

Application Instructions
COAR Grant Program
Aviation System Action Program Fund



Funding Cycle I
September 2016



AVIATION SYSTEM ACTION PROGRAM FUND APPLICATION INSTRUCTIONS FOR COAR GRANTS

If you have not already done so, please sign up for the ASAP electronic mailing list by sending an email request with the subject line “ASAP Mailing List Request” to:

ASAP@aviation.state.or.us

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Application Period Begins:

September 12, 2016

Application Period Ends:

Applications submitted in person or by mail must be received by 5:00 PM on October 14, 2016.

OR

Applications submitted electronically must be received by 11:59 PM on October 14, 2016.



The application is a PDF form and must be completed using Adobe Acrobat or Reader. Download the latest version of Adobe Reader: <https://get.adobe.com/reader/>

SECTION 1: APPLICATION FORM

(Question by Question Instructions)

General Instructions:

Save the application on your computer. You may work on the application at different times, saving your work as needed. Give it a filename with the following format: **[FAA Airport Identifier]_[Project Name]**. This is also discussed in Section 3.

Please note: Due to a lack of support for various functions in other PDF viewers, the application must be completed using the Adobe Acrobat or Reader. Download the latest version of Adobe Reader: <https://get.adobe.com/reader/>.

Application answers should be concise and to the point. No additional pages other than those specifically requested in these instructions will be used for the review process.

An application checklist is included as part of the application. The purpose of the checklist is to assist each applicant with submitting the required forms and optional attachments. The checklist must be completed and submitted with the application.

Failure to submit the aforementioned form will result in a project being declared ineligible due to incompleteness.

Applicants are strongly encouraged to review the ASAP Funding Instructions to Reviewers document prior to completing the application. The Instructions to Reviewers provides insight into the application scoring and selection process and may assist applicants with forming appropriate answers to application questions.

Answers to all questions are required even if N/A. Applications that are determined incomplete may not move forward in the review process.

Be concise and descriptive with your answers. Reviewers must be able to easily identify what your project does. Failure to clearly answer a question may result in a lower score when reviewed.

Once the application is complete, submit the application to the Oregon Department of Aviation (ODA) by following the directions outlined in Section 3 of these instructions.

Applicant Information, Project Location, and Certification

Question 1: Complete this information for the applicant. The contact person named here is the primary contact for this project. Other contact people will not be contacted unless the primary contact cannot be reached in an urgent situation. The applicant must provide its "Real and True Name" or "Registered Assumed Business Name". The applicant's organization must be registered with the Oregon Secretary of State's Corporation Division to do business in the State of Oregon by the time the agreement is written. ODA cannot, by law, enter into a grant agreement with a company that is not registered in the State of Oregon. Registration of a parent corporation in Oregon will not count as registration for a subsidiary corporation if the subsidiary is listed in the application. For more information about registering with the Oregon Secretary of State, visit:

http://www.filinginoregon.com/pages/business_registry/register/registering.html.

Question 2: The project name should be brief, and clearly describe the project. The name you provide will be used in summary reports and other published materials. The project location should include the City and State where the project is physically located. If the project is located in a remote area, list the County and State where the project is physically located.

For mobile projects, provide the address for the agency administrative facility.

Provide county tax parcel information (map and tax lot number).

Question 3: Select the appropriate category of airport as listed in the current Oregon Aviation Plan (OAP). To view which category your airport belongs to, please refer to Chapter 4 of the OAP by following the link:

http://www.oregon.gov/aviation/docs/system_plan/chapter_4_-_airport_functional_roles.pdf

Question 4: Select an Oregon Department of Transportation (ODOT) region for the project. You may not select more than one ODOT *ConnectOregon* region. The *ConnectOregon* VI regions are defined in Section 7 of 2015 House Bill 5030.

If a project falls within more than one region, identify the primary region for the project. This will be the region assigned to the project during the project review period and State Aviation Board selection.

For a map of the regions, please visit:

<http://www.oregon.gov/ODOT/TD/TP/CO/ConnectOregon%20Region%20Map.pdf>

The purpose of this question is to determine where in Oregon grants have been awarded and the total grant amounts distributed to each ODOT region. ODA will likely share the information with the Oregon Legislature.

Question 5: The Certification is very important. The Applicant Organization listed in Question 1 must check the box and provide the date on the form. Applications that do not contain these items will be considered ineligible due to incompleteness.

Project Description

Question 6: Provide a brief description of the proposed project to be funded. The description will be used in summary reports, ODA web pages, and other published materials. The summary should

include what the project will do or build and who will benefit from it.

Question 7: Provide a detailed project description. Describe the public benefits that will result from the project. Describe the aviation asset resulting from the proposed project. This description should be the equivalent of a project scope, defining the efforts needed for construction. Claims of project benefits should cite verifiable sources.

Capital construction projects at airports included in the National Plan of Integrated Airport Systems (NPIAS) must meet current FAA design criteria and grant assurances. Provide details of future maintenance commitments; describe potential for on-airport expansion; and show availability of adequate surface access to the airport.

Descriptions should clearly define what is being constructed (e.g. Project will perform the rehabilitation of 5,300 feet of runway along with associated improvements such as 10,600 feet of underdrain, lighting rewiring, etc.).

Question 8: Select “Yes” if the criterion is applicable to your project or will occur as a result of your project.

Select “No” if the criterion is not applicable to your project or will not occur as a result of your project.

If you have attached supporting documentation that supports an item on the list, please provide the name or type of document in the designated space.

Examples of supporting documentation: Maps, letters of support from the community, document showing federal funds are available for the project, commitment to providing continuing maintenance for the project, a written “Negative Environmental Declaration” or a FAA Environmental Checklist to confirm there will be no significant environmental impact (for NPIAS airports), Environmental Impact Statement (EIS), etc.

Question 9: Select the appropriate category of project.

Example 1: The project is funded by an FAA AIP grant. The application is to request funding assistance with a portion of the FAA AIP grant match requirement.

Project Category: Check the box for “Assistance with FAA AIP grant match”.

Example 2: The project is to build an aircraft maintenance facility on the airport, for which you are requesting funding assistance. The facility will be used for aviation-related business development on the airport.

Project element: Check the box for “Aviation-related business development on airport”.

Question 10: Provide a brief description of how your funding request fits in with the category of project selected in question 9. The examples below follow the examples provided for question 9.

Example 1:

Project element description:

Assistance with FAA AIP grant match – The project costs are 90% funded by an FAA AIP grant. The funding request to ODA is solely for assistance with the 10% federal grant match requirement.

Example 2:

Project element description:

Aviation-related business development on airport – The funding request is for the construction of an aircraft maintenance facility on the airport which will support aviation-related business development on the airport by _____ (briefly describe how it supports aviation-related business development).

Question 11: Documents: The first table is related to pre-construction documents. Provide the date of when the specified document was completed and select “Completed” from the status drop-down menu. If the document has been started but is not yet complete, select “Underway” from the status drop-down menu and provide the expected date of completion. Select “Don’t Know” from the drop-down menu if the level of completion may be uncertain, or if you do not know if the specific task or document applies to the project. If the document is not applicable to the project, select “Not Applicable” from the drop-down menu.

Check the “Equipment” box if the project funding request is for assistance with the purchase of equipment.

The following provides information about the documents.

- a. The Airport Layout Plan (ALP) serves as a critical planning tool that depicts both existing facilities and planned development for an airport. Sponsors of airport development carried out at federally obligated airports must accomplish the improvement in accordance with an FAA-approved ALP.

By definition, the ALP is a plan for a specific airport that shows:

- Boundaries and proposed additions to all areas owned or controlled by the sponsor for airport purposes
- The location and nature of existing and proposed airport facilities and structures
- The location on the airport of existing and proposed non-aviation areas and improvements thereon.

- b. An Environmental Impact Statement (EIS) is a document, required under the National Environmental Policy Act (NEPA), prepared for projects or decisions (including project funding) by federal agencies, which includes a detailed environmental evaluation of the proposed action and possible alternative actions. (For more information see: <http://www.epa.gov/compliance/nepa/index.html>) Unless a required EIS is close to completion, needing one means a project is not construction ready.

Permits: The second table is related to permits required for the project. Consider if you have met all local jurisdictional permits, i.e. building, zoning, planning, utility, facilities, etc. Also consider any airport clearances and other federal, state and/or local requirements. Please identify any additional items as necessary.

In the table, provide the permit type and the date issued or the date expected to be completed. Select the completion status from the drop-down menu. If you have submitted for the permit but it has not yet been issued, select "Underway" from the drop-down menu. Select "Don't Know" if the level of completion may be uncertain. Select the permit required status. Select "Don't Know" if you are uncertain whether the permit is required for the project.

Question 12: Complete the table regarding the project's current and projected milestones using the contract date as a start date. While six milestone spaces are provided, projects may have more or less than six milestones. These milestones will be used when developing the grant agreement should your project be selected for funding and you will be held accountable to the dates provided. Careful consideration should be given when developing timeframes. They will be used when developing grant Agreements should you receive funding. Grant recipients will be held accountable to the milestones.

Equipment purchases are exempt from milestone schedules and from the National Environmental Policy Act (NEPA).

Agreements are not usually signed before December. Milestone dates should be adjusted accordingly.

Standardized construction milestones are provided. For non-construction projects please propose equivalent milestones. Non-construction milestones may include such phases as purchase of materials, purchase of equipment, installation of equipment, etc. Non-construction projects should have "Project Completion" as their last milestone.

