



**Northern Border
Regional Commission**

Local Development District Training

Fall Session: September 2023

www.nbrc.gov





Northern Border Regional Commission

Agenda

Welcome!

- **Introductions - NBRC Staff**
- **NBRC's LDD Capacity Work – Sarah Lang**
- **NBRC's Programmatic Updates – Sarah Lang**
- **Build America, Buy America Act (BABAA) – Rich Grogan (in spirit)**
- **Procurement – Jonathan O'Rourke**
- **Listening Session**
- **Helpful Hints, Resources, and Q&A**





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LDD Capacity Work

WHAT?

LDD Partnership Program.

- Intentional relationship building with our partners in the region to ensure local capacity and equitable access
- NBRC & LDDs will be held accountable to a higher standard of service to applicants of our programs, with special attention for our historically underserved communities

HOW?

Phase I: Opting in as an LDD

- NEW Opt-in process. LDD's who opt in are required to:
 1. Attend training (including this one!)
 2. Continue to be listed as a grant resource
 3. Maintain capacity

Phase II: Quarterly Training

Required quarterly trainings on specific topics and “sticky points” will help you better serve your community!

Note: The opt-in step will be conducted annually



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LDD Capacity Work

2023 Trainings

September 2023

Build America Buy America Act (BABA)– HAPPENING NOW!

- Requirements and Procurement

Note: This training is in addition to the 2023 Catalyst Program New Grantee Training, which LDDs are encouraged to attend.

December 2023

“There is a form for that!”

- Review of various forms across all programs
 - LOI submission requirements
 - Application submission requirements
 - Grant administration forms utilized throughout performance period

Questions?



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NBRC Programmatic Updates

Forest Economy Program (FEP)

- The purpose of this program is to support the forest-based economy, and to assist in the industry's evolution to include new technologies and viable business models across the 4-state NBRC region.
- The Forest Economy Program is distinct from Catalyst in two important ways:
 - The Forest Economy Program emphasizes the potential for impact across the entire NBRC region.
 - Infrastructure projects (defined by Congress in NBRC's authorizing language to be inclusive of transportation, water and wastewater, telecommunications, and energy) must directly support the forest industry.

**\$7MM in
funding**

*After spring awards, approx.
\$4.4MM is available for the
fall grant round*



Paul Smiths School of Logging Interns 2020-21



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NBRC Programmatic Updates

Forest Economy Program (FEP)

Fall 2023 Application Timeline

- Forest Economy Program Information Sessions..... August 2023
- Letters of Interest September 22, 2023 by 5pm EST
- Responses to LOIs including invitations to apply..... Week of October 10th
- Applications Due (by invite only)..... November 10, 2023 by 5pm EST
- NBRC Selection Meeting..... January 2024
- NBRC notice of awards..... by January 31, 2024

Spring Round 2023:

17 LOIs received

6 projects invited to apply requesting \$4.5MM

5 applications received

3 projects awarded \$2.5MM, remainder carries to Fall Round



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NBRC Programmatic Updates

Catalyst

- Maximum grant amount for **construction in support of infrastructure** is **\$1,000,000**
- Consideration for **up to \$3,000,000** for projects including multiple categories of infrastructure or located within multiple jurisdictions

Congress defines public infrastructure projects as “transportation”, “basic public,” “telecommunications,” and “energy”

- Maximum grant amount for **non-infrastructure** is **\$500,000**
- NBRC utilizes applications received through the Catalyst Program, to fund projects selected by the States for our EDA (\$750K/per state) and USDA (\$712,500/per state) partnership programs.



