

DARYL FOX: Good afternoon, everyone, and welcome to today's webinar, Fiscal Year 2024 Tribal Victim Services Set-Aside Solicitation, Considerations for a Construction Project, hosted by the Office for Victims of Crime. So at this time, it's my pleasure to introduce Yolanda Curtis Gibson, Deputy Director of the Tribal Division within OVC to begin the presentation. Yolanda?

YOLANDA CURTIS GIBSON: Hello, everyone and welcome to today's webinar on Considerations for a Construction Project under the Tribal Victim Services Set-Aside Program, which I will be referring to as TVSSA moving forward. Again, my name is Yolanda Curtis Gibson. I am one of two Deputy Directors of OVC's Tribal Division and I also serve as the lead for our construction initiative. I will be one of three presenters during today's webinar. After my presentation, you will hear from two OVC contractors that provide assistance to you on your construction projects. And those presenters will be Gustavo Rubio, Managing Director of The Clark Group. And The Clark Group is our National Environmental Policy Act or NEPA compliance contractor. And following his presentation you'll hear from Meghan Rhodus, Project Director at Blue Trident, who provides construction project management technical assistance. Next slide, please.

So during my presentation, I will provide an overview of construction under TVSSA. I will provide some tips for planning your projects, review budget considerations, go over some frequently asked questions we've received about construction, and then open the floor for your questions. So before I get started today, I would like to start with a polling question, so I know who is participating on today's webinar. You should see the question on your screen and it says, "What is your role at your Tribe or organization?" Your options are A, victim services manager/director or staff, B, construction manager/director or staff, C, tribal administrator or similar leadership, D, planning and economic development director or staff or similar position, E, public works director or staff or similar position, or F, other. And if you select other, please be sure to specify in the chat. So I'll give you a few moments to respond to that polling question.

Okay. Daryl, if it looks like the responses had stopped rolling in, we can close. Okay. We didn't get a lot of responses, but it looks like of those that responded, most people are victim services staff. Although we do have a few planning and economic development staff, as well as a few people that have said that they fall into the "other" category. Okay. Thank you.

So by now, I'm sure that most of you are familiar with TVSSA and you are either a current grantee or you've attended at least one of the other pre-application webinars we've held about this program this year. So I won't spend too much time doing an overview of the TVSSA Program in general. However, I do want to highlight that this

program started in 2018 and that funding under this program can be used to support a range of comprehensive services for victims of all crimes and all ages. Under TVSSA, we are now permitted to fund construction projects that are a reasonable and necessary part of a victim services program. You've shared with us for many years that there's a shortage of housing in tribal community and you often don't have a place to help victims in need. Many of your communities also lack office space needed for newly hired staff under your new or expanding victim services programs, so we've expanded the allowability of TVSSA grant funds to be used to meet this need.

I do want to emphasize that victim services must be the driver for construction projects under TVSSA. Any construction projects under TVSSA must be justified as a reasonable and necessary expense of a victim services program. Typically, funds may be used for construction where facilities for services or to administer the program, are not otherwise reasonably available in your jurisdiction and the lack of facilities would impede the provision of services. Next slide.

Okay. So next, I will do a general overview of the allowable costs under TVSSA. Everything that I am covering on this slide is detailed in the construction section of the fiscal year 2024 TVSSA allowable and unallowable costs chart starting on page 10. And I see that Daryl put the link to that chart in the chat. Allowable cost--construction costs include the purchase, setup, and installation costs associated with modular and other prefabricated buildings. There are many terms used to describe these buildings, including trailer homes, mobile homes, manufactured homes, et cetera. All of those items would be included under construction. When I say site preparation, setup, and installation cost, this can include the cost to demolish existing structures, clear land, move earth or foundation, install new utility systems, and attach these buildings to the ground. Major renovations are also allowable and include things like expanding the square footage of a building that already exists, renovations that require additional utility systems to be installed, or a renovation to an existing facility where all or most interior walls are demolished along with ceilings and floor coverings and where the HVAC, plumbing, and electrical systems are configured. So if you watch HDTV, sometimes what is referred to in colloquial terms as a "gut job" would be considered major renovation and is allowable under this program.

You can also use TVSSA funds for minor renovations or remodelings, which include things like repairs or updates from normal use, repairing existing interior wall, replacing windows and doors, replacing the flooring inside of a building, et cetera. However, we have historically not considered minor renovations and remodeling to be construction for OVC grants. Those of you that have received OVC funding for a while and predating

TVSSA probably already know that minor renovations have always been allowable and they continue to be under TVSSA.

You can use TVSSA grant funds to construct things like sidewalks, parking areas, driveways, and access roads that are necessary to provide access to your victim services facility. And finally traditional new construction, also referred to as “stick build” or “from-the-ground-up” construction is permissible when it's more cost-effective than a prefabricated building or renovation of an existing building. There are some very rare cases where we might approve this type of construction, but only if you can demonstrate that it is more cost-effective than renovating an existing building or purchasing and installing a modular or other prefabricated building. There are special considerations in extreme weather topography, for example, which might make stick build the more practical or long-term more cost-effective alternative. And these will be considered on a case-by-case basis. In cases where you want to do a stick build construction project, you would need to do your research and find cost estimates to document that a stick build or from-the-ground-up construction project is more cost-effective. In addition, after your grant is awarded and accepted, you'll need to work with OVC's construction training and technical assistance provider, which is Blue Trident, to review your documentation. Any grantees doing construction are required to work with this TTA provider to ensure that your project meets OVC standards and includes all of the components necessary for a successful construction or renovation project. In many cases, our construction TTA provider has assisted grantees in finding modular manufacturers and other vendors when the grantee thought that there were no options available. Next slide, please.

Okay. So now we will talk about unallowable construction costs. The only construction cost that is expressly prohibited in all scenarios is purchasing real property. The DOJ Financial Guide clearly prohibits using grant funds for land acquisition. In addition, page two of the TVSSA allowable and unallowable cost chart specifically says that real property is an unallowable expense under TVSSA. Therefore, you would not be able to use TVSSA funds to purchase land or an existing building already fixed--or fix the land for use as a victim services facility. Unfortunately, we are not able to make exceptions to this policy at this time, even if it is more cost-effective than the options I described on the previous slide.

