish and install all pipe hangers and supports as required to support the pipe independently from the boiler.
- Contractor will be responsible for verifying all isolation valves are in good working order and can be reused or include replacement cost in their proposal.
- All equipment should be selected for 480v/3ph/60hz electrical service.
- Contractor to provide detailed manufacturer's cut sheets for specific boiler to owner prior to commencement of work.
- Contractor to furnish all crane, rigging, and trucking as needed for this project and shall be responsible for any and all damage to equipment done during transportation, installation, and prior to turnover to Cumberland County.
- Contractor to provide copies of all permits required to complete work to owner upon request. No work shall commence until all appropriate permits have been issued.
- Project will not be deemed complete until Contractor has passed all required inspections, performed factory start-up per the manufacturer's instructions, and all Controls work has been completed. See below for controls requirement:

### Controls Requirement:

- Contractor to be responsible for all costs associated with connecting new equipment to Cumberland County's existing building automation system in coordination with Johnson Controls, LLC, and ensuring all systems are fully functional prior to turnover to Cumberland County. Johnson Controls contacts listed below:
  - Stanley Thibodeaux
    - 910-303-4936
    - [Stanley.a.thibodeaux@jci.com](mailto:Stanley.a.thibodeaux@jci.com)
  - William D. Register

- 910-524-3491
- [William.d.register@jci.com](mailto:William.d.register@jci.com)

#### **Additional Clarifications**

- All work to be completed in such manner that there is no interruption to operation of the facility and during a time period in which building temperature may be maintained at 68 degrees or higher during building occupancy.
- All work shall be completed within seven calendar days of commencement.
- All equipment must be submitted for approval to Cumberland County prior to purchase.
- This project will have to coincide with the required electrical upgrades to be performed by an electrical contractor which will require coordination between the mechanical and electrical contractors. The owner will assist in facilitating this coordination to develop overall project schedule.



## **OFFICE OF THE COUNTY MANAGER**

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

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

**DATE: 5/10/2022**

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

#### **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 (attached)

#### **RECOMMENDATION / PROPOSED ACTION**

This item was presented at the May 12, 2022 Board of Commissioners Agenda Session and was forwarded to the Board of Commissioners May 16, 2022 Regular Meeting Consent Agenda. Staff Recommends this item for approval and requests the County Manager be authorized to execute the lease agreement.

#### **ATTACHMENTS:**

Description

Proposed Lease Agreement

Type

Backup Material

**STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND**

**PARKING LOT LEASE**

This Lease Agreement made and entered into this 17th 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 16<sup>th</sup> day of May, 2022.

ATTEST

**COUNTY OF CUMBERLAND**

BY: \_\_\_\_\_  
Candice White, Clerk

BY: \_\_\_\_\_  
Amy Cannon, County Manager

ATTEST

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

BY: \_\_\_\_\_  
(Asst.) Secretary

BY: \_\_\_\_\_



**OFFICE OF THE COUNTY MANAGER**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

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

**DATE: 5/10/2022**

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

**BACKGROUND**

This item was presented at the May 12, 2022 Board of Commissioners' Agenda Session and was moved forward as a Consent Agenda item to the May 16, 2022 Regular Board of Commissioners' Meeting. 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.

There was consensus among the Board of Commissioners to to renew the lease at the same terms of TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00) per year for three (3) years.

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.

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 TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00).



## **FINANCE OFFICE**

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: VICKI EVANS, FINANCE DIRECTOR**

**DATE: 5/12/2022**

**SUBJECT: CONSIDERATION OF EMERGENCY OPERATIONS CENTER CAPITAL PROJECT BUDGET ORDINANCE REVISION #B220053 AND THE EMERGENCY TELEPHONE SYSTEM 911 FUND BUDGET ORDINANCE AMENDMENT #B220052**

#### **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. During that meeting, the action was not approved unanimously.

#### **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**

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.



**OFFICE OF THE COUNTY ATTORNEY**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: CANDICE H. WHITE, CLERK TO THE BOARD**

**DATE: 5/13/2022**

**SUBJECT: CONSIDERATION OF POLICY TO NAME ROOMS WITHIN COUNTY FACILITIES**

**BACKGROUND**

At the May 12, 2022 Agenda Session Meeting, the Board of Commissioners discussed the naming of rooms/spaces within county facilities.