**\$11MM per
state!**



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NBRC Programmatic Updates

Catalyst

2023 Application Timeline

- NBRC notice of awards..... August 31, 2023
- Catalyst New Grantee Training..... Late September 2023
- Issuance of Grant Agreements..... September-October 2023
- EDA & USDA notice of awards..... October 2023

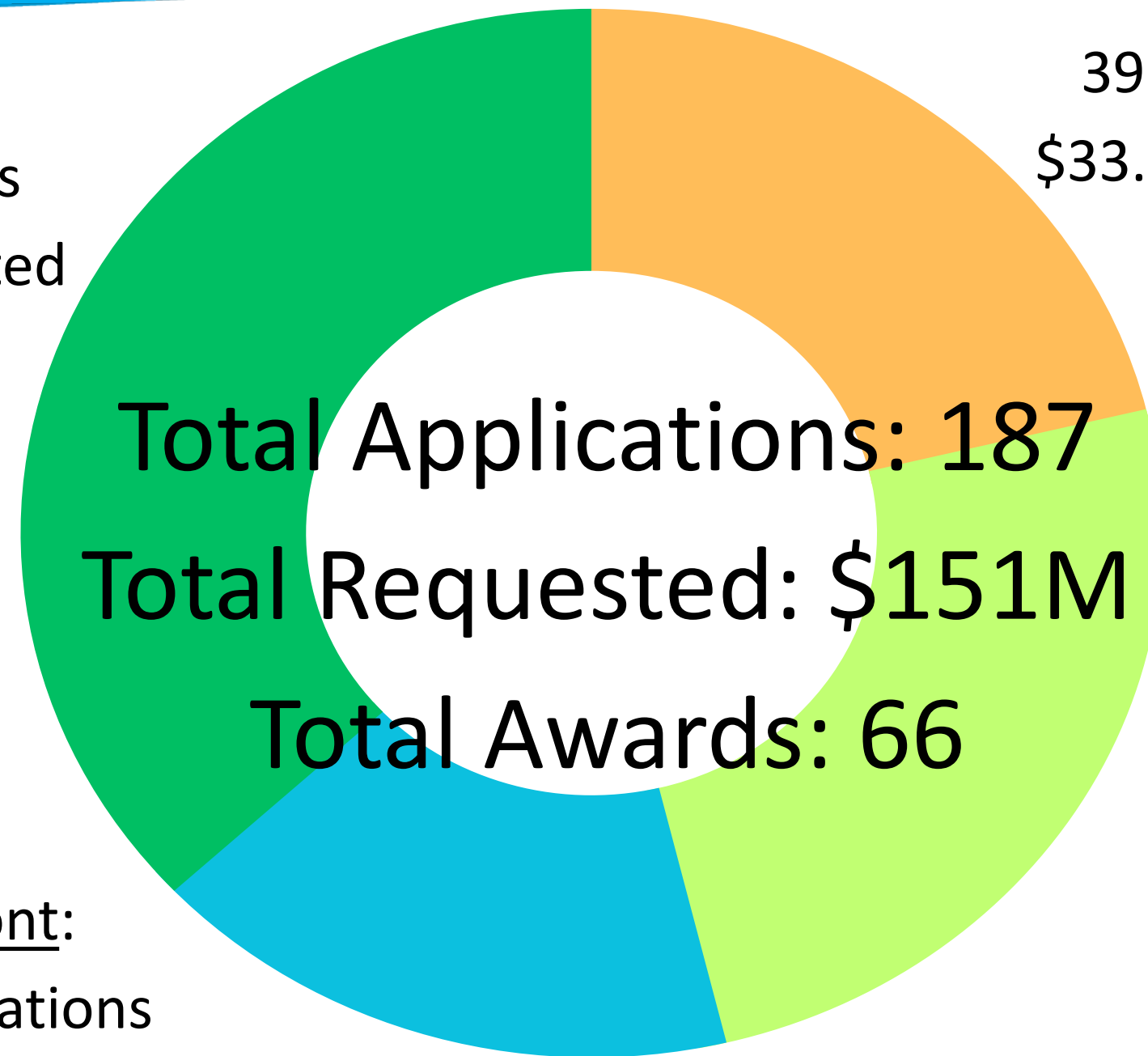
***\$44MM Program
187 applications
received in
2023!***



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New York:
68 Applications
\$60.7M Requested
12 Awards

