

SPECIFIC AWARD CONDITIONS
 U.S. DEPARTMENT OF COMMERCE
 Economic Development Administration (EDA)

ARP Act NON-CONSTRUCTION PROJECTS: Economic Adjustment Assistance Program under Sections 209 and 703 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. §3121 et seq.) (PWEDA)

Project Title: Pop-Up Retail Business Incubator	
Recipients Names: Huerfano County, Huerfano County Economic Development, Inc., Southern Colorado Economic Development District	Award Number: 05-79-06198

1. This EDA Award supports the work described in the approved final scope of work, which is incorporated by reference into this Award, as the *Authorized Scope of Work*. All work on this project should be consistent with this *Authorized Scope of Work* as detailed in Attachment 1, unless the Grants Officer has authorized a modification of the scope of work in writing through an amendment memorialized through execution of a Form CD-451.
2. The Lead Recipient Authorized Representative name, title, address, and telephone number are:

Gerald Cisneros Chairman, Board of County Commissioners 719-738-3000	Huerfano County 401 Main Street, Suite 201 Walsenburg, Colorado 81089-2045
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The Recipient Authorized Representative name, title, address, and telephone number are:

Lola Spradley President 719-738-3000	Huerfano County Economic Development, Inc. PO Box 308 Walsenburg, Colorado 81089-0308
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The Recipient Authorized Representative name, title, address, and telephone number are:

Leslie Mastroianni Interim Executive Director 719-545-8680	Southern Colorado Economic Development District 121 W City Center Drive Pueblo, Colorado 81004
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The Recipient Point of Contact name, title, address, telephone number and email address are:

Carl Young County Administrator 719-738-3000 cyoung@huerfano.us	Huerfano County 401 Main Street, Suite 201 Walsenburg, Colorado 81089-2045
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The Grants Officer is authorized to award, amend, suspend, and terminate financial assistance awards. The Grants Officer is:

Angela B. Martinez Regional Director Phone: (303) 844-3909 Email: amartinez@eda.gov	Economic Development Administration 1244 Speer Blvd. Suite 431 Denver, Colorado 80204
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The Federal Program Officer (Area Director) oversees the programmatic aspects of this Award. The Federal Program Officer is:

Cindy Edwards Area Director Phone: (303) 844-5360 Email: cedwards@eda.gov	Economic Development Administration 1244 Speer Blvd. Suite 431 Denver, Colorado 80204
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The Project Officer is responsible for day-to-day administration and liaison with the Recipient and receives all reports and payment requests. The Project Officer is:

Lisa Alcorn Title: Project Officer Phone: (202) 748-7452 Email: lalcorn@eda.gov	Economic Development Administration 1244 Speer Blvd. Suite 431 Denver, Colorado 80204
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3. ADDITIONAL INCLUDED DOCUMENTS:

In addition to the regulations, documents, or authorities incorporated by reference on the Financial Assistance Award (Form CD-450) the following additional documents are included with and considered to be part of the Award's terms and conditions:

- Recipient's final completed Application (this item not enclosed in this Award package);
- *Authorized Scope of Work* (Attachment 1);
- *Line Item Budget* (Attachment 2);
- *Staffing Plan* (Attachment 3); and

- *Instructions for ASAP enrollment and accessing funds* (Attachment 4).

Should there be a conflict between the above referenced documents and the Specific Award Conditions (this document), the Specific Award Conditions, including any attachments, shall prevail.

4. PROJECT DEVELOPMENT TIME SCHEDULE: The Recipient agrees to the following Project Development Time Schedule:

Item	Due Date
Date of Award	The date set forth in the Period of Performance Period field on the CD-450
Return of executed <i>Financial Assistance Award</i> (Form CD-450)	no later than 30 calendar days after receipt of Form CD-450
Submission of Draft Final Project Progress Report	No later than 30 calendar days before Award End Date
Submission of Final Progress Report	Prior to Authorized Award End Date
Authorized Award End Date	The latest date set forth in the “Period of Performance” field on the CD-450 or as later memorialized through a CD-451
Submission of final reports, including <i>Federal Financial Report</i> (Form SF-425)	No later than 120 calendar days from the Award End Date

The Recipient shall diligently pursue the development and implementation of the Project upon receipt of an EDA Award so as to ensure completion within this time schedule. Moreover, the Recipient shall promptly notify EDA in writing of any event which could substantially delay meeting any of the proscribed time limits for the Project as set forth above. The Recipient further acknowledges that failure to meet the development time schedule may result in EDA’s taking action to terminate the Award in accordance with the regulations set forth at 2 C.F.R. §§ 200.339 through 200.343.