For Construction Milestones:

1. Scoping and Planning means the development of the project size and scope, determination of operational requirements, and required public comment periods.
2. Right-of-way and Land Acquisition means the process of securing land for the project site, including purchases, leases, eminent domain/condemnation, and the acquisition of required easements.
3. Permits means the process of securing any required permits, approvals, or permission from any local, state, or federal agency.
4. Final Plans/Bidding Engineering Documents means the development of any structural or operational documents required to build or implement the project.
5. Construction Contract Award means the securing of a contract to build, install, or otherwise prepare the project for operations or use.
6. Project Completion means construction or installation is complete and the project is ready for operation or use.

For Non-Construction Milestones:

Provide name of milestone and milestone start and end dates beginning with "Milestone1". Briefly describe each milestone.

Below are some examples of non-construction milestones:

- Economic analysis
- Cost estimates

- Public involvement/Stakeholder engagement
- Concept designs
- Secure city, state, and/or federal approval
- Secure project site
- Bid, Award, Procure
- Order equipment
- Installation, testing, and implementation

Statewide Impact of Project

Each applicant is responsible for providing as much detail as possible in the space provided. **Do not skip questions.** If they clearly do not apply, write “N/A” in the response section. Due to the potential variety of eligible projects, ODA anticipates that some applicants will not be able to answer all of these questions.

Please use the “ –“ reset button on the right side of the response boxes if you need to reset your responses to the questions in this section (questions 13 – 18).

Question 13: Identify if the project will serve one or more of Oregon’s “Statewide Business Clusters”. For the purposes of this question, the service provided by the project either should reduce transportation costs for Oregon businesses or improves access to labor.

Oregon’s “Statewide Business Clusters” are identified by the Oregon Business Development Department. Definitions of Oregon “Statewide Business Clusters” (Key Industries) are available at (<http://www.oregonbusinessplan.org/Industry-Clusters/The-Industry-Cluster-Network/>).

In the space provided, explain how the project reduces transportation costs or improves access to labor for the selected business cluster(s). Detail if possible, any specific businesses, the number of businesses, and how the project will provide cost savings (e.g. time savings, provision of an alternate route, provides access to a new mode). Detail, if possible, any specific businesses that will be connected to residential areas and how the project will improve their connection to sources of labor (e.g. traveler time savings, provision of an alternate route, provision of direct access between residential areas and commercial/industrial areas). You may also describe the demographics or other relevant characteristics of the residential areas that gain new or improved access to jobs as a result of this project. Explain if these areas are low income, disadvantaged or other significant characteristics.

Question 14: Consider the following in your response to this question. According to the Federal Highway Administration, “Some measures of economic growth and quality of life include things such as:

- Number of jobs created;
- Number of business establishments created;
- Overall increases in gross domestic product or gross regional product; and,
- Increases in property values or tax bases.

Describe if the project will result in businesses being able to stay in Oregon by retaining long-term jobs, or locate/expand in Oregon by adding long-term jobs. Identify the businesses that will

be able to stay in Oregon or locate/expand in Oregon as a direct result of the project.

Indicate the amount of private investment that would be made if and only if the project is implemented. You may include letters of commitment detailing the number of long-term jobs or the amount of additional private investment the project would generate. Commitment letters from businesses or organizations must state their intention to operate in Oregon and their intentions regarding job creation and private investment plans over a specified period. In the explanation box, limit the discussion of economic benefit to the project's impact on the state's ability to attract or retain business or industry.

Consider including quantitative information, such as:

- The demand for the project by the community has increased by x % over the past x years.
- Number of short-term and long-term jobs that will be created as a result of the project, if known.
- Are there any cost-benefits?

Question 15: Describe how the project creates a new transportation connection or if it improves an existing connection. Indicate if the project links multiple modes of transportation. Indicate if the project improves or creates links to a transportation network outside Oregon. Detail the international or interstate destination or source. Explain any benefits to Oregon's economy. Explain how this project improves or creates linkages to markets outside Oregon.

Describe what the measurement of success is for the project and include the calculation methodology for determining the projected success rate. Cite industry accepted standards to justify the answer.

The measurement of success for the project should be a quantifiable expression of the amount, cost, or result of the project that indicates how much, how well, and at what level, products or services are provided during a given time period. Measures should focus on the utilization and/or efficiency of the project.

Grant recipients may be required to supply ODA with a report regarding these measures within 12 months of project completion. ODA will likely share the information obtained with the Oregon Legislature. Applicants should carefully consider these measures used in this section to ensure an ability to accurately report in the future.

Measures of success may be:

- Flow Rates
- Capacity Measures
- Safety Measures
- Financial Returns
- Measures of Customer Satisfaction
- Measures of Public Benefit

Depending on the scope of a project, multiple measures may be identified.

- a. Indicate the current level of success as defined above.
- b. Indicate the expected level of success once the project is fully operational.

Example:

Measurement: Daily aircraft operations

Current level: 4,000

Expected level: 8,000

The purpose of this question is to ascertain how well a project will meet requirements of ORS 367.084 concerning “whether a proposed transportation project is a critical link connecting elements of Oregon’s transportation system that will measurably improve utilization and efficiency of the system.” Success refers to the measurable improvements in use and/or efficiency that each project will achieve once it is “fully operational.” “Fully operational” is when the proposed project is complete and in service.

Question 16: Complete the project funding tables. Do fill in the percentage fields; these fields will update automatically after you fill in the “Amount” column, as will all of the totals.

- a. Type the total project cost, or if applying for assistance with FAA AIP grant match then indicate the total federal match requirement.

Example 1: A category 4 airport has a \$50,000 FAA AIP match requirement. The applicant would type in \$50,000 for 16a.

Example 2: An airport has a non-federally funded project. The total project costs are \$150,000. The applicant would type in \$150,000 for 16a.

- b. The minimum COAR Grant match requirement field will auto-populate based on your selection for Question 3. The auto-filled answer will indicate the COAR match requirement for your specific airport.

ODA grant match requirements are based on the airport’s category as listed in Chapter 4 of the current Oregon Aviation Plan (OAP)

http://www.oregon.gov/aviation/docs/system_plan/chapter_4_-_airport_functional_roles.pdf

The match requirement is:

- A. Category 1a -- Commercial Primary: 50%
- B. Category 1b -- Other Commercial Non-Primary (less than 10,000 enplanements): 35%
- C. Category 2 -- Business: 25%
- D. Category 3 -- Regional: 10%
- E. Category 4 -- Community: 10%
- F. Category 5 -- Low Activity: 5%

In the table, detail the source of the applicant’s matching funds (i.e. FAA grant, city funds, etc.). Indicate the amount and the when the funds will be available; for example, FAA funds will become available Oct 2017 or Sponsor funds are available immediately. You may also use the pop-up calendar to select a date.

Example 1: A Category 4 airport has a project funded at 90% by an FAA AIP grant. Their total match amount for the FAA AIP grant is \$150,000. The airport can apply for a COAR grant to cover the FAA match requirement, minus the COAR match requirement.

The applicant's match requirement for COAR Grants is 10% of the \$150,000 (category 4 airport); therefore:

Total COAR match requirement: \$1,500

- c. Complete the table by indicating the amount of project grant funds you are requesting from ODA.

If you...	Then...	And...
Do have an FAA funded project	Determine your COAR match requirement by locating your category of airport in Table 4.2 of the current OAP http://www.oregon.gov/aviation/docs/system_plan/chapter_4_-_airport_functional_roles.pdf	Apply for a COAR grant for assistance with a portion of your FAA match amount, minus your COAR Grant match requirement.
Example:		
FAA match amount is \$26,000	Category 2 – ODA match requirement is 25%.	Apply for a COAR grant for assistance with up to 75% (or \$19,500) of your FAA match.
If you ...	Then...	And...
Do not have an FAA funded project	Determine your ODA match requirement by locating your category of airport in Table 4.2 of the current OAP http://www.oregon.gov/aviation/docs/system_plan/chapter_4_-_airport_functional_roles.pdf	Apply for a COAR grant for assistance with the project costs, minus the COAR Grant match requirement.
Example:		
Project cost is \$200,000	Category 2 – ODA match requirement is 25%.	Apply for a COAR grant for assistance with up to 75% (or \$150,000) of the project costs.

- d. The Project Budget Summary table will update automatically after you complete the first part of question 16. This table provides a summary of the total matching funds, the total funds requested from ODA, and the total project cost.
- e. Provide brief information on expenditures that will have been incurred prior to the completion of this agreement, if the project is selected and awarded. Discuss only the expenditures that you seek to be reimbursed for by COAR grants.

Question 17: At its August 2015, the Oregon Transportation Commission provided the following definition for project construction readiness:

Whether a Project is ready to begin elements of work necessary to commence with construction in a reasonable timeframe, or if the Project does not involve construction, whether the Project is ready for implementation. The following considerations, in addition to others, are used by staff when scoring project readiness:

- Applicant responses
- Permitting
- Match financing
- Plan inclusion where necessary
- Land use approval
- Applicant capacity

Provide any additional detail regarding construction readiness or implementation issues. Indicate the level of risk involved with meeting the provided schedule you gave in Question 12.

Explain the level of level of risk with the project schedule (i.e. high risk, medium risk, or low risk) and describe the reason regarding the level of risk. Discuss the length of any required permitting processes, property acquisition, or other parts of the project schedule that are subject to a high level of uncertainty.

