



## American Rescue Plan Grants to Local Arts Agencies for Subgranting

### Notice of Funding Opportunity and Requirements

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Mammoth Lakes Recreation has been awarded a \$150,000 National Endowment for the Arts (NEA) American Rescue Plan (ARP) Grant to Local Arts Agencies (LAA) for Subgranting. The funds will be distributed in two cycles; a 2022 cycle and a 2023 cycle. This award is to support eligible organizations and jobs in the arts sector that have been impacted by the Coronavirus pandemic. ARP funds are non-matching. There is no cost share. ARP funds support salaries, administration costs, and subgranting to the nonprofit arts sector in response to the COVID-19 pandemic. All costs must be allocable and allowable. Allowable costs are detailed in this document.

Please read this Notice carefully before applying to ensure the organization or individual submitting the application is eligible and understands the requirements of accepting these funds. All organizations awarded a grant from these funds must read, acknowledge, and comply with the requirements listed in this Notice if selected for an award. Acknowledgement of this document will be certified in application.

Contact Kim Anaclerio for more information or questions: - [kim@mammothlakesrecreation](mailto:kim@mammothlakesrecreation)

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#### **A) APPLYING, REVIEW CRITERIA & REVIEW PROCESS, TIMELINES**

1. Applications can be accessed on [MammothLakesRecreation.org/NEA](https://MammothLakesRecreation.org/NEA) and will be submitted electronically.
2. Applications will be evaluated using the [MLR Evaluation Matrix](#). The MLR Evaluation Matrix is a quantitative evaluation tool designed to score applications in a variety of categories as aligned with [MLR's Guiding Principles](#), the artistic excellence and artistic merit of projects, and compliance with subgranting requirements. Equal weight is assigned to all criteria categories. While proposals need not address every criterion, applicants may consider all the criteria when developing their proposals.

IMPORTANT NOTE: Applications will be reviewed for "Artistic Merit" and "Artistic Excellence" as a requirement of the NEA. Please use the [MLR Evaluation Matrix](#) as a guide for review criteria when developing the tangible outcomes of project activities.

3. Proposals must sufficiently describe the arts projects or programs with specific, definable activities that operational costs covered by this award will produce. The application may be rejected if it does not sufficiently describe the project activities.

4. A complete [Budget Worksheet](#) must be submitted with the application. Documentation of expenses, which align with submitted budget, is required in final Performance Report.
5. After processing by staff, applications are reviewed by a Panel of three individuals with knowledge of the local arts community who serve on the Mammoth Lakes Recreation Board of Directors. The Panel makes the final decision on all grant award allocations.
6. Cycle 1
  - 6.1. Applications will be accepted from February 11, 2022 – March 10, 2022.
  - 6.2. Applicants will be notified of recommendation or rejection in April 2021. If award is recommended, attached to the notification will be a set of acceptance documents that must be completed and returned prior to funds being dispersed. Award will be issued in entirety via check once acceptance documents are returned. Dispersal of funds to sub-grantees is anticipated no later than June 2022.
  - 6.3. The Performance Period for Cycle 1 begins on January 1, 2022 and ends on December 31, 2022. All funds must be expended during the Performance Period and reporting completed within 30 days.
7. Cycle 2
  - 7.1. Applications will be accepted from January 1, 2023 – January 31, 2023.
  - 7.2. Applicants will be notified of recommendation or rejection in February 2023. If an award is recommended, attached to the notification will be a set of acceptance documents that must be completed and returned prior to funds being dispersed. Award will be issued in entirety via check once acceptance documents are returned. Dispersal of funds to sub-grantees is anticipated by March 2023.
  - 7.3. The Performance Period for Cycle 2 begins on January 1, 2023 and ends on June 30, 2023. All funds must be expended during the Performance Period and reporting completed within 30 days.

## **B) NATIONAL POLICY AND OTHER LEGAL REQUIREMENTS, STATUTES, AND REGULATIONS THAT GOVERN YOUR AWARD**

The following flow-down regulations and policy requirements are presented so that all potential applicants understand and are prepared to comply with the requirements if they are selected for an award. You must ensure that the funded project is implemented in full accordance with the U.S. Constitution, federal law, and public policy requirements: including, but not limited to, those protecting free speech, religious liberty, public welfare, the environment, and prohibiting discrimination (2 CFR 200.300).

### **1. Nondiscrimination Policies**

As a condition of receipt of federal financial assistance, you acknowledge and agree to execute your project, and require any contractors, successors, transferees, and assignees to comply with applicable provisions of national laws and policies prohibiting discrimination, including but not limited to:

- 1.a Title VI of the Civil Rights Act of 1964, as amended, and implemented by the National Endowment for the Arts at 45 USC 1110, provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any

program or activity receiving federal financial assistance. Title VI also extends protection to persons with limited English proficiency (42 USC 2000d et seq.)