5. PROJECT REPORTING AND FINANCIAL DISBURSEMENTS INSTRUCTIONS:

- A. **AWARD DISBURSEMENTS:** EDA will make Award payments using the Department of Treasury’s Automated Standard Application for Payments (ASAP) system. The Recipient is required to furnish documentation as required by ASAP including but not limited to Recipient and Requestor Identification Numbers. Complete information concerning the ASAP system may be obtained by visiting www.fms.treas.gov/asap.

In order to receive payments, Recipients must submit a Form SF-270 “*Request for Reimbursement*” for the applicable period electronically to the Project Officer, who will review and process the request.

Please note that prior to the initial disbursement, Recipients must complete the attached Form SF-3881, “ACH Vendor/Miscellaneous Payment Enrollment Form”

and submit it to NOAA's Accounting Office by emailing through secure/encrypted email to: edagrants@noaa.gov. The form must be completed by the respective parties (EDA, Recipient Bank, and Recipient) at the start of each new award.

B. REPORTS:

- a. *Project Progress Reports*: The Recipient agrees to provide the Project Officer with Project Progress Reports, which will communicate the important activities and accomplishments of the Project, on a semi-annual basis for the periods ending **March 31** and **September 30**, or any portion thereof. Reports are due no later than 1 month following the end of the period.

Performance Progress Reports should be submitted to EDA in an electronic format no later than the dates outlined above in a concise, clear format, which outlines the following information in no more than 3-6 pages in length:

- i. Provide a clear, concise overview of the activities undertaken during the Project Period;
- ii. Document accomplishments, benefits, and impacts that the Project and activities are having. Recipients should note specific outcomes where activities have led to job creation/retention, private investment, increased regional collaboration, engagement with historically excluded groups or regions, enhanced regional capacity, and other positive economic benefits;
- iii. Highlight any upcoming or potential press events or opportunities for collaborative press events to highlight benefits of the EDA investment;
- iv. Compare progress with the project timeline, explaining any departures from the targeted schedule, identifying how these departures are going to be remedied, and projecting the course of work for the next period;
- v. Outline challenges that currently impact or could impact progress on the grant over the next reporting period and identify ways to mitigate this risk; and
- vi. Outline any areas where EDA assistance is needed to support the project or any other key information that would be helpful for your EDA Project Officer to know.

Final Project Reports may be posted on EDA's website, used for promotional materials or policy reviews, or may be otherwise shared. Recipients should not include any copyrighted or other sensitive business information in these reports. There is no specific page limit for Final Project Reports; however, such reports should concisely communicate key project information, and should:

- i. Outline the specific regional need that the project was designed to address and update on progress made during the reporting period that will mitigate need and advance economic development;
- ii. Provide a high-level overview of the activities undertaken;

- iii. Detail lessons learned during the project period that may be of assistance to EDA or other communities undertaking similar efforts;
 - iv. Outline the expected and actual economic benefits of the project at the time that the report is written; and
 - v. Any other key information from the relevant project period.
- b. *Financial Reports:* The Recipient shall submit a “Financial Status Report” (Form SF-425) on a semi-annual basis for the periods ending **March 31** and **September 30**, or any portion thereof, for the entire project period. Form SF-425 (and instructions for completing this form) is available at: http://www.whitehouse.gov/omb/grants/grants_forms.html. Reports are due no later than 1 month following the end of the period.

A final Form SF-425 must be submitted no more than 120 calendar days after the expiration date of the Award (e.g., the Award end date specified on the Form CD-450 or Form CD-451). Final financial reports should follow the guidance outlined by the form instructions for submitting mid-term financial reports, but should ensure that all fields accurately reflect the total outlays for the entire project period, and that all matching and program income (if applicable) is fully reported. Final grant rate and determinations of final balances owed to the government will be determined by the information on the final Form SF-425, so it is imperative that this final financial form is submitted in a timely and accurate manner.

