
Appalachian Community Innovation Centers Program Guidelines

Subject: Program Guidelines
Approval: Executive Director

Policy Number: PS-14
Originally Issued: February 2024

I. Program Overview

The State of Ohio was awarded \$85 million under the Capital Projects Fund for the Appalachian Community Innovation Centers Program, to supplement \$500 million in American Rescue Plan Act (ARPA) funds to support OhioBuilds – Small Communities, Big Impact – A Plan for Appalachia. This plan makes historic investments to the underserved Ohio Appalachian region by creating greater educational opportunities, increasing workforce participation, and improving health outcomes. Funds would support the construction of multi-purpose community centers in areas within the Appalachian region to provide a combined access point to public education, community health services, and workforce development. The program will be administered by the Ohio Facilities Construction Commission (OFCC) with support from the Ohio Office of Budget and Management (OBM).

II. Eligibility

- A. **Eligible Applicant.** An “Eligible Applicant” is one or more K-12 school districts, joint vocational school districts, regional councils of government, or other political subdivisions located in the 32 Ohio Appalachian counties.

Applicants with multiple partners must identify a single organization as the Lead Applicant. Eligible Lead Applicants are local units of government or government-related entities such as townships, villages, cities, school districts, libraries, community improvement corporations, county governments or council of governments. Educational institutions and nonprofits are also Eligible Lead Applicants. These entities must demonstrate written support from a local unit of government or government-related entity where the project is located. An Eligible Lead Applicant must operate in, and the project must occur within, the 32-county Appalachian region.

- B. **Eligible Work.** Eligible construction (“Eligible Work”) means:
1. Facility design and construction work performed exclusively within the 32-county Appalachian region;
 2. Building scope defined in the approved Grant Application;
 3. Equipment required to operate the program(s) as detailed in the Grant Application;
 4. Reasonable professional design services required to complete/accomplish the work;
 5. Reasonable installation and labor;
 6. Non-construction costs and contingencies required for the work approved in the Grant Application.

Projects must reach substantial completion with all funds expended by December 31, 2026. Substantial completion is defined as the date for which the Project can fulfill the primary operations that it was designed to perform, delivering services to end-users. At substantial completion, service operations and management systems infrastructure must be operational.

C. Eligible Project. An “Eligible Project” involves Eligible Work administered by an Eligible Applicant that includes all of the following three components:

- Education: providing K-12 public education; and
- Health Monitoring: partnering with a healthcare provider to deliver either physical and/or behavioral health services onsite to students and the public; and
- Work: providing community access to job related programming and resources such as adult education, workforce training, career counseling services, and support a return-to-work site with internet access providing work search capabilities.

Eligible Applicants will be required to support all three components and demonstrate how they will sustain the community facility with their own sources of funds for no less than five years after project completion. Applicants may demonstrate this by partnerships with local taxing entities.

At a minimum, funded projects must:

1. Be designed to address critical access needs of underserved and/or disadvantaged communities where disproportionate access to work, education and health resources was apparent during the pandemic;
2. Partner with a health care provider or providers to deliver affordable health services to students and the public;
3. Incorporate a workforce partner, preferably the local Job and Family Services, library, or Ohio Means Jobs center to provide career services to students and the general public;
4. Provide useable meeting space for the community to perform work search, work readiness, training, or other supports for adults outside of school hours; and
5. Develop and implement a community engagement and stakeholder communication plan to ensure full transparency and commitment from the community and key stakeholders.

Preference will be given to expansion projects for Applicants that currently house at least two of the three components, such as existing school-based health centers.

D. Ineligible Project Costs. Project costs must be in accordance with the Subrecipient Agreement and the U.S. Treasury Capital Project Fund Grant guidance and regulations. Funds may not be used for the following purposes:

1. Acquisition of spectrum licenses;
2. Operating expenses, other than grant administration costs;
3. Short-term operating leases;
4. Professional design or consulting fees in excess of 20 percent of the grant amount;
5. Payment of interest or principal on outstanding debt instruments, or other debt service costs incurred prior to March 15, 2021;
6. Fees or issuance costs associated with the issuance of new debt;
7. Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgement, consent decree, or judicially confirmed debt restructuring plan in a judicial,

- administrative, or regulatory proceeding; or
8. To support or oppose collective bargaining. This does not affect the ability to use funds to comply with 41 C.F.R. 60-1.4.

III. Application and Award Process

A. Application Submittal

Eligible Applicants must complete and submit a grant application through the Ohio Grants Portal, in the form prescribed by Commission staff. Applicants with multiple partners must identify a single organization as the Lead Applicant. The program schedule, including application deadlines and anticipated award announcements, will be determined by Commission staff and publicized to interested parties.

B. Review and Evaluation

Commission staff will evaluate the applications based upon several factors including these guidelines, published evaluation criteria, the scoring rubric, and requirements of the program. The commission may have the applications reviewed and evaluated by independent third parties or various stakeholders with technical or professional experience that relates to the grant program. The commission may adopt or reject any recommendations it receives from such reviews and evaluations. Additionally, the review and evaluation may include requests for clarification or supplemental information. Applications that are complete and responsive to the program's minimum requirements move on to the next phase, in rank order based upon the scoring rubric.

