



REQUEST FOR BOARD ACTION

ITEM NO. 21

DATE OF MEETING: April 4, 2016

REQUESTED BY: Michael G. Mack, Utilities Director

SHORT TITLE: Resolution Approving Acceptance of an Additional NCDENR Division of Water Infrastructure Clean Water State Revolving Fund (CWSRF) Loan in the Amount of \$190,014 for a Total Loan Amount of \$669,700 for Wastewater Treatment Facility Upgrades at the Pender County Solid Waste Transfer Station.

BACKGROUND: The Pender Solid Waste Transfer Station Wastewater Treatment Facility is in need of upgrades and modifications in order to bring the system back to a satisfactory level of treatment and disposal as required by NCDENR – Division of Public Health. Pender Solid Waste applied for a CWSRF loan and/or grant to fund this project. On August 25, 2015, Pender County was offered a CWSRF loan by NCDENR- Division of Water Infrastructure in the amount of \$479,706 to fully fund this project. On January 4, 2016, the Board approved staff to request and additional \$190,014 in CWSRF loan funds due to the amount of the low bid on the project being more than previously estimated. On March 4, 2016, NCDEQ-CWSRF approved the increase in loan assistance. A condition of the twenty (20) year loan at 1.67% interest is the adoption of the attached resolution by the Board of Commissioners accepting the loan and making the applicable assurances.

SPECIFIC ACTION REQUESTED: To adopt a Resolution accepting the NCDEQ – Division of Water Infrastructure Clean Water State Revolving Fund Loan offer in the total amount of \$669,700 for the Solid Waste Transfer Station Wastewater System Modifications project.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

a Resolution accepting the NCDEQ – Division of Water Infrastructure Clean Water State Revolving Fund Loan offer in the amount of \$669,700 for the Solid Waste Transfer Station Wastewater System Modifications project is Approved and Adopted.

The Chairman/County Manager/Project Manager is authorized to execute any document necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ McCoy ___ Keith ___ Piepmeyer ___ Williams ___

George R. Brown, Chairman 04/04/16
Date

ATTEST 04/04/16
Date

RESOLUTION BY GOVERNING BODY OF PENDER COUNTY

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater works, wastewater collection system, water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a State Revolving Loan in the amount of \$669,700 for the construction of the Solid Waste Transfer Station Wastewater Treatment Facility Modifications Project described as a conversion from a Low Pressure Pipe System to a Closed Loop Recycle System, and

WHEREAS, Pender County intends to construct said project in accordance with the approved plans and specifications, and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF PENDER COUNTY:

That Pender County does hereby accept the State Revolving Loan offer of \$669,700.

That Pender County does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan offer, Section II Assurances will be adhered to.

That Mr. Randell Woodruff, County Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That Pender County has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 4th day of April, 2016 at the Pender County Public Assembly Room, North Carolina.

Randell Woodruff, Pender County Manager

Date



Water Infrastructure
ENVIRONMENTAL QUALITY

PAT MCCRORY

Governor

DONALD R. VAN DER VAART

Secretary

KIM H. COLSON

Director

March 4, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Randell Woodruff, County Manager
County of Pender
P.O. Box 995
Burgaw, North Carolina 28425

SUBJECT: Offer and Acceptance for a State Loan
Project No. CS370774-01
Solid Waste Transfer Station Modifications

Dear Mr. Woodruff:

The County of Pender has been approved for an increase in loan assistance in the amount of \$190,014 from the Clean Water State Revolving Fund. Enclosed are two (2) copies of an Offer and Acceptance Document extending a State Revolving loan with the increase totaling **\$ 669,700**. This offer is made subject to the assurances and conditions set forth in the Offer and Acceptance Document.

Please submit the following items to Pam Whitley, Division of Water Infrastructure, 1633 Mail Service Center, Raleigh, North Carolina 27699-1633.

1. A resolution adopted by the governing body accepting the loan offer increase and making the applicable assurances contained therein. (Sample copy attached)
2. One (1) copy of the original Offer and Acceptance Document executed by the authorized representative for the project, along with the signed "Standard Conditions for the Federal SRF loans". **Retain the other copy for your files.**
3. Federal Identification Number and DUNS # of the Recipient (Memo attached)
4. Sales Tax Certification(attached)

Reimbursement requests (printed form attached to this letter) should be sent to Pam Haven at the address noted.

On behalf of the Department of Environmental Quality, I am pleased to make this offer of State Revolving Loan funds made available by North Carolina Water Infrastructure Fund and the Federal Clean Water Act Amendments of 1987.

