



## **APPLICATION PACKET**

### **Calendar YEAR 2022**

## **ARKANSAS PORT, INTERMODAL, AND WATERWAY DEVELOPMENT GRANT PROGRAM**

**DEADLINE:**  
**11:59 PM CST**  
**SUNDAY, MAY 15, 2022**

### **ARKANSAS WATERWAYS COMMISSION**

**For Questions Contact:**

**Arkansas Waterways  
Commission**

**1 Commerce Way, Suite 503**

**Little Rock, AR 72202**

**(501) 682.2322 | (501) 682.3163**

**Email: [jw.misenheimer@arkansas.gov](mailto:jw.misenheimer@arkansas.gov)**

**[lawanda.campbell@arkansas.gov](mailto:lawanda.campbell@arkansas.gov)**

**[www.waterways.arkansas.gov](http://www.waterways.arkansas.gov)**

# Arkansas Waterways Commission

The Arkansas Waterways Commission (AWC) was established by Act 242 of 1967, and its powers and duties were amended by Act 414 of 1973. The AWC is the sole state agency responsible for developing, promoting and protecting waterborne transportation in Arkansas. The Commission also promotes economic development for ports on the five commercially navigable rivers of the state: The Arkansas, Mississippi, Ouachita, Red, and White Rivers.

In 2019, the Arkansas legislature passed Act 561, which separates the Arkansas River collections on ad valorem taxes that are assessed on barge transportation and moves them into the Arkansas River Navigation System Fund, to be used for channel and shipping improvements that benefit both public and private entities along the Arkansas River.

The Arkansas Port, Intermodal, and Waterway Development Grant Program is authorized by Ark. Code Ann. § 15-23-305 and § 19-5-1253.

## General Information and Eligibility

Through the Arkansas Port, Intermodal, and Waterways Development Grant Program, the Arkansas Waterways Commission provides financial assistance to Arkansas port and intermodal authorities for the purpose of funding port development projects. The goals of the program are to provide public funds to build landside infrastructure and to dredge ports and waterways. Funding this infrastructure will provide jobs and competitive transportation costs for moving cargo, thereby minimizing highway congestion, improving safety, and reducing maintenance costs related to Arkansas' highways. This program will also allow Arkansas products to reach additional markets.

Port authorities and intermodal authorities located within the state of Arkansas along the Mississippi, Ouachita, Red, and White Rivers are eligible to apply for assistance through the Arkansas Port, Intermodal and Waterways Development Grant Program. A port facility can include an intermodal facility and maritime-related industrial park infrastructure development.

## What Type of Projects are Eligible?

Projects eligible for funding consideration under the Arkansas Port, Intermodal, and Waterway Development Grant Program include, but are not limited to:

- Renovations, new construction, improvements or additions to port or intermodal facilities.
- Capital facility rehabilitation.
- Expansion of a public port facility, to include land/real estate purchases.
- Dredging projects.
- Reimbursement for eligible projects that were completed within a year prior to the grant application.

**Note: If you are not positive that your project is eligible, please call our Office at (501) 682.2322 or (501) 682.3163.**

## What Type of Projects are Ineligible?

Projects not eligible for funding consideration under the Arkansas Port, Intermodal, and Development Grant Program include, but again are not limited to:

- Projects for ports, intermodal authorities, or any other public entity located along the McClellan-Kerr Arkansas River Navigation System (MKARNS) due to the Arkansas River Navigation System Fund established by Act 561 § 19-5-1264.
- Planning projects.
- Feasibility studies.
- Any costs associated with normal day-to-day operations or maintenance.
- Debt financing of any type, new or existing. (Debt financing is defined for the purpose of this program as reimbursement of new or existing loans or loan payments.)

