

# Rural Infrastructure Fund FY 2022-2023 Statewide Program Guidelines



## Background

The Rural Infrastructure Fund (RIF) is a reimbursement grant program within the Department of Economic Opportunity (DEO), created to facilitate the planning, preparing, and financing of infrastructure projects in rural communities, which will encourage job creation, capital investment, and the strengthening and diversification of rural economies. The Florida Legislature appropriated \$25 million in federally-funded State and Local Fiscal Recovery Funds (SLFRF) to the Rural Infrastructure Fund Statewide Program.

## Eligible Applicants and Technical Assistance

RIF funds are available to units of local government within an area designated as a Rural Area of Opportunity or a rural county or community as defined by section 288.0656, Florida Statutes.

- “Rural area of opportunity” means a rural community, or a region composed of rural communities, designated by the Governor, which has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact.
- “Rural community” means:
  - A county with a population of 75,000 or fewer.
  - A county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer.
  - A municipality within a county described in the two bullets above.
  - An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in Section 288.0656(1)(c) and verified by the DEO.

The following counties and units of general local government within the following counties are eligible applicants:

- Baker County
- Bradford County
- Calhoun County
- Columbia County
- Desoto County
- Dixie County
- Flagler County
- Franklin County
- Gadsden County
- Gilchrist County
- Glades County
- Gulf County
- Hamilton County
- Hardee County
- Hendry County
- Highlands County
- Holmes County
- Jackson County
- Jefferson County
- Lafayette County
- Levy County
- Liberty County
- Madison County
- Nassau County
- Okeechobee County
- Putnam County
- Suwannee County
- Taylor County
- Union County
- Wakulla County
- Walton County
- Washington County

Additionally, the following local governments are eligible applicants:

- City of Astatula
- City of Belle Glade
- Town of Century
- Town of Dundee
- City of Fellsmere
- City of Fort Meade
- City of Freeport
- City of Frostproof
- City of Hawthorne
- City of High Springs
- City of Immokalee
- Village of Indiantown
- Town of Jay
- City of Lake Wales
- City of Pahokee
- City of South Bay
- City of Umatilla

DEO staff are available to provide support throughout the application process. Applicants are strongly encouraged to attend all scheduled webinars and trainings provided by DEO. Applicants can find current information about the RIF program at [www.FloridaJobs.org/RIF](http://www.FloridaJobs.org/RIF). Questions regarding the RIF program should be sent to [RIF@DEO.MyFlorida.com](mailto:RIF@DEO.MyFlorida.com).

## Eligible Activities

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Eligible activities for RIF statewide funds include planning and construction for necessary investments in water, sewer, or broadband Internet infrastructure.

Up to eight percent of the total requested funding may be used for administering the program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Costs for planning and design of the project are also eligible uses of RIF funding. Any costs reimbursed with RIF funds must be reasonable and allowable, as described in 2 C.F.R Part 200.404 and Part 200.405, respectively. Pre-award costs, as defined in 2 C.F.R. Part 200.458, may not be paid with RIF funds.

Generally, projects focused on wastewater, sewer, stormwater, drinking water, and broadband Internet infrastructure are eligible. Additionally, [87 Federal Register](#) Pages 4408-4422 provides specific examples of the types of projects recipients may undertake.

## Grant Categories and Maximum Award Amounts

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### Total Project Participation Grants

To facilitate access and maximize the use of state, federal, local, and private resources, grants may be awarded for up to 50 percent of the total infrastructure project costs.

### Project Planning and Preparation Grants

To facilitate timely response and induce the location or expansion of specific job creating opportunities, grants may be awarded for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities. Grants awarded under this category may be used in conjunction with Total Project Participation grants provided the total amount of both grants does not exceed 30 percent of the total project cost.

Maximum amounts of grants:

- \$50,000 for employment project with a business committed to create at least 100 jobs;
- \$150,000 for employment project with a business committed to create at least 300 jobs; and

- \$300,000 for a project in a rural area of opportunity.

