



**It's real.**

## **City of Seguin Business Improvement Grant (BIG) Program**

### **Section 1. Purpose**

The purpose of this program is to promote the development and expansion of new and existing business enterprises within the City of Seguin, Texas (the "City"), and enhance the economic welfare of the citizens of the City of Seguin by securing and retaining business enterprises and maintaining a higher level of employment, economic activity, and stability.

### **Section 2. Grant Type**

Grants provided are reimbursement grants, such grants being a cash match for funds disbursed by an Applicant and are in amounts not to exceed those provided under Section 5, "Type of Grants" below. In-kind contributions, or other grant funds, may not be used by an Applicant for matching funds. Only Applicant's cash expenditures may be used as a grant match.

### **Section 3. Funding Cycle**

Funding cycles shall be \_\_\_\_\_, 2021 through \_\_\_\_\_. For each funding cycle, the City shall designate an amount of funding for that cycle. Upon depletion of those funds, the City will be under no obligation to fund additional grants. Likewise, the City is under no obligation to establish future cycles.

### **Section 4. Eligibility**

- A.** Eligible Applicant includes any new or existing for-profit business facilities, commercial property owner, or commercial tenant physically located within the Seguin City Limits. Applicant's tax status will be verified with the State Comptroller's office. All tenants must attach a Lease Agreement and written approval from property owners to participate in the Business Improvement Grant Program.
- B.** Businesses operating on the same property as the business owners' residence are not eligible.
- C.** Applicants who have outstanding financial obligations to the City of Seguin, including but not limited to liens, court fines, delinquent City utility bills, or delinquent taxes are not eligible.
- D.** Applicants that received funding through the Seguin Strong Stimulus Program that are not in compliance with the terms of their agreement with the City are not eligible.
- E.** Eligible applicants seeking Seguin BIG Program funding under Section 5.G – COVID-19 Pandemic

Related Business Impacts, must be classified within an industry groups considered “non-essential” during Stay Home, Work Safe orders, and, must be able to demonstrate a high level of impact to their typical operations, and a reduction in revenue and/or employment between March 1, 2020, and March 10, 2021, as a result of the COVID-19 Pandemic.

- F. Applicants are not eligible to receiving funding under the Seguin BIG Program if the applicant is receiving funding under the Seguin Main Street FIX-IT Façade Grant Program for identical improvement projects.
- G. Applicants who have an ongoing lawsuit or are in any way parties to litigation against the City of Seguin are not eligible.

#### **Section 5. Type of Grants**

Applicant may be eligible to receive up to a 75 percent matching grant, with a maximum grant awarded to an applicant not to exceed \$10,000. Improvements and other expenditures eligible under the Seguin BIG Program include the following:

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| <b>A. Façade Improvement</b>  | Improvements to storefronts, including but not limited to, items such as painting, reconstruction, and remodeling.   |
| <b>B. Sign Improvements</b>   | New signs, and renovation or removal of existing signs.  |
| <b>C. Property Improvements</b>                                     | Items such as, but not limited to parking lot resurfacing, striping, driveway improvements, lighting, decorative fencing, new curb and sidewalk, and landscaping.  |
| <b>D. Interior and/or Business Machinery/Equipment Improvements</b> | Items such as, but not limited to replacing electrical wiring, plumbing, masonry repair, foundation stabilization, asbestos and lead abatements, fire sprinkler or fire alarm system, HVAC and any other business machinery and/or equipment as approved by the City BIG Review Committee.                     |
| <b>E. Demolition</b>  | Demolition of abandoned signs and structures.  |
| <b>F. COVID-19 Pandemic Related Business Improvements</b>           | Items such as, but not limited to Property and Interior and/or Business Machinery/Equipment Improvements made by the applicant between March 1, 2020, and March 10, 2021, in response to the COVID-19 Pandemic, as approved by the City BIG Review Committee.  |
| <b>G. COVID-19 Pandemic Related Business Impacts</b>                | Items such as, but not limited to past-due commercial rent payments, past-due commercial utility payments, licensing payments, and mixed-beverage tax paid by the applicant between March 1, 2020, and March 10, 2021, as a result of the COVID-19 Pandemic, and as approved by the City BIG Review Committee. |

