

Tribal Infrastructure and Energy Efficiency Reinvestment Program

PROGRAM GUIDELINES AND APPLICATION



State Tribal Economic Development Commission

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Application deadline: July 31st, 2009

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About the Program

The Tribal Infrastructure and Energy Efficiency Reinvestment Program (the Program), approved as part of the Montana Reinvestment Act (HB 645) and signed into law by Governor Schweitzer on May 14, 2009 (Chapter 489, Laws 2009), is an economic stimulus program administered by the State Tribal Economic Development Commission (STEDC).

The Program allocates \$4,943,500 in grants to tribal governments. These grants, which must be applied for, provide funding for projects that can be implemented immediately to improve infrastructure or energy efficiency. The funds are intended to be allocated to complete priority projects as determined by the appropriate tribal government. The Montana Reinvestment Act provides that, while each tribal government may receive differing grant amounts, each tribal government must be allocated at least \$200,000.

These guidelines explain who may apply for Program grants, what projects are eligible for Program grant funds, how to apply for Program grants, how grants will be administered by the STEDC, and the grant administration requirements. The Montana Department of Commerce in consultation with the STEDC reserves the right to amend these guidelines, at its sole discretion, at any time with a 14 day notice during the term of the Program.

The application form for the Tribal Infrastructure and Energy Efficiency grant is available from the STEDC upon request or on the STEDC website at <http://www.tribal.mt.gov/TIEERP>.

Who Is Eligible

The governing body of each of Montana's seven federally recognized tribal governments and of the Little Shell Chippewa Tribe are the only eligible applicants for this Program. A formal tribal governmental resolution supporting the project or an official letter from the tribal chair or president authorizing the application to the Program must accompany an application.

Funding Availability

At its May 26, 2009 meeting, the STEDC voted to divide the Program funds equally among the eight eligible tribal governments, making \$617,937.50 available for which each tribal government can apply. The Program cannot reimburse tribal government(s) for expenditures incurred prior to May 14, 2009. In addition, any funds made available from the Program must be expended by September 30, 2010. Program funds not expended by September 30, 2010 will revert to the state general fund.

What Qualifies

Eligible projects are broken out into two broad categories: infrastructure improvements and energy efficiency improvements. The following discussion of eligible projects is not an exhaustive list and should only be used as a guide. The STEDC will review all applications for Program grants on a case-by-case basis. In general, however, the following types of projects will be potentially eligible for funding:

ENERGY EFFICIENCY PROJECTS. Grant funding is available for making energy efficiency improvements.

INFRASTRUCTURE IMPROVEMENTS. Grant funding is available for projects that improve the basic physical facilities, services, structures, or installations needed for the functioning of the tribal government's community or society, including transportation and communications systems, public water supply and sewer treatment facilities, the power grid, and public institutions. According to the 1984 Montana Governor's Task Force of Infrastructure Final Report, infrastructure is defined as the "collective, long-term investment by citizens in facilities and installations – "structures" – necessary to their safety and convenience.

Potentially eligible infrastructure improvements include:

- designing, erecting, repairing, and remodeling tribal government buildings;
- designing, constructing, and repairing sewers, storm sewers, sewage treatment and disposal plants, waterworks, and reservoirs;
- designing, constructing, and repairing bridges, docks, wharves, breakwaters, and piers;
- designing, constructing, reconstructing, improving, maintaining, and repairing roads;
- acquiring, opening, or widening any street and improving the street by designing, constructing, reconstructing, and repairing pavement, gutters, sidewalks, curbs, and vehicle parking strips;
- designing, building, renovating, and equipping parks and other recreation facilities; and
- installing street lighting.

Ineligible Activities

No Program funds may be used to fund all or any portion of a casino or other gambling establishment, aquarium, zoo, golf course, stadium, or swimming pool.

Match Requirement

Program awards are not contingent on securing any "matching" funds. However, applicants are encouraged to seek out other funding sources to leverage Program grant funds to support the costs of eligible project activities. Such funds may be from public or private sources; local general funds; or loans or grant funds from another state or federal program.

Program funds can be used to match other state and federal loans or grants that support eligible project activities.

In addition, projects that can demonstrate ability for immediate commencement and a completion capability will be given priority.

Tribal Government Resolution Or Official Authorization Letter

A tribal governmental resolution indicating support for the application or an official letter from the tribal chair or president authorizing the application to the Program is required. The resolution or letter should include the name and summary description of the project being applied for, the name of the tribal organization or entity that will be responsible for managing the application process and grant contract, and the governing body's approval to apply for the Program funds.

