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Appendix A: Glossary of Terms



Infrastructure Share Background and Overview

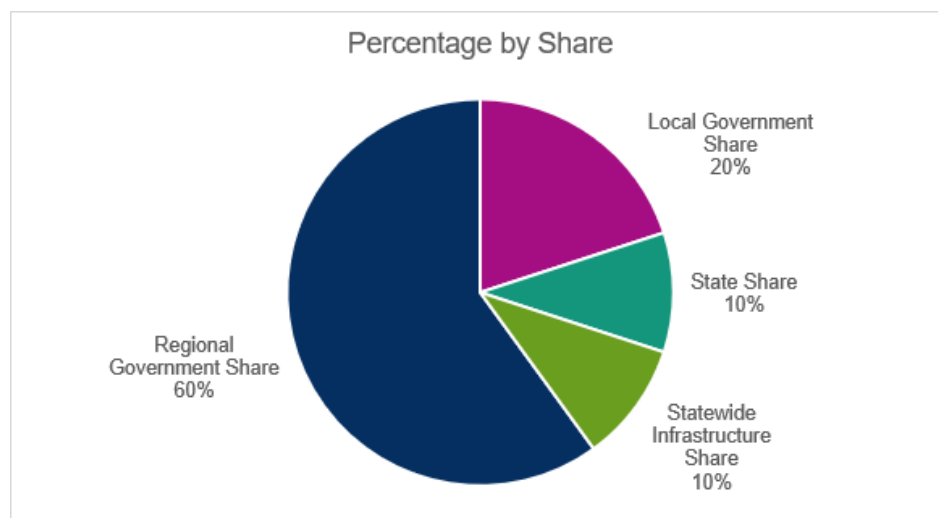
Background

The [Colorado Memorandum of Understanding \(MOU\)](#) was finalized between the Attorney General's office and the local governments of Colorado on August 26, 2021. Three-hundred and twelve local governments signed on to the MOU, which dictates the governance, distribution, and expenditure of any current or future opioid settlement funds for Colorado over the next eighteen years.

There are four different funding streams listed in the MOU:

- 60% to the Regional Government Share
- 20% to the Local Government Share (Each local government can choose to opt-out of receiving the funds, thus directing the funds to their opioid region)
- 10% to the State Share
- 10% to the Infrastructure Share

This funding opportunity addresses the 10% of Opioid Settlement funds set aside for the Statewide Infrastructure Share (Infrastructure Share).



The Infrastructure Share funds will be distributed over the next 18 years to appropriate state agencies, regional fiscal agents, and participating local governments that identify a new need for opioid abatement infrastructure that is also an approved use of Opioid Settlement funds as set out in [Exhibit A \(Approved Purposes\)](#) of the MOU. The Infrastructure Share will be held in escrow by the National Settlement Administration.



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Purpose of Infrastructure Share

According to the MOU, “The purpose of the Statewide Infrastructure Share is to promote capital improvements and provide operational assistance for developing or improving the infrastructure necessary to abate the opioid crisis anywhere within the State of Colorado. The Infrastructure Share is intended to supplement Opioid Settlement funds received by any Party or Region.”

Application Factors

With a goal of encouraging regional and cross-regional collaboration between the nineteen Opioid Settlement Regions as well as maximizing the impact of the Infrastructure Share, the COAC encourages collaborative and regional application requests that address unmet needs by existing funding sources. Funding priorities that the COAC shall consider during their review are:

1. Joint applications from multiple Colorado Regional Opioid Abatement Councils.
2. Applications that align and supplement other Opioid Settlement funds received by Regional Opioid Abatement Councils, local governments, and eligible state government entities.
3. Regional projects (county, municipal and/or state agencies with an approved Intergovernmental Agreement).
4. Projects with matching or in-kind funding from partnerships that may include foundation matching funds, in-kind staffing or materials, or other funds such as federal or state grants without restrictions on braided funding. A match is not a requirement for application.
5. Applications from entities that have not previously received funding from the Infrastructure Share shall be given higher priority.
6. Applications demonstrating Sustainability after the expenditure of Infrastructure Share funds.

Budget and Funding Period

Funding Period

The Colorado Opioid Abatement Council (COAC) anticipated awarding funds from 2023 to 2038 as conditional upon the terms of the MOU and any future settlements. Visit <https://coag.gov/opioids/dashboard/> and click on “State Share and Infrastructure Share” for the total anticipated year one allocations and the total anticipated allocations over eighteen years to the Infrastructure Share.

