

DOT

U.S. Department of Transportation

FTA

Federal Transit Administration

Application

Federal Award Identification Number (FAIN)	SD-2021-015-00
Temporary Application Number	6860-2021-1
Application Name	Lower Brule Sioux Tribe 5311 CARES Act - Admin and Maintenance Facility
Application Status	Final Concurrence / Reservation
Application Budget Number	0

Period of Performance Start Date	N/A
Original Period of Performance End Date	7/31/2023
Current Period of Performance End Date	N/A Revision #: N/A

Part 1: Recipient Information

Name: LOWER BRULE SIOUX TRIBE

Recipient ID	Recipient OST Type	Recipient Alias	Recipient DUNS
6860	Indian Tribe	LOWER BRULE SIOUX TRIBE	146099668

Location Type	Address	City	State	Zip
Headquarters	187 OYATE CIR	LOWER BRULE	SD	575488500
Physical Address	187 OYATE CIR	LOWER BRULE	SD	57548
Mailing Address	187 OYATE CIRCLE	LOWER BRULE	SD	57548

Union Information

There are no union contacts for this application

Part 2: Application Information

Title: Lower Brule Sioux Tribe 5311 CARES Act - Admin and Maintenance Facility

FAIN	Application Status	Application Type	Date Created	Last Updated Date	From TEAM?
SD-2021-015-00	Final Concurrence / Reservation	Grant	6/22/2021	6/22/2021	No

Application Executive Summary

This is a FFY2020 Section 5311 CARES Act grant in the amount of \$387,969 (full apportionment). Per the CARES Act, the grant requests 100% federal share. This grant utilizes CARES Act funding to prevent, prepare for, and respond to COVID-19. LBST certify that we have not furloughed any employees since March 27, 2020.

The grant scope of work is for the first phase of construction for the Lower Brule Sioux Tribe's (LBST) administration and maintenance facility. The project will be funded with four grants: this grant, an ARP grant, a CRRSAA grant and a formula grant (FY18, 19, 20, and 21) (temporary IDs 6860-2021-2, 6860-2021-3 and FAIN SD-2020-017-01). No pre-award costs have been incurred yet, only advertisement of the BID.

The Recipient agrees that if it receives federal funding from the Federal Emergency Management Agency (FEMA) or through a pass-through entity through the Robert T. Stafford Disaster Relief and Emergency Assistance Act, a different federal agency, or insurance proceeds for any portion of a project activity approved for FTA funding under this Grant Agreement, it will provide written notification to FTA, and reimburse FTA for any federal share that duplicates funding provided by FEMA, another federal agency, or an insurance company.

Supporting documents include:

- Cat Ex Worksheet
- FTA TRO-8 Cat Approval Letter
- Funding Matrix
- Base BID

Purpose: Build an Administrative and Maintenance/Storage facility for LBST transit operations and vehicles.

Activities to be Performed: Build an Administrative and Maintenance/Storage facility for LBST transit operations and vehicles.

Expected Outcomes: Indoor storage for LBST transit vehicles, extending the lives of these vehicles and reducing operating expenses in winter months.

Intended Beneficiaries: LBST transit riders.

Subrecipient Activities: None

Frequency of Milestone Progress Reports (MPR)

Quarterly

Frequency of Federal Financial Reports (FFR)

Quarterly

Does this application include funds for research and/or development activities?

This award does not include research and development activities.

Pre-Award Authority

This award is using Pre-Award Authority.

Does this application include suballocation funds?

Recipient organization is directly allocated these funds and is eligible to apply for and receive these funds directly.

Will this Grant be using Lapsing Funds?

No, this Grant does not use Lapsing Funds.

Will indirect costs be applied to this application?

This award is applying an approved Indirect cost rate(s).

Indirect Rate Details: Our Indirect Cost Rate is currently 12.02%.

Requires E.O. 12372 Review

No, this application does not require E.O. 12372 Review.

Delinquent Federal Debt

No, my organization does not have delinquent federal debt.

Application Point of Contact Information

First Name	Last Name	Title	E-mail Address	Phone
Tim	Azure	Red Tail Express Transit Director	timazure@lowerbrule.net	605-470-0312
Emma	Belmont	Transportation Program Specialist	emma.belmont@dot.gov	(303) 362-2392

Application Budget Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5311 Tribal formula (CARES Act)	5311-7	20509	\$387,969
Local			\$0
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$387,969

Application Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
SD-2021-015-01-00	600-00 (600-A1) OTHER PROGRAM COSTS	\$387,969.00	\$0.00	\$387,969.00	1
SD-2021-015-01-00	11.43.03 - CONSTRUCT ADMIN/MAINT FACILITY	\$387,969.00	\$0.00	\$387,969.00	1

Discretionary Allocations

This application does not contain discretionary allocations.

