



New York Clean Water State Revolving Fund MUNICIPAL Application Form Instructions

The following instructions will help you complete the Application Form for the Clean Water State Revolving Fund (CWSRF) Program. If you have any questions or need assistance, please call 518-402-7396.

Submit all CWSRF application forms and required supporting documentation to:

Finance Division – Public Finance Unit
New York State Environmental Facilities Corporation
625 Broadway
Albany, New York 12207-2997

For a detailed list and an explanation of other application components, consult the “Application Checklist” and the “Description of Application Components” guidance within the application package. The CWSRF program is described in the current Intended Use Plan (IUP). The application submission deadline is presented in the current IUP.

Accurate completion and prompt submission of the application package is crucial to EFC’s ability to process an application in a timely manner and to fulfill an applicant’s financing requirements. Please provide sufficient lead time to allow coordination with your fiscal officer, engineer, local counsel, and bond counsel.

Please Note: The following critical components must be completed by the time of application. If not complete, please contact EFC before proceeding to work on the financing application.

- 1. Your project is listed on the Annual Project Priority List, as published in the current CWSRF IUP. An approvable engineering report for your project should have previously been submitted to EFC for your project to be listed on the Annual List.**
- 2. The potential adverse environmental impacts of the project have been assessed in the manner prescribed by EFC, including the applicable State Historic Preservation Office review.**
- 3. A sewer district has been established or expanded, or the maximum amount to be expended for such district increased, and Office of State Comptroller (OSC) approval obtained, as needed (this is only applicable to towns and counties).**
- 4. A bond resolution has been adopted establishing the legal authority to issue debt for the project.**
- 5. An engineering agreement for planning services has been executed, if those services are expected to be financed with the project.**

Note: Applications submitted for projects that are not on the Annual List of the current CWSRF IUP will not be processed and may be discarded. Application package documents are also available on the EFC website at www.efc.ny.gov (Click on “Clean Water State Revolving Fund”, then “Application Process”), or by calling EFC at (518) 402-7396.

I. GENERAL INFORMATION

A. APPLICANT

Please provide the name, Federal I.D. number and location of the municipality that will be issuing debt under the CWSRF (referred to as the Applicant). If this application is on behalf of a special district (e.g., sewer district), the information entered in this application should reflect the public entity issuing debt, generally the municipality (not the district).

DUNS Number: Provide the applicant's Data Universal Numbering System (DUNS) Number. Any institution applying for federal grant money must have a DUNS Number. Information regarding the Dun & Bradstreet DUNS Number is provided at <http://fedgov.dnb.com/webform> or by calling 866-705-5711.

Project Number, Score, Category and Service Area: Refer to the current CWSRF Intended Use Plan (IUP) for your project.

Municipal Location: In the box provided, list the municipalities in which the project is located.

Project Location ZIP + 4: Provide the ZIP + 4 for the project location. If there is more than one ZIP + 4, provide one ZIP + 4 that is representative of the project location.

Legislative Districts: List the legislative districts in which the project is located. Some projects may be within two districts.

Use a separate row for each project for which financing is requested under this application.

Note to Public Benefit Corporations and other special purpose units: EFC provides financing for CWSRF-eligible projects to public entities including general municipal corporations (counties, cities, towns, and villages) and special purpose units (agencies, authorities, and districts). In the absence of a "full faith and credit" pledge to offer as security for a CWSRF financing, many special purpose units are authorized to issue revenue-backed debt. As a result, the CWSRF application components depend upon the structure of the special purpose unit, and the participating municipalities, if any. Please contact EFC before filing a CWSRF application, to discuss the appropriate components. The following items will be required, as applicable, for special purpose units:

- Trust Indenture, or General Resolution (including supplementals)
- Operating and/or Service Agreements
- Financial Information for participating municipalities
- Financial Reports for the applicant

B. FINANCING REQUESTED

"CWSRF Financing Amount" is the aggregate amount of CWSRF funding sought for the project through this application.

"Construction Dates" should reflect the start date (notice to proceed) for the first construction contract and the final completion date for the final construction contract.

"Placed in Service Date" should reflect the date that the project was placed in service, which is also known as the substantial completion date.

"Date Financing is Requested" should be the date that the applicant would like to close the CWSRF financing and be eligible to receive funds. Please note that EFC typically requires a minimum of three months to process a complete application before closing a financing.

"Amount of Any Prior Project Financing" is the aggregate amount of funds already obtained by the applicant from other sources (including prior SRF funds).

