

**MONTANA DEPARTMENT OF COMMERCE
QUALITY SCHOOLS GRANT PROGRAM**

**GUIDELINES & ADMINISTRATION MANUAL FOR
QUALITY SCHOOLS EMERGENCY GRANTS**

MONTANA DEPARTMENT OF COMMERCE

2015 Biennium

June 2013

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MONTANA DEPARTMENT OF COMMERCE
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INTRODUCTION

2015 Biennium Quality Schools Emergency Grants: The Legislature has historically appropriated \$100,000 per biennium of Quality Schools funds to provide for emergency grants. The emergency grants can be awarded by Commerce at any time between and during the legislative sessions to remedy conditions that, if allowed to continue until legislative approval could be obtained, would endanger the public health or safety or expose the applicant to substantial financial risk. An "emergency" means the imminent threat or actual occurrence of an event causing immediate peril to life, property, or the environment that can be averted or minimized with timely action.

The Quality Schools Emergency Grant guidelines are available on the Montana Department of Commerce website at <http://commerce.mt.gov/QualitySchools/emergency.mcpx>, by e-mailing DOCQualitySchools@mt.gov, or by contacting Planning Bureau staff at (406) 841-2770.

I. ELIGIBLE APPLICANTS

Quality Schools Emergency Grants are available for any public school district located in the State of Montana which serves Montana K-12 students, including elementary school districts, high school districts, and K-12 school districts, as those entities are defined in Title 20, Chapter 6, MCA.

The trustees of an applicant school district must approve the submission of an emergency grant application, either through formal resolution of approval or through delegation of authority to submit the application to an authorized officer or employee of the district. The trustees of an applicant school district are solely responsible for ensuring that the district follows all applicable federal, state, and local laws or regulations in applying for an emergency grant and engaging in any activity funded thereby.

Non-public school districts are not eligible for emergency grants. Article V, Section 11 and Article X, Section 6 of the Montana Constitution prohibits the appropriation of state funds for religious, charitable, industrial, educational, or benevolent purposes to any private individual, private association, or private corporation not under the control of the State.

All applicants must have the management capacity to undertake and satisfactorily complete the emergency project applied for, and assure proper management of Quality Schools funds. Emergency grant recipients must be in compliance with all applicable auditing and financial reporting requirements, and have the capacity to specifically assure proper tracking and recording of funds.

II. ELIGIBLE EMERGENCY PROJECTS

Public school districts may request Quality Schools emergency grant funding for a school facility project that is necessitated by an emergency. An emergency means an imminent threat or actual occurrence of an event causing immediate peril to life, property, or the environment that can be averted or minimized with timely action.

Emergency grants can be awarded by the Department at any time between, and during, legislative sessions to either temporarily or permanently remedy conditions that, if allowed to continue until full

project funding could be obtained, would endanger the public health or safety or expose the applicant to substantial financial risk. Emergency grants may also be awarded by the Department to temporarily or permanently alleviate conditions necessitated by such an emergency.

In order to receive Quality Schools emergency grant funding, the requesting school district must demonstrate that:

- (1) The school district has contributed as much financial and other resources as possible towards completing the proposed emergency project, and has reasonably exhausted all other means of funding the emergency project;
- (2) There are no management practices or other non-construction remedies available that, as an alternative to the proposed project, could forestall the emergency or condition resulting therefrom until permanent project funding can be obtained;
- (3) The proposed expenditures are essential to resolving the emergency or a condition resulting therefrom and necessary for completing the proposed emergency project;
- (4) The proposed emergency project is critical to the continued and proper operation of a school facility or facilities; and
- (5) The situation being corrected is the result of reasonably unforeseen circumstances and not the result of normal use, age, deterioration, or negligence on the part of the owner.

III. INELIGIBLE ACTIVITIES AND EXPENSES

Quality Schools emergency grants cannot be used for any of the following activities or expenses:

- Operation and maintenance costs or expenses;
- Purchase of non-permanent furnishings, fixtures, or equipment that is not permanently installed in or solely dedicated to the operation of the project, unless the school district can demonstrate, to the satisfaction of Commerce, that a non-permanent solution is necessary to address the emergency or a condition resulting from the emergency, and will be replaced with a permanent improvement within a reasonable period of time.
- Grant administration and management expenses;
- Financial expenses, including but not limited to interest expense, bond issuance costs, or any other debt-related costs or expenses;
- Used furnishings, fixtures, or equipment, unless the school district can demonstrate, to the satisfaction of Commerce, that such items are equal to or better than new items; or

IV. REVIEW PROCESS

To request a Quality Schools emergency grant, a public school district must contact the Community Development Division engineers. Staff will assist the school district with filling out the emergency grant review form. Please note that this form may be modified at any time by Commerce; the most current form will be posted on the Commerce website.