The Board of Commissioners previously adopted a policy addressing the naming of county facilities. However, a similar policy does not exist for spaces within county facilities.

**RECOMMENDATION / PROPOSED ACTION**

At the May 12, 2022 Agenda Session Meeting, the Board of Commissioners approved placing the following action on the May 16, 2022 Board of Commissioners meeting as an item of business:

Direct the County Attorney to develop a policy which addresses the naming of rooms or spaces within county facilities.



## CLERK TO THE BOARD OF COMMISSIONERS

### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: ANDREA TEBBE, DEPUTY CLERK**

**DATE: 5/16/2022**

**SUBJECT: WORKFORCE DEVELOPMENT BOARD**

#### **BACKGROUND**

The Workforce Development Board has the following 2 vacancies:

John Lowery, Representative of Labor: SEANC, Resigned. Not eligible for reappointment.

Dr. Mark Sorrells, Representative of Education: Completed first term. Eligible for reappointment.

The Cumberland County Workforce Development Board recommends **Dr. Mark Sorrells** and **Jonette Quenum**.

The applicant list, membership roster and recommendation are attached.

#### **RECOMMENDATION / PROPOSED ACTION**

Nominate individuals to fill the two (2) vacancies on the Cumberland County Workforce Development Board.

#### **ATTACHMENTS:**

Description	Type
Workforce Development Board Recommendations	Backup Material
Workforce Development Board Membership Roster	Backup Material
Workforce Development Board Applicant list	Backup Material

## Andrea Tebbe

---

**From:** Cyndi McKoy <cmckoy@mccog.org>  
**Sent:** Monday, May 2, 2022 1:02 PM  
**To:** Andrea Tebbe  
**Cc:** Candice White  
**Subject:** WDB Roster  
**Attachments:** Cumberland County WFD Board Membership Roster 3,2022.docx  
**Importance:** High

**CAUTION:** This email originated from outside of the County. Do not open attachments, click on links, or reply unless you trust the sender or are expecting it.

Hi Andrea,

Congratulations, I hope you are finding your way around easily and that all is flowing well.

Please compare the attached to what you have on file and tell me if it matches.

I am not certain, if Jonette was appointed yet, however here are two recommendations.

The Cumberland County Workforce recommends

- the appointment of Jonette W. Quenum as a Representative of Labor
- the reappointment of Dr. Mark Sorrells as Representative of Education (6/2022)

Please send me an updated roster as I will need to provide one for the Annual Plan.

Thank you so much for your assistance.

With Kind Regards,

*Cyndi*

**Cynthia M. McKoy**  
**Administrative Coordinator**  
Mid-Carolina Regional Council  
Workforce Development Board



**MID-CAROLINA  
REGIONAL COUNCIL**  
*Creative Regional Solutions*

6205 Raeford Rd | Fayetteville, NC 28302  
Office: 910.323.4191 Ext. 43 | Cell: 910.978.6412  
[cmckoy@mccog.org](mailto:cmckoy@mccog.org) | [www.midcarolinacog.org](http://www.midcarolinacog.org)  
**Visit us on Social Media:**  
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CUMBERLAND COUNTY WORKFORCE DEVELOPMENT BOARD  
(FORMERLY, PRIVATE INDUSTRY COUNCIL)

