



110 W. Madison St., Yorkville, IL 60560 Ph: 630-553-4025 Fax: 630-553-4023

Facility License Agreement

Permit #: 23-00093 Page 1 of 11
Contract Date: 03/09/2023
Use Type: Horse Show
Description: KC Horse Show Assoc Use
Registrar: Julia Granholm
Phone: (630) 746-2880
Email: channelfamily17@gmail.com

Customer
KCHSA
Sara Channell
612 Fowler St
Millington, IL 60537

Facility License Information

Location: Horse Arena @ Harris Forest Preserve
 10460 Route 71
 Yorkville, IL 60560

Total Hours: 60.00

Date	Day	Time	Description	Qty	Unit	Rate	Total	Tax
5/20/2023	Sat	8:00 AM - 8:00 PM	Harris Horse Arena and Shelter 7 Package Flat (Head Count: 70)	1.00	Each	\$100.00	\$100.00	\$0.00
5/21/2023	Sun	8:00 AM - 8:00 PM	Harris Horse Arena and Shelter 7 Package Flat (Head Count: 70)	1.00	Each	\$100.00	\$100.00	\$0.00
6/24/2023	Sat	8:00 AM - 8:00 PM	Harris Horse Arena and Shelter 7 Package Flat (Head Count: 70)	1.00	Each	\$100.00	\$100.00	\$0.00
9/16/2023	Sat	8:00 AM - 8:00 PM	Harris Horse Arena and Shelter 7 Package Flat (Head Count: 70)	1.00	Each	\$100.00	\$100.00	\$0.00
9/17/2023	Sun	8:00 AM - 8:00 PM	Harris Horse Arena and Shelter 7 Package Flat (Head Count: 70)	1.00	Each	\$100.00	\$100.00	\$0.00

No alcohol allowed.
 Must provide updated Certificate of Insurance, listing the Kendall County Forest Preserve District as the Certificate holder. Please review the License Agreement Terms and Conditions regarding insurance requirements
 Use of Shelter 7 and announcer stand

Facility License Information

Location: Shelter 7 @ Harris Forest Preserve
 10460 Route 71
 Yorkville, IL 60560

Total Hours: 60.00

Date	Day	Time	Description	Qty	Unit	Rate	Total	Tax
5/20/2023	Sat	8:00 AM - 8:00 PM	Shelter Flat (Head Count: 70)	1.00	Each	\$0.00	\$0.00	\$0.00
5/21/2023	Sun	8:00 AM - 8:00 PM	Shelter Flat (Head Count: 70)	1.00	Each	\$0.00	\$0.00	\$0.00
6/24/2023	Sat	8:00 AM - 8:00 PM	Shelter Flat (Head Count: 70)	1.00	Each	\$0.00	\$0.00	\$0.00
9/16/2023	Sat	8:00 AM - 8:00 PM	Shelter Flat (Head Count: 70)	1.00	Each	\$0.00	\$0.00	\$0.00
9/17/2023	Sun	8:00 AM - 8:00 PM	Shelter Flat (Head Count: 70)	1.00	Each	\$0.00	\$0.00	\$0.00

No alcohol allowed.
 No alcohol allowed.
 Must provide updated Certificate of Insurance, listing the Kendall County Forest Preserve District as the Certificate holder. Please review the License Agreement Terms and Conditions regarding insurance requirements
 Use of Shelter 7 and announcer stand

Total Hours	120.00
Total Fees	\$500.00
Total Sec Dep	\$0.00
Total Tax	\$0.00
Rental Total	\$500.00

Kendall County Forest Preserve District

SHELTER & CONFERENCE ROOM LICENSE AGREEMENT REQUEST FORM

Office Use Only _____
 Permit # _____
 Date Submitted _____
 Issue Date _____

Instructions

- This form is to be completed in its entirety and can be faxed to 630-553-4023 or sent by e-mail to: kcforest@kendallcountyll.gov
- Shelter & Conference Room Requests are required thirty (30) days in advance of requested event date.
- The License Request form will be entered into our reservation calendar and copy of the License Agreement form is scanned to your e-mail for signature.
- Kendall County Forest Preserve District must be in receipt of the signed License Agreement form for the reservation to be considered secure.
- Full License fee is required two weeks prior to your event date.
- Meeting Room reservations require a \$100.00 security deposit.

Licensee Information (Licensee must be 21 or older to enter into a License Agreement)

Name Kendall County Horse Show Assoc.
 Street Address PO Box 122
 City Millington State IL Zip 60537 Kendall Resident? Yes No
 Phone # (two numbers are required) Cell: 430.746.2820 Other: _____
 Email: Channellfamily17@gmail.com

Requested Site

Kendall County Forest Preserve: Shelter 1* 144 people Shelter 2 80 people Shelter 4* 80 people Shelter 7 80 people
 Replacement available at Shelters 1 and 4

Hard Young*: 56 people *Fire pit available
 Woods: 80 people
 Kerill-Pigott: 80 people
 Historic Courthouse: East Wing Conf. Room 70 people

horse arena

Requested Date

Event Date: 5-29/21, 6/24, 9/16/17 Preserves are available at 9:00 am
 Time Requested: 9am Gates are closed at sunset; departure time required at least 30 minutes prior
 Number of People: 50 \$25.00 fee applied for 100+ people

Type of Group: please circle: Family, Organization, Church, School, Scout, etc.
Non-family events require Certificate of Insurance

Name of Event (Scout troops: please indicate Pack or Troop Number & Council)

KCHA Horse Show

Wood: Must be purchased from the Forest Preserve. (Collection from grounds or brought from outside is prohibited. Bundles contain approximately 3

Number of bundles requested: _____ Firewood: \$25.00 / bundle

36. Severability:

If any provision of this License shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this License is invalid or unenforceable, but that by limiting such provision it becomes valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

37. Waiver:

The waiver of one breach of any term, condition, covenant or obligation of this License shall not be considered to be a waiver of that or any other term, condition, covenant or obligation or of any subsequent breach thereof.

38. Notice:

Any notice required or permitted to be given pursuant to this License shall be duly given if sent by certified mail or personal service and received. Notice shall be given to the following parties:

Forest Preserve, send to: Kendall County Forest Preserve District

110 W. Madison Street

Yorkville, Illinois 60560

Licensee, per information provided on first page of the License Contract.

39. Entire Agreement:

This License represents the entire agreement between the parties, and there are no other promises or conditions in any other agreement whether oral or written. This License supersedes any prior written or oral agreements between the parties and may not be modified except in writing acknowledged by both parties.

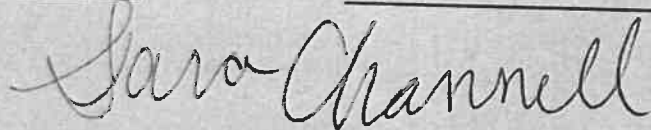
40. Authority:

Each party represents and warrants that their representative, whose signature appears below, has the power and authority to enter into this License and to bind the party to the terms of this License.

Licensee:

By: Sara Channell

Date: 4/10/23



To: Kendall County Forest Preserve District Operations Committee

From: Antoinette White, Grounds and Natural Resources Division Supervisor

RE: ARPA Funds and Capital Equipment

Date: May 3, 2023

The District has ARPA Funds for maintaining District preserves and trails due to increase use seen from COVID-19. Capital equipment for maintenance and improvements are allowable under the ARPA guidelines. The District would like to replace the Kubota RTV stationed at Hoover Forest Preserve and purchase as compact tractor for easier use of maintaining all District preserves. The function of the tractor would allow staff more efficient transport to District preserves across the County on trailers the District already owns. Use in the preserves would include maintaining existing and future multi-use trail surfaces, maintain parking lots, mow burn breaks for the Districts NR program, and additional implements can be acquired if a need arises for them. Purchasing this equipment would allow more efficient use of District staff time and conserve District Capital funds to be spent on improvements to existing buildings.

One quote is provided for a Kubota RTV 1100 series from DeKane Equipment, Big Rock, for \$21,550.00 less trade in value.

Three quotes are provided for a 2023 Kubota L3902 HST 4x4 tractor with a LA526 loader bucket. The low quote is from McCullough Implement Co. of Morris, IL for \$28,441.19.

The District's ARPA Fund (1914) would support this purchase, with a current balance of approximately after second \$119,000 after May 15, 2023 following disbursement from the Kendall County ARPA Fund, with approximately \$60,000 remaining appropriations for FY23 capital expenditures.