Commerce reserves the right to reject ineligible, incomplete, or otherwise improper requests. Quality Schools emergency grant applications will be accepted on an on-going basis beginning July 1,

2013 until the end of the 2015 biennium, or until all appropriated Quality Schools emergency grant funds have been awarded, whichever comes first. All emergency projects for which a Quality School grant has been awarded must be completed immediately after the date of Award Letter issued to the requesting school district from Commerce.

The submission of a request for Quality Schools emergency grant funding confers no right upon any applicant. Commerce is not obligated to award any grants under this program, to pay any costs incurred by the school district in the preparation and submission of any request, or pay any project-related costs incurred prior to the date of the successful district's award letter.

Commerce staff will review all emergency grant requests and evaluate the extent to which the proposed project(s) relate to the criteria set forth in the Quality Schools Facility Grant Program statute (§90-6-801, MCA) and these guidelines. Staff may require additional information from the requesting school district to clarify information presented in the request. Site visits by Commerce staff may be made to the proposed project area for the purpose of verifying or further evaluating information contained in the request.

V. ADMINISTRATIVE PROCEDURES AND REQUIREMENTS

The provisions below describe some of the more significant administrative procedures and requirements successful Quality Schools Emergency Grant applicants must comply with. All procedures and requirements that the award recipient must comply with will be set forth in the grantee's contract with Commerce.

- (1) **Payment.** Quality Schools Program grantees must enter into a contract with the Montana Department of Commerce before any funds can be reimbursed. Payment for approved expenses under the grant contract will be on a reimbursement basis only. As successful applicants incur project expenses, they must submit a Draw Down Request Form with supporting documentation including a Signature Certification Form and all applicable invoices with hourly rates and breakdowns, receipt, etc.). Commerce will determine, in its sole discretion, whether supporting documents for a Request for Payment are sufficient and adequate to approve reimbursement. If the grantee fails to incur expenses on or before the termination date of the grant contract, Commerce cannot reimburse the grantee grant award funds, unless the grantee can demonstrate, to the satisfaction of Commerce, a reasonable basis for the delay in requesting reimbursement.
- (2) **Reporting Requirements/Project Monitoring.** Grantees will be required to submit progress and expenditure reports in accordance with the requirements of the grant contract. Commerce reserves the right to perform site inspection(s) in order to monitor the Grantee's compliance with the terms of grant contract, including but not limited to verification of services performed and monitoring of Quality Schools grant funds.
- (3) **Public's Right to Know.** Applications that are funded are subject to disclosure, in response to requests received under provisions of the Montana Constitution (Art. II, §9). Information that could reasonably be considered to be proprietary, privileged, or confidential in nature should be identified as such in the application.
- (4) **Authority/Approvals.** The signature on the application is the Applicant's authorized agent's certification that the district trustees have either taken formal action (by resolution) to approve submittal of the application or that the trustees have previously delegated their

authority to submit the application to the agent as an authorized officer or employee of the district. The trustees of an applicant school district are solely responsible for ensuring that the district follows all applicable federal, state, and local laws or regulations in applying for a grant and engaging in any activity funded thereby.