**Note: Applicants are not eligible for an Arkansas Port, Intermodal, and Waterway Development Grant if the port/intermodal authority has an Arkansas Port, Intermodal, and Waterways Development Grant currently open. Once the grant has been closed out, applicants are eligible to apply.**

## Funding Availability

Act 561 of 2019 provides that any taxes and penalties collected from water transportation companies under Ark. Code Ann. § 26-26-1614 in excess of two million five hundred fifty thousand dollars (\$2,550,000) shall be deposited into the State Treasury and credited as follows: 30% to The Arkansas Port, Intermodal, and Waterway Development Grant Program Fund and 70% to The Arkansas River Navigation System Fund to be used exclusively for the purposes set forth in Ark. Code Ann. § 15-23-205.

Funding availability also includes: 1) funds not awarded the previous year, which remain in the fund; and 2) funds not expended by previous year awardees, which are returned to the fund.

The Arkansas Port, Intermodal, and Waterway Development Grant Fund has **\$1,952,102.55** available for the Calendar Year 2022 grant program.

Applicants with an eligible project may apply for up to the amount of funds available. As the grant pool is limited, it may sometimes be necessary to make awards of less than the amount actually requested and, unfortunately, some projects cannot be funded at all.

## Matching Requirement

The Arkansas Port, Intermodal, and Waterways Development Grant Program is a 90/10 matching program for infrastructure and development projects. This requires that the applicant must be able to match its grant award with 10% of the awarded amount in cash. Dredging projects have a 50% cash match requirement.

For purposes of this program, a match is defined as cash to comprise at least 10% of the cost estimate provided by the port/intermodal authority for infrastructure projects and at least 50% of the cost estimate provided by the port/intermodal authority for dredging projects.

The match can be:

- Appropriated in full by the local governing body (city council or quorum court).
- Donated by port authority, intermodal authority, local businesses and citizens.
- Money raised through fundraisers.
- A combination of local appropriation, citizen or business donations, or fundraisers.

A match agreement is required and must be submitted with application. All matching funds must be available within 60 days of notice of award, or grant award will be forfeited. Donated labor cannot count as match. Debt financing of any nature cannot be used for matching purposes.

### Example of a Proper Match

<u>Cost Estimate:</u>		<u>Funding Source Breakdown:</u>	
Land Purchase	\$ 5,000	Requested from AWC	\$ 23,000
30 x 40 Metal Building	\$ 10,000		
Labor to Construct Building	\$ 5,000		
Dredging of Dock Area	<u>\$ 10,000</u>	Cash on Hand	<u>\$ 7,000</u>
	\$ 30,000		\$ 30,000

The land purchase, building and construction labor costs are \$20,000 and require a 10% match. The dredging of the dock area cost is \$10,000 and requires a 50% match.

A total project cost does not have to equal \$30,000. It can be more or less. Regardless of the total project cost, the applicant should provide proof that the entire project can be funded. For example, if the total project cost is \$45,000, the applicant may apply for \$15,000 but should still show how the additional \$30,000 is being funded. Therefore, an applicant should only apply for what can be completed and funded within the project timeline of one year.

### Application Process

**The program operates on a calendar year cycle, with awards once each calendar year. Calendar year 2022 applications will be accepted beginning April 1, 2022 and ending in May 15, 2022 at 11:59 PM CST.** Applicants must gain the approval of their board, as evidenced by a notarized Resolution, which is required to be submitted with the application. The application must be signed by the port authority or intermodal authority director or board member who will be ultimately responsible for the grant, should it be awarded.

This process includes submission of a completed application form and all required attachments and supporting documentation. Applicants must submit the following documents for the application to be considered complete:

- Application
- Resolution (must be notarized)
- Match Agreement
- Cost Estimate (from certified engineer, construction company, or manufacturer with vendor’s logo and contact information on the document submitted)
- Application

Applicants must submit an original application with original signatures and TWO additional copies of the complete application packet.

### Application Review and Awards Presentation

Applications are numbered and inspected for completeness and eligibility in the order received by the AWC. Individual proposal consultations can be arranged with staff by appointment. Applicants are encouraged to submit applications well in advance of the deadline to allow AWC staff to thoroughly review the application and assist applicants in correcting any deficiencies prior to the deadline.

Applications received postmarked after the deadline date will not be eligible for consideration.