McCULLOUGH IMPLEMENT COMPANY

WATSEKA, ILLINOIS

Ship To
IN STORE PICKUP

Location		
03 - MORRIS, IL		
Date	Time	Page
05/05/2023	9:21:12 (O)	1
Account Number	Phone Number	Invoice Number
KENDA008	6307741761	Q00224
Ship Via	Purchase Order	
P.S.T. Number	F.S.T. Number	
Salesperson		
TIMOTHY KRAMER	216	

Sold To
KENDALL COUNTY FOREST PRESERVE
110 WEST MADISON
YORKVILLE IL 60560

Description			Amount
Description	EXPIRY DATE: 06/04/2023		
Stock #: 116728	Serial #: A5KC2GDBKPG079145		20202.00
New KU RTV-X1100CRL			
New KUBOTA RTV-X1100CRL UTILITY VEHICLE			
	Sale # 01 subtotal:		20202.00
	Total:		20202.00
	Miscellaneous Charges/Credits		
	=====		
SETUP	Qty: 1 Price: 198.00		198.00
	Miscellaneous Charges/Credits Total:		198.00
	Subtotal:		20400.00
	Quote Total:		20400.00

RETAIL PURCHASE ORDER

Date 2/15/23



SINCE 1940

1966 North State Route 1 • Watsika, IL 60970

815-432-3965

10102 W 181st AVE • Lowell, IN 46356

219-696-7361

4620 W US 6 • Morris, IL 60450

815-942-6620

DEALER

PURCHASER

NAME Kendall County Forest Preserve

ADDRESS 110 West Madison Street

CITY Yorkville STATE IL ZIP 62560

PHONE 630-488-1716 630-553-4025

EMAIL aluetlich 92@gmail.com

Qty.	Catalog No.	Description and Serial Number	Amount
1	119730	2023 Kubota L3902 HST 4x4 Tractor	\$ 27,787.00
1	119731	Kubota LA526 Loader 66" QA Bucket	\$ 6,597.00
1	EA	Sourcewell Discount	-(\$ 7564.48)
1	EA	Land Pride RCF 2072 72" Rotary Cutter (2")	\$ 3,387.50
1	EA	Land Pride BB1272 72" Box Scraper	\$ 1,475.00
1	EA	Set Up	\$ 471.67
1	EA	Freight	\$ 750.00
1	EA	PDI	\$ 400.00
* { Special Governmental Pricing }			

BILL OF SALE FOR PROPERTY TAKEN IN TRADE

For value received I/We hereby bargain and sell, grant and deliver to DEALER named above the listed trade-in machines and certify that such is free of encumbrance unless otherwise noted.

Trade in Equipment

Serial Numbers

Total Cash Purchase Price	\$ 33,303.69
Trade-in Allowance	\$ -
Trade Difference	\$ -
Tax	\$ 0
Total Amount Due	\$
Cash with Order	\$
BALANCE DUE	\$ 33,303.69

This order is subject to dealer's ability to obtain such Equipment from the manufacturer and dealer shall be under no liability if delivery of the Equipment is delayed or prevented for any reason beyond the dealer's control. The foregoing overrides all other agreements, whether written oral or implied. Price is subject to increase on or before date of delivery if a price increase is imposed on dealer by manufacturer on or before date of delivery if a price increase is imposed on dealer by manufacturer on or before date of delivery.
Estimated Delivery Date: _____

I/We promise to pay the balance due in cash, or in lieu thereof, to execute a time sale or equipment lease agreement which is accepted by a sales finance company or similar financial institution for the purchase or lease price of the Equipment, plus additional charges, if any. Despite a possible physical delivery of equipment, title shall remain in the seller until one of the foregoing is accomplished.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER WHICH UNDERSTOOD TO BE THE ENTIRE AGREEMENT RELATING TO THE SALE AND WARRANTY OF THE ABOVE DESCRIBED MACHINERY. THE WARRANTY DOES NOT APPLY TO USED MACHINERY INCLUDED IN THIS ORDER WHETHER OR NOT DESIGNATED AS SUCH, UNLESS OTHERWISE NOTED.

(PURCHASER'S SIGNATURE)

Dyle J. Jenkins

This order subject to acceptance by Dealer

well

Utility Tractors & Mowers - 031121
CE and AG - 040319
Utility Vehicles 122220
Arkansas 4600041718
Delaware GSS-21673
Mississippi (CE Only) 8200056371
Mississippi 8200055841

L3902HST WEB QUOTE #2583720

Date: 2/15/2023 9:44:28 AM

-- Customer Information --

LUETTICH, AUSTIN

HENDALL COUNTY FOREST PRESERVE

DISTRICT

ALUETTICH92@GMAIL.COM

6305534025

Quote Provided By

MC CULLOUGH IMPLEMENT CO.

LYLE YUNKER

4620 W.R.T. 6

MORRIS, IL 60970

email: lyle@mcagplus.com

phone: 8159426620

-- Standard Features --

-- Custom Options --



Kubota

L Series

L3902HST

*** EQUIPMENT IN STANDARD MACHINE ***

DIESEL ENGINE

Model # D1803-CR-E4 LB4
Tier 4 Final Engine
Common Rail Direct Injection
w/ Diesel Particulate Filter
Electronic Throttle
3 Cyl, 111.4 cu. in.
36.3 Net Eng. HP
36.6 PTO HP
@ 2700 Eng. rpm
12V - 58CCA Battery
Charging Output 40 Amperes

DASH INSTRUMENTS

Tachometer
Fuel Gauge
Temperature Gauge
LCD Display for Hour Meter
and Warning Messages

FLUID CAPACITY

Fuel Tank 11.1 gal
Cooling System 6.3 qts.
Crankcase 7.1 qts.
Transmission and 6.2 gal.
Hydraulics
Front Axle 4.8 qts.

HYDRAULICS

Open Center - Gear Type
Tandem Pump
8.3 gpm Remote 3 P. Hitch
3.8 gpm for Power Steering
10.1 Total gpm
Cat I 3-point Hitch
At lift Point: 1998 lb.
24" Behind 1435 lb.

DIMENSIONS

Overall Height w/ROPS 81.7"
Overall Length w/3pt 116.3"
Wheel Base 83.3"
Crop Clearance 18.6"

POWER TAKE OFF

Live-Continuous Running - with
Over-running Clutch
540 Rear PTO - 1 Speed
Speed - 540 @ 2500 Eng. rpm
SAE Std 1 3/8" Six Spline

FRONT AXLE

Integral Power Steering
Bevel Gear, 4WD
Cast Iron
Tread Spacing, Nonadjustable

SAFETY EQUIPMENT

Foldable ROPS w. Retractable Seat
Belt
PTO Shield
Safety Start Switches
Turn Signals / Hazard Lights
Mechanical Wet Disc Brakes
Parking Brakes
SMV Sign
Electric Key Shut-off
Parking Brake Indicator on Dash
Operator Presence Control System

DRIVE TRAIN

Hydrostatic Drive
3 Speed L-M-H
Multiple Wet Disc Brakes
Clutch - Dry Type Single
Stage
Differential Lock
Rear Axle - Spur Gear

OPERATOR STATION

Color Coded Controls
Wide Platform Steps
High Back Seat with Adjustable
Suspension
w/ Water Drain Hole
Tool Box
Cup Holder
Left Hand Fender Grip
Default to Auto Return w/ Parked
and Inhibit
Buttons for DPF

SELECTED TIRES

AMR8977A & ALR8809
FRONT - 27x8.50-15 R4 Titan Trac Loader TL
REAR - 15-9.5 R4 Titan Trac Loader 3.6" offset

L3902HST Base Price: \$27,787.00

(1) 66" QUICK ATTACH BUCKET \$844.00
L3924-66" QUICK ATTACH BUCKET

(1) FRONT LOADER W/GRILL GUARD/QC \$5,753.00
L3926-FRONT LOADER W/GRILL GUARD/QC

Configured Price: \$34,384.00

Sourcewell Discount: (\$7,564.48)

SUBTOTAL: \$26,819.52

Factory Assembly: \$105.00

Dealer Assembly: \$366.67

Freight Cost: \$750.00

PDI: \$400.00

Total Unit Price: \$28,441.19

Quantity Ordered: 1

Final Sales Price: \$28,441.19

All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price. All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. An equipment as quoted is subject to availability.

