



# NYS WATER INFRASTRUCTURE IMPROVEMENT ACT GRANT APPLICATION INSTRUCTIONS DRINKING WATER ROUND 2

## Part 1 - GENERAL INFORMATION INSTRUCTIONS

### A. APPLICANT

Please provide the name, Federal I.D. number and location of the municipality that is seeking the NYS Water Grant (referred to as the Applicant). If this application is on behalf of a special district (e.g., water district), the information included 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>.

**Authorized Representative:** Provide the contact information for the individual authorized by the municipality to act on its behalf.

**Daily Contact Name:** If the daily contact person for the project is different than the Authorized Representative, provide contact information in this section.

**Engineering Consultant:** Provide the contact information for the engineering consultant authorized by the municipality to design the project.

### B. PROJECT INFORMATION

**Project Name:** In the box provided, indicate the specific name of the project for which you are applying for grant assistance.

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

**Service Area:** In the box provided, note the specific project service area if not the entire municipality (e.g. water district or extension, etc).

**Population of Project Area:** In the box provided, indicate the population of the project area, if only a portion of the municipality.

**Legislative Districts:** List the legislative districts in which the project is located. Some projects may be within two districts, if so, list both.

**Public Water Supply ID Number:** In the box provided, provide the Public Water Supply ID Number for the municipality.

**Total Estimated Project Cost:** In the box provided, provide the estimated total project cost. The total project cost should reflect all costs associated with the entire project and should include all known or anticipated sources of funding. Note that in addition to this question, the applicant may also need to complete a Plan of Finance in Part 3 to provide further information if not seeking DWSRF financial assistance.

**Construction Start and End Dates:** Provide construction start and end dates for the proposed project. Indicate whether this is a target or actual date. These dates should reflect the start date (notice to proceed) for the first construction contract and the end date for the final construction contract. Please note that if the construction end date has already occurred, and was prior to October 1, 2015, your project is not eligible for this program.

**Project Budget and Construction Costs:** This section will require the input of the applicant's engineer and administrative staff. The following table is intended to assist projects seeking both NYS Water Grant and DWSRF financing 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 Category

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 grant application. All efforts should be made to establish a realistic and true budget that avoids over or under borrowing.

Please include the total overall project costs and subtract other sources on line 8 to reach a Total Financial Assistance Requested amount in line 9. The estimated NYS Water Grant requested will be the lesser of 60% of the Total Financial Assistance Requested or a project maximum of \$2 million.

Please be aware that the amounts financed/disbursed 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 Category	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
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 construction 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".	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 DWSRF 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 518-402-6924 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. <b>These costs are only required for projects that are seeking DWSRF financing.</b>	Not Applicable

**Project Number:** This information is located in the current DWSRF Intended Use Plan (IUP) if your project is currently listed. If your project is not listed, note "NA" in the box provided.



## C. ACKNOWLEDGEMENTS

1. **Minority and Women’s Business Enterprise (MWBE) and Smart Growth:** All applicants submitting an application for NYS Water Grant are required to comply with Executive Law, Article 15-A with respect to MWBE and the Smart Growth Public Infrastructure Policy Act. Please refer to the EFC website for guidance at [www.efc.ny.gov/nyswatergrants](http://www.efc.ny.gov/nyswatergrants).

If you have any questions or need assistance regarding the MWBE-EEO program requirements, please contact an MWBE Representative at (518) 402-6924.

2. **DWSRF Requirements:** Applicants that are seeking DWSRF loan-assistance funds in addition to NYS Water Grant are required to comply with all DWSRF state and federal requirements such as Davis Bacon and American Iron and Steel. Please refer to the EFC website for guidance on all of DWSRF program requirements at [www.efc.ny.gov/nyswatergrants](http://www.efc.ny.gov/nyswatergrants).

For questions regarding the NYS Water Grant program and application, please contact:

Mr. Michael Montysko, P.E.  
Chief of Design, Bureau of Water Supply Protection  
New York State Department of Health  
Empire State Plaza  
Corning Tower Rm. 1135  
Albany, New York 12237  
(800) 458-1158 ext. 27650 or (518) 402-7650  
FAX: (518) 402-7689  
E-mail: NYSWaterGrants@efc.ny.gov

## Part 2 - APPLICATION INSTRUCTIONS

### A. PROJECT INFORMATION

1. Project Description: Provide a brief project description of the need for your project and the scope of work being completed.
2. Based on the scope of your project, select the categories that your project addresses.
3. Provide a detailed account of how your distribution or treatment system has been compromised or created a situation where the system users were without water. Examples include broken water mains, failing pumps, etc.

