



NEW HAVEN PUBLIC SCHOOLS

Memorandum

To: New Haven Board of Education Finance and Operations Committee
From: New Haven Adult Education
Date: October 27, 2022
Re: Agreement between

Please **answer all questions and attach any required documentation as indicated below.** Please have someone **ready to discuss** the details of each question during the Finance & Operations meeting or this proposal might not be advanced for consideration by the full Board of Education.

1. **Contractor Name:** State of Connecticut – Department of Education

Description of Service:

The New Haven Adult & Continuing Education Center is proposing a Multi-Purpose Community Facility project that will invest capital assets designed to directly enable work, education, and health monitoring.

The New Haven Adult and Continuing Education Center will become a community learning hub that serves the New Haven Community as we provide a comprehensive academic, health monitoring, workforce training and career counseling programs. Adult learners will be offered equitable opportunities to experience high-quality education as they acquire both employable and life-long learning skills. Having a successful model that offers High School Credit, G.E.D., Citizenship, National External Diploma, ESOL, as well as Dual Credit programs with area institutes of higher education, we are in an excellent position to offer a wider range of courses, degrees, certifications, and credentialing attainment.

ARPA funds will be used toward architectural design and initial construction planning expenses for New Haven Adult Education's new school building.

2. **Amount** of Agreement and hourly or session: \$500,000.
3. **Funding Source** and account number: CSDE ARPA – New Haven Board of Education Adult Education Facility
4. Approximate number of staff served through this program or service: 125
5. Approximate number of students served through this program or service: 1600

AGREEMENT WITH SUBRECIPIENT OF FEDERAL RECOVERY FUNDS

Section 602(b) of the Social Security Act (the “SSA”), as added by section 9901 of the American Rescue Plan Act (“ARPA”), Pub. L. No. 117-2 (March 11, 2021), authorizes the Department of the Treasury (“Treasury”) to make payments to certain Subrecipients from the Coronavirus State Fiscal Recovery Fund. The State of Connecticut has signed and certified a separate agreement with Treasury as a condition of receiving such payments from the Treasury. This agreement is between your organization and the State and your organization is signing and certifying the same terms and conditions included in the State’s separate agreement with Treasury. Your organization is referred to as a Subrecipient.

As a condition of your organization receiving federal recovery funds from the State, the authorized representative below hereby (i) certifies that your organization will carry out the activities listed in section 602(c) of the SSA and (ii) agrees to the terms attached hereto. Your organization also agrees to use the federal recovery funds as specified in bills passed by the General Assembly and signed by the Governor.

Under penalty of perjury, the undersigned official certifies that the authorized representative has read and understood the organization’s obligations in the Subrecipient Award Terms and Conditions and Civil Rights Requirements, that any information submitted in conjunction with this assurances document is accurate and complete, and that the organization is in compliance with the nondiscrimination requirements.

Subrecipient Name: **New Haven Board of Education**

Authorized Representative: **Ms. Yesenia Rivera**

Title: **President, New Haven Board of Education**

Signature: _____

Sworn as true to the best of my knowledge and belief, subject to the penalties of false statement.

Printed Contractor Name

Printed Name of Authorized Official

Signature of Authorized Official

Subscribed and acknowledged before me this _____ day of _____, 20____.

Commissioner of the Superior Court (or Notary Public)

My Commission Expires

Use Code 1C - Multi-Purpose Community Facility Projects

Use Code 1C Questionnaire

Program ID (from Allocation Table):

Program Title:

How will the Recipient implement the Program?

Does the Recipient represent and commit that the Capital Projects will provide services or activities that directly enable work, education, and health monitoring for at least five years from the completion of the Project? yes no

Will CPF grant funds for this program be used to cover costs incurred after March 15, 2021, but prior to execution of the Grant Agreement? yes no

- If yes, you must provide the information requested under the Pre-Award Cost Annex.

Program Narrative

Program Summary

In a separate document, provide responses for each of the following prompts and questions. Please clearly indicate which responses correspond with each prompt and question.

Provide a description of the program (approximately 2 – 3 pages), including the Program objectives, target capital assets, and the program's history, if applicable. This should also describe the Recipient's approach for carrying out the Program, including the Program's project eligibility and selection criteria, as well as its application process, as appropriate

Describe the Program timeline and list Program milestones to be achieved each year.

List the Program Website, guidance documents, or rules, if applicable. Provide links or attachments if available.

Eligibility

How will the program directly enable work, as defined in the Guidance?

How will the program directly enable education, as defined in the Guidance?

How will the program directly enable health monitoring, as defined in the Guidance?

Explain why the communities identified to be served by the Multi-Purpose Community Facilities Projects have a critical need for those projects. Refer to the guidance for more information on what should be included in this response.

What quantitative and qualitative data informed this Program Plan?

How has, or how will the Recipient identify communities with critical needs? In the response, describe any community engagement and public participation that has informed the definition of critical need for this Program, including efforts to solicit input from and/or partner with communities. How was equity considered in the design of this program and how will equity be considered in the selection of projects and the distribution of funds?

Program Administration

Describe the Recipient's approach for ensuring compliance with award requirements, including subrecipient monitoring. The narrative should also discuss the Recipient's institutional, managerial, and financial capability necessary to ensure proper planning, management, and completion of any such Project.

How will you incorporate participation of and engagement with the communities with critical needs in order to shape Program implementation and operations?

Program Budget

Specify the amounts of funds that the Recipient proposes to allocate to each of the following elements. The budget should include line items and sub-totals for which information is available and appropriate for the types of activities anticipated for the program. **These estimates may be approximations but more detailed and accurate information will be required in reporting.**

Eligible costs must adhere to eligible uses as outlined in CPF guidance and are determined in accordance with the cost principles identified in 2 C.F.R. Part 200, including Subpart E of such regulations for states and non-profit organizations. Federal funds committed to an award may only be used to cover allowable costs incurred during the period of performance and for allowable closeout costs incurred during the grant closeout process. Detailed descriptions of each eligible cost element can be found in the Guidance.

PROGRAM BUDGET						
Program Administrative Costs						
	2021	2022	2023	2024	2025	2026
2a. Administering the CPF funds (by the Recipient)						
2b. Technical assistance to potential subrecipients						
2c. Complying with grant administration and audit requirements						
2d. Community Engagement						
2e.						
2f.						
2g.						

2. Total Program Administrative Costs (not to exceed amounts listed in source of funding)						
Project Costs						
<i>3a. Recipient Project Costs</i>						
3b. Subgrant Project Costs						
3a.vi.						
3a.vii.						
3a.viii.						
3a.ix						
3. Total Project Costs						

PRE-AWARD COST ANNEX

This annex is only required if you answered “Yes” to question 5 of the Program Questionnaire. Complete the table below for program costs incurred after March 15, 2021 but prior to execution of the grant agreement (“Pre-Award Costs”) .

Does the applicant provide reasonable assurance that the intended source of funds for the Pre-Award Costs was the CPF Grant? yes no

Submit an attachment describing each project that includes Pre-Award project costs. Also describe the current source of funding for the project and how the CPF funding was contemplated to be used in coordination with current sources of funding.

PRE-AWARD COSTS	Amount (\$s)
<i>3a. Recipient Project Costs (Total)</i>	
3a.ii. Pre-project development, including data-gathering, feasibility studies, community engagement and public feedback processes, equity assessments and planning, and needs assessments.	
3a.iii. Personnel Costs	
3a.iv. Repair, rehabilitation, construction, and improvement, of facilities	
3a.v. Acquisition of real property, leases, and related	

3a.vi Permitting, planning, architectural design, engineering design, and work related to environmental, historical, and cultural reviews.	
3a.vii. Ancillary costs necessary to operationalize and put assets to full use	
3a.viii. Collecting and measuring performance data and activities needed to establish and maintain a performance management and evaluation regime related to projects funded by CPF.	
<i>3b. Subgrant Project Costs (Total)</i>	
3b.i. Pre-project development, including data-gathering, feasibility studies, community engagement and public feedback processes, equity assessments and planning, and needs assessments. (Do not include costs from #1 above)	
3b.ii Personnel Costs	
3b.iii. Repair, rehabilitation, construction, and improvement, of facilities	
3b.iv. Acquisition of real property, leases, and related	
3b.v Permitting, planning, architectural design, engineering design, and work related to environmental, historical, and cultural reviews.	
3b.vi. Ancillary costs necessary to operationalize and put assets to full use	
3b.vi. Collecting and measuring performance data and activities needed to establish and maintain a performance management and evaluation regime related to projects funded by CPF.	

***Capital Projects Fund (CPF) Grant Plan Best Practices
For States, Territories, and Freely Associated States
June 8, 2022***

This document provides a brief overview of the CPF Grant and Program Plan submission process and identifies several best practices for recipients. **This document does not pertain to Tribal governments.**

This document may be updated or modified periodically; changes will be clearly marked. Recipients should consult the [CPF Guidance for States, Territories, and Freely Associated States \(CPF Guidance\)](#), [Frequently Asked Questions \(FAQ\) document](#), the [Sample CPF Grant Plan](#) (which also includes links to the Use Code Questionnaires), and the CPF website (treasury.gov/CPF) for additional information. Terms used in this document but not defined herein have the meaning specified in the CPF Guidance.

CPF PROGRAM OBJECTIVES

THE CAPITAL PROJECTS FUND WILL ADDRESS MANY CHALLENGES LAID BARE BY THE PANDEMIC, ESPECIALLY IN RURAL AMERICA, TRIBAL COMMUNITIES, AND LOW- AND MODERATE-INCOME COMMUNITIES, HELPING TO ENSURE THAT ALL COMMUNITIES HAVE ACCESS TO THE HIGH-QUALITY MODERN INFRASTRUCTURE, INCLUDING BROADBAND, NEEDED TO ACCESS CRITICAL SERVICES.

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General Overview, Reminders, and Resources

Overview and Reminders

Tip: Blue “tip” boxes found throughout this document highlight deadlines, reminders to recipients, examples, and other information Treasury will be looking for when reviewing submissions.

- All Grant Plans and Program Plans must be submitted by September 24, 2022. For more information about the Grant Plan deadline, including information about potential fund forfeitures and deadline waivers, see *Section II.G* of the [CPF Guidance for States, Territories, and Freely Associated States](#).

Tip: Treasury will review completed proposals (i.e., the Grant Plan and at least one Program Plan) on a rolling basis.

- Recipients should be prepared to answer additional questions Treasury may ask when reviewing the submitted Grant or Program Plan(s); Treasury’s review process is iterative and additional information may be needed to complete the review.
- Recipients are permitted to submit additional attachments and documents to respond to questions but should specify which question or prompt to which they correspond. Treasury will consider relevant documentation submitted.
- Recipients are responsible for [keeping their SAM.gov information](#) updated and ensuring all identification numbers provided are active throughout the entire CPF grant period of performance.

Additional Resources

- CPF recipients should contact their Treasury point of contact with questions.
- General questions may also be submitted to CapitalProjectsFund@treasury.gov.
- Recipients should consult the following documents prior to submitting Grant or Program Plan(s):
 - [Capital Projects Fund Website](#)
 - [CPF Guidance for States, Territories, and Freely Associated States](#)
 - [CPF Frequently Asked Questions \(FAQs\)](#)
 - [Sample CPF Grant Plan](#)

Tip: [Click here](#) to access [step-by-step instructions](#) on how to complete and submit a Grant Plan and Program Plans.

Submission Checklist

Recipients must include the listed documents to successfully submit a Grant or Program Plan.	
Grant Plan <input type="checkbox"/> Executive Summary <input type="checkbox"/> Allocation Table * <input type="checkbox"/> At least one completed Program Plan	Program Plan <input type="checkbox"/> Use Code Questionnaire (1A , 1B , 1C , 2) <input type="checkbox"/> Program Narrative** <input type="checkbox"/> Program Budget** <input type="checkbox"/> Pre-Award Cost Annex (if applicable)**
<p>*This document does not need to be uploaded separately. Each completed Program Plan will automatically populate the Allocation Table.</p> <p>**This document is part of the Use Code Questionnaire but may need to be uploaded separately.</p>	

Tip: Recipients are only required to submit one Grant Plan but will submit at least one Program Plan for **each** program type it intends to undertake. **A Grant Plan and at least one Program Plan must be submitted before Treasury will review a recipient's submission.**

Completing the CPF Grant Plan & Program Plan(s)

States, territories, and freely associated states must submit a Grant Plan and at least one Program Plan. The Grant Plan consists of an **Executive Summary**, the **Allocation Table**, and one or more **Program Plan**.