- Standard Features -

- Custom Options -



L Series L3902HST

*** EQUIPMENT IN STANDARD MACHINE ***

DIESEL ENGINE

Model # D1803-CR-E4-LB4
 Tier 4 Final Engine
 Common Rail Direct Injection
 w/ Diesel Particulate Filter
 Electronic Throttle
 3 Cyl. 111.4 cu. in.
 + 36.3 Net Eng. HP
 + 30.6 PTO HP
 @ 2700 Eng. rpm
 12V - 580CCA Battery
 Charging Output 40 Amps

DASH INSTRUMENTS

Tachometer
 Fuel Gauge
 Temperature Gauge
 LCD Display for Hour Meter
 and Warning Messages

FLUID CAPACITY

Fuel Tank 11.1 gal.
 Cooling System 6.3 qts.
 Crankcase 7.1 qts.
 Transmission and 6.2 gal.
 Hydraulics
 Front Axle 4.8 qts.

HYDRAULICS

Open Center - Gear Type
 Tandem Pump
 5.3 gpm Remote/3 Pt. Hitch
 3.8 gpm for Power Steering
 10.1 Total gpm
 Cat I 3-point Hitch
 At lift Point 1998 lb.
 24" Behind 1435 lb.

DIMENSIONS

Overall Height w/ROPS 91.7"
 Overall Length w/3pt 116.3"
 Wheel Base 63.3"
 Crop Clearance 13.6"

POWER TAKE OFF

Live-Continuous Running - with
 Over-running Clutch
 540 Rear PTO - 1 Speed
 Speed - 540 @ 2580 Eng. rpm
 SAE Std 1 3/8" Six Spline

FRONT AXLE

Integral Power Steering
 3 Level Gear, 4WD
 Cast Iron
 Thread Spacing, Nonadjustable

SAFETY EQUIPMENT

Foldable ROPS w/ Retractable Seat
 Belt
 PTO Shield
 Safety Start Switches
 Turn Signals / Hazard Lights
 Mechanical Wet Disc Brakes
 Parking Brakes
 SMV Sign
 Electric Key Shut-off
 Parking Brake Indicator on Dash
 Operator Presence Control System

DRIVE TRAIN

Hydrostatic Drive
 3 Speed L-M-H
 Multiple Wet Disc Brakes
 Clutch - Dry Type Single
 Stage
 Differential Lock
 Rear Axle - Spur Gear

OPERATOR STATION

Color Coded Controls
 Wide Platform Steps
 High Back Seat with Adjustable
 Suspension
 w/ Water Drain Hole
 Tool Box
 Cup Holder
 Left Hand Fender Grip
 Default to Auto Regen; w/ Parked
 and Inhibit
 Buttons for DPF

Manufacturer Estimate

ELECTED TIRES

LR8893A & ALR8804A
 FRONT - 25x8.50-14 HF-1Goodyear SofTrac
 REAR - 13.6-16 R3 Titan Multi Trac TL

L3902HST Base Price: \$26,869.00

(1) 1st POS LEVER & BASE KIT L7291-1st POS LEVER & BASE KIT	\$827.00
(7) FRONT SUITCASE WEIGHT BL8069-FRONT SUITCASE WEIGHT	\$602.00
(1) BOLT ON CUTTING EDGE FOR 60" BUCKET TL2143-BOLT ON CUTTING EDGE FOR 60" BUCKET	\$273.00
(1) FRONT LOADER W/GRILL GUARD/QC LA526-FRONT LOADER W/GRILL GUARD/QC	\$5,753.00
(1) FRONT WEIGHT BRACKET MX8069-FRONT WEIGHT BRACKET	\$117.00
(1) SELF CANCELLING DETENT VALVE SECTION L7233A-SELF CANCELLING DETENT VALVE SECTION	\$448.00
(7) BOLT KIT FOR BL8069 - 1 PER WEIGHT BL8049-BOLT KIT FOR BL8069 - 1 PER WEIGHT	\$63.00
(1) ALL-THREAD BOLT KIT BL8069 W/MX8068 BL8014-ALL-THREAD BOLT KIT BL8069 W/MX8068	\$34.00

Configured Price: **\$34,986.00**

Sourcewell Discount: **(\$7,696.92)**

SUBTOTAL: **\$27,289.08**

Factory Assembly: **\$105.00**

Dealer Assembly: **\$625.17**

Freight Cost: **\$862.50**

PDI: **\$400.00**

Additional Labor to Install Accessories **\$1,200.00**

Total Unit Price: \$30,481.75

Quantity Ordered: 1

Final Sales Price: \$30,481.75

**Final pricing will be based upon pricing at the time of
 final delivery to Sourcewell members.
 Purchase Order Must Reflect Final Sales Price.**

To order, place your Purchase Order directly with the quoting
 dealer



DeKane Equipment Corporation

Parts, Sales, and Service

47W619 US HWY 30
Big Rock, Illinois, 60511
(630)556-3271

Date: 2/15/2023
Customer ID: N/A
Quotation #:2327
Quotation valid until: 3/31/2023

Sales Quote

Prepared By:
Joe Konen
(630) 809-7436
jkonen@dekane.com

Prepared for:

Austin
Kendall County Forest Preserve
Aluettich92@gmail.com
6304881716

Comments or Special Instructions:
**Prices on this sales quote are an estimate and are subject to be increased. Final pricing and applicable programs will be established at delivery. Thank you.

Equipment Summary		Selling Price	Qty	Extended
Kubota L3902HST 4WD Tractor 39HP LA526 Loader with quick coupler 66" Quick Attach Bucket R14T Tires Rear 3PT Hitch LED Lights 1yr Loader Extended Warranty included at no charge	In Stock!	\$31,500.00	1	\$31,500.00

Sub-Total	\$31,500.00
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Trade-In Summary	Trade Allowance		
No Trade Allocated	\$0.00	Less Down Payment	\$0.00
		Less Trade Allowance	\$ 0.00
		Unpaid Cash Price	\$31,500.00
		Sales Tax (7%)	0
		Other Charges and Fees	
Total Trade in Allowance	\$ 0.00	Cash Due on Delivery	\$31,500.00



Coronavirus State and Local Fiscal Recovery Funds

Final Rule: Frequently Asked Questions

<https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-FAQ.pdf> - Pages 19-20

2.22. Would investments in improving outdoor spaces (e.g., parks) be an eligible use of funds as a response to the public health emergency and/or its negative economic impacts?

There are multiple ways that investments in improving outdoor spaces could qualify as eligible uses; several are highlighted below, though there may be other ways that a specific investment in outdoor spaces would meet eligible use criteria.

First, in recognition of the disproportionate negative economic impacts on certain communities and populations, the final rule includes enumerated eligible uses in disproportionately impacted communities for developing neighborhood features that promote improved health and safety outcomes, such as parks, green spaces, recreational facilities, sidewalks, pedestrian safety features like crosswalks, projects that increase access to healthy foods, streetlights, neighborhood cleanup, and other projects to revitalize public spaces.

Second, recipients may provide assistance to disproportionately impacted small businesses. The final rule included rehabilitation of commercial properties, storefront improvements, and façade improvements as enumerated eligible assistance to these small businesses.

Third, recipients can assist small businesses, nonprofits, or other entities to create or enhance outdoor spaces to mitigate the spread of COVID-19 (e.g., restaurant patios).

Recipients pursuing many of these uses should also note the eligibility standards for capital expenditures in the final rule, which are summarized on pages 30-31 of the [Overview of the Final Rule](#).

Overview of General Standards

In considering whether a capital expenditure would be eligible under the public health and negative economic impacts eligible use category, recipients must satisfy the requirements for all uses under the public health and negative economic impacts eligible use category, including identifying an impact or harm and designing a response that addresses or responds to the identified impact or harm. Responses must be reasonably designed to benefit the individual or class that experienced the impact or harm and must be related and reasonably proportional to the extent and type of impact or harm. Recipients should consult further details on this standard provided in the sections **Standards: Designating a Public Health Impact** and **Standards: Designating a Negative Economic Impact under General Provisions: Structure and Standards**.