“Interested in Market-Rate Financing” should be checked “Yes” if the applicant would like unsubsidized financing through the Short-Term Market-Rate or Long-Term Market-Rate Programs. These unsubsidized financing options can be used to supplement a CWSRF Short-Term Interest-Free financing and for projects that are not reachable for CWSRF subsidized financing. For detailed information about these types of financing, please see the IUP Section 4.0 Financing Programs or contact EFC’s Finance Division at 518-402-7085.

II. PROJECT INFORMATION

If applying for financing for more than one project, complete separate pages 2-8 for each project. Please copy those pages prior to inserting project information.

A. ENGINEERING REPORT

An approvable engineering report for your project must have previously been submitted to EFC as a requirement for a project to be placed on the current CWSRF IUP Annual List for financing.

B. BOND RESOLUTION

A Bond Resolution must be adopted establishing the legal authority to issue debt for the project. This resolution should be submitted to EFC along with proof of publications of permissive referendum (if applicable) and estoppel notice. The total project cost, including the SRF financing, cannot exceed the amount authorized.

C. SEWER DISTRICT FORMATION

A sewer district must be established or expanded, or the maximum amount to be expended for such district increased, and Office of State Comptroller (OSC) approval obtained, as needed (this is only applicable to towns and counties).

According to State Law, projects that involve Town or County special improvement districts may require OSC approval prior to the municipality incurring certain debt. The regulations of OSC explain when and how to apply for approval (a Special Improvement Districts Thresholds Letter from OSC is included in the Application Package). The amount of a CWSRF financing cannot exceed the OSC approval. You should consult with local counsel to determine the need for OSC approval to implement your project

D. ENVIRONMENTAL APPROVALS (SEQR / SERP and SHPO)

In order to comply with the State Environmental Review Process (SERP), you may need to comply with more requirements than SEQR. To meet the requirements of SERP, generally an action is required to be treated as Type I under SEQR with a Full Environmental Assessment Form (FEAF) with a coordinated review and publication in the Environmental Notice Bulletin (ENB), or as a Type II exclusion.

If you treated the project as an unlisted action and did not prepare a FEAF with a coordinated review, please contact EFC at once. Please refer to the Environmental Review Requirements guidance document in this application package.

E. MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MWBE)

Applicants submitting an application for CWSRF financing are required to comply with Executive Law, Article 15-A with respect to MWBE. Please refer to the "NY State Revolving Fund Bid Packet – For Construction Contracts" and "NY State Revolving Fund Bid Packet – For Non-Construction Contracts and Service Providers" for guidance.

The name and contact information for the person designated as your project's MWBE-EEO officer should be entered on the Contact List in Section III of the Application Form. If you have any questions or need assistance regarding the MWBE-EEO program requirements, please contact an EFC MWBE Representative at 518-402-7396.

F. PROJECT PERMITS AND APPROVALS

It is important that you identify which of the permits and approvals discussed in this list apply to your project early in the planning phase through discussions with EFC, your consulting engineer, and regulatory agencies known to have jurisdiction over the project. Permit approvals relate to both the CWSRF application and the release of construction-related funds. Please summarize the status of all regulatory approvals needed to complete the project, and provide the applicable applied and approved dates. For further information about applicable permitting agencies, regulations and covered activities please refer to the List of Potentially Involved Agencies which is attached to the Environmental Review Requirements guidance document.

G. DAVIS BACON PREVAILING WAGES

Workers on SRF construction contracts for treatment works projects are required to be paid the federal prevailing or higher.

H. AMERICAN IRON AND STEEL

All Iron and steel incorporated into treatment works projects must be produced domestically.

I. OSC APPROVALS FOR TOWNS IN THE ADIRONDACK PARK:

Pursuant to section 104.10(3) of Local Finance Law, towns wholly or partly within the Adirondack Park which contain State land assessed at more than thirty percent of the town's total assessed valuation, generally are required to apply to the OSC for permission to issue bonds, bond anticipation notes, capital notes or budget notes. However, there are exceptions to this requirement.

A municipality receiving either CWSRF short-term or long-term financing will need to issue notes or bonds, respectively, to EFC. Therefore, a town that is subject to this law needs to obtain OSC's approval of the town's anticipated debt issuance related to the CWSRF financing.

Please contact OSC Legal Services at (518) 474-5586 with questions regarding section 104.10(3) and for application information for OSC approval of debt issuance.