C. Validation and Recommendation

Commission staff will validate the selected applications for scope and budget review. Staff will review the submitted budget for completeness, contingencies, accuracy and may issue a written Opinion of Probable Cost based upon information submitted with the grant application. Staff may propose an adjustment in the grant amount based upon the Opinion of Probable Cost budget. Upon completion of its review, analysis and assessment, Commission staff will develop a recommendation for grant awards to the Executive Director of the Commission ("Executive Director") for approval.

D. Award

1. If the Eligible Applicant includes a Lead Applicant and multiple organizations, the partnership among eligible applicant members must be formalized through written agreement. This partnership agreement must designate responsibility for ownership of the final assets funded by the grant.
2. Upon full approval of the Project, the Lead Applicant and Commission shall enter into Subrecipient Agreement. An Applicant that has been awarded a grant and has executed an Agreement is a "Subrecipient." The Agreement must be signed by the Subrecipient's duly authorized partner representative(s).
3. The grant program is funded as a subaward from the State of Ohio's award from the Capital Projects Fund Program (Assistance Listing No. 21.029) as authorized pursuant to the American Rescue Plan Act (ARPA), Pub. L. No. 117-2 (March 11, 2021). All Subrecipient's shall comply with applicable federal requirements of the U.S. Treasury's Coronavirus Capital Projects Fund, established by Section 604 of the Social Security Act, as added by Section

- 9901 of the American Rescue Plan Action of 2021 and all relevant applicable federal codifications and regulations of this program.
4. Eligible Work within the Project shall be procured consistent with the requirements set forth in the Uniform Guidance except as otherwise provided by US Treasury Guidance.
 5. Awards are subject to availability of funds. The Executive Director reserves the right to offer grant awards in the entire amount of the application or for a lesser amount at their sole discretion. All award decisions are final and are not subject to appeal.

IV. Grant Administration

A. Project Initiation

Once the Subrecipient Agreement has been executed, the Subrecipient may begin the Project. All expenses for Eligible Work incurred after the execution of the Subrecipient Agreement will be included in the Project. Expenses incurred before the execution of the Subrecipient Agreement may be considered Eligible Work at the discretion of the Commission.

B. Local Administration and Project Delivery

Construction is administered locally and solely by the Subrecipient. The design, bidding, construction contract award, construction management, construction claims management, and project closeout are the responsibility of the Subrecipient. Although all projects associated with the Project require design documents prepared by a design professional licensed to practice in Ohio, the Commission is not a party to design professional contracts, construction contracts, construction manager at risk contracts, design-build contracts or other consultant contracts engaged by the Subrecipient to facilitate their Project. All projects are required to have the design and bid documents prepared by a design professional licensed to practice in Ohio.

A reasonable fee structure for design professionals, construction managers, and partnering facilitation shall be included in the development of the "Opinion of Probable Costs." The Commission reserves the right to review agreements and design documents.

C. Compliance

Projects must comply with all applicable federal laws and regulations, and with all state and local laws and regulations with the extent that such requirements do not conflict with federal laws. The Davis-Bacon Act prevailing wage rate requirements do not apply to this program, thus applicable state prevailing wage requirements must be followed.

Along with the other applicable provisions contained in 2 C.F.R. 200, Appendix II, all contracts more than \$100,000 that involve employment of mechanics or laborers must include a provision for compliance with certain provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 C.F.R. Part 5). The Commission will seek information from Recipients on their workforce plans and practices related to Capital Projects Fund Projects as needed to comply with U.S. Treasury reporting requirements.

D. Financial Management

To ensure that appropriate cash management is followed, OBM will perform the cash draws of the funds from the Treasury. Draws will be made on a reimbursement/as-needed basis in accordance with the Cash Management Improvement Act. The Subrecipient will be required to

provide documentation and support to Commission staff for draw requests made through the Commission to OBM. Draw requests and documentation are subject to review and approval from the U.S. Treasury prior to the reimbursement of funds.

E. Reporting Requirements

Subrecipients must submit documentation and financial reporting quarterly for Project bidding and construction phases, as specified by the Commission staff, to allow for accurate calculation of expenditures. The Subrecipient Agreement will specify any performance criteria reporting that is necessary to evaluate the effectiveness of the project. Additionally, the Commission may require financial and/or performance reporting to meet the reporting requirements of the U.S. Treasury. All requested reporting will be completed and submitted by the Subrecipient to the Commission.

F. Project Closure

Eligible Work must be contracted for and completed by December 31, 2026.

Within 90 days of occupancy of a completed Project or by December 31, 2026, whichever is earlier, the Subrecipient and the Commission staff will develop a project closeout report. The Project Closeout Report will reflect all expenditures made by the Subrecipient for the project. The report will reconcile the expenditures and any remaining funds will be returned to the state.

V. Records and Audits

- A. Authorized federal and state staff, including but not limited to representatives from the U.S. Treasury, Government Accountability Office, Treasury's Office of Inspector General, Pandemic Relief Accountability Committee, Ohio Auditor of State, Ohio Inspector General, Ohio Office of Budget and Management, and the Commission, may conduct reviews, audits, or inspections of a Subrecipient to determine compliance with the requirements of the program.
- B. Commission staff and Subrecipients must maintain records and financial documents for five years after all funds have been expended or returned to the Treasury.