In addition to the framework described above, for projects with total expected capital expenditures of \$1 million or greater, recipients must complete and meet the substantive requirements of a Written Justification for their capital expenditure, except for Tribal governments as discussed below. This Written Justification helps clarify the application of this interpretive framework to capital expenditures, while recognizing that the needs of communities differ. In particular, this justification reflects the fact that the time required for a large construction project may make capital expenditures less responsive to pandemic-related needs relative to other types of responses. In addition, as discussed in section **Timeline for Use of SLFRF Funds** of this Supplemental Information, SLFRF funds must be obligated by December 31, 2024 and expended by December 31, 2026. Capital expenditures may involve long lead-times, and the Written Justification may support recipients in analyzing proposed capital expenditures to confirm that they conform to the obligation and expenditure timing requirements. Further, such large projects may be less likely to be reasonably proportional to the harm

identified. For example, construction of a new, larger public facility for the purpose of increasing the ability to socially distance generally would not be considered a reasonably proportional response compared to other less time- and resource-intensive options that may be available and would be equally or more effective. Other solutions, such as improvements in ventilation, could be made more quickly and are typically more cost effective than construction of a new, larger facility. The needs of communities differ, and recipients are responsible for identifying uses of SLFRF funds that best respond to these needs. The Written Justification recognizes this while also establishing consistent documentation and reporting to support monitoring and compliance with the ARPA and final rule. Finally, the Written Justification also reflects the fact that infrastructure projects are generally not within scope of this eligible use category. See section Uses Outside the Scope of this Category in General Provisions: Other.

As noted above, Tribal governments are not required to complete the Written Justification for projects with total capital expenditures of \$1 million or greater. Tribal governments generally have limited administrative capacity due to their small size and corresponding limited ability to supplement staffing for short-term programs. In addition, Tribal governments are already subject to unique considerations that require additional administrative processes and administrative burden for Tribal government decision making, including capital expenditures. Tribal governments generally are subject to a jurisdictionally complex sets of rules and regulations in the case of improvements to land for which the title is held in trust by the United States for a Tribe (Tribal Trust Lands).²⁵⁰ This includes the requirement in certain circumstances to seek the input or approval of one or more federal agencies such the Department of the Interior, which holds fee title of Tribal Trust Lands.

²⁵⁰ See 25 U.S.C. 5108.

As a result of their limited administrative capacity and unique and complex rules and regulations applicable to Tribal governments operating on Tribal Trust Lands, Tribal governments would experience significant and redundant administrative burden by also being required to complete a Written Justification for applicable capital expenditures. While Tribal governments are not required to complete the Written Justification for applicable capital expenditures, the associated substantive requirements continue to apply, including the requirement that a capital expenditure must be reasonably designed to benefit the individual or class that experienced the identified impact or harm and must be related and reasonably proportional to the extent and type of impact or harm. Note that, as a general matter, Treasury may also request further information on SLFRF expenditures and projects, including capital expenditures, as part of the regular SLFRF reporting and compliance process, including to assess their eligibility under the final rule.

The Written Justification should (1) describe the harm or need to be addressed; (2) explain why a capital expenditure is appropriate to address the harm or need; and (3) compare the proposed capital expenditure against alternative capital expenditures that could be made. The information required for the Written Justification reflects the framework applicable to all uses under the public health and negative economic impacts eligible use category, providing justification for the reasonable design, relatedness, and reasonable proportionality of the capital expenditure in response to the harm or impact identified.

1. *Description of harm or need to be addressed:* Recipients should provide a description of the specific harm or need to be addressed, and why the harm was exacerbated or caused by the public health emergency. When appropriate, recipients may provide quantitative

information on the extent and type of the harm, such as the number of individuals or entities affected.

2. *Explanation of why a capital expenditure is appropriate:* Recipients should provide an independent assessment demonstrating why a capital expenditure is appropriate to address the specified harm or need. This should include an explanation of why existing capital equipment, property, or facilities would be inadequate to addressing the harm or need and why policy changes or additional funding to pertinent programs or services would be insufficient without the corresponding capital expenditures. Recipients are not required to demonstrate that the harm or need would be irremediable but for the additional capital expenditure; rather, they may show that other interventions would be inefficient, costly, or otherwise not reasonably designed to remedy the harm without additional capital expenditure.

3. *Comparison of the proposed capital expenditure against alternative capital expenditures:* Recipients should provide an objective comparison of the proposed capital expenditure against at least two alternative capital expenditures and demonstrate why their proposed capital expenditure is superior to alternative capital expenditures that could be made. Specifically, recipients should assess the proposed capital expenditure against at least two alternative types or sizes of capital expenditures that are potentially effective and reasonably feasible. Where relevant, recipients should compare the proposal against the alternative of improving existing capital assets already owned or leasing other capital assets. Recipients should use quantitative data when available, although they are encouraged to supplement with qualitative information and narrative description.

Recipients that complete analyses with minimal or no quantitative data should provide an explanation for doing so.

In determining whether their proposed capital expenditure is superior to alternative capital expenditures, recipients should consider the following factors against each selected alternative.

- a. *A comparison of the effectiveness of the capital expenditures in addressing the harm identified.* Recipients should generally consider the effectiveness of the capital expenditures in addressing the harm over the useful life of the capital asset and may consider metrics such as the number of impacted or disproportionately impacted individuals or entities served, when such individuals or entities are estimated to be served, the relative time horizons of the project, and consideration of any uncertainties or risks involved with the capital expenditure.
- b. *A comparison of the expected total cost of the capital expenditures.* Recipients should consider the expected total cost of the capital expenditure required to construct, purchase, install, or improve the capital assets intended to address the public health or negative economic impact of the public health emergency. Recipients should include pre-development costs in their calculation and may choose to include information on ongoing operational costs, although this information is not required.

Recipients should balance the effectiveness and costs of the proposed capital expenditure against alternatives and demonstrate that their proposed capital expenditure is superior. Further, recipients should choose the most cost-effective option unless it

substantively reduces the effectiveness of the capital investment in addressing the harm identified.

As an example, a recipient considering building a new diagnostic testing laboratory to enhance COVID-19 testing capacity may consider whether existing laboratories sufficiently meet demand for COVID-19 testing, considering the demand for test results (along with their turnaround time) as well as the impact of current testing availability on the spread of COVID-19. Recipients may also consider other public health impacts of the level of diagnostic testing capacity, for example if insufficient capacity has decreased testing for other health conditions. The recipient may consider alternatives such as expanding existing laboratories or building a laboratory of a different size. In comparing the effectiveness of the capital expenditures, examples of factors that the recipient may consider include when the facilities will become operational and for how long; the daily throughput of COVID-19 tests; and the effect on minimizing delays in test results on the populations that such tests will serve. In comparing costs, the recipient may compare the total expected cost of the new laboratory (including costs of acquisition of real property, construction of the laboratory, and purchase of any necessary equipment needed to operationalize the lab), against the expected costs of expanding existing laboratories (whether by replacing current equipment with higher throughput devices or physically expanding space to accommodate additional capacity) or building a new laboratory of a different size, including by leasing property. As a reminder, recipients should only consider alternatives that are potentially effective and reasonably feasible.

Because, in all cases, uses of SLFRF funds to respond to public health and negative economic impacts of the pandemic must be related and reasonably proportional to a harm caused or exacerbated by the pandemic, some capital expenditures may not be eligible. For example,

constructing a new correctional facility would generally not be a proportional response to an increase in the rate of certain crimes or overall crime as most correctional facilities have historically accommodated fluctuations in occupancy.²⁵¹ In addition, construction of new congregate facilities, which would generally be expected to involve expenditures greater than \$1 million, would generally not be a proportional response to mitigate or prevent COVID-19, because such construction is generally expected to be more costly than alternative approaches or capital expenditures that may be equally or more effective in decreasing spread of the disease.²⁵² These alternatives include personal protective equipment, ventilation improvements, utilizing excess capacity in other facilities or wings, or temporary facility capacity expansions.

Large capital expenditures intended for general economic development or to aid the travel, tourism, and hospitality industries – such as convention centers and stadiums – are, on balance, generally not reasonably proportional to addressing the negative economic impacts of the pandemic, as the efficacy of a large capital expenditure intended for general economic development in remedying pandemic harms may be very limited compared to its cost.²⁵³

²⁵¹ See, e.g., “Economic Perspectives on Incarceration and the Criminal Justice System,” Council of Economic Advisers (April 2016), pg. 36-43.

²⁵² For instance, the CDC has published detailed recommendations for nursing homes, long-term care facilities, and correctional and detention facilities, on infection prevention and control. Many of these recommendations are relatively low cost, such as proper use of PPE. In addition, increasing vaccination rates among nursing home staff is among the most important ways to decrease the spread of the disease. Centers for Disease Control and Prevention, Interim Infection Prevention and Control Recommendations to Prevent SARS-CoV-2 Spread in Nursing Homes (September 10, 2021), https://www.cdc.gov/coronavirus/2019-ncov/hcp/long-term-care.html#anchor_1631030153017.