Part 3: Project Information

Project Title: Construction Phase I
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Project Number	Temporary Project Number	Date Created	Start Date	End Date
SD-2021-015-01-00	6860-2021-1-P1	6/22/2021	6/4/2021	3/31/2023

Project Description

The proposed project includes the construction of a Tribal transit building on 4.5 acres of tribal owned property. The building will be 120 foot by 80 foot in size and have on-site parking on the east side including an handicap accessible parking stall. The building will serve as the administration building for the Lower Brule Sioux Tribe Transportation Administration and the night storage for transit vehicles.

Project Benefits

Provide dedicated office space and indoor vehicle storage, which will be especially important when spring hail can cause significant vehicle damage and winter month cold and snow requires extra time for warming vehicles before service can start.

Additional Information

TBD

Location Description

We serve the Lower Brule Sioux Tribe reservation and other location within the state of South Dakota.

Project Location (Urbanized Areas)

UZA Code	Area Name
460000	South Dakota

Congressional District Information

State	District	Representative
South Dakota	1	Dusty Johnson

Program Plan Information

STIP/TIP

Date: Not Provided

Description: N/A

UPWP

Date: N/A

Description: N/A

Long Range Plan

Date: Not Provided

Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5311 Tribal formula (CARES Act)	5311-7	20509	\$387,969
Local			\$0
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$387,969

Project Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
SD-2021-015-01-00	600-00 (600-A1) OTHER PROGRAM COSTS	\$387,969.00	\$0.00	\$387,969.00	1
SD-2021-015-01-00	CONSTRUCT 11.43.03 - ADMIN/MAINT FACILITY	\$387,969.00	\$0.00	\$387,969.00	1

Project Budget Activity Line Items

Budget Activity Line Item: 11.43.03 - CONSTRUCT - ADMIN/MAINT FACILITY

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OTHER PROGRAM COSTS (600-00)	11.43.03	CONSTRUCT - ADMIN/MAINT FACILITY	CONSTRUCTION OF BUS SUPPORT EQUIP/FACIL	1

Extended Budget Description

Construction of a 120' by 80' building to house transit administration, customer waiting area, light maintenance and vehicle storage on tribal owned property. The project is located along the north side of Indian Affairs (BIA) Highway 10 in Lower Brule, South Dakota, approximately 1,200 feet west of the intersection of BIA 10 and BIA 5. A project location map can be found in the supplemental information.

Construction activities will include: excavation, backfill, grading, surfacing, asphalt approaches, installation of a power slide gate, chain link fence, and sewer/water service extension to accommodate the construction of a 120 foot by 80 foot perimeter building. The building will have on-site parking on the east

side including an handicap accessible parking stall.

An RFP for construction was released in June 2021 and award is anticipated in August 2021.

Federal share is 100%. The useful life of the structure is 40 years, the parking lot's useful life is 20 years and fittings and equipment's useful life is 10 years. Any equipment over \$5,000 will be reported out at grant closeout.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5311 Tribal formula (CARES Act)	5311-7	20509	\$387,969
Local			\$0
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$387,969

Milestone Name	Est. Completion Date	Description
Advertisement	6/4/2021	BID advertisement
BID Closing	7/16/2021	Proposals Due
Award	9/1/2021	Estimated Contract Award date
Order Pre-fab Building	9/27/2021	Order pre-fab building to lock in cost
Initiate site work	9/30/2021	Begin any site work that can start before winter
Utility Extensions	5/31/2022	Estimated completion of utility extensions
Foundation	7/29/2022	Complete foundation work
Parking lot	8/31/2022	Complete parking lot work
Building erected	9/30/2022	Planned building erection
Interior finishes	11/30/2022	HVAC, drywall, lighting, paint, etc.
Substantial Completion	1/31/2023	Estimated date of substantial completion
Final inspections	3/31/2023	Final inspections by Tribal Building Department, Certificate of Occupancy

Project Environmental Findings

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project

description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 13: Federally-funded projects:

(i) That receive less than \$5,000,000 of Federal funds; or

(ii) With a total estimated cost of not more than \$30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost.