Okay. So next, I would like to do another polling question and that question asked, "What kind of construction or renovation project does your tribe plan to do using TVSSA funds?" Your options are, A, purchase, set-up, and installation of a modular building, mobile or manufactured home, trailer, or other prefabricated building, B, major renovation or expansion of an existing building, C, minor renovation of an existing

building, D, traditional new construction, which again is often referred to as a stick build or from-the-ground-up construction project, E, other (and if you select other, please specify in the chat), or F, I'm not sure. So I'll give you a few moments to respond to the polling question. Daryl, if you don't see any more responses coming in for the polling question, you can feel free to close it. Okay. So of those that responded, most people said they're not sure. We have a relatively even distribution for the other options, A through D.

Okay. So this next section will cover planning for your construction project and preparing your documents for submission with your TVSSA grant application. So the first thing I would like to emphasize is that all grant-funded construction and renovation projects are required to comply with the National Environmental Policy Act, or NEPA, prior to funding, authorizing, or implementing an action including awarding grants. Federal agencies including OVC are required to consider the effects that a proposed action may have on the environment and any related social and economic effects. OVC has hired a contractor that will guide you through this process and work with you to ensure that your project complied with NEPA and any related environmental laws. That contractor is The Clark Group and you will hear from them later in this webinar.

As you are planning your construction or renovation project, there are a few things to keep in mind. The first is that you are strongly advised to select a project period of at least three years. A project period of three years or more allows for the time needed for environmental review under NEPA, procurement and other internal processes, and the time needed for actual construction, renovation, or installation of your modular or other prefabricated building. Projects involving major renovation, modular building, or traditional new construction typically require a more detailed environmental review than those doing minor renovations that only affect the inside of an existing building. Your first step in helping us to expedite this process is completing the required construction and renovation efforts questionnaire with as much detail as possible. And we will discuss that questionnaire in just a few moments.

You should plan for the environmental review of your construction project to take approximately one year if you are doing anything other than minor renovations. So in other words, if you will be doing a major renovation, expansion, which is a unique type of major renovation, installing a modular building, or doing a stick build, you should plan for the environmental review process to take about one year. Again, the time needed for environmental review, procurement, and other internal processes, and the time needed for actual construction, renovation or installation of your modular or other prefabricated building are why we strongly recommend a project period of at least three years. Also

keep in mind that completion of the NEPA environmental review process is required before you can begin your construction or renovation activity.

So as you're thinking about your construction and renovation projects, you should make sure to have conversations with the right people and include them in the submission process when possible. Some of these stakeholders may include your Tribal Construction Manager, if you have one, perhaps your Tribal Administrator, someone from your Planning and Economic Development Department, or personnel from your Public Works Department. In addition, and this is a very important point that I would like to make, please, please be sure to secure internal approvals before you submit your application. And what I mean by that is getting approval from your tribal council about the site where your modular building will be placed or other construction activity will take place, or approval about which building you will renovate. We run into many challenges with current grantees that have submitted applications for construction but don't know which site will be used, and that has contributed to some significant delays. Next slide, please.

All applicants proposing to use TVSSA funds for renovation or construction activities no matter the scale, and that includes, again, purchase, installation, and site preparation for modular buildings, mobile homes, trailer homes, and other prefabricated structures, must complete and upload the separate TVSSA Construction Renovation Efforts Questionnaire in addition to the written proposal narrative or checklist. For applicants that elect to schedule an interview with OVC staff, an OVC staff member will complete the questionnaire during the interview. For guidance on expenses and activities associated with minor renovations, major renovations, and construction, please see the allowable and unallowable costs chart, which I referenced a little earlier. A link to both the questionnaire and the allowable and unallowable costs chart will be placed in the chat if it hasn't already.

When completing your questionnaire, please be as thorough as possible in your responses. We just talked about including staff from other relevant departments related to construction in your planning. Please note that you will likely need to work with them to complete this questionnaire. Again, those individuals will vary based on your individual Tribe or organization, but as I mentioned on the previous slide, it could include your Tribal Construction Manager, Tribal Administrator, Planning and Economic Development Department, or Public Works Department. The construction and renovation efforts questionnaire asks you several questions about your project, including who the primary grant point of contact and construction point of contact will be, the site or location of your project, purpose of the construction or renovation activities, and how the building will be used. It also asks for environmental information about the

site, including proximity to wetlands and other water bodies, whether or not the site has a history of flooding, and if there are any known hazardous materials on the site. As stated previously, please be as thorough as possible in your responses, and pull in other relevant stakeholders to help you complete the questionnaire if necessary. Our NEPA and construction TTA providers are also available to provide one-on-one assistance with completing this questionnaire. Information on how to set up a one-on-one TA session will be provided at the end of my presentation.

So in addition to the questionnaire, you should plan to submit several other documents to support your construction renovation project. And these documents include any preliminary site plans and designs, project delivery plans, documentation of building inspections if you plan to do a renovation project, and price estimates. The price estimates in particular are important if you are justifying that a stick build is more cost-effective than a modular building. All of these documents, except for the price estimates, are mentioned in the construction questionnaire, and that questionnaire prompts you to attach them as applicable.

Okay. So next I'd like to briefly highlight the DOJ Modular Building Requirements, and that document outlines requirements that are also used by our sister agency, the Bureau of Justice Assistance, or BJA, who fund construction projects for Tribes under CTAS Purpose Area 4. (CTAS is the Coordinated Tribal Assistance Solicitation.) So this guide was created to help ensure that your structure will last for at least twenty years. You can find this document using the link on your screen and it will also be placed in the chat box. Please be sure to review and consider the requirements outlined in this document as you are researching prices and developing your budget. After your grant is awarded, the OVC-funded construction contractor, which again is Blue Trident, will assist you with ensuring that your plans meet these requirements. Next slide, please.

