



Meeting Location: **Dept. of Commerce, Columbia River Room, Bldg 5, 1st Floor, 1011 Plum ST SE, Olympia, WA 98504**

Agenda Item	Action	Page	Time
A) ADMINISTRATION			
1. Call to Order: <i>Stan Finkelstein</i>			9:00
2. Welcome and Introductions			9:02
3. Approve Agenda: <i>Cecilia Gardener</i>	Action	1	9:05
4. Meeting Minutes for October 22, 2015: <i>Barbara Smith</i>	Action	5	9:10
5. Recognition of Outgoing Member: <i>Stan Finkelstein</i>	Verbal		9:15
6. Executive Director Update: <i>Cecilia Gardener</i>	Verbal		9:20
7. Department of Commerce Update: <i>Mark Barkley</i>	Verbal		9:25
8. Department of Commerce Indirect: <i>Connie Robins, Deputy Director</i>	Verbal		9:30
B) CONTRACTING			
1. PWAA Quarterly Contract Report: <i>Jacquie Andresen</i>	Informational	13	10:00
2. DWSRF Quarterly Contract Report: <i>Jill Nordstrom</i>	Informational	15	10:05
3. DWSRF 2016 Municipal and Non Municipal Boilerplates: <i>Jill Nordstrom</i>	Action	17	10:10
4. DWSRF 2015 Emergency Loan Municipal & Non Municipal Boilerplates: <i>Jill Nordstrom</i>	Action	31	10:20
BREAK			
			10:40
5. DWSRF Late Fee Waiver – Napavine: <i>Jill Nordstrom</i>	Action	45	10:55
6. DWSRF Contract Extension – Omak: <i>Jill Nordstrom</i>	Action	47	11:05
7. DWSRF List Approval: <i>Janet Cherry & Mike Copeland</i>	Action	49	11:15
C) POLICY & PROGRAM DEVELOPMENT			
1. Discussion: Attorney General Opinion: <i>Ann Campbell (handout)</i>	Action		11:35
LUNCH			
			12:00
2. Strategic Plan Work Update: <i>Committee Chairs, and lead staff</i>	Verbal		12:30
3. Legislative Session Planning: <i>Cecilia Gardener</i>		57	12:50
D) INFORMATION & OTHER ITEMS			
1. Board Committee Updates	Verbal		1:10
2. Board Member Updates	Verbal		1:15

Note: Anticipated time of Adjournment is 1:30 pm

NEXT BUSINESS MEETING SCHEDULED: January 22, 2016, at the Department of Commerce, Olympia, WA.

Department of Commerce, 1011 Plum Street SE, Olympia, WA 98504-2525.

Contact the Public Works Board at (360) 725-2744 for further information.

This publication is available in alternative format upon request. Meetings sponsored by the Public Works Board shall be accessible to persons with disabilities. Accommodations may be arranged with 10 days' notice to the Public Works Board at (360) 725-2744.

TAB A Administration



**Washington State
Public Works Board**

1011 Plum ST SE / PO Box 42525
Olympia, Washington 98504-2525

**PUBLIC WORKS BOARD BUSINESS MEETING MINUTES
October 22, 2015**

Confluence Technology Center, 285 Technology Way, Wenatchee, WA 98801

Board Members		Guests Present:	Staff Present:
Present:	Absent:		
Stan Finkelstein, Chair	Scott Hutsell	Blair Burroughs, Washington Association of Sewer & Water Districts	Cecilia Gardener, Executive Director
JC Baldwin, Vice Chair	Jerry Cummins		
Pam Carter		Karen Klocke, Department of Health	Mark Barkley
Mary Margaret Haugen		Larry Price, Renton Technical College	Ann Campbell
Ed Hildreth		Eloise Rudolph, Department of Health	Barbara Smith
Diane Pottinger		Mark Urdahl, Port of Chelan	
Matt Rasmussen		Heather Winfrey, Renton Technical College	
Bubba Scott			
Lisa Wellman			