Program Deadlines

- Applications may be submitted no later than 5:00 pm on **July 31, 2009**.
- The STEDC will review all quarterly progress reports submitted for Q4 of 2009 (**December 31, 2009**) to determine compliance with the scheduled completion date for each funded project. If the STEDC determines that a project is not likely to expend all grant funds by September 30, 2010, it may require the applicable tribal government to request an amendment to the scope of the awarded project; redistribute all or a portion of the award to other projects proposed by the tribal government and approved by STEDC; or cancel the grant award with that tribal government and redistribute all remaining award funds to another tribal government.
- All grant funds must be expended on or before **September 30, 2010**.

How to Apply

To apply for any Program funding, a tribal government must complete the application found on the STEDC website at <http://tribal.mt.gov/TIEERP>.

The application consists of the following materials:

- A completed and signed **Application** (Appendix A)
- A **Tribal Resolution or Tribal Chair or President Authorization Letter**
- A **Project Budget** (Appendix B)
- A **Project Implementation Schedule** (Appendix C)

The applicant must print and fill out the application form using typewritten font, or fill out the application online and print the completed application form. The completed application and supplementary materials must then be submitted by email or mail to:

Montana Department of Commerce
State Tribal Economic Development Commission
Tribal Infrastructure and Energy Efficiency Program
Attention: Program Manager
301 S. Park Avenue
PO Box 200505
Helena MT 59620-0505
Phone: (406) 841-2821
Fax: (406) 841-2731
Email: tieerp@mt.gov or jsmith@mt.gov

Each application submitted must include all of the information required in the grant application. If a tribal resolution or other application material is submitted by email, it must be in a format showing all necessary signatures (for example, PDF format). The STEDC reserves the right to reject ineligible, incomplete, or otherwise improper applications.

Program applications will be accepted on an on-going basis until July 31, 2009.

The submission of an application for Program funding confers no right upon any applicant. The STEDC is not obligated to award a Program grant to any specific project, to pay any costs incurred by the applicant in the preparation and submission of any application, or pay any project-related costs incurred prior to May 14, 2009.

Applicants are encouraged to contact STEDC staff with any questions they have concerning these guidelines or the application process. The STEDC is committed to assisting all tribal governments to apply for Program funding.

Application Format

The STEDC will review Program applications and evaluate the extent to which the proposed project(s) relate to the criteria set forth in the Montana Reinvestment Act of 2009 and to these guidelines. To facilitate STEDC's review, applications should be typewritten, comprehensive in nature, and organized according to the format outlined on the application.

- I. **SCOPE OF WORK/PROJECT DESCRIPTION** – Please provide a complete description of the project.
- II. **IMPACT** – Please state the infrastructure and energy efficiency impact the project will have on the geographic area and its residents. Please be specific as to the number of jobs that will be created or retained.
- III. **FUNDING/COLLABORATION** – Please state all partnerships and/or collaborative funding sources that have been committed to the project. Examples would include any federal or state grants or loans. Identify and state all collaborative organizations, individuals, and/or agencies that will provide in-kind resources to the project.
- IV. **ADMINISTRATION** - Please state how the project will be administered. Include key staff and qualifications, and where the office or project will be located (who, where and how). All applicants must have the management capacity to undertake and satisfactorily complete the project applied for, and assure proper management of Program funds. Grant recipients must have the capacity to specifically assure proper tracking and recording of Montana Reinvestment Act funds, including collection and reporting of the number of jobs saved or created by any project awarded Program funding and specific information about all subcontractors engaged in any work funded by a Program grant.

- V. **BUDGET** – Please provide a detailed project budget that shows all project costs and all sources of funding. By reference, the budget will be incorporated into the application as Appendix B “Project Budget”.
- VI. **PROJECT IMPLEMENTATION SCHEDULE** - Please provide a project implementation schedule that describes the overall schedule for project completion. By reference, the budget will be incorporated into the application as Appendix C “Project Implementation Schedule.” **NOTE:** Please be aware that HB 645 states “A recipient of funds under this section must expend the funds by September 30, 2010. Unexpended funds must revert to the state and be deposited in the state general fund.”
- VII. **REPORTING** - Please identify a person(s) who will be the contact person for the duration of the project and who will be responsible for providing information and progress reports to the STEDC.
- VIII. **SUPPORTING DOCUMENTS** – Please attach any letters of support and other documentation such as other federal and/or state grant award letters that will assist the STEDC in documenting project support. If a private sector business will be the recipient of the funding, a business plan and financial information may be requested as determined by the STEDC.

Review Process

STEDC staff will first review the application for completeness and sufficiency. During the review, STEDC staff may contact the applicant to review the application and to discuss any concerns or questions or to request additional information or documentation. STEDC staff may require additional information from the applicant to clarify information presented in the application. Site visits by STEDC staff may be made to the proposed project area for the purpose of verifying or further evaluating information contained in the application.

