



## Legislation Details (With Text)

**File #:** 67390      **Version:** 1      **Name:** Madison Public Market Foundation - ARPA Funds  
**Type:** Resolution      **Status:** Passed  
**File created:** 9/14/2021      **In control:** Economic Development Division  
**On agenda:** 10/5/2021      **Final action:** 10/5/2021  
**Enactment date:** 10/12/2021      **Enactment #:** RES-21-00678

**Title:** Authorizing a \$400,000 award of American Rescue Plan Act Local Fiscal Recovery Funds to the Madison Public Market Foundation, Inc. and authorizing the Mayor and City Clerk to sign an agreement for Operating Costs Related to the Madison Public Market Project.

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**Indexes:**

**Code sections:**

**Attachments:** 1. RES 21-00487, 2. Report on 2021 Allocations of American Rescue Plan Act (ARPA) Funds, 3. RES 18-00356, 4. Madison Public Market Foundation, Inc. - Non-Competitive Selection Request - CC Approval Required September 2021.pdf

Date	Ver.	Action By	Action	Result
10/5/2021	1	COMMON COUNCIL	Adopt	Pass
9/27/2021	1	FINANCE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
9/21/2021	1	COMMON COUNCIL	Refer	Pass
9/14/2021	1	Economic Development Division	Referred for Introduction	

### Fiscal Note

No additional City appropriation is required for the proposed resolution. Funding for this award was authorized by Common Council adopted RES-21-00487 (File ID 65935).

### Title

Authorizing a \$400,000 award of American Rescue Plan Act Local Fiscal Recovery Funds to the Madison Public Market Foundation, Inc. and authorizing the Mayor and City Clerk to sign an agreement for Operating Costs Related to the Madison Public Market Project.

### Body

WHEREAS, on July 6, 2021, The Madison Common Council adopted RES-21-00487, accepting and allocating American Rescue Plan Act, Local Fiscal Recovery Funds for the City of Madison; and

WHEREAS, within that adopted resolution, \$400,000 was approved to support operational expenses of the Madison Public Market Foundation, Inc (MPMF) due to unforeseen project delays that have adversely affected the MPMF's financial position; and

WHEREAS, on July 20, 2021, The Madison Common Council accepted the "report on the criteria and processes for allocating American Rescue Plan Act (ARPA) funding appropriated in the 2021 budget" provided in Legislative File #66453; and

WHEREAS, within that report (on pages 17-18), the context and use of the funding for the MPMF is generally outlined, as well as a rough timeline for the introduction of an authorizing resolution to award the funding; and

WHEREAS, under the US Treasury Guidance for ARPA's local fiscal recovery funds and general federal

guidelines, procurements over the simplified acquisition threshold of \$250,000 are subject to competitive procurement requirements, and while this is a sub-recipient relationship and not a procured service, to the extent that competitive selection would be required by federal rules and local rules, this award meets the federal criteria for noncompetitive selection under 2 CFR 200.320(c)(2), "the item is available only from a single source;" and

WHEREAS, under local purchasing policies, services over \$50,000 that were not selected with a competitive process must be approved by the Common Council and this contract fits the exception under MGO sec. 4.26 (4)(a)2., "the service required is available from only one person or firm" for the reasons stated in the attached Noncompetitive Selection Form; and

WHEREAS, the Madison Public Market Foundation was selected as the operator of the Madison Public Market per a Request for Qualifications process released on January 24, 2018 and accepted/enacted by the City of Madison Common Council on May 7, 2018 via RES 18-00356; and

WHEREAS, given that the Madison Public Market has been a priority and a project of the City's Economic Development Division and the City has directly partnered with and selected the Madison Public Market Foundation through the process outlined above, there is no other recipient who could do this particular work to further this initiative; and

WHEREAS, the Economic Development Division continues to work very closely with the MPMF to advance the Madison Public Market project and understand opportunities and challenges to the project; and

WHEREAS, because of that collaboration, the Economic Development Division has a detailed understanding of the operating funds requested by MPMF, which will support the following categorical expenses:

- Professional Services
- Event Expenses
- Office Expenses
- Staff Salaries/Benefits

WHEREAS, the work of the Madison Public Market Foundation meets the federal criteria for economic recovery from the pandemic and for targeting small, women and minority owned businesses outlined in ARPA regulations; and

WHEREAS, the MPMF will be required to agree to federal terms and conditions and will be monitored as a recipient of federal ARPA funding as required by federal regulation and US Treasury Guidance;

NOW, THEREFORE BE IT RESOLVED, the Common Council approves the Madison Public Market Foundation, Inc. as a sub-recipient of \$400,000 in ARPA local fiscal recovery funds, and authorizes the Economic Development Division to negotiate an agreement with MPMF for the purposes described above, and the Mayor and Clerk are authorized to sign the appropriate agreement(s) in a format approved by the City Attorney.