So this next section will cover budget considerations for your construction project. We will talk about costs that you should think about as you are creating your construction budget and deciding whether or not your allocation for this year is sufficient to cover your construction project or if you might need to take a more safe approach. These include expenses that current grantees may not have originally accounted for and that has oftentimes resulted in project cost overruns and grantees needing to reconfigure their budgets. So hopefully by providing this information to you upfront, we can help you avoid some of these issues in the future.

So the first category of expenses for you to consider are those related to general project management and they are noted on this screen. So these include inflation costs that in-- that occur in the years following your grant application. So many of you will get quotes

for modular buildings and other construction cost based on 2024 prices. However, as you'll recall from earlier in my presentation, the environmental review process under NEPA can take up to one year to complete. We all know that inflation has been a major problem over the last few years and construction projects are no exception to that. I would strongly recommend that even with any cost estimates you get now, and knowing that your project probably won't start for another year, you should budget for cost increases related to inflation. The inflation rate for construction is estimated to be between five percent and twelve percent per year based on data from various sources over the last few years. The COVID-19 pandemic contributed to some of the higher rates we've seen, and of course, we can't predict how much it will be moving forward. But hopefully the range we've provided can assist you with your planning.

Other project management cost considerations can include hiring or contracting with a Tribal Construction Manager if you don't already have one; architectural and engineering design costs; geotechnical testing and reports; site boundary surveys and topographic maps; special code materials, construction inspections, and testing; contingency funds for modifications or additions to your original scope; TERO fees (and TERO means Tribal Employment Rights Ordinance) or other tribal fees or taxes. And then finally, many of you are located in areas where winters are long and harsh, and in many cases you can't do construction for several months of the year, so you should consider any increased costs associated with winter or other weather-related delays.

Some of the costs you'll want to consider related to the actual project site include the proximity of the site location to wetlands and any costs for regrading or site filling that might result; mitigation measures for site drainage problems; offsite or onsite utility and connection locations; and materials used for surface roads and parking (so for example, if you choose gravel, that is likely to be less expensive than asphalt or concrete). Next slide, please.

So next we'll go over some project building cost considerations that you should think about. And some examples of those costs include hazardous materials and site cleanup for existing buildings; fire protection, so that can include water sprinklers, water sources and storage, as well as alarm systems; costs associated with permanent reinforced foundations and foundation frost depth; privacy and confidentiality concerns (so you may determine that soundproofing is necessary for your particular building, that will increase your costs), as well as building security; communications and low-voltage wiring; differences in roofing costs depending on the materials used (so for example, asphalt shingles versus standing seam metal); costs that are unique to projects in remote areas (so you may want to think about what happens if you don't get the minimum number of bids required by your tribe's procurement policy or if you're located

in an area where a construction workforce is not readily available and they will have to travel in, that can increase your cost as well). You should also consider any cost associated with interior and exterior Americans with Disabilities Act or ADA requirements, as well as costs for building furniture, equipment, appliances, and backup generators. Next slide, please.

As you are thinking about the costs we just covered, you might be wondering how to account for them in your budget. Expenses for your project will be budgeted generally under three categories. Those categories are construction, procurement contracts, or other items. Modular buildings, mobile and manufactured homes, trailers homes, et cetera, must go under the construction category and not equipment as instructed in previous years. And if you're ever in doubt about where to categorize an expense for your construction project, just put it in the construction category. OVC's Tribal Financial Management Center, as many of you know if you've attended previous webinars, they are available to help you prepare your overall TVSSA budget, but Blue Trident is available to assist specifically with construction budgeting, so you can work with them if you need help developing your construction budget for the TVSSA grant. Next slide, please.

Okay. So in this section, we will go through some frequently asked questions we've received so far about construction under the TVSSA program. The first question is, "We are interested in the construction component; can funds be used to build a domestic violence shelter or temporary shelter to serve victims of other crimes?" So TVSSA funds can be used to purchase, set up, and install modular or other prefabricated buildings to be used as a domestic violence shelter or a shelter to serve victims of other crimes. Traditional new construction, which again as I've stated before, is commonly referred to as stick build or from-the-ground-up construction, is generally unallowable, except in the rare cases where you can show that it's more cost-effective than a modular or other prefabricated building. Again as I mentioned previously, there are special considerations for extreme weather topographies, for example, which might make stick build the more practical or long-term, more cost-effective alternative, and these will be evaluated or considered on a case-by-case basis. Next slide.

Next question is, "Can we use TVSSA funds to purchase a used modular unit?" The answer to that, technically, is yes. However, you are strongly advised not to. Depending on the age of the used modular unit, you might have to pay to mitigate issues with lead, asbestos, or other problems that are typical in older structures. So if possible, we strongly advise you to purchase a new modular unit or other prefabricated structure. We have one grantee that said they were going to purchase some used mobile homes and they encountered quite a bit of difficulty with that, and they had to pivot and change their

plan. So we really advise you not to use modular—used modular buildings if at all possible. Next slide, please.

Next question is, “Can we buy a property to renovate it?” The answer to that is no. TVSSA funds cannot be used to purchase real property. And again, real property means land or existing buildings already affixed to land. However, if you use tribal or other non-OVC grants funds to purchase the property, you can use TVSSA funds to renovate it for use as a victim services facility. Next slide, please.

Next question that we received is, “The modular building we currently use as a victim services facility is surrounded by mud. Can we use TVSSA fund to construct concrete walkways or sidewalks and parking lots for use by our program staff and clients?” And the answer to that is yes, TVSSA funds can be used for this purpose.

The next question is, “The cost to ship modular buildings to Alaska is extremely high. For tribes in Alaska that want to use funds for a shelter or other victim service facility, what is our process to show that a stick build is more cost-effective?” And the answer to that is, you should take the time to research your options, get multiple estimates for modular and other prefabricated building costs versus the cost of stick build construction. Make sure that you submit those estimates with your application. Also keep in mind that post-award, you will work with OVC’s construction TTA provider to review your estimates and explore all options before OVC will approve you to do a stick build.