Question 18: Provide the project's useful life in years. Useful life pertains to the main element of the project. Explain how this figure was calculated and cite documents that explain useful life. These documents may include industry standards, previously documented projects, research papers, etc. In some cases, a project may have a documented useful life that is different from the common actual life. For instance, airfield lighting and signage may have FAA designated useful life of 10 years; however, due to exceptional maintenance and other conditions, the historical useful life has been 20 years. Applicants should document this difference and explain. Review the Sample Draft Agreement to ensure the project design will be able to meet the contractual useful life. The Sample Draft Agreement identifies the useful life of a construction project as 20 years; non-construction projects should have years; non-construction projects should have a comparable useful life.

SECTION 2: QUESTIONS AND COMMUNICATION

Email Notice List

All applicants and interested parties should submit a request to be added to the Email Notice List by sending an email request with the subject line “ASAP Mailing List Request” to: ASAP@aviation.state.or.us

ODA will use this Email Notice List to update applicants and interested parties with notices, information, and any program and application updates.

Website

Interested parties can check the ODA website:

http://www.oregon.gov/aviation/Pages/Aviation_System_Action_Program.aspx

Questions

All questions should be emailed with the subject line “ASAP Questions” to: ASAP@aviation.state.or.us

Individual questions will be answered via email and then the answer will be posted on the ODA website under the program’s Frequently Asked Questions (FAQs) for the benefit of all other applicants.

ODA will provide as much assistance as possible. General help will continue to be posted on the website.

Public Records Note

Basic information on all projects under consideration will be posted on the ODA website.

All information submitted may be posted on the website. Applicants may request confidentiality protection of matters that the law allows a state agency to protect. For assistance see ORS 367.800 to 367.826, the Public Records law; ORS 192.410 to 192.505, the Uniform Trade Secrets Act; ORS 646.461 to 646.475.

Additional Information

For additional information including a copy of 2015 House Bill 2075, the Draft Revised Rule, and Frequently Asked Questions please refer to the ODA website.

Schedule

The Grant Program schedule including the timing of the above steps is posted on the ODA website.

SECTION 3: SUBMISSION INSTRUCTIONS

Applications, checklists, and all supporting materials must be received by **5:00 p.m. on Friday, October 14, 2016 if submitted by mail or in person.** Applications must be received by **11:59 p.m. on Friday, October 14, 2016 if submitted electronically.** Late and incomplete applications will not be accepted. Use one of the following methods to submit your application.

Electronic Submission via ODOT FTP Site

All applications may be submitted via the ODOT FTP site; electronic applications (including all support materials) larger than 10 megabytes must use the FTP site.

1. All electronic submissions must contain additional forms and signatures where instructed.
2. Create a new folder using the following naming format: **[FAA Airport Identifier]_[Project Name]** and place your application and all support materials there.
3. Using Internet Explorer, go to the ODOT FTP site:
[ftp://ftp.odot.state.or.us/incoming/Aviation%20System%20Action%20Program%20\(ASAP\)/](ftp://ftp.odot.state.or.us/incoming/Aviation%20System%20Action%20Program%20(ASAP)/)
4. Open the FTP site in Windows Explorer by pressing Alt, clicking View from the menu bar, and then selecting Open FTP Site in Windows Explorer.
5. Drag and drop or copy and paste your application folder in the FTP window.
6. Once your upload is complete, notify us via email: ASAP@aviation.state.or.us
Include in the e-mail a contact name and telephone number.
7. An e-mail verification will be sent to you if the application materials were received successfully. This is not an automated response and may take one (1) to two (2) business days. Keep this verification as your receipt.

Electronic Submission via E-mail

Applications (including all support materials) smaller than 10 megabytes may be submitted via e-mail.

1. All electronic submissions must contain signatures where instructed.
2. Save the application with the following name format: **[FAA Airport Identifier]_[Project Name]**
3. Attach the application and all supporting materials to an e-mail addressed to ASAP@aviation.state.or.us
Include in the e-mail body a contact name and phone number and a listing of the attachments. The subject line should be in the following format:
COAR Application [FAA Airport Identifier]_[Project Name]
4. Do not send more than one (1) e-mail for each application. If the combined file size of your application and support materials is larger than 10 megabytes, please submit electronically via the FTP site or submit a hard copy via postal mail or in person.

Hard Copy Submission via Postal Mail or In Person

Applications and all supporting materials may be submitted in person or via postal mail. All hard copy submissions must be signed where appropriate. **Hard copy submissions must be received by ODA no later than 5:00 p.m. on October 14, 2016.** Postmarks and late applications will not be accepted.

Submit hardcopy applications to:

Oregon Department of Aviation
3040 25th Street SE
Salem OR 97302-1125
Attn: ASAP - COAR Program

Aviation System Action Program Fund

COAR GRANT PROGRAM Instructions to Reviewers



Funding Cycle I – 2016



AVIATION SYSTEM ACTION PROGRAM (ASAP) FUNDING APPLICATION INSTRUCTIONS TO REVIEWERS

If you have not already done so, please sign up for the ASAP electronic mailing list by sending an email request with the subject line “ASAP Mailing List Request” to:

ASAP@aviation.state.or.us

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Introduction

Thank you for your participation in evaluating the ASAP Request for Funding Applications.

The purpose of this document is to provide instruction regarding the Critical Oregon Airport Relief (COAR) Program, which is funded through monies in the Aviation System Action Program (ASAP) Fund. The COAR Grant Program is a **funding-program** available to eligible public-use airports in Oregon.

This document will provide instruction on the review and recommendation process to the Oregon Area Commission on Transportation (ACTs) are providing recommendations to the Airport Review Committee (ARC), which will then provide recommendations to the State Aviation Board.

The application review process includes the following steps:

1. APPLICATION SUBMITTAL PERIOD

Submittal Period for Grant Applications: September 12 – October 14, 2016

2. AGENCY STAFF REVIEW

Completeness Review: October 17 – October 21, 2016

3. ACTs COMMITTEE REVIEW

Independent Statutory Considerations Review by the ACTs: October 24 – December 23, 2016

Final Aviation Review Committee Meeting: January 2017*

4. STATE AVIATION BOARD

Final Public Meeting and Selection of projects to fund: February 2017*

*The exact dates, time, and locations of public meetings will be posted on the Oregon Department of Aviation website once they are available.

The State Aviation Board and ODA reserve the right to modify review dates. ODA will provide accurate and up-to-date information on the Department's website. For more information, please visit:

http://www.oregon.gov/aviation/Pages/Aviation_System_Action_Program.aspx

SECTION 1: AGENCY STAFF REVIEW

1.1 Completeness Review:

Applications will be screened by internal Oregon Department of Aviation (ODA) program staff to ensure that each application is complete.

Program administration resources are limited; therefore, incomplete applications may not be forwarded to review committees and will not be considered for grant awards. ODA staff will inform applicants electronically if an application is ineligible due to incompleteness.

If ODA staff identifies a need for additional written data concerning any applicant or project, ODA staff may solicit this from applicants. After the application period ends, applicants may be given a specified amount of time (three business days) to provide the requested additional information. All requests for additional information must be sent in writing to applicants.

SECTION 2: AVIATION REVIEW COMMITTEE

2.1 General

OAR 738-124-0035 requires the Area Commissions on Transportation (ACTs) to review and recommend projects to the State Aviation Board for applications received through the Aviation System Action Program (ASAP) Fund.

2.2 Aviation Review Committee Members

The Aviation Review Committee (ARC) is a review committee, comprised of one (1) aviation representative from each Oregon ACT.

The following table provides an outline of the Oregon ACTs, the areas covered by the ACTs, and their corresponding Oregon Department of Transportation (ODOT) region:

Table 1 Oregon ACTs

Oregon ACTs	ACTs Area	ODOT Region
Region 1 ACT	ODOT Region 1, including most of Washington, Hood River, Multnomah and Clackamas counties	Region 1
Northwest Oregon ACT	Clatsop, Tillamook, Columbia and western rural Washington counties	Region 2
Mid-Willamette Valley ACT	Marion, Polk and Yamhill counties	Region 2
Cascades West ACT	Benton, Linn and Lincoln counties	Region 2
Lane County ACT	Lane county	Region 2
South West ACT	Coos, Curry and Douglas counties	Region 3
Rogue Valley ACT	Jackson and Josephine counties	Region 3
Lower John Day ACT	Gilliam, Sherman, Wheeler and Wasco counties	Region 4
Central Oregon ACT	Crook, Deschutes and Jefferson counties	Region 4
South Central Oregon ACT	Klamath and Lake counties	Region 4
North East ACT	Morrow, Baker, Union, Umatilla and Wallowa counties and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR)	Region 5
South East ACT	Grant, Harney and Malheur counties and the Burns Paiute Tribe	Region 5

For more information about the Oregon ACTs, please visit the Oregon Department of Transportation Area Commissions on Transportation website: https://www.oregon.gov/ODOT/COMM/Pages/act_main.aspx

To view a map of the ODOT regions, please visit: <https://www.oregon.gov/ODOT/TD/TDATA/gis/docs/REGIONMAPS/RegionMap.pdf>

2.3 Statutory Review

ODA staff will provide each ACTs aviation representative an electronic application package for each project that the ACTs will review. Applicants may submit multiple applications in a single grant cycle for different projects; however, the combined total of all requests per airport, per grant cycle shall be no more than \$150,000.