1.b As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. You are encouraged to consider the need for language services for LEP persons in conducting your programs and activities. For assistance and information go to [www.arts.gov/foia/reading-room/nea-limited-english-proficiency-policy-guidance](http://www.arts.gov/foia/reading-room/nea-limited-english-proficiency-policy-guidance).

1.c Title IX of the Education Amendments of 1972, as amended, provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subject to discrimination under any education program or activity receiving federal financial assistance (20 USC 1681 et seq.)

1.d The Age Discrimination Act of 1975, as amended, provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance (42 USC 6101 et seq.)

1.e The Americans with Disabilities Act of 1990 (ADA), as amended, prohibits discrimination on the basis of disability in employment (Title I); State and local government services (Title II); and places of public accommodation and commercial facilities (Title III) (42 USC 12101-12213).

1.f Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified individual with a disability in the United States shall, solely by reason of his/her disability, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance (29 USC 794).

Access should be integrated into all facets and activities of an organization, from day to day operations to long range goals and objectives. Access accommodations and services should be given a high priority and funds should be available for these services. All organizations are legally required to provide reasonable and necessary accommodations for staff and visitors with disabilities.

#### Section 504 - Self-Evaluation and Additional Resources

- i. A Section 504 self-evaluation must be on file at your organization. To help your

organization evaluate its programs, activities, and facilities with regard to Section 504 accessibility requirements, the Civil Rights Office has a Section 504 Self Evaluation Workbook available on their website.

ii. You must designate a staff member to serve as a 504 Coordinator. The completed workbook or similar compliance and supporting documentation should be kept on file for a period of three (3) years from the project completion date, and made available to the public and the NEA upon request. The NEA may request the 504 Workbook or your compliance documents for various potential scenarios including an Inspector General audit and/or civil rights investigation.

iii. Design for Accessibility: A Cultural Administrator's Handbook provides guidance on making access an integral part of an organization's staffing, mission, budget, and programs. This Handbook and other resources may be downloaded from the NEA website. If you have questions, contact the Office of Accessibility at [accessibility@arts.gov](mailto:accessibility@arts.gov); (202) 682-5532; FAX (202) 682-5715; or TTY (202) 682-5496.

**IMPORTANT NOTE:** Subgrantees must complete and submit Section 504 Accessibility Checklist as part of the application process for each venue programs will take place.

## 2. Environmental and Preservation Policies

2.a The National Environmental Policy Act of 1969, as amended, applies to any federal funds that would support an activity that may have environmental implications. We may ask you to respond to specific questions or provide additional information in accordance with the Act. If there are environmental implications, we will determine whether a categorical exclusion may apply; to undertake an environmental assessment; or to issue a "finding of no significant impact," pursuant to applicable regulations and 42 USC Sec. 4332.

2.b The National Historic Preservation Act of 1966, as amended, applies to any federal funds that support activities that have the potential to impact any structure eligible for or on the National Register of Historic Places, adjacent to a structure that is eligible for or on the National Register of Historic Places, or located in a historic district, in accordance with Section 106. This also applies to planning activities that may affect historic properties or districts. We will conduct a review of your project activities, as appropriate, to determine the impact of your project activities on the structure or any affected properties. Agency review must be completed prior to any agency funds being released. You may be asked to provide additional information on your project to ensure compliance with the Act at any time during your award period (16 USC 470).

## **Other National Policies**

3. Debarment and Suspension. You must comply with requirements regarding debarment and

suspension in Subpart C of 2 CFR Part 180, as adopted by the NEA in 2 CFR 3254.10.

There are circumstances under which we may receive information concerning your fitness to carry out a project and administer federal funds, such as:

- i. Conviction of, or a civil judgment for, the commission of fraud, embezzlement, theft, forgery, or making false statements;
- ii. Any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;
- iii. Any other cause of so serious or compelling a nature that it affects an organization's present responsibility.

In these circumstances, we may need to act quickly to protect the interest of the government by suspending your funding while we undertake an investigation of the specific facts. We may coordinate our suspension actions with other federal agencies that have an interest in our findings. A suspension may result in your debarment from receiving federal funding government-wide for up to three (3) years.

**IMPORTANT NOTE:** A self-certification that participants in the subaward are not disbarred, suspended, or have any other exclusions or disqualifications from doing business with the Federal Government is an application requirement.

4. The Drug Free Workplace Act requires you to publish a statement about your drug-free workplace program. You must give a copy of this statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out.