Next question is, “If there is an existing structure on the identified land where a modular would be put or placed, is demolition of the structure allowable?” And the answer to that is yes, demolition is an allowable construction-related expense under TVSSA. Next slide, please.

Next question is, “If we are building a new multipurpose building, can we use these funds for a portion of the building construction for adequate space to house our victim services program?” And the answer to that is it depends. We would need to get more information from you. So if this question applies to you, I would ask that you please email the OVC Tribal Set-Aside email address noted on your screen and placed in the chat. [ovctribalsetaside@ojp.usdoj.gov] Please send your question there so that someone on our team can sit down with you and have a detailed discussion about your specific project plan. When we have that discussion, you should be prepared to answer questions regarding whether the building is traditional new construction, again, also referred to as stick build or ground-up construction, versus a modular or other prefabricated building, whether you already have funding to cover the entire construction project, and whether you plan to use TVSSA funds for areas that are shared with non-victim services program components. Next slide, please.

The question is, “Are there special rules or reporting requirements for grant-funded construction activity?” And the answer to that is yes, there are a variety of specific rules

for grant-funded construction as noted in various sections of 2 C.F.R. Part 200. I won't go into too much detail about this specific section but they are noted there if you're interested in reading more about them. Awards with this kind of activity will have several conditions that address these requirements. Other cross-cutting laws like the National Environmental Policy Act, or NEPA, as well as the National Historic Preservation Act also apply. Again, OVC does provide TTA support to Tribes to aid in compliance with these requirements.

And then the final frequently asked question we will cover is, "I need help completing the construction questionnaire and understanding the general NEPA and construction processes. Is there someone available to assist?" And the answer to that is yes, OVC, as I mentioned previously, has two contractors to assist you. Their services are available to you free of charge. And you will hear from them during this webinar. The Clark Group helps ensure that OVC projects are compliant with NEPA, again, that's National Environmental Policy Act, and The Clark Group will complete any required environmental analysis on your behalf. Blue Trident assists with any, like--well, they do construction project management and that includes tasks such as construction budgeting, development of construction project timelines, and creation of construction-related procurement documents. Next slide, please.

So that concludes my section of the webinar. If you have any questions, please be sure to submit them in the Q&A pod on your screen. If you would like to request individualized assistance with your construction questionnaire, if you want guidance on the NEPA process or want to talk about NEPA considerations for your individual projects, or if you would like assistance with construction project budgeting, please contact those TA providers that are noted on your screen. Email addresses and phone numbers are noted but email is strongly preferred. So those two TA providers are Danielle Ward from The Clark Group and Meghan Rhodus from Blue Trident. [danielleward@clarkgrouppllc.com or 801-613-8011; meghan.rhodus@blue-trident.com or 619-847-0370] And if you have questions about the specifics of your planned construction project and questions about allowable versus unallowable construction costs, you can email the OVC Tribal Set-Aside email address noted on your screen and placed in the chat box. [OVCTribalsetaside@ojp.usdoj.gov] So I will now open the floor for your questions. Paige, do we have any questions in the Q&A or the chat?

PAIGE MUNIZ: Yes, we do. The first question that's come in is, "Is a 100-year lease for real estate an allowable cost?"

YOLANDA CURTIS GIBSON: I would need more information about that. Is that a lease that you want to pay in addition to constructing a building on that land or do you simply want to pay the lease on the land? It may be allowable, but that may be a question that we'll have to discuss with our Office of General Counsel. And we would also need additional details about your specific plan in order to give you a definitive response. So it may be helpful if you could email that question to the OVC Tribal Set-Aside email address so we can have someone discuss with you one-on-one the particulars of your project. Next question.

PAIGE MUNIZ: Okay. And then the next question is, "In the eyes of OVC, is there a difference between modular homes and mobile home?"

YOLANDA CURTIS GIBSON: Well, modular homes and mobile homes are both prefabricated structures. The reason why we've noted all those different terms is because in our experience, the applications we've received have used those terms interchangeably. A building that might be considered a modular building in the construction world, some applicants and grantees have called them mobile homes or manufactured homes. So it really depends on the project but they both fall into the category of a prefabricated building and would be allowable. You would have to make sure that you comply with those requirements that I outlined, the DOJ modular building requirement. And in that documentation, it does specifically reference manufactured homes and that sort of thing, so. They fall into the prefabricated building category and would be allowable, making that--of course emphasizing that they must meet certain requirements as outlined in that document I referenced. Any other questions?

PAIGE MUNIZ: It looks like that's it for now.

YOLANDA CURTIS GIBSON: Okay. Well, if those are the only questions we received so far, I will turn things over to Gustavo Rubio from The Clark Group.

GUSTAVO RUBIO: Thank you, Ms. Gibson. Good afternoon, everyone. My name is Gustavo Rubio and I am the Managing Director at The Clark Group. The next couple of slides are going to give you some brief information about the processes that we go through primarily for construction projects that are funded under the TVSSA program. Next slide, please.

Before I go into details about our specific processes and procedures, I just wanted to provide a brief overview of the company. It is a women-owned small business that has been in place for 23 years. And we have been supporting OVC primarily for construction projects for the last three years. We have fourteen staff members that are primarily located in Montpelier, Vermont and Washington, DC. And you can learn more about our past projects, current clients, and capabilities by visiting our website at clarkgroupllc.com. Next slide, please.

As I mentioned briefly, the primary support that we provide OVC is environmental compliance, but we do also have other capabilities. Primarily, we support communication and public engagement, regulations and policy development, environmental and community sustainability and resilience, and guidance and training. For OVC, we are primarily providing our environmental compliance capability in terms of providing environmental compliance support and public comment solicitation, organization, and adjudication related to the environmental compliance activities that we engage in. Next slide.

So now specifically for OVC, as Ms. Gibson mentioned, we provide National and Environmental Policy Act support. That term, NEPA support, we use it interchangeably with the term environmental compliance. Those terms mean the same to us, just whenever I mention it so that everyone's aware of that moving forward. So we provide environmental compliance support for individual grant projects. The specific support includes outreach and technical assistance to grantees in processing NEPA compliance for individual grant projects, developing project-specific environmental assessments, and coordinating the development of Endangered Species Act or National Historic Preservation Act consultations. Next slide.