It is each applicant's responsibility to be as precise and well-documented as possible in showing how the application responds to each of the six statutory considerations. It is the responsibility of each reviewing ACTs member to review project applications and provide comments which support their decisions while considering the benefits of the project, the statutory considerations, their regional priorities and the statutory prioritization (project priorities are outlined in Section 2.5 Final ARC Meeting "*Project Prioritization*").

Conflict of Interest Disclosure

Upon starting the review process, the ACTs aviation representative selected to participate in the Aviation Review Committee (ARC) shall select the appropriate box on the ACTs Statutory Review Form regarding whether there is a conflict of interest and write the conflict of interest in the designated box. Committee members are required to disclose all conflicts of interest regarding any projects being discussed. A conflict of interest means the member is a consultant to the applicant, or is a committee or board member who has assisted the applicant, or has a financial benefit in the project. All conflict of interest disclosures will be recorded by ODA.

Members will refrain from voting on or recommending projects or a slate of projects in which they have disclosed a conflict of interest. Review Committee members with conflicts of interest, except those who are excluded from discussions or debate because they are subject to ORS 244.120(2)(b) and have an actual conflict of interest, are allowed to otherwise participate in the evaluation process. Those with actual conflicts of interest per ORS 244.120(2)(b) may not participate in discussion or debate nor may they vote.

This disclosure requirement applies to all committee members.

Statutory Considerations

The reviewing **ACTs must take into consideration the following Statutory Considerations**, as per ORS 367.084(3):

- a) Whether a proposed transportation project reduces transportation costs for Oregon businesses or improves access to jobs and sources of labor.
- b) Whether a proposed transportation project results in an economic benefit to this state.
- c) Whether a proposed transportation project is a critical link connecting elements of Oregon's transportation system that will measurably improve utilization and efficiency of the system.
- d) How much of the cost of a proposed transportation project can be borne by the applicant for the grant from any source other than the Connect Oregon Fund.
- e) Whether a proposed transportation project is ready for construction.
- f) Whether a proposed transportation project has a useful life expectancy that offers maximum benefit to the state.

Based on the application materials, ACTs shall determine whether a project thoroughly meets each of the considerations. To thoroughly meet a consideration, a project shall demonstrate through application responses that the project will accomplish the intent.

Applicant Match Requirements

Applicants are required to provide matching funds, based upon their category of airport, as listed in the current OAP. For more information, please follow the link to view Chapter 4 of the Oregon Aviation Plan:

Airport Category	Category Description	Required Match %
Category 1a	Commercial Primary	50%
Category 1b	Other Commercial Non-Primary (less than 10,000 enplanements)	35%
Category 2	Business	25%
Category 3	Regional	10%
Category 4	Community	10%
Category 5	Low Activity	5%

ACTs Statutory Review Form

The ACTs will evaluate projects for airports in their corresponding ACTs area and forward their evaluations and justifications to ODA using the ACTs Statutory Review Form.

The ARC Statutory Review Form requires the reviewing ACTs aviation representatives to evaluate Questions 13 through 15 from the application and select whether they agree, somewhat agree, or disagree whether the project meets the considerations. The committee will also evaluate Questions 16 through 18 from the application and will select the appropriate box on the review form, depending on the applicant's responses.

Comment areas are provided to show your work and note information critical to your evaluation: How you arrived at your score. (See Appendix A1 for the Sample ACTs Statutory Review Form)

Oregon Aviation Plan

The ACTs should use any identified statewide plan such as the current Oregon Aviation Plan to assist with their evaluations and determining where projects strategically address modal needs.

To view the current Oregon Aviation Plan, please visit:

http://www.oregon.gov/aviation/Pages/docs/system_plan/2007_oregon_system_plan_details.aspx

Committee members may contact ODA staff for assistance with statewide planning information.

Please direct all questions to: ASAP@aviation.state.or.us

Or contact: **Nohemi Ramos at (503) 378-4881**

Project Application Scores

Project applications receive a base score prior to the review by the ACTs. The base score is a technical score based on the completeness of the application and the information provided by the applicant.

The applicant's responses to the questions relating to statutory considerations require a critical review by the ACTs before making a final selection. The selections by the ACTs on the review form will produce a reviewer's score, which will be combined with the base score and result in a final application score.

The scores are calculated automatically as applicants and reviewers complete their designated forms.

The final application score will be used to break ties between rankings during the Final Aviation Review Committee Meeting.

Submission Instructions

Save a completed electronic version of the Review Form for each application you evaluate.

Email signed evaluation forms with the subject line “[ACT]_FC1 Evaluation Forms”, **no later than December 23, 2016** to: ASAP@aviation.state.or.us

2.4 ACTs Meetings

Review, Discuss and Recommend Projects

The ACT aviation representative may collaborate with other members of their ACTs, Regional Solutions, Chambers of Commerce, and other regional stakeholders.

All ACTs meetings related to the recommendations of projects for ASAP funding shall be held as public meetings. ACT aviation representatives may present information regarding projects, the condition of the state’s transportation network, or other relevant information to their whole ACT. Each ACT shall establish a written record of the decision-making process.

Scheduling and Noticing of Review Meeting

ACTs will notify ODA staff of all ACTs meeting dates related to the recommendations of projects for ASAP funding. ODA staff will ensure ACTs meetings, and any revisions or changes, are accurately published on the ODA website. ACTs are responsible for all required public meeting notices (A duplicate notice will be posted on the ODA website).

Meeting Minutes

For each ACT meeting related to ASAP funding, ACTs representatives will record and prepare committee meeting minutes, and secure the committee’s approval of the minutes. Within 5 business days of each meeting, draft meeting minutes will be sent to the ODA staff for posting on the ODA website. Upon approval of the committee, final meeting minutes will be sent to the ODA staff. Final minutes will replace draft minutes posted on the ODA website.

2.5 Final ARC Meeting

ODA Staff Support and Committee Administration

ODA staff will provide staff support for the final Aviation Review Committee (ARC) meeting. ODA staff will coordinate with the respective ACTs regarding the meeting, scheduling, agenda, and necessary public notice.

ODA staff, unless otherwise directed by the committee, will:

- Present the ACT’s final scoring of projects;
- Assist the ARC with understanding the review process; and
- Record results of the ARC proceedings.

During the final ARC meeting, the ARC will **not** hear presentations from any applicants.

ODA staff will provide the ARC a combined list of scored projects from each of the ACTs. The list presented to the ARC will contain a summary of each project, the project category, the name of the applicant, the total project cost, total matching funds, the total funds requested from ODA, and the final application score for all projects.

ODA staff advice and analysis is limited to a supporting role and cannot be substituted for the required decision-making role of the ARC.

Meeting minutes will be posted on the ODA website.

The exact dates, time, and locations for the Board meeting will be posted on the Oregon Department of Aviation website once they are available.

Conflict of Interest Disclosure

At the start of the final review meeting, committee members are to disclose all conflicts of interest regarding any projects being discussed. A conflict of interest means the member is a consultant to the applicant, or is a committee or board member who has assisted the applicant, or has a financial benefit in the project. All conflict of interest disclosures will be recorded in the Final Review Committee meeting minutes.

The ARC will ensure that members will refrain from voting on or recommending projects or a slate of projects in which they have disclosed a conflict of interest. Final Review Committee members with conflicts of interest, except those who are excluded from discussions or debate because they are subject to ORS 244.120(2)(b) and have an actual conflict of interest, are allowed to otherwise participate in the evaluation process. Those with actual conflicts of interest per ORS 244.120(2)(b) may not participate in discussion or debate nor may they vote.

This disclosure requirement applies to all committee members.

Input into the Decision Process

The ARC will review projects based on information provided through:

- The project application and related documents;
- Applicant responses to questions; and
- ACTs members' knowledge and expertise.

The ARC may also review projects based on information provided through:

- Professional staff recommendations or analysis (if requested by the committee); and
- Public comment.

The ARC should also use any identified statewide plan such as the current Oregon Aviation Plan to assist with ranking and determining where projects strategically address modal needs. Committee members may contact ODA staff for assistance with statewide planning information.

To view the current Oregon Aviation Plan, visit:

http://www.oregon.gov/aviation/Pages/docs/system_plan/2007_oregon_system_plan_details.aspx

The review committee members shall **not consider** information provided through lobbying by the applicant or any other person outside of the committees' public meetings. This includes any request for preapproval by an applicant or other party.

The ARC shall not require applicants to seek prior consultation or pre-approval of any projects, nor prioritize any project negatively due to any failure to consult with the committee prior to submitting an application.

Project Categories

Project applications submitted to ODA will belong to one of five categories:

- Federal Aviation Administration Airport Improvement Program Grant Match;
- Emergency Preparedness and Infrastructure Projects, in accordance with the Oregon Resilience Plan;
- Critical/Essential Services or Equipment;
- Aviation-Related Business Development on Airport; and
- Aviation Development for Local Economic Development

Project Prioritization

Per OL 2015 §7 c.300 (3)(c) and OAR 738-125-0035(3), the **review committee shall recommend applications to the State Aviation Board, which shall select applications with the following priority:**

- a. First, to applications filed with respect to assist airports in Oregon with match requirements for Federal Aviation Administration Airport Improvement Program grants;
- b. Second, to applications filed with respect to safety and infrastructure development; and
- c. Third, to applications filed with respect to aviation-related economic benefits related to airports.

Per OL 2015 §7 c.300 (5)(b), “Priority in distributing grants shall be given to projects for which applicants demonstrate a commitment to contribute the greatest amounts toward the cost of the projects to which the applications relate.”