### B. REQUIRED DOCUMENTS

**Project Listing Form:** All projects not currently listed on the 2016 IUP and are interested in receiving DWSRF financial assistance must submit a Project Listing Form for their project. The form is available on EFC's website at [www.efc.ny.gov/nyswatergrants](http://www.efc.ny.gov/nyswatergrants).

**Engineering Report:** An approvable engineering report for your project must be submitted with the NYS Water Grant application or have previously been submitted to DOH/EFC. The report must be stamped and signed by a registered Professional Engineer of New York State.

**Smart Growth Assessment Form:** Projects applying for a NYS Water Grant are subject to the State Smart Growth Public Infrastructure Policy Act (ECL 6-0101 – 6-0111). Pursuant to the Act, DOH/EFC is required to determine that each project for the construction of new or expanded public infrastructure is consistent with the relevant smart growth criteria set forth in the Act to the extent practical or if not practical, provide justification for such inconsistency. EFC has developed Smart Growth Guidance for use by applicants and is located on the EFC website at [www.efc.ny.gov/nyswatergrants](http://www.efc.ny.gov/nyswatergrants). In order to comply with the Act, EFC requires that applicants submit a Smart Growth Assessment for all projects when submitting an engineering report.

**Plan of Finance:** Projects that are applying for a NYS Water Grant and are not interested in DWSRF loan assistance financing will be required to submit a Plan of Finance to EFC with their application. A copy of the Plan of Finance is available in Part 3 of the Application.

**DWSRF Application:** A completed DWSRF Financing Application is required for projects that are applying for a NYS Water Grant for a Hardship Project and have not previously submitted a DWSRF Financing Application to DOH/EFC. A copy of the DWSRF Financing Application can be found on EFC's website at [www.efc.ny.gov/nyswatergrants](http://www.efc.ny.gov/nyswatergrants). The definition of a complete application is found in the 2016 IUP. In general, a complete application must include the following:

- Bond Resolution (Certified)
- Water District Formation or District Extension (if required)
- SHPO Project Review Determination Letter
- Environmental Review Determination

**Bond Resolution (Certified):** A Bond Resolution must be adopted establishing the legal authority to issue debt for the project and submitted to DOH/EFC along with proof of publications of permissive referendum (if applicable) and estoppel notice. Total financed project costs including the SRF financing cannot exceed the amount of the authorized bond resolution. This is required if the Applicant is seeking DWSRF financial assistance.

**Water District Formation or District Extension (if required):** A Water 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).

**OSC Approvals for Special Improvements Districts:** According to State Law, projects that involve Town or County special improvement districts may require the Office of the State Comptroller's (OSC) approval prior to the municipality incurring certain debt. The regulations of the OSC explain when and how to apply for approval. Applicants should consult with their local counsel to determine the need for OSC approval to implement their projects. Note: The amount of a DWSRF financing cannot exceed the OSC approval.

**OSC Approvals for Towns in the Adirondack Park:** Pursuant to section 104.10(3) of New York State 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 their bonds, bond anticipation notes, capital notes or budget notes. However, there are exceptions to this requirement.

A municipality receiving either DWSRF 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 DWSRF financing.

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

**Environmental Review Determination:** Projects that are seeking DWSRF financial assistance in addition to a NYS Water Grant will need to comply with the State Environmental Review Process (SERP). As such, 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. Additional outreach to other environmental agencies may be necessary to comply with the SRF NEPA-

like review. The following documents are required to be submitted to DOH/EFC for Type I actions to comply with the SERP process:

- Full Environmental Assessment Form
- Lead Agency solicitation notices and responses
- Lead Agency Resolution
- SHPO response letter (see below)
- Negative Declaration and Resolution (if applicable)
- Environmental Impact Statement (if applicable)
- Positive Declaration and Resolution (if applicable)
- ENB publication

If you complied with an unlisted action and did not prepare a FEAF with a coordinated review, please contact EFC at once.

Projects that are not seeking DWSRF assistance will need to comply with the requirements of SEQR, but not the SERP process. Documentation in support of this effort should be submitted to EFC including:

- Full or Short Environmental Assessment Form (as applicable)
- SHPO response letter (see below)
- Negative Declaration (if applicable)

**SHPO Project Review 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. If any federal permits are anticipated on the project, see Section 106 of the National Historical Preservation Act of 1966. 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. 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.

## C. SIGNATURE PAGE

Please be sure to sign the Application Form. The application package will not be processed without signed authorization as indicated by the signature page. The municipal representative signing the application needs to be authorized by resolution of the governing board.