

ARPA Project Name: Assistance to Non-Profit Organizations
ARPA Funds: \$5,000,000.00

2.10	Aid to Non-Profit Organizations	\$5,000,000.00
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Non-Profit Sector

Timeline to implementation: 6 months to 18 months

Overview

Non-profit organizations in American Samoa plays a major role in providing goods and services for the island community. These entities focus on a mission of advancing a social cause and providing a public benefit. Many are charitable organizations that provides support and act as collaborative and active partners in the community. They provide necessary programs and services for the public who are the direct beneficiaries. Non-profits serves an important purpose that provides much-needed assistance for low to moderate income individuals.

These organizations encountered significant challenges because of the negative impacts of Covid-19. They rely heavily on private donations and funding support from the government to continue their operations, programs, and services. This assistance to non-profit organizations is necessary as they supplement and function as service providers to assist the government in serving the island community. Investing in non-profits is a reasonable response to the pandemic because they make sacrifices with limited resources to address local needs and assist low-income communities. This aid will help address public health disparities and provide across island improvements to public health and economic outcomes.

PROJECT BACKGROUND

The COVID-19 Public Health Emergency has had a great impact on American Samoa's public health infrastructure and services, as well as the local economy. The projects identified in this document are to be funded using American Rescue Plan Act (ARPA) funds from the federal Government in accordance with the requirements of the Act.

American Samoa remains the only part of the United States of America and its Territories that has been blessed with zero cases of locally transmitted COVID-19 virus. While we are grateful for this blessing, it was not accidental that American Samoa has remained COVID-19 free. It required tremendous sacrifice by the people of American Samoa to keep their loved ones safe and protected. We are fortunate to have the support and federal assistance of the various COVID-19 relief and recovery funds to help meet the challenges as a result of the COVID-19 pandemic and the public health emergency declaration.

Our leaders drew upon the lessons of our history, specifically the 1918 Spanish pandemic that decimated our neighbors 80 miles to the West that lost an estimated 20% of their population as their borders remained open during the critical early stages of the spread. As a result of the first Public Emergency Declaration in March 2020, American Samoa closed its borders as part of its strategy to mitigate the transmission of the Coronavirus that had grown to become a global pandemic. Our borders remain closed to regular commercial travel and all authorized travel by air or sea follow careful protocols to minimize the risk of exposure or transmission of the COVID-19 virus. American Samoa has non-profit organizations that have faced major challenges due to the pandemic. They have lost revenue from decrease in private donations. Many have also experience increased costs because of the high demand in services. Others have encountered financial insecurity and issues with stabilizing their operations due to the lack of financial assistance and support for operation costs. Some have also dealt with losing volunteer staff and paid employees because of Covid-19. This makes it a priority for the territory to provide assistance to these entities who serves a noble mission of serving everyone includes those in the low-income level.

Non-profit entities provide necessary programs and services that benefits the public. Most are charitable organizations that fulfill a purpose with many of their programs designed to reach a great number of recipients or beneficiaries. In addition, they operate and are required to use a system that provides strong transparency and accountability. Non-profits make a lot of sacrifices with limited resources and tight financial budgets. Many on island do not have the luxury as in the U.S. mainland to reach out to as many private donations and foundations for assistance. Funding assistance from the government can be very competitive and limited at times while there is a high demand for non-profit services and programs.

This investment in non-profits is a reasonably proportional response to the negative impacts of Covid-19. These organizations provide and offer necessary goods, programs, and services that benefits the whole community. Non-profit entities are an important community partners to assist the government in reaching its overall objectives and goals for the territory. Unlike for-profit organizations and businesses, non-profit operations face many restrictions and scrutiny more focus on the mission and not on making profits. They interact and are directly dealing with the public on a regular basis to provide and address local needs. Many have volunteers and underpaid staff who are driven by the calling and mission to help and serve others mainly the poor or low-income individuals. This program will provide non-profits the assistance they need to continue operations and services benefiting the people of American Samoa.

KEY STAKEHOLDERS

The designated lead department for this project is the Criminal Justice Planning Agency (CJPA) with all key stakeholder(s) input and contribution:

- Criminal Justice Planning Agency (CJPA)
- Community at Large
- Treasury
- Other branches of Government (Legislative representation)
- Non-profit
- NGO's
- Private sector representation
- ARPA Oversight Office

(a) COMMUNITY ENGAGEMENT

Community engagement is an essential aspect of ARPA funded projects. The intent of the US Treasury in fostering public participation is to maintain transparency and provide opportunities for feedback to ensure that funds are used in the most beneficial manner.