So this is an outline slide of what I will be sharing with everyone throughout the next four or five slides. I am going to first provide a very brief overview of what is NEPA. Then under NEPA for construction projects, we are categorizing those projects as a Categorical Exclusion or CATEX or an Environmental Assessment. I'll talk about what the differences are between these two categorizations. Then I'm going to talk about the roles and responsibilities in terms of our engagement on construction grants. And then finally, the last two slides, I'm going to go into--very detailed about what is entailed in a Categorical Exclusion process and what is entailed in an Environmental Assessment process. Before going to the next slide, I do want to note that OVC needs to make its own environmental determination for any construction grant even if a grantee project is partially funded by another federal agency and the other agency has already determined that the project qualifies as a Categorical Exclusion project or an Environmental Assessment project. So basically, what this means is that all construction projects must go through the environmental compliance process that I will be discussing in more detail. Next slide.

So now, a very brief overview of the National Environmental Policy Act. It requires federal agencies to evaluate the environmental effects of their actions prior to making decisions and informing the public about the decision making. NEPA applies to all federal actions, including actions that are funded by federal agencies such as grant projects. It is very useful for grantees to finalize the scope of their grant project before initiating the NEPA compliance process because it helps prevent delays later on, and I have a slide towards the end that shows some of this. Then the NEPA compliance process, it needs to be completed before construction can move forward. And as I mentioned earlier, there are two types of NEPA compliance categories which we are using for construction projects, which are Categorical Exclusions or Environmental Assessments. Next slide, please.

So in practice, the NEPA process, it is viewed as an umbrella process because through it, we engage in analyzing the impacts of a project on other environmental laws such as the Clean Air Act, the Clear Water Act, and the Endangered Species Act. So because the NEPA process, after you're done with it, it provides an overview or analysis of the impacts on all of these other laws, then that is why the NEPA process itself, it is seen as an umbrella process because it covers multiple other sections, resources, and laws. Next slide, please.

So as I mentioned previously, projects are either categorized as categorically excluded or needing an environmental assessment. Categorically excluded projects are projects that are improvement projects, interior renovations, renovations of systems or utilities, remodeling, or traveling and training. For environmental assessments, those projects are ones that seek to renovate by expanding the size of an existing structure, conducting a renovation to add a new structure, activities that seek to add space to an existing structure, constructing a new structure, or introducing a modular building. Next slide.

So our roles and responsibilities as the environmental compliance contractor in this process is that once the--once a grant is awarded, we are your first point of contact primarily because it is the environmental compliance activity the one that needs to occur first before the other construction activities can move on. So when a grant is awarded, you would hear first from us to try to schedule a kickoff meeting. That kickoff meeting would be attended by the grantee staff, the OVC Grant Manager, and other technical assistance providers such as Blue Trident. The purpose of that kickoff meeting is to confirm the project scope, establish a schedule to have a monthly meeting so that the project can continue to move forward, and also to inform the grantee and the other attendees of what the environmental compliance determination has been and steps that need to take place so that then that activity starts. Once the environmental compliance process is completed, then we disengage from the grant activity itself. And then the grantee continues to move forward by implementing the grant and coordinating the required activities with the Grant Manager and the other technical assistance providers. So take home message really for this slide is if you are awarded a grant, then you would hear first from us to schedule a kickoff meeting so that we initiate the environmental compliance activities. Next slide.

So now going into detail about the categorically exclusion process. This process entails the completion of a form. The form is around eight pages long where it is asking you multiple questions about environmental resources that are present at the project site. We send the form to the grantee so that the grantee completes the form, sends it back to us, we review it, sign it, and then send it to OVC for final approval and signature. We can help you complete the form. And then after OVC signs the form, then the NEPA hold within the grant is removed. And the process itself for categorically excluded projects, it takes about a month to complete this process. Next slide, please.

So the more comprehensive and time-consuming process is the environmental assessment process, it takes between six months to a year to complete an environmental assessment. I have outlined in this slide what are some of the primary activities that occur when developing an environmental assessment. The first one and most important is finalizing the project scope. None of the following activities are going to be able to happen without having a project scope finalized. After the project scope is finalized, we engage in information collection and this is--the purpose of this information collection is to try to obtain some additional data points for our assessment of the impact of the project on the environment. I am putting it at the beginning that it's--that is usually when it happens. But as we start drafting the environmental assessment, then

there might be instances where we send you another information request for some questions that we didn't foresee at the beginning. We try only to have this information request to happen only once.

Once we have everything, we start drafting the environmental assessment, that process usually takes between three to four months. The environmental assessment is a document no more than 75 pages. After we finish with the draft, it is a requirement that we publish the draft and make it available to the public to comment. The public has thirty days to comment on the draft environmental assessment. If no comments are received then we move into the final environmental assessment, development of that which takes about a month. If there are no impacts of the project on the environment then we have to develop another document which is called a Finding of No Significant Impact [FONSI] document. Then finally the final EA and FONSI are provided to OVC for final review and signature. And then once that happens, then the NEPA hold is removed from the grant. Next slide.

As I mentioned, the environmental assessment is a document. That document is divided into four chapters. Chapter one is the Purpose and Need and chapter two is the Description of the Proposed Action. It is within chapter two where we are including the project scope information in detail. And then chapter three, it talks about the current environmental conditions of multiple resources that are present at the project site. And finally, chapter four, that is where we conduct the analysis where we are determining if the project has any significant impact on any of the resources that are currently present at the project site. Chapters one and chapter two, they are usually between five to ten pages in length. And then chapter three and chapter four, they are between thirty to fifty pages in length. Next slide please.

So this slide, the purpose of it is just to share with everyone our current workload for the 2023 OVC construction grants. There are 22 of those grants that--construction grants that required an environmental assessment. Nine of those requiring a categorical exclusion. Then there are six projects where the project scope has not been defined yet. So then we haven't been able to start working on those six projects until the project scope is fully defined. And then just some geographical information that there are fifteen projects that are going to take place in Alaska and fourteen in the Continental U.S. Next slide.