After staff review for completeness and eligibility, applications undergo a review process by the Commission, which may request the assistance of appropriate representatives from academia, private enterprise, or the public sector. Applicants will be invited to present their proposal at a Commission meeting, during which applications will be evaluated based on the following

criteria:

- The qualified applicant and the associated enterprise must have the support and resources available to ensure a reasonable probability of project success if a development grant is awarded; and
- The proposed development project must have commercial feasibility and positively impact a commercially navigable waterway in the State of Arkansas. The development should provide the port/intermodal authority or waterway with the ability to compete more effectively in the marketplace.

After the Commission evaluates applications, it shall make the final decision to select recipients of funding awards. All applicants, whether selected or not, will be notified within 15 business days of the Commission's decision. The grants are awarded by the Governor at a ceremony scheduled by AWC. This process can take up to 3 months after the deadline date.

**Note: A port/intermodal authority cannot begin on any part of the project until they have received their grant funds. (This does not apply to reimbursement applicants with projects that were previously completed.)**

## Reporting Requirements and Responsibilities

Grantees shall complete a quarterly, signed expenditure report and submit it to the AWC within 30 days of report being due, certifying the accurate expenditure of funds, to remain in compliance and be eligible for the next year's program.

Grantees shall complete a final, signed expenditure report and submit it to the AWC within 30 days of the final expenditure, certifying the accurate expenditure of funds, to remain in compliance and be eligible for the next year's program. A check payable to the Arkansas Waterways Commission for 100% of any remaining grant funds in excess of \$5.00 must be attached to the final expenditure report.

Grantees receiving funds for reimbursement shall complete a final, signed expenditure report and submit it to the AWC within 30 days of receipt of the award, certifying the accurate expenditure of funds. The report must include all invoices and canceled checks demonstrating the completed project was paid in full.

All reports are subject to review by the State Legislative Audit.

# Arkansas Port and Waterways Development Grant Program

## Cover Page

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Applicant Name (port authority or intermodal authority)

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Street City State ZIP

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Phone Fax Email

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Contact person Phone Email

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Name of Proposed Project Date submitted

Amount for which you are applying \$ \_\_\_\_\_

Total project cost \$ \_\_\_\_\_

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**Office Use Only**

Date received by Commission: \_\_\_\_\_

NUMBER: \_\_\_\_\_

Circle one: Complete / Eligible Incomplete / Ineligible

Date reviewed by Commission: \_\_\_\_\_

DECISION: \_\_\_\_\_

Date applicant notified of decision: \_\_\_\_\_

Other notes:

# Arkansas Port and Waterways Development Grant Program

## Contact Information

Please provide the information below with persons who are knowledgeable about the application.

**Port Director/Board Member**

**Mailing Address**

**City, State, Zip**

**Phone Number**  **E-mail**

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**Contact Person**   
(application prepared by)

**Title**

**Mailing Address**

**City**  **Zip**

**Phone Number**  **E-mail**

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**State Senator**  **District #**

**State Representative**  **District #**

# Arkansas Port and Waterways Development Grant Program

## Application

\*Attach Additional Pages As Necessary\*

1. Briefly describe this development project.
2. What is the evidence that the port authority or intermodal authority has an immediate need for the project?
3. What is/are the benefit(s) to be derived from the development project?
4. What is the design of the development project? Include drawings and specifications.



5. Describe the development project area.
  
  
  
  
  
  
  
  
  
  
6. What is the total cost estimate for the development project? Be sure to include a cost estimate from a certified engineer, construction company, or manufacturer with vendor's logo and contact information on the document submitted.
  