In keeping with the intent of the US Treasury, the Criminal Justice Planning Agency (CJPA) has adopted the following notice and comment timeline for proposed projects:

- A Notice of Proposed Project will be published online, in local newspapers, and via television or radio broadcasts. The Notice will specify that there will be fifteen (15) days for the public to provide comment either in writing or by attendance at scheduled public hearings.
- Concurrent to the publication of the Notice, a draft proposal and scope of work will be published on the ARPA website for the public to review.
- General meetings with the public will be scheduled and publicized within the fifteen (15) days Notice period. Email comments will also be accepted.
- Presentations to the Legislature will be conducted during the Notice period, as needed.
- At the close of the public comment period, the agency will have 20 days to revise the project as appropriate and submit the Final Draft to the ARPA Oversight Office.
- The Final Draft of the Project will be posted for public review once completed and certified by the ARPA Oversight Office.

It is the responsibility of the Criminal Justice Planning Agency to publicize notices and adhere to the stated timelines.

(b) TIMELINE ON PROJECT LAUNCH

ARPA Funds are required by federal statute to be encumbered by December 31, 2024 and spent by December 31, 2026. This mandate makes the need for a definite timeline for completion of projects of critical importance.

The Criminal Justice Planning Agency (CJPA) must identify the proposed start date, the completion dates of each phase of the project, inclusion of any notice/bid periods for procurement purposes, and an estimated date of completion, along with any other dates relevant to the project progress.

(c) SCOPE OF WORK (Aid to Non-Profit Organizations)

The Criminal Justice Planning Agency must submit to the ARPA Office a cover letter addressed to the Executive Director. Submittals must include the proposed plan as detailed below.

ARPA will review of eligibility and compliance to the American Samoa ARPA Spending Plan.

Once approved, an award certified letter will be provided verifying the project description and project lead.

Project Lead must provide the following:

1. Project Description and/or Business Plan
2. Completed Eligibility Analysis
3. Scope of Work
4. Implementation Plan & Timeline
5. Proposed itemized budget
6. Project Lead

Define scope of project based on response to COVID-19 pandemic and the public health emergency declaration:

● Applicants, organizations, or entities must meet statutory requirements for eligibility:

1. Organization or entity must meet the definition of "non-profit" – especially those that are 501(c)(3) or 501(c)(19) tax-exempt organizations.
2. Organization or entity who has experienced decrease revenue (e.g. from donations and fees) due to negative impacts of Covid-19

3. Organization or entity who has faced financial insecurity due to negative impacts of the pandemic
4. Organization or entity who has encountered increased costs (e.g., uncompensated increases in service need) due to negative results of Covid-19
5. Organization or entity who has faced capacity to weather financial hardship
6. Organization or entity who has encountered challenges covering payroll, rent, or mortgage, and other operating costs due to negative impacts of Covid-19
7. Organization or entity that has experienced decline in volunteer staffing and significant job losses due to negative impacts of the pandemic
8. Organization or entity that has been impacted by negative results of the pandemic
9. Organization or entity that has encountered major challenges due to negative impacts of Covid-19
10. Organization or entity that has experienced increased demand for services and changing operational needs due to the pandemic

● Sub-recipients or administrators of this award must comply with the following statutory requirements:

1. Provide aid to non-profits on generally applicable terms
2. Utilize a competitive process
3. Maintain a conflict-of-interest policy consistent with 2 C.F.R. § 200.318(c)
4. Decisions concerning this award must be free of undisclosed personal or organizational conflicts of interest, both in fact and in appearance.
5. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.
6. Comply with eligible use requirements and any other applicable laws or requirements includes reporting.

Questions for consideration:

1. Does the organization or entity meet the definition of a non-profit organization as mentioned above in item #1.
2. Does the organization or entity have official documents of proof for 501(c) status issued by IRS?
3. Does the organization or entity have an official and certified Articles of Incorporation recorded with the local Territorial Registrar's Office?

4. Does the organization or entity have an official establishment (office space, etc) in the territory and when it started operations?
5. What is the organization or entity's official address and location in the territory?
6. Does the organization or entity meet statutory requirements mentioned above?
7. Did the organization or entity experienced decreased in revenue due to the pandemic?
8. Did the organization or entity faced financial insecurity due to negative impacts of Covid-19?
9. Did the organization or entity encountered challenges covering payroll, rent, or mortgage, and other operating costs due to negative impacts of Covid-19?
10. Did the organization or entity encountered increased costs (e.g., uncompensated increases in service need) due to negative results of Covid-19?
11. Did the organization or entity experienced increased demand for services and changing operational needs due to the pandemic?

(d) ITEMIZED BUDGET

Your budget plays a key role in putting your strategy into action in the effectiveness of resources and achieving overall project goals within specified timelines. Your overall budgeting allocation should align with the ASG BUD202 primes format and itemized further to connect to your project's plan.

Your itemized budget should support and outline your projects phases or goals and include all related activities during the project's life and its expenses as well as any income if applicable. It should also highlight limitations and constraints your office predicts and allocate some funds towards this to mitigate these risks and budget for unforeseeable situations.

