

# KANSAS

## COMMERCE

### Frequently Asked Questions (FAQs)

#### BASE 2.0

##### **1. What is the source of funding?**

Payments under this grant opportunity will be made from federal funding provided by the Coronavirus State and Local Fiscal Recovery Fund (SLFRF) under the American Rescue Plan Act (ARPA) signed into law March 11, 2021 and obtained by the State of KS through Assistance Listing number (formerly CFDA) 21.027.

##### **2. Is SAM.gov entity registration required?**

Yes, all awardees are required to have a Unique Entity ID (UEI) as part of registration in addition to maintaining an active registration in the System for Award Management (SAM) (<https://www.sam.gov>).

##### **3. Can I apply for BASE 2.0 if I applied for the original BASE program (BASE 1.0)?**

Yes, if you applied for BASE 1.0 you can proceed with either of the following:

Option 1: Leave your original BASE 1.0 application unchanged. All unfunded BASE 1.0 applications will be re-considered when BASE 2.0 application period closes on January 31, 2023.

Option 2: You may make changes to your original application (BASE 1.0) if you feel they are needed (ie: cost updates, project status change, etc.). All BASE 1.0 applicants received a notification email from Submittable letting you know your original application is open for editing, and you may login with your original credentials to make changes and/or replace attachments. All changes will need to be submitted by January 31, 2023 at 11:59 PM.

##### **4. How do I submit a new project for BASE 2.0 funding consideration, when I have already submitted in BASE 1.0? (ie: you have a project submitted under BASE 1.0 and now want to add additional project for BASE 2.0)**

By using your original Submittable Login information, new project applications shall be submitted through the BASE 2.0 application here: portal <https://kansasdepartmentofcommerce.submittable.com/submit/247193/building-a-stronger-economy-base-round-2> for new project applications. The BASE 1.0 application portal (<https://kansasdepartmentofcommerce.submittable.com/submit/213957/spark-building-a-stronger-economy-base>) will not accept new applications, only updates to existing applications.

##### **5. Are projects eligible in all 105 counties?**

Yes, during the SPARK meeting a motion was made to reopen the program for all applicants, as such projects from any county are eligible.

##### **6. How many applications can I submit?**

No more than three (3) applications may be submitted by an eligible entity from BASE 1.0 and BASE 2.0 combined. If you would like to withdraw an application for BASE 1.0 to accommodate a new request in BASE 2.0 (to keep within the limit of 3 applications total) you will need to locate your original BASE 1.0 application in Submittable and select the “withdraw” button.

##### **7. What procurement policy should I follow to select a contractor or vendor?**

The process for selecting a contractor or vendor should be identified in your organization’s existing procurement policy. KDC requires subrecipients to follow the most stringent procurement policy stipulations between the organization’s own policies, Kansas State Procurement Policy, and 2 CFR

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200. Unless a more stringent policy is in place at your organization, all purchases estimated to be more than \$5,000 must be competitively awarded ([KSA 75-3739](#)) via a transparent, documented and verifiable process. In cases where a competitive process is infeasible, grantees must complete a Prior Authorization Request Form for sole source vendor/supplier selection.

### **8. Does my organization need to be compliant with Title VI of the Civil Rights Act of 1964?**

Yes, statutes and regulations prohibiting discrimination are applicable to this award, and they include, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

### **9. Are Davis Bacon prevailing-wage rates required?**

The Davis-Bacon Act requirements (prevailing wage rates) do not apply to projects funded solely with BASE award funds. However, recipients may be otherwise subject to the requirements of the Davis-Bacon Act when BASE award 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.

### **10. Can I use other federal funds as match for the BASE grant?**

Generally, yes, provided that the costs are eligible costs under each source program and are compliant with all other related statutory and regulatory requirements and policies, including restrictions on use of funds. Terms and conditions from each funding source should be compared, and the most stringent of requirements followed (i.e. while Davis Bacon prevailing wage rates or the National Environmental Policy Act (NEPA) does not apply to the BASE program, projects supported with BASE funds may still be subject to NEPA review and Davis Bacon if they are also funded by other federal financial assistance programs.) Recipients will be required to comply with applicable reporting requirements for all sources of funds supporting the BASE project.

If using BASE funding for a non-federal match, confirmation must be obtained with the relevant awarding agency that no waiver has been granted for that program (as not eligible to meet matching requirements of other programs), that no other circumstances enumerated under 2 CFR 200.306(b) would limit the use of (SLFRF) funds to meet the match or cost-share requirement, and that there is no

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other statutory or regulatory impediment to using the (SLFRF) funds for the match or cost-share requirement.

### **11. Do the Buy America Preference requirements for infrastructure projects apply to awards made under BASE?**

Awards made under the BASE program are not subject to the Buy America Preference requirements set forth in section 70914 of the Build America, Buy America Act included in the Infrastructure Investment and Jobs Act, Pub. L. 117-58. However, 2CFR200.216 “Prohibition on certain telecommunications and video surveillance services or equipment” is applicable.

### **12. Are Individuals allowed to apply?**

Only individuals who are land developers or commercial property owners may apply. All other eligible applicants are listed in the Eligible Applicants section of the Application Guidelines. Sole proprietorships will need to provide owner information and must obtain a free Employer Identification Number from the IRS. An application from private commercial property owner must include a tie to current or future economic development projects and require a net increase or anticipated net increase in economic activity occurring at the property (e.g., adding additional tenant(s) or workforce).

### **13. Are these grants taxable?**

The IRS published information [[irs.gov](https://www.irs.gov)] indicating that “receipt of a government grant by a business is generally not excluded from the business’s gross income under the Federal Tax Code and therefore is taxable.” Please consult your accountant or tax professional to understand more about your particular tax situation and how this guidance applies.

### **14. Are these funds subject to federal flow-down requirements?**

Yes, recipients should pay special attention to the grant agreement terms and conditions. Provisions from the Uniform Guidance (2 CFR Part 200) apply to this program, including Audit Requirements.

### **15. Can the required match for BASE funding come from the budget of multiple years for a city or county government?**

Yes. A commitment letter or resolution should be provided as confirmation of the match requirement.

### **16. Do I need to complete a full procurement process before sending in all requested application materials?**

No. The following documents should be submitted for the procurement of services, materials, or a contract utilizing ARPA funds that exceed the State threshold of \$5,000 requiring a competitive procurement process:

- a. Procurement Policy

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- b. Solicitation of services (RFP/RFQ/Sealed Bid, etc.)
- c. Responses received from solicitation
- d. Scoring card or documented evaluation of bids that determines awarded contract
- e. Fully executed contract with selected bidder

If a solicitation has not been completed or is not necessary at this point in the project, the procurement policy will be accepted as sufficient procurement documentation to compose an award agreement. All subsequent procurement documentation shall be provided in quarterly reports.

### **17. Is piggybacking on state contracts or cooperative purchasing programs acceptable forms of procurement?**

If permitted by the recipient's own procurement policy, yes, award recipients may use state approved vendors within the State of Kansas Supplier Portal for obtaining services or commodities if instructions are followed for obtaining the pre-negotiated contract pricing. Additionally, if multiple eligible vendors exist for services or materials, each eligible vendor will need to be invited to bid. Other publicly recognized cooperative purchasing programs that satisfy competitive procurement are recognized by KDC to be acceptable.

### **18. What reporting will be required?**

Quarterly reports will be required for all recipients. These will include summary of expenditures and obligations to include supporting documentation such as receipts and invoices of services or contracts, proof of payment (Cancelled checks or bank statements), and the ability to request a budget variance.

### **19. After the period of performance ends, am I required to seek disposition instructions should the project be used for a different purpose, sold, or is liquidated?**

Yes, when the property is no longer needed for the originally authorized purpose, the recipient must obtain disposition instructions from the KDC. After the period of performance, the property, supplies, or equipment must be used consistent with the purpose for which it was purchased or improved for the useful life of the asset.