

## Chapter ATCP 163

### AGRICULTURAL DEVELOPMENT

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#### ATCP 163.01 Definitions. In this chapter:

- (1) "Applicant" means a person who submits a grant proposal.
- (2) "Authorized department official" means the department secretary, deputy secretary, or assistant deputy secretary.
- (3) "Department" means the Wisconsin department of agriculture, trade and consumer protection.
- (4) "Grant" means a grant for agricultural or economic development.

**Note:** Agricultural or economic development grants are administered by the Division of Agricultural Development.

- (5) "Matching funds" means the cash value of the project contributed by the recipient. A matching fund may be in the form of capital, land, labor, equipment, or cash related to the project.
- (6) "Person" means an individual, corporation, cooperative, partnership, limited liability company, trust, governmental entity, academic institution, or other legal entity.
- (7) "Recipient" means a person who receives a grant.

**History:** CR 22-065; cr. Register June 2023 No. 810, eff. 7-1-23.

**ATCP 163.02 Grant proposals.** (1) The department may at any time, issue a request for grant proposals. The department shall issue a request for grant proposals at least once during every state fiscal biennium for which grant funding is appropriated. A request for grant proposals shall include all of the following:

- (a) A deadline date for submitting a grant proposal.
- (b) An address for submitting a grant proposal.
- (c) The name, business mailing address, business email address, and business telephone number of a department representative who can provide more information or answer questions about the request for grant proposal.
- (d) The applicant criteria for grant eligibility.
- (e) A description of grant objectives or eligible projects.
- (f) The format and content requirements for the proposal.
- (g) Other terms and conditions that the department determines to be relevant.

(2) The department shall issue a general news release announcing the request for grant proposals. The request for grant proposals shall be available on the department's website. The department shall mail or email the request for grant proposal to any person requesting it.

**History:** CR 22-065; cr. Register June 2023 No. 810, eff. 7-1-23.

**ATCP 163.03 Evaluating grant proposals.** (1) The department shall evaluate grant proposals submitted and shall announce its grant awards within 90 days after the deadline date specified in the request for grant proposals.

(2) In its evaluation under sub. (1), the department shall consider all of the following criteria:

- (a) Whether the proposal complies with the department's request for proposals.
- (b) Whether the proposed project will meet the grant's objectives as listed in the request for proposal.
- (c) The viability of the proposed project.
- (d) The adequacy of the project plan and budget.

(e) The financial capacity of the applicant to complete the project as proposed.

(f) The qualifications of the persons who will carry out the project as proposed.

(g) Whether the grant proposal adequately identifies the nature of project expenses to be reimbursed under the proposed grant.

(h) The applicant's capacity to provide any required matching funds. The matching fund may include grant funds from sources other than the department.

(3) A grant award shall be signed by an authorized department official. The grant award shall clearly identify the person to whom the grant is awarded, the amount awarded, and the purpose for which the grant is awarded. No funding commitment is final until a contract is executed.

**History:** CR 22-065; cr. Register June 2023 No. 810, eff. 7-1-23.

**ATCP 163.04 Grant contract.** (1) **GENERAL.** The department may not distribute any grant funds to the recipient until the recipient enters into a grant contract with the department. The grant contract takes effect when signed by an authorized department official and the grant recipient. A grant contract may be signed by an authorized department official after the recipient signs the contract.

(2) **CONTRACT PERIOD.** The original term of a contract is two years, but may be extended for up to one year upon request. The contract term may extend beyond the state fiscal biennium in which funds for the contract are appropriated, provided that the department encumbers those contract funds and the contract is signed in that biennium.

(3) **PROVISIONS.** The grant contract shall include provisions that do all of the following:

- (a) Clearly identify the recipient.
- (b) Clearly identify the amount of the grant.
- (c) Set forth the terms and conditions of the grant including all of the following:

1. Actions required of the recipient, including contemplated uses of the grant funds.

2. Matching funds, if any, required of the recipient.

3. Expected deliverables.

4. Payment schedule and conditions, including the distribution of funds in multiple payments based on documented progress toward completion of the project.

5. Repayment requirements, if any.

6. Documentation, reports, and accounting required of the recipient including the frequency and format of the report and the performance measures to be included in the report.

(4) **REQUIREMENTS FOR LARGE GRANTS.** For each grant of \$100,000 or more, the contract shall include, in addition to sub. (3), all of the following:

(a) A requirement that the recipient submit a verified statement accounting for the use of all grant funds received. The verified statement shall include all of the following:

1. The amount of funds received.

2. A clear itemized description showing, by expenditure category, how all received funds were spent.

3. The nature and amount of any matching funds provided by the recipient, and the recipient's use of those matching funds.

4. Documentation of the deliverables provided by the recipient under the contract, and the dates on which the recipient provided those deliverables.

5. Signatures of an independent certified public accountant licensed or certified under ch. 442, Stats., and the director or principal officer of the recipient attesting to the accuracy of the verified statement.

(b) The timeframe in which the verified statement, in a form required by the department, shall be submitted to the department.

(c) A statement that documents supporting the verified statement shall be made available to the department upon request.

**(5) PENALTIES FOR FALSE OR MISLEADING STATEMENTS OR CONTRACT BREACH.** (a) A grant contract may provide for any of the following penalties or remedies if the grant recipient submits false or misleading information to the department or fails without reasonable justification to comply with the terms of the contract:

1. The department may demand and recoup payments made to the recipient.

2. The department may withhold payments to which the recipient would otherwise be entitled under the contract.

3. The department may impose a forfeiture on the recipient. A recipient may not pay any forfeiture under this subdivision with funds received under another grant or loan from the department.

(b) The specification of penalties or remedies under this subsection does not prevent the department from pursuing any other remedy to which the department may otherwise be entitled by law.

**History:** CR 22-065: cr. Register June 2023 No. 810, eff. 7-1-23.; correction in (4) made under s. 35.17, Stats., Register June 2023 No. 810.

**ATCP 163.05 Verification.** The department shall annually and independently verify, from a sample of grants, the accuracy of the information reported to the department as required under the contract.

**History:** CR 22-065: cr. Register June 2023 No. 810, eff. 7-1-23.

**ATCP 163.06 Public access.** All grant proposal applications are open to public inspection after the awarding of grants. The department may withhold access to any proposal application or portion of a proposal application containing information qualifying as a trade secret as defined in s. 134.90 (1) (c), Stats. Applicants shall identify those portions of a proposal application that contain a trade secret and claim the exemption from public inspection at the time of filing a grant proposal application with the department.

**History:** CR 22-065: cr. Register June 2023 No. 810, eff. 7-1-23.