J. OPRHP / SHPO PROJECT REVIEW AND DETERMINATION LETTER

Section 14.09 of the NYS Parks, Recreation and Historic Preservation Law requires that publicly funded projects be reviewed for potential impacts on historic properties and resources (Section 106 of the National Historical Preservation Act of 1966 review is required if any federal permits are required). This review is conducted by the State Historic Preservation Office (SHPO), the Historic Preservation Field Services Bureau of the NYS Office of Parks, Recreation and Historic Preservation (OPRHP).

You will need to solicit a letter from OPRHP indicating that a suitable SHPO review has been initiated or completed. A copy of the OPRHP letter needs to be provided to EFC as part of an application for CWSRF financing. OPRHP may be an Interested or Involved Agency under SEQR. Regardless of whether OPRHP is an Interested or Involved Agency under SEQR, the SHPO review required by Section 14.09 of the NYS Parks, Recreation and Historic Preservation Law needs to be performed in order to comply with SERP.

III. CONTACT LIST

Submittal of complete contact information is critical to the timely processing of your application. As the financing process progresses, the persons named will be contacted by staff of EFC and New York State Department of Environmental Conservation (DEC) staff.

Please include a street address to facilitate overnight mail delivery. Also, it is important that the individual representing a consulting firm be listed in this space, in addition to both telephone and fax numbers for all individuals listed, and E-mail addresses if available.

Note: For the Chief Fiscal Officer and Chief Executive, please include the date the term of office expires.

Please be sure to include the name and contact information for your project's designated Minority Business Officer (MBO) in the space provided.

IV. PROJECT BUDGET AND CONSTRUCTION COSTS

This section will require the input of your engineer and administrative staff.

Please provide the name and a brief description of the project to be financed through the CWSRF.

A. TOTAL PROJECT BUDGET

The following table is intended to assist you with preparing the Total Project Budget section of the application by:

- providing a description of each of the project costs commonly financed with SRF funds
- providing an explanation of the project costs that should be captured within each Cost Category
- identifying the supporting documents typically needed to complete the eligibility review process for each cost type

Please budget for all costs that pertain to your project. **If actual contract/agreement amounts are not available, please use the most current estimated amounts.** A precise budget will enable EFC to expedite the identification of the documents/information needed to complete your application and will assist in properly sizing your financing. All efforts should be made to establish a realistic and true budget that avoids over or under borrowing.

Please be aware that the amounts financed/dispensed will be limited to the thresholds and conditions indicated in the supporting document(s) and the funds cannot be disbursed until the supporting documents have been submitted and approval by the proper regulatory agency has been obtained.