## **Section 6. Guidelines**

- A.** If Applicant will be required to provide proof of ownership of an existing facility, or if applicant is a business tenant, they must attach a Lease Agreement and written approval from property owner.
- B.** Eligible Applicants may submit multiple applications during a grant funding cycle. However, an applicant is limited to receiving funding for only one (1) grant during a funding cycle.
- C.** Improvements shall be made in accordance with project drawings, specifications, applicable codes, and/or other pertinent information provided in the application, such having been previously approved by the City. Failure to do so will render the Applicant ineligible to receive grant funding. Any modifications must first receive the written approval of the City. Failure to do so will likewise render the Applicant ineligible to receive grant funding.
- D.** Applicants applying for BIG Program funding under Section 5.G – COVID Related Business Impacts, must provide financial records and other relevant documents to support grant request.
- E.** Applicant is obligated to obtain all applicable permits and inspections related to the improvement project. Failure to do so will render the Applicant ineligible for grant funding.
- F.** The improvements, as presented in the application, must be completed in their entirety, unless otherwise approved by the City. Incomplete improvements will render the Applicant ineligible for grant funding.
- G.** Upon approval of a grant application, and during the implementation of the improvements, a representative or representatives of the City shall have the right of access to inspect the work in progress.
- H.** Improvements may not commence prior to having received written approval for a grant from the City.
- I.** In order to be eligible to receive the grant funding, improvements must be completed within nine (9) months of the funding approval.
- J.** All applications must contain a cost estimate (bid) from a minimum of two (2) qualified contractors or suppliers.
- K.** Labor provided by the Applicant or his/her employees may not be included in the cost estimate of the project and is not reimbursable through this Program.
- L.** Applicant may be eligible to receive up to a 75 percent matching grant, with a maximum grant awarded to an applicant not to exceed \$10,000.

## **Section 7. Application & Approval**

- A.** Applications must be made on a form provided by the City and may be obtained on the City of Seguin's Website at [www.SeguinTexas.gov](http://www.SeguinTexas.gov), or the Seguin Economic Development Corporation's website at [www.SeguinEDC.com](http://www.SeguinEDC.com).

- B. Applicant can submit applications electronically, or be physically delivered to the City of Seguin Economic Development Corporation's Office located at 211 N. River Street, Seguin, TX 78155.
- C. Applications will be considered on a monthly basis and must be submitted by the 15<sup>th</sup> date of the month in order to be considered the following month.
- D. Applications will be reviewed internally by the Seguin BIG Program Review Committee.
- E. Monthly consideration of applications may be delayed in the event the City elects for any reason not to consider grant applications for any particular month.
- F. All Applicants must include a signed W-9 form with their application. Seguin BIG Program checks will be remitted to the entity named on the W-9.
- G. The City reserves the right to utilize whatever outside resources it deems necessary for assistance in its decision-making process.
- H. Applicants will be notified in writing of the City's approval or disapproval of an application.
- I. The City may award Applicant a grant with certain provisions, conditions, or other requirements as it may from time to time deem appropriate.
- J. The City reserves unto itself the absolute right of discretion in deciding whether or not to approve a grant relative to this application. The Applicant accepts that all decisions relating to the award of grant funds involves subjective judgements on the part of the decision-making entity related to the aesthetics of the proposed project and the granting of award funds for said project.
- K. The City reserves the right to waive any requirement(s) herein contained, and/or add any requirement(s) it deems appropriate in making its determination of approval or disapproval of a grant(s) application.
- L. Application shall include photos of the existing conditions to be improved.