(e) CONFLICTS OF INTEREST

ARPA requires that a conflict of interest policy must be maintained pursuant to 2 C.F.R. § 200.318(c) and such policy is applicable to each activity funded under this award.

Disclosure

in writing must be provided for any potential conflict of interest affecting the award in accordance with 2 C.F.R. § 200.112. ARPA also encourages adherence to the ethics rule in any work or transactions related to this award.

(f) LABOR STANDARDS

ARPA encourages strong labor standards and practices to include project labor agreements and community benefits agreements that offer wages at or above the

prevailing rate. This includes local hire provisions and also encourages support for procuring those with high labor standards and without recent violations of federal and state labor and employment laws.

(g) ADHERENCE TO ASG PROCUREMENT PROCESS AND REQUIREMENTS

ARPA funds are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements of Federal Awards (2 CFR Part 200). Specifically, these regulations require ASG to follow local procurement laws in using these funds. 2 CFR 200.317. The lead agency for each project (in the case of the new mental health facility and services, this will be DOH) will work in concert within its established Procurement procedures to ensure that all procedures and requirements are followed and documented. All agencies are reminded that ARPA funds will be subject to federal audits.

CLAUSE	REQUIRED BY AMERICAN SAMOA ADMINISTRATIVE CODE	APPLIES TO
EQUAL OPPORTUNITY	10.0250(d)(3), 10.0260(c)	All Contracts in excess of \$10,000
DAVIS BACON ACT	10.0250(d)(5)	Construction contracts that exceed \$2,000 and when required by federal grant program legislation
CONTRACT WORK HOURS AND SAFETY STANDARDS ACT	10.0250(D)(6); 10.0260(D)	Construction contracts in excess of \$2,000 or contracts in excess of \$2,500 which involve employment of mechanics or laborers
CLEAN AIR AND WATER	10.0250(d)(7); 10.0260(f)	All contracts over \$100,000 (unless requirement has been waived by EPA)

In addition to the above required clauses, ASG Procurement Rules give preference to local bidders in construction projects. For contracts valued at \$50,000 or less, only local bidders are allowed to participate. For those greater than \$50,000, local bidders are given specified add-on percentages. This local preference leads to a greater number of local employees and overall income that is much needed in the Territory. This policy has a direct effect on local stimulation of the economy.

(h) RECONSIDERATION PROCESS

In accordance with Executive Order 03-2021, the ARPA Oversight Office reserves the right to determine which projects will receive funding based on a number of factors including but not limited to ensuring compliance with all federal requirements. The Office, however, recognizes that some of these determinations may adversely affect interested parties. For the purposes of this section, an interested party will be limited to applicants for direct funding opportunities for projects.

A process for reconsideration of denied projects is hereby implemented. For clarity, this process is separate and apart from any procurement disputes subject to the jurisdiction of the Office of the Administrative Law Judge. ASCA 4.0604(f).

Covered Disputes:

The dispute resolution process will be limited to ARPA Oversight Office denials of project awards. As an office of limited purview, the covered disputes identified above shall not be considered final agency decisions for the purpose ASCA 4.0604.

Reconsideration Requests:

Interested parties will have 5 business days from the announcement of awards by the ARPA Oversight Office to file a "Reconsideration Request" with the Director. The announcement of awards will mean each project is "provisionally awarded" the requested ARPA funds.

The request will detail the basis for reconsideration including the project award denial being challenged, how the decision adversely affects the party, how the requested change would benefit the objectives of the American Rescue Plan Act.

A hearing shall be held within 5 days of filing the Reconsideration Request with the Director. The Director shall issue a notice of hearing to the filing party.

The hearing will be conducted by a three-member panel headed by the Director. Panel members will be selected by the ARPA Oversight Office. The panel will have an advisory role, but the ultimate decision-making authority shall be the Director's.

Parties to the dispute may present evidence, materials, and witnesses in support of their claims. The Director will have discretion to limit presentation of evidence, materials, or witnesses.

Upon completion of the hearing, which shall not exceed two hours, the panel will consider arguments and evidence presented in the Reconsideration Request and at the hearing. The Director shall be responsible for rendering a decision on the issues presented within three (3) business days of the conclusion of the hearing. "

(i) LOCAL CERTIFICATION/LICENSING/PERMITTING

Each project will require adherence to applicable local licensing, certification, and permitting laws. DOC will be responsible for obtaining each necessary approval prior to the start date. A list of these documents as well as copies should be submitted to the ARPA Oversight Office.

(j) ARPA REPORTING REQUIREMENTS

ARPA requires monthly, quarterly and annual reporting to be submitted by the sub-recipients on projects progress and expenditures. The American Samoa ARPA Oversight Office will, therefore, be requesting information from relevant agencies in order to meet the strict deadlines set forth in the US Treasury’s Reporting and Compliance Guide. Each agency must provide the requested information or an explanation as to why information is not available by the time specified by ARPA Oversight Office staff. Failure to do so could jeopardize future funding opportunities.