- (5) **Compliance with Laws.** The Applicant must certify on the application that the proposed emergency project complies with all state, federal, and local laws, ordinances, and regulations, including any necessary environmental review, procurement requirements, including but not limited to the following:
- School districts in the State of Montana are subject to specific procurement requirements set forth in state statute. Recipients of Quality Schools Grant funds are expected to ensure that all requirements in the statute are followed and properly met, including but are not limited to those set forth in Title 18, Chapter 2, and Title 20, Chapters 6 and 9. Districts receiving Quality Schools grant funds should be prepared to document the procurement process followed.
 - All permits, licenses, etc. required to perform the project have either been obtained or will be obtained no later than 30 days from the date of the Award Letter, unless the grantee can demonstrate, to the satisfaction of Commerce, a reasonable basis for the delay in obtaining necessary review or approval.
 - Sections 2-2-104, 2-2-105, 2-2-201, 20-1-201, and 20-9-204, MCA govern the code of conduct and conflicts of interest by all school districts and public employees including the school superintendent, the trustees of a school district, and district employees. These laws must always be followed by school districts, regardless of their participation in the Quality Schools Grant Program.
 - Montana's Prevailing Wage Act (Section 18-2-401, et seq., MCA) applies to all public works contracts let by a school district (all construction contracts and non-construction contracts in excess of \$25,000). Districts receiving Quality Schools grant funds should be prepared to document the payment of prevailing wages in all applicable contracts for services.
- (6) **Dissemination of Information/Technology Transfer.** Grantees will be contractually required to allow Commerce access to the facility project site associated with the emergency project, and the ability to obtain, publish, disseminate, or distribute any and all information obtained from the project (except any data or information that identified as confidential or proprietary), without restriction and without payment or compensation by Commerce.
- (7) **Grant Duration/Performance Period.** The grant term will begin upon execution of the grant contract and end six (6) months after the date of the Award Letter, or upon final close-out of the project by Commerce after final reimbursement for project costs, whichever is sooner. No Draw Down Request Forms may be submitted for any costs or expenses incurred by the district for reimbursement after termination of the grant contract.
- (8) **Return of Funds.** At Commerce's sole discretion, Grantee will be required to and agrees it shall return to Commerce any and all funds that are determined by Commerce to have been spent in violation of the grant contract.
- (9) **Cost Savings.** In the event that expenses for a Quality Schools Emergency Grant project are less than the projected costs and grant award, Commerce may either, in its sole discretion,

authorize additional related project efforts for the same facility to enhance the overall project or reduce the grant award accordingly.

Alternative accessible formats of this document will be provided upon request.

If you need this document in an alternative format, such as large print, Braille, audio tape, or computer diskette, please contact the Quality Schools Program Staff at (406) 841-2770, the Montana Department of Commerce TDD (406) 841-2702, or the Relay Services number, 711.

Appendix

QUALITY SCHOOLS

EMERGENCY GRANT APPLICATION REVIEW FORM

APPLICANT AND PROJECT INFORMATION:

Date Request is Received:

Applicant:

Address:

Contact Person and Telephone Number:

Nature of Emergency:

Proposed Project:

Estimated Total Cost of Project: \$

Itemize the proposed expenditures (use separate Sheet as necessary):

Amount of Quality Schools Funds Requested: \$

REVIEW OF REQUEST:

1. Is the applicant eligible to apply for Quality Schools funding? Yes No
2. Is the proposed project eligible for funding? Yes No
3. Is the grant necessary to remedy a condition(s) that if allowed to continue until legislative approval could be obtained would endanger the public health or safety and expose the applicant to substantial financial risk? Yes No

Details:

4. Can the implementation of reasonable management practices forestall the risks to health or safety until legislative approval can be obtained? Yes No

Details:

5. Is the entire proposed emergency project critical to the proper operation of a system? Yes No

Details:

6. Are all of the proposed expenditures essential to resolving the emergency and necessary for completing the proposed emergency project? Yes No

Details:

7. Is any proposed funding to be used for preventive maintenance or to provide a backup to an existing system component? Yes No

Details:

8. Will any further actions beyond what has been proposed be necessary to fully resolve the emergency? Yes No

Details:

9. Is the situation being corrected the result of reasonably unforeseen circumstances and not the result of normal use, age, deterioration, or negligence on the part of the owner? Yes No

Details:

10. Has the applicant contributed as much financial and other resources as possible towards completing the proposed emergency project? Yes No

Details:

11. Is funding available from any other source, including the sponsor? Yes No

Details:

12. Describe all state or federal environmental permits required to complete the proposed project. For each permit, identify whether the applicant has already obtained the permit, and if not, describe the applicant plans to obtain such permit.

Details:

13. Describe the process followed by the application district to meet all MEPA requirements, and the findings resulting from that process. Please attach a copy of all environmental review documents related to the proposed project.

Details:

SITE VISIT:

Date:

Commerce Staff Conducting Site Visit:

Contact Person and Telephone Number:

Brief Summary of Visit:

Conclusions:

Reviewer Recommendation:

Community Development Division Engineer

Date

Concurrence:

Concur _____

Do Not Concur _____

Concur with the Following Modifications:

Allison Mouch, Planning Bureau Chief
Community Development Division

Date

Approval:

Approved _____

Not Approved _____

Approved with the Following Modifications:

Kelly A. Lynch, Administrator
Community Development Division

Date