3 Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Representative of Business:</u>				
Wakia "Kia" McMillan Henry (B/F) 1314-B Fort Bragg Rd Fayetteville, NC 28305 689-6964/483-8133 <a href="mailto:kiaamcmillan@gmail.com">kiaamcmillan@gmail.com</a>	9/20	1 <sup>st</sup>	Sept/23 9/30/23	Yes
Kevin Brooks (B/M) 3616 Daughtridge Drive Fayetteville, NC 28311 488-0408/551-9031 <a href="mailto:Come1king@yahoo.com">Come1king@yahoo.com</a>	4/21	2nd	Jun/24 6/30/24	No
<b>VACANT</b> (vacated by D. Potts)	9/20	2nd	Oct/23 10/31/23	No
Naynesh Mehta (AI/M) 229 Forest Creek Drive Fayetteville, NC 28303 483-0491/494-2037/689-0799 <a href="mailto:NSMEHTA@5POINTSNC.COM">NSMEHTA@5POINTSNC.COM</a>	4/21	2nd	Jun/24 6/30/24	No
Jimmy Ray Plater Sr. (B/M) 4805 Wade Stedman Rd Wade, NC 28395 723-2461/489-8628 <a href="mailto:jplater@e2gp.net">jplater@e2gp.net</a>	9/20	1st	Sept/23 9/30/23	Yes
Jennifer Watson 1638 Owen Drive Fayetteville, NC 28306 832-499-1121/615-4922 <a href="mailto:JWATSON3@CAPEFEARVALLEY.COM">JWATSON3@CAPEFEARVALLEY.COM</a>	3/22	2nd	Mar/25 3/31/25	No
Mark Wilderman (W/M) 222 Queensberry Drive Fayetteville, NC 28303 964-2050/864-4633 <a href="mailto:Mark.wilderman@yahoo.com">Mark.wilderman@yahoo.com</a>	12/21	2nd	Dec/24 12/31/24	No

Cumberland County Workforce Development Board, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<b>VACANT</b> (Vacated by D. Simcox)	2/19	2nd	Feb/22 2/28/22	No
Sherri Turner (A/F) 1211 Grackle Drive Fayetteville, NC 28306 808-282-4125/307-9123 <a href="mailto:Sherri.turner@firstcitizens.com">Sherri.turner@firstcitizens.com</a>	3/22	2nd	Mar/25 3/31/25	No
Melissa Pennington (H/F) 3931 Brookgreen Drive Fayetteville, NC 28304 910-364-2345 <a href="mailto:Melissa.pennington@me.com">Melissa.pennington@me.com</a>	10/20	1st	Sep/22 9/30/22	Yes
(serving unexpired term; eligible for one additional term)				
Isabella Effen 6520 Brookshire Road Fayetteville, NC 28314 910-779-2375 <a href="mailto:Ieffon2@gmail.com">Ieffon2@gmail.com</a>	8/19	2nd	Oct/22 10/31/22	No
<u>Representative of Workforce-Apprenticeship:</u>				
Curtis L. Brown Sr. (B/M) 249 Puddingstone Drive Fayetteville, NC 28311 987-0173/420-4377/420-0133 <a href="mailto:curtis@eagletcg.com">curtis@eagletcg.com</a>	9/20	1 <sup>st</sup>	Sept/23 9/30/23	Yes
<u>Representative of Workforce</u>				
J. Carl Manning Henry (B/M) PO Box 1402 Fayetteville, NC 28302 500-7401/818-9810 <a href="mailto:JCM.69@ATT.NET">JCM.69@ATT.NET</a>	12/21	1st	Sept/23 9/30/23	Yes
(serving unexpired term; eligible for two additional terms)				
<u>Representative of Education/Training:</u>				
Dr. Mark Sorrells (W/M) 908 Calamint Lane Fayetteville, NC 28305 678-8370/252-955-4064 <a href="mailto:sorrellm@faytechcc.edu">sorrellm@faytechcc.edu</a>	6/19	1st	June/22 6/30/22	Yes

Cumberland County Workforce Development Board, page 3

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Dr. Yasmine Farley (B/F) 6443 Hidden Lake Loop Apt. 173 Fayetteville, NC 28304 336-514-5605/672-1706 <a href="mailto:yfarley@uncfsu.edu">yfarley@uncfsu.edu</a>	12/21	1 <sup>st</sup>	Dec/24 12/31/24	Yes
<u>Representative of Economic Development:</u>				
Robert Van Geons (W/M) FCEDC 411 Forest Lake Road Fayetteville, NC 28305 704-985-3483/500-6464 <a href="mailto:robert@faycdc.com">robert@faycdc.com</a>	9/20	2nd	Aug/23 8/31/23	No
<u>Representative – Other:</u>				
Nora Armstrong (W/F) 5734 Archer Road Hope Mills, NC 28348 910-578-4849/910-483-7727 <a href="mailto:narmstro@cumberland.lib.nc.us">narmstro@cumberland.lib.nc.us</a>	12/19	1st	Dec/22 12/31/22	Yes
<u>Representative of Labor:</u>				
Anthony D. McKinnon Sr. 611 Longwood Place Fayetteville, NC 28314 491-7873/202-285-5752/323-1172 <a href="mailto:tonydmckinnonsr@gmail.com">tonydmckinnonsr@gmail.com</a>	8/19	1 <sup>st</sup>	Aug/22 8/31/22	Yes