You must maintain on file the place(s) where work is being performed under this award (i.e., street address, city, state, and zip code). You must notify Mammoth Lakes Recreation, on behalf of the NEA Office of Grants Management, of any employee convicted of a violation of a criminal drug statute that occurs in the workplace (41 USC 701 et seq. and 2 CFR Part 3256).

5. Lobbying. You may not conduct political lobbying, as defined in the statutes and regulations listed below, within your federally-supported project. In addition, you may not use federal funds for lobbying specifically to obtain awards. For definitions and other information on these restrictions, refer to the following:

5.1 No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether

before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Member or official, at his request, or to Congress or such official, through the proper official channels, requests for any legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities (18 USC 1913).

5.2 Lobbying (2 CFR 200.450) describes the cost of certain influencing activities associated with obtaining grants, contracts, cooperative agreements, or loans as an unallowable project cost. The regulation generally defines lobbying as conduct intended to influence the outcome of elections or to influence elected officials regarding pending legislation, either directly or through specific lobbying appeals to the public.

5.3 Certification Regarding Lobbying to Obtain Awards. Section 319 of Public Law 101-121, codified at 31 USC 1352, prohibits the use of federal funds in lobbying members and employees of Congress, as well as employees of federal agencies, with respect to the award or amendment of any federal grant, cooperative agreement, contract, or loan. While non-federal funds may be used for such activities, they may not be included in your project budget, and their use must be disclosed to the awarding federal agency. Disclosure of lobbying activities by long-term employees (employed or expected to be employed for more than 130 days) is, however, not required. In addition, the law exempts from definition of lobbying certain professional and technical services by applicants and awardees.

6. Davis-Bacon and Related Acts (DBRA), as amended, requires that each contract over \$2,000 to which the United States is a party for the construction, alteration, or repair of public buildings or public works (these activities include, but are not limited to, painting, decorating, altering, remodeling, installing pieces fabricated off-site, and furnishing supplies or equipment for a worksite) must contain a clause setting forth the minimum wages to be paid to laborers and mechanics employed under the contract. Under the provisions of DBRA, contractors or their subcontractors must pay workers who qualify under DBRA no less than the locally prevailing wages and fringe benefits paid on projects of a similar character.

Information about the laborers and projects that fall under DBRA can be found in the U.S. Department of Labor's Compliance Guide at [www.dol.gov/compliance/guide/dbra.htm](http://www.dol.gov/compliance/guide/dbra.htm). DBRA wage determinations are to be used in accordance with the provisions of Regulations, 29 CFR Part 1, Part 3, and Part 5, and with DOL's Compliance Guide. The provisions of DBRA apply within the 50 states, territories, protectorates, and Native American nations (if the labor is completed by nontribal laborers).

7. The Native American Graves Protection and Repatriation Act of 1990 applies to any organization that controls or possesses Native American human remains and associated funerary objects and receives Federal funding, even for a purpose unrelated to the Act (25 USC 3001 et seq.).

8. U.S. Constitution Education Program. Educational institutions (including but not limited to "local educational agencies" and "institutions of higher education") receiving Federal funds from any agency are required to provide an educational program on the U.S. Constitution on September 17 (P.L. 108-447, Division J, Sec. 111(b)). For more information on how to implement this requirement and suggested resources, see [www2.ed.gov/policy/fund/guid/constitutionday](http://www2.ed.gov/policy/fund/guid/constitutionday) and <https://www.loc.gov/extranet/cld/constitution.html>.

9. Prohibition on use of funds to ACORN or its subsidiaries. None of the federal or matching funds expended for your awarded project may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries (P.L. 111-88 Sec. 427).

### **C) ELIGIBLE SUBRECIPIENTS & ALLOWABLE COSTS**

#### 1. Organizations

1.1. Only 501(c)(3) nonprofit organizations, units of state or local government, institutions of higher education, or federally-recognized Indian tribal governments are eligible to receive funds subawarded through an Arts Endowment award (20 USC Sec 954 (f)).

2. Allowable Costs for ORGANIZATIONAL RECIPIENTS that can be supported with subgranted ARP Funds are intended to support day-to-day business expenses/operating costs and must be a current, regular function of the organization.

2.1. Subgranting support is limited to any or all of the following costs:

2.1.1. Salary support, full or partial, for one or more staff positions.

2.1.2. Fees/stipends for artists and/or contractual personnel for services they provide for specific activities in support of your organization's general operations.

2.1.3. Costs associated with health and safety supplies for staff and/or visitors/audiences (e.g., personal protective equipment, cleaning supplies, hand sanitizer, etc.).