No.	Cost Type	Description/Explanation	Supporting Documentation
1.	Construction	The breakdown of the primary contractors performing the construction related work of the project should be determined when completing the "Construction Costs: Individual Contract Breakdown" table. Typical construction contracts include: General, Electrical, Plumbing and HVAC. Please enter the sum of these contracts as the project's Total Construction Costs in the Total Project Budget.	Executed Construction Contract(s) Certification as to Title to Project Site Plans and Specifications, as available M/WBE Utilization Plan(s) for executed contracts, as applicable, executed contracts, Notice to Proceed, EPA Forms 6100-3 and 6100-4, various certifications.
2.	Engineering	Engineering work including preliminary planning, design, construction and inspection related work performed by the consulting engineer. Please list each agreement/amendment by firm name and date of the agreement/amendment. If the agreements are not in place, please use work description (e.g.: Planning, Design, Construction) and estimated costs.	Executed Engineering Agreement(s) and Amendment(s) (if any) M/WBE Utilization Plan(s) for executed agreements, as applicable
3a.	Local Counsel	Work performed by the recipient's attorney. Please only include the expenses that are related to the project being financed. Costs associated with consent orders and temporary easements are ineligible and should be included in Column B (Ineligible Costs).	Executed Local Counsel Agreement M/WBE Utilization Plan(s) for executed agreements as applicable
3b.	Bond Counsel	The services of a nationally recognized bond counsel are required to close an SRF financing. Please include the costs to secure the financing with EFC and any other project related funding source.	Executed Bond Counsel Agreement M/WBE Utilization Plan(s) for executed agreements as applicable
3c.	Work Force - Technical	Technical Work Force, also referred to as Technical Force Account, is any construction, equipment purchase or engineering related work performed by workers employed by the applicant.	Certification of Technical Work Force and related proposal. The proposal should include a description of the work being performed, a listing of the employees performing the work and their qualifications and an estimate of the cost of the work.
3c.	Work Force - Administrative	Administrative Work Force, also referred to as Administrative Force Account, is clerical related work performed by workers employed by the applicant.	A proposal describing the work performed, identifying the employees performing the work and an estimate of the cost of the work.
3d.	Fiscal Services	Costs associated with professional accounting and/or financing advisory services.	Executed Financial Services or Other Professional Services agreement(s) M/WBE Utilization Plan(s), for executed agreements, as applicable
3e.	Net Interest	Enter the total net interest cost (interest paid less interest earned on BAN or bond proceeds). Note: The financing of net interest is only eligible until construction completion.	Statement of Net Interest from the financial institution holding the funds. The statement should itemize the interest paid on the BAN and interest earned on the BAN proceeds.
3f.	Miscellaneous	Please individually list any other costs that require or may require the applicant to execute a professional services contract. Please also use these fields to indicate costs that are not generally contracted for (e.g. photocopying, postage, telephone, travel, etc). Do not include costs already captured by your Work Force Costs.	Applicable professional contracts/agreements M/WBE Utilization Plan(s), as needed
4.	Equipment	Enter equipment costs not included in the "Construction" costs or "Technical Work Force".	Submit invoices(s) for Equipment if already purchased. Submit a description and estimate of cost if not purchased.
5.	Land Acquisition	Land is eligible for CWSRF if it is an integral part of a treatment process or is used for the ultimate disposal of wastewater sludge. Land associated with a Nonpoint Source project may be eligible if the land is integral to the project. The acquisition must also be from a willing seller who receives fair market value for the land.	Please call EFC at 518-402-7396 to discuss the purchase and the required submissions.
6.	Contingencies	Contingencies are designed to fund any unforeseen project costs. As a general rule, this item should be no more than 10% of construction cost estimates or 5% of bid amounts, whichever costs are applicable at the time of application filing.	Not Applicable
8.	Co-Funding Sources	List the sum of the non-EFC funding sources. This includes grants, recipient contributions and other third party funding.	Grant Contracts, Intermunicipal Agreements or any other document(s) detailing the source(s)
10.	Issuance Costs	Issuance Costs include Direct Expenses and State Bond Issuance Charges. Please see the footnotes at the bottom of page 5 to see which apply to your proposed financing.	Not Applicable

V. PLAN OF FINANCE AND FUNDING SOURCES

Short-Term Financing Sources

If seeking short-term CWSRF financing, please complete items **a, b and c**.

Item a. This item should reflect that portion of the project costs needed for short-term financing. This amount may include grant and/or non-CWSRF loans that you wish to pre-finance. If so, please detail those funds in **Item c**.

Note: Only short-term market-rate funds will be available to pre-finance any awarded grants associated with the project to be financed with CWSRF funds. Generally, grant advances or disbursements can be requested directly from these sources as the project progresses.

Item b. Expiration of Hardship Confirmation Letter (if applicable) - If you have submitted a CWSRF hardship application and have received a hardship determination letter from EFC, enter the date of expiration for your hardship determination (two years from the date of the letter or as otherwise specified). You must close on a short-term financing prior to this expiration date or you may lose the hardship eligibility for the project.

IUP Amount - Include the project cost amount listed for your project on the current IUP Annual List.

For projects that have not received a hardship confirmation letter before closing on the short-term financing, CWSRF subsidized short-term interest-free financing will be made for an amount not to exceed one-half the eligible budgeted project costs or the current IUP Annual Listing whichever is less. Short-term market-rate financing may be utilized for the remaining one-half of the project costs, if needed.

Item c. Identity other funding sources that will fund this project. You will be required to submit letters of commitment from other funding sources for your project.

If you have previously issued any debt associated with this project(s), EFC will contact you for specific information to document such project debt. EFC will also work with you to obtain, and assist in the development as necessary, of a long-term plan of finance.

VI. INTERFUND BORROWINGS

An interfund borrowing occurs when an applicant temporarily borrows available money in one fund for another fund purpose with the intent to repay the money from future proceeds. Generally, the applicant must adopt a resolution pursuant to General Municipal Law, Section 9, or have authorization in a bond resolution to reimburse the money from the proceeds of BANs or bonds.

Interfund borrowing reimbursements may be subject to certain limitations under applicable tax regulations. EFC staff will work with you and your bond counsel to determine if there are any restrictions which may affect such reimbursement

Please indicate if reimbursement is requested for Interfund Borrowings. If yes, please provide a copy of the municipal authorizing resolution and cost documentation for the interfund borrowing.