  
  
  
  
  
  
  
  
  
7. Who is providing the match? Be sure to include the attached match agreement.

**Additional Information needed should this application be chosen for funding:**

Local Newspaper	<input type="text"/>	Paper 2	<input type="text"/>
E-mail Address	<input type="text"/>	E-mail 2	<input type="text"/>
City	<input type="text"/>	City 2	<input type="text"/>

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**With my signature below, I do hereby certify that I have read, understand and support the above application for grant funds through the Arkansas Port, Intermodal, and Waterway Development Grant Program. I further certify that I have read, understand and agree to abide by the rules and regulations governing the grant program.**

**Responsible Party**  
**Printed Name**

**Responsible Party**  
**Signature**

### **Additional Documentation**

- 1. Attachment "Resolution Passed by Board of Directors." This document must be signed by the Chairman of the Board AND notarized.**
- 2. Attachment "Match Agreement." This document must be completed, signed, dated and include contact information.**
- 3. Include Cost Estimate from a certified engineer, construction company, or manufacturer with vendor's logo and contact information on the documentation submitted.**

Arkansas Waterways Commission  
Attn: J.W. Misenheimer  
1 Commerce Way, Suite 503  
Little Rock, AR 72202  
1-501-682-2322 | 1-501-682-3163  
[jw.misenheimer@arkansas.gov](mailto:jw.misenheimer@arkansas.gov)

# Arkansas Port and Waterways Development Grant Program

## Resolution Passed By Board of Directors

*Note: This is a sample copy of a resolution intended to assist grant writers in knowing what to submit. **All Resolutions must be notarized.***

**RESOLUTION # \_\_\_\_\_**

Be it resolved by the Board of \_\_\_\_\_, State of Arkansas a resolution entitled: \_\_\_\_\_.

A Resolution authorizing \_\_\_\_\_ to apply for a grant on behalf of the \_\_\_\_\_ Port/Intermodal Authority.

Whereas, the Board of Directors has determined that \_\_\_\_\_ Port/Intermodal Authority meets eligibility requirements necessary to apply for the Arkansas Port and Waterways Development Grant.

Whereas, the \_\_\_\_\_ Port/Intermodal Authority has presented plans to (description of project) \_\_\_\_\_  
\_\_\_\_\_; and

Whereas, the Board of Directors of \_\_\_\_\_ Port/Intermodal recognizes the need for the project, concurs its importance, and supports the \_\_\_\_\_ Port/Intermodal Authority in its efforts to proceed with the same;

Therefore, be it resolved, that the Board of Directors of \_\_\_\_\_ Port/Intermodal Authority is hereby authorized to submit an application of formal request to the Arkansas Waterways Commission for purposes of securing state grant funds in the amount of \$\_\_\_\_\_ to aid and assist the \_\_\_\_\_ Port/Intermodal Authority in executing the proposed project described herein and that the \_\_\_\_\_ is further authorized to administer the grant funds for the same project.

**THIS RESOLUTION ADOPTED IN REGULAR SESSION \_\_\_\_\_**  
Date

**APPROVED:** \_\_\_\_\_  
Signature of Chairman of the Board

\_\_\_\_\_  
Typed name of Chairman of the Board

# Arkansas Port and Waterways Development Grant Program

## Match Agreement

*DATE*

TO: Arkansas Waterways Commission  
1 Commerce Way, Suite 503, Little Rock, AR 72202

FROM: **Arkansas Port, Intermodal and Waterway Development Grant  
Matching**

**RE:  
Funds**

This is to indicate the commitment of (NAME OF ENTITY PROVIDING MATCH) to provide the required match to the (NAME OF PROJECT) as applied for by (NAME OF APPLICANT).

We understand the total cost of the project is (DOLLAR AMOUNT) and we will provide (DOLLAR AMOUNT OF MATCH).

If additional information is needed concerning this project, please feel free to contact (NAME) at (PHONE NUMBER)

Thank you for your consideration.

Sincerely,

*SIGNATURE*

*NAME*

## **Checklist for a Complete Port, Intermodal, and Waterway Development Grant Application**

In addition to the grant application, applicants must include the following in order for the application to be complete. Failure to submit any of the required documents by the deadline will result in an incomplete application and will not be reviewed by the Arkansas Waterways Commission for grant consideration. Please use this sheet to double check that all required information is submitted such as:

- A dated and numbered Resolution passed by the Board of Directors, signed by the Chairman of the Board of Directors AND notarized.
- Any project design drawings and/or specification documents.
- Professional Cost Estimate from a certified engineer, construction company, or manufacturer with vendor's logo and contact information on the documentation submitted..
- Match Agreement completed, dated, signed and including contact information of signatory.
- The original grant application PLUS two copies of the entire application packet is mailed or hand delivered to the AWC office.