We have learned multiple, I guess, lessons during this 2023 OVC grant cycle. The first one is it is highly beneficial for grantees to select a project site before submitting their grant application. This allows for thorough assessment of the site's suitability and feasibility. And also it can help grantees prepare a more accurate budget and planning schedules for the proposed activity. Then it is highly useful and highly beneficial for grantees to develop a conceptual design of the project. This allows for early identification and mitigation of activities and impacts during the environmental assessment process. You can integrate environmental considerations into the design phase, reduces the likelihood of delays, and demonstrates your proactive commitment

to environmental stewardship. So conceptual designs can mean several things. So next slide, please.

I think it's also a good idea to provide everyone with a visual of what we would be looking for in terms of a conceptual design. So this is a grant project where they were planning on installing a modular building on an existing grassland. The new modular building is outlined in the black outline on the left side of your screen. If you--if I were able to zoom a little bit more, you would be able to see the dimensions of the modular. Then, you can also see that they are planning on building a new access road that will service the modular. At the end of that access road, they are planning on building another parking lot with specific on--or with a specified number of parking slots. The parking lot is going to have a sidewalk, and then the sidewalk is the one that is going to go into the modular building. So this type of conceptual layout, we do include this in the environmental assessment, because the purpose of the document is also to provide a clear picture or definition for the public, so that then they can provide comments on the project itself. And more importantly, so that OVC can also have a very clear definition and picture of what it is that you are planning on doing. So this type of layout or conceptual design is very useful for multiple purposes. And these types of designs, we do include them primarily in chapter two of the drafting of the environmental assessment. Next slide, please.

Another lesson learned is to try to identify your environmental point of contact. This does not need to happen before you submit your grant--again, your grant application, but it is useful to identify that person before the kickoff meeting. We usually primarily engage in information collection just with that one person. And it is useful to know who that is to streamline any communications that we are going to have throughout the process. Next slide.

So as Ms. Gibson shared, we do have a staff member that is available to answer your NEPA or environmental compliance questions before you submit your grant. She is Danielle Ward. She's available Monday through Friday between 8:00 to 4:00 PM Eastern. You can send her an email or give her a call. And she will be more than happy to answer your questions or help you in the preparation of any materials. So with that, I think that those are the slides that I have prepared. Any questions in the chat page?

PAIGE MUNIZ: Yes. We have a question, they're asking if it would be help--it would help expedite the construction if a conceptual design and site plan was submitted with the grant application?

GUSTAVO RUBIO: Yes. I think it would be greatly beneficial for a grant applicant to do that with the grant application. The previous conceptual design example that I provided, the grantee had submitted that with their grant application, which I think shows a couple things. It shows that you have a well thought-out project from the get-go. It allows you to also budget maybe more realistically, because you have a very well-defined project. But on the environmental compliance side, as an example, that project--developing the

environmental assessment took two months, which is obviously much less than a year. So being more well-prepared from the get-go, it serves and it helps multiple purposes.

PAIGE MUNIZ: It looks like that's all we have for now.

GUSTAVO RUBIO: Okay. Thank you everyone for your time. And now, I'll hand it over to Meghan Rhodus from Blue Trident.

MEGHAN RHODUS: Thank you, Gustavo, and thank you everyone for being here today. As mentioned, my name is Meghan Rhodus, and I'm the Project Director for the DOJ OVC Management Technical Assistance Contract. Oh. It's, kind of, a mouthful. Next slide, please.

Here is the Blue Trident Team and a little bit of background about us. I have a Bachelor of Architecture and I've been working in architecture and construction management for many years. Eric Jackson has a wealth of experience in construction management and is CMAA certified. Our other team member, Joey Duren Lopez, has over ten years in construction management, has his MBA, and is extremely knowledgeable as well about construction management. All of us look forward to working with you on your projects. I know you guys have been given a lot of information from both Yolanda and Gustavo, and I'm going to be giving you even more. We're going to be going over the steps involved in designing a construction project and the areas that Blue Trident will be able to assist you. You don't need to memorize all this information. And if you have any project-specific questions on how this information relates to your project goals, we recommend you reaching out to myself and Danielle Ward from the Clark Group to set up an individual meeting so we can go a little more in depth with you. Next slide, please.

Here, you can see as a summary of the services that Blue Trident will be offering to you, which are free to you as a grantee. The first one is we will help with the construction grant budget review. We will also help provide an architect/engineer project--and project delivery selection samples and contract assistance. We'll do a project schedule review. We'll do a design constructability review. We assist with construction contractor bidding and award assistance. We will do a construction schedule, cost estimate, and contingency review. We provide advice on occupancy certification procedures. The one thing we do not do is we will not perform any of the work that the grantee needs to do, that the architect and engineer will do, the construction manager or contractor. And as we go through the presentation, you'll see where these steps kind of fall on the process and will hear more detail. Next slide, please.

Here is an overview of a design and construction project workflow. And then, each of these will be explained on the following slides and we'll also show how Blue Trident can assist you. Next slide, please.

Okay. So here are the feasibility items that need to be--that are needed to get started. One, as mentioned before, a site has been selected. It's important to have the site selected so that way we can actually get into the process. Once you have your site

selected, you may need to have a geotechnical report done. You may need to--if you're doing a renovation or expansion, have a structural integrity report or a survey to determine the boundaries of the site. We will also need to have the title research and any other real estate surveys done. If there's a wetland, those delineations, if there's a species surveys, cultural resource surveys, and groundwater testing. Some or all may apply to your site. If you have specific questions about your site, please reach out to myself and Danielle Ward from the Clark Group, and we will be able to set up a meeting to discuss more in depth. This step will help with the NEPA process and getting it going, and then also allow the design process to move forward. Next slide, please.

All right. Step one. Step one is called project initiation. And as you can see, the objective of it is to establish the prerequisite documents for the project. The activities involved are confirming the project objectives and scope, the--completing the feasibility studies that we just discussed, identifying your key stakeholders and making sure they're aware of the project, developing a concept design. And then the deliverables, that would be involved as you--for you as grantees would be a preliminary site plan, an early scope document, a list of the stakeholders, concept program and floor plan, the required environmental surveys, and process design procurement. While going through these activities, we will be with you in each step and I will explain more on the next slide. Thank you.