All ARPA infrastructure funding sub-recipients are required to submit Project and Expenditure Reports.

1. Monthly and Quarterly Reporting

- Monthly reports will cover one calendar month and must be submitted to ARPA on the 10th of the month or next business day
- Quarterly reports will cover one calendar quarter and must be submitted to Treasury within 30 calendar days after the end of each calendar quarter.
- The table below summarizes the quarterly report timelines for sub-recipients:

Report	Year	Quarter	Period Covered	Due Date
1	2021	2 - 4	Award Date – December 31	January 10, 2022
2	2022	1	January 1-March 31	April 10, 2022
3	2022	2	April 1-June 30	July 10, 2022
4	2022	3	July 1-September 30	October 10, 2022
5	2022	4	October 1-December 31	January 10, 2023
6	2023	1	January 1-March 31	April 10, 2023
7	2023	2	April 1-June 30	July 10, 2023
8	2023	3	July 1-September 30	October 10, 2023
9	2023	4	October 1-December 31	January 10, 2024
10	2024	1	January 1-March 31	April 10, 2024
11	2024	2	April 1-June 30	July 10, 2024
12	2024	3	July 1-September 30	October 10, 2024
13	2024	4	October 1-December 31	January 10, 2025
14	2025	1	January 1-March 31	April 10, 2025

15	2025	2	April 1-June 30	July 10, 2025
16	2025	3	July 1-September 30	October 10, 2025
17	2025	4	October 1-December 31	January 10, 2026
18	2026	1	January 1-March 31	April 10, 2026
19	2026	2	April 1-June 30	July 10, 2026
20	2026	3	July 1-September 30	October 10, 2026
21	2026	4	October 1-December 31	March 10, 2027

2. Annual Reporting

- The initial Project and Expenditure Report will cover from the date of award to September 30, 2021 and must be submitted to Treasury by October 31, 2021. The subsequent annual reports will cover one calendar year and must be submitted to Treasury by October 31. The table below summarizes the report timelines for sub-recipients

Report	Period Covered	Due Date
1	Award Date – December 31	January 10, 2022
2	January 1, 2022 – September 30, 2022	October 10, 2022
3	October 1, 2022 – September 30, 2023	October 10, 2023
4	October 1, 2023 – September 30, 2024	October 10, 2024
5	October 1, 2024 – September 30, 2025	October 10, 2025
6	October 1, 2025 – September 30, 2026	October 10, 2026
7	October 1, 2026 – December 31, 2026	January 10, 2027

3. Required Information

A. Project Status

- The project name,
- Identification number (created by the recipient),
- Project expenditure category (see Appendix 1, Compliance and Reporting Guidance),
- Project expense allocation to budget
- Description, and status of completion.
 - Not started
 - Completed less than 50 percent
 - Completed 50 percent or more
 - Completed

Project descriptions must describe the project in sufficient detail to provide understanding of the major activities that will occur, and will be required to be between 50 and 250 words. Projects should be defined to include only closely related activities directed toward a common purpose.

B. Project Expenditures

- Current period obligation
- Cumulative obligation
- Current period expenditure
- Cumulative expenditure

C. Subawards

The following information is required for Contract, Grant, Loan, Transfer, or Direct Payment greater than or equal to \$50,000:

- a) Subrecipient identifying and demographic information (e.g., DUNS number and location)
- b) Award number (e.g., Award number, Contract number, Loan number)
- c) Award date, type, amount, and description
- d) Award payment method (reimbursable or lump sum payment(s))
- e) For loans, expiration date (date when loan expected to be paid in full)
- f) Primary place of performance
- g) Related project name(s)
- h) Related project identification number(s) (created by the recipient)
- i) Period of performance start date
- j) Period of performance end date
- k) Quarterly obligation amount
- l) Quarterly expenditure amount
- m) Project(s)
- n) Additional programmatic performance indicators for select Expenditure Categories (see below) Aggregate reporting is required for contracts, grants, transfers made to other government entities, loans, direct payments, and payments to individuals that are below \$50,000. This information will be accounted for by expenditure category at the project level.

D. SAM.gov

- Subrecipients must be compliant with registering and maintaining an active profile on the System for Award Management System (SAM) (<https://www.sam.gov>)
- All entities wishing to do business with the Federal Government must have a unique entity identifier (UEI). Currently, the DUNS number, which is a unique nine-character identification number is the official UEI.
- In registering on SAM.gov you will complete the following steps (details are available on SAM.gov):
 - i) Request a DUNS number
 - ii) Prepare your data
 - iii) Get a Login.gov Account
 - iv) Submit and Finish