**ARKANSAS PORT, INTERMODAL, AND WATERWAY DEVELOPMENT  
PROGRAM RULES**

**ARKANSAS WATERWAYS COMMISSION  
ARKANSAS DEPARTMENT OF COMMERCE - Agency 9902**

- 1.0 GENERAL INFORMATION
  - 1.1 PROGRAM NAME
  - 1.2 AUTHORIZATION
- 2.0 PROGRAM DESCRIPTION
- 3.0 TYPE OF AWARD
- 4.0 ELIGIBILITY
  - 4.1 ELIGIBILITY CRITERIA
  - 4.2 CONFLICT OF INTEREST
- 5.0 APPLICATION PROCESS
- 6.0 EVALUATION
  - 6.1 EVALUATION CRITERIA
  - 6.2 APPLICATION REVIEW
- 7.0 GRANT AWARDS
- 8.0 GRANT REPORTING
- 9.0 FREEDOM OF INFORMATION

**1.0 GENERAL INFORMATION**

The Arkansas Waterways Commission was established by Act 242 of 1967 and its powers and duties were amended by Act 414 of 1973. The Commission's general authority is codified at Ark. Code Ann. § 15-23-201. The Arkansas Waterways Commission is the sole state agency responsible for developing, promoting and protecting waterborne transportation in Arkansas. The Commission also promotes economic development for ports on the five commercially navigable rivers of the state: the Arkansas, Mississippi, Ouachita, Red and White Rivers.

**1.1 PROGRAM NAME**

These rules govern the Arkansas Port, Intermodal, and Waterway Development Grant Program.

**1.2 AUTHORIZATION**

The Arkansas Port, Intermodal, and Waterway Development Grant Program is authorized by Ark. Code Ann. § 15-23-305 and § 19-5-1253.

**2.0 PROGRAM DESCRIPTION**

The Arkansas Port, Intermodal, and Waterway Development Grant Program provides financial assistance to port authorities and intermodal authorities for the purpose of funding port development projects. The goals of the program are to provide public funds to build land-side infrastructure and to dredge ports and waterways. Funding this infrastructure will provide jobs and competitive transportation costs for moving cargo, thereby minimizing highway congestion, improving safety, and reducing maintenance costs related to Arkansas's highways.

This program will also allow Arkansas products to reach additional markets.

### **3.0 TYPE OF AWARD**

3.1 The total maximum funding will be limited to the amount of money made available to the Commission for the program.

3.2 There is no minimum amount of funding that may be applied for by an eligible applicant. The maximum amount that may be applied for by an eligible applicant is the maximum amount of funds available.

3.3 There is no maximum of number of awards that can be received for an eligible applicant in one state fiscal year.

3.4 Funds granted may not exceed ninety percent (90%) of construction costs or fifty percent (50%) of dredging costs.

### **4.0 ELIGIBILITY**

#### **4.1 ELIGIBILITY CRITERIA**

4.1.1 Eligible applicants are an Arkansas public port authority or public intermodal authority to exclude ports, intermodal authorities, or any other public entity located along the McClellan-Kerr Arkansas River Navigation System (MKARNS) due to the Arkansas River Navigation Fund established by Act 561 § 19-5-1264. A port facility can include an intermodal facility and maritime-related industrial park infrastructure development.

4.1.2 Eligible projects are construction, improvement, capital facility rehabilitation, and expansion of a public port facility. Dredging projects are also eligible.

4.1.3 Planning projects and feasibility studies shall not be eligible.

4.1.4 Funds granted may not exceed ninety percent (90%) of the cost of construction or fifty percent (50%) of dredging costs.