Date Description	Date
Class IIc CE Approved	6/1/2021

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
OTHER PROGRAM COSTS (600-00)	11.43.03	CONSTRUCT - ADMIN/MAINT FACILITY	1	\$387,969.00	\$387,969.00

Part 4: Fleet Details

No fleet data exists for this application.

Part 5: FTA Review Comments

FTA Comments for DOL

Comment By Emma Belmont

Comment Type DOL Review for Information

Date 8/9/2021

This grant and 3 others will fund the same facility project. 3 Stimulus grants (CARES, CRRSAA, and ARP) and one Formula grant. All will be coming to DOL for review soon.

Comment Grantee Contact:
Tim Azure, Transit Program Manager
Lower Brule Sioux Tribe
tim azure <timazure@lowerbrule.net>
605-470-0312

Application Review Comments

Comment By Morgan Hecht

Comment Type Application Details

Date 7/26/2021

Comment Your agency must comply with all applicable Federal laws and regulations related to this

project, including the ADA Standards for Transportation Facilities, based on the U.S. Access Board's ADA Accessibility Guidelines. Found here: <https://www.access-board.gov/ada/>

Specifically, your agency must comply with the ADA Standards for Transportation Facilities. The following is a non-exhaustive list of ADA standards:

Requirements to Remember for: New Construction of Facilities

- As required under DOT ADA Standard 206.4.1, your agency must ensure that 60 percent of all public entrances to the facility will be accessible. If a station has only two entrances, then both must be accessible.
- As required under DOT ADA Standard 810.10, for rail projects, your agency must ensure that no flange way gap can be greater than 2.5" where passenger circulation paths cross tracks at grade (i.e. a street-level pedestrian crossing over streetcar tracks).
- As required under DOT ADA Standard 206.3, your agency must ensure that accessible routes coincide with or are located in the same area as general circulation paths, and elements such as ramps, elevators, and fare vending and collection areas are placed to minimize the distance that wheelchair users and other persons who cannot climb steps must travel in comparison to the general public.
- As required under DOT ADA Standard 406.8, your agency must ensure that curb ramps will have detectable warnings.
- As required under DOT ADA Standard 810.2, your agency must ensure that bus boarding and alighting areas are in compliance with the ADA-ABA Guidelines (Section 810.2), which address surfaces (sturdy); dimensions (96" long x 60" wide); connection to sidewalks, streets, and pedestrian paths; slope (not steeper than 1:48); signs; and public address systems.
- As required by DOT ADA Standard 810.5.3, your agency must ensure that station platforms must be coordinated with the vehicle floor height.

Title VI Requirements for Facilities:

DETERMINATION OF SITE OR LOCATION OF FACILITIES. Title 49 CFR Section 21.9(b)(3) states, "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part." Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin." For purposes of this requirement, "facilities" does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations:

- a. The recipient shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.
- b. When evaluating locations of facilities, recipients should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.

c. If the recipient determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The recipient must show how both tests are met; it is important to understand that in order to make this showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less Chap. III-12 FTA C 4702.1B of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

The information provided above is intended as technical assistance and applies only to the project as described. Should the project scope change or new information on the project be provided, FTA may require a re-evaluation of the project information and require additional information. This confirmation is not an express or implied promise of project compliance with the ADA or other civil rights requirements.

Part 6: Agreement

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

**GRANT AGREEMENT
(FTA G-28, February 9, 2021)**

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official signs this Grant Agreement, FTA has obligated and awarded federal assistance as provided below. Upon execution of this Grant Agreement by the Recipient named below, the Recipient affirms this FTA Award, enters into this Grant Agreement with FTA, and binds its compliance with the terms of this Grant Agreement.

The following documents are incorporated by reference and made part of this Grant Agreement:

- (1) "Federal Transit Administration Master Agreement," FTA MA(28), February 9, 2021, <http://www.transit.dot.gov>,
- (2) The Certifications and Assurances applicable to the FTA Award that the Recipient has selected and provided to FTA, and
- (3) Any Award notification containing special conditions or requirements, if issued.

WHEN THE TERM "FTA AWARD" OR "AWARD" IS USED, EITHER IN THIS GRANT AGREEMENT OR THE APPLICABLE MASTER AGREEMENT, "AWARD" ALSO INCLUDES ALL TERMS AND CONDITIONS SET FORTH IN THIS GRANT AGREEMENT.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE RECIPIENT DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING FTA's AWARD DATE SET FORTH HEREIN.