Grant Plan Executive Summary
Purpose The Executive Summary provides high-level information about the recipient's overall plan for using CPF funds and will be submitted by uploading a document to Treasury's Submission Portal .
Best Practices and Reminders <ul style="list-style-type: none"> • Should be uploaded as a PDF, if possible. • Should be approximately two pages in length. • Is intended to provide an overview of a recipient's entire Capital Projects Fund proposal. <ul style="list-style-type: none"> ○ Further detail should be provided in individual Program Plans. <div style="border: 1px solid black; border-radius: 10px; padding: 10px; margin: 10px 0;"> <p>Tip: The Executive Summary and the Program Narrative are two <u>separate</u> documents. The Executive Summary should be uploaded and submitted with the Grant Plan, while the Program Narrative is program specific and should be uploaded to a Program Plan.</p> </div> <ul style="list-style-type: none"> • Should include a paragraph, with corresponding headers, for each of the following: <ul style="list-style-type: none"> ○ A brief description of the objective(s) for the full CPF allocation, to be carried out by one or more Program Plans; ○ A narrative that explains the recipient's rationale on how CPF funds are allocated, as reflected in the Allocation Table; and ○ A description of how the recipient identified communities of critical need, addressing the following questions: <ul style="list-style-type: none"> ▪ What process(es) did you undertake, and factors did you consider, in identifying critical needs? ▪ How has community engagement and public participation informed your approach for spending CPF grant funds and planning for implementation and operation of capital assets? ▪ How was equity considered in the selection of programs and the distribution of funds?

Tip: If recipients choose to use their entire allocation for one program, they are still required to submit an Executive Summary and a Program Plan Narrative. Recipients should also indicate why they chose to allocate all CPF funds to a single use in the Executive Summary.

Program Plan(s)

Purpose

A Program Plan constitutes a recipient's request for funding for a specific use. Program Plan(s) should provide detailed information on a particular program type the recipient intends to undertake, including the objectives of the program, the way in which the program will be administered, how equity and critical need are considered in program design and implementation, among other pieces of information outlined in the Program Plan questionnaire.

Tip: Program Plans can vary in length but are typically 5-10 pages. Recipients may include supplemental attachments that support answers provided in the Program Plan (such as RFPs, scoring criteria, etc.), but **must** indicate which questions they correspond to.

Best Practices and Reminders

- Project funds will be made available once a Program Plan is approved by Treasury.
- Recipients should submit one Program Plan for each intended use of funds.

Example: A single Program Plan could propose using CPF grant funds towards the improvement of several existing libraries and the construction of new ones in accordance with the CPF guidance. A recipient would not need to submit a Program Plan for each library it intends to update.

- Recipients are asked to submit a Use Code Questionnaire based on the type of proposal being submitted. Each Use Code has its own questionnaire that must be completed and submitted for Treasury's review.
- Each Use Code Questionnaire contains the Program Narrative template, Budget template, and Pre-Award Cost Annex.
 - [Use Code 1A – Broadband Infrastructure Projects](#)
 - [Use Code 1B – Digital Connectivity Technology Projects](#)
 - [Use Code 1C – Multi-Purpose Community Facilities](#)
 - [Use Code 2 – Other \(Case-by-Case Review\)](#)

Tip: The Program Narrative, Program Budget, and Pre-Award Cost Annex are found in the Use Code Questionnaire templates.

- If CPF grant funds cover costs related to a program that were incurred after March 15, 2021, and prior to the execution of the Grant Agreement, recipients must complete and submit a [Pre-Award Cost Annex](#).
- Recipients will have an opportunity to revise and resubmit portions of their Program Plan(s) that Treasury determines do not meet the criteria set out in the Capital Projects Fund Guidance or that require additional information for approval.

Tip: Revised Program Plans will be submitted as a new document uploaded to the Portal. The deletion or editing of existing Program Plan(s) is not permitted.

Pre-Award Cost Annex (if applicable)

Purpose

Recipients with program costs incurred after March 15, 2021, and prior to the execution of the Grant Agreement (“Pre-Award Costs”), will be required to provide additional information detailing these costs. Pre-Award Costs must have been incurred in anticipation of a CPF grant award and must be necessary for the efficient and timely performance of the proposed project(s).

The Pre-Award Cost Annex template can be found at the end of each Use Code Questionnaire. Recipients are required to upload the completed Pre-Award Cost Annex as an attachment to the related Program Plan. Costs incurred prior to March 15, 2021, are not eligible CPF costs.

Allocation Table

Purpose

The Allocation Table depicts the use of funds and includes program titles, program use codes, program costs, proposed start and completion dates, short program descriptions, and program objectives. The Allocation Table is generated automatically from data entered in each Program Plan in [Treasury’s Submission Portal](#). No additional actions are needed to create or submit the Allocation Table.

Best Practices and Reminders

- Information provided in the fields in Section 2 of the Program Plan on the [Treasury Submission Portal](#) automatically populates the Allocation Table once the information is saved.
- The Allocation Table serves as a current record of the uses of CPF funds.
 - Fund amounts shown in the Allocation Table should match amounts provided in other documents submitted via the Grant Plan and Program(s).
- Changes are made to the Allocation Table by updating the Program Plan fields in the Portal. All changes to the Allocation Table should be made in a timely manner.
- Recipients may download and view a PDF of their Allocation Table at any time.

Modifying the Amount of Program Administrative Funds

Recipients may increase or decrease the total amount of Program Administrative Funds at any time during the period of performance. Recipients may submit requests to change the total amount of Program Administrative Funds on the Grant Plan page of the [Treasury Submission Portal](#). Once submitted, Treasury will review requests and notify the recipients once approved.

- The Treasury Submission Portal displays a recipient’s total amount of available Program Administrative Funds.
 - CPF recipients may reallocate Program Administrative Funds to instead be used for Project Costs in the Treasury Submission Portal.
 - Recipients should reach out to their Treasury point of contact if they decide to do so.
-

Completing a Use Code Questionnaire: Use Code 1A (Broadband)

Use Code 1A: Broadband Infrastructure Projects

Reminders

- Recipients should reference the [CPF Guidance for States, Territories, and Freely Associated States](#) when completing and submitting a Program Plan for a [Broadband Infrastructure Project](#).

Tip: Treasury requires Broadband Infrastructure Projects to meet or exceed speeds of **100/100 Mbps** symmetrical unless impracticable.

Review Rubric

The following is the general rubric Treasury will be following when reviewing a Use Code 1A Program Plan.

- ☐ The proposed program is designed to meet or exceed Treasury's 100/100 Mbps symmetrical speed requirement.
 - ☐ Recipients submitting Broadband Infrastructure Projects that do not meet Treasury's 100/100 Mbps requirement must provide a detailed and reasonable justification of impracticability using all available qualitative and quantitative data.
 - ☐ In cases where the impracticability justification will be used, the program must be designed to reliably meet or exceed 100/20 Mbps and be scalable to a minimum of 100 Mbps symmetrical in the future.

Tip: Recipients should develop a process to assess subrecipient project proposals that do not meet speeds of 100/100 Mbps symmetrical to determine whether it would in fact be impracticable to deliver the required speeds. Factors to consider may include excessive deployment costs per location or geographic barriers. Recipients must include specific data sources relied on to develop this process and provide a description of that process.

- ☐ Program Plan expresses a preference for fiber and last-mile projects.
- ☐ Recipient requires participating service providers to participate in the Affordable Connectivity Program (ACP, previously Emergency Broadband Benefit).
- ☐ The recipient describes the process it followed to address affordability in the project specifications and selection criteria.
 - ☐ Treasury encourages the use of data from surveys, community engagement, existing studies, or other data to determine affordable broadband service for the areas to be served. For example, recipients may cite pricing data, the characteristics of a basic service, latency, non-recurring costs, data caps, or whether the application of ACP will reduce the monthly fee to an amount less than the average monthly service fee for that community.

Tip: Recipients are **required** to publish the description (e.g., make public in recipient's program guidance, publish on recipient's program website, etc.) of their process for considering affordability in their project selection process and must provide this information in their Program Plan.

- ☐ The Program Plan addresses a critical need that was exacerbated by the COVID-19 public health emergency in the communities where the investments will be made.
 - ☐ The recipient provides evidence of how a critical need was identified and how the recipient plans to address the need. For example, critical need can be a lack of access to broadband or affordable broadband service options or a historically disadvantaged community or population.
- ☐ Recipient describes the type of program that is to be created/continued with CPF funds (e.g., competitive grant program, direct project funding, etc.).
- ☐ Recipient details initial and *ongoing* (i.e., post deployment) community engagement efforts.

- ☐ The Program Plan demonstrates that the proposed use of funds is fully funded and will be operational by December 31, 2026.
- ☐ Recipient lists all relevant federal and state data used throughout the planning process.
- ☐ If applicable, the recipient lists all other federal and state funding streams used to supplement the proposed project(s).

Tip: If proposing broadband deployment to locations with existing federal or state funding commitments for wireline services, recipients should ensure CPF funds will not be used for costs that will be reimbursed by other federal or state funding streams. Recipients must also ensure funding is complementary, and that there is additional public benefit and justification for using additional public funding in these locations.

- ☐ The recipient demonstrates financial, managerial, and institutional capability to complete the proposed program.
 - Recipients may demonstrate financial, managerial, and institutional capability by, for example, detailing previous experience managing similar grant program, increasing staff to oversee program, or partnering with outside organizations or agencies for program assistance.
- ☐ Recipient provides detailed timelines and milestones related to administering the program during the period of performance including the following (as applicable):
 - Request for Proposal (RFP) publish date; application deadline; application review timeline; award date; grant agreements signed; construction phase(s); projected project completion; and start date of subsequent round of applications.
- ☐ If proposing a subgrant program, the CPF recipient (i.e., the state) provides the following to Treasury (as applicable):
 - Subgrant application announcement; subgrant application; Request for Proposals (RFPs); subrecipient scoring rubrics; subaward grant agreement; and description of outreach to eligible applicants.
 - Where applicable, the recipient provides documentation of the processes and guidelines used to select subrecipients.

Tip: Recipients are encouraged to include an estimate of the number of locations (i.e., households, businesses, etc.) to be served by the CPF investment.

- ☐ Recipient describes how the compliance, subrecipient monitoring, and technical assistance described in the Program Plan will be conducted.
- ☐ The requested amount of funding for a Program Plan is consistent across all submitted documents (e.g., Executive Summary, Allocation Table, submitted budget, Program Plan Narrative, etc.), and the components of the budget submitted total to the requested amount of funding.

Completing a Use Code Questionnaire: Use Code 1B (Devices)

Use Code 1B: Digital Connectivity Technology

Reminders

- Recipients should reference the [CPF Guidance for States, Territories, and Freely Associated States](#) when completing and submitting a Program Plan for a [Digital Connectivity Technology Project](#).

Tip: Ownership of CPF Digital Connectivity Technology devices must be retained by the recipient or subrecipient.

Review Rubric

The following is the general rubric Treasury will be following when reviewing a Use Code 1B Program Plan.

- ☐ Proposed devices are for public distribution or made available in a public facility.
- ☐ The Program Plan describes the types of digital devices and their uses.
 - ☐ Where applicable, the recipient describes anticipated ancillary costs required to operate and maintain the digital devices.
- ☐ Recipient describes type of digital device program that is to be created/continued with CPF funds (e.g., long-term loan device program, short-term loan device program, computer lab, etc.).

Tip: The recipient or, where applicable, subrecipient must retain ownership of devices purchased with CPF grant funds.

- ☐ The Program Plan addresses a critical need that was exacerbated by the COVID-19 public health emergency in the communities where the investments will be made.
 - ☐ The recipient provides evidence of how a critical need was identified and how the recipient plans to address the need.
- ☐ Recipient lists all relevant federal and state data used throughout the planning process.
- ☐ Recipient details initial and *ongoing* (i.e., post project implementation) community engagement efforts.
- ☐ Recipient addresses affordability in the proposed plan.

Tip: Recipients are required to publish the description of their process for considering affordability in their project selection process. Recipients must provide this information in their submitted Program Plan.

- ☐ The Program Plan demonstrates that the proposed use of funds is fully funded and will be operational by December 31, 2026.
- ☐ If applicable, the recipient lists all other federal and state funding streams used to supplement the proposed project(s).
- ☐ The recipient demonstrates a financial, managerial, and institutional capability to oversee the selection of specific investments and completion of the proposed program and any projects funded by it.
 - ☐ Recipients may demonstrate financial, managerial, and institutional capability by, for example, detailing previous experience managing similar grant program, increasing staff to oversee program, or partnering with outside organizations or agencies for program assistance.
- ☐ Recipient provides a detailed timeline and milestones related to administering the program during the period of performance including the following (at a minimum, where applicable):
 - ☐ RFP publish date; application deadline; application review timeline; award date; grant agreements signed; programmatic delivery phase(s) (e.g., digital literacy training), projected project completion; and start date of subsequent round of applications.

- ☐ If proposing a subgrant program, the CPF recipient (i.e., the state) provides the following to Treasury (as applicable):
 - Subgrant application announcement; subgrant application/RFP; subrecipient scoring rubrics; subaward grant agreement; and description of outreach to eligible applicants.
 - Where applicable, the recipient provides documentation of the processes and guidelines used to select subrecipients.
- ☐ Recipient describes how the compliance, subrecipient monitoring, and technical assistance described in the Program Plan will be conducted.
- ☐ The requested amount of funding for a Program Plan is consistent across all submitted documents (e.g., Executive Summary, Allocation Table, submitted budget, Program Plan Narrative, etc.), and the components of the budget submitted total to the requested amount of funding.

Completing a Use Code Questionnaire: Use Code 1C (Multi-Purpose Community Facilities)

Use Code 1C: Multi-Purpose Community Facilities

Reminders

- Recipients should reference the [CPF Guidance for States, Territories, and Freely Associated States](#) when completing and submitting a Program Plan for a [Multi-Purpose Community Facility Project](#).

Review Rubric

The following is the general rubric Treasury will be following when reviewing a Use Code 1C Program Plan.

- ☐ The Program Plan demonstrates that the recipient's overarching program has been designed to ensure investments funded using CPF funds will jointly and directly enable work, education, and health monitoring.
- ☐ The Program Plan demonstrates that the recipient's overarching program has been designed to ensure investments funded using CPF funds will provide services for at least five years after the completion of the project.

Tip: Multi-Purpose Community Facilities must enable work, education, and health monitoring. Recipients must explain how it will ensure any project selected to be funded using CPF funds (i.e., subgrants) meets **all three objectives** in the Program Plan.

- ☐ The Program Plan addresses a critical need that was exacerbated by the COVID-19 public health emergency in the communities where the investments will be made.
 - ☐ The recipient provides evidence of how a critical need was identified and how the recipient plans to address the need.

Tip: 1C Program Plans must demonstrate that the investment serves a community with a demonstrated community need and that the facility is publicly accessible to that community.

- ☐ Recipient lists all relevant federal and state data used throughout the planning process.
- ☐ Recipient details initial and *ongoing* (i.e., post construction) community engagement efforts.

Tip: Recipients must provide assurance that the operations and maintenance (O&M) costs necessary to operate the project past the CPF grant period of performance have been considered and a financial structure is in place to pay those costs.
Note that CPF award funds may not be used for O&M costs.

- ☐ The Program Plan demonstrates that the facility proposed for the use of funds is fully funded and will be operational by December 31, 2026.
- ☐ If applicable, the recipient lists all other federal and state funding streams used to supplement the proposed project(s).
- ☐ The recipient demonstrates a financial, managerial, and institutional capability to oversee the selection of specific investments and completion of the proposed program and any projects funded by it.
 - ☐ Recipients may demonstrate financial, managerial, and institutional capability by, for example, detailing previous experience managing similar grant program, increasing staff to oversee program, or partnering with outside organizations or agencies for program assistance.
- ☐ Recipient provides a detailed timeline related to administering the program during the period of performance including the following (at a minimum, where applicable):

- RFP publish date; application deadline; application review timeline; awards made; grant agreements signed; construction phase(s); projected project completion; and start date of subsequent round of applications.
- If proposing a subgrant program, the CPF recipient (i.e., the state) provides the following to Treasury (as applicable):
 - Subgrant application announcement; subgrant application/RFP; subrecipient scoring rubrics; subaward grant agreement; and description of outreach to eligible applicants.
 - Where applicable, the recipient provides documentation of the processes and guidelines used to select subrecipients.
- The Program Plan provides assurance that the recipient or, if applicable, subrecipients **retain ownership** of the CPF investment.
- Recipient describes how the compliance, subrecipient monitoring, and technical assistance described in the Program Plan will be conducted.
- The requested amount of funding for a Program Plan is consistent across all submitted documents (e.g., Executive Summary, Allocation Table, submitted budget, Program Plan Narrative, etc.), and the components of the budget submitted total to the requested amount of funding.

Coronavirus Capital Projects Fund

Frequently Asked Questions

AS OF APRIL 28, 2022

This document contains answers to frequently asked questions (FAQ) regarding the Coronavirus Capital Projects Fund (CPF), established by Section 604 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021. This FAQ document clarifies CPF Guidance for States (defined to include the District of Columbia and Puerto Rico), Territories, Freely Associated States, and Tribal Governments (the Guidance), and does not supersede the Guidance except as noted. Terms used in the FAQ but not defined herein have the meaning specified in the Guidance.

Treasury will be updating this document periodically in response to questions received from stakeholders; changes will be clearly marked. Recipients and stakeholders should consult Treasury's [CPF Guidance for States, Territories, and Freely Associated States](#) and [CPF Guidance for Tribal Governments](#) for additional information.

- For overall information about the program, including information on requesting funding, please see <https://treasury.gov/CPF>
- For general questions about CPF, please email CapitalProjectsFund@treasury.gov

Questions added 1/4/22: 2.9, 3.2, 3.6, 4.2, 4.3, 4.4, 4.9, 4.10, 4.13, 6.2, 6.3, 8.3 (noted with “[1/4]”)

Questions added 4/28/22: 2.10, 3.7, 3.8, 3.9, 3.10, 4.6, 4.14, 5.5, 5.7 (noted with “[4/28]”)

1. Eligibility and Allocations

1.1. Which governments are directly eligible for funds?

The following governments are eligible to apply for CPF grants:

- The 50 states, the District of Columbia, and Puerto Rico (the States)
- Tribal governments and the State of Hawaii (for Native Hawaiian Programs)
- The United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau

1.2. Are cities and counties eligible to apply for CPF grant funds?

No. The Capital Projects Fund makes grant funds available to States (defined to include the District of Columbia and Puerto Rico), territories, freely associated states, and Tribal governments. While cities and counties are not directly eligible recipients, Treasury encourages direct recipients of CPF grants to engage with communities when planning for the use of grant funds.

1.3. Are libraries and other community centers eligible to apply for CPF grant funds?

No. The Capital Projects Fund makes funds available to States, territories, freely associated states, and Tribal governments. While libraries and other community centers are not eligible to apply, Treasury encourages direct recipients of CPF grants to engage with communities when planning for the use of grant funds.

1.4. What is the grant period of performance?

A recipient may use CPF grant funds to cover costs incurred beginning March 15, 2021 and ending December 31, 2026.

For pre-award costs incurred after March 15, 2021, but prior to execution of the Grant Agreement, CPF recipients are required to provide reasonable assurance that the costs were incurred pursuant to the negotiation of and in anticipation of the CPF grant award and are necessary for the efficient and timely performance of the program.

1.5. When will CPF recipients receive grant awards?

Treasury will make CPF grant funds available to States, territories, and freely associated states once the Grant Agreement is provided and a Grant Plan (containing at least one Program Plan) is reviewed and approved by Treasury. Only one Grant Agreement must be executed per State, territory, and freely associated state. For States, territories, and freely associated states, funds will be released to the recipient on an advance basis as requested by CPF recipients, rather than as a single lump sum for the total amount allocated to the State, territory, or freely associated state at the time of approval.

Treasury will make requested Capital Projects Fund administrative funds (up to 5% of total allocated funds, as indicated by the recipient in the application) available to States, territories, and freely associated states once the Grant Agreement is executed. Additional funds will be made available for project costs as related Program Plans are approved.

Tribal governments will receive CPF funds once an application is reviewed and Grant Agreement is executed.

2. Applications, Grant Plans, and Project Plans

2.1. What is the deadline to apply for CPF grants?

States, territories, and freely associated states must submit applications by December 27, 2021 to receive funding under the Capital Projects Fund. These entities must also submit Grant Plans and Program Plans by September 24, 2022.

Tribal governments must submit applications by June 1, 2022 to receive funding. Tribal governments do not need to submit a separate Grant Plan.

2.2. Will Treasury review CPF applications on a rolling basis?

Yes. Treasury will review applications upon submission and make CPF grant funds available upon approval.

2.3. What is the deadline for CPF recipients to submit a Grant Plan?

States, territories, and freely associated states must submit Grant Plans, including one or more Program Plans, by September 24, 2022.

Tribal applicants do not need to submit a separate Grant Plan.

2.4. When must CPF grant funds be expended?

All funds must be expended by December 31, 2026, which is the end of the period of performance. Recipients must return to Treasury any grant funds that are not used by the end of the period of performance on December 31, 2026. Treasury may, in its sole discretion, grant extensions to the period of performance upon request from CPF recipients.

2.5. For State, territory, and freely associated state applicants, what is an “Authorized Representative”?

An Authorized Representative is an individual who will sign the CPF application, necessary certifications, and the Grant Agreement on behalf of the eligible applicant. For States, territories, and freely associated states, the Authorized Representative will be one of the following:

- An individual who is duly authorized by law (such as the Governor). In some cases, Treasury may request documentation confirming the status of the duly authorized individual.
- An individual who has been granted authority to act on behalf of the eligible applicant by someone who is duly authorized to delegate such authority. A designation letter showing the delegation of authority must be provided to

Treasury. The letter must provide the Authorized Representative authority to act on behalf of the eligible applicant to apply for and execute a CPF grant, and to enter into agreements on behalf of the eligible applicant. The designation letter must be signed by a person who is duly authorized by virtue of their position (such as the Governor) to delegate such authority.

2.6. Can eligible CPF recipients modify a submitted Grant Plan?

Recipients may submit or modify Grant Plans prior to the deadline. Updates to Grant Plans will be subject to review and approval by Treasury.

2.7. Can the Grant Plan be submitted at the same time as the application (i.e., before the Grant Agreement is executed)?

Treasury will not review a Grant Plan until an eligible State, territory, or freely associated state application has been approved. An eligible State, territory, or freely associated state may submit a Grant Plan prior to executing the Grant Agreement, but no funds other than the administrative funds will be available to the recipient until the Grant Agreement has been executed and the Grant Plan approved. Funds for project costs will be made available as related project plans are approved.

For Tribal governments, the initial application for the CPF grant will also serve as the Grant Plan. After approval of the Tribal application, funds will be made to the Tribal government.

2.8. What should State, territory, and freely associated state recipients include in a Program Plan?

Program Plans can be a framework for how the State, territory, or freely associated state will utilize CPF funds. A Program Plan may propose funding for multiple, individually related projects or subgrants that all serve a common objective (e.g., Broadband Infrastructure). In the Program Plan, recipients are not expected to submit information about each individual project or subgrant, however project level data will be gathered during the reporting phase.

Additional information regarding CPF grant and Program Plans will be made available in the coming weeks. Future updates will be posted on the CPF landing page: <https://treasury.gov/CPF>.

2.9. How does Treasury categorize costs associated with completing the CPF application and Grant Plan? [1/4]

Treasury categorizes costs associated with completing the CPF application as program administrative costs. In addition, for States, territories, and freely associated states, Treasury categorizes costs associated with the development of the Grant Plan (including Program Plans) as program administrative costs. This classification marks a change from

the CPF Guidance for States, Territories, and Freely Associated States and CPF Guidance for Tribal Governments posted in September 2021. By making this change, Treasury aims to ease the burden on CPF recipients by making funds available for these costs sooner. Non-Tribal government recipients may now access program administrative funds to pay for these costs upon execution of the Grant Agreement.

As a reminder, CPF recipients may use up to five percent of the total grant award amount or \$25,000 (whichever is greater) for program administrative costs unless a CPF recipient receives written approval from Treasury.

This change is effective immediately; Treasury will update the Guidance to reflect this modification.

2.10. How does Treasury categorize costs for community engagement activities? [4/28]

Treasury categorizes costs associated with community engagement activities in connection with the development of the Grant Plan (including Program Plans) as program administrative costs. All other costs associated with community engagement activities (e.g., seeking public comment related to a project's location, design, or environmental impacts) should be categorized as project costs.

This classification broadens how costs for community engagement activities may be treated and is consistent with the Program Plan Use Code templates available in the Treasury Submission Portal. Treasury will update the CPF Guidance for States, Territories, and Freely Associated States posted in September 2021 to reflect this modification.

3. Tribal Governments

3.1. How has Treasury determined the amount each Tribal government will receive in CPF grant funding?

Each Tribal government and the State of Hawaii (for Native Hawaiian Programs) are allocated an equal amount of approximately \$167,504 in line with the statutory text, which requires Treasury to allocate funds to these governments in "equal shares."

3.2. For Tribal government applicants, who is an "Authorized Representative"? [1/4]

For Tribal governments, an "Authorized Representative" is the individual who will sign the necessary application certifications and the Grant Agreement on behalf of the eligible applicant.

There are two types of Authorized Representatives for Tribal governments:

1. an individual who is duly authorized by virtue of his or her position in the Tribal government (e.g., Tribal leader, chief executive officer), or
2. an individual who has been designated authority to act on behalf of the eligible applicant by a duly authorized Tribal official.

For the second type, a designation letter must be submitted on official letterhead by the duly authorized Tribal official that specifically delegates responsibilities related to a Capital Projects Fund grant. These responsibilities include certifying the application and executing the Grant Agreement on behalf of the eligible Tribal government.

Tribal governments may apply on behalf of other Tribal governments, and joint Tribal organizations (e.g., Tribal consortiums) may apply on behalf of multiple Tribal governments. A designation letter, as described above, must be submitted by each Tribal government that delegates responsibilities to the external entity applying on their behalf. For example, if Tribal Consortium W is applying on behalf of Tribal governments X, Y, and Z, Treasury must receive three designation letters on official letterhead, one from each Tribal government's duly authorized Tribal official (X, Y, and Z) that states that Tribal Consortium W has permission to act on their behalf. Tribal Consortium W should upload these letters to [Treasury's Submission Portal](#).

3.3. Can a Tribal government apply for CPF grants through another Tribal government or consortium?

Yes. Tribal governments may apply on behalf of other Tribal governments, and Tribal consortiums and similar joint Tribal organizations may also apply on behalf of multiple Tribes. If any entity (a different Tribal government, a consortium, etc.) is applying on behalf of an eligible applicant, the eligible applicant must grant the other entity the authority to apply and enter into agreements on their behalf. A designation letter must be submitted to show that the eligible applicant has authorized this other entity.

3.4. Do Tribal governments need to submit a Grant Plan?

The application for the Capital Projects Fund will also serve as the Grant Plan for Tribal governments. Tribal governments do not need to submit separate Grant Plans.

3.5. Can a State award CPF grant funding to a Tribal government as a subrecipient?

Yes. A State may award CPF grants to subrecipients. Subrecipients may include other levels or units of government, nonprofits, private entities, or Tribal governments.

Tribal governments are also eligible to apply for CPF grants directly, as each Tribal government and the State of Hawaii (for Native Hawaiian Programs) are allocated an equal amount of approximately \$167,504 in line with Section 604 of the [American Rescue Plan Act of 2021](#).

3.6. Can Tribal governments use their entire CPF award towards planning for a project that is primarily funded by other sources? [1/4]

Yes. Tribal government recipients may use a portion or all of their CPF grant award towards planning for a project that is primarily funded by other sources. Tribal government recipients must ensure that the target project complies with CPF statutory requirements, all other applicable federal statutes, regulations, executive orders, and Treasury's CPF Guidance for Tribal Governments. Specifically, the target project must be designed to address a critical need in the community and directly enable work, education, and health monitoring in response to the COVID-19 public health emergency. The project must also be operational before the end of the period of performance (December 31, 2026). Tribal government recipients should ensure that the target project is an acceptable use of funds for the other funding source(s).

Treasury will review the Tribal government's CPF application and may request additional information. Tribal governments may be required to report on the project and should expect additional details in forthcoming reporting guidance.

3.7. What is the deadline for Tribal government recipients to expend their CPF funds after they receive them from Treasury? [4/28]

Tribal recipients must expend CPF funds by the end of the period of performance, December 31, 2026. Any grant funds that are not used by the end of the period of performance must be returned to Treasury as part of the closeout process pursuant to 2 CFR 200.344(d).

Treasury has made the determination that if a Tribal recipient fully disburses award funds before the end of the period of performance, the timing and amount of advance payments made by Treasury are as close as is administratively feasible to the actual disbursements by a Tribal recipient, and are therefore in compliance with 2 C.F.R. 200.305(b)(1).

3.8. Should Tribal government recipients track interest earned on CPF funds, and may they retain the interest? [4/28]

Tribal government recipients should track the amount of interest earned on total Federal awards per year received from all Federal awarding agencies. If the amount of interest earned per year is \$500 or less, a Tribal government recipient may keep the interest earned for administrative expenses. If the amount of interest earned in one year is more than \$500, a Tribal government recipient must return the additional interest according to the instructions found at 2 C.F.R. 200.305(b)(9).

3.9. Must a Tribal government recipient maintain CPF funds in an interest-bearing account? [4/28]

If a recipient receives \$250,000 or more in total Federal awards per year, it must maintain those funds in interest-bearing accounts, unless certain conditions apply. Please consult 2 C.F.R. 200.305(b)(8) for further detail.

3.10. Which federal consumer broadband subsidy programs must a service provider participate in for a completed Broadband Infrastructure Project funded by a Tribal government recipient? [4/28]

Treasury has identified the Federal Communications Commission's Affordable Connectivity Program (ACP) as the federal consumer broadband subsidy program that a service provider must participate in for a completed Broadband Infrastructure Project funded by a Tribal government recipient. Tribal government recipients must require the service provider to participate in the ACP for a period of five years after the completion of a Broadband Infrastructure Project, or until the ACP or its successor program(s) are no longer operating, whichever is earlier.

4. Eligible Uses - General

4.1. Can CPF recipients use funds for administrative purposes?

Yes. CPF recipients may use funds for program administrative costs, which include both indirect and direct administrative costs. This amount may not generally exceed five percent of the total requested grant amount, or \$25,000, whichever is greater. Recipients may request a higher limit on program administrative costs by providing to Treasury, for its consideration, the rationale for the use of additional funds for administrative purposes.

4.2. Do program administrative costs need to be pre-approved by Treasury? [1/4]

No, program administrative costs do not need to be pre-approved by Treasury; however, CPF recipients are required to report on the usage of funds for these costs. Additional information will be provided in forthcoming reporting guidance.

4.3. Can program administrative funds be reallocated and used for project costs? [1/4]

Yes. CPF recipients may reallocate funds they initially intended to use for program administrative costs to instead be used for project costs. Changes to the amount of funds expended on program administrative costs should be made in a timely manner and promptly reflected in their Grant Plan (i.e., allocation table and Program Plan(s)) and in subsequent reporting. Updates to a non-Tribal government recipient Grant Plan can be made at any time prior to the end of the period of performance (December 31, 2026) through Treasury's Capital Projects Fund Submission Portal, and are subject to review and approval by Treasury.

Tribal governments should document this change during the reporting phase.

4.4. How does Treasury differentiate between subrecipients and contractors? [1/4]

Treasury follows the Uniform Guidance (2 CFR § 200.1) definitions of “subrecipients” and “contractors” and uses 2 CFR § 200.331 to differentiate between them.

For purposes of CPF, a “subrecipient” is an entity that receives a subaward from a CPF recipient to carry out a capital project on behalf of the CPF recipient. Subrecipients may include, but are not limited to, other levels or units of government, non-profits, or private entities. CPF recipients remain responsible for reporting to Treasury on their subrecipients’ use of funds. CPF recipients are also responsible for monitoring and overseeing subrecipients’ use of funds and other activities related to the award to ensure that the subrecipient complies with the statutory and regulatory requirements and the terms and conditions of the award.

A “contractor” is an entity that receives a contract by which a CPF recipient or subrecipient purchases property or services needed to carry out a CPF project or program. For example, CPF recipients may award contracts to other entities—contractors—in order to build, modify, or improve a capital asset.

4.5. Can direct recipients of CPF grants award funds to subrecipients in the form of subgrants?

Capital Projects Fund recipients may award funds in the form of subgrants to subrecipients, such as other levels or units of government (e.g., municipalities, counties), non-profits, private entities, or Tribal governments. Recipients are responsible for ensuring that subrecipients comply with the statutory and regulatory requirements and the terms and conditions established by Treasury’s CPF guidance.

4.6. Can direct recipients of CPF grants award funds to subrecipients in the form of loans? [4/28]

No. CPF recipients may not award funds to subrecipients in the form of loans.

4.7. Do subrecipients of CPF funds have to comply with CPF guidance?

Yes. Subrecipients receive a subaward from a recipient to carry out a Capital Project on behalf of the recipient with their federal award funding and must comply with CPF guidance. Additionally, direct recipients of CPF grants are responsible for ensuring that subrecipients comply with the statutory and regulatory requirements and the terms and conditions established by Treasury’s CPF guidance.

4.8. Can a CPF grant recipient allocate its entire allocation to a single program and award subgrants to subrecipients?

Yes. A recipient may use the allocated funding for a single eligible program that awards subgrants to subrecipients.

4.9. Are subrecipients of CPF grant funds capped at five percent of their subaward for program administrative costs? [1/4]

CPF recipients may use up to five percent of the total CPF grant award or \$25,000 (whichever is greater) for program administrative costs, which includes any CPF grant funds that subrecipients use for program administrative costs. In other words, the total of the CPF recipient's program administrative costs and each subrecipient's program administrative costs may not exceed five percent of the total CPF grant award unless a CPF recipient receives written approval from Treasury.

4.10. Are pre-award costs incurred by a subrecipient preparing an application an allowable use of CPF grant funds? [1/4]

Yes, but only if the subrecipient is successful in receiving a CPF subaward from a CPF recipient. CPF recipients should categorize a subrecipient's pre-award costs associated with preparing an application as a project cost as these costs will be incurred for individual projects. Note that if an entity incurs pre-award costs as part of a competitive selection process but is not ultimately selected as a subrecipient, its pre-award costs may not be reimbursed using CPF grant funds.

4.11. Can funds be used to pay staff salaries and benefits?

Salaries and benefits may qualify as program administrative costs or project costs, depending on the work being performed. Personnel costs required for administering CPF awards, including salaries and benefits to staff and consultants, are an allowable use of funds under the program administrative cost category (e.g., program directors, subject matter experts, equity consultants, grant administrators, financial analysts, accountants, and attorneys). Personnel costs required for carrying out a Capital Project are also allowable use of funds under the project cost category (e.g., project managers, construction labor, architects, environmental engineers, network engineers).

However, CPF grant funds may not be used for operating expenses, which includes the salaries of staff operating the capital project once it is completed.

4.12. Can funds be used to convert buildings into Multi-Purpose Community Facilities?

CPF recipients may construct or improve buildings that jointly and directly enable work, education, and health monitoring in response to the COVID-19 public health emergency.

4.13. Can CPF grant funds be used for environmental reviews? [1/4]

Yes. Costs associated with conducting environmental reviews for an eligible project are considered project costs.

CPF recipients are responsible for complying with all applicable environmental laws and regulations applicable to projects supported by CPF grant funding. CPF recipients must also retain records, permits, and documentation necessary to evidence compliance with all environmental requirements.

Treasury has developed an environmental checklist to assist CPF recipients in conducting due diligence related to compliance with environmental laws.

4.14. Can CPF grant funds be combined with other sources of funds to carry out an eligible capital project? [4/28]

Yes. Recipients can use CPF grant funds, in conjunction with other funding sources (e.g., federal funding sources, state and local funding sources, private funding sources) to undertake an eligible capital project. In all cases, projects funded with CPF grant awards must comply with all CPF requirements, in addition to requirements of the other funding source(s).

5. Eligible Uses - Broadband

5.1. Can a program fund a presumptively eligible Broadband Infrastructure Project in an area where there is an existing enforceable federal funding commitment?

If a recipient is considering using Capital Projects Fund grant funds in areas where there is an existing enforceable funding commitment for service that meets or exceeds 100Mbps download by 20Mbps upload, the recipient must ensure CPF grant funds will not be used for costs that will be reimbursed by the other federal or state funding streams. Additionally, CPF grant funds must be used only for complementary purposes.

5.2. Is fiber-optic infrastructure the only eligible broadband investment?

CPF recipients are encouraged to prioritize investments in fiber-optic infrastructure where feasible, as such advanced technology better supports future needs. To be presumptively eligible for funding, Broadband Infrastructure Projects must be designed to deliver, upon project completion, service that reliably meets or exceeds symmetrical download and upload speeds of 100 Mbps, unless impracticable.

5.3. Are middle-mile broadband projects an eligible use of CPF grant funding?

CPF recipients may use funds for middle-mile broadband grant projects. However, Treasury encourages recipients to focus on projects that will achieve last-mile connections and those considering funding middle-mile projects are encouraged to have commitments in place to support new and/or improved last-mile service.

5.4. How should a CPF recipient determine the threshold of affordability for broadband connectivity?

Treasury's CPF guidance provides flexibility for recipients of CPF grant funds to best determine the threshold of affordability for their communities. CPF recipients are encouraged to consult with the community as part of the process they undertake to consider affordability and are required to publish the description of their methods for considering affordability in their project selection process. Treasury will also require CPF recipients to report pricing data as part of program performance and monitoring. CPF recipients are also required to ensure that service providers for completed CPF funded Broadband Infrastructure Projects participate in the Federal Communications Commission's Affordable Connectivity Program, which provides eligible households with discounts on broadband internet access services and devices.

5.5. Which federal consumer broadband subsidy programs must a service provider participate in for a completed Broadband Infrastructure Project? [4/28]

Treasury has identified the Federal Communications Commission's Affordable Connectivity Program (ACP) as the federal consumer broadband subsidy program that a service provider must participate in for a completed Broadband Infrastructure Project. State and territory recipients must require the service provider to participate in the ACP for the lifespan of the Broadband Infrastructure Project, or until the ACP or its successor program(s) are no longer operating, whichever is earlier

5.6. How does a recipient of CPF grant funds demonstrate that technical standards established in the CPF guidance are impracticable because of geography, topography, or excessive cost?

Treasury gives CPF recipients the flexibility to provide a range of data and other information to demonstrate impracticability. CPF recipients should provide this information in the Grant Plan.

5.7. Can CPF grant funds be used to pay for the replacement or placement of utility poles? [4/28]

The replacement or placement of utility poles is an eligible project cost when it is part of a CPF-approved Broadband Infrastructure Program Plan that directly provides new or improved broadband service to end users. CPF funds may not be used to fund a program or project which only supports the replacement or placement of utility poles..

6. Reporting

6.1. What reporting will be required for CPF grant recipients?

All recipients of CPF grants are required to submit **project and expenditure reports**. These reports will generally include, but are not limited to, data regarding projects, expenditures, project status, subawards, equity indicators, community engagement efforts, programmatic data, and other measures as determined by Treasury.

States, territories, and freely associated states will submit project and expenditure reports quarterly. Tribal governments will submit project and expenditure reports annually.

States, territories, and freely associated states (but not Tribal governments) are also required to submit **annual performance reports**. Annual performance reports must include data related to program outputs and outcomes against the stated objectives of the recipient's Grant Plan.

Specific reporting deadlines will be provided to recipients at the time of application approval. Treasury will release additional reporting guidance in the coming weeks which will be available on the [CPF website](#).

6.2. What data should a State, territory, and freely associated state recipient collect to facilitate compliance with its reporting requirements? [1/4]

Treasury will provide detailed reporting instructions, including reporting timelines, in forthcoming reporting guidance.

Quarterly Reports: At a minimum, State, territory, and freely associated state recipients should collect and be prepared to provide the following for *quarterly* project and expenditure reports:

- Project description;
- Project location(s);
- Project start and end date;
- Project status;
- Project expenditures;
- Number of households, businesses, and anchor institutions to be served;
- Location of communities to be served; and
- Description of how equity and community engagement activities informed project selection and design.

Additionally, States, territories, and freely associated states using CPF grant funds for *Broadband Infrastructure Projects* should collect and prepare the following information for each project:

- Whether the project is designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds;
- Technology type;
- Project ownership (e.g., private, public private partnership, municipal government, tribal government, non-profit, cooperative);
- Miles of fiber;
- Whether each location served is residential, commercial, or a community anchor institution; and
- Pricing offered (speed tiers to be offered, including the speed/pricing of its affordability offering).

More information will be released at a later date regarding specific reporting requirements applicable to other grant use types (Digital Connectivity Technology projects, Multi-Purpose Community Facility projects, and projects determined to be eligible based on case-by-case review).

Annual Reports: At a minimum, State, territory, and freely associated state recipients should collect and be prepared to provide the following for *annual* reports:

- Narrative response outlining progress towards objectives submitted in the application and Grant Plan (including Program Plan(s));
- Number of households served by the capital asset upon project completion (e.g., number of households with broadband access; number of households receiving devices through loan out programs; number of households with access to work, education, and health monitoring activities and services offered, etc.);
- Summary of community engagement and public participation activities conducted to solicit input from and/or partner with communities from the past year that informed the definition of critical need for program(s) and projects; and
- Summary of future community engagement and public participation activities planned for the upcoming year that will continue to shape program and project selection, implementation, and operation.

In the forthcoming reporting guidance, Treasury will provide additional information about what will be required by quarterly and annual reports. CPF recipients will be notified when the reporting guidance is publicly available on the [CPF website](#).

6.3. What data should Tribal government recipients collect to facilitate compliance with its reporting requirements? [1/4]

Treasury will provide detailed reporting instructions, including reporting timelines, in forthcoming reporting guidance for Tribal governments. Tribal governments will have a unique set of reporting guidelines separate from State, territory, and freely associated state CPF recipients.

Annual Reports: At a minimum, Tribal government recipients should prepare and collect the following, among other data, for *annual* reports:

- Project description;
- Project location(s);
- Project start and end date;
- Project status;
- Project expenditures;
- Number of households, businesses, and anchor institutions to be served; and
- Location of communities to be served.

Additionally, Tribal governments using CPF grant funds for *Broadband Infrastructure Projects* may be required to provide the following information for each project in the *first annual report* after a program has been approved by Treasury:

- Whether the project is designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds;
- Technology type;
- Project ownership (e.g., private, public private partnership, municipal government, tribal government, non-profit, cooperative);
- Miles of fiber;
- Whether each location served is residential, commercial, or a community anchor institution; and
- Pricing offered (speed tiers to be offered, including the speed/pricing of its affordability offering).

For other uses of funds, more information will be released at a later date. CPF recipients will be notified when the reporting guidance is publicly available on the [CPF website](#).

7. Miscellaneous

7.1. What are examples of eligible “health monitoring” services?

Treasury defines health monitoring services as, “services to monitor an individual’s health, including with respect to either physical or behavioral health.” This can include,

but is not limited to, services such as telemedicine appointments or community health screenings.

CPF recipients should review the CPF guidance to determine if their program or project is eligible. Treasury will evaluate all projects that are not presumptively eligible on a case-by-case basis.

8. Operations

8.1. I cannot log into the Treasury Submission Portal or am having trouble navigating it. Who can assist me?

If you have questions about the [Treasury Submission Portal](#) or need technical support, please email CapitalProjectsFund@treasury.gov.

8.2. Why is Treasury employing ID.me for the Treasury Submission Portal?

ID.me is a trusted technology partner to multiple government agencies and healthcare providers. It provides secure digital identity verification to those government agencies and healthcare providers to make sure you're you – and not someone pretending to be you – when you request access to online services. All personally identifiable information provided to ID.me is encrypted and disclosed only with the express consent of the user. Please refer to ID.me Contact Support for assistance with your ID.me account. Their support website is <https://help.id.me>.

8.3. Can multiple points of contact have access to an application on Treasury's CPF Submission Portal? [1/4]

Yes. The application's primary contact should submit a request to CovidReliefSupport@treasury.gov that includes the application number, the name of the CPF recipient, and the name and email address of the individual requesting access. Please also include CapitalProjectsFund@treasury.gov in the cc line of the e-mail to assist us in tracking requests.

Additionally, the application's primary contact may download a PDF copy of the CPF application to share at any time by logging into the [Treasury Submission Portal](#).

**GUIDANCE FOR THE CORONAVIRUS
CAPITAL PROJECTS FUND**
*FOR STATES, TERRITORIES & FREELY
ASSOCIATED STATES*

U.S. Department of the Treasury





GUIDANCE FOR THE CORONAVIRUS CAPITAL PROJECTS FUND FOR STATES, TERRITORIES & FREELY ASSOCIATED STATES

U.S. Department of the Treasury | September 2021

INTRODUCTION

The U.S. Department of the Treasury (Treasury) is issuing this guidance regarding the Coronavirus Capital Projects Fund (Capital Projects Fund), established by Section 604 of the Social Security Act (the Statute), as added by Section 9901 of the American Rescue Plan Act of 2021 (American Rescue Plan). This guidance provides a summary of project eligibility and terms and conditions, as well as information about the process for applying for a grant under the Capital Projects Fund program. This guidance may be updated, revised, or modified, and Treasury may waive these standards to the extent permitted by law.

The American Rescue Plan appropriated \$10 billion to Treasury to provide payments to States, territories, freely associated states, and Tribal Governments “to carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the public health emergency with respect to the Coronavirus Disease (COVID-19).” Treasury has separately published the allocations available to each eligible entity in accordance with Section 604(b), which is available at: treasury.gov/CPF.

Although this is not a competitive grant program, States, territories, and freely associated states must submit an Application and a Grant Plan; for Tribal Governments, the Application also serves as their Grant Plan.

The Capital Projects Fund allows for investment in high-quality broadband infrastructure as well as other connectivity infrastructure, devices, and equipment. Treasury encourages consultation with the statewide entity or office that oversees broadband planning and implementation, where such an entity or office exists, when planning for the use of Capital Projects Fund grant funding. In addition to supporting broadband, it also provides flexibility for each State, territory, freely associated state, and Tribal Government to make investments in other Capital Projects designed to directly enable work, education, and health monitoring and that meet Treasury’s other criteria. The Capital Projects Fund also provides flexibility for each Recipient to identify communities to be served by Capital Projects, so long as the Recipient can demonstrate that said communities have critical needs related to work, education, and health monitoring that the Capital Project intends to address.

Treasury expects many Recipients will choose to use Capital Projects Fund grant funding for Broadband Infrastructure Projects. The COVID-19 public health emergency highlighted that access to high-quality internet can enable work, education, and health access, and that individuals and communities that lack affordable access to such high-quality internet are at a marked disadvantage. Investing in broadband for communities sensitive to or that have historically experienced these inequities will be critical for improving digital equity and opportunity, especially in the case of communities that currently lack access to the affordable, reliable, high-quality broadband internet that is necessary for full participation in school, healthcare, employment, social services, government programs, and civic life.



I. AWARD TERMS AND CONDITIONS

This Section describes the overall structure and terms of the assistance, including key information on Eligible Applicants, allocations, Capital Projects eligible for funding, eligible and ineligible costs, labor practices, and the period of performance. This guidance is not intended to provide a comprehensive listing of the award terms and conditions. Such terms and conditions will be contained in the Grant Agreement.

A. ELIGIBLE APPLICANTS

Section 604 identifies States, certain territories and freely associated states, and Tribal Governments, as the entities eligible to apply for a Capital Projects Fund grant (“Eligible Applicants”).

- Eligible states (“States”) are each of the 50 states, the District of Columbia, and Puerto Rico.¹
- The seven eligible territories and freely associated states are the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.²
- An eligible Tribal government³ is the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to Section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).⁴ The State of Hawaii, for exclusive use of the Department of Hawaiian Home Lands and the Native Hawaiian Education Programs to assist Native Hawaiians, is also eligible to apply for funding under this funding category.

Capital Projects Fund Recipients may award funds to Subrecipients, such as other levels or units of government (e.g., municipalities or counties), non-profits, or private entities. For example, for Broadband Infrastructure Projects, Subrecipients may include co-operatives, electric utilities, and other entities that build or operate broadband networks, including networks that are owned, operated by, or affiliated with local governments.⁵

¹ Section 604(d)(2).

² Section 604(b)(1)(B).

³ Section 604(d)(3) of the Capital Projects Fund Statute provides that the term “Tribal government” has the same meaning given to the term in Section 602(g).

⁴ Available at <https://www.federalregister.gov/documents/2021/01/29/2021-01606/indian-entities-recognized-by-and-eligible-to-receive-services-from-the-united-states-bureau-of>.

⁵ Subrecipients receive a subaward from a Recipient to carry out a Capital Project on behalf of the Recipient with the Recipient’s federal award funding. Recipients are responsible for monitoring and overseeing Subrecipients’ use of funds and other activities related to the award to ensure that the Subrecipient complies with the statutory and regulatory requirements and the terms and conditions of the award. Recipients remain responsible for reporting to Treasury on their Subrecipients’ use of funds.



B. ALLOCATIONS

Section 604 provides for a total of \$10 billion for Treasury to make grants to Eligible Applicants to carry out critical Capital Projects and directs the Secretary of the Treasury to make grants to the Eligible Applicants in accordance with the allocation formula set forth in the Statute.

Treasury separately published on its website the allocations for each Eligible Applicant, along with the methodology used for implementing the statutory allocation formula. These documents can be accessed at: treasury.gov/CPF.

C. PROJECT ELIGIBILITY

Section 604 authorizes Capital Projects Fund Recipients to use Capital Projects Fund grant funds for critical Capital Projects that directly enable work, education, and health monitoring in response to the COVID-19 public health emergency. Such Projects include remote options.

For a Capital Project to be an eligible use of Capital Projects Fund grant funds, it must meet all of the following criteria:

1. The Capital Project invests in capital assets designed to directly enable work, education, and health monitoring.
2. The Capital Project is designed to address a critical need that resulted from or was made apparent or exacerbated by the COVID-19 public health emergency.
3. The Capital Project is designed to address a critical need of the community to be served by it.

a) Presumptively Eligible Projects

- **Broadband Infrastructure Projects.** The construction and deployment of broadband infrastructure projects ("Broadband Infrastructure Projects") are eligible for funding under the Capital Projects Fund program if the infrastructure is designed to deliver, upon project completion, service that reliably meets or exceeds symmetrical download and upload speeds of 100 Mbps. If it would be impracticable, because of geography, topography, or excessive cost, for a Broadband Infrastructure Project to be designed to deliver services at such a speed, the Project must be designed so that it reliably meets or exceeds 100 Mbps download speeds and between 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds. Treasury encourages Recipients to focus on projects that will achieve last-mile connections. Recipients considering funding middle-mile projects are encouraged to have commitments in place to support new and/or improved last-mile service.

Recipients are encouraged to prioritize investments in fiber-optic infrastructure where feasible, as such advanced technology better supports future needs. Treasury also encourages Recipients to prioritize Projects that involve broadband networks owned, operated by or affiliated with local governments, non-profits, and co-operatives—providers with less pressure to generate profits and with a commitment to serving entire communities.

Treasury strongly encourages that the chief executive of the Eligible Applicant and/or the authorized representative consult with the statewide entity or office that oversees



broadband planning and implementation, where such an entity or office exists, when planning for the use of Capital Projects Fund grant funds.

Recipients are encouraged to address affordability as a barrier to full use of the internet when developing their Program Plans for Broadband Infrastructure Projects. Affordability of broadband is necessary to directly enable its use by all Americans. Therefore, when selecting Broadband Infrastructure Projects for Capital Projects Fund grant funding, Recipients are required to consider whether the broadband service options offered by recipients of Capital Projects Fund grant funding will be affordable to their target markets in the proposed service area. Recipients are also encouraged to consult with the community as part of the process they undertake to consider affordability and are required to publish the description of their process for considering affordability in their project selection process. Additionally, Recipients are encouraged to require that services provided by a Capital Projects Fund-funded Broadband Infrastructure Project include at least one low-cost option offered at speeds that are sufficient for a household with multiple users to simultaneously telework and engage in remote learning. Recipients will be required to report pricing data as part of program performance and monitoring.

Recipients are also required to ensure that the service provider for a completed Capital Projects Fund-funded Broadband Infrastructure Project participate in federal programs that provide low-income consumers with subsidies on broadband internet access services. Initially, Recipients will be required to ensure that completed service offerings funded by the Capital Projects Fund allow subscribers in the service area to utilize the Federal Communications Commission's (FCC) Emergency Broadband Benefit (EBB) program. Once the FCC's EBB program has terminated, Treasury will identify any other program(s) that service providers must participate in to meet this requirement. Treasury will not identify programs that would require the service provider to be designated as an eligible telecommunications carrier.

Investments in Capital Projects must be carried out in ways that comply with applicable federal laws, including the 2019 National Defense Authorization Act (NDAA). Among other requirements contained in 2 C.F.R. Part 200, 2 C.F.R. 200.216 implements certain provisions of the NDAA and contains prohibitions on the use of grant funds to procure or obtain certain telecommunications and video surveillance services or equipment provided or produced by designated entities, including certain entities owned or controlled by the People's Republic of China. In addition, 2 C.F.R. 200.471 provides that certain telecommunications and video surveillance costs associated with 2 C.F.R. 200.216 are unallowable.

Recipients must explain why the communities they have identified to be served by Broadband Infrastructure Projects have a critical need for those projects as is related to access, affordability, reliability, and/or consistency. Additional discussion and explanation of critical needs can be found in Section I.C.c.3. Recipients are encouraged to prioritize projects that are designed to provide service to households and businesses not currently served by a wireline connection that reliably delivers at least 100 Mbps of download speed and 20 Mbps of upload speed. To the extent Recipients are considering deploying broadband to locations where there are existing enforceable federal or state funding commitments for reliable wireline service at speeds of at least 100 Mbps of download speed and 20 Mbps of upload speed, the Recipient should ensure that the Capital Projects Fund grant funding will not be used for costs that will be reimbursed by the other federal or



state funding stream(s). That is, Capital Projects Fund grant funds must be used only for complementary purposes. Recipients must ensure there is additional public benefit and a justification for using additional public funding to deploy to those locations. Treasury encourages Recipients to use all available federal and state datasets when making these determinations.

When determining the communities to be served by Broadband Infrastructure Projects, Recipients may choose to consider any available data including but not limited to documentation of existing broadband internet service performance, federal and/or state collected broadband data, user speed test results, interviews with community members and business owners, reports from community organizations, and any other information they deem relevant.

In evaluating such data, Recipients may take into account a variety of factors, including whether users actually receive internet service at or above speed thresholds at all hours of the day, whether factors other than speed such as latency or jitter, or deterioration of the existing connections make their user experience unreliable, and whether the existing service is being delivered by legacy technologies, such as copper telephone lines (typically using Digital Subscriber Line technology) or early versions of cable system technology (DOCSIS 2.0 or earlier), and other factors related to the services to be provided by Broadband Infrastructure Projects. Recipients may consider the actual experience of current broadband customers when making their determinations; and whether there is a provider serving the area that advertises or otherwise claims to offer broadband at a given speed is not dispositive.

- **Digital Connectivity Technology Projects.** The purchase and/or installation of devices and equipment to facilitate broadband internet access are eligible for funding under the Capital Projects Fund program where affordability has been identified by the Recipient as a barrier to broadband adoption and use. Permitted devices and equipment include laptops, tablets, and desktop personal computers⁶ for distribution to members of the public through a short- or long-term loan program or to be made available for use in public facilities. Permitted equipment includes equipment installed as part of public wi-fi infrastructure (e.g., access points, repeaters, routers).

Ownership of the equipment must be maintained by the Recipient or a Subrecipient.

Recipients must explain why the communities they have identified to be served by Digital Connectivity Technology Projects have a critical need for those projects. Additional discussion and explanation of critical needs can be found in Section I.C.c.3.

When determining the communities to be served by Digital Connectivity Technology Projects, Recipients may choose to consider any available data including but not limited to documentation of existing broadband internet service performance and pricing; federal and/or state collected broadband data; user speed test results; federal and/or state collected data, such as the American Community Survey, the U.S. Department of

⁶ Devices, such as phones and televisions, that do not permit users to fully participate in work (e.g., by providing access to fully functional remote video conferences, and necessary work applications), school (e.g., by allowing full participation in remote video classrooms and group projects, as well as the ability to draft and edit complex writing assignments), and health monitoring activities would not qualify as eligible Digital Connectivity Technology Projects under the Capital Projects Fund program.



Commerce – National Telecommunications and Information Administration’s Indicators of Broadband Need Map, or the U.S. Department of Housing and Urban Development’s Qualified Census Tracts, related to internet use, device ownership, income, and poverty; interviews with community members and business owners; reports from community organizations; and any other information they deem relevant.

- **Multi-Purpose Community Facility Projects.** Projects to construct or improve buildings that are designed to jointly and directly enable work, education, and health monitoring are eligible for funding under the Capital Projects Fund program. Examples of Multi-Purpose Community Facility Projects are:
 - Projects to construct or improve full-service community schools that provide a comprehensive academic program to their students and adult education in the community at large; health monitoring to their students and the community; and workforce training or career counseling services that provide community members with the knowledge needed to engage in work, including digital literacy training programs.
 - Projects to construct or improve libraries that provide public access to the internet for purposes including work, education, and health monitoring such as offering digital skills programs and support for community members engaging in virtual learning.
 - Projects to construct or improve community health centers that, in addition to engaging in health monitoring, provide a broader range of services to the communities they serve, including activities such as access to job counseling employment services, as well as health education classes or internship programs for medical professionals.

Projects must be designed to jointly and directly enable work, education, and health monitoring, but these activities need not be the exclusive function or purpose of the Project. For example, a building, such as a library or community center providing the public with access to computers with high-speed internet service, can meet this criterion even if the completed Project is also used for other functions, such as community recreational activities.

Recipients must explain why the communities they have identified to be served by Multi-Purpose Community Facility Projects have a critical need for such projects.

When determining the communities to be served by Multi-Purpose Community Facility Projects, Recipients may choose to consider any available data, including, but not limited to federal and/or state collected data, such as the American Community Survey or the U.S. Department of Housing and Urban Development’s Qualified Census Tracts, related to internet use, device ownership, income, poverty, health, education, and employment; interviews with community members and business owners; reports from community organizations; documentation of existing facilities providing similar or identical services to those the Capital Project is intended to provide; and any other information they deem relevant.

Treasury will require Recipients to commit that the Capital Projects will provide services or activities that directly enable work, education, and health monitoring for at least five years from the completion of the Project.



b) Ineligible Projects and Projects Not Presumed to be Eligible

General infrastructure projects, such as highways, bridges, transit systems, and ports, are ineligible under the Capital Projects Fund program. General construction and improvement of hospitals and traditional schools are not presumed to be eligible, although, there may be opportunities for such projects to receive funding under the Capital Projects Fund program if they meet the project eligibility criteria. Such projects will be reviewed on a case-by-case basis.

c) Case-by-Case Review

In addition to the presumptively eligible Capital Projects described above, a Recipient may propose a different use of funds. Such a use must meet each of the statutory criteria. The Recipient must demonstrate that its Project satisfies the criteria below.

1. The Project invests in capital assets designed to directly enable work, education, and health monitoring.

Investments in Capital Assets

Capital Project or Project means the construction, purchase, and installation of, and/or improvements to capital assets⁷ where the costs of such assets are capitalized or depreciated, including ancillary costs necessary to put the capital asset to use.

Examples of capital assets include buildings, towers, digital devices and equipment, fiber-optic lines, and broadband networks. Examples of ancillary costs include project costs related to project planning and feasibility, broadband installation, and community engagement, broadband adoption, digital literacy, and training associated with a planned or completed Project funded by the Capital Projects Fund program.

Projects that are Designed to Directly Enable Work, Education, and Health Monitoring

A Capital Project is designed to directly enable all three activities (work, education, and health monitoring) if the Project is designed to, upon completion, be used by community members while engaged in work, education, and health monitoring or activities to obtain the knowledge or skills to engage in such activities.

Projects must directly enable all three activities of work, education, and health monitoring.

- **Work:** Activities to help community members engage in employment, search for employment, and/or develop the requisite skills and knowledge to become employed (e.g., participate in career counseling programs, workforce training programs, as well as gain access to internet websites to search for and apply to jobs).

A Project is not considered to directly enable work simply because individuals are

⁷ Treasury does not intend for the definition of capital assets, as defined under Uniform Guidance, to limit eligible investments under Capital Projects.



employed at the location of the completed Capital Project; rather, the asset itself must enable new and further employment opportunities beyond employment at the location of the completed Project. In addition, job creation related to project construction and operations (e.g., employment of construction workers) would not satisfy this requirement.

- **Education:** Activities to acquire knowledge and/or skills, undertaken as part of a person's participation in school, an academic program, extracurricular program, social-emotional development program for students or youths, internship, or professional development program, or in another educational environment.
- **Health Monitoring:** Services to monitor an individual's health, including with respect to either physical or behavioral health.

Health monitoring activities are often conducted as part of telemedicine appointments with a healthcare provider, but these activities can be conducted in a variety of other ways, such as during in-person appointments with health care providers or as part of community health screening programs.

Recipients must show that the Project is designed to jointly and directly enable work, education, and health monitoring; however, these activities need not be the exclusive function or purpose of the Project. For example, construction of a building, such as a community center or library providing the public with access to computers with high-speed internet service, can meet this criterion even if the completed Project is also used for other functions, such as community recreational activities.

To directly enable all three activities, the result of the Capital Project should be assets that offer affordable services or are otherwise publicly accessible (e.g., public wi-fi).

Directly Enabling Work, Education, and Health Monitoring after Completion of the Project

Project eligibility is defined by the services that the completed Projects are designed to provide. The exact services or activities may change over time, so long as the Capital Project directly enables all three activities of work, education, and health monitoring for at least five years from the completion of the Project.

2. The Project will be designed to address a critical need that results from or was made apparent or exacerbated by the COVID-19 public health emergency.

Projects must be designed to address impediments to community members' ability to directly engage in work, education, and health monitoring that resulted from or were made apparent or exacerbated by the COVID-19 public health emergency.

Recipients are expected to first identify one or more impediments to participation in work, education, and health monitoring that resulted from or were made apparent or exacerbated by the COVID-19 public health emergency and then identify how any such impediments would be remediated with the Project.

Recipients have broad latitude to identify the specific conditions and circumstances that have



impeded their community members' ability to access work, education, and health monitoring activities and services during the COVID-19 public health emergency and must be prepared to provide a description of such conditions and circumstances in their Grant Plan. Recipients are encouraged to solicit input from and engage with community members when identifying these circumstances and conditions.

Treasury recognizes that there are some common impediments that were experienced by communities across the country. As an example, potential exposures to the virus and public health mitigation measures have made safely accessing work, school, and health monitoring resources more difficult for many communities during the COVID-19 public health emergency. The pandemic laid bare the limitations on access to high-quality, affordable, and reliable internet experienced by many Americans, including individuals living in rural America, Tribal communities, and low- and moderate-income communities, and increased reliance on high-quality internet for access to services is expected to remain a feature of American life even after the pandemic subsides. As such, Projects that enable remote access to services (e.g., Broadband Infrastructure Projects, public computer facilities) meet the requirement to remediate a need that resulted from or was made apparent or exacerbated by the COVID-19 public health emergency.

3. The Project is designed to address a critical need in the community to be served by it.

The Project must be designed to address a critical need for the Project in the community to be served by it. Communities with a critical need for the Project include those that do not have access to the resources or services that are provided by the Project, whether because of the physical absence or insufficiency within the community of the type of resources provided by the Project, or because access to those resources is unaffordable, resulting in impediment(s) to participation in work, education, and health monitoring that were caused or exacerbated by the COVID-19 public health emergency.⁸

Recipients have broad latitude to identify communities with a critical need for a Capital Project. In assessing whether a community has such a need, Recipients may consider the existing capacity, service quality, and ability to meet any relevant health, safety, or performance standards for the relevant service to be provided.

Recipients are strongly encouraged to consider individuals and communities in greatest need in identifying communities to be served by a Capital Project.⁹ Historically disadvantaged communities have experienced disproportionately poor work, education, and health outcomes, in part due to lack of access to equitable resources and opportunities in these areas.

When determining the individuals and communities with a critical need that will be served by a proposed Capital Project, Recipients may choose to consider any available data including federal and/or state collected data; interviews with community members and business owners; reports from community organizations; documentation of existing facilities providing similar or identical services to those the Capital Project is intended to provide; and any other information they deem

⁸ Tribal Governments may identify communities with a critical need that are or are not located on Tribal lands.

⁹ Targeting relief is in line with Executive Order 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," which laid out an Administration-wide priority to support "equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality."



relevant.

D. ELIGIBLE AND INELIGIBLE COSTS

Allowable costs are determined in accordance with the cost principles identified in 2 C.F.R. Part 200, Subpart E.¹⁰ Federal funds committed to an award may only be used to cover allowable costs incurred during the period of performance and for allowable closeout costs incurred during the grant closeout process. Cost sharing is not a requirement for the use of these funds.

a) Program Administrative Costs

Absent Treasury's express consent, Program Administrative Costs over the period of performance may not exceed the greater of five (5) percent of the total amounts of the grant received under the Capital Projects Fund, or \$25,000. The five percent limitation on administrative expenses includes the combined total of indirect costs and direct administrative costs charged to an award. The term "Program Administrative Costs" is defined as the costs of administering the Capital Projects Fund grant funding by a Recipient, providing technical assistance to potential Subrecipients, and complying with grant administration and audit requirements. Recipients may request a higher limit on Program Administrative Costs by providing a rationale for the use of additional funds for administrative purposes.

Consistent with 2 C.F.R. 200.414(f), Recipients that do not have a current negotiated indirect cost rate may elect to charge indirect costs to an award pursuant to a de minimis rate of up to ten percent of modified total direct costs (MTDC) for program administration, in which case a negotiated indirect cost rate agreement is not required.

Recipients may use their negotiated cost rate agreement so long as the total of all administrative costs incurred by the Recipient and any subrecipient, whether direct or indirect costs, do not exceed any applicable limit on Program Administrative Costs.

As described in 2 C.F.R. 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both.

b) Project Costs

A Recipient may use funds to cover costs incurred during the period beginning March 15, 2021, for one or more eligible Projects. For pre-award costs incurred after March 15, 2021, but prior to execution of the Grant Agreement, Recipients are required to provide reasonable assurance that the costs were incurred pursuant to the negotiation of and in anticipation of the Capital Projects Fund award and are necessary for the efficient and timely performance of the Project. Such costs are allowable only to the extent they would have been allowable if incurred after the date of the Capital Projects Fund award and only with the written approval of Treasury.

Project costs are not limited to new construction. For example, Project costs can involve

¹⁰ The government has established a set of principles for determining eligible or allowable costs. Allowable costs are determined in accordance with the cost principles applicable to the entity incurring the costs. For example, the allowability of costs incurred by State, local or Tribal Governments is determined in accordance with the provisions of 2 C.F.R. Part 200, Subpart E.



improvements and repairs to buildings to permit the buildings to be used for eligible purposes.

Eligible Project Costs. Below is a non-exhaustive list of eligible costs:

- Costs associated with completing the grant or Application and Grant Plan;
- Pre-project development costs and uses, including data-gathering, feasibility studies, community engagement and public feedback processes, equity assessments and planning, and needs assessments; permitting, planning, architectural design, engineering design, and work related to environmental, historical, and cultural reviews;
- Costs of repair, rehabilitation, construction, improvement, and acquisition of real property, equipment (e.g., devices and office equipment), and facilities (e.g., telecommunications equipment, including infrastructure for backhaul, middle, and last mile networks);
- Cost of long-term leases (for terms greater than one year) of facilities required to provide qualifying broadband service, including indefeasible right-of-use (IRU) agreements and capital leases;
- Personnel costs including salaries and fringe benefits for staff and consultants required for carrying out a Capital Project (such as project managers, program directors, subject matter experts, equity consultants, grant administrators, financial analysts, accountants, and attorneys);
- Ancillary costs necessary to operationalize and put the capital assets to full use, including costs to increase broadband adoption and improve digital literacy;
- Costs associated with monitoring of and reporting on Projects in compliance with Treasury requirements, including award closeout costs;
- Costs associated with collecting and measuring performance data and conducting activities needed to establish and maintain a performance management and evaluation regime related to Projects funded by the Capital Projects Fund program.

Ineligible Project Costs. Unless otherwise permitted by Treasury, Capital Projects Fund grant funds may not be used for the following purposes:

- Acquisition of spectrum licenses;
- Operating expenses, other than grant administration costs;
- Short-term operating leases;
- Payment of interest or principal on outstanding debt instruments, or other debt service costs incurred prior to March 15, 2021;
- Fees or issuance costs associated with the issuance of new debt;
- Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring plan in a judicial, administrative, or regulatory proceeding; or
- 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.

E. STRONG LABOR PRACTICES IN CONSTRUCTION

It is important that investments in Capital Projects be carried out in ways that produce high-quality infrastructure, avert disruptive and costly delays, and promote efficiency. Projects funded by the Capital Projects Fund must comply with all applicable federal laws and regulations, and with all requirements for state, local, and Tribal laws and ordinances to the extent that such requirements



do not conflict with federal laws.

While the federal Davis-Bacon Act prevailing wage rate requirements do not apply to Projects funded solely by the Capital Projects Fund program, except for Capital Projects Fund-funded construction Projects undertaken by the District of Columbia,¹¹ Treasury encourages Recipients to ensure that Capital Projects incorporate strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions, not only to promote effective and efficient delivery of high-quality infrastructure projects but also to support the economic recovery through strong employment opportunities for workers. Using these practices in construction projects may help to ensure a reliable supply of skilled labor that would minimize disruptions, such as those associated with labor disputes or workplace injuries. Treasury further encourages Recipients to prioritize employers (including contractors and subcontractors) without recent violations of federal and state labor and employment laws as a further measure that may minimize project disruptions and delays.

Among other requirements contained in 2 C.F.R. 200, Appendix II, all contracts made by a Recipient or Subrecipient in excess of \$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). And as noted below in Section III.C, Treasury will seek information from Recipients on their workforce plans and practices related to Capital Projects Fund Projects, as well as information about subcontracted entities.

Further, Treasury encourages Recipients to prioritize in their procurement decisions employers who can demonstrate:

- Their workforce meets high safety and training standards, including professional certification, licensure and/or robust in-house training;
- Prioritization in hiring of local workers and/or workers from historically disadvantaged communities;
- Direct employment of their workforce, or policies and practices in place to ensure contractors and subcontractors meet high labor standards; and
- No recent violations of federal and state labor and employment laws.

F. PERIOD OF PERFORMANCE

All funds must be expended by December 31, 2026, which is the end of the period of performance. Recipients must return to Treasury any grant funds that are not used by the end of the period of performance on December 31, 2026. Treasury may, in its sole discretion, grant extensions to the period of performance upon request from Recipients.

¹¹ Neither the Davis-Bacon Act nor Davis-Bacon Act related provisions requirements apply to projects funded solely with award funds from the Capital Projects Fund, except for Capital Projects Fund-funded construction projects undertaken by the District of Columbia. The Davis-Bacon Act specifically applies to the District of Columbia when it uses federal funds (Capital Projects Fund or otherwise) to enter into contracts over \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Recipients may be subject to the requirements of the Davis-Bacon Act, when Capital Projects Fund grant funds are used on a construction project in conjunction with funds from another federal program that requires enforcement of the Davis-Bacon Act. Additionally, corollary state prevailing-wage-in-construction laws (commonly known as “baby Davis-Bacon Acts”) may apply to projects.



II. GRANT PROCESS FOR STATES, TERRITORIES & FREELY ASSOCIATED STATES

This section provides a summary of the steps for states, territories, and freely associated states to access Capital Projects Fund grant funds. The process for requesting Capital Projects Fund grant funding involves three main steps, described in detail below.

1. Submission of an Application to Treasury establishing Applicant eligibility.
2. Execution of a Grant Agreement with Treasury.
3. Submission of Grant Plans to Treasury, which will be used by Treasury to assess proposed use of funds for alignment with Capital Projects Fund objectives and requirements.

A. REQUIREMENTS

For an Application and Grant Plan to be approved, each Applicant must:

- Demonstrate that it is an Eligible Applicant;
- Demonstrate that funds will be used for eligible Capital Projects, including how the funds will address critical needs of the communities to be served;
- Provide a Grant Plan for use of the funds;
- Demonstrate that program performance will be measured in a robust manner, measuring outputs and outcomes for Projects and Programs, through a program evaluation plan;
- Comprehensively respond to all Application and Grant Plan requirements; and
- Provide additional information as required by Treasury.

B. APPLICATION CONTENTS

a) Requested Grant Amount

Eligible Applicants must specify the amount of Capital Projects Fund grant funding that they wish to receive, not to exceed their allocated amount (see Section I.B above). Eligible Applicants may request this amount or a smaller amount and may reduce their requested amount at a later date. However, Eligible Applicants may not increase their total requested amount after 365 days following the date that Treasury begins accepting Applications via the Capital Projects Fund Portal (“Capital Projects Fund Portal Launch”).

b) Requested Amount for Program Administrative Costs

Eligible Applicants must specify the amount of Capital Projects Fund grant funding for Program Administrative Costs that they wish to have access to following execution of the Grant Agreement. This amount may not generally exceed five percent of the total requested grant amount, or \$25,000, whichever is greater. Recipients may request a higher limit on Program Administrative Costs by providing a rationale for the use of additional funds for administrative purposes. If Eligible Applicants request less than five percent of the total grant amount at the time of their Application, they may request the remaining amount at a later date.

c) Designation Letter

If applicable, the Application must include a designation letter signed by the chief executive of the Eligible Applicant (e.g., State Governor) that identifies and delegates authority, as appropriate, to an authorized representative. The authorized representative is the individual who will sign the



necessary certifications, submit the Application, and sign the Grant Agreement on behalf of the Eligible Applicant.

d) Points of Contact

The authorized representative may designate one or more points of contact to communicate with Treasury regarding the Capital Projects Fund Application and Grant Plans.

e) Eligibility and Payment Information

The Eligible Applicant must provide their IRS Employer Identification Number (EIN), and their Dun & Bradstreet D-U-N-S Number, a unique nine-digit identification number linked to the Eligible Applicant's physical location. Eligible Applicants will also be required to provide bank account information necessary to make Capital Projects Fund grant payments, and may be asked to provide additional information to allow Treasury to establish eligibility.

C. SUBMITTING APPLICATIONS

Accessing the Capital Projects Fund Portal. To gain access to the Capital Projects Fund Portal and submit an Application, the authorized representative and/or points of contact (see Section II.B.c and Section II.B.d), as appropriate, must have a registered username and password through the ID.me identity verification service. ID.me is an approved Treasury service provider. ID.me registration requires a one-time identity verification process that involves validation of multiple forms of identification (e.g., passports) using a mobile phone camera. All personally identifiable information provided to ID.me is encrypted and disclosed only with the express consent of the user. Users who are not able to validate their identity using ID.me should contact the Capital Projects Fund (see Section V).

Application Form. Applications will only be accepted through the Capital Projects Fund Portal, accessible at: <https://portal.treasury.gov/>. A .pdf sample of the Application content will be available on the Treasury website at: treasury.gov/CPF.

Application Deadline. Eligible Applicants must complete the Application by December 27, 2021 to receive funding under the Capital Projects Fund. Treasury will post the specific dates on its website during which it will accept Capital Projects Fund Applications. Failure to submit a timely Application may result in the forfeiture of grant funds. Eligible Applicants have additional time, as outlined in Section II.F, to submit subsequent detailed Grant Plans.

Eligibility. Only eligible entities may apply, and only one Application shall be accepted from each eligible entity. Eligible Applicants should coordinate internally to ensure that only one Application is submitted.

D. EXECUTION OF AGREEMENTS

Treasury Determinations. Treasury will review Applications for completeness and Applicant eligibility. Treasury will also review additional required or requested material as well as any other reasonable supplementary information submitted by Eligible Applicants. Treasury may consult with other U.S. Government agencies in reaching its Application determinations, but final determinations will be at Treasury's sole discretion.



Grant Agreements. Once Treasury has validated Application completeness and Applicant eligibility, the Eligible Applicant's authorized representative (see Section II.B.c) will execute a Grant Agreement. The Grant Agreement will, among other things, contain terms and conditions related to the following:

- Roles and responsibilities;
- Grant payments;
- Eligible uses of funds (see Section I.C.);
- Period of performance, which ends on December 31, 2026;
- Accounting and reporting requirements;
- Compliance requirements and remedies for noncompliance, including but not limited to return of funds where appropriate;
- Audits, recordkeeping, and internal controls; and
- Other terms required or permitted by federal law.

E. PAYMENT OF FUNDS FOR PROGRAM ADMINISTRATIVE COSTS

After executing a Grant Agreement, Recipients will have access to the amount of funds requested in the Application for Administrative Costs, in an amount up to five percent of the total amount of the grant, or \$25,000, whichever is greater (unless Treasury has specifically authorized a higher amount). If an Eligible Applicant requested less than five percent of the total grant amount at the time of its Application, it may request the remaining amount at a later date.

F. GRANT PLAN CONTENTS

Recipients must submit a plan for deploying Capital Projects Fund grant funding (the Capital Projects Fund Grant Plan or Grant Plan) within 365 days of the Capital Projects Fund Portal Launch, providing information on the Recipient's intended uses of Capital Projects Fund funds. Recipients will be able to submit Grant Plans requesting funding up to the amount that was stated in their Application (see Section II.B.a). Treasury may publicly share information from the Grant Plan.

A Grant Plan will consist of an executive summary, an Allocation Table showing the broad categories of Capital Projects the Recipient seeks to undertake using Capital Projects Fund grant funds (e.g., Broadband Infrastructure Projects, Digital Connectivity Technology Projects, Multi-Purpose Community Facility Projects) and how much the Recipient intends to spend on each such category, and one or more Program Plans. Each Program Plan is intended to provide more detailed information on a particular type of Capital Project(s) the Recipient intends to undertake, and constitutes an Eligible Applicant's request for funding for those Capital Projects. For example, a State might file a Grant Plan that indicates that it intends to spend funding on broadband deployment throughout the State, and a Program Plan that provides detailed information on its deployment plan for only some of the counties in the State. Later, it could file Program Plans detailing its deployment plans for other counties in the State.

After submitting a Grant Plan, that includes at least one Program Plan, Recipients may submit additional Program Plans on a rolling basis throughout the 365-day submission window so that Recipients can seek funding for a particular Capital Project (or Projects) when the Recipient is ready. Treasury will assess and approve each Program Plan separately and will separately provide access to funds for each Program Plan when approved. For example, a Recipient with



two Program Plans may submit, receive Treasury approval, and have access to funds for one Program Plan in December 2021, and then submit, receive Treasury approval, and have access to funds for the second Program Plan in March 2022.

Recipients should reference the Capital Projects Fund Portal for specific instructions and required information.

G. SUBMITTING CAPITAL PROJECTS FUND GRANT PLANS

Grant Plan Submission. Recipients will submit Grant Plans by logging into the Capital Projects Fund Portal (see Section II.C for full access instructions).

Grant Plan Deadline. After Capital Projects Fund Portal Launch, the Capital Projects Fund Portal will be open for 365 days for Recipients to submit Grant Plans. To be considered, complete Grant Plans must be submitted through the Capital Projects Fund Portal by this deadline, after which the Capital Projects Fund Portal will be closed to new Grant Plans. The deadline will be posted on the Capital Projects Fund website at the address provided below at Section V. Treasury will not consider Grant Plans submitted after the deadline, including any draft Grant Plans in the Capital Projects Fund Portal that were not completed and submitted by the deadline. Funding for Programs (as described the Recipient's Allocation Table) for which no complete Program Plan is received by the deadline will be considered forfeited by the Recipient, unless Treasury, in its sole discretion, grants a deadline waiver.

Updating Grant Plans. Recipients may submit updates to Grant Plans, or portions thereof (i.e., Allocation Table and Program Plans) through the Capital Projects Fund Portal. Updates to Grant Plans will be subject to review and approval by Treasury.

H. REVIEWING GRANT PLANS

Treasury Determinations. Treasury will review Grant Plans for completeness and consistency with Capital Projects Fund requirements (Recipient eligibility will be assessed during review of the Application (see Section II.D)). Treasury will review Grant Plans, including additional required or requested material, and any other reasonable supplementary information submitted by Recipients to assess whether the Recipient will fulfill the requirements and objectives of the Capital Projects Fund. Treasury may consult with other U.S. Government components in reaching its determinations, but final Grant Plan determinations will be at Treasury's sole discretion.

Each Program Plan will be evaluated for alignment with Capital Projects Fund requirements and will be assessed independently from the Recipient's other Program Plans. Treasury may review and approve Grant Plans in whole or in part.

Grant Plan Reviews and Approvals. If Treasury approves a Grant Plan only in part, the Recipient will be provided an opportunity to provide further information or address deficiencies identified by Treasury. Treasury may also return a Grant Plan to the Recipient with recommendations for improvement and resubmission to Treasury for reconsideration. Treasury may, in its discretion, allow Grant Plan deadline extensions for those plans undergoing remediation related to consistency with project eligibility criteria. It is the Recipient's responsibility to be responsive to Treasury communications and submit complete and accurate information by the stated deadlines to receive timely consideration and a definitive response. Failure to comply with Treasury's deadlines and information requests could jeopardize access to full Capital Projects Fund grant



funding.

Timing of Reviews. Following Capital Projects Fund Portal Launch, Treasury will review Grant Plans upon receipt. Recipients are encouraged to submit Grant Plans as soon as possible after the Capital Projects Fund Portal Launch to expedite Treasury review and subsequent access to funds.

I. PROGRAM PAYMENTS

After Treasury approves a Grant Plan in whole or in part, Treasury will inform the Recipient of the schedule for payments to the Recipient for purposes of the approved portions of the plan. The amounts, timing, and conditions of such payments will be determined by Treasury in its sole discretion.

J. APPLICATION AND GRANT PLAN ASSISTANCE

Treasury is available to answer questions about the grant process and the Capital Projects Fund in general; e-mail correspondence is preferred. The Capital Projects Fund program contact information is provided below at Section V. Treasury may also host webinars and post FAQs on its website.



III. OTHER REQUIREMENTS

This Section provides a summary of other requirements that Recipients must meet, including construction, reporting, and compliance requirements. Treasury will release detailed reporting and compliance requirements soon after the Capital Projects Fund Portal Launch.

A. PUBLIC REPORTING

Treasury is required by transparency laws to disclose the names of Capital Projects Fund Recipients and the amounts of Capital Projects Fund grants, and Treasury may disclose other information provided by Recipients in their Applications or Grant Plans to the public. Treasury will post this information on its website and report this information on the usaspending.gov website, which allows the public to see how the federal government has distributed COVID-19 relief funding.

B. COMPLIANCE REQUIREMENTS FOR CONSTRUCTION

Projects funded by the Capital Projects Fund must comply with all applicable federal environmental laws. Generally, the National Environmental Policy Act does not apply to Projects funded by the Capital Projects Fund.¹² Prior to funding a Capital Project, Recipients may complete an environmental checklist, to be made available on the Capital Projects Fund website, to determine whether certain environmental laws apply. Generally, Capital Projects that do not involve construction activities will not be subject to federal environmental review requirements.

Projects must reach substantial completion before 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. Recipients may request extensions beyond this timeframe to the extent that factors outside of the Recipient's control have impacted Project delivery timelines. Treasury will approve extension requests on a case-by-case basis.

C. REPORTING

In general, Recipients will be responsible for satisfying the following reporting requirements:

- *Project and Expenditure Reports* submitted quarterly to Treasury that include data regarding Projects, expenditures, Project status, subawards, civil rights compliance, equity indicators, community engagement efforts, programmatic data such as geospatial data for Broadband Infrastructure Projects, and other measures as determined by Treasury. To provide public transparency on whether Projects are using practices that promote on-time and on-budget delivery, Treasury will seek information from Recipients on their workforce plans and practices related to Capital Projects Fund Projects, as well as information about subcontracted entities.
- *Performance Reports* submitted on an annual basis and demonstrating the outcomes of the Capital Projects Fund-financed grant programs. Reports must include data related to Project and Program outputs and outcomes against the stated objectives of the Recipient's Grant Plan. Costs associated with collecting and measuring performance data and

¹² Projects supported with payments from the Capital Projects Fund may still be subject to NEPA review if they are also funded by or otherwise involve actions from other federal programs or agencies.



conducting activities needed to establish and maintain a performance management and evaluation regime, including program evaluations¹³ conducted in support of Performance Report requirements, are eligible under the Capital Projects Fund.

Treasury will release detailed reporting guidance soon after the Capital Projects Fund Portal Launch.

D. OVERSIGHT

Recipients and Subrecipients will be subject to audit or review by the Treasury Inspector General and Government Accountability Office.

E. APPLICATION OF UNIFORM GUIDANCE

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200 apply to the Capital Projects Fund grant, except for any provisions Treasury may determine are inapplicable to an award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.

F. SANCTIONS

In the event of a Recipient's noncompliance with applicable law or Capital Projects Fund program requirements or guidance, Treasury may impose additional conditions on the receipt of additional Capital Projects Fund funds by the Recipient, terminate further payments from the Capital Projects Fund, seek the repayment of previous Capital Projects Fund payments, or take other available remedies pursuant to 2 C.F.R. 200.339.

G. CONFIDENTIALITY OF ELIGIBLE APPLICANT INFORMATION

Treasury may publicly share information from the Application. Eligible Applicants are encouraged not to include any confidential or proprietary information in their Applications. If any such information is included, Eligible Applicants must identify and label it.

H. CIVIL RIGHTS COMPLIANCE

Recipients of federal financial assistance from Treasury are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of federal funds. Those requirements include ensuring that entities receiving federal financial assistance from Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 C.F.R. part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 C.F.R. part 28; Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 C.F.R. part 23.

¹³ For additional information on example program evaluation standards and practices, please see OMB M-20-12, available at: <https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-12.pdf>.



In order to carry out its enforcement responsibilities under Title VI of the Civil Rights Act, Treasury will collect and review information from Recipients to ascertain their compliance with the applicable requirements before and after providing financial assistance. Treasury's implementing regulations, 31 C.F.R. part 22, and the Department of Justice (DOJ) regulations, Coordination of Non-discrimination in Federally Assisted Programs, 28 C.F.R. part 42, provide for the collection of data and information from Recipients (see 28 C.F.R. 42.406). Treasury may request that Recipients submit data for post-award compliance reviews, including information such as a narrative describing their Title VI compliance status.

I. COMPLIANCE WITH APPLICABLE LAWS

Recipients are responsible for complying with all applicable federal, Tribal, and state laws.



IV. DEFINITIONS

Treasury will apply the following definitions for purposes of this guidance. These definitions supplement and interpret certain terms in Section 604(b) of the Statute. Terms not defined herein shall have the definitions contained in Uniform Guidance

- (a) “Allocation Table” means a summary of all contemplated funding sources and uses for Program funded with Capital Projects Fund grant funding.
- (b) “Application” means the form hosted on the Capital Projects Fund Portal where Applicants will demonstrate eligibility, provide information, and respond to requirements necessary for receiving a Capital Projects Fund Grant.
- (c) “Broadband Infrastructure Project” has the meaning set forth in Section I.C.a.
- (d) “Capital Project” or “Project” has the meaning set forth in Section I.C.c.
- (e) “Capital Projects Fund Grant Plan” or “Grant Plan” means a plan for deploying Capital Projects Fund grant funding that is submitted by a Recipient as part of the request for funding.
- (f) “Capital Projects Fund Portal” means the electronic submissions portal where Eligible Applicants can submit their Application, Capital Projects Fund Grant Plan, and other information necessary to receive a Capital Projects Fund award. The Capital Projects Fund Portal may be reached at: <https://portal.treasury.gov/>.
- (g) “Capital Projects Fund Portal Launch” means the date at which Treasury begins accepting Applications via the Capital Projects Fund Portal to receive Capital Projects Fund grant funding.
- (h) “Digital Connectivity Technology Project” has the meaning set forth in Section I.C.a.
- (i) “Eligible Applicant” has the meaning set forth in Section I.A.
- (j) “Grant Agreement” means the standardized agreement executed between the Eligible Applicant’s authorized representative and Treasury that outlines the terms and conditions of the funds, reporting and recordkeeping, and other requirements.
- (k) “Multi-Purpose Community Facility Project” has the meaning set forth in Section I.C.a.
- (l) “Program” means one or more Capital Projects with common characteristics (e.g., a group of Multi-Purpose Community Facility Projects that directly enable work, education, and health monitoring) for which an Eligible Applicant is seeking funding under the Capital Projects Fund.
- (m) “Program Administrative Cost” means the costs incurred by a Recipient related to the administration of Capital Projects Fund awards, the provision of technical assistants to potential Sub-recipients, and compliance with grant administration and audit requirements.
- (n) “Program Plan” means a plan submitted by a Recipient containing a description of a



Program for which the Recipient is seeking funding under the Capital Projects Fund.

- (o) “State” has the meaning set forth in Section I.A.
- (p) “Statute” means Section 604 of the Social Security Act.
- (q) “Treasury” means the U.S. Department of the Treasury.
- (r) “Tribal Government” means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to Section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131) and the State of Hawaii (for exclusive use of the Department of Hawaiian Home Lands and the Native Hawaiian Education Programs to assist Native Hawaiians).
- (s) “Uniform Guidance” means the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located in Title 2 of the Code of Federal Regulations (2 C.F.R. 200).



V. CONTACT INFORMATION

E-mail correspondence is preferred. Correspondence by mail may be subject to significant delays.

CapitalProjectsFund@treasury.gov

U.S. Department of the Treasury Attn: **Capital Projects Fund**
1500 Pennsylvania Ave NW
Washington, DC 20220

<https://www.treasury.gov/CPF>