After STEDC staff has determined the application is complete and sufficient information is available to evaluate the proposed project(s), the application will be evaluated on the basis of the following criteria. The evaluation criteria have been developed to assist the STEDC in identifying if the project proposal meets the goals and objectives of the Montana Reinvestment Act of 2009:

- Potential for the project to achieve measureable energy efficiency and/or improve infrastructure for the tribal government;
- Potential for the project to enhance job retention, job creation, and stimulate the state and tribal economy;
- Likelihood that the project can be fully completed on or before September 30, 2010.
- Overall quality of the application, including measureable project goals, tasks, and activities, a well developed work plan and budget, and easily identifiable deliverables.
- Capability of the applicant to undertake and satisfactorily complete the project and ensure proper management and reporting of Program funds.

- Extent to which the project consists of “stand- alone” activities. Priority will be given to projects that can demonstrate the ability to be fully completed and operational by September 30, 2010 without a subsequent phase or funds in addition to the Program award funds. If the proposed project is not stand-alone, STEDC will evaluate the extent to which all other funds necessary to fully finance the project have been secured by the tribal government.

The STEDC will notify successful applicants of a Program grant through an Award Letter.

Grant Contract

The STEDC will incorporate the completed application and all attachments into a grant contract between the STEDC and the Governing Body of the tribal government. The grant contract must first be executed by the tribal government, as indicated by the signature of the tribal chair or president. The signatures of (1) the tribal chair or president, (2) the STEDC chairman, and (3) the Director of the Montana Department of Commerce together fully execute the contract. All three signatures are required for the contract to be in effect.

Reporting Requirements

Once a grant contract has been executed the tribal government must report on Program funds as follows:

- (a) Quarterly Progress Reports. During the term of this Contract, the Grantee will submit periodic project progress reports to the STEDC within 30 days of the end of each calendar quarter. These reports will describe the status of the activities set forth in Section 7 SCOPE OF WORK, including, at a minimum, the percentage completed, costs incurred, funds remaining, and projected completion date. The report must also describe any significant problems encountered in carrying out the Project and the scope of any necessary modifications the Grantee is requesting in the SCOPE OF WORK, BUDGET, or Project implementation schedule. Timely quarterly reports are extremely important to the STEDC’s ability to submit its report to the Office of Budget and Program Planning for the reporting requirements of the Montana Reinvestment Act funds. The STEDC, at its discretion, may decline to honor the final 10% Request for Payment if the required quarterly progress report has not been submitted to or approved by the STEDC.
- (b) Monthly Program Reports. No later than the first Friday of each month during the term of this Contract, the Grantee must report, at a minimum, for itself and all contractors, subcontractors, and subrecipient entities, the following information:
 - (1) The dollar amount of all contractor invoices;
 - (2) The supplies delivered and the services performed;
 - (3) An assessment of the completion status of the work;

(4) An estimate of the number of jobs created and the number of jobs retained as a result of the Reinvestment funds.

- “**Jobs created**” means the cumulative new positions created and filled, or previously existing unfilled positions that are filled, for each project, as a running total over the life of the project, expressed as “full time equivalent” (FTE), calculated cumulatively as all hours worked (jobs created cumulative work hours) divided by the total number of hours in a full time schedule, as defined by the Grantee.
- “**Jobs retained**” means the cumulative previously existing filled positions that are saved/retained for each project, as a running total over the life of the project, expressed as FTE, calculated cumulatively as all hours worked (jobs saved cumulative work hours) divided by the total number of hours in a full time schedule, as defined by the Grantee.
- The Grantee must report the FTE (job counts should be converted to full-time equivalents), cumulative work hours, and total number of hours in a full time schedule, as defined by the Grantee, for both jobs created and retained.
- Temporary construction jobs should also be converted to annualized full-time equivalents. For example, 20 full time jobs on a three month project count as 5 full-time equivalent annualized jobs; and

(5) Name and physical location of all contractors, subcontractors, and subrecipient entities engaged in any of the activities described in Section 7 SCOPE OF WORK.

- (c) Project Completion Report. Upon completion of the final Project, the Grantee will submit a final Project Completion Report to the STEDC. The Project Completion Report will describe the total costs incurred for the Project, identify the final completion date, summarize any significant problems encountered in carrying out the Project, and provide the final Recovery Funds information for each item set forth in paragraph (b) in this Section. Within 15 days of receiving the Project Completion Report, the STEDC will issue the Notice of Project Close-out.