### **Preclearance Review Grants**

To enable rural communities to access the resources available under the Expedited Permitting – Preclearance Review Process (Section 403.973(18), Florida Statutes), grants may be awarded for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Grant application criteria includes the extent to which administrative and consultant expenses are minimized.

Maximum amounts and match requirements:

- Projects located outside a Rural Area of Opportunity - \$75,000 with 50 percent local funds match;
- Projects located within a Rural Area of Opportunity - \$300,000 with 33 percent local funds match; and
- Projects located within a catalyst site (as defined in Section 288.056, Florida Statutes): maximum amounts same as above with local funds match requirement waived.

### **Definition of “Necessary” Investments in Infrastructure**

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As described above, the SLFRF allows Recipients to make “necessary” investments in water, sewer, or broadband Internet infrastructure ([87 Federal Register](#) Page 4339). The U.S. Department of the Treasury considers an investment in water, sewer, or broadband Internet infrastructure to be necessary if it is (1) responsive to an identified need to achieve or maintain an adequate minimum level of service and (2) a cost-effective means for meeting that need, taking into account available alternatives ([87 Federal Register](#) Page 4409). DEO will consider the degree to which proposed projects are necessary when evaluating RIF grant applications.

### **Broadband Internet Infrastructure Requirements**

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Projects must be designed to provide service to households and businesses with an identified need for additional broadband Internet infrastructure investment, such as lack of access to a connection that reliably meets or exceeds symmetrical 100 Mbps download and upload speeds, lack of affordable access to broadband Internet service, or lack of reliable broadband Internet service ([87 Federal Register](#) Page 4419). DEO will consider the degree to which proposed projects are necessary when evaluating RIF grant applications.

Internet service and access must be conducted through partnership(s) with one or more dealers registered with the Department of Revenue as a provider of communications services in Florida and the partnership(s) must be established through a competitive selection process that is publicly noticed. (Florida Statutes, [Section 288.0655\(2\)\(b\)](#)).

### **Job Creation and Capital Investment**

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The purpose of RIF funding is to attract job creation and capital investment in rural economies. Applications submitted under all grant categories should demonstrate the need of the infrastructure project in attracting job creation and capital investment. Applications submitted under the Total Project Participation grant category will be required to provide information from a Participating Party that includes the number of new jobs they expect to create and the amount of capital investment they will provide.

### **Application Evaluation Review Criteria**

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RIF grant applications should clearly demonstrate the economic benefit of the project and its long-term viability. In evaluating RIF grant applications, DEO will consider factors including, but not limited to:

- The applicant’s capacity to administer the funds;
- The project’s potential for enhanced job creation or increased capital investment;
- Whether the project is located in a community development corporation service area;
- The [unemployment rate](#) of the county in which the project is located;
- The poverty rate of the community; and
- Whether infrastructure improvements are “necessary,” if applicable.

## Timeframe

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All funds must be obligated by DEO by December 31, 2024, and must be expended by DEO by December 31, 2026. RIF applications must be structured around projects no more than 24 months in duration.

## Other Funding Sources

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Pursuant to Section 288.0655, Florida Statutes, DEO will award grants for Total Project Participation Grants for up to 50 percent of the total infrastructure project cost. RIF statewide funds cannot be supplemented with funds from another federal program. Proposed project costs must be eligible under both the RIF program and any additional source of funding the applicant will utilize (87 Federal Register 4434). Furthermore, applicants must demonstrate that other sources of funds are available and committed to the project prior to receiving a subgrant award.

## Monitoring and Reporting

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Pursuant to 2 C.F.R. Part 200.332, DEO is required to monitor its Recipients to ensure program compliance. DEO will monitor each project throughout its lifecycle. Monitoring may be conducted when about 15% of the awarded funds have been disbursed to ensure that the recipient has systems in place to properly comply with program requirements such as administrative, civil rights, financial management, and auditing requirements, and/or once construction is nearing completion to ensure that the recipient has continued to comply with the program requirements, as well as to ensure that requirements related to construction have been followed.

Recipients will be required to submit quarterly status reports that detail the progress that has been made on the project and to detail what steps will be taken in the next quarter.