## **Section 8. Funding**

- A. Funding will only be provided on a reimbursement basis upon the completion of the project in accordance with Section 6 above and following an on-site inspection of the improvements.
- B. The City shall be granted the right to inspect the improvement work in progress and upon completion.
- C. Applicant shall provide the City with written notification of project completion. Such notification shall include a letter signed by the Applicant stating that all improvements have been completed in accordance with the application and/or approved modifications, and that full payment has been made for all labor and materials involved in the project. Also included in such notification shall be such documents as, but not limited to, paid receipts for materials and labor, permits, inspection reports, project photographs, or any other items the City may reasonably deem necessary for

determining the successful completion of the project.

- D. Upon receipt of a notification of completion, an on-site inspection shall be made by a representative or representatives of the City to confirm completion in accordance with the application and/or approved modifications; such inspection shall not be considered in any way as a reflection of the City's approval on the quality, safety, or reliability of the improvements, such being the sole responsibility of the Applicant.
- E. In order to receive approval of a reimbursement, all projects should be completed within nine (9) months of the grant application approval.

## **Section 9. Review Committee**

The Business Improvement Grant Review Committee will review and score all applications. Said Review Committee will be comprised of the City's Director of Economic Development, the City's Assistant Director of Economic Development, the City's Director of Main Street, the City's Assistant Director of Main Street, and the City Manager.

## **Section 10. Amendment**

The City reserves unto itself the right to amend these Guidelines and Criteria as it may from time to time find desirable.

## **Section 11. Termination**

The grant will automatically terminate if the project is not completed within nine (9) months of City approval of the grant application.

## **Section 12. Notice**

THE PROVISION OR DELIVERY OF THESE GUIDELINES AND CRITERIA TO AN INTERESTED PARTY DOES NOT CONSTITUTE AN OFFER OF AN IMPROVEMENT GRANT TO THAT PARTY.

THE ADOPTION OF THESE GUIDELINES AND CRITERIA DOES NOT LIMIT THE DISCRETION OF THE CITY TO DECIDE WHETHER TO PROVIDE OR NOT PROVIDE A GRANT TO AN APPLICANT, WHICH ABSOLUTE RIGHT OF DISCRETION THE CITY RESERVES UNTO ITSELF, WHETHER OR NOT SUCH DISCRETION MAY BE DEEMED ARBITRARY OR WITHOUT BASIS IN FACT.

THE ADOPTION OF THESE GUIDELINES AND CRITERIA DOES NOT CREATE ANY PROPERTY, CONTRACT, OR OTHER LEGAL RIGHTS IN ANY PERSON TO HAVE THE CITY PROVIDE GRANT FUNDING.

THE LAWS OF THE STATE OF TEXAS SHALL GOVERN THE INTERPRETATION, VALIDITY, PERFORMANCE, AND ENFORCEMENT OF THIS BUSINESS ASSISTANCE GRANT PROGRAM. IF ANY PROVISION OF THIS PROGRAM SHALL BE HELD TO BE INVALID OR UNENFORCEABLE, THE VALIDITY AND ENFORCEABILITY OF THE REMAINING PROVISIONS OF THIS PROGRAM SHALL NOT BE AFFECTED THEREBY.

THE CITY, ITS EMPLOYEES, AND ITS AGENTS DO NOT ATTEST TO THE QUALITY, SAFETY, OR CONSTRUCTION OF A PROJECT ELIGIBLE FOR, OR RECEIVING GRANT FUNDING. THEREFORE, THE CITY, ITS EMPLOYEES,

AND AGENTS SHALL BE HELD HARMLESS BY THE APPLICANT/APPLICANTS FOR ANY AND ALL DAMAGES ASSOCIATED WITH THE PLANNING, CONSTRUCTION, AND SUBSEQUENT EXISTENCE OF ANY PROJECT WHO'S APPLICATION HAS BEEN APPROVED, OR HAS RECEIVED ACTUAL GRANT FUNDING.