- 6. ALLOWABLE COSTS AND AUTHORIZED BUDGET:** The attached Final Line Item Budget is the authorized budget for this award. Total allowable costs will be determined at the conclusion of the period of performance in accordance with the administrative authorities applicable pursuant to the Financial Assistance Award (Form CD-450), including the applicable requirements as set forth in 2 C.F.R. part 200, after the Final financial forms, including any required documentation, is submitted.
- 7. FEDERAL SHARE:** The EDA participation in total eligible project costs will be limited to the EDA grant amount or the EDA share of total allowable project costs, based on the area’s grant rate eligibility at the time of award, whichever is less.
- 8. MATCHING SHARE:** The Recipient agrees to provide the Recipient’s non-Federal Matching Share contribution for eligible project expenses in proportion to the Federal share requested for such project expenses. The Recipient also certifies that, in accepting the Financial Assistance Award, the Recipient’s Matching Share of the project costs is committed and unencumbered, from authorized sources, and shall be available as needed for the project.
- 9. REFUND CHECKS, INTEREST, OR UNUSED FUNDS:** Treasury has given the EDA two options for having payments deposited to EDA’s account:

- A. The first one is Pay.Gov. This option allows the payee to pay EDA through the Internet. The payee will have the option to make a one-time payment or to set up an account to make regular payments.
- B. The second option is Paper Check conversion. All checks must identify on their face the name of the DOC agency funding the award, award number, and no more than a two-word description to identify the reason for the refund or check. A copy of the check should be provided to the EDA Project Officer. This option allows the payee to send a check to NOAA's Accounting Office, who processes EDA's accounting functions at the following address:

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Finance Office, AOD, EDA Grants
20020 Century Boulevard
Germantown, MD 20874

The accounting staff will scan the checks in to an encrypted file and transfer to the Federal Reserve Bank, where the funds will be deposited in EDA's account. While this process will not be an issue with most payees, there are occasionally issues for entities remitting funds to EDA via check. If you are remitting funds to EDA via check, please make note of the following:

- If a check is sent to EDA, it will be converted into an electronic funds transfer by copying the check and using the account information to electronically debit your account for the amount of the check. The debit from your account will usually occur within 24 hours and will appear on your regular account statement.
- EDA will not return your original check; the original will be destroyed and a copy will be maintained in our office. If the Electronic Funds Transfer (EFT) cannot be processed for technical reasons, the copy will be processed in place of the original check. If the EFT cannot be completed because of insufficient funds, EDA will charge you a one-time fee of \$25.00, which will be collected by EFT.

10. PLANNING COORDINATION: In keeping with regional economic development principles, Recipients should coordinate economic development planning and implementation projects with other economic development organizations affecting the area, specifically EDA-funded recipients such as State and Urban planning grantees, adjoining Economic Development Districts (EDDs) and Indian Tribes, and University Centers (UCs).

11. PROCUREMENT: For all contractual expenses incurred as part of this project, the service must be competitively procured in accordance with 2 C.F.R. §§ 200.317 through 200.327, as applicable. Prior to advertisement of an RFQ or RFP, as applicable, Recipient

shall provide EDA with a draft copy of the advertisement. Once proposals have been received but before the contract has been executed, Recipient shall provide EDA with a copy of the chosen proposal, documentation of the selection process including rank and rating sheets, and a draft copy of the contract for EDA's review. Once the contract has been executed, Recipient shall provide EDA with a final copy of the contract.