Vermont:
31 Applications
\$30.4M Requested
13 Awards



Maine:
39 Applications
\$33.7M Requested
16 Awards

New Hampshire:
46 Applications
\$22.8M Requested
25 Awards



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NBRC Programmatic Updates

Catalyst



**Program timeline
&
dates to remember!**

Phase 1	Phase 2	Phase 3	Phase 4	Phase 5
<p>February/March Federal Budget approved with appropriation for NBRC</p> <p>March NBRC posts Letter of Interest and application information on website</p> <p>March NBRC hosts LOI info sessions</p> <p>April LOIs and waivers due</p> <p>May NBRC responds to LOIs, applicants invited to apply</p>	<p>May NBRC hosts info sessions</p> <p>May Application portal open</p> <p>June Applications due</p> <p>June/July States review and score applications</p> <p>August Commissioners votes on State recommended projects</p> <p>By end of August NBRC notice of awards and unsuccessful applicants</p>	<p>September New grantee/ LDD training</p> <p>August-October Grantees submit executed documentation to obligate federal funds</p>	<p>Pre-NTP</p> <ul style="list-style-type: none"> - Grantees complete NEPA process and document same to NBRC - Grantees secure documentation necessary to receive a Notice to Proceed and submit same to NBRC - NBRC issues a Notice to Proceed. From the date of the Notice to Proceed the grantee can commit and expend matching funds and NBRC funds 	<p>Post-NTP Ongoing Work</p> <ul style="list-style-type: none"> - Grantees submit reimbursements - Grantees submit quarterly reporting - Grantees reach out to NBRC if they need budget modifications or changes in scope - Grantee submit annual financial reports - At the end of the grant grantee submit close out materials

Questions?





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What is BABAA?

- The Build America, Buy America Act – enacted on November 15, 2021 – sets forth a domestic content procurement preference (“Buy American Preference” referred to as “BAP”) for infrastructure programs funded with Federal dollars
- “A Buy America preference...only applies to the iron and steel, manufactured products, and construction materials used for the infrastructure project under an award”
- Federal agencies are required to ensure that “none of the funds made available for a Federal financial assistance program for infrastructure, including each deficient program, may be obligated for a project unless all of the iron, steel, manufactured product, and construction materials used in the project are produced in the United States”

Note: As of November 08, 2022, the NBRC instituted a *General Applicability Waiver* of the Build America, Buy America Act to determine specific impacts of these provisions on NBRC projects and to prepare internal procedures to streamline compliance. As of May 08, 2023, the waiver expired, therefore all 2023 NBRC awardees are subject to BABAA requirements.



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Defining Infrastructure

“Infrastructure” in the context of BABAA includes the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property.

Agencies should treat structures, facilities, and equipment that generate, transport, and distribute energy - including electric vehicle (EV) charging - as infrastructure.



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Materials Included in the “Buy America Preference”

- All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- All manufactured products used in the project are produced in the United States. This means the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
- All [construction materials](#) are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States.



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Waivers

NBRC can provide BABAA waivers to specific projects on a case-by-case basis with approval from the Made In America Office (MIAO) when:

- Applying the domestic content procurement preference would be inconsistent with public interest (“public interest waiver”);
- The iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (“nonavailability waiver”);
- Inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (“unreasonable cost waiver”).

Note: If a project is funded by multiple Federal entities, the entity representing the largest investment in the project is considered the “Cognizant Agency for Made in America,” and should take responsibility for the coordination of any waivers produced.



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Next Steps

- NBRC will be working closely with grantees/LDDs to identify projects that must adhere to BABAA requirements to ensure provisions are considered during procurement activities
- NBRC will coordinate with grantees/LDDs to identify where a BABAA waiver may be appropriate
- NBRC will create and distribute a BABAA 'FAQ' document to be used as a reference tool for BABAA compliance

Note: For additional BABAA information please reference Executive Order [14005](#) "Ensuring the Future Is Made in All of America by All of America's Workers"



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QUESTIONS





Procurement / Property / Project Oversight

- **2 CFR 200 – Code of Federal Regulations**
- **Full and open competition**
- **Property & Equipment**
- **Records, Monitoring & Compliance**
- **NBRC.gov – “Resources”**



2 CFR 200 – Code of Federal Regulations

- Procurement actions involve the purchase of goods and services needed to support the grant award. Government-wide regulations contained in [2 CFR 200 317-326](#) govern procurement actions.
- These regulations allow grantees to follow their own procurement procedures so long as they meet the minimum standards identified within [2 CFR 200](#).
- It is the responsibility of the grantee to review and understand these applicable procurement requirements.