So Blue Trident will provide assistance for the following items. We'll help you in assisting with the design and construction programming needs for the building site. We'll discuss with you if there's a need for an architect or engineer to help with the preliminary design. If it's decided that, yes, you do need that, we will help by providing sample request for proposals or RFPs, for you to use to send out for selecting the design team. We will help ensure that the design team agrees with the design and all key stakeholders are aware and involved. We will attend site visits to confirm the project location is viable and/or if it's a renovation, that the building is viable. If after the site visit we feel there's a need for a structural report, if that has not already been completed, hazardous material report, et cetera, we'll recommend this to you and help you and guide you to get those completed. We will also have a discussion with you about budget, and if needed, help with value engineering to bring the project scope into budget. And by value engineering, this is when we identify and eliminate unnecessary expense--unnecessary expenses of the project while maintaining the quality, functionality, and performance of the project. So basically, we'll help keep the needs of the project while identifying and prioritizing any wants. Next slide, please.

Here is a sample of what a Budget Analysis looks like. I know it's a little squished on the slide, but the list next to it covers what should be included. These things include site work, any renovations, any expansion costs, the contractor's general conditions and profit, the TERO or the Tribal--sorry, I forget the acronym all the time, Tribal Employment Rights Ordinance, other tribal fees or taxes along with any site surveys, any geotechnical investigations you might need to do, the permit cost, the inspection cost, and any Tribe's construction contingency. We are happy to discuss with you

further individually. Again, just reach out to myself and Danielle Ward from the Clark Group. Next slide, please.

Okay. Step two is early design. We will work with you--help work with you with the Clark Group to get the necessary deliverables for them to complete the NEPA, as the objective in this step is to complete or develop the schematic design and prepare for the environmental compliance. And then while going through the deliverables or the activities in this stage, it includes the design development, a preliminary material quantities, develop early specifications, and identify any environmental requirements. The deliverables at the end of this stage would be a detailed site plan or something similar to what Gustavo showed in his presentation, which would be enough for them to start the NEPA process, a hazardous materials survey, preliminary material takeoff for rough estimate for the materials needed, your specifications outline, and a schematic design package.

So how we would help you--excuse me. We would work with you and the Clark Group to ensure the project program for the design and construction is accurate. We will help you with the preliminary budget analysis and we'll discuss with you the project delivery options you have for construction. There are three industry-standard options for how a project can be delivered, and each option will be discussed quickly in the following slides as we can discuss more in depth with you individually as we get to this point in your project. Next slide, please.

All right. This approach--let's see. Next slide. Ah, there we go. This approach is called the Design-Bid-Build. This option gives you as a grantee--involves you sending out an RFP or request for proposal for an architect or engineer. Blue Trident will provide you sample RFPs for the A/E. The project will progress through plans at various stages called Conceptual Plans, or 30%, Design Development or 60%, and Construction Documents Final Plans are 90 to 100%. After getting to the 90 or 100% portion of the plans, the construction bidding will begin and Blue Trident will provide sample templates for you to use to request bids from contractors. Once the building is complete--or bidding is complete, sorry, you will--and you have selected your contractor, we'll go to the construction--and the construction award is awarded and you'll move into construction. We'll be with you through each of these steps. Next slide.

This delivery approach is called Design-Build. This option involves you as a grantee sending out an RFP for an architect or engineer and a general contractor. You will select both at the same time, and they will work as a team to provide you a design project and construction. This project will progress through the plans at the various stages, as discussed on the previous slide, with input from the general contractor. Once you have final design plans, the subcontractor bidding will begin with your general contractor handling this portion. Once the subcontractors are selected, construction begins. Again, Blue Trident is with you through each step of this process as well. Next slide.

This delivery approach is called Construction Manager at Risk. If you are comfortable with design as a grantee and have extensive experience in construction, this could be a good option for your project. And we'll talk more about this individually when it comes time in your project. Next slide.

Thank you. All right. Step three. In step three, the environmental compliance and complete design has happened. The activities that occur during this step are the environmental compliance, completing the design, cost estimates, and prepare--you'll begin to prepare the detailed construction documents. And then the deliverables are the environmental compliance, the complete design package, and cost estimates for the construction and modular. Next slide, please.

Our assistance as Blue Trident in this step for you, we will provide--review the project schedule and conduct monthly progress meetings as the design is being completed. As stated before, we'll provide sample requests for proposals for the contractor selection, depending on which delivery option you have chosen for your project, and we will do a constructability review to make sure the budget is in alignment with the available funds. Next slide, please.

For step four, this is for procurement and permitting. The objective is to select and provide a contract with a general contractor. The activities for that includes sending out the request for proposal for a general contractor, then evaluating these contract--proposals and conducting the bidder conferences. You'll negotiate the terms and conditions with the selected contractor, award the contract to the chosen general contractor, and do permit coordination with the general contractor. And then as you can see, the deliverables are the proposals, the bid evaluation report, a signed contract with the general contractor, and appropriate permits. Next slide, please.

In step five, your objective is to execute and manage construction. So, the activities that would happen are going to be your project kickoff for construction, the monitoring of construction activities, helping facilitate timelines, budgets, and quality of work, attending regular progress meetings, help mediate any issues or changes during construction, monitor the environmental compliance. And then the deliverables would be regular progress reports (these are provided to you by the general contractor), updated schedule and budget documents, again, provided to you by the general contractor, and any change orders if those are happening. Next slide, please.