- 12. BUY AMERICAN:** Consistent with Executive Order 13858, *Strengthening Buy-American Preferences for Infrastructure Projects*,” as modified by Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America’s Workers*, the Recipient is encouraged to use, to the greatest extent practicable, iron and aluminum as well as steel, cement, and other manufactured products produced in the United States in every contract, subcontract, purchase order, or sub-award that is chargeable under this Award.
- 13. STAFFING:** For vacant positions primarily funded by the EDA grant, EDA is requesting the following information be sent to the Denver Regional Office for review: a copy of the job announcement, a copy of the resumes of the top three qualified candidates, and if interviews have already taken place, the identification of the selected candidate hired for the EDA funded position. This review is consistent with the Public Works and Economic Development Act of 1965, as Amended (“PWEDA”) Title V – Administration SEC.504. Administration, Operation and Maintenance (42 U.S.C. § 3194). The review is to ensure that the key EDA funded positions will be staffed by qualified individuals and that the grant will be properly and efficiently administered, operated and maintained.
- 14. NONRELOCATION:** In signing this award of financial assistance, Recipient(s) attests that EDA funding is not intended by the Recipient to assist its efforts to induce the relocation, or the movement of existing jobs from one region to another region in competition with those jobs. In the event that EDA determines that its assistance was used for such purposes, EDA retains the right to pursue appropriate enforcement action in accord with the Standard Terms and Conditions of the Award, including suspension of disbursements and termination of the award, which may include the establishment of a debt requiring the Recipient to reimburse EDA.
- 15. PERFORMANCE MEASURES:** The **Semi-Annual Program Outputs Questionnaire for EDA Grantees (Non-infrastructure programs) (Form ED-916)** must be submitted by Recipient to EDA on a semi-annual basis during the period of performance of this Award, or as otherwise directed by EDA. EDA will provide Recipient with the first electronic Outputs Questionnaire approximately six months after the date the period of performance starts, as set forth in Form CD-450. EDA will then provide Recipient subsequent electronic Outputs Questionnaires approximately every six months thereafter through the end of the period of performance, or any portion thereof if applicable. Recipient must complete and submit to EDA each electronic Outputs Questionnaire within 30 days of receipt.

The **Annual Capacity Outcomes Questionnaire for EDA Grantees Serving Clients (Non-Infrastructure Programs) (Form ED-917)** or the **Annual Capacity Outcomes**

Questionnaire for EDA Grantees not Serving Clients (Non-infrastructure programs) (Form ED-918) must be submitted by Recipient to EDA on an annual basis for five years, or as otherwise directed by EDA. If Recipient will directly serve clients (i.e. beneficiaries) under the Authorized Scope of Work, Recipient must submit Form ED-917; if Recipient will not directly serve clients under the Authorized Scope of Work, Recipient must submit Form ED-918. (Recipient should consult the above-listed project officer if Recipient is unsure whether activities in the Authorized Scope of Work constitute serving clients.) Recipient will automatically receive whichever Outcomes Questionnaire is most appropriate, as determined by the EDA project officer, for the Authorized Scope of Work. EDA will provide Recipient with the first electronic Outcomes Questionnaire approximately one year after the date the period of performance starts, as set forth in Form CD-450. EDA will then provide Recipient subsequent electronic Outcomes Questionnaires approximately every 12 months thereafter for a total of five years, notwithstanding the end of the period of performance. Recipient must complete and submit to EDA each Outcomes Questionnaire within 30 days of receipt.

EDA may revise or replace the Outputs Questionnaire and/or the Outcomes Questionnaire at any time during or following the period of performance of this Award. Recipient agrees to report on program performance measures and program outcomes in such form and at such intervals as may be prescribed by EDA in compliance with the Government Performance and Results Act (GPRA) of 1993 and the Government Performance and Results Modernization Act of 2010 (collectively, GPRA Reports). Recipient must collect sufficient data and retain sufficient documentation to enable Recipient to complete required GPRA Reports. Failure to submit to EDA required GPRA Reports might adversely impact the ability of the Recipient to secure future funding from EDA.

16. REAFFIRMATION OF APPLICATION/ACCEPTANCE OF AWARD:

Recipient(s) acknowledges that Recipient's Application for this Award may have been submitted to the Government and signed by Recipient(s), or by an authorized representative of Recipient(s), electronically without providing an original "wet" signature. In addition, the Recipient(s) or an authorized representative of Recipient(s) may have accepted the Award electronically, which includes drawing down any funds under this Award. Regardless of who submitted the Application to the Government or the means by which Recipient(s) submitted the Application or accepted the Award, Recipient(s) hereby reaffirms and states that:

- A. All data in the applicable Application were true and correct when the Application was submitted and remain true and correct as of the date of this Award;
- B. The Application was, as of the date submission and the date of this Award, duly authorized as required by local law by the governing body of the Recipient(s); and
- C. Recipient(s) has read, understood, and will comply with all terms of this Award, including the Assurances and Certifications submitted with, or attached to, the Application.