Infrastructure Share funds are distributed annually to the National Administrator in July of each year. Funds will be distributed by the National Administrator to the approved Applicant Organization(s) in a cadence as determined by the COAC.

Funds will be distributed to Applicant Organizations after issuance of an award letter by the COAC and Applicant provision of banking information to the National Administrator.



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The National Administrator will not reimburse any costs incurred by the Applicant prior to the issuance of the Award letter. Source documentation demonstrating actual expenses incurred will be subject to review.

Budget Period

There will be two annual application periods for this funding opportunity.

Applications will be accepted twice per state fiscal year (July 1 – June 30) with 50% of available Infrastructure Share funds allotted in the first annual funding cycle. Unawarded funds will roll over to the subsequent funding cycle.

Non-funded applications received in the first annual funding cycle can be re-submitted to the second annual funding cycle upon request by the Applicant.

An Infrastructure Share funding request can be expended over the course of two fiscal years from the Award Date. Any use beyond two fiscal years, must be reviewed by the COAC. See Funding Cycle listed above. Extension of funds to additional years is for the determination of the COAC.

Budget Requirements

A budget template for the initial budget period for up to 2 years is provided.

Administrative costs cannot exceed 10% of funding request of the Applicant.

Funds from the Infrastructure Share shall be used for [Approved Purposes](#) only as listed in the MOU.

Reporting

Annual Expenditure Reporting

According to the MOU, “On an annual basis, as determined by the Abatement Council, any Party or Regional Council that receives funds from the Statewide Infrastructure Share shall provide all expenditure data, including administrative costs, related to any Opioid Funds it received from the Statewide Infrastructure Share and subject itself to an accounting as required by the Abatement Council. The Abatement Council shall publish all expenditure data from the Statewide Infrastructure Share in accordance with Section (C)(4)(c)(i).”

Progress Reporting

Acceptance of funds indicates agreement to terms of reporting. Quarterly progress reports will be due to the COAC using a provided template. The COAC may request additional information or virtual meetings as necessary to assist in reporting. A lack of response to a request for further information could be grounds for remedial action. The Applicant will be expected to comply by the terms of the provided Work Plan and Budget. Requests to change a Work Plan or Budget will not be accepted unless received and approved in advance by the COAC. All change requests must be emailed to coac@coag.gov.



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Remedial Procedures

Any remedial action taken against Parties or Regions that misuse funds from the Infrastructure Share shall be in accordance with the COAC Remedial Procedures for the Infrastructure Share.

Application Requirements

Eligibility

According to the MOU, eligible Applicants for the Infrastructure Share include:

- Colorado county
- Colorado municipality
- Colorado state agency
- Colorado Regional Opioid Abatement Councils that were formed as a result of the MOU, which has a Colorado government entity as the fiscal agent.

Nongovernmental entities, such as non-profit organizations, may be part of the collaborative partnership proposed in the application with a governmental entity acting as the Applicant and fiscal sponsor. For the purposes of this application, these end recipient entities responsible for program or project implementation are referred to as the “Implementing Organization.”

If multiple Colorado governmental entities or Colorado Regional Opioid Abatement Councils are applying together, please select one entity to serve as Applicant. This should be the entity that will receive the funding award, receive the disbursed funds, and be responsible for funds management and submitting required reporting. The additional entities should be listed in the application as “Implementing Organization.”

Although a single institution or organization must be the lead Applicant, a multi-agency partnership is possible and encouraged. Such joint applications, entailing active participation by more than one organization, are highly encouraged, and preferred if there is clear evidence of close interaction and responsible partnership among the participants.

Applications may be declined if the awardee cannot demonstrate financial viability or program sustainability, or if the request does not fall within the [Approved Purposes](#) as listed in the MOU.

Required Project Components

See [Infrastructure Share Funding Opportunity, Round 2 Application and Checklist](#) (located on the [COAC website](#)).



Tools and Guidance

Additional Guidance

All Applicants are encouraged to review in detail the following documents, which are incorporated and made part of this funding opportunity by reference and are available on the [COAC website](#).

- [Colorado MOU, Including Exhibit A – Approved Purposes](#)
- [Infrastructure Share Funding Opportunity, Round 2 Application and Checklist](#)
- [Infrastructure Share Funding Opportunity, Round 2 Budget and Work Plan Template](#)
- [Infrastructure Share Funding Opportunity, Round 2 Glossary of Terms](#) (see Appendix A)

The technical aspects of applications will be assessed based on the soundness of the Applicant's approach and the Applicant's understanding of the requirement.

Applications that fail to follow all the requirements may not be considered.