Juanita Hooker (unlimited term - replaced by state agency)  
North Carolina Department of Human Resources  
Division of Vocational Rehabilitation Services  
155 Eastwood Avenue  
Fayetteville, NC 28301  
[Juanita.hooker@dhhs.nc.gov](mailto:Juanita.hooker@dhhs.nc.gov)

Matthew Fowler (unlimited term – replaced by state agency)  
NC Department of Commerce – Workforce Solutions  
289 Corporate Drive  
Lumberton, NC 28358  
[matthew.fowler@nccommerce.com](mailto:matthew.fowler@nccommerce.com)

Contact: Cyndi McKoy (Administrative Support) 323-4191 ext. 43 [cmckoy@mccog.org](mailto:cmckoy@mccog.org)

Regular Meetings: Third Tuesday, every other month beginning in January, 11:00 AM, Virtual and Hybrid

Name Changed to Cumberland County Workforce Development Board, November 1995  
The Cumberland County Workforce Development Board reconstituted its membership composition to comply with the workforce Innovation and Opportunity Act of 2014 (WIOA) on February 1, 2016.

**APPLICANTS FOR**  
**CUMBERLAND COUNTY WORKFORCE DEVELOPMENT BOARD**

<b>NAME/ADDRESS/PHONE</b>	<b>OCCUPATION</b>	<b>EDUCATIONAL BACKGROUND</b>
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ANTHONY, SHEKIA (-/F) 304 WAPITI DRIVE SPRING LAKE NC 28390 910-758-4670	CEO SELF EMPLOYED	NONE LISTED
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[KIAJANTHONY@OUTLOOK.COM](mailto:KIAJANTHONY@OUTLOOK.COM)

Graduate-County Citizens' Academy: NO  
Graduate-Institute for Community Leadership: YES  
Graduate-Leadership Fayetteville: YES  
Graduate-United Way's Multi-Cultural Leadership Program: NO  
Graduate-other leadership academy: NO

***CATEGORY: GENERAL PUBLIC***

BODOH, DR. MADELINE (B/F) 400 HARLOW DRIVE FAYETTEVILLE NC 28314 494-2194/570-9527	DIRECTOR US ARMY RESERVE COMMAND	PHD
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[PROFESSORMBODOH@GMAIL.COM](mailto:PROFESSORMBODOH@GMAIL.COM)

Graduate-County Citizens' Academy: NO  
Graduate-Institute for Community Leadership: NO  
Graduate-Leadership Fayetteville: NO  
Graduate-United Way's Multi-Cultural Leadership Program: NO  
Graduate-other leadership academy: NO

***CATEGORY: REPRESENTATIVE OF EDUCATION/TRAINING, REPRESENTATIVE OF  
WORKFORCE***

BRADLEY, BENNIE D. (B/F) 5837 CONSERVATION COURT FAYETTEVILLE, NC 28314 339-3402/624-9120	RETIRED	BA-BUSINESS ADMIN
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[BDBRADLEY26@GMAIL.COM](mailto:BDBRADLEY26@GMAIL.COM)

Graduate-County Citizens' Academy: NO  
Graduate-Institute for Community Leadership: NO  
Graduate-Leadership Fayetteville: NO  
Graduate-United Way's Multi-Cultural Leadership Program: NO  
Graduate-other leadership academy: NO

***CATEGORY: REPRESENTATIVE OF EDUCATION/TRAINING***

BUSH-MCMANUS, PATRICIA (B/F) 3472 THORNDIKE DRIVE FAYETTEVILLE NC 28311 488-1314/202-468-3065	CONSULTANT AND PROFESSOR	EDS/MA
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[PATRICIA.BUSH-MCMANUS@PBMCONSULTINGGROUP.COM](mailto:PATRICIA.BUSH-MCMANUS@PBMCONSULTINGGROUP.COM)

Graduate-County Citizens' Academy: NO  
Graduate-Institute for Community Leadership: NO  
Graduate-Leadership Fayetteville: YES  
Graduate-United Way's Multi-Cultural Leadership Program: NO  
Graduate-other leadership academy: NO