The Recipient agrees to immediately notify the Grants Officer of any material changes to the Application within 30 calendar days of the date the Recipient becomes aware of such changes. For purposes of this provision, the term “Application” includes all documentation and any information provided to the Government as part of, and in furtherance to, the request for funding, including submissions made in response to information requested by the Government after submission of the initial Application.

17. DUTY TO REFRAIN FROM EMPLOYING CERTAIN EDA EMPLOYEES:

Pursuant to section 606(2) of PWEDA (42 U.S.C. § 3216), for the two-year period beginning on the date the Grants Officer executes this Award, any recipient that is a nonprofit organization or District Organization agrees that it will not employ, offer any office or employment to, or retain for professional services any person who, on the date the Grants Officer executes this Award or within the one-year period prior to that date: (a) served as an officer, attorney, agent, or employee of EDA; and (b) occupied a position or engaged in activities that the Assistant Secretary for Economic Development determines involved discretion with respect to the award of financial assistance under PWEDA.

In addition to nonprofit organizations or District Organizations, EDA may require another Eligible Recipient to execute an agreement to abide by the above-described post-employment restriction on a case-by-case basis; for example, when an institution of higher education implements activities under or related to the Award through a separate nonprofit organization or association.

The two-year period and associated restrictions referenced above also will apply beginning on the date the Grants Officer executes any cost amendment to this Award that provides additional funds to Recipient.

18. WASTE, FRAUD AND ABUSE: Consistent with 2 CFR part 200, at EDA’s direction, at any time(s) during the estimated useful life of the Project, Recipient’s key personnel will take a training on preventing waste, fraud and abuse as provided by the Government. Key personnel include those responsible for managing the Recipient’s finances and overseeing any contractors, sub-contractors or sub-grantees (for financial matters and/or general oversight related to this Project). EDA will provide instructions on when and how to take the training. Within sixty days of the date of Award, the Recipient shall provide to the Project Officer all Certificates of Completion for the Waste, Fraud, and Abuse training. In the event there are co-recipients of this Award, the obligations in the Specific Award Condition shall apply to all recipients whether or not designated in this Award as the Lead Recipient.

Further, Recipient will monitor award activities for common fraud schemes (hereinafter “Fraud Schemes”), such as but not limited to:

- false claims for materials and labor,
- bribes related to the acquisition of materials and labor,
- product substitution,

- mismarking or mislabeling on products and materials, and
- time and materials overcharging.

Should Recipient detect any Fraud Schemes or any other suspicious activity, Recipient will contact the EDA staff listed above and the Department of Commerce, Office of Inspector General, as indicated at <https://www.oig.doc.gov/Pages/Contact-Us.aspx>, as soon as possible.

19. **LEAD RECIPIENT DESIGNATION AND OBLIGATIONS:** This Award is made to multiple Recipients as identified in the Form CD-450. EDA has requested that one of the Recipients be designated as the Lead Recipient to facilitate the administration of this Award. The Recipient named first on the Form CD-450 agrees to be designated as Lead Recipient. The Co-Recipients acknowledge, agree with and consent to this designation. The Recipients agree that all funds available pursuant to this Award shall be solely disbursed by EDA to the Lead Recipient. The Lead Recipient agrees to be solely responsible for the further disbursement of all such funds received from EDA pursuant to this Award strictly in accordance with the Authorized Budget that is part of this Award and all applicable requirements of EDA as identified and set forth on the Form CD-450. The Lead Recipient further agrees to be solely responsible for collecting all data and information, including but not limited to coordinating the collection of any and all data and information from other Co-Recipients, and preparing all reports required to be submitted to EDA pursuant to this Award. Any changes to the Lead Recipient designation, including replacement of the Lead Recipient, require advance approval by EDA and will be memorialized through the execution of a Form CD-451.