Projects will be further prioritized in accordance with OAR 738-125-0035 (6).

Projects within a lower statutory priority **shall not** be ranked above projects with a higher statutory priority.

Tie-Breaking

Ties between project rankings within the same category shall be resolved by using the following methods, in respective order.

1. Application scores;
2. Current Oregon Aviation Plan (OAP);
3. National Priority Ratings by the Federal Aviation Administration (FAA), if applicable.

To view the current Oregon Aviation Plan for recommendations to airports, select the following link and visit *Chapter 5 – System Analysis and Recommendations*:

http://www.oregon.gov/aviation/docs/system_plan/chapter_5_-_system_analysis_and_recommendations.pdf

To view the National Priority Ratings by the FAA, select the following link and view *Appendix 6: NPIAS-ACIP Standard Descriptions, ACIP Codes, and National Priority Ratings*:

<http://www.faa.gov/documentLibrary/media/Order/order-5100-39A-acip.pdf>

Example of Scoring Differences post ACTs Review:

Project Name	Project Category	Application Score
A	FAA AIP Match	110
B	Emergency Preparedness & Infrastructure Projects	100
C	FAA AIP Grant Match	100
D	Emergency Preparedness & Infrastructure Projects	95
E	Economic Benefit	105

Explanation of Scoring Example

The Aviation Review Committee (ARC) is responsible for ranking the projects within the same category resulting in a single prioritized list of recommended projects for ASAP funding. This list will be presented to the State Aviation Board for their vetting and final approval.

In the above example, Project A and Project C belong to the FAA AIP Grant Match Category; Project B and Project D belong to the Emergency Preparedness & Infrastructure Category; and Project E belongs to the Economic Benefit Category.

In this example, the ARC will follow the statutory prioritization and begin by ranking Projects A and C. The ARC must decide which project will be placed first, and which project will be placed second. If there are ties in ranking, the committee can: refer to the application scores, refer to the minimum standard deficiencies listed in the current OAP, or refer to the National Priority Ratings by the FAA (if applicable).

If funds are still available after all FAA AIP Match projects have been selected, the ARC will proceed to rank the next priority category of projects (Safety and Infrastructure Development). In this example, the ARC will proceed to rank Projects B and D against each other.

If funds remain available after the first two categories of projects have been selected, the committee will proceed to rank the next priority of projects (Economic Benefit); in this example, the ARC will select Project E.

Final Recommendation Report

The Aviation Review Committee (ARC) will provide the State Aviation Board a Final Recommendation Report prioritizing projects.

SECTION 3: STATE AVIATION BOARD

3.1 General

The State Aviation Board will review the Aviation Review Committee (ARC) Final Recommendation Report prioritizing projects. The Board will vet the list and provide final approval of projects to receive ASAP funding.

3.2 State Aviation Board Members

The State Aviation Board, or "Board", is a seven person policy board appointed by the Governor.

3.3 Board Meeting – Final Project Selection

The Board will hold a public hearing on the recommended project list in February 2017.

The Board will make its project selection decision in February 2017.

The exact dates, time, and locations for the Board meeting will be posted on the Oregon Department of Aviation website once they are available. For updates, please visit:

http://www.oregon.gov/aviation/Pages/Aviation_System_Action_Program.aspx

Conflict of Interest Disclosure

At the start of each meeting, the State Aviation Board Chair shall require committee members to disclose all conflicts of interest regarding any projects being discussed. A conflict of interest means the member is a consultant to the applicant, or is a committee or board member who has assisted the applicant, or has a financial benefit in the project. All conflict of interest disclosures will be recorded in the State Aviation Board meeting minutes.

The Board Chair will ensure that members refrain from voting on or recommending projects or a slate of projects in which they have disclosed a conflict of interest. Board members with conflicts of interest, except those who are excluded from discussions or debate because they are subject to ORS 244.120(2)(b) and have an actual conflict of interest, are allowed to otherwise participate in the evaluation process. Those with actual conflicts of interest per ORS 244.120(2)(b) may not participate in discussion or debate nor may they vote.

This disclosure requirement applies to all Board members.

ODA Staff Support and Administration

ODA staff will provide each member of the State Aviation Board, an electronic ARC Final Recommendation Report.

Applicant Presentations

During the Final ASAP Board meeting, the Board will **not** hear presentations from any applicants. If the Board has questions regarding a project and the applicant is present at the public meeting, the Board may call upon the applicant for testimony.

Project Prioritization

The Board may modify project rankings recommended by the ARC; however, projects within a lower statutory priority **shall not** be ranked above projects with a higher statutory priority.

Per OL 2015 §7 c.300 (3)(c) and OAR 738-125-0035(3), the review committee shall recommend applications to

the State Aviation Board, which shall select applications with the following priority:

- a. First, to applications filed with respect to assist airports in Oregon with match requirements for Federal Aviation Administration Airport Improvement Program grants;
- b. Second, to applications filed with respect to safety and infrastructure development; and
- c. Third, to applications filed with respect to aviation-related economic benefits related to airports.

SECTION 4: CONTACT INFORMATION

4.1 ODA Program Staff

Please direct all questions to: ASAP@aviation.state.or.us

Or you may contact either:

Heather Peck

Planning & Projects Manager
(503) 378-3168

Nohemi Ramos

Fiscal Analyst / Grant Coordinator
(503) 378-4881

Appendices

The Appendices in this document provide SAMPLE versions of the respective documents. Reviewers will receive final versions of each form in Word, Excel, or PDF prior to the start of the review period.



A-1 STATUTORY CONSIDERATION REVIEW FORM
ACTs Statutory Review Form 2016

- ➔ Please read the Aviation Project Funding Request - Instructions to Reviewers prior to completing this form.
- ➔ The *Instructions to Reviewers* and *ACTs Statutory Review Form* are available on the [Oregon Department of Aviation website](http://www.oregon.gov/ODA/aviation).
- ➔ **Comment areas are provided to note information critical to your evaluation: How you arrived at your decision.**
- ➔ Save a completed electronic version of this document for each application you evaluate.
- ➔ Email completed evaluation forms to ASAP@aviation.state.or.us **no later than December 23, 2016.**

Reviewer Name / ACT: _____

Applicant Name: _____ **Application Number:** _____

Project Name: _____

Section 1:

	Agree	Somewhat Agree	Disagree	Comments
Question 13 - Reduced Transportation Costs or Improved Access to Jobs Does the proposed transportation project reduce transportation costs for Oregon businesses or improve access to jobs and sources of labor?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Question 14 - Economic Benefit Does the proposed transportation project result in an economic benefit to the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Question 15 - Critical Link Is the proposed transportation project a critical link connecting elements of Oregon's transportation system that will measurably improve utilization and efficiency of the system?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Section 2:

Question 16 - Project Funding	0% - 25%	26% - 50%	51% - 75%	76% - 100%
How much of the cost of the proposed transportation project can be borne by the applicant for the grant from any source other than the Connect Oregon fund?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 17 - Project Readiness*	Project's Readiness to Start (in months)				
	0 - 6	7 - 12	13 - 18	19 - 24	over 24
Is the proposed transportation project ready for construction or ready for implementation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*As all projects are not construction projects, ODA will use the following definition for project readiness when scoring and ranking projects:

Whether a project is ready to **begin elements of work necessary to commence with construction in a reasonable timeframe.**
 If the project does not involve construction, whether the project **is ready for implementation.**

Review members may use the following information, plus other knowledge when determining project readiness: Permitting, match financing, plan inclusion where necessary, land use approval, applicant capacity

Question 18 - Life Expectancy	Expected Useful Life (in years)				
	0 - 5	6 - 10	11 - 15	16 - 20	over 20
Does the proposed transportation project have a useful life expectancy that offers maximum benefit to the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No Conflict of Interest Certification: I do not have any conflict of interest with the proposer submitting this project application. A conflict of interest means the member is a consultant to the applicant, or is a committee or board member who has assisted the applicant, or has a financial benefit in the project. All conflict of interest disclosures will be recorded in the Final Review Committee meeting minutes.

Comments:

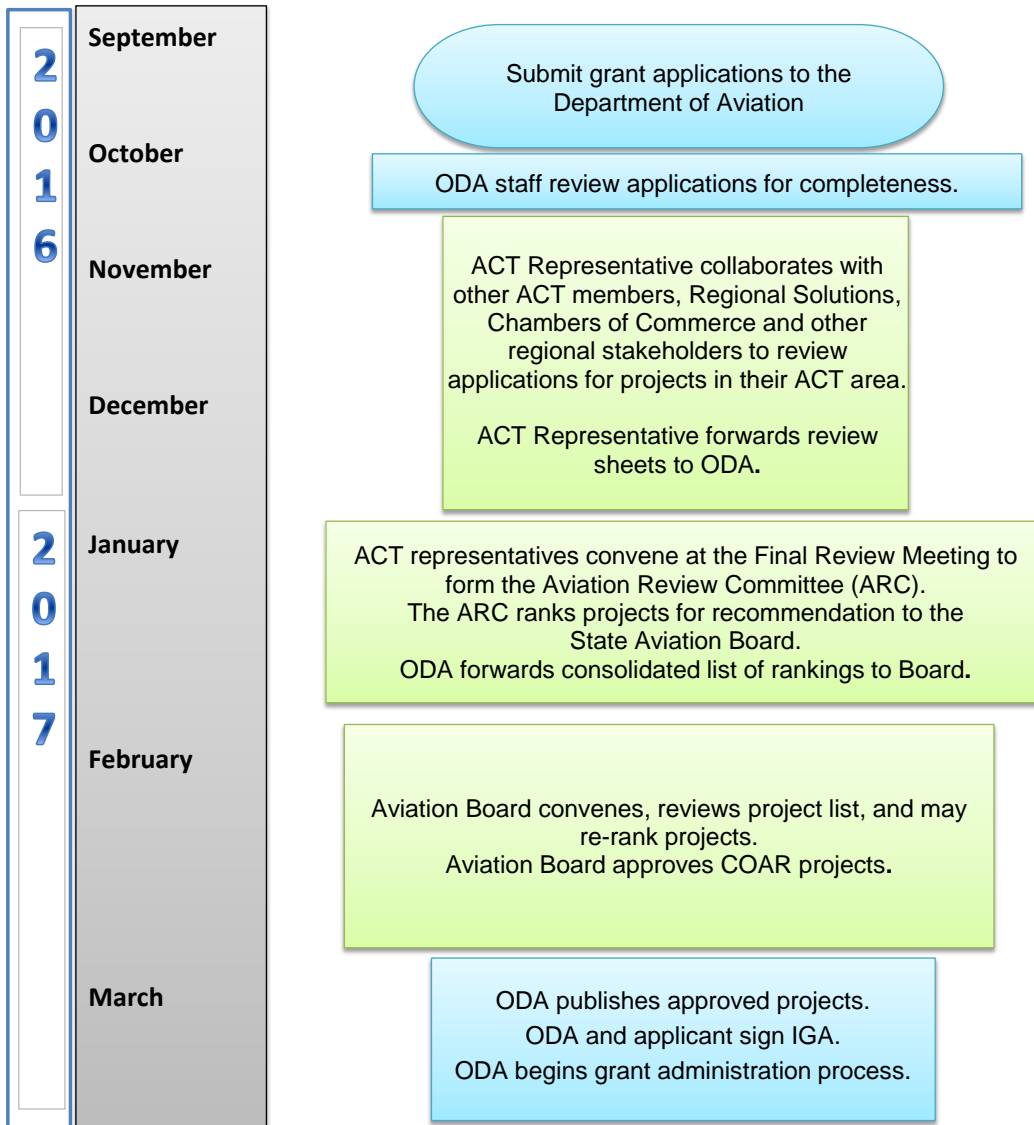
PROCEDURE**A. ASAP COAR Grant process**

PROCEDURES FOR PROCESSING AGREEMENTS INVOLVING GRANT APPLICATIONS FOR ASAP COAR Grants.

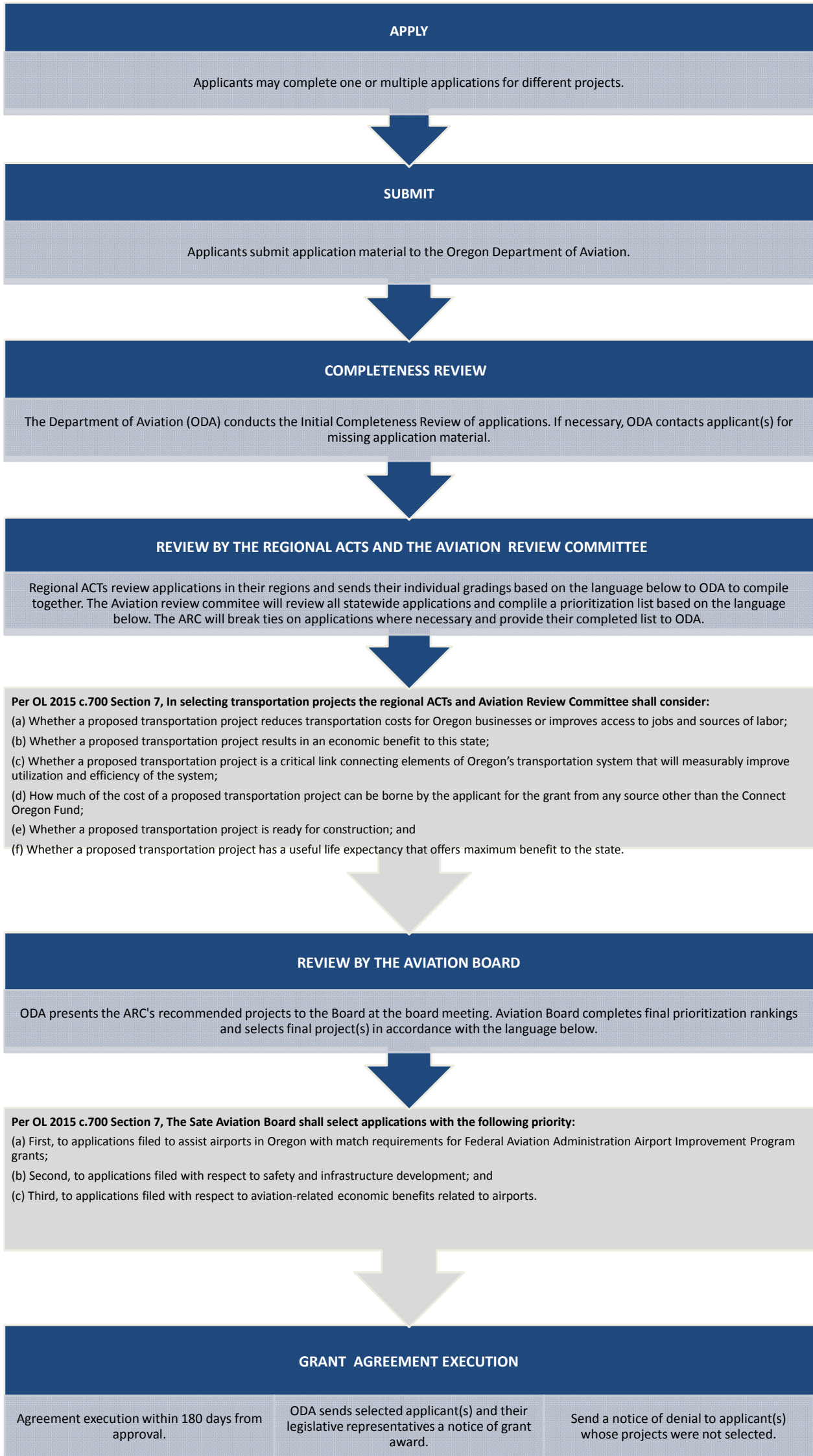
<u>RESPONSIBILITY</u>	<u>STEP</u>	<u>ACTION</u>	<u>DATE</u>
Oregon Dept. of Aviation	1	<u>Announce grant cycle and method of application</u> <u>Direct grant application process</u>	Ongoing
Applicant	2	<u>Submit Grant application to Oregon Department of Aviation</u> to determine the feasibility of the transfer.	09/12/16 – 10/14/16
ODA	3	Creates Intergovernmental Agreement (IGA) Submits to department of Justice (creates template for future use)	09/2016
Department of Justice	4	Approves IGA (and template)	09/2016 - TBD
ODA	5	Review Applications for completeness	10/17/16 – 10/21/16
ODA	6	<u>Send applications to designated ACT Representative</u>	10/24/2016
ACT Representative	7	<u>ACT Representative reviews and collaborates with other ACT members, Regional Solutions, Chambers of Commerce and other regional stakeholders.</u> <u>ACT Representative reviews projects in region and forwards evaluation justifications to ODA.</u>	10/24/16 – 12/23/16
ODA	8	<u>Reviews applications and collates all ACT regions into database. Sends collated list of project summaries and scores to ACT representatives for review.</u>	12/27/16 – 12/30/16

<u>RESPONSIBILITY</u>	<u>STEP</u>	<u>ACTION</u>	<u>DATE</u>
	6	<u>ODA convenes telephone conference or meeting with ACT representatives and reviews projects.</u>	01/2017
ODA	9	<u>Takes consolidated list of regional projects and schedules Aviation Board Public Meeting to review and approve projects</u>	02/2017
Aviation Board	10	Convenes, reviews and approves ASAP projects <i>If Board has questions regarding a project and the applicant is present at the Board meeting, Board invites testimony from the applicants</i>	02/2017
ODA	11	Publishes approved projects	03/2017
ODA and Applicant	12	Signs IGA ODA Administers grants to selected applicants	03/2017
Applicant	13	Completes project as required by IGA or contract. Provides monthly progress reports.	TBD
ODA	14	Monitors applicant performance and provides phased funding distribution.	Monthly
Applicant	15	Sends completion report with attached economic impact report	Upon Project Completion

COAR Grant Process Timeline



COAR Grant Process Flow Chart



PROCEDURE

A. ASAP COAR Grant process

PROCEDURES FOR PROCESSING AGREEMENTS INVOLVING GRANT APPLICATIONS FOR ASAP COAR Grants.