***CATEGORY: GENERAL PUBLIC***

**APPLICANTS FOR  
CUMBERLAND COUNTY WORKFORCE DEVELOPMENT BOARD Page 2**

<b>NAME/ADDRESS/PHONE</b>	<b>OCCUPATION</b>	<b>EDUCATIONAL BACKGROUND</b>
COBB, CLYDE (B/M) PO BOX 43911 FAYETTEVILLE, NC 28309 808-349-4165/785-1206 <a href="mailto:CLYDE.T.COBB165@GMAIL.COM">CLYDE.T.COBB165@GMAIL.COM</a> Graduate-County Citizens' Academy: YES Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: US ARMY ADVANCED LEADERSHIP COURSE <b>CATEGORY: REPRESENTATIVE OF BUSINESS</b>	OWNER SELF-EMPLOYED	HS/COLLEGE
GOODEN, RODERICK (B/M) 706 DANDRIDGE DRIVE FAYETTEVILLE NC 28303 910-728-6228 <a href="mailto:GOODENR@FAYTECHCC.EDU">GOODENR@FAYTECHCC.EDU</a> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: YES <b>CATEGORY: REPRESENTATIVE OF EDUCATION/TRAINING</b>	LOGISTIC TECH FTCC	BS/WORKING ON MASTERS
GRICE, KIMBERLY (B/F) 351 WAGONER DRIVE STE 402 FAYETTEVILLE NC 28301 910-303-6917 <a href="mailto:KGRICE@AUTISMSOCIETY-NC.ORG">KGRICE@AUTISMSOCIETY-NC.ORG</a> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO <b>CATEGORY: REPRESENTATIVE OF BUSINESS &amp; GENERAL PUBLIC</b>	EMPLOYMENT SERVICES COORDINATOR AUTISM SOCIETY OF NC	MS-HUMAN SVCS BACHELORS
HAMILTON, ROBERT (W/M) 6001 DUNBRIDGE DR FAYETTEVILLE NC 28314 336-430-6329/250-3025 <a href="mailto:ROBERT@CERBERUSBRANDS.COM">ROBERT@CERBERUSBRANDS.COM</a> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO <b>CATEGORY: REPRESENTATIVE OF BUSINESS</b>	MARKETING AGENCY OWNER CERBERUS BRANDS	BA-HISTORY

**APPLICANTS FOR  
CUMBERLAND COUNTY WORKFORCE DEVELOPMENT BOARD Page 3**

<b>NAME/ADDRESS/PHONE</b>	<b>OCCUPATION</b>	<b>EDUCATIONAL BACKGROUND</b>
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<p>JONES, NICOLE DANIELLE (B/F) 112 WEATHERSTONE DR. APT. 102 FAYETTEVILLE, NC 28311 758-5945(H)/723-3685(M/W) <a href="mailto:LOVEJONESPROSERVICES@GMAIL.COM">LOVEJONESPROSERVICES@GMAIL.COM</a> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO</p>	<p>SOCIAL WORKER/SMALL BUSINESS OWNER</p>	<p>BS</p>
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**CATEGORY: GENERAL PUBLIC**

<p>LEWIS SHAW, KIM (B/F) 7550 BEVERLY DR FAYETTEVILLE NC 28314 910-331-9690 <a href="mailto:KIM.SHAW@NCDPS.GOV">KIM.SHAW@NCDPS.GOV</a> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO</p>	<p>REGIONAL RECRUITER MASTERS-ORGANIZATIONAL LEADERSHIP DEVELOPMENT</p>	
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**CATEGORY: GENERAL PUBLIC**

<p>MABE, S. AARON (-/M) 7018 BYERLY ST HOME MILLS, NC 28348 910-670-3497 <a href="mailto:AMABE221@GMAIL.COM">AMABE221@GMAIL.COM</a> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO</p>	<p>CCP/DUAL ENROLLMENT COORD. FTCC</p>	<p>MSW</p>
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**CATEGORY: REPRESENTATIVE OF EDUCATION/TRAINING**

