



**CITY OF DUBUQUE &
NATIONAL ENDOWMENT FOR THE ARTS
AMERICAN RESCUE PLAN ACT
CREATIVE EMPOWERMENT
SUBGRANT PROGRAM**



TERMS AND CONDITIONS

These Terms and Conditions are provided to aid in the subgrantee's awareness of the National Endowment for the Arts (NEA) American Rescue Plan (ARP) Grant compliance requirements and management of a subgrant. Read the full Terms & Conditions carefully to ensure the organization can implement the subgrant in full accordance with all federal regulations and policy requirements.

The City of Dubuque is a recipient of an NEA ARP Grant and is designated as a Local Arts Agency (LAA) for subgranting. Therefore, the allocation of federal funds requires the City of Dubuque and its subgrantees to comply with all federal requirements.

FEDERAL POLICIES

Subgrantees are responsible for complying with flow-down federal regulations and policy requirements, as outlined by the NEA's Specific Terms and Conditions ([Appendix C](#)). National Policy Requirements prohibit discrimination, ensure accessibility of all facilities and programs funded with federal monies, provide for the protection of environmental and historic resources, and more. Reference the section National Policy and Other Legal Requirements, Statutes, and Regulations below.

FUNDING

- This is a one-time monetary award.
- This award does not require a match.
- Funds must be used explicitly to cover allowable expenses outlined under ALLOWABLE COSTS and incurred during the period of performance. Round 1: June 1, 2023 – March 31, 2024. Round 2: October 1, 2023 – March 31, 2024.
- This is a competitive subgrant opportunity, and funding for all eligible applicants is not guaranteed.
- Individuals subgranted funding will be required to submit additional documentation (e.g., Vendor Registration, W-9) in order to release funds.

ALLOWABLE COSTS

Funds, including stipends/fees and/or one-time expenses, must support the development or execution of projects by creatives with defined outcomes related to career and community development goals that occur within the eligible funding period of performance.

- Funds must directly support costs associated with specific activities or work* such as performances, presentations, exhibitions, training, research, and/or creation of an artwork, with tangible outcomes.
* *This is considered a stipend to the artist for the work undertaken and completed.*
- Artist expenses related to public art must comply with and be approved by the City of Dubuque and the National Endowment for the Arts for its potential impact on historic properties/districts/sites and the environment to fulfill responsibilities and obligations under the National Historic Preservation Act (NHPA) and the National Environment Policy Act (NEPA), respectively. Subgrants for public art projects will be considered pending until all parties have fully approved the specific operations.

Allowable Cost Categories: these are the only cost categories for which funds may be requested.

- Artist's Time – Cost of the applicant artist's time based on a typical hourly rate and estimated number of hours needed to implement the project activities. Cannot support children as professional artists.
- Professional Services – Use of other professional services to support the implementation of the project (e.g., contracted artists who support the project, production crew, professional consultants who help with project marketing plans and design, etc.).
- Fees – Fees associated with participation in classes, training, workshops, and other project-specific professional development activities. (Note: classes/training that result in credits toward a degree are not eligible.)
- Materials/Supplies – Project-specific expenses for materials needed to complete work for an exhibition, performance, presentation, etc. as described in the application (e.g., paint, canvasses, paper, materials for costume creation, film, CDs, etc.).
- Production Expenses – Project-specific costs related to the short-term rental of equipment and/or venue rental, such as rehearsal, studio, and performance space. (Note: Costs for home studios/workspace are not permitted.)
- Health and Safety Supplies – Costs associated with COVID-related measures to ensure the health and safety of participants (e.g., personal protective equipment, cleaning supplies, hand sanitizer, etc.).
- Marketing and Promotion – Costs related to the marketing and promotion of the project. (e.g., printing costs for fliers and brochures, paid advertisements on social media, etc.)
- Travel – Costs related to travel necessary to the project. (e.g., resourcing specific supplies or attending training to execute the project)

UNALLOWABLE COSTS

In accordance with federal guidelines, ARPA-funded subgrants to creatives must support specific activities or work. Expenses that fall outside the identified eligible expenses for the project may not be included as part of the request. Applicants that include ineligible expenses in the grant request will be considered ineligible. Ineligible grant request expenses and activities include:

- "Artist relief" where the funding is intended to alleviate financial hardship (i.e., rent or food assistance to individuals) and does not require the artist to undertake work.
- One-time monetary recognition/honorific award with no required activities (e.g., Life Time Achievement Awards).