2.1.4. Facilities costs such as rent and utilities, e.g., electric, phone, gas bills.

2.1.5. Indirect Costs

2.1.6. Marketing and promotion costs.

IMPORTANT NOTE: Costs related to home offices, upgrades to HVAC/ventilation systems, and other capital improvements are unallowable.

2.2. Examples of Allowable Costs for ARP Subgranting Awards to Organizations

2.2.1. A museum contracts with security guards for ongoing protection of the collection (a regular function of the museum's operations).

- 2.2.2. An organization hires/contracts with IT experts to address its website as part of ongoing marketing and promotion (an allowable cost), or to upgrade technology to improve virtual engagement.
- 2.2.3. An arts education organization whose day-to-day work is developing and presenting educational programs contracts with a teaching artist to design or deliver a program.
- 2.2.4. An organization hires/contracts tech support to carry out its ongoing virtual activities in response to COVID-19, including individuals to provide expertise in the areas of staging, lighting, or sound.

IMPORTANT NOTE: Contracting for a new professional development training program for staff is not permissible as it is new and programmatic, but support for a training officer's salary is permissible as that is operational.

IMPORTANT NOTE: FOR-PROFIT ENTITIES AND FISCAL SPONSORS ARE NOT ELIGIBLE SUBRECIPIENTS.

- An organization that serves as a fiscal sponsor/agent may not apply for projects on behalf of the entities or individuals that it may sponsor as part of its mission and programs, it may apply for its own programs and activities. In this case, the organization must clearly demonstrate that it is applying only for its own programmatic activities.
3. Individuals. Support to individual artists may be allowable if the subaward supports allowable programs and activities and is not a one-time monetary recognition award.
    - 3.1. Awards to individuals could include providing presentations, training, workshops, research, and/or creation of artwork, with tangible outcomes required by the subaward. This is considered a stipend to the artist for the work undertaken and completed as specific projects and activities consistent with the programmatic objectives of the subgranting agency (MLR).

Awards to individuals or organizations to honor or recognize achievement (P.L. 111–88, October 30, 2009, Sec. 438 (2)) are unallowable. Emergency relief funding programs for housing, food, etc., to an individual artist are also unallowable, nor are general operating expenses.

4. All allowable award costs must be incurred within the approved period of performance which is March 01, 2022 – February 28, 2023.
5. Unallowable Costs - ARP funds cannot be used for:
  - 5.1. "Artist relief" programs where the funding is intended to alleviate financial hardship (i.e., rent or food assistance to individuals) and does not require the artist to undertake work.
  - 5.2. Alcoholic beverages.
  - 5.3. Commercial (for-profit) enterprises or activities, including concessions, food, clothing, artwork, or other items for resale. This includes online or virtual sales/shops.

- 5.4. Construction, purchase, or renovation of facilities.
- 5.5. General fundraising.
- 5.6. General miscellaneous or contingency costs.
- 5.7. Land purchase costs.
- 5.8. Lobbying, including activities intended to influence the outcome of elections or influence government officials regarding pending legislation, either directly or through specific lobbying appeals to the public.
- 5.9. Mortgage interest, fines and penalties, bad debt costs, or deficit reduction.
- 5.10. Rental costs for home office workspace owned by individuals or entities affiliated with the applicant organization.
- 5.11. Social activities such as receptions, parties, or galas.
- 5.12. Subawards to replace lost revenue.
- 5.13. Travel costs.
- 5.14. Vehicles purchases.
- 5.15. Visa costs paid to the U.S. government.
- 5.16. Voter registration drives and related activities.
- 5.17. Costs supported by any other federal funding. This includes federal funding received either directly from a federal agency or indirectly from a pass-through organization such as a state arts agency, regional arts organization, or a grant made to another entity.
- 5.18. Expenditures related to compensation to foreign nationals when those expenditures are not in compliance with regulations issued by the U.S. Treasury Department Office of Foreign Assets Control. For further information, see <https://www.treasury.gov/about/organizationalstructure/offices/pages/office-of-foreign-assets-control.aspx>.
- 5.19. All other costs that are unallowable per 2 CFR 200 and other laws.

#### **D) UNIQUE ENTITY IDENTIFIER (UEI)**

Subawards with federal funds can only be made to an eligible organization (entity) with a Unique Entity Identifier. Potential subrecipients cannot receive a subaward unless a valid UEI is provided.

IMPORTANT NOTE: Since 2010, a Dun & Bradstreet (DUNS) number has been required as the unique entity identifier for applying for, and obtaining, federal funds. A DUNS number is the UEI of record for all awards and subawards issued until April 4, 2022. On April 4, 2022, the federal government will switch from the DUNS number as the UEI of record to a UEI generated by SAM.gov.