<p>MARIHUGH, SCOTT (W/M) 1640 WOODFIELD RD FAYETTEVILLE NC 28303 253-948-8849 <a href="mailto:SMARIHUGH@GMAIL.COM">SMARIHUGH@GMAIL.COM</a> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO</p>	<p>FINANCIAL MANAGEMENT US ARMY</p>	<p>BS/MBA</p>
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**CATEGORY: GENERAL PUBLIC**

<p>QUENUM, JONETTE (B/F) 603 RYDER STREET FAYETTEVILLE, NC 28311 910-488-0892 <a href="mailto:jonetteq@hotmail.com">jonetteq@hotmail.com</a></p>	<p>MARY KAY CONSULTANT</p>	<p>BACHELOR OF ARTS</p>
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Graduate-County Citizens' Academy: NO  
 Graduate-Institute for Community Leadership: NO  
 Graduate-Leadership Fayetteville: YES  
 Graduate-United Way's Multi-Cultural Leadership Program: NO  
 Graduate-other leadership academy: NO

**CATEGORY: GENERAL PUBLIC**

**APPLICANTS FOR  
 CUMBERLAND COUNTY WORKFORCE DEVELOPMENT BOARD Page 4**

<b>NAME/ADDRESS/PHONE</b>	<b>OCCUPATION</b>	<b>EDUCATIONAL BACKGROUND</b>
SHAW, KIM LEWIS 7550 BEVERLY DRIVE FAYETTEVILLE NC 28314 331-9690/919-805-2353 <a href="mailto:KIM.SHAW@NCDPS.GOV">KIM.SHAW@NCDPS.GOV</a> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO <b>CATEGORY: GENERAL PUBLIC</b>	REGIONAL RECRUITER NC DEPT OF PUBLIC SAFETY	MASTERS
TREGO, DAVID (W/M) 1041 WILD PINE DRIVE FAYETTEVILLE NC 28312 910-223-4001 <a href="mailto:DAVID.TREGO@FAYPWC.COM">DAVID.TREGO@FAYPWC.COM</a> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO <b>CATEGORY: REPRESENTATIVE OF BUSINESS</b>	CEO/GENERAL MANAGER PUBLIC WORKS COMMISSION	UNDERGRADUATE
TWITTY, MARTELLE (B/F) 6404 DAVIS BYNUM FAYETTEVILLE NC 28306 910-922-2014 <a href="mailto:MARTELLECOKE@GMAIL.COM">MARTELLECOKE@GMAIL.COM</a> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO <b>CATEGORY: GENERAL PUBLIC</b>	DENTAL HYGIENIST DAY AND NIGHT FAMILY DENTAL	DENTAL HYGIENE, BS



## **CLERK TO THE BOARD OF COMMISSIONERS**

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: ANDREA TEBBE, DEPUTY CLERK**

**DATE: 5/16/2022**

**SUBJECT: ALLIANCE HEALTH BOARD OF DIRECTORS**

#### **BACKGROUND**

At the May 2, 2022 regular meeting, the Board of Commissioners nominated the following individual to fill one (1) vacancy on the Alliance Health Board of Directors.

**NOMINEES:**

**Vicki Evans**

The membership roster for Alliance Health Board of Directors is attached.

#### **RECOMMENDATION / PROPOSED ACTION**

Appoint individual to fill the one (1) vacancy on the Alliance Health Board of Directors.

#### **ATTACHMENTS:**

Description	Type
Alliance Health Board of Directors Membership Roster	Backup Material

ALLIANCE HEALTH  
BOARD OF DIRECTORS

3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Vicki Evans 1221 Thistle Gold Drive Hope Mills, NC 28348 910-678-7750 <a href="mailto:vevans@co.cumberland.nc.us">vevans@co.cumberland.nc.us</a>	6/21		May/22 5/31/22	Yes
	(serving unexpired term; eligible for two additional terms)			
Dr. John Lesica 2910 Swiftcreek Drive Fayetteville, NC 28303 570-3048/977-7784(cell) <a href="mailto:jlesica@aol.com">jlesica@aol.com</a>	6/21		Sept/22 9/30/22	Yes
	(serving unexpired term; eligible for two additional terms)			
Lodies Gloston 2000 Greendale Drive Fayetteville, NC 28304 867-5724 (H) <a href="mailto:lodiesgloston@nc.rr.com">lodiesgloston@nc.rr.com</a>	2/21	3rd	Sept/22 9/30/22	No
Glenn Adams 407 Hilliard Drive Fayetteville, NC 28311 223-1400 (W) / 822-4578 (H) <a href="mailto:gadams@co.cumberland.nc.us">gadams@co.cumberland.nc.us</a>	9/19	2nd	Sept/22 9/30/22	No

Alliance Health is governed by a Board of Directors that is responsible for comprehensive planning, budgeting, implementing and monitoring of community-based mental health, developmental disability and substance abuse services to meet the needs of individuals in the Alliance region.