## Regulatory Compliance

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### Audits

Pursuant to 2 C.F.R. Part 200 Subpart F, recipients expending \$750,000 or more from all federal sources within a fiscal year are required to have a Single Audit conducted for that fiscal year.

### Civil Rights

Recipients must comply with applicable statutes and regulations prohibiting discrimination, including:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), which prohibits discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. Title VIII of the Civil Rights Act of 1968, the Fair Housing Act (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.), which prohibits 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.

### **Conflicts of Interest**

Pursuant to Section 112.3143, Florida Statutes, the following people or their immediate family members shall not have any direct or indirect financial interest in any contract, subcontract, or the proceeds thereof for work to be performed in connection with the grant during their tenure or for one year thereafter:

- 1) employees or agents of the recipient who exercise any function or responsibility for the RIF project and
- 2) officials of the recipient, including members of the governing body.

### **Environmental Review**

Pursuant to the U.S. Department of Treasury SLFRF guidance, applicable federal environmental laws and regulations will apply. DEO will review applicable environmental documents for compliance.

### **Financial Management**

DEO will monitor recipients to determine compliance with the financial requirements of 2 C.F.R. Part 200, including 2 C.F.R. Parts 200.300-309 and 2 C.F.R. Parts 200.328-330, and other regulations applicable to the RIF Program, including section 218.33, F.S. Typically, ledgers, invoices, canceled checks, bank statements, and requisitions are reviewed to see whether the recipient has an adequate system of financial management. DEO staff may also make specific requests to review information or documentation relating to the financial management of a grant.

### **Labor Standards**

The U.S. Department of the Treasury encourages the use of strong labor standards to increase the efficiency of infrastructure projects. Recipients of RIF Funds will be required to comply with federal labor standards, including but not limited to:

- [Davis-Bacon Act of 1931, as amended \(40 U.S.C. 3141-3148\)](#) and [Labor Standards Provisions of 29 C.F.R. Part 5](#);
- [Contract Work Hours and Safety Standards Act of 1962, as amended \(40 U.S.C. 3701-3708\)](#);
- [Federal Fair Labor Standards Act of 1938, as amended \(29 U.S.C. 201-219\)](#); and
- [Copeland "Anti-Kickback" Act \(18 U.S.C. 874\)](#).

### **Procurements**

The recipient must follow the procurement requirements outlined in 2 C.F.R. Parts 200.317-327. The procurement must reflect all applicable state and local laws, should promote free and open competition, and describe efforts to encourage minority and woman-owned businesses to submit bids/proposals. Recipients must contract for the procurement of goods, services, and construction projects, including design services, paid for with RIF funds.

### **SAM.gov Registration**

Pursuant to 2 C.F.R. Part 25, each applicant must obtain a Unique Entity Identifier from the federal System for Award Management (SAM) prior to receiving a subgrant agreement from DEO.

### **Other Requirements**

The requirements and regulations above provide a broad overview of the requirements and regulations that apply to the RIF program and is not meant to be an exhaustive list of all of the requirements and regulations that recipients will be subject to. Other requirements include, but are not limited to:

1. [The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards \(2 C.F.R. Part 200\) in general, other than the excluded requirements outlined in Assistance Listing Number 21.027](#);

2. [The Hatch Act \(5 U.S.C. 1501-1508 and 7324-7328\)](#);
3. [Governmentwide Requirements for Drug-Free Workplace \(31 C.F.R. Part 20\)](#);
4. [New Restrictions on Lobbying \(31 C.F.R. Part 21\)](#);
5. [Protections for Whistleblowers \(41 U.S.C. 4712\)](#);
6. [False Claims Act \(31 U.S.C. 3729-3733\)](#);
7. [Uniform Relocation Assistance and Property Acquisitions Act of 1970 \(42 U.S.C. 4601-4655\)](#);
8. [Rules and Procedures for Efficient Federal-State Funds Transfers \(31 C.F.R. Part 205\)](#);
9. [Florida Small and Minority Business Assistance Act \(288.703-706, F.S.\)](#); and
10. [Single Audit Act Amendments of 1996 \(31 U.S.C. 7501-7507\)](#).