²⁵³ For instance, researchers have found no consistent positive relationship between building sports facilities and local economic development. As Siegfried and Zimbalist (2000, 103) write in a review of the literature, “independent work on the economic impact of stadiums and arenas has uniformly found that there is no statistically significant positive correlation between sports facility construction and economic development.” John Siegfried and Andrew Zimbalist, *The Economics of Sports Facilities and Their Communities*, *Journal of Economic Perspectives* 14, no. 3 (Summer 2000): 95-114, <https://www.aeaweb.org/articles?id=10.1257/jep.14.3.95>.

Presumptions on Capital Expenditures

For administrative convenience, the final rule provides presumptions on whether a Written Justification is required – and required to be submitted to Treasury through reporting – based on the type and size of the capital expenditure, as detailed in the table below.

As discussed above, Tribal governments are not required to complete the Written Justification for applicable capital expenditures, but the associated substantive requirements continue to apply, including the requirement that a capital expenditure must be reasonably designed to benefit the individual or class that experienced the identified impact or harm and must be related and reasonably proportional to the extent and type of impact or harm.

If a project has total expected capital expenditures of	and the use is enumerated by Treasury as eligible, then²⁵⁴	and the use is beyond those enumerated by Treasury as eligible, then²⁵⁵
Less than \$1 million	No Written Justification required	No Written Justification required
Greater than or equal to \$1 million, but less than \$10 million	Written Justification required but recipients are not required to submit as part of regular reporting to Treasury	Written Justification required and recipients must submit as part of regular reporting to Treasury
\$10 million or more	Written Justification required and recipients must submit as part of regular reporting to Treasury	

²⁵⁴ Whether or not a Written Justification is required, recipients should still determine that the response is related and reasonably proportional to the public health emergency and its negative economic impacts. Treasury recognizes that enumerated eligible uses are “related” to the public health emergency and its negative economic impacts and presumed to be reasonably proportional, except recipients pursuing projects with expected total capital expenditures equal to or greater than \$1 million should still independently determine that the expenditures are a reasonably proportional response. Enumerated projects with total expected capital expenditures under \$1 million receive a safe harbor and deemed to meet the related and reasonably proportional standard.

²⁵⁵ Whether or not a Written Justification is required, recipients should still determine that the response is related and reasonably proportional to the public health emergency and its negative economic impacts. Treasury presumes that projects with total expected capital expenditures under \$1 million are reasonably proportional in size to responding to the public health emergency and its negative economic impacts; however, recipients should determine that the response otherwise meets the requirements of the standard, including that the response is related to the public health emergency and its negative economic impacts.

In selecting these thresholds, Treasury recognized that capital expenditures vary widely in size and therefore would benefit from tiered treatment to implement eligibility standards while minimizing administrative burden, especially for smaller projects. For example, Treasury selected \$1 million as a threshold for whether a recipient needs to complete a Written Justification as well as a threshold under which capital expenditures would be presumed reasonably proportional. Treasury estimates that \$1 million would encapsulate the costs of a significant portion of equipment or small renovations. These types of smaller projects are often a necessary and reasonably proportional part of a response to the public health emergency; therefore, the \$1 million threshold provides a simplified pathway to complete smaller projects more likely to meet the eligibility standard. At the same time, Treasury selected \$10 million as the threshold for more intensive reporting requirements, estimating that projects larger than \$10 million would likely constitute significant improvements or construction of mid- or large-sized facilities. As discussed above, given their scale and longer time to completion, these types of larger projects may be less likely to be reasonably proportional responses. The \$10 million threshold also generally aligns with thresholds in other parts of the SLFRF program, such as for enhanced reporting on labor practices.

Expenditures from closely related activities directed toward a common purpose are considered part of the scope of one project. These expenditures can include capital expenditures, as well as expenditures on related programs, services, or other interventions. A project includes expenditures that are interdependent (e.g., acquisition of land, construction of the school on the land, and purchase of school equipment), or are of the same or similar type and would be utilized for a common purpose (e.g., acquisition of a fleet of ambulances that would be used for COVID-19 emergency response). Recipients must not segment a larger project into smaller projects in

order to evade review. A recipient undertaking a set of identical or similar projects (e.g., development of a number of new affordable housing complexes across the recipient jurisdiction) may complete one Written Justification comprehensively addressing the entire set of projects.

Projects Enumerated as Eligible by Treasury

Under the public health and negative economic impacts eligible use category, the final rule provides a non-exclusive list of eligible uses of funding for projects that respond to the public health emergency or its negative economic impacts. Treasury has determined that these enumerated projects are related to the public health emergency and its negative economic impacts; however, recipients (other than Tribal governments) undertaking these projects with total expected capital expenditures of \$1 million or greater must still complete and meet the substantive requirements of a Written Justification as part of their demonstration that the project is a related and reasonably proportional response to the harm identified.

- *Projects with total expected capital expenditures of under \$1 million:* Treasury provides a safe harbor for projects with total expected capital expenditures of less than \$1 million and will not require recipients to complete, submit, or meet the substantive requirements of a Written Justification for the capital expenditure. In essence, recipients may pursue an enumerated project with total expected capital expenditures of under \$1 million without having to undergo additional assessments to meet SLFRF requirements.
- *Projects with total expected capital expenditures of at least \$1 million but under \$10 million:* Recipients should complete a Written Justification for the capital expenditure and make an independent assessment of whether their proposed capital expenditure meets the substantive requirements of the Written Justification. Recipients will not be required

to submit the Written Justification as part of regular reporting to Treasury but should keep documentation for their records.

- *Projects with total expected capital expenditures of at least \$10 million:* Similar to the above, recipients should complete a Written Justification of the capital expenditure and make an independent assessment of whether their proposed capital expenditure meets the substantive requirements of the Written Justification. Further, recipients will be asked to submit the Written Justification as part of regular reporting to Treasury. Similar to other parts of the SLFRF program, such as on reporting on labor practices, Treasury recognizes that projects with expected total capital expenditures of at least \$10 million may be less likely to meet eligibility requirements and therefore requires recipients to provide an enhanced level of information to Treasury.

Projects Beyond Those Enumerated as Eligible by Treasury

As with all uses, recipients that undertake capital expenditures beyond those enumerated as eligible by Treasury must meet the two-part framework under Standards: Designating a Public Health Impact and Standards: Designating a Negative Economic Impact under General Provisions: Structure and Standards, including the requirement that responses are related and reasonably proportional to the harm or impact identified. As part of that assessment, these recipients may also be asked to complete a Written Justification. Recipients (other than Tribal governments) are subject to the following presumptions for the Written Justification of the capital expenditure, based on the total expected capital expenditures of the project:

- *Projects with total expected capital expenditures of under \$1 million:* Treasury provides a safe harbor for unenumerated projects with total expected capital expenditures of under

\$1 million and will not require recipients to complete, submit, or meet the substantive requirements of a Written Justification of the capital expenditure. Recipients should still make a determination as to whether the capital expenditure is part of a response that is related and reasonably proportional to the public health emergency or its negative economic impacts.

- *Projects with total expected capital expenditures of \$1 million or over:* Recipients should complete a Written Justification of the capital expenditure and make an independent assessment that their proposed capital expenditure meets the substantive requirements of the Written Justification. Further, recipients will be asked to submit the Written Justification as part of regular reporting to Treasury.

Treasury employs a risk-based approach to overall program management and monitoring, which may result in heightened scrutiny on larger projects. Accordingly, recipients pursuing projects with larger capital expenditures should complete more detailed analyses for their Written Justification, commensurate with the scale of the project.

Additional Provisions, Standards, and Definitions

Strong Labor Standards in Construction

Treasury encourages recipients to carry out projects in ways that produce high-quality work, avert disruptive and costly delays, and promote efficiency. Treasury encourages recipients to use strong labor standards, including project labor agreements (PLAs) and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also recommends that recipients prioritize in their procurement decisions employers who can demonstrate that their workforce meets high safety and training standards (e.g.,

professional certification, licensure, and/or robust in-house training), that hire local workers and/or workers from historically underserved communities, and who directly employ their workforce or have policies and practices in place to ensure contractors and subcontractors meet high labor standards. Treasury further encourages recipients to prioritize employers (including contractors and subcontractors) without recent violations of federal and state labor and employment laws.