Decision and Notification

Applicants will be notified via email from coac@coag.gov of funding decisions. The estimated notification date is indicated in the included Schedule of Activities.

The COAC will provide, and reserves the right to negotiate, work plan and budgets with eligible Awardees, which may impact the start date of the contract.

How to Apply

Checklist

Responses must be submitted as specified in this announcement. Applications that fail to follow all the requirements may not be considered.

The Colorado Infrastructure Share Funding Opportunity Application consists of the following components listed below. This checklist is provided to help ensure a complete application. It does not need to be submitted with the application.

- ☐ **Section I: Executive Summary (1-2 paragraphs)**
 - Include the purpose of the funding request and a brief description of how the request fits with the [Approved Purposes](#) as listed in the MOU, and the Infrastructure Share's guidelines, as shown in Section G of the [MOU](#). The purpose of the Infrastructure Share is to promote capital improvements and provide operational assistance for developing or improving the infrastructure necessary to abate the opioid crisis within the State of Colorado. Describe how these funds will be used for that aim.



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- ☐ **Section II: Application Form**
 - Complete the fillable form, “[Infrastructure Share Funding Opportunity, Round 2 Application and Checklist](#).” (Located on the [COAC website](#))
- ☐ **Section III: Narrative**
 - 200 words per header
 - Use 12-point font and include the HEADING (listed in bold) above each question. It is not necessary to repeat the text of the questions.
- ☐ **Section IV: Completed [Work Plan and Budget Template](#)** (Located on the [COAC website](#))
- ☐ **Section V: Attachments**
 - Organization List of Names and Qualifications of Each Staff (required)
 - Regional Opioid Abatement Council/s Letter of Support (strongly recommended)
 - Other Letters of Support (optional)
 - Organization Evaluation Results (optional)

Submission Instructions

Applications must be received electronically by no later than by the due date and time indicated on the Schedule of Activities section. Faxed applications will not be accepted. Email your application and all attachments to the following individual:

Send to: Opioid Response Grants Coordinator

Via email: coac@coag.gov

Subject: Infrastructure Share Funding Opportunity, Round 2

Questions and Inquiries

Applicants may make written inquiries via [online form](#) to obtain clarification of requirements concerning this funding opportunity. No inquiries will be accepted after the date and time indicated in the Schedule of Activities.

Responses to Applicant inquiries will be published as outlined in the Schedule of Activities by close of business on the date indicated. Applicants are not to rely on any other statements that alter any specification or other term or condition of the funding opportunity.

Webinar and Online Office Hours

As indicated in the Schedule of Activities, Applicants have the option to attend a pre-application webinar and two online office hours for clarification on this funding opportunity. Visit the [COAC's website](#) for information on how to log-in to join these meetings.



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General Information

During the application period for this funding opportunity, all official communication with Applicants will be via notices on the [COAC website](#). Notices may include any modifications to administrative or performance requirements, answers to inquiries received, clarifications to requirements, and the announcement of the apparent awardees. Applicants are responsible for monitoring for publication of modifications to this funding opportunity. It is incumbent upon Applicants to monitor for any such notices carefully and regularly. Applicants are not to rely on any other statements that alter any specification or other term or condition of the funding opportunity. Please see the Schedule of Activities for additional information on the planned timeline for modifications to this funding opportunity.

Applications must be received on or before the due date and time as indicated in the Schedule of Activities. Late applications may not be accepted. It is the responsibility of the Applicant to ensure that its application is received via email, as listed in these instructions, on or before the due date and time.

Schedule of Activities

This schedule of activities is for information and planning purposes only.

ACTIVITY	DATE ¹
Funding opportunity announced and application available on COAC website .	May 3, 2023
Deadline to questions or clarifications regarding application process. Submit via online form	May 19, 2023, 5p.m. MST
Answers to questions and any updates to the application published on COAC website.	May 30, 2023, 5p.m. MST
Funding opportunity pre-application webinar	Jun 1, 2023
Online office hours	Jun 6, 2023
Online office hours	Jun 14, 2023
Application submission deadline	Jun 20, 2023, 5p.m. MST
Evaluation period	Jun 21 – Aug 18, 2023
Estimated notification of award	Aug 18, 2023
¹ Note: The Colorado Opioid Abatement Council reserves the right to revise the dates in this schedule.	