FTA AWARD

Federal Transit Administration (FTA) hereby awards a Federal Grant as follows:

Recipient Information

Recipient Name: LOWER BRULE SIOUX TRIBE

Recipient ID: 6860

DUNS No: 146099668

Application Information

Federal Award Identification Number: SD-2021-015-00

Application Name: Lower Brule Sioux Tribe 5311 CARES Act - Admin and Maintenance Facility

Application Start Date: N/A

Original Award End Date: 7/31/2023

Current Award End Date: N/A

Application Executive Summary: This is a FFY2020 Section 5311 CARES Act grant in the amount of \$387,969 (full apportionment). Per the CARES Act, the grant requests 100% federal share. This grant utilizes CARES Act funding to prevent, prepare for, and respond to COVID-19. LBST certify that we have not furloughed any employees since March 27, 2020.

The grant scope of work is for the first phase of construction for the Lower Brule Sioux Tribe's (LBST) administration and maintenance facility. The project will be funded with four grants: this grant, an ARP grant, a CRRSAA grant and a formula grant (FY18,19, 20, and 21) (temporary IDs 6860-2021-2, 6860-2021-3 and FAIN SD-2020-017-01). No pre-award costs have been incurred yet, only advertisement of the BID.

The Recipient agrees that if it receives federal funding from the Federal Emergency Management Agency (FEMA) or through a pass-through entity through the Robert T. Stafford Disaster Relief and Emergency Assistance Act, a different federal agency, or insurance proceeds for any portion of a project activity approved for FTA funding under this Grant Agreement, it will provide written notification to FTA, and reimburse FTA for any federal share that duplicates funding provided by FEMA, another federal agency, or an insurance company.

Supporting documents include:

- Cat Ex Worksheet
- FTA TRO-8 Cat Approval Letter
- Funding Matrix
- Base BID

Purpose: Build an Administrative and Maintenance/Storage facility for LBST transit operations and vehicles.

Activities to be Performed: Build an Administrative and Maintenance/Storage facility for LBST transit operations and vehicles.

Expected Outcomes: Indoor storage for LBST transit vehicles, extending the lives of these vehicles and reducing operating expenses in winter months.

Intended Beneficiaries: LBST transit riders.

Subrecipient Activities: None

Research and Development: This award does not include research and development activities.

Indirect Costs: This award is applying an approved Indirect cost rate(s).

Suballocation Funds: Recipient organization is directly allocated these funds and is eligible to apply for and receive these funds directly.

Pre-Award Authority: This award is using Pre-Award Authority.

Application Budget

Total Application Budget: \$387,969.00

Amount of Federal Assistance Obligated for This FTA Action (in U.S. Dollars): \$387,969.00

Amount of Non-Federal Funds Committed to This FTA Action (in U.S. Dollars): \$0.00

Total FTA Amount Awarded and Obligated (in U.S. Dollars): \$387,969.00

Total Non-Federal Funds Committed to the Overall Award (in U.S. Dollars): \$0.00

Application Budget Control Totals

(The Budget includes the individual Project Budgets (Scopes and Activity Line Items) or as attached)

Funding Source	Section of Statute	CFDA Number	Amount
5311 Tribal formula (CARES Act)	5311-7	20509	\$387,969
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State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$387,969

(The Transportation Development Credits are not added to the amount of the Total Award Budget.)

U.S. Department of Labor Certification of Public Transportation Employee Protective Arrangements:

Original Certification Date:

Special Conditions

There are no special conditions.

FINDINGS AND DETERMINATIONS

By signing this Award on behalf of FTA, I am making all the determinations and findings required by federal law and regulations before this Award may be made.

FTA AWARD OF THE GRANT AGREEMENT

Awarded By:

FEDERAL TRANSIT ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION
Contact Info:
Award Date:

EXECUTION OF THE GRANT AGREEMENT

Upon full execution of this Grant Agreement by the Recipient, the Effective Date will be the date FTA or the Federal Government awarded Federal assistance for this Grant Agreement.

By executing this Grant Agreement, the Recipient intends to enter into a legally binding agreement in which the Recipient:

- (1) Affirms this FTA Award,
- (2) Adopts and ratifies all of the following information it has submitted to FTA:
 - (a) Statements,
 - (b) Representations,
 - (c) Warranties,
 - (d) Covenants, and
 - (e) Materials,
- (3) Consents to comply with the requirements of this FTA Award, and
- (4) Agrees to all terms and conditions set forth in this Grant Agreement.

Executed By:

LOWER BRULE SIOUX TRIBE