- Support exclusively for the ongoing business expenses of individual artists (e.g., general operating/overhead support for individuals).
- Alcoholic beverages.
- Commercial (for-profit) enterprises or activities, including concessions, food/drink, clothing, artwork, or other items for resale, including online or virtual sales/shops.
- Construction, purchase, or renovation of facilities.
- Costs supported by any other federal funding (“double dipping”), including funds received directly from a federal agency or indirectly from a pass-through organization.
- Expenses related to compensation to foreign nationals when those expenditures are not in compliance with regulations issued by the U.S. Treasury Department of Foreign Assets Control.
- General fundraising.
- General miscellaneous or contingency costs.
- Land purchase costs.
- Lobbying, including activities intended to influence the outcome of elections or influence government officials regarding pending legislation either directly or through specific lobbying appeals to the public.
- Home office or home studio rent, including related expenses such as utilities.
- Social activities such as receptions, parties or galas.
- Subgrants to replace lost revenue.
- Travel costs (non-project related).
- Vehicle purchases.
- Visa costs paid to the U.S. government.
- Voter registration drives and related activities.
- All other costs that are unallowable per 2 CFR 200 and other laws.

PROPERTY STANDARDS

Property created under NEA awards has specific rules on ownership, copyright, reproduction, etc. Important information is summarized here for reference. More details can be found in section 16 (pages 15 and 16) of the NEA’s [NEA’s General Terms and Conditions for Grants and Cooperative Agreements to Organizations](#):

- As the artist, you will own property approved for creation under the NEA award, provided that it be used for similar activities. For example, if you created a painting using NEA funds with the intention of selling it to a museum for public display, it could not be sold to a private collector where it would no longer be on view to the public.
- You may copyright any material that is subject to copyright and that was developed under the NEA award.
- The NEA has a royalty-free, non-exclusive, and irrevocable right to reproduce, publish, or otherwise use work, as well as data, produced under a Federal award for Federal government purposes. They also have the right to authorize others to do the same.

AGREEMENT

- The agreement must be signed to assure compliance with the Creative Empowerment subgrant and returned by the deadline communicated in the award notification.
- Changes or Delays: Subgrantee must notify the City of Dubuque of any substantive changes related to the subgrantee's application.
- The City of Dubuque will monitor the subgrantee's performance and may offer guidance toward subgrant compliance.
- Individuals subgranted funding will have their name publicized.

REPORTING & CLOSEOUT

- A sample final report will be provided with the subgrant announcement, and a notification will be sent to subgrantees when the final report is available online.
- Subgrantees will review the subgrant report form in advance to ensure that they are tracking the impact and demographical information required for the report form.
- Each subgrantee is required to submit a final report providing a detailed description of the funded activities, participation statistics and demographics, sample marketing and program materials, and an accurately documented fund expenditure budget that aligns with the submitted request form.
- Subgrantees must submit a final report within 30 days after the end of period of performance – no later than Tuesday, April 30, 2024.
- If a final report is not filed, the individual will be ineligible to apply for future funding opportunities.
- If funds are not used, or funds are used for unauthorized/unallowable costs or activities, the subgrantee must return the funds to the City of Dubuque.

RECORD RETENTION & ACCESS

- Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the end date of the City of Dubuque's period of performance (05/31/2024) as an LAA (2 CFR 200.344).
- Subgrantees must permit the City of Dubuque and its auditors access to records and financial statements, as necessary, to ensure compliance with federal award requirements (2 CFR 200.332 (a)(5), .334 and .337).

ACKNOWLEDGEMENT

Creative Empowerment subgrants are funded by tan National Endowment for the Arts American Rescue Plan Grant to Local Arts Agencies. Subgrantees must clearly acknowledge support from the National Endowment for the Arts **AND** the City of Dubuque on all materials (printed or electronic) associated with the funded activities, such as programs, press releases, social media posts, promotions, etc. Such acknowledgment should noticeably indicate that funds were provided for arts

operating support and should not be used to show support for a project or activity outside the scope of funding. Access acknowledgment resources [here](#).