Administrative Procedures and Requirements

The provisions below describe some of the more significant administrative procedures and requirements for Program grants that successful applicants must comply with. All procedures and requirements that the award recipient must comply with will be set forth in the Grantee’s contract with the STEDC and the Department:

- 1) Payment. Payment for approved expenses under the contract will be paid in accordance to the disbursement schedule listed below:

- Payment #1 – 90% of the award amount will be available upon contract execution in conjunction with the receipt of the required Designation of Depository Form (Appendix B), the Signature Certification Form (Appendix C) and the Request for Payment Form (Appendix D). A firm commitment for all non-Program financing involved in the project must be submitted before Payment #1 funds will be dispersed.
 - Payment #2 – The remaining 10% will be available for payment upon project completion in conjunction with the receipt of all required reports and a final Request for Payment Form (Appendix D).
 - **Payments will not be made for:**
 - *Operation and maintenance costs or expenses*
 - *Financial expenses, including but not limited to interest expense, bond issuance costs, or any other debt-related costs or expenses.*
 - *Grant administration and management expenses, or any other type of indirect or administration expenses*
 - *Any project related-cost incurred prior to May 14, 2009.*
 - *Projects receiving funding for the same services, equipment, or improvements through any other local, state, or federal grant or other funding program, except as necessary to fully fund the project.*
 - If a tribal government receives an adverse audit opinion or disclaimer from any state or federal agency or authorized agent thereof, the STEDC and/or the Department of Commerce reserve the right to release any remaining Program funds to that tribal government on a reimbursement basis only, upon receipt of a Request for Reimbursement accompanied by adequate supporting documentation of project expenses.
- 2) Reporting Requirements/Project Monitoring. Grantees will be required to submit progress and expenditure reports in accordance with these guidelines, the requirements of the grant contract, and the Montana Reinvestment Act of 2009. The STEDC reserves the right to perform site inspection(s) in order to monitor the Grantee's compliance with the terms of grant contract, including but not limited to verification of services performed, equipment installed, and monitoring of Program funds.
- 3) Public's Right to Know. Applications that are funded are subject to disclosure, in response to requests received under provisions of the Montana Constitution (Art. II, § 9). Information that could reasonably be considered to be proprietary, privileged, or confidential in nature should be identified as such in the application. The STEDC will maintain the confidentiality of that information only to the extent permitted by law.
- 4) Authority/Approvals. The Applicant's signature on the application is his or her certification that the Governing Authority of the tribal government has taken formal action to approve submittal of the application.

- 5) Compliance With Laws. The Applicant must certify on the application that the proposed project complies with all applicable tribal, state, federal, and local laws, ordinances, and regulations, including any necessary environmental review, and that all permits, licenses, etc., required to perform the project have either been obtained or will be obtained no later than 30 days from the date of the Award Letter, unless the grantee can demonstrate, to the satisfaction of the STEDC, a reasonable basis for the delay in obtaining necessary review or approval. If the Program funds are used in conjunction with funds from federal sources, compliance with additional federal regulations and laws may apply. Neither the STEDC nor the Montana Department of Commerce are responsible for ensuring compliance with any requirements associated with funds that may be obtained by the applicant for the project from other sources.
- 6) Dissemination of Information/Technology Transfer. Grantees will be contractually required to allow the STEDC access to the project site and the ability to obtain, publish, disseminate, or distribute any and all information obtained from the project (except any data or information that has been negotiated as being confidential or proprietary), without restriction and without payment or compensation by STEDC.
- 7) Grant Duration/Performance Period. The grant term will begin upon execution of the grant contract and end on September 30, 2010, or upon final close-out of the project by the STEDC after final reimbursement for project costs, whichever is sooner. No Requests for Payment may be submitted for any costs or expenses obligated by the tribal government after September 30, 2010.
- 8) Return of Funds. The Grantee shall return to the STEDC any and all funds that are determined by the STEDC to have been spent in violation of the Grant Contract, or that have not been expended as of September 30, 2010.
- 9) Cost Savings. In the event that expenses for a grant project are less than the projected costs and grant award, the STEDC may, in its sole discretion, authorize additional related infrastructure or energy efficiency improvements, as applicable, for the same facility to enhance the overall project.
- 10) Signage. All Projects funded in whole or in part with Reinvestment Funds must be identified by temporary and/or permanent signs. Signs will be designed and ordered by the STEDC and installed at the Project site by Grantee as directed and approved by the STEDC.

Contact Information for Questions:

If you have any questions regarding the *Tribal Infrastructure and Energy Efficiency Program Guidelines and Application* or other aspects of the Program, contact:

Montana Department of Commerce
State Tribal Economic Development Commission
Tribal Infrastructure and Energy Efficiency Program
Jason Smith, PROGRAM MANAGER
301 South Park Avenue
PO Box 200505
Helena, MT 59620-0505
Telephone: (406) 841-2821 – Fax (406) 841-2731
Email address: tieerp@mt.gov or jsmith@mt.gov

Appendices

Appendix A	Application
Appendix B	Project Budget
Appendix C	Project Implementation Schedule
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