Treasury believes that such practices will promote effective and efficient delivery of high-quality projects and support the economic recovery through strong employment opportunities for workers. Such practices will reduce likelihood of potential project challenges like work stoppages or safety accidents, while ensuring a reliable supply of skilled labor and minimizing disruptions, such as those associated with labor disputes or workplace injuries. That will, in turn, promote on-time and on-budget delivery.

Furthermore, among other requirements contained in 2 CFR 200, Appendix II, all contracts made by a recipient or subrecipient in excess of \$100,000 with respect to a capital expenditure that involve employment of mechanics or laborers must include a provision for compliance with certain provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5).

Treasury will seek information from recipients on their workforce plans and practices related to capital expenditures undertaken under the public health and negative economic impacts eligible use category with SLFRF funds. This reporting will support transparency and competition by enhancing available information on the services being provided.

Environmental, Uniform Guidance, and Other Generally Applicable Requirements

Treasury cautions that, as is the case with all projects using SLFRF funds, all projects must comply with applicable federal, state, and local law. In the case of capital expenditures in particular, this includes environmental and permitting laws and regulations. Likewise, as with all capital expenditure projects using the SLFRF funds, projects must be completed in a manner that is technically sound, meaning that it must meet design and construction methods and use materials that are approved, codified, recognized, fall under standard or acceptable levels of practice, or otherwise are determined to be generally acceptable by the design and construction industry.

Further, as with all other uses of funds under the SLFRF program, the Uniform Guidance at 2 C.F.R. 200 applies to capital expenditures unless stated otherwise. Importantly, this includes 2 C.F.R. 200 Subpart D on post-federal award requirements, including property standards pertaining to insurance coverage, real property, and equipment; procurement standards; sub-recipient monitoring and management; and record retention and access.

Definitions

Treasury adopts several definitions from the Uniform Guidance at 2 C.F.R. 200.1 under this section, including for capital expenditures, capital assets, equipment, and supplies.

Per the Uniform Guidance, the term “capital expenditures” means “expenditures to acquire capital assets or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life.” The term “capital assets” means “tangible or

intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with [Generally Accepted Accounting Principles].”

Capital assets include lands, facilities, equipment, and intellectual property. Equipment means “tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000.” Supplies, which means all tangible personal property other than those included as “equipment,” are not considered capital expenditures.

Recipients may also use SLFRF funds for pre-project development costs that are tied to or reasonably expected to lead to an eligible capital expenditure. For example, pre-project costs associated with planning and engineering for an eligible project are considered an eligible use of funds.

c. DISTINGUISHING SUBRECIPIENTS VERSUS BENEFICIARIES

Under the interim final rule, state, local, and Tribal governments that receive a federal award directly from a federal awarding agency, such as Treasury, are designated as “recipients,” and state, local, and Tribal governments are authorized to transfer funds to other entities, including private entities like nonprofits. The interim final rule stated that, “[a] transferee receiving a transfer from a recipient under sections 602(c)(3) and 603(c)(3) will be a subrecipient. Subrecipients are entities that receive a subaward from a recipient to carry out a program or project on behalf of the recipient with the recipient’s Federal award funding.”

For funds transferred to a subrecipient, the interim final rule noted that “[r]ecipients continue to be responsible for monitoring and overseeing the subrecipient’s use of SLFRF funds

and other activities related to the award to ensure that the subrecipient complies with the statutory and regulatory requirements and the terms and conditions of the award. Recipients also remain responsible for reporting to Treasury on their subrecipients' use of payments from the SLFRF funds for the duration of the award.”

Public Comment: Treasury received many comments requesting clarification about which entities qualify as subrecipients and are, in turn, subject to subrecipient monitoring and reporting requirements. For example, commenters sought clarification about whether a nonprofit that received a grant to provide services under a program to carry out an enumerated eligible use would qualify as a subrecipient and be subject to subrecipient monitoring and reporting requirements. Similarly, commenters also wondered if a nonprofit that received a grant in recognition of experiencing a negative economic impact of the public health emergency would also be a subrecipient and subject to subrecipient reporting requirements.

Treasury Response: Treasury is clarifying the distinction between a subrecipient and beneficiary in the final rule. The Uniform Guidance definitions for subaward and subrecipient inform Treasury's distinction between subrecipients and beneficiaries.

First, per 2 CFR 200.1 of Uniform Guidance “[s]ubaward means an award provided by a pass-through entity²⁵⁶ to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.”

²⁵⁶ In this context, a pass-through entity means a recipient of SLFRF funds.

Further, 2 CFR 200.1 of the Uniform Guidance defines a subrecipient, in that “[s]ubrecipient means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.” Treasury is aligning the definition of subrecipient in the final rule with the definition of subrecipient in the Uniform Guidance.

Treasury is maintaining the monitoring and subrecipient reporting requirements outlined in the final rule. Per 2 CFR 200.101 (b)(2) of the Uniform Guidance, the terms and conditions of federal awards flow down to subawards to subrecipients. Therefore, non-federal entities, as defined in the Uniform Guidance, must comply with the applicable requirements in the Uniform Guidance regardless of whether the non-federal entity is a recipient or subrecipient of a federal award. This includes requirements such as the treatment of eligible uses of funds, procurement, and reporting requirements.

The Uniform Guidance definitions for both subaward and subrecipient specify that payments to individuals or entities that are direct beneficiaries of a federal award are not considered subrecipients. The final rule adopts this definition of a beneficiary and outlines that households, communities, small businesses, nonprofits, and impacted industries are all potential beneficiaries of projects carried out with SLFRF funds. Beneficiaries are not subject to the requirements placed on subrecipients in the Uniform Guidance, including audit pursuant to the Single Audit Act and 2 CFR Part 200, Subpart F or subrecipient reporting requirements.

The distinction between a subrecipient and a beneficiary, therefore, is contingent upon the rationale for why a recipient is providing funds to the individual or entity. If the recipient is providing funds to the individual or entity for the purpose of carrying out a SLFRF program or

project on behalf of the recipient, the individual or entity is acting as a subrecipient. Acting as a subrecipient, the individual or entity is subject to subrecipient monitoring and reporting requirements. Conversely, if the recipient is providing funds to the individual or entity for the purpose of directly benefitting the individual or entity as a result of experiencing a public health impact or negative economic impact of the pandemic, the individual or entity is acting as a beneficiary. Acting as a beneficiary, the individual or entity is not subject to subrecipient monitoring and reporting requirements.

d. USES OUTSIDE THE SCOPE OF THIS CATEGORY

Summary of the Interim Final Rule and Final Rule Structure

In the interim final rule, Treasury noted that certain uses of funds are not permissible under the eligible use category of responding to the public health and negative economic impacts of the pandemic. In the final rule, these uses remain impermissible, but Treasury has re-categorized where they are addressed to increase clarity.

Specifically, the interim final rule provided that the following uses of funds are not eligible under this eligible use category: contributions to rainy day funds, financial reserves, or similar funds; payment of interest or principal on outstanding debt instruments; fees or issuance costs associated with the issuance of new debt; and satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring plan in a judicial, administrative, or regulatory proceeding, except to the extent the judgment or settlement requires the provision of services that would respond to the COVID-19 public health emergency. These uses of funds remain ineligible under the final rule; Treasury has re-categorized these issues to the section Restrictions on Use, which describes restrictions that

apply to all eligible use categories, to clarify that these uses are not eligible under any eligible use category of SLFRF. Treasury responds to public comments on this issue in the section Restrictions on Use.

As noted above, the interim final rule also posed several questions on what other types of services or costs Treasury should consider as eligible uses to respond to the public health and negative economic impacts of COVID-19, including in disproportionately impacted communities. In this section, Treasury addresses proposed uses of funds suggested by commenters that Treasury has not included as enumerated eligible uses of funds in this eligible use category.

General Eligible Uses

Public Comment: Commenters proposed a wide variety of additional recommended enumerated eligible uses in all sections of the public health and negative economic impacts eligible use category, including in impacted and disproportionately impacted communities. The proposed additional uses included general categories of services (e.g., legal and social services, long-term investments to remediate long-term disparities, response to natural disasters). Other suggested uses of funds respond to needs widely experienced across the country (e.g., access to and affordability of health insurance). Finally, other suggested uses of funds were highly specific (e.g., healthcare equipment for a specific health condition, fire hydrants, weather alert systems) or most applicable to the particularized needs to certain populations or geographic areas of the United States (e.g., senior citizens, immigrants, formerly incarcerated individuals, responding to environmental issues in certain geographic regions). Other commenters generally requested a high degree of flexibility to respond to the particular needs of their communities.