[Make sure you have your Notice to Proceed \(NTP\) in place](#)



Full and open competition

- All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of [2 CFR 200.319](#). To ensure objective contractor performance and eliminate unfair competitive advantage
- Grantees must ensure that all solicitations (invitations for bids/quotes and requests for proposals) contain a clear and accurate description of the product or service being procured, identify all requirements that the offeror must fulfill, and all factors that will be used in evaluating bids or proposals.
- The grantee must ensure that all prequalified lists of persons, firms, or products used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.



Made in America

In accordance with the policy of the United States Government, consistent with applicable law, use, terms and conditions of Federal financial assistance awards and federal procurements, recipients must maximize the use of goods, products, and materials produced in, and services offered, in the United States.

- Whenever possible, the recipient shall procure goods, products, materials, and services from sources that will help American businesses compete in strategic industries and help America's workers thrive.
- See the [January 25, 2021 Executive Order](#) on Ensuring the Future is Made in All of America by All of America's Workers for more information.
- The [Build America Buy America](#) Act, enacted as part of the Infrastructure Investment and Jobs Act on November 15, 2021, established a domestic content procurement preference for all Federal financial assistance obligated for infrastructure projects after May 14, 2022.
 - The U.S. Department of Commerce is working with the [Made in America Office](#) to coordinate compliance with these procurement requirements



Typical methods of purchasing

- **Micro-purchases**
 - Purchases by micro-purchase is the acquisition of suppliers or services when the aggregate dollar value of the transaction does not exceed \$10,000 (pursuant to [OMB Memorandum 18-18, 6/20/2018](#)).
- **Small Purchase Procedures**
 - Purchases under this procedure involve solicitation of an adequate number of qualified sources when the size of the transaction is not expected to exceed the federal government's "simplified acquisitions threshold" (currently \$250,000).
- **Competitive Sealed Bids**
 - Through this procedure, bids publicly solicited through formal advertising and a firm fixed price contract is awarded to the lowest responsive and responsible bidder. This is the preferred method for construction, generally referred to as a Request for Proposal (RFP).
- **Competitive Proposals**
 - Procurement by competitive qualifications, typically referred to as a Request for Qualifications (RFQ). The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services ([§ 200.321](#)).



Property Basics

- **Property**
 - Title to supplies, equipment, and real property acquired under a grant vest with the grantee that purchased it. However, NBRC retains a residual financial interest in grant acquired property under certain circumstances.
- **Types of Property**
 - Federal regulations contained in 2 CFR 200 address the treatment of real property, equipment, supplies, and intangible property (such as copyrights and patents) purchased with grant funds. However, because of the activities financed by NBRC grants, most of its grantees will deal primarily with equipment and real property.

Equipment

Equipment is defined as items of tangible property having a useful life of more than one year and a unit acquisition cost exceeding \$5,000.

Real Property

Real property means land, including land improvements, structures, and appurtenances thereto, but excludes movable machinery and equipment.



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Real Property:

- **NFI (Notice of Federal interest)**
 - 20-year Federal vested interest
 - NFI recorded to deed
- **SF-429-A**
 - Report yearly inventory status updates

OMB Number: 4040-0016
Expiration Date: 01/31/2019

**Real Property Status Report
ATTACHMENT A (General Reporting) SF-429-A**

Federal Grant or Other Identifying Number Assigned by Federal Agency (#2 on cover page)

Complete the applicable blocks below for each parcel of real property being reported (duplicate this page to provide information for each parcel of real property being reported under the Federal financial assistance award identified in section 2):

13. Period and type of Federal Interest (MM/DD/YYYY): From: To:
 Acquisition Renovation Construction Government Furnished Property

14a. Description of Real Property:

14b. Address of Real Property (legal description and complete address including zoning information):
 Street1:
 Street2:
 City: County:
 State: Province:
 Country: ZIP / Postal Code:
 Zoning Information:
 GPS Location Longitude: GPS Location Latitude:

14c. Land Acreage or Square Units: Enter Amount: <input style="width: 50%;" type="text"/> Select units: <input type="checkbox"/> Acres <input type="checkbox"/> Square Feet <input type="checkbox"/> Square Kilometers <input type="checkbox"/> Square Meters	14d. Gross and Usable Square Footage/Meters (i.e., of building, house, etc.): Enter Amounts: Gross <input style="width: 50%;" type="text"/> Usable <input style="width: 50%;" type="text"/> Select units: <input type="checkbox"/> Square Feet <input type="checkbox"/> Square Meters
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14e. Real Property Ownership Type(s):
 A. Owned B. Co-Owned C. Fee Simple D. Corporate
 E. Joint Tenancy F. Partnership G. Limited Liability Partnership H. Co-Operative
 I. Government Furnished Property J. Other (Describe):

14f. Real Property Cost: Federal Share: \$ <input style="width: 50%;" type="text"/> Non-Federal Share: \$ <input style="width: 50%;" type="text"/> Total (sum of Federal and Non-Federal Share): \$ <input style="width: 50%;" type="text"/>	Share Percentage %: [<input style="width: 50%;" type="text"/>] % [<input style="width: 50%;" type="text"/>] % [<input style="width: 50%;" type="text"/>] %
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14g. Has a deed, lien, covenant, or other related documentation been recorded to establish Federal interest in this real property?
 Yes No N/A
 If yes (unless previously reported), describe the instrument used and enter the date and jurisdiction in which it was recorded:

 Date: Jurisdiction:

14h. Has Federally required insurance coverage been secured for this real property? Yes No
 See instructions for more details.

14i. Are there any Uniform Relocation Act (URA) requirements applicable to this real property? Yes No

14j. Are there any environmental compliance requirements related to the real property? Yes No
 If yes, describe them:



Equipment:

- **Over \$5,000**
 - Considered equipment
 - Example – Excavator
- **\$5,000 and under**
 - Considered supplies
 - Example – personal computers
- **Other considerations**
 - At close-out submit schedule of depreciating values
 - Shall retain equipment until value falls below \$5,000
 - Equipment inventory every 2 years using **SF-428-S**

TANGIBLE PERSONAL PROPERTY REPORT
Supplemental Sheet SF-428-S

OMB Number: 4040-0018
Expiration Date: 6/30/2020

Federal Grant or Other Identifying Number Assigned by Federal Awarding Agency (Block 2 of SF-428)

Attachment Type
 Annual Report (SF-428-A)
 Final (Award Closeout) Report (SF-428-B)
 Disposition Report/Request (SF-428-C)

Complete one row for each item:

Award Number (a)	GP or ACQ (b)	Description of Item (c)	Identification Number (d)	Acquired Date (e)	Condition Code (f)	Acquisition Cost (In Dollars) (g)	Disposition Request (h)



Project Oversight

- NBRC seeks to exercise responsible stewardship of Federal Funds in a manner that is transparent and accountable to the public.
- Grantees are responsible for managing federal funds in compliance with applicable laws, regulations and the terms and conditions of their NBRC grant agreement.



Record Retention

Financial records, supporting documentation, statistical records, and all other grantee records pertinent to the NBRC grant award must be retained for a period of three years following submission of the final expenditure report on that award.

The rights of access include timely and reasonable access to the grantee's personnel and contractors for the purpose of interview and discussion related to the records

Monitoring And Site Visits

Monitoring by NBRC involves the continuous collection or relevant information about the performance and administration of grantees.

Monitoring can be conducted using a variety of techniques including routine communication with grantees, desk review of submitted information and required reports, and site visits.

Compliance

If NBRC determines that noncompliance is material in its nature or degree, or that work performed under the grant is substandard or performed in any way that violates federal, state, or local law, NBRC may undertake enforcement actions consistent with the requirements of [2 CFR 200.207](#) and [2 CFR 200.339](#).