A. ADMINISTRATION

- 1) Call to order: Stan Finkelstein called the meeting to order at 12:47 pm.
- 2) Welcome and Introductions.
- 3) **ACTION: JC Baldwin moved to approve the agenda as presented. Pam Carter seconded the motion. Discussion:** Cecilia Gardener requested to add to the Agenda a presentation by Heather Winfrey regarding the online training proposal. **Lisa Wellman moved to add this item to the Agenda. Ed Hildreth seconded the motion.** Diane Pottinger asked to add the Attorney General Opinion Question to the Agenda. Cecilia Gardener explained that the AAG has not finalized this yet, and it was not brought to the meeting. Stan Finkelstein recommended this be discussed under "Information and Other Items" on the Agenda. **Pam Carter moved to add this item to the Agenda. Lisa Wellman seconded the motion. MOTION APPROVED 7-0** (Baldwin, Carter, Haugen, Hildreth, Pottinger, Scott, and Wellman).
- 4) **ACTION: Ed Hildreth moved to approve the September 11, 2015, meeting minutes as presented. Lisa Wellman seconded the motion. MOTION APPROVED 8-0** (Baldwin, Carter, Haugen, Hildreth, Pottinger, Scott, Rasmussen, and Wellman).
- 5) Department of Commerce Update: Mark Barkley thanked everyone for a great IACC conference. He encouraged everyone to give him feedback, or to contact Cathi Read.
- 6) Public Works Board Calendar 2015-2016: Cecilia Gardener presented two options for calendars for the rest of 2015 and 2016. JC Baldwin stated that she is not in favor of reducing meetings. It seems to make meetings longer and too far apart. Gardener replied that there will be more committee meetings in the future, versus full board meetings. Diane Pottinger stated that she prefers Option 1, since the Board can always cancel meetings if they are not needed. **ACTION: Diane Pottinger moved to adopt the Option 1 Calendar. Bubba Scott seconded the motion. MOTION APPROVED 8-0** (Baldwin, Carter, Haugen, Hildreth, Pottinger, Scott, Rasmussen, and Wellman).
- 7) Public Works Board Bylaw Changes: Cecilia Gardener presented two options for revising the quorum standard in the Board's bylaws. If the wording is changed to state that a quorum equals the a



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majority of seated members, it would be easier to make quorum, as opposed to a majority of the total positions. **ACTION: Diane Pottinger moved to adopt Option #1 of the revised bylaws as presented. JC Baldwin seconded the motion. Discussion:** Ed Hildreth asked what position does that put him in? Stan Finkelstein replied that Hildreth is still a voting board member until he is replaced. Diane Pottinger asked how is this different from Ted Carlson? Finkelstein replied that Carlson resigned his seat, rather than continue to serve until replaced, as Hildreth is doing. Pam Carter asked do we define "seated" voting member? Gardener replied that we do not. Carter asked that defining seated board members be added to the work list for the committee working on by laws changes.

MOTION APPROVED 8-0 (Baldwin, Carter, Haugen, Hildreth, Pottinger, Scott, Rasmussen, and Wellman).

- 8) Outreach Efforts on Media: Cecilia Gardener led a discussion on possible outreach efforts via radio. Diane Pottinger had requested this at the last meeting. Gardener recommended that this go to the Communications Committee.
- 9) Online Training Update: Heather Winfrey from Renton Technical College provided an update on the online training initiative. She brought a draft program scope of work, with a draft timeline and budget. Winfrey stated that there are two important aspects they want to accomplish: Ease of delivery for students, and scholarships. They are asking for a .25 time project coordinator in the budget. Walla Walla and Renton Technical Colleges are committed to the program, which addresses the Board's concern that there wasn't an east-side college involved. Winfrey stated that the platform will be "Canvas." Lisa Wellman asked about deliverables. Cecilia Gardener replied that Winfrey and her organization have done a lot of work without compensation on this project, on a good faith basis. The next step is to convene the experts meeting. Winfrey replied that this will be for college credits. She will be working on short-term certificates and then we will all be submitting together for program approval, which will lead us to a larger degree path. The program will be designed to enable portability between participating schools. **ACTION: Mary Margaret Haugen moved to go to contract with the State Board for Community and Technical Colleges to develop the online training program. Lisa Wellman seconded the motion. MOTION APPROVED 8-0** (Baldwin, Carter, Haugen, Hildreth, Pottinger, Scott, Rasmussen, and Wellman).

B. CONTRACTING

- 1) DWSRF Contract Extension – Greater Bar: Mark Barkley presented a contract extension request from Greater Bar Water District for their compliance and consolidation project. The wildfire coinciding with the bid opening caused a delay and the project had to be re-bid. They are requesting a one year extension until January 24, 2017. **ACTION: Diane Pottinger moved to approve the extension request as presented. JC Baldwin seconded the motion. MOTION APPROVED 8-0** (Baldwin, Carter, Haugen, Hildreth, Pottinger, Scott, Rasmussen, and Wellman).
- 2) DWSRF Contract Extension – City of Longview: Mark Barkley presented a contract extension request from the City of Longview for their Water Supply and Treatment project. The project is 90% completed, but additional time is needed to evaluate the water supply options and to recommend a preferred alternative. They are requesting an extension until December 31, 2016. Lisa Wellman asked how the project can be 90% complete and not working. Barkley replied that the actual fix caused an additional water condition issue that they are working through. This is not unusual for these projects. **ACTION: Pam Carter moved to approve the extension request as presented. Bubba**



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Scott seconded the motion. MOTION APPROVED 8-0 (Baldwin, Carter, Haugen, Hildreth, Pottinger, Scott, Rasmussen, and Wellman).

- 3) DWSRF Contract Extension – City of Raymond: Mark Barkