

Vermont Agency of Commerce & Community Development
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Notice of Funds Available (NOFA)

Vermont Ski Area Recreation Safety Grant Program

Key NOFA Events	Date & Time
Issue Date:	October 16, 2019
Questions Due:	October 23, 2020
Proposals Due:	October 30, 2020

Please be advised all notifications, releases, addenda associated with this NOFA will be posted at the following website referencing the same NOFA title:

<https://accd.vermont.gov/about-us/contract-bidding-opportunities>

The State will not notify interested parties with updated information. It is the applicant's responsibility to periodically check the web site above for all notifications, releases and addenda pertaining to this NOFA.

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email: hilary.delross@vermont.gov



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1. OVERVIEW:

Through this Notice of Funds Available (NOFA) the Agency of Commerce and Community Development (hereinafter the “State”) seeks proposals for grants to help Vermont’s ski areas provide a safe skiing and riding experience in the 2020/2021 season.

- 1.1. **Background:** The State recognizes that ski areas will need to make physical improvements to their resorts to accommodate guests safely due to State-imposed COVID-19 safety measures. This program provides grants of up to \$200,000 to downhill and cross country ski areas to make these improvements or to reimburse a ski area that has made an eligible physical improvement since March 1, 2020.
- 1.2. **Single Point of Contact:** All communications concerning this NOFA are to be addressed in writing to the State Contact listed on the front page of this NOFA. Actual or attempted contact with any other individual from the State concerning this NOFA is strictly prohibited and may result in disqualification.
- 1.3. **Question & Answer Period:** Any vendor requiring clarification of any section of this NOFA or wishing to comment on any requirement of the NOFA must submit specific questions in writing no later than the deadline for question indicated on the first page of this NOFA. Questions may be e-mailed to the point of contact on the front page of this NOFA. Questions or comments not raised in writing on or before the last day of the question period are thereafter waived. At the close of the question period a copy of all questions or comments and the State’s responses will be posted on the State’s web site <https://accd.vermont.gov/about-us/contract-bidding-opportunities>. Every effort will be made to post this information as soon as possible after the question period ends, contingent on the number and complexity of the questions.
- 1.4. **Changes to this NOFA:** Any modifications to this NOFA will be made in writing by the State through the issuance of an Addendum to this NOFA and posted online at <https://accd.vermont.gov/about-us/contract-bidding-opportunities>. Verbal or written instructions from any other source are not to be considered.

2. DETAILED REQUIREMENTS / DESIRED OUTCOMES:

- 2.1. The Ski Area Recreation Safety Grant Program aims to help ski areas implement solutions that will enable skiers and riders to use their facilities safely this winter. The ski industry is the number one leading contributor to Vermont’s outdoor winter economy. The industry serves as the cornerstone for economic activity in mountain towns. These grants aim to ensure that the ski areas, and the hundreds of restaurants, inns, and attractions that depend on them to draw visitors to Vermont, may operate this winter.
- 2.2. Eligible applicants include for-profit, non-profit, and municipally-owned downhill or cross country ski areas that provide skiing and riding in Vermont. Each ski area is only allowed one application. In the instance where a company owns multiple ski areas, the applicant may submit a distinct application for each ski area if each ski area operates under its own federal employer identification number.

- 2.3. Grants may be used to make physical improvements to facilities in order to mitigate public health and safety risks to the public related to COVID-19 physical distancing and other safety requirements, including:
 - 2.3.1. Design, engineering and implementation of construction related to improvements needed to facilitate safe operation with respect to COVID-19 of ski area facilities, including lodges, lifts, other resort amenities, and associated operations.
 - 2.3.2. Rental or purchase of equipment, including tents and other temporary structures, to facilitate physical distancing.
 - 2.3.3. Purchase of personal protective equipment, health and safety equipment and related hard goods necessary to facilitate safe operation with respect to COVID-19 of ski patrol, ski school and other resort operations – including masks, hand sanitizer, and medical supplies.
 - 2.3.4. Technology and related supplies to facilitate contactless transactions needed for safe operation with respect to COVID-19, including the purchase and installation of software, hardware, and related supplies to facilitate online lift ticket sales and ticket checking systems.
- 2.4. All costs must be incurred between March 1, 2020, and December 30, 2020.
- 2.5. Applicants must attest that their business has been negatively impacted by COVID-19.
- 2.6. Applicants must complete the PDF application available at:
<https://accd.vermont.gov/covid-19/ski-area-recreation-safety-grants>
- 2.7. Applicants must include either invoices for work completed or estimates of work to be completed with their application. Invoices and estimates from third parties (contractors) are preferred, however, applicants may submit invoices or estimates from themselves if the work has been or will be done by ski area employees.
- 2.8. Applicants may submit up to 10 expenses per application.
- 2.9. The Agency anticipates capping applications at \$200,000, but reserves the right to increase or decrease that cap based on demand and the quality of applications. Applicants may submit more than \$200,000 worth of invoices or estimates.
- 2.10. Applicants may apply for both an Economic Recovery Grant and a Ski Area Recreation Safety Program Grant. The Agency reserves the right to reduce either grant in the event either program is oversubscribed.

3. GENERAL REQUIREMENTS & CONSIDERATIONS:

- 3.1. **Grant Provisions:** In addition to maintaining insurance coverage usual and customary to their form of business, applicants will certify compliance to the following:
 - 3.1.1. I certify that the business applying does not have any unpaid taxes with the Vermont Department of Taxes that are not currently in a payment plan.
 - 3.1.2. I certify that the business applying will open for skiing and/or riding by December 30, 2020.

- 3.1.3. I have the authority to request payment from the State of Vermont on behalf of the business submitting this application. I am requesting payment of the grant amount, determined by the Agency of Commerce and Community Development, equal to the costs of making physical improvements to facilities in order to mitigate public health and safety risks to the public related to COVID-19 physical distancing and other safety requirements at a ski area. This grant will be used to cover costs incurred due to the Coronavirus Disease 2019 (COVID-19) disaster, in accordance with section 601 of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020) (“section 601”).
- 3.1.4. I acknowledge this grant is funded with federal dollars and is subject to the requirements of 2 CFR Chapter I & II, §200 - OMB Uniform Guidance.
- 3.1.5. I understand that the State of Vermont will rely on this certification as a material representation in making this grant award.
- 3.1.6. As required by federal law, the proposed uses of the funds provided will only be used to cover costs that:
- 3.1.6.1. Are necessary costs related to the COVID-19 public health emergency; and
 - 3.1.6.2. Relates to necessary costs during the period of March 1, 2020 through December 30, 2020; and
 - 3.1.6.3. Are not covered by other federal grants or federally forgiven loans that the business has received. For additional information on this requirement see “Duplication of Benefits” at: tax.vermont.gov/covid-19/duplication-of-benefits
- 3.1.7. I agree that the business submitting this application must repay the grant or portion of the grant to the Agency of Commerce and Community Development if:
- 3.1.7.1. Any grant funds received are based on incorrect representations made on this application or to the Agency of Commerce and Community Development related to this application; or any grant funds that are covered by other federal grants or federally forgiven loans received by the business. I agree that the final determination of whether there has been a duplication of benefits will be made by the Agency of Commerce and Community Development.
- 3.1.8. To the best of my knowledge, as of the date that this application is signed, neither applicant nor applicant’s principals (officers, directors, owners, or partners) are presently debarred, suspended, proposed for debarment, declared ineligible or excluded from participation in Federal programs, or programs supported in whole or in part by Federal funds. Entities that are suspended and/or debarred will have received a notification letter from the Federal Government. Information on suspension and debarment can be found at: bgs.vermont.gov/purchasing-contracting/debarment

- 3.1.9. I agree that the Agency of Commerce and Community Development may share the information on this application with other Vermont state agencies and other State of Vermont Agencies can share information with ACCD for the purpose of verifying my eligibility for this or another grant or stimulus payment related to the COVID-19 pandemic.
 - 3.1.10. Applicant agrees to spend these funds by December 30, 2020.
 - 3.1.11. I certify that all of Applicant's tax returns are completed and filed through the date of application filing.
 - 3.1.12. I certify that applicant complies with local, state and federal labor laws.
 - 3.1.13. I certify that the information contained in this application is true and correct.
 - 3.1.14. I certify that the Applicant is in good standing with the Vermont Secretary of State.
 - 3.1.15. Under the penalty of perjury, I certify that the number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me).
 - 3.1.16. I agree that this grant will be governed by the laws of the State of Vermont and consent to the jurisdiction of the Vermont Superior Court, Civil Division, Washington Unit where any action or proceeding brought in connection with this grant shall be brought.
 - 3.1.17. I agree that the business shall defend the State and its officers against third party claims arising from performance under this grant.
 - 3.1.18. I agree that the business shall indemnify the State and its officers and employees if they become legally obligated to pay damages or losses arising from any act of omission by the business in connection with performance under this agreement.
 - 3.1.19. I agree to forfeit and return to the State the full amount of this grant upon receipt of a written determination by the Secretary of the Agency of Commerce and Community Development finding I failed to comply with Executive Order 01-20 related to the March 13, 2020, State of Emergency and the health and safety guidance issued by the Department of Health and the Agency of Commerce and Community Development, including most notably, but not limited to, the Work Safe guidance and the Cross State Travel quarantine requirements, with emphasis on capacity restrictions, requirements for certificates of compliance from guests, and visitor log requirements.
- 3.2. **Subawards.** In accordance with the State of Vermont Administrative Bulletin 5 § subsection 4, Specific Requirements for Subaward Agreements, Subrecipients may pass through funds they receive to their own subrecipients only with prior written approval of the pass-through entity. They must advise their subrecipients of requirements imposed on them by federal laws, regulations, and the provisions of contracts or grant agreements as well as any supplemental requirements imposed by the pass-through entity. They must also set up a plan for monitoring those subrecipients' use of the funds in accordance with Subpart F of the Uniform Guidance.

3.3. **Statement of Rights:** The State shall have the authority to evaluate Responses and select the Applicant(s) as may be determined to be in the best interest of the State and consistent with the goals and performance requirements outlined in this NOFA. The State of Vermont reserves the right to obtain clarification or additional information necessary to properly evaluate a proposal. Failure of vendor to respond to a request for additional information or clarification could result in rejection of that applicant's proposal. To secure a project that is deemed to be in the best interest of the State, the State reserves the right to accept or reject any and all proposals, in whole or in part, with or without cause, and to waive technicalities in submissions. The State also reserves the right to make purchases outside of the awarded contracts where it is deemed in the best interest of the State.

3.4. **Coronavirus Relief Fund Requirements and Conditions (Ref. VT H.966 as passed)**

3.4.1. **Grant Recipient Requirements; Reversion and Reallocation Schedule**

- 3.4.1.1. All appropriations made from the State's Coronavirus Relief Fund (CRF) in this and other bills passed after March 1, 2020 as part of the 2020 legislative session are made with the knowledge that the statutory and regulatory context is constantly changing. Additional federal legislation may further change the potential for and appropriateness of CRF usage. As a result:
- 3.4.1.2. Appropriations from the CRF are subject to changes in source of funds that may occur as the result of subsequent legislation or through administrative actions, where permissible by law.
- 3.4.1.3. Specific CRF uses may need to change based on changes to federal laws or on revised or updated federal guidance.
- 3.4.1.4. It is the responsibility of all entities receiving CRF monies to ensure compliance with all federal guidelines as to CRF spending and use.
- 3.4.1.5. Unless otherwise authorized by the Commissioner of Finance and Management, any monies appropriated from the CRF shall revert to the CRF to the extent that they have not been expended by December 20, 2020 to enable reallocation.

3.4.2. **Coronavirus Relief Fund Grants Conditions**

- 3.4.2.1. Any person receiving a grant comprising monies from the Coronavirus Relief Fund shall use the monies only for purposes that comply with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance.
- 3.4.2.2. Any person who expends monies from the Coronavirus Relief Fund for purposes not eligible under Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance shall be liable for repayment of the funds to the State of Vermont; provided, however, that a person shall not be liable for such repayment if the person expended the monies in good faith reliance on authorization of the proposed expenditure by

this agreement or specific guidance from the agency or department administering the grant program.

- 3.4.2.3. The Attorney General or a State agency or department administering a grant program established or authorized under this act may seek appropriate criminal or civil penalties as authorized by law for a violation of the terms or conditions of the applicable program, grant, or award.

3.4.3. **Coronavirus Relief Fund Record Keeping & Compliance Reports**

- 3.4.3.1. In order to ensure compliance with the requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136, as herein interpreted and applied, and related guidance, and to assist the State in demonstrating such compliance:
- 3.4.3.2. Any agency or department, and any subrecipient of a grant, that is authorized to disburse grant funds appropriated by this act shall include standard audit provisions, as required by Agency of Administration Bulletins 3.5 and 5, in all contracts, loans, and grant agreements; and
- 3.4.3.3. Each grant recipient shall report on its use of the monies received pursuant to this act to the agency or department administering the grant as required by that agency or department and shall maintain records of its expenditures of the monies for five years, or for a longer period if so required by State or federal law, to enable verification as needed.

4. **EVALUATION CRITERIA:**

Applications will be evaluated based on the information provided in the Vermont Ski Area Recreation Safety Grant Program PDF application. The most important component of an application is the project budget, as demonstrated in the attached invoices and estimates sent with the application.

- 4.1. Proposals will be evaluated using the following criteria as demonstrated in the application and the required attachments.
 - 4.1.1. ***Economic Loss/Need.*** Ski areas with a demonstrated need will be prioritized.
 - 4.1.2. ***Nexus to COVID-19 Restrictions.*** Projects with the strongest nexus to COVID-19 will be prioritized.
 - 4.1.3. ***Economic Impact.*** The project must clearly increase revenue for the ski area – demonstrated through increased employment and more skier days than if the project did not occur.
 - 4.1.4. ***Feasibility and Budget.*** What is the likelihood that this project can be completed before December 30, 2020? Are the costs reasonable and prudent?
 - 4.1.5. ***Geographic Diversity.*** The State will prioritize equity in distribution of funds across the state.

Criteria	Consideration
Economic Loss/Need	20%
Nexus to COVID-19	20%
Economic Impact	20%
Feasibility & Budget	20%
Geographic Diversity	20%

4.2. Additional Considerations

4.2.1. All funding must be obligated by December 10, 2020, and spent by December 30, 2020.

4.2.2. A project status report is due to the by State December 10, 2020. At the State’s request, any unused funding as of December 10, 2020 must be returned by December 20, 2020.

5. **CONTENT & FORMAT OF RESPONSES:**

All applications must be submitted using the State’s online pdf application. No alternative or supplemental applications or application material will be considered.

5.1. **Technical Response:** In response to this NOFA, an Applicant shall:

5.1.1. Complete the online application available at:

<https://accd.vermont.gov/covid-19/ski-area-recreation-safety-grants>

5.1.2. Attach electronic copies of all invoices or estimates to the online application.

5.1.3. Attach a current W-9, hand signed (no electronic signatures, no script fonts, etc.) within the past 6 months.

5.1.4. Attach a completed “State of Vermont Supplier ACH Authorization Form” if electronic payment of the award is desired.

6. **SUBMISSION INSTRUCTIONS:**

6.1. **Closing Date:** Proposals must be received by the State by the due date and time specified on the front page of this NOFA. Late proposals will not be considered.

6.2. **Proposal Delivery Instructions:** All proposals must be submitted in digital format as described below. No hard copies or faxes will be accepted.

(During the pendency of the State emergency relating to Covid-19, State office buildings are locked or otherwise closed to the public. Therefore, proposals will not be received by means of courier or in-person delivery.)

6.2.1. Applicants shall send the required documents (refer to Section 6.3) in PDF file format as attachment(s) to an email to hilary.delross@vermont.gov.

6.2.2. The email subject line must read “**Ski Area Recreation Safety Grant Application.**”

6.2.3. The email with the pdf attachments must be received by the closing date and time found on the cover of this NOFA.

6.2.4. The proposal document must be a single digitally searchable PDF with the following naming convention <<**Vendor Name- Ski Area Recreation Safety**>>, where the “Vendor Name” is the business’ legal name found on Line 1 of the W-9. Applicants must send one email, attaching each of the required documents identified in Section 6.3. Multiple emails will not be accepted.

6.3. Proposal Submission Required Document Checklist:

Proposal Required Documents	✓
Vermont Ski Area Recreation Safety Grant Program Application PDF	
Invoices or quotes for each distinct project	
Hand signed W-9 dated within six months	
Completed ACH form (optional)	