NEBRASKA ADMINISTRATIVE CODE

Last ~~ISSUE~~ Approved Date: October 25, 1996

Title 137 - Nebraska Environmental Trust Board

Chapter 9 - GRANT ADMINISTRATION

001 After the Board takes action to award grants to specific projects, the Executive Director shall begin notification procedures. The Executive Director shall also prepare grant documents for disbursement in accordance with this Chapter.

001.01 Grant documents shall include a notice of grant award, a disbursement schedule, standard conditions and any special conditions all of which will be included in a grant agreement to be signed by the grantee.

002 The Executive Director shall prepare standard conditions applicable to all grants and shall have discretion to negotiate specific conditions within the limits of the intent specified by the Board.

003 Grant award letters which bind the ~~fund~~ Trust Fund shall be signed by the Chairperson and the Executive Director.

004 The grant period shall be a set period of time designated in the grant documents based upon activities approved for grant funding. All grant funds shall be expended in accordance with conditions of the grant. Any unexpended funds remaining after the grant period shall be returned by the grantee to the Fund.

004.01 All interest earned by grant funds shall be considered a part of the grant and, therefore, is subject to all of the requirements of the grant.

005 Any grant agreement which includes the transfer or acquisition of real property which is taxable before such transfer or acquisition shall specify a mechanism to address the continued payment of property taxes or payments in lieu of property taxes.

006 Any grant agreement which includes a construction project may require, but not be limited to, the following special conditions:

006.01 Final plans and specifications shall be approved by the Executive Director. The Executive Director may require that plans and specifications be stamped by a Professional Engineer registered to practice in the State of Nebraska.

006.02 A construction schedule including commencement of construction; accountability for inspection during construction; construction completion; and initiation of operation (if applicable).

006.03 The Executive Director may provide a contingency within the grant for change orders.

006.03A All change orders must be approved by the Executive Director in a manner set out within the grant agreement.

006.04 Upon completion of the project, a certification of completion shall be filed with the Board, which certifies that construction was substantially consistent with the approved plans and specifications. The certification shall be signed by the grantee. The Executive Director may also require a certification signed by a Professional Engineer registered to practice in the State of Nebraska.

007 The applicant shall assure the Executive Director that all legal requirements have or can be met prior to the allocation of funds. Legal information may include the following as appropriate for the project, this list is not exclusive to other necessary information:

007.01 If the applicant is a governmental entity, citation(s) to the legal authorities relied upon by the applicant to undertake or participate in the project.

007.02 An explanation, with appropriate documentation of legal authorities, of the applicant's intention to finance that part of the project for which assistance from the fund is not requested.

007.03 A showing that the applicant has or can acquire any necessary land rights or water rights.

007.04 Copies of any available proposed or executed contracts or bids for construction or consultant services necessary for completion of the project which would help document the project's estimated costs.

007.05 A listing of any permits, licenses, or other approvals required for the project, their current status, and the estimated schedule for compliance.

007.06 An explanation of the applicant's plan to require consultants, contractors, and subcontractors to obtain liability insurance or bonding to ensure the proper design and construction of the project, as applicable.

007.07 An analysis of the applicant's potential liability for damages because of the project including failure of structural measures and an explanation of the applicant's plan to protect itself from any such liability.

007.08 Such other information, plans, and specifications as requested by the Executive Director or the Board and are reasonably necessary to confirm the applicant's authority.

008 Funds shall be disbursed to the grantee no more often than once per month in accordance with the grant agreement.

009 The grantee shall keep financial records for the project and shall submit periodic progress reports as required to the Executive Director during the grant period. At the end of the grant period, the grantee shall submit a final financial report summarizing the project. Failure to submit the progress reports may be considered a violation of the grant agreement. The progress report shall include, but not be limited to:

009.01 A comprehensive expenditure report of all grant funds, including any interest earned on grant funding by line item, and all other income utilized to carry out the project;

009.02 Copies of all receipts for expenditures of grant funding and expenditures of all interest earned on grant funding;

009.03 An inventory of all equipment or personal property purchased with grant funding including model number and serial number; and

009.04 Any additional information required.

010 If a grantee wishes to modify a project other than one covered by Section 006 above, the grantee must submit a proposed amendment to the grant agreement including a revised line-item budget. The proposed amendment must be submitted to the Executive Director at least thirty (30) days prior to the requested changes with an explanation of need. The Executive Director will then either approve or deny the proposal and inform the grantee in writing of his or her decision.

010.01 Any expenditure of grant funds not in accordance with the grant agreement and not pursuant to the process set out in Section 008 may be considered a violation of the grant requirement.

011 Equipment and other personal property purchased with grant funding shall be used only for purposes of the grant.

012 Failure by the grantee to comply with these regulations or with the grant agreement may result in a revocation of the grant, a withholding of grant disbursements or a requirement to reimburse the fund for money already disbursed under the agreement.

012.01 Prior to any action under Section 012 by the Executive Director, there shall be a written notice to the grantee explaining the intended action and the reason it may be taken. The grantee shall have fifteen (15) days to respond to the notice and may request an informal meeting with the Executive Director within that time frame. After fifteen (15) days have expired, the Executive Director may proceed with his or her action under Section 012.

013 In addition to financial progress reports as required in Section 009, grantees shall submit annual reports to the Board. The Board shall conduct annual reviews of all projects for compliance with the project goals and grant requirements. Annual reports shall be due as specified in the grant agreement.

014 The Executive Director shall conduct periodic financial audits of all projects at a frequency as determined by the Executive Director. Audits shall be performed to ensure proper use of grant funds and to determine compliance with these regulations and with the grant agreement.

014.01 Grantees shall retain all records related to a project and shall allow access to the records by the Executive Director or his or her designee during regular business hours or at any reasonable hour of the day.

014.02 The grantee shall allow access for inspection of any equipment, property, or other tangible object for which grant funds were expended to the Executive Director or his or her designee.