And then the sixth and final step is project handover. So the objective is to successfully transition the completed project into the end user's hands. The activities that are included in this include final inspection, complete of punch list items, obtain the necessary approvals, prepare handover documentation, and then the transition of the project to the owner or end users. The deliverables are a punch list. And a punch list is a task list that is needed to be completed before construction and it's given to the general contractor. An example of a task that may appear on a punch list is, say an electrical outlet is missing a faceplate. There might be some nicks in the paint that need to be touched up, things of those items. You also get certificates of compliance and

occupancy. You'll get your handover documentation. And the handover documentation usually includes things like warranties, how to use your new equipment, such as the HVAC, things of that nature. You'll have a final project report, and then we always recommend doing a lessons learned at the end with everyone involved in the project. Next slide, please.

So, Blue Trident's assistance during these steps includes, providing the RFP templates and, if needed, assistance in reviewing the bids from the contractor. We'll review the construction schedule that's provided by the contractor to make sure it's accurate and viable within a reasonable length of time. We'll review the cost estimates provided by the general contractor to make sure they're in line with industry standards. We'll conduct monthly progress meetings with yourself and the general contractor. And one item I inadvertently left off the list is we'll perform a site visit during construction to check on the progress of the project, and then we'll do a site visit at the end of construction. And we will offer--also offer advice on how occupancy certification procedures work as well. Next slide.

Thank you. All right. Here are a few lessons that we've learned from past projects. Number one is making sure that a project team is available throughout the project life--lifetime. If a member does leave from your side, please be sure to communicate it with the OVC Grant Manager, The Clark Group, and Blue Trident, so the project is not held up. And then we would also do the same if we have a personnel change, we would inform you.

The second lesson learned is to develop a project work plan that's based on reliable and proven design approaches. This is what we've been discussing today. And we have supplemental documentation that we can give you for reference, which outlines this process so you don't have to memorize it all from this presentation.

Number three is the urgency for having the information needed for the NEPA process. As Gustavo mentioned in his presentation, we really do need the site to be selected and have an idea of what your conceptual plan is going to be for that site, so that way the NEPA process can get started. Due to the length of it, you know, and the construction--that construction costs go up year after year, sometimes even month after month. The longer the NEPA process takes, the less money you get with your grant--the less you get with your grant money. So, we want to ensure that you're getting the most value out of the grant money.

And then number four is just a general lack of construction experience may require you, as the grantee, to hire an architect or engineering consultant, or during construction, an outside construction manager, just to help ensure that the project is going smoothly and is--they are able to offer you assistance, in ways that we are not able to as your technical assistance provider. And this is something we can and do discuss with the grantee on an individual basis.

Next slide, please. All right. Giving you a lot of information to digest, but luckily there's no quiz at the end of this. We realize it is a bit to take in and highly encourage you to reach out to Danielle Ward from The Clark Group and myself. And we can set up a time to discuss with you your individual projects more in depth. If you have any general questions for the group, hopefully you've put them in the Q&A and we can go through them. Again, I thank you for your time and we, at Blue Trident, look forward to helping you have a successful project. Paige, were there any questions?

PAIGE MUNIZ: Yes. The first question is, "Will Blue Trident help with building or site feasibility assessment if needed or requested?"

MEGHAN RHODUS: Yes, we can provide assistance for that.

PAIGE MUNIZ: Okay. And the second question is, "Would it be a good idea for the grantee to automatically send out a monthly project report via email?"

MEGHAN RHODUS: Out--I'm not sure what they mean by that, outside of the monthly meetings that we would have with them.

PAIGE MUNIZ: Okay. And it looks like that was it for the questions for you. Oh, they responded with "on top of the monthly meeting."

MEGHAN RHODUS: I think it just--it would depend on how the project is progressing. If we're having a monthly meeting, I don't believe an additional monthly report would be needed on top of that.

Okay. If there are no other questions, I will turn it back over to Yolanda.

YOLANDA CURTIS GIBSON: Thank you, Meghan. So, we have reached the end of the three presentations for today's webinar. I know that you've had a chance to put your questions in the Q&A box and in the chat box, as we've presented. But I do want to just open the floor for any final questions or concerns that you'd like to share. And while we're waiting on you to potentially ask any additional questions, I do want to remind you, as shared at the beginning of the presentation, we will post the recording as well as the PowerPoint slides to the OVC website within the next few weeks. That notification about when it's posted will go out to those that have registered for this webinar. Again, if you need individual assistance with your construction project, you can contact Blue Trident and The Clark Group. Daryl, if you don't mind, could you please go back to the slide that has both Danielle and Megan's contact information on it, just in case anyone needs to take a screenshot or write that information down that's available for them? And while you're doing that, we will wait to see if anyone adds any additional questions to the Q&A or the chat box. Paige, do you see any additional questions since Meghan finished?

PAIGE MUNIZ: Yes. Yes. So there's one that came in. It was just after Gustavo's presentation. The participant said that, "We have a life change living center for victimized women and dependencies. The site is poor related to outside area and the

center was made in 2010 and not used for a TLC. We are looking to improve the outside. And based on this, does landscaping that includes adding youth playground area, picnic area, garden area, and fencing for security fall under construction or another category?"

YOLANDA CURTIS GIBSON: Okay. So, I did put an answer in the Q&A. I'm not sure if it showed up for everyone. My apologies if it didn't. The construct--excuse me. The fencing in particular would definitely be considered a construction activity. We would need more information about your plans for the playground and the other areas. What I would recommend, based on the information provided, is that you still plan to complete the construction questionnaire and provide, you know, very detailed information about your project. And if you'd like, you can set up a meeting with Danielle and Meghan to talk through those plans. And they can give you some additional guidance on your project. I hope that answers your question. Please let me know if it does not.

PAIGE MUNIZ: And it looks like that is what was submitted in the chat.

YOLANDA CURTIS GIBSON: Okay. Great. Any other questions, comments, or concerns before we end today's webinar? It doesn't sound or look like it. So, again, thank you everyone for attending. We really appreciate you taking the time out to be here with us. This concludes the pre-application webinar series for the Tribal Victim Services Set-Aside Program. Again, please feel free to reach out if you need assistance. And I hope that you have a wonderful Memorial Day weekend. Bye-bye, everyone.

DARYL FOX: Great. So on behalf of the Office for Victims of Crime and our panelists from The Clark Group and Blue Trident, we want to thank you for joining today's webinar. This will end today's presentation.