IMPORTANT NOTE: Individuals receiving subawards do not need to have a UEI (2 CFR 25.110(b)).

#### **E) REVIEW OF RISK**

Each subrecipient's risk of noncompliance with federal statutes, regulations, and the terms and conditions of the subaward will be evaluated. This may include past performance on grants,

meeting reporting deadlines, compliance with terms and conditions, audit findings, etc. Specific subaward conditions to mitigate risk, if appropriate will be imposed (2 CFR 200.332(b), (c), and (e)).

#### **F) ACCEPTANCE OF FEDERALLY-RECOGNIZED INDIRECT COST RATES**

MLR will accept a de minimis indirect cost rate of up to 10% of modified total direct costs (2 CFR 200.414(f)).

#### **G) IDENTIFICATION OF FEDERAL OR COST SHARE/MATCHING FUNDS**

Any subaward funding received from MLR is comprised in whole of federal funds from the National Endowment of the Arts and all requirements of federal funds will need to be met.

#### **H) REPORTING TO THE FEDERAL SUBRECIPIENT REPORTING SYSTEM (FSRS)**

As required by the Federal Funding Accountability and Transparency Act (FFATA), any subawards that include \$30,000 or more in federal funds must be reported to FSRS.

#### **I) MONITORING**

Activities of subrecipient(s) will be monitored as necessary to ensure that subawards are used for authorized purposes, in compliance with federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved (2 CFR 200.332(d - h)). This includes the review of financial and performance reports.

#### **J) TERMS AND CONDITIONS**

Subrecipients are provided with this Notice of Funding to assist in managing their subaward and providing awareness of compliance requirements. Specific items in this Notice to reference include the federal requirements that "flow down" to the subaward (Section B), performance and financial reporting requirements (Section K), information relating to the closeout of the subaward (Section M), and record retention (Section L), among others.

#### **K) SUBRECIPIENT REPORTING**

As a subrecipient of these funds, at minimum, you will be required to report the following:

1. What did this award accomplish and who benefited? Please include any direct and indirect benefits/impacts that resulted from this award. Where possible, identify beneficiaries of the award (e.g., types of individuals, organizations, disciplines/fields, or communities).
2. Through this award, did your organization serve populations that are underserved such as those whose opportunities to experience the arts are limited by ethnicity, economics, geography, or disability?
3. Enter the number of individuals who were paid, in whole or in part, with award funds reported on your Financial Report.
  - 3.1. Artists
  - 3.2. Others (includes employees, temporary staff, and contractors who did not work as artists on activities supported by this award)

4. Of the number of individuals compensated reported above, how many were hired by your organization as employees who received a W-2 because of this award? Do not count contractors receiving a 1099 in this section.
  - 4.1. Artists:
  - 4.2. Others:
5. Please provide the number of each:
  - 5.1. Individuals Compensated: Artists
    - Number of artists who were paid, in whole or in part, with subaward funds
  - 5.2. Individuals Compensated: Others
    - Number of non-artists (includes employees, temporary staff, and contractors who did not work as artists on activities supported by this subaward) who were paid, in whole or in part, with subaward funds
  - 5.3. Individuals Hired: Artists
    - Of the number of individuals compensated, # of artists hired by your organization as employees (i.e., receive a W-2) as a result of this subaward
  - 5.4. Individuals Hired: Others
    - Of the number of individuals compensated, # of non-artists (includes employees, temporary staff, and contractors who did not work as artists on activities supported by this subaward) hired by your organization as employees (i.e., receive a W-2) as a result of this subaward
  - 5.5. Adults Engaged "In-Person"
    - Number of adults directly engaged in in-person arts activities.
  - 5.6. Children/Youth Engaged "In-Person"
    - Number of children 0-17 years old directly engaged in in-person arts activities.
6. Financial statements and documentation of expenditures.

#### **L) RECORD RETENTION AND ACCESS**

Subrecipients must permit MLR and their financial auditors access to their records and financial statements, as necessary to ensure compliance with the federal award requirements (2 CFR 200.332 (a)(5), .334 and .337).

Subrecipients must retain financial records and other supporting documents related to the subaward for a period of 3 years from the date they submit their final expenditure report to MLR (2 CFR 200.344).

#### **M) CLOSEOUT**

All subaward funds and activities must be completed by the ending date of the performance period. Any funds not used them or used for unauthorized/unallowable costs or activities, must be returned to MLR. Subrecipients must submit their required final reports no later than 30 days from the end of the period of performance for the subaward.