Sincerely,



Kim H. Colson, P.E., Director
Division of Water Infrastructure, NCDEQ

Enclosures:

Resolution to accept Loan offer (suggested format)
Loan Offer and Acceptance Document (2 copies)
Fed ID and DUNS Request Form
Sales Tax Certification Form
Guidance Document
Reimbursement Request form

c: Margaret Gray, Pender County
Michael Mack, Director Pender County Solid Waste
Bryan McCabe, PE, Pender County Solid Waste
SRF

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE**

Funding Award Offer and Acceptance

Legal Name and Address of Award Recipient

Pender County
P.O. Box 995
Burgaw, NC 28425

State Project Number: E-SRF-T-15-0409
Federal Project Number: CS370774-01
CFDA Number: 66.458

Project Description:

Solid Waste Transfer Station Modifications

Account

- Drinking Water State Revolving Fund (SRF)
- Clean Water State Revolving Fund (SRF)
- State General Loan (SRL)
- State Emergency Loan (SEL)
- High Unit Cost Grant (HUC)
- Technical Assistance Grant (TAG)

Amendment	Date	Additional Amount
Original	8-24-2015	\$479,706
1		\$190,014
2		

Total Financial Assistance Offer: **\$669,720**
Principal Forgiveness: **\$N/A**
Total Project Cost: **\$683,114**
Interest Rate: **1.67%PerAnnum**
Maximum Loan Term: **20Years**
Estimated 2% or 1.5% Closing Fee: **\$13,394**

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance,

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina: **Kim H. Colson, P.E., Director, Division of Water Infrastructure
North Carolina Department of Environmental Quality**

Signature:  Date: 3/3/16

On Behalf of: **Pender County**
 Name of Representative in Resolution (Print): _____
 Title (Type or Print): _____

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and make the Assurances and accept the Standard Conditions.

Signature: _____ Date: _____

STANDARD CONDITIONS FOR FEDERAL SRF LOANS

1. The following "super cross cutters" apply to SRF projects and may be found in the Public Policy Requirements section of the EPA General Terms and Conditions for each year's appropriation. This document can be found at www.epa.gov/ogd/tc.htm. Please note that nothing is submitted to the State's SRF program offices regarding compliance with these items.
 - (a) Title VI of the Civil Rights Act of 1964
 - (b) Section 504 of the Rehabilitation Act of 1973
 - (c) The Age Discrimination Act of 1975
 - (d) Section 13 of the Federal Water Pollution Control Act Amendments of 1972
2. Acquisition of Real Property must comply with all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL 92-646), as amended. The applicant shall certify that it has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project using a certification form provided by DEQ.
3. Specific MBE/WBE (DBE) forms and instructions are provided that are to be included in the contract specifications. These forms will assist with documenting positive efforts made by recipients, their consultants and contractors to utilize disadvantaged businesses enterprises. Such efforts should allow DBEs the maximum feasible opportunity to compete for subagreements and subcontracts to be performed. Documentation of efforts made to utilize DBE firms must be maintained by all recipients, and construction contractors, and made available upon request.
4. Subrecipients shall fully comply with Subpart C of 2 CFR Part 180 entitled, "Responsibilities of Participants Regarding Transactions Doing Business with Other Persons," as implemented and supplemented by 2 CFR Part 1532. Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Subrecipients may access suspension and debarment information at: <http://www.sam.gov>. This system allows subrecipients to perform searches determining whether an entity or individual is excluded from receiving Federal assistance.
5. The construction contract(s) requires the contractor to adhere to Davis Bacon and Related Acts Provisions and Procedures as listed in the Code of Federal Regulations Chapter 29 Part 5 Section 5 (29 CFR 5.5). Public Law pertaining to this is also enacted in Title 40, United States Code, Subtitle II Section 3141 through Section 3148.
6. As required by H.R. 3547, "Consolidated Appropriations Act, 2014" Section 436, Division G, Title IV, this project is subject to American Iron and Steel provisions. The State provides detailed requirements to be included in the construction contract specifications.

ASSURANCES

1. The Applicant intends to construct the project or cause it to be constructed to final completion in accordance with the Application approved for financial assistance by the Division.
The recipient acknowledges that in the event a milestone contained in the most recent Clean Water State Revolving Fund Intended Use Plan and/or the Letter of Intent to Fund is missed, the Department of Environmental Quality will rescind this Funding Offer.
2. The Applicant is responsible for paying for the costs ineligible for SRF funding.
3. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.
4. As of the acceptance of this Funding Award Offer, steps A-D in the SRF Guidance will be complete. These Assurances, likewise, incorporate the most recent version of the SRF Guidance, and the Applicant hereby certifies by accepting this Funding Award Offer that it will adhere to the subsequent steps in the SRF Guidance document. The remaining steps generally govern project design, bidding, contracting, inspection, reimbursements, closeout and repayment.
5. The Applicant will provide and maintain adequate engineering supervision and inspection.
6. The recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.
7. All SRF funds loaned shall be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the recipient's compliance with the Standard Conditions of this Award. The Applicant agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.
8. The applicant will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note that the State is not a party to the construction contract(s) and the Applicant is expected to uphold its contract obligations regarding timely payment.

Acknowledgement of Standard Conditions and Assurances

The Applicant hereby gives assurance to the Department of Environmental Quality that the declarations, assurances, representations, and statements made by the Applicant in the Application; and all documents, amendments, and communications filed with the Department of Environmental Quality by the Applicant in support of its request for financial assistance will be fulfilled.

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Signature

.....
Date