4.1.5 Eligible projects may be projects that were completed within a year prior to the grant application.

#### **4.2 CONFLICT OF INTEREST**

4.2.1 No Director, officer or employee of the Arkansas Waterways Commission, for purpose of personal gain, shall have or attempt to have, directly or indirectly, any interest in any contract or agreement of the Commission in connection with the Arkansas Port, Intermodal, and Waterway Development Grant Program.

4.2.2 It shall not be a conflict of interest for the Commission to permit any port, intermodal or waterway with which a Director of the Commission is affiliated to participate in any program of the Commission, provided that such Director shall promptly disclose the nature of the affiliation to the Commission.

## **5.0 APPLICATION PROCESS**

5.1 Applications for the Arkansas Port, Intermodal, and Waterways Development Grant shall be submitted on the form prescribed by the Commission.

5.2 A Resolution passed by the board of the grant applicant must be enclosed with the application. The Resolution must have the signature of the Chair of the board.

5.3 The Commission reserves the right to request additional information as required for evaluation.

5.4 Cost estimate submitted with application must come from a certified engineer, construction company, or manufacturer with vendor's logo and contact information on the documentation submitted.

## **6.0 EVALUATION**

Projects will be evaluated by the Commission, which may request the assistance of appropriate representatives from academia, private enterprise, or the public sector. Applications meeting the eligibility requirements will be evaluated on the basis of the evaluation criteria outlined below.

### **6.1 EVALUATION CRITERIA**

6.1.1 The qualified applicant and the associated enterprise must have the support and resources available to ensure a reasonable probability of project success if a development grant is awarded.

6.1.2 The proposed development project must have commercial Feasibility and positively impact a commercially navigable waterway in the State of Arkansas. The development should provide the port, intermodal or waterway with the ability to compete more effectively in the marketplace.



## 7.0 GRANT AWARDS

7.1 The Arkansas Waterways Commission shall make the final decision to select recipients of funding from the Arkansas Port, Intermodal, and Waterway Development Grant Program. Funding decisions will be based on information derived from the Program review.

7.2 The Arkansas Waterways Commission will notify all applicants, selected or not, within 15 business days of the Commission's decision.

7.3 The Arkansas Waterways Commission will notify the state Treasurer's office and the Treasurer's office will mail warrants or direct deposit funds for approved projects.

7.4 Grant recipients shall designate a bank account with routing information for grant funds and matching funds. Before grant award is remitted, grant recipient must demonstrate that the cash match is in this account within 60 days of notice of award to recipient, or forfeiture of grant award will occur.

7.5 Grant recipients must expend grant funds within a year from award date or the Arkansas Waterways Commission must grant an extension upon proof that all reasonable efforts have been made to comply. Grant funds shall be utilized and expended by the applicant solely and exclusively for the payment of authorized and allowable costs and expenses of the project for which assistance was approved.

7.6 If all grant funds are not utilized and expended by the applicant for the specific Project for which such funds were furnished within one year, the grant recipient shall return or otherwise pay or reimburse to the Commission any and all such unused funds or any amounts of funds used and expended for unauthorized or unallowable purposes; or the applicant may submit a request to the Executive Director of the Arkansas Waterways Commission to use leftover funds for another project. The Commissioners of the Arkansas Waterways Commission shall approve or disapprove the request.

7.7 The grant award recipient must deposit the exact amount applicant stated in the grant application if awarded the full amount requested. If the full amount requested is not awarded, the applicant will deposit 10% of the awarded amount, unless it is a dredge project, in which case 50% must be deposited.

## **8.0 GRANT REPORTING**

8.1 Grantees shall complete a quarterly, signed expenditure report and submit it to the Arkansas Waterways Commission within 30 days of report being due, certifying the accurate expenditure of funds, to remain in compliance and be eligible for the next year's program.

8.2 Grantees shall complete a final, signed expenditure report and submit it to the Arkansas Waterways Commission within 30 days of the final expenditure, certifying the accurate expenditure of funds, to remain in compliance and be eligible for the next year's program.

8.3 All reports shall be subject to review by the state Legislative Audit.

## **9.0 FREEDOM OF INFORMATION**

All information submitted in applications is subject to the provisions of the Freedom of Information Act