VII. INTERMUNICIPAL OR OTHER AGREEMENTS

An intermunicipal agreement is significant to the project if it is necessary for the continued operation of the project (e.g., an agreement for water use) or relates to the financial viability of the project (e.g., payments received). Please provide a copy of existing or proposed intermunicipal agreements or other contracts, if any, relating to the project, the district or the system for the ownership, construction, payment, use, operation or management, including agreements with any local, state or federal agency (e.g., State Department of Corrections), or regional water or sewer authority.

A copy of any draft agreement critical to the project will also need to be provided to EFC before a short-term financing can be closed. The expiration date of any significant intermunicipal agreement should be no sooner than the final maturity date for the CWSRF long-term financing.

VIII. LITIGATION

Generally, this information is available from the municipality's local counsel.

IX. PROJECT SCHEDULE

Please provide the listed project milestone dates from the current project schedule. These dates may be obtained from your project's consulting engineer.

X. REFINANCING INFORMATION

The following information may best be provided by the Chief Fiscal Officer with assistance from your financial advisor (if applicable) or Bond Counsel.

The CWSRF can refinance eligible costs for projects on which construction commenced and debt was incurred, after March 7, 1985. Complete this section if you are seeking refinancing of any prior financing (Bonds or Notes) for such project. Please provide the trustee and/or debt holder information requested. For each debt issue, please attach a copy of the note and any renewals and, if available, the Official Statement

XI. CREDIT PRE-SCREENING

EFC will conduct an independent credit review of the applicant from publicly available information, and request supplemental information on an as-needed basis.

XII. ECONOMIC AND FINANCIAL DATA

EFC is required to review an applicant's ability to repay any debt issued to the SRF. The information requested in this section is a subset of the standard financial disclosure made by issuers of public debt. EFC will attempt to collect the remainder of the information from other available sources including, but not limited to, OSC. An applicant's timely reporting to these offices will facilitate this data sharing.

General instructions to complete this section are contained in the Application Form. Please use the most current information available. **A recent Official Statement or continuing disclosure documents (within the past 12 months) may be submitted instead of completing sections A through C (start with section D). If any of the information requested is available in an existing document, such as a report from or to the OSC, simply attach that document or a copy of appropriate pages with a reference within the Form to that source.**

- A. **Largest Employers** - Please list employers with 5 or more part-time or full-time employees.
- B. **Largest Real Property Taxpayers** - Exemption refers to the exclusion of real property from taxation, in part or in whole, arising from many different criteria. Dispute refers to a formal complaint seeking reduction in an assessment.
- C. **Tax Collection Procedures** - Please outline the timetable for the real property tax cycle including valuation date, assessment role posting, grievance process, lien date end of interest-free period and foreclosure.
- D. **Status of Employee Pension Funds and Other Post-Employment Benefits** - An unfunded future liability is a future expense for which the applicant has yet to set aside funds. Generally, this information is available from the municipality's Chief Fiscal Officer. If you are submitting your current audited financial statements, please skip section D and move to section E. If you are not submitting current audited financial statements, please complete section D.

E. Outstanding Municipal Debt

1. **Debt Summary Data and Calculations** - This information provides a measure of the existing future debt capacity of the applicant.

2. **Applicant's Outstanding General Obligation and Revenue Bonded Debt** -This information provides a measure of the existing future debt capacity of the applicant. Starting with the applicant's next fiscal year, and for the 10 subsequent years, please summarize the debt repaid (principal) in each year and the scheduled interest payments (for all debt, not just that relating to the project or system that this project relates to).

- F. **Planned Debt Issuance** - This information is available from the applicant's Chief Fiscal Officer. If the applicant has a current capital plan, including a comprehensive fiscal performance plan (associated with the AIM state aid program), please submit that plan to EFC if requested.
- G. **State Aid Pledged as Security** - EFC's ability to make timely payments on bonds issued to finance SRF projects, even in the event of limited recipient non-payment, is a primary basis for the low cost of SRF funding. EFC is required by statute to report a municipality's failure to make debt service payment(s) related to an SRF financing to OSC, which is directed to intercept State Aid or Local Assistance payments as available to satisfy this obligation. EFC analyzes the strength of this security provision to continue to qualify for these lowest-cost funds. Please report any competing claims on State Aid or Local Assistance Payments to insure the accuracy of this analysis.

XIII. SIGNATURE PAGE

The municipal representative signing the application needs to be authorized by resolution of the governing board. EFC does not require this resolution to be submitted as part of the SRF application.

Please be sure to sign the Application Form. Please include the preparer's name and address, if different, on the signature page. The application package will not be processed without signed authorization as indicated by the signature page.