1/29/19 – received email from Veronica Ingram that Alliance Behavioral Healthcare name is being changed to Alliance Health.

Board meets on the first Thursday of the month at 4:00 p.m. at 5200 W. Paramount Parkway, Ste 200, Morrisville, NC 27560. (July and January meeting only as needed).

Veronica Ingram, 919-651-8466 [vingram@alliancebhc.org](mailto:vingram@alliancebhc.org)





## ENGINEERING AND INFRASTRUCTURE DEPARTMENT

### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022

**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**

#### **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 1<sup>st</sup> and will go into effect on July 1, 2022. The existing rate structure and proposed rate structure are provided in the chart below.

	<b><u>Existing</u></b> <b><u>Rate</u></b>	<b><u>Existing Rate</u></b>	<b><u>Proposed</u></b> <b><u>Rate</u></b>	<b><u>Proposed</u></b> <b><u>Rate</u></b>
	<b><u>Connected</u></b>	<b><u>Nonconnected</u></b>	<b><u>Connected</u></b>	<b><u>Nonconnected</u></b>
	<b><u>Customer</u></b>	<b><u>Customer</u></b>	<b><u>Customer</u></b>	<b><u>Customer</u></b>
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
<b>Total</b>	<b>\$54.00</b>	<b>\$29.50</b>	<b>\$56.00</b>	<b>\$30.50</b>

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**

This item was presented at the May 12, 2022, Board of Commissioners' Agenda Session and brought forward as a Consent Agenda Item.

Staff recommends the Board of Commissioners and the Overhills Park Governing Board approve the amendments to the rate structure.

#### **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.

<b>RATES AS OF:</b>	<b>July 1, 2023</b>	<b>July 1, 2024</b>	<b>July 1, 2025</b>	<b>July 1, 2026</b>
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.

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

### Other Fees

<b>RATES AS OF:</b>	<b>July 1, 2023</b>	<b>July 1, 2024</b>	<b>July 1, 2025</b>	<b>July 1, 2026</b>
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 BOARD OF COMMISSIONERS AGENDA OF MAY 16, 2022

**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**

#### **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 1<sup>st</sup> 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 9<sup>th</sup>. The Advisory Board suggested to increase the deposit to \$150.00 from the current \$100.00.

<b><u>Rate Description</u></b>	<b><u>Current Rate</u></b>	<b><u>Proposed Rate</u></b>
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**

This item was presented at the May 12, 2022, Board of Commissioners' Agenda Session and brought forward as a Consent Agenda Item.

Staff recommends the Board of Commissioners and the NORCRESS Governing Board approve the amendments to the rate structure.

### **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.

<b>RESIDENTIAL RATES AS OF:</b>	<b>July 1, 2022</b>	<b>July 1, 2023</b>	<b>July 1, 2024</b>	<b>July 1, 2025</b>
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
<b>COMMERCIAL RATES AS OF:</b>	<b>July 1, 2022</b>	<b>July 1, 2023</b>	<b>July 1, 2024</b>	<b>July 1, 2025</b>
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
<b>FLAT RATE SEWER RATES AS OF:</b>	<b>July 1, 2022</b>	<b>July 1, 2023</b>	<b>July 1, 2024</b>	<b>July 1, 2025</b>
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**

<b>INDUSTRIAL SEWER RATES AS OF:</b>	<b>July 1, 2022</b>	<b>July 1, 2023</b>	<b>July 1, 2024</b>	<b>July 1, 2025</b>
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**

<b>RATES AS OF:</b>	<b>July 1, 2020</b>	<b>July 1, 2021</b>	<b>July 1, 2022</b>	<b>July 1, 2023</b>
Deposit	\$150.00	\$150.00	\$150.00	\$150.00
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.