Treasury Response: Given the large number and diversity of SLFRF recipients, Treasury has aimed to include as enumerated eligible uses programs, services, and capital expenditures that respond to public health and negative economic impacts of the pandemic experienced widely in many jurisdictions across the country, making it clear and simple for recipients to pursue these enumerated eligible uses under the final rule. This provides enumerated eligible uses that many recipients may want to pursue, while including uses that are responsive to the pandemic's impacts across the diverse range of SLFRF recipients. In the final rule, Treasury has clarified several additional uses that generally respond to pandemic impacts experienced broadly across jurisdictions and populations.

Treasury has not chosen to include as enumerated uses all uses proposed by commenters; given the significant range, and in some cases highly specific nature, of the proposed uses Treasury was not able to assess that the proposed uses would respond to negative economic impacts experienced generally across the country, supporting an enumerated eligible use available to all recipients presumptively.

However, Treasury emphasizes that the enumerated eligible uses are non-exhaustive and that other uses, beyond those enumerated, are eligible. Treasury recognizes that the impacts of the pandemic vary over time, by jurisdiction, and by population; as such, the final rule provides flexibility for recipients to identify other public health or negative economic impacts to additional households, small businesses, or nonprofits, including classes of these entities, and pursue programs and services that respond to those impacts. Treasury also notes that some populations are presumed to be impacted or disproportionately impacted by the pandemic, and thus eligible for responsive services; these presumed eligible populations may encompass many

individuals in the specific populations for whom commenters recommended services. For details on these issues, see section General Provisions: Structure and Standards.

Infrastructure, Community Development, and General Economic Development

Some potential additions to enumerated eligible uses were also recommended by several commenters each but are not included as enumerated eligible uses in the final rule.

Public Comment: Infrastructure: In the interim final rule, Treasury noted that a “general infrastructure project, for example, typically would not be included [in this eligible use category] unless the project responded to a specific pandemic public health need.”

Numerous commenters requested that Treasury permit investments in infrastructure as a response to the public health and negative economic impacts of the pandemic. While these comments most commonly recommended that constructing and maintaining roads and surface transportation infrastructure be eligible, the proposed uses for infrastructure ranged widely and included parking lots, bridges, traffic management infrastructure, solid waste disposal facilities, and utility infrastructure (outside of water, sewer, and broadband).

Many commenters argued that infrastructure development and maintenance is a pressing need in their communities and that their communities had less need for water, sewer, and broadband infrastructure or other eligible uses to respond to the public health and negative economic impacts of the pandemic. Other commenters argued that these uses would stimulate the economy, attract businesses, or allow for tourist movement; these commenters argued that, by generally supporting a stronger economy or facilitating conditions that are more conducive to business activity and tourism, these uses respond to the negative economic impacts of the pandemic.

Treasury Response: In the final rule, Treasury is maintaining the approach under the interim final rule that general infrastructure projects, including roads, streets, and surface transportation infrastructure, would generally not be eligible, unless the project responded to a specific pandemic public health need or a specific negative economic impact.

The ARPA expressly includes infrastructure if it is “necessary” and in water, sewer, or broadband, suggesting that the statute contemplates only those types of infrastructure. Further, responding to the public health and negative economic impacts of the pandemic requires identifying whether, and the extent to which, there has been a harm that resulted from the COVID-19 public health emergency and whether, and the extent to which, the use would respond or address this harm. Uses of funds intended to generally grow the economy and therefore enhance opportunities for workers and businesses would not be an eligible use, because such assistance is not reasonably designed to impact individuals or classes that have been identified as having experienced a negative economic impact. In other words, there is not a reasonable connection between the assistance provided and an impact on the beneficiaries. Such an activity would be attenuated from and thus not reasonably designed to benefit the households that experienced the negative economic impact.

Note, however, that Treasury has clarified that capital expenditures that are related and reasonably proportional to responding to the public health and economic impacts of the pandemic are eligible uses of funds, in addition to programs and services; for details on eligibility criteria for capital expenditures, see section Capital Expenditures in General Provisions: Other.

Public Comment: Community Development Block Grant: Several commenters recommended that Treasury enumerate as eligible uses those eligible under the Department of

Housing and Urban Development's Community Development Block Grant (CDBG) or the Housing and Community Development Act of 1974, which established the CDBG program. Commenters requested that these uses be eligible either to respond to the negative economic impacts of the pandemic, or in the alternate the disproportionate negative economic impacts of the pandemic in certain communities. Under the CDBG program, recipient governments may undertake a wide range of community and economic development services and projects. Commenters reasoned that many state and local governments are familiar with this program, and that aligning to its eligible uses may help recipients easily understand and pursue eligible projects. Commenters also noted that Treasury had chosen to align with existing federal programs in other eligible use categories, namely water infrastructure, in the interim final rule.

Treasury Response: In the final rule, Treasury is not including all categories of projects permissible under CDBG as enumerated eligible uses to respond to the public health and negative economic impacts of the pandemic. Because CDBG permits such a broad range of activities, including services to individual households, communities, small businesses, general economic development activities, and capital expenditures, Treasury determined that it was more appropriate to assess the underlying types of projects eligible within CDBG and whether each type of project responds to the negative economic impacts of the pandemic. In other words, Treasury considered whether various types of community and economic development projects respond to the impacts of the pandemic in different communities and circumstances. In the final rule, Treasury addresses the eligibility of these various types of projects in each relevant eligible use category within public health and negative economic impacts under SLFRF, including assistance for impacted households, disproportionately impacted households, disproportionately impacted small businesses, and capital expenditures.

Public Comment: General Economic Development: Treasury provided guidance following the interim final rule that general economic development or workforce development would generally not be eligible as it does not respond to a negative economic impact of the COVID-19 public health emergency.

Some commenters recommended that Treasury expand enumerated eligible uses to include general economic development activities, beyond those that respond to negative economic impacts of the pandemic, such as creating an economic development strategy for the jurisdiction's overall economic growth, creating a general workforce development strategy, or providing funds to businesses that did not experience negative economic impacts to carry out economic development activities or to incentivize the addition or retention of jobs. Commenters supportive of assistance to businesses for general economic development activities argued that subsidies to businesses increase job growth and that, in some cases, assistance to companies that excelled during the public health emergency would help create more job opportunities for workers or expand the jurisdiction's tax base and produce funds to support government services. In contrast, other commenters argued that academic research consistently finds that economic development subsidies have a negligible, or even negative, economic effect, citing research findings to this effect.²⁵⁷

²⁵⁷ See, e.g., Matthew D. Mitchell et al., *The Economics of a Targeted Economic Development Subsidy* (Arlington, VA: Mercatus Center at George Mason University, 2019), 5, available at <https://www.mercatus.org/publications/government-spending/economics-targeted-economic-development-subsidy>; Timothy J. Bartik, *Who Benefits from Economic Development Incentives? How Incentive Effects on Local Incomes and the Income Distribution Vary with Different Assumptions about Incentive Policy and the Local Economy* (Upjohn Institute Technical Report No. 13-034, W.E. Upjohn Institute for Employment Research, March 1, 2018), available at: https://research.upjohn.org/up_technicalreports/34/; Cailin Slattery and Owen Zidar, *Evaluating State and Local Business Tax Incentives*, *Journal of Economic Perspectives* 34, no. 2 (2020): 90–118, available at: <https://www.aeaweb.org/articles?id=10.1257/jep.34.2.90>; Kenneth Thomas, *The State of State and Local Subsidies to Business* (Mercatus Policy Brief, Mercatus Center at George Mason University, Arlington, VA, October 2019), available at: https://www.mercatus.org/system/files/thomas_-_policy_brief_-_the_state_of_state_and_local_subsidies_to_business_-_v1.pdf; Dennis Coates, *Growth Effects of Sports Franchises, Stadiums, and Arenas: 15 Years Later* (Mercatus Working Paper, Mercatus Center at George Mason

Treasury Response: In the final rule, Treasury maintains the interim final rule’s approach that general economic development or workforce development, meaning activities that do not respond to negative economic impacts of the pandemic and rather seek to more generally enhance the jurisdiction’s business climate, would generally not be eligible under this eligible use category. As noted above, to identify an eligible use of funds under this category, a recipient must identify a beneficiary or class of beneficiaries that experienced a harm or impact due to the pandemic, and eligible uses of funds must be reasonably designed to respond to the harm, benefit the beneficiaries that experienced it, and be related and reasonably proportional to that harm or impact.