A Grantee may appeal any finding of noncompliance and resulting enforcement action.



Procurement / Property / Project Oversight

Summary:

- **2 CFR 200**
- **Full and open competition**
- **Property & Equipment**
- **Records, Monitoring & Compliance**
- **NBRC.gov – “Resources”**

Make sure you have your
Notice to Proceed (NTP) in place

Questions

???



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LDD Project Intake Form

- At the July training, it was mentioned that a project intake form would be useful for LDDs
- A few weeks ago, a draft form was sent out to you all for feedback
- **Feedback?**

Questions included:

- If project is not within an eligible NBRC County, note where the project is located and briefly describe if your project will have a direct economic impact on an eligible county
- Which eligible category below best aligns with your project?
- Brief Project Description
- Project Timeline and Status/Project Stage
- What type(s) of technical assistance are you seeking to improve your project and prepare you to apply for NBRC funding?



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Rutland VT – 2020 SEID Project Photo

Listening Session

Future Trainings?

Sharing of Catalyst LOIs? Helpful?

Ongoing challenges and opportunities.



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LDD Helpful Hints!

- Be familiar with NBRC's Grant Administration & Compliance Manual (next edition will be released by September 1, 2023)
- Make sure all employees of LDD involved in grant administration are on NBRC's Constant Contact List
- Understand the federal interest requirements of projects utilizing NBRC funds to purchase both personal and real property
 - Personal Property (equipment over \$5,000)
 - Acquisition and improvements to real property (Requires Notice of Federal Interest (NFI) to protect federal investment for a period of 20 years
 - *If an NFI is required, must be recorded in the Registry of Deeds in the County where project is located before requesting a reimbursement of NBRC funds for activities other than those covered by a Partial Notice to Proceed.*

- Be aware of NBRC programmatic deadlines, as well as reporting deadlines (quarterly and annual) as these are extremely busy times for NBRC and requests for extensions, assistance, etc. may be delayed
- Familiarize yourself with NBRC's **Amendment Processes**
 - Extensions of time
 - Budget adjustments
 - Change in Project Scope
 - Refer to Amendment Checklist in Compliance Manual
- Understand NBRC's **Close-out Processes**
 - Documentation requirements
 - Refer to Closeout Checklist in Compliance Manual
- Know the various dates associated with the projects for which you are assisting and put those dates on your calendar (we encourage grantees to do the same)
 - Quarterly Report dates (commence from October 1st of the year the project is funded through close-out)
 - Annual Reporting (Federal Fiscal Year of October 1 – September 30th, due 30 days after end of fiscal year)
 - Performance Period End Date (three years following grant award, on September 30th)
 - *Helpful to know in the event a grantee will need assistance in completing their closeout documentation or need to request an extension of time (amendment)*



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**Save me for
reference!**

Resources!

www.nbrc.gov

- Tutorials
 - Reimbursements (Available)
 - Quarterly Reporting (SFPPR) (Available)
 - Reimbursement documents (Coming soon)
 - Annual Reporting (SF425) (Coming soon)
- 2 CFR 200 link
- New templates and forms
 - Budget Narrative
(FEP and Catalyst Programs LOI and Application)
 - Organizational Capacity (FEP and Catalyst Programs LOI and Application)
 - Volunteer and In-Kind Match Spreadsheet
- Updated Compliance Manual (by September 1, 2023)

- NBRC website – www.nbrc.gov
- NBRC Grant Administration and Compliance Manual available to view and download from www.nbrc.gov/content/administration
- 2 CFR 200 <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>
- [40 USC Subtitle V. Regional Economic and Infrastructure Development](#)
- State Program Manager –[ME](#), [NH](#), [VT](#), [NY](#)
- [Your Local Development District](#)
- [Resources \(including\):](#)
 - [SF-270](#) and Supporting Document Summary Sheet
 - [SF-PPR](#)
 - [SF-425](#)
 - Tutorials on how to fill out the above forms



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Thank you for all you do!