Appendix A: Glossary of Terms

Term	Definition
Administrative Costs	Costs associated with overseeing and administering Opioid Funds. Administrative costs shall not exceed 10% actual costs expended by the recipient or 10% of the amount received, whichever is less
Applicant	The entity that will submit the application, receive the grant award, receive the disbursed funds, and be responsible for funds management and submitting required reporting
Approved Purpose(s)	<p>Approved Purposes are forward-looking strategies, programming, and services to abate the opioid epidemic as identified by the terms of any Settlement. If a Settlement is silent on Approved Purpose(s), then Approved Purpose(s) shall mean those forward-looking strategies to abate the opioid epidemic identified in Exhibit A or any supplemental forward-looking abatement strategies added to Exhibit A by the Abatement Council.</p> <p>Consistent with the terms of any Settlement, “Approved Purposes” shall also include the reasonable administrative costs associated with overseeing and administering Opioid Funds.</p>
Colorado Memorandum of Understanding (MOU)	The Colorado MOU establishes the framework for distributing and sharing these settlement proceeds throughout Colorado. Local governments and the State prepared the Colorado MOU, which prioritizes regionalism, collaboration, and abatement. It is expected that the Colorado MOU will also be used for settlements with other opioid defendants in the future, including any settlement from Purdue Pharma’s bankruptcy proceeding. Colorado Attorney General Phil Weiser signed the MOU on August 26, 2021. The Colorado MOU can be found at www.coag.gov/opioids .
Colorado Opioid Abatement Council (COAC)	<p>The Colorado Opioid Abatement Council was created to ensure that the distribution of Opioid Settlement Funds complies with the terms of the MOU and of any Settlement and to provide oversight and an accounting of all Opioid Settlement Funds in accordance with the terms of the MOU. The Council is responsible for oversight of Opioid Settlement Funds from the Regional Share, and for developing processes and procedures for the distribution and oversight of Opioid Settlement Funds from the Statewide Infrastructure Share, all in accordance with the terms of the MOU.</p> <p>The Council is made up of 13 members, 6 voting members appointed by local government representative, 6 voting members appointed by the state, and a chair who may only vote in the event of a tie.</p>
Colorado Opioid Settlement Tracker (COST)	The Colorado Opioid Settlement Tracker (COST) is a Salesforce program managed by the Opioid Response Unit at the Department of Law to manage and track opioid settlement funds. Opioid Settlement Funds recipients must submit expenditure reports and other materials through COST.
DOL	Colorado Department of Law



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Implementing Organizations	<p>Entities other than the Applicant, that are either supporting or part of a collaborative application.</p> <p>Nongovernmental entities, such as not-for-profit organizations, may be part of the collaborative partnership proposed in the application with a governmental entity acting as the Applicant and fiscal sponsor.</p>
Opioid Funds	Opioid Funds shall mean damage awards obtained through a Settlement.
Participating Local Government	“Participating Local Government(s)” shall mean all Local Governments that signed the Colorado MOU, and if required under terms of a particular Settlement, who have executed a release of claims with the Opioid Settlement Defendant(s).
National Administrator	<p>The Opioid Settlement funds are primarily held by a National Administrator. The COAC communicates funding release requests to the National Administrator.</p> <p>The National Administrator is the firm, BrownGreer PLC. BrownGreer communicates directly with Opioid Funds recipients seeking banking and other information necessary to process payments.</p>
Regional Opioid Abatement Councils (ROACs)	<p>The Regional Opioid Abatement Councils (ROACs) were formed by county and municipality governments to create a governing body to manage opioid settlement funds for the region. There are 19 Regions in Colorado, each with their own ROAC. Each Region may draft its own intra-regional agreements, bylaws, or other governing documents to determine how the Regional Council will operate. All voting members of ROACs are either elected officials or employees of local governments. Regional councils may also have advisory or non-voting members to include representatives of non-governmental organizations and members of the community.</p>
Settlement	<p>"Settlement" shall mean the negotiated resolution of legal or equitable claims against an Opioid Settling Defendant when that resolution has been jointly entered into by the State and the Participating Local Governments, or by any individual Party or collection of Parties that opt to subject their Settlement to this MOU.</p> <p>Unless otherwise directed by an order from a United States Bankruptcy Court, “Settlement” shall also include distributions from any liquidation under Chapter 7 of the United States Bankruptcy Code or confirmed plan under Chapter 11 of the United States Bankruptcy Code that treats the claims of the State and Local Governments against an Opioid Settling Defendant.</p>
Statewide Infrastructure Share	<p>The purpose of the Statewide Infrastructure Share is to promote capital improvements and provide operational assistance for developing or improving the infrastructure necessary to abate the opioid crisis anywhere within the State of Colorado.</p> <p>The Statewide Infrastructure Share is intended to supplement Opioid Funds received by Participating Local Governments or Regions.</p>