<u>RESPONSIBILITY</u>	<u>STEP</u>	<u>ACTION</u>	<u>DATE</u>
Oregon Dept. of Aviation	1	<u>Announce grant cycle and method of application</u> <u>Direct grant application process</u>	Ongoing
Applicant	2	<u>Submit Grant application to Oregon Department of Aviation</u> to determine the feasibility of the transfer.	09/12/16 – 10/14/16
ODA	3	Creates Intergovernmental Agreement (IGA) Submits to department of Justice (creates template for future use)	09/2016
Department of Justice	4	Approves IGA (and template)	09/2016 - TBD
ODA	5	Review Applications for completeness	10/17/16 – 10/21/16
ODA	6	<u>Send applications to designated ACT Representative</u>	10/24/2016
ACT Representative	7	<u>ACT Representative reviews and collaborates with other ACT members, Regional Solutions, Chambers of Commerce and other regional stakeholders.</u> <u>ACT Representative reviews projects in region and forwards evaluation justifications to ODA.</u>	10/24/16 – 12/23/16
ODA	8	<u>Reviews applications and collates all ACT regions into database. Sends collated list of project summaries and scores to ACT representatives for review.</u>	12/27/16 – 12/30/16

<u>RESPONSIBILITY</u>	<u>STEP</u>	<u>ACTION</u>	<u>DATE</u>
	6	<u>ODA convenes telephone conference or meeting with ACT representatives and reviews projects.</u>	01/2017
ODA	9	<u>Takes consolidated list of regional projects and schedules Aviation Board Public Meeting to review and approve projects</u>	02/2017
Aviation Board	10	Convenes, reviews and approves ASAP projects <i>If Board has questions regarding a project and the applicant is present at the Board meeting, Board invites testimony from the applicants</i>	02/2017
ODA	11	Publishes approved projects	03/2017
ODA and Applicant	12	Signs IGA ODA Administers grants to selected applicants	03/2017
Applicant	13	Completes project as required by IGA or contract. Provides monthly progress reports.	TBD
ODA	14	Monitors applicant performance and provides phased funding distribution.	Monthly
Applicant	15	Sends completion report with attached economic impact report	Upon Project Completion

Oregon Department of Aviation

COAR Grant Program

Ethics Review

Preface

This document is an ethics review for those who will be involved in the application review process including ACT members and ARC final review committee members and Aviation Board Members

COAR Grant Program

COAR, Critical Oregon Airports Relief Program is a funded initiative through aviation fuel tax that ODA uses to provide grants to public and private entities that own and/operate public use airports (as per the 2007 Oregon Aviation Plan) to invest in airport infrastructure, safety, resiliency and maintenance projects to ensure Oregon's system of airports is strong, diverse, and efficient.

COAR involves a rigorous review process that consists of the following review checkpoints:

- Completeness review from ODA staff;
- Involvement from the 12 regional Area Commissions on Transportation (ACTs);
- Aviation Review Committee (ARC) comprised of 1 representative from each of the 12 ACT's; and
- Final review by the State Aviation Board.

Public Official

According to ORS 244.020(14), "Public Official" means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.

This includes:

- Public Employees
- Elected Officials
- Members of Boards and Commissions
- Volunteers
- Relative:

ORS 244.020(15) "Relative" means:

- (a) The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate;
- (b) The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the public official or candidate;
- (c) Any individual for whom the public official or candidate has a legal support obligation;
- (d) Any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment; or
- (e) Any individual from whom the candidate receives benefits arising from that individual's employment.

Safeguard of the Public Trust

“The Legislative Assembly declares that service as a public official is a public trust, and that as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this chapter.” ORS 244.010 (1)

Conflict of Interest

In brief, a public official is met with a conflict of interest when participating in an official action could result in a financial effect to the public official, a relative of the public official or a business with which either are associated.

Statutory conflicts of interest have three components:

1. An “**action**”, “**decision**”, or “**recommendation**” made in an “**official capacity**”, which causes;
2. A private pecuniary benefit or detriment, for;
3. The “**public official**”, the public officials “**relative**”(s), or a “**business associated with which the person is associated**”, the public official or the public official’s relative.

Types of Conflict of Interest

Oregon Government Ethics law identifies and defines two types of conflicts of interest. An actual conflict of interest is defined in ORS 244.020(1) and a potential conflict of interest is defined in ORS 244.020(12).

Actual Conflict of Interest

- Any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the persons relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (12) of this section.
- If the financial effect of an action is both **specific** and **certain**, then that action presents an actual conflict of interest.

Potential Conflict of Interest

- Any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the persons relative, or a business with which the person or the persons relative is associated, unless the pecuniary benefit or detriment arises out of the following:
 - (a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.
 - (b) Any action in the persons official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the persons relative or business with which the person or the persons relative is associated, is a member or is engaged.

(c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

When to Declare a Conflict of Interest

Officials on Boards or Commissions and Elected Officials ORS 244.120(2)

- When any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which **would** be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or the person's relative or any business with which the person or a relative of the person is associated.
- When any action or any decision or recommendation by a person acting in the capacity as a public official, the effect of which **could** be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated
- Disclosure must occur when appointed officials are met with a conflict of interest, regardless whether the conflict is actual or potential.

How to Declare a Conflict of Interest

Officials on Boards or Commissions & Elected Officials ORS 244.120(2)

- Must publicly announce the nature of the conflict of interest on each occasion the conflict arises.
- Must publicly announce **potential** conflicts of interest, on each occasion **before taking action**.
- Must publicly announce **actual** conflicts of interest, on each occasion, and **refrain** from participating in **discussion, debate, or voting** on the issue out of which the actual conflict arises.

For more information

Oregon Government Ethics Commission
<http://www.oregon.gov/OGEC/Pages/generalinfo.aspx>

Communications and Outreach

To get updates on the latest information about our grant programs, visit:
http://www.oregon.gov/aviation/Pages/Aviation_System_Action_Program.aspx

Or subscribe to the ASAP electronic mailing list by sending an email request with the subject line "ASAP Mailing List Request" to: ASAP@aviation.state.or.us

Questions

Contact Nohemi Ramos: 503-378-4881 or email Nohemi.Ramos@aviation.state.or.us

STATE OF OREGON
DEPARTMENT OF AVIATION

CRITICAL OREGON AIRPORT RELIEF GRANT PROGRAM AGREEMENT

I. PURPOSE:

This AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Aviation, hereinafter referred to as "ODA" or as the "state", and the Name of Recipient, both herein referred to individually or collectively as "Party" or "Parties".

II. RECITALS:

WHEREAS, the Recipient has submitted to the State a request for grant monies through the Aviation System Action Program (ASAP) Critical Oregon Airport Relief Grant Program (COAR), as demonstrated in the application, together with plans and specifications for such project, is hereby incorporated by reference and made a part of this grant agreement and Exhibit A.

By the authority granted in OAR 738-124-0045(2), state agencies will execute an Agreement prior to the disbursement of Program Funds for an Approved Project. The agreement is effective on the date all required signatures are obtained or at such later dates as specified in the Agreement.

NOW, THEREFORE, in consideration of (a) the Recipient's adoption and ratification of the representations and assurances contained in its project application, and its acceptance of this offer as hereinafter provided, and (b) the benefits to accrue to the State of Oregon and the public from the accomplishment of the project and the operation and maintenance of the airport as herein provided, it is agreed by and between the parties as follows:

III. TERMS OF AGREEMENT:

The maximum obligation of the State payable under this grant shall be \$XXX,XXX. The COAR grant match requirements are based on the airport's category as listed in the current Oregon Aviation Plan. XXX is a Category X Airport, with a match of XX%. This agreement shall become effective on the date all required signatures are obtained and shall remain in effect until completion, or until XXXX XX, 20XX, whichever event occurs first.

Recipient Obligations:

1. Recipient must carry out and complete the project in accordance with the plans and specifications and property map, incorporated herein, as they may be revised or

1 modified with the approval of the State. Recipient shall notify ODA in writing of changes
2 in the project activities prior to performing any changes and will not perform any
3 changes with out written approval from ODA.

4
5 2. ODA will not disburse grant monies to the Recipient for this airport project until the
6 milestones are met and only paid according to the percentage allocated for each
7 milestone:

8
9
10 **a. Use of Grant Funds.** The Grant Funds shall be used solely for the Project
11 described in the application and shall not be used for any other purpose. No Grant
12 Funds will be disbursed for any changes to the Project unless such changes are
13 approved by ODA by amendment.

14
15 **b. Project Change Procedures.**

16
17 **i.** If Recipient anticipates Project key milestones will be delayed by more than
18 ninety (90) days from the key milestones, Recipient shall submit a Request for
19 Change via email to ODA's Program Coordinators as soon as Recipient
20 becomes aware of any possible delay. The Request for Change must be
21 submitted prior to the milestone completion date.

22
23 **ii.** Recipient shall not proceed with any changes to Project scope or delivery
24 schedule prior to the execution of an amendment to this Agreement executed in
25 response to ODA's approval of a Request for Change. A Request for Change
26 Order may be rejected at the discretion of ODA Director. ODA may choose to
27 request review by the State Aviation Board.

28
29 3. Recipient must spend or obligate money allocated for projects within 2 years of the
30 execution date or ODA may withdraw the allocation.

31
32 4. In accepting COAR funds, the Recipient agrees that during the lifetime of this
33 agreement, it shall not grant any exclusive right for the use of the airport, improvements
34 or services at the airport.

35
36 5. Recipient must maintain and operate the airport as an airport in a usable, safe, and
37 orderly manner at all times for a period of at least 20 years. If this condition is not met,
38 Airport Sponsor shall immediately reimburse all State funds used on Project to State. The
39 amount reimbursed shall be the total amount of State funds divided by twenty (20), times
40 the difference between twenty (20) and the number of years that the Airport remained open
41 after the funds were distributed." Further, all income derived from the airport shall be
42 deposited in an airport account and these funds shall be used only for operation,
43 maintenance or capital improvement of the airport.