National Policy and Other Legal Requirements, Statutes, and Regulations

You must ensure that the funded project is implemented in full accordance with the U.S. Constitution, federal Law, and public policy requirements: including, but not limited to, those protecting free speech, religious liberty, public welfare, the environment, and prohibiting discrimination (2 CFR 200.300).

1. Nondiscrimination Policies

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

1.a Title VI of the Civil Rights Act of 1964, as amended, and implemented by the National Endowment for the Arts at 45 USC 1110, provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. Title VI also extends protection to persons with limited English proficiency (42 USC 2000d et seq.)

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

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

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

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

1.f Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified individual with a disability in the United States shall, solely by reason of his/her disability, be excluded 11/3/21 National Endowment for the Arts: Specific Terms and Conditions for the American Rescue Plan Grants to Local Arts Agencies Page 15 of 17 from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (29 USC 794). Access should be integrated into

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

Section 504 - Self-Evaluation and Additional Resources

- i. A Section 504 self-evaluation must be on file at your organization. To help your organization evaluate its programs, activities, and facilities with regard to Section 504 accessibility requirements, the Civil Rights Office has a [Section 504 Self Evaluation Workbook](#) available on our website.
- ii. You should designate a staff member to serve as a 504 Coordinator. The completed workbook or similar compliance and supporting documentation should be kept on file for a period of three (3) years from the date the Federal Financial Report (FFR) is filed, and made available to the public and the National Endowment for the Arts upon request. The National Endowment for the Arts may request the 504 Workbook or your compliance documents for various potential scenarios including an Inspector General audit and/or civil rights investigation.
- iii. *Design for Accessibility: A Cultural Administrator's Handbook* provides guidance on making access an integral part of an organization's staffing, mission, budget, and programs. This Handbook and other resources may be downloaded from the National Endowment for the Arts website. If you have questions, contact the Office of Accessibility at accessibility@arts.gov; (202) 682-5532; fax (202) 682-5715; or TTY (202) 682-5496.

2. Environmental and Preservation Policies

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

2.b The National Historic Preservation Act of 1966, as amended, applies to any Federal funds that support activities that have the potential to impact any structure eligible for or on the National Register of Historic Places, adjacent to a structure that is eligible for or on the National Register of Historic Places, or located in a historic district, in accordance with Section 106. This also applies to planning activities that may affect historic properties or districts. We will conduct a review of your project activities, as appropriate, to determine the impact of your project activities on the structure or any affected properties. Agency review must be completed prior to any agency funds being released. You may be asked to provide additional information on your project to ensure compliance with the Act at any time during your award period (16 USC 470). 11/3/21 National Endowment for the Arts: Specific Terms and Conditions for the American Rescue Plan Grants to Local Arts Agencies Page 16 of 17 Other National Policies.

Other National Policies

3. Debarment and Suspension. You must comply with requirements regarding debarment and suspension in Subpart C of 2 CFR Part 180, as adopted by the National Endowment for the Arts in 2 CFR 3254.10.

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

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

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

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

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

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

5.1 No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Member or official, at his request, or to Congress or such official, through the proper official channels, requests for any legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities (18 USC 1913). 11/3/21 National Endowment for the Arts: Specific Terms and Conditions for the American Rescue Plan Grants to Local Arts Agencies

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

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

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

Information about the laborers and projects that fall under DBRA can be found in the U.S. Department of Labor's Compliance Guide at <https://www.dol.gov/agencies/whd/government-contracts/construction>. DBRA wage determinations are to be used in accordance with the provisions of Regulations, 29 CFR Part 1, Part 3, and Part 5, and with DOL's Compliance Guide. The conditions of DBRA apply within the 50 states, territories, protectorates, and Native American nations (if the labor is completed by non-tribal laborers).

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

8. U.S. Constitution Education Program. Educational institutions (including but not limited to "local educational agencies" and "institutions of higher education") receiving Federal funds from any agency are required to provide an educational program on the U.S. Constitution on September 17 (P.L. 108-447, Division J, Sec. 111(b)). For more information on how to implement this requirement and suggested resources, see <https://www2.ed.gov/policy/fund/guid/constitutionday07.html> and <https://www.loc.gov/extranet/cld/constitution.html>.

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