

STATE OF VERMONT
Agency of Natural Resources
Department of Environmental Conservation

Application For Revolving Loan Funds Construction (Step 3) of a Pollution Control Project
24 V.S.A. Chapter 120 – **Updated 5-18-2011**

Section I.

The _____, in accord with 24 V.S.A. §4754, hereby makes application to the Vermont Department of Environmental Conservation and the Vermont Municipal Bond Bank for financial assistance in the amount of \$_____ pursuant to the provisions of 24 V.S.A. Chapter 120.

These funds are requested to assist in the cost of construction of _____
_____ described in detail in Section IV of this application.

Municipal fiscal year end date: _____

Municipal DUNS number: _____ See: http://www.dnb.com/US/duns_update/

Population Served by System: _____ Population Served by Project: _____

Agreements contained in the application for a construction loan.

The _____, as legislative body of the applicant hereby agrees to the following requirements for the entire project regardless of other funding sources;

- (a) That if a loan is made, the applicant will pay the remaining costs of the approved project in excess of the loan amount, and indicate all sources of additional funding to complete the project financing;
- (b) The project will be constructed in strict accord with drawings and specifications approved by the Department of Environmental Conservation;
- (c) That it will comply with all state requirements for project management, including but not limited to, obtaining approvals from the Department prior to:
 - Executing engineering agreements and amendments
 - Procurement of goods and services – advertisement or soliciting proposals for bids for construction
 - Executing contracts and small purchase or performing force account work
 - Executing change;
- (d) That it will allow Department staff access to the site to perform routine and final inspections, review financial records and attend monthly project meetings. That the construction contract will provide

that representatives of the Department of Environmental Conservation and the Vermont Municipal Bond Bank will have access to the work and to project records whenever such work is in progress, and that the contractor will provide proper facilities for such access and inspection;

- (e) To provide and maintain competent and adequate engineering supervision and inspection of the project to ensure that construction conforms to approved drawings, specifications and agreements; including equipment and other service;
- (f) That it will submit to the Department of Environmental Conservation and to the Vermont Municipal Bond Bank such documents and information related to this project as they may require including a current estimate of all of the project elements to be funded;
- (g) That each invoice for which reimbursement is requested be properly identified (agreement date, contract number, small purchase number, etc) when submitted;
- (h) That adequate accounting and fiscal records shall be maintained in accord with generally established or other accounting procedures that may be established by the Department of Environmental Conservation and the Vermont Municipal Bond Bank;
- (i) To provide for proper operation and maintenance, and an operation and maintenance manual when appropriate, for the approved project in accord with standards established by the Department;
- (j) That it will submit to the Department within 4 months of completion (final acceptance of each contract by the owner) record drawings and documentation of costs for each contract and its associated work;
- (k) That it agrees to repay, as part of any loan repayment schedule, outstanding planning advances awarded to the applicant and determined to be due and payable by the Department of Environmental Conservation;
- (l) That it agrees to comply with all applicable state and federal requirements pertaining to the project, including but not limited to requirements of section 602(b)(6) of the Federal Clean Water Act;
- (m) That it will or has secured all lands, rights-of-way, easements, state and federal permits and licenses and approval necessary to construct and operate improvements to be financed by the loan. T24, § 4756 (a) (2);
- (n) That it certifies it will establish legal authority and set, collect and apply rates, charges and assessments, as authorized under section 3507, 3613, 3615 and 3616 of Title 24, sufficient for the purpose of generating annual revenue to repay the principal and the interest on the municipal bond or other debt instrument which evidences the loan by the Vermont Municipal Bond Bank, and to pay reasonably anticipated costs of operating and maintaining the financed project and the system of which it is a part; T24, § 4756 (a) (3);
- (o) That it has created a fund authorized under section 2804 of Title 24, or by other means permitted by law, to repair, replace, improve or enlarge the project for which this loan is made; T24, § 4756 (a) (4);
- (p) That it certifies that the project conforms to a capital budget and program, duly adopted by a town, city or incorporated Village pursuant to 24 V.S.A. Chapter 117 for meeting the water supply, pollution control and solid waste needs of the municipality. T24, § 4756 (a) (9);

The _____, as legislative body of the applicant, hereby authorizes _____ and as an alternate, _____ to act as the authorized representatives of the applicant for the purpose of furnishing to the state of Vermont such information, data and documents pertaining to the application for a loan as may be required and otherwise to act as the authorized representative of the applicant in connection with this project. Correspondence should be sent to the authorized representative at the following address and email:

Name _____

Phone# _____

Phone Cell _____

Address _____

Fax # _____

Address _____

Email _____

Alternates Name _____

Phone# _____

Phone Cell _____

Address _____

Fax # _____

Address _____

Email _____

Email Correspondence Agreement

A check in this box authorizes the Department of Environmental Conservation to transmit correspondence related to this project via Email to the authorized representative, alternate, and the following email addresses:

_____	_____
_____	_____
_____	_____
_____	_____

Done this _____ day of _____, 20_____.

By: _____
(Name of Municipality)

(All or majority of its legislative body)

I, the undersigned, the duly qualified and acting _____ (clerk) of the _____, hereby certify that the above action was formally taken by the legislative body at a duly noticed meeting held on the _____ day of _____, 20_____ and is duly recorded in my office.