44
45 6. Recipient is responsible for all costs and expenses related to its employment of
46 individuals to perform the work under this agreement, including but not limited to
47 retirement contributions, workers' compensation, unemployment taxes, and State and

1 Federal income tax withholding.
2

3 7. Recipient shall, to the extent permitted by the Oregon Constitution and the Oregon
4 Tort Claims Act, hold ODA harmless from liability for any costs, fees or expenses that
5 may be incurred in the performance of this agreement.
6

7 8. Recipient agrees and understands that in acting under this agreement and under any
8 subcontracts entered into under this agreement, it will comply with all applicable federal,
9 state, and local laws, regulations, executive orders and ordinances applicable to the
10 work including, but not limited to, the provisions of ORS 279.314, 279.316, 279.320, and
11 279,555, incorporated herein by reference and made a part of this agreement.
12

13 14 **IV. GENERAL PROVISIONS:**

15 **ODA Obligations:**

16
17
18 1. ODA will reimburse eligible costs incurred by Recipient in carrying out the project
19 subject to the amounts shown in the project application, Exhibit A. Such reimbursement
20 shall not exceed the Agreement Amount.
21

22 2. ODA certifies at the time this agreement is executed, that sufficient funds are
23 available and authorized for expenditure to finance costs of this agreement within ODA's
24 current appropriation or limitation of current biennial budget. Recipient understands and
25 agrees that ODA's payment of amounts after the last day of the current biennium is
26 contingent on ODA's receiving authorization from the Legislative Assembly to continue
27 to finance costs of this agreement.
28

29 3. ODA reserves the right to withhold payment of funds if there are unresolved audit
30 findings, or inadequate information concerning Recipient's project activities. ODA
31 reserves the right to reallocate any portion of the Agreement Amount, which, based on
32 its estimate, will not be used by Recipient.
33

34 4. The allowable costs of the project shall not include any costs determined by the
35 State to be ineligible for consideration. Allowances will not be granted for land values for
36 previously acquired land, value of buildings or other improvements, airport operations
37 and maintenance expenses such as expenditures for wages or salaries, utilities,
38 services vehicles, and all other non-capital expenditures comprised of items such as:
39 insurance premiums, professional services (except for engineering of proposed airport
40 capital improvements under COAR Program), supplies, construction equipment, upkeep
41 and landscaping, and such other items of expenditure which may be properly
42 designated as "operations and maintenance."
43

44 5. The parties, Recipient's or ODA's subcontractors, if any, and all employers working
45 under this agreement are subject employers under the Oregon Workers' Compensation
46 Law and shall comply with ORS 656.017, which requires them to provide workers'

1 compensation coverage for all their subject workers.

2
3 6. Performance of this agreement shall not be subcontracted in whole or in part, except
4 with the written consent of ODA. Recipient shall not assign this agreement in whole, or
5 in part or any right, privilege, duty or obligation hereunder, without the prior written
6 consent of ODA.

7
8 7. This agreement shall incorporate and shall be subject to the applicable terms and
9 conditions specified in ODA's administrative rules, as they are amended from time to
10 time.

11
12 9. Inspection Schedule and Reporting System:

13
14 Except for those projects receiving both State and Federal Aid, the following inspection
15 schedule and reporting system is required. The Inspection Schedule will be placed on a
16 quarterly basis. On projects taking less than three (3) months, the Recipient must make
17 reports and be inspected on the following schedule:

- 18
19 a. Recipient report project commencement date.
20
21 b. Recipient report project completion date and request final inspection.
22
23 c. State will make final inspection and sign off project as completed.
24
25 d. State will require Recipient to submit verification of all expenditures to
26 substantiate partial and final payment.

27
28 10. ODA's Program Coordinators for this Project are:

29 Nohemi Ramos or Matt Lawyer, or successor
30 Program Coordinator, ODA
31 3040 25th Street SE,
32 Salem, OR 97302,

33
34 Nohemi Ramos
35 Nohemi.ramos@aviation.state.or.us
36 503-378-4881

34 Matt Lawyer
35 matthew.a.lawyer@aviation.state.or.us
36 503-378-4888

37
38 or assigned designee upon individual's absence. ODA shall notify the other Party in
39 writing of any contact information changes during the term of this Agreement.

40
41 **V. TERMINATION:**

42
43 1. This Agreement may be terminated by mutual written consent of both Parties.
44

1 2. ODA may terminate this Agreement effective upon delivery of written notice to The
2 Recipient, or at such later date as may be established by ODA under any of the
3 following conditions:
4

5 a. If The Recipient fails to provide payment of its share of the cost of the Project.
6

7 b. If ODA fails to receive funding, appropriations, limitations or other expenditure
8 authority sufficient to allow ODA, in the exercise of its reasonable administrative
9 discretion, to continue to make payments for performance of this Agreement.
10

11 c. If federal or state laws, regulations or guidelines are modified or interpreted in
12 such a way that the work under this Agreement is prohibited or ODA is prohibited
13 from paying for such work from the planned funding source.
14

15 3. Any termination of this Agreement shall not prejudice any rights or obligations
16 accrued to the Parties prior to termination.
17

18 4. If any third party makes any claim or brings any action, suit or proceeding alleging a
19 tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against ODA or
20 The Project with respect to which the other Party may have liability, the notified Party
21 must promptly notify the other Party in writing of the Third Party Claim and deliver to the
22 other Party a copy of the claim, process, and all legal pleadings with respect to the Third
23 Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim,
24 and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party
25 of the notice and copies required in this paragraph and meaningful opportunity for the
26 Party to participate in the investigation, defense and settlement of the Third Party Claim
27 with counsel of its own choosing are conditions precedent to that Party's liability with
28 respect to the Third Party Claim.
29

30 5. With respect to a Third Party Claim for which ODA is jointly liable with The Project
31 (or would be if joined in the Third Party Claim), ODA shall contribute to the amount of
32 expenses (including attorneys' fees), judgments, fines and amounts paid in settlement
33 actually and reasonably incurred and paid or payable by The recipient in such
34 proportion as is appropriate to reflect the relative fault of ODA on the one hand and of
35 The Project on the other hand in connection with the events which resulted in such
36 expenses, judgments, fines or settlement amounts, as well as any other relevant
37 equitable considerations. The relative fault of ODA on the one hand and of The recipient
38 on the other hand shall be determined by reference to, among other things, the Parties'
39 relative intent, knowledge, access to information and opportunity to correct or prevent
40 the circumstances resulting in such expenses, judgments, fines or settlement amounts.
41 ODA's contribution amount in any instance is capped to the same extent it would have
42 been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to
43 30.300, if ODA had sole liability in the proceeding.
44

45 6. With respect to a Third Party Claim for which The Project is jointly liable with ODA
46 (or would be if joined in the Third Party Claim), The Project shall contribute to the

1 amount of expenses (including attorneys' fees), judgments, fines and amounts paid in
2 settlement actually and reasonably incurred and paid or payable by ODA in such
3 proportion as is appropriate to reflect the relative fault of The Project on the one hand
4 and of ODA on the other hand in connection with the events which resulted in such
5 expenses, judgments, fines or settlement amounts, as well as any other relevant
6 equitable considerations. The relative fault of The Project on the one hand and of ODA
7 on the other hand shall be determined by reference to, among other things, the Parties'
8 relative intent, knowledge, access to information and opportunity to correct or prevent
9 the circumstances resulting in such expenses, judgments, fines or settlement amounts.
10 The Project's contribution amount in any instance is capped to the same extent it would
11 have been capped under Oregon law, including the Oregon Tort Claims Act, ORS
12 30.260 to 30.300, if it had sole liability in the proceeding.

13
14 7. The Parties shall attempt in good faith to resolve any dispute arising out of this
15 Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or
16 arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
17

18 8. This Agreement, and attached exhibit constitute the entire Agreement between the
19 Parties on the subject matter hereof. There are no understandings, agreements, or
20 representations, oral or written, not specified herein regarding this Agreement. No
21 waiver, consent, modification or change of terms of this Agreement shall bind either
22 Party unless in writing and signed by both Parties and all necessary approvals have
23 been obtained. Such waiver, consent, modification or change, if made, shall be
24 effective only in the specific instance and for the specific purpose given. The failure of
25 ODA to enforce any provision of this Agreement shall not constitute a waiver by ODA of
26 that or any other provision.
27

28 9. This Agreement may be executed in several counterparts (facsimile or otherwise) all
29 of which when taken together shall constitute one agreement binding on all Parties,
30 notwithstanding that all Parties are not signatories to the same counterpart. Each copy
31 of this Agreement so executed shall constitute an original.
32

33 a. If Recipient fails to provide services or funds called for by this agreement within
34 the time specified herein or any extension thereof.
35

36 b. If Recipient fails to perform any of the other provisions of this agreement, or so
37 fails to pursue the work as to endanger performance of this agreement in
38 accordance with its terms, and after receipt of written notice from ODA fails to
39 correct such failures within 10 days or such longer period as ODA may authorize.
40

41 c. If Federal or state laws, regulations or guidelines are modified or interpreted in
42 such a way that the work by Recipient under this agreement is no longer allowable
43 or is no longer eligible for funding proposed by this Agreement.
44

45 d. Both parties agree that continuation of the project would not produce results that
46 are commensurate with the further expenditure of funds.

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2
3
4
5

IN WITNESS WHEREOF, the parties hereto have affixed their signatures the day and year written below.

State of Oregon
Department of Aviation

Recipient

By: Mitch Swecker
Director
Date: _____

By: _____
Title: _____
Date: _____

6

DRAFT