As noted above, recipients should analyze eligible uses based on the beneficiary of the assistance, and recipients may not provide assistance to small businesses or impacted industries that did not experience a negative economic impact. Provision of assistance to a business that did not experience a negative economic impact, under the theory that such assistance would generally grow the economy and therefore enhance opportunities for workers, would not be an eligible use, because such assistance is not reasonably designed to impact individuals or classes that have been identified as having experienced a negative economic impact. In other words, there is not a reasonable connection between the assistance provided and an impact on the beneficiaries. Such an activity would be attenuated from and thus not reasonably designed to benefit the households that experienced the negative economic impact. Research cited by some

University, Arlington, VA, September 2015), available at: <https://www.mercatus.org/system/files/Coates-Sports-Franchises.pdf>; Dennis Coates and Brad R. Humphreys, Do Economists Reach a Conclusion on Subsidies for Sports Franchises, Stadiums, and Mega-Events?, *Econ Journal Watch* 5, no. 3 (2008): 294–315, available at: <https://econjwatch.org/articles/do-economists-reach-a-conclusion-on-subsidies-for-sports-franchises-stadiums-and-mega-events/>; Matthew D. Mitchell, Daniel Sutter, and Scott Eastman, The Political Economy of Targeted Economic Development Incentives, *Review of Regional Studies* 48, no. 1 (2018): 1–9, available at: <https://www.mercatus.org/publications/corporate-welfare/political-economy-targeted-economic-development-incentives>.

commenters finding that business subsidies have limited or negative economic impact also suggests that such a response may not be reasonably designed to benefit households and other entities impacted by the pandemic. Similarly, planning activities for an economic development or workforce strategy regarding general future economic growth do not provide a program, service, or capital expenditure that responds to negative economic impacts of the pandemic.

However, Treasury notes that the final rule includes as enumerated eligible uses many types of assistance that respond to negative economic impacts of the pandemic and may produce economic development benefits. For example, see sections Assistance to Unemployed Workers, Assistance to Small Businesses, and Capital Expenditures.

B. PREMIUM PAY

Background and Summary of the Interim Final Rule

Sections 602(c)(1)(B) and 603(c)(1)(B) of the Social Security Act, as added by the ARPA, provide that SLFRF funds may be used “to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the . . . government that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work.”

Premium pay is designed to compensate workers that, by virtue of their employment, were forced to take on additional burdens and make great personal sacrifices as a result of the COVID-19 pandemic. Premium pay can be thought of as hazard pay by another name.²⁵⁸

²⁵⁸ See U.S. Department of Labor, *Hazard Pay*, <https://www.dol.gov/general/topic/wages/hazardpay> (last visited October 18, 2021).

To: Kendall County Forest Preserve District Committee of the Whole

From: David Guritz, Director

RE: Pickerill Estate House Construction Updates

Date: May 9, 2023

IDNR Billing Statement Update

The District has not received a reply on inquiries regarding allowable costs for the first billing statement report. If the IDNR does not reply before July 31, 2023, the TRANE HVAC X 2 purchase costs will be allocated to the District's match within the final billing statement to close the project.

All required change order requests have been submitted for approval.

Final Grading and Landscaping Material Schedules

Estate House and Pavilion Landscaping Inputs		
Approved Contracts		
HRH Topsoil	\$3,750.00	Topsoil & Grading
Four Seasons - (Amended)	\$23,407.00	Final TBD
KCFPD Material Orders		
Ground Effects	\$5,703.80	Hardscape Materials
Poss Place	\$1,648.50	
MW Ground	\$370.35	Trees, Shrubs and
Pizzo	\$1,349.90	Perennials
Winding Creek	\$619.00	
Total	\$36,848.55	

Wire Wizard Fire Alarm Monitoring Proposal

Proposal pending. Cellular signal, with battery backup can be used for alarm monitoring per Wire Wizard and BK Fire Department. Wire Wizard will be helping to pull together the T-mobile order for equipment to tie into the fire alarm system.

Furniture Order Updates

Updated staff recommendations with a quote and order has been prepared to purchase tables and chairs from Lifetime.com. The District purchased similar tables and chairs for Meadowhawk Lodge. Chair models will be available during the meeting. Staff recommends forwarding the Lifetime quote to Commission for approval, including rescinding the initial order. Cost difference is \$2,077.41 over the initial approved order, with a total final cost quote of \$14,354.31.

Forest Foundation Donor Appreciation and Preview Event

The event is confirmed for July 15, 2023 from 4 pm to 8 pm. The District will arrange for catering services, with the Foundation reimbursing the District for contributions received at the event.

Pickerill Estate House Furniture List

Round Banquet Tables 80435G	lifetime.com	60"	Almond	\$175.00	24	\$4,200.00	https://www.lifetime.com/lifetime-80435g-60-inch-round-nesting-table-commercial	Discount over 15 tables, free shipping
Folding Tables- rectangular 2984G	lifetime.com	8'x30"	Almond	\$200.00	8	\$1,600.00	https://www.lifetime.com/lifetime-2984g-8-foot-folding-table-commercial-grade	Discount over 3 tables, free shipping
Table Cart-80339	lifetime.com	Hold 11 rectangular, 10 round, 27"W	Black	\$242.99	4	\$971.96	https://www.lifetime.com/lifetime-80339-rolling-storage-table-cart	Discounted from \$269.99. Free Shipping
Folding Chairs 2803G	lifetime.com	500 lb capacity, 16.25" W	Almond	\$38.39	160	\$6,142.40	https://www.lifetime.com/lifetime-2803g-classic-folding-chair-commercial	Discount 160+ chairs, free shipping
Chair Cart 80525	lifetime.com	85lbs., 86.8"D x 27.9"W x 55"H	Black	\$287.99	5	\$1,439.95	https://www.lifetime.com/lifetime-80525-commercial-grade-rolling-storage-chair-cart	Discounted from \$319.99. Free shipping
Estimated Cost:							\$14,354.31	

Julia J. Granholm

From: Lifetime.com <buy@lifetime.com>
Sent: Tuesday, May 9, 2023 2:49 PM
To: KCForest
Subject: [External]Lifetime Quote # 494458Q

Importance: High

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Order #: 494458Q

[Complete Order](#)

Pricing Valid Until: 06/09/2023



Prepared By: slarson

Billed To:

kcforest@kendallcountyil.gov
630-553-4025

Shipped To:

Your quote has been updated. This email reflects those changes.

Item	Qty	Unit Price	Total
	5	\$287.99 \$319.99	\$1,439.95
lifetime-80525-commercial-grade-rolling-storage-chair-cart Model:80525			
	160	\$38.39 \$46.25	\$6,142.40
lifetime-2803g-classic-folding-chair-commercial Model:2803G			

	8	\$200.00 \$450.00	\$1,600.00
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lifetime-2984g-8-foot-folding-table-commercial-grade
Model:2984G

	24	\$175.00 \$375.00	\$4,200.00
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lifetime-80435g-60-inch-round-nesting-table-commercial
Model:80435G

	4	\$242.99 \$269.99	\$971.96
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lifetime-80339-rolling-storage-table-cart
Model:80339

Subtotal	\$14,354.31
Discount	-\$0.00
Sales Tax	\$0.00
Shipping	\$0.00
Order Total	\$14,354.31

Payment Options

1. Debit/Credit Card
(Recommended):

Click complete order to securely
pay for order online

2. Wire Transfer (Recommended):

Wells Fargo
299 South Main
Salt Lake City, Utah 84111
For Credit to Account #051-01708-
48
Swift: WFBIUS6S
ABA #: 121-000-248

Transfer order total by wire and
then send email to
buy@lifetime.com notifying us that
the Wire Transfer has been
completed. Please include the
Quote # and total Wire Transfer
amount.

3. Check (Recommended):

Lifetime Products, Inc.
Lockbox 271102
P.O. Box 35146
Seattle, WA 98124-5146

Mail check and then send email to buy@lifetime.com notifying us that the check has been mailed. Please include the Quote # and total check amount.

[Complete Order](#)

Need help with your order?

[1-800-424-3865 ext.1](tel:1-800-424-3865)

Monday - Friday 8:00 AM - 4:00 PM MST

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