Signature of Officer

Print or Type Name and Title

Section II. Legal Information

A. Authority to Construct and to Bond

- (1) Attach a copy of preliminary approving opinion from a Vermont Municipal Bond Bank recognized Local Bond Counsel. See: <http://vtbondagency.org/counsels.html>
- (2) Attach a copy of a legal warning for the meeting called to vote on the authorization to bond and construct this project. Attach a copy of the recorded vote on the articles pertinent to the project. The municipal clerk must certify the above as true copies.

B. Site Information

- (1) Attach a legal opinion indicating that adequate interest has been acquired in the major project site or sites (treatment facility, pump stations) to allow undisturbed use and possession for the purposes of construction, operation and maintenance of the project.
- (2) If easements or rights-of-way have been obtained for any remaining portions of the project (transmission and distribution lines), attach a legal opinion to indicate the extent of interests acquired.
- (3) If easements or rights-of-way have not been obtained, the municipality hereby understands and agrees that all additional costs incurred due to the municipality's failure to obtain easements and rights-of-way shall be the sole responsibility of the municipality.

C. Sale of Electricity

Information in this section does not apply to this application

When the financing of the project anticipates revenues from the sale of electricity, evidence shall be submitted showing that construction of the project has been authorized and that the public service board has approved rates for the project. Attach any decisions, rulings or other writings of the public service board expressing their approval to construct and their approval of proposed rates.

D. Compliance with Land Use and Development Act 10 V.S.A., Chapter 151.

- (1) If the municipality has received the necessary permit for the project, attach a copy.
- (2) If a "Project Review Sheet" or "write-off" letter advising that no permit is required has been received, attach a copy.
- (3) If procedures to acquire a permit have been initiated, note here the date the request was filed with the District Environmental Commission _____.

E. Compliance with Health Department Regulations

Information in this section does not apply to this application

Attach a copy of notice of violation, permit, temporary permit, court order or other directive to the municipality concerning construction of the project.

F. Compliance with Discharge and/or Indirect Discharge Permit Requirements 10 V.S.A., Chapter 47

- (1) If the municipality has received a discharge permit or indirect discharge permit for the proposed

project, attach a copy.

- (2) If the municipality has applied for such permits, note here the date such application was filed:
_____.

G. Compliance with other State and Federal Permit and License Requirements

- (1) Attach a copy of any other state or federal permits or licenses required for the project and provide the certification on Attachment 1.
- (2) If the municipality has applied for such permits or licenses but has not yet received them, indicate the permits or licenses sought and the date the application was filed.

_____	_____
_____	_____
_____	_____
_____	_____

H. Compliance with Court or Administrative Orders

Information in this section does not apply to this application

Attach a copy of any Court or Administrative or other order that requires construction of the proposed project.

Section III. Project Financing

A. Funds to be made available for project:

Source	Applied %	Eligible Cost	Total	Date Available
VT/EPA SRF Loan				
Vermont Only Loan				
State Grant, Title 10 V.S.A.				
§1624a (CSO)	25%			
§1625 (DWF)	35%			
§1625e (PO4 Removal)	100%			
§1626a (Sludge/Septage)	50%			
Local Share				
Total Funding				

Local Share _____ Bond Vote Date: _____ Bond Authorization _____

Section IV. Engineering Information

- A. (A) Attach: 1) Engineering Service Agreement and 2) Level of Effort Table
See: <http://www.anr.state.vt.us/dec/fed/cs.htm>
- FED Simplified Step III Engineering Service Agreement
 - Engineers Joint Contract Documents Committee (EJCDC) E-500 Standard Form of Agreement Between Owner and Engineer for Professional Service

B. Description of Facilities to be planned

Provide a brief description of the project including size and length of interceptor, collector, numbers of pumping stations and capacity, major treatment plant units and capacities, if any.

C. Project Construction Section

- (1) Project will be advertised for bid on _____.
- (2) Contracts will be signed within _____ days after bid openings.
- (3) Projects will be completed within _____ days after contract signing.

D. Authorized Representative Certification

I _____, Authorized Representative on behalf of the _____
_____, the legislative body of the _____, hereby certify that the
foregoing information is true and correct to the best of my knowledge.

Authorized Representative

Date

Attach the engineer's estimates, consistent with the construction costs noted below. If previously submitted, additional copies are not required.

(1) Project Cost Summary

		TOTAL COST	COSTS ELIGIBLE FOR FEDERAL AID RD - HUD - EDA	COSTS ELIGIBLE OTHER
A	Construction - Project Element Contract 1 - Contract 2 - Contract 3 - Contract 4 - Small Purchases			
Subtotal				
B	Step I – Feasibility and Report - Preliminary Design Step II – Final Design - Value Engineering* Step III – Bidding Services - Construction Administration - Resident Project Representative - Other			
C	Legal and Fiscal			
D	Administrative			
E	Contingency			
F	Land Acquisition			
TOTALS				

* Value Engineering is required for a construction projects with a total estimated construction building cost greater than 10 million dollars.

(2) Date of Estimate: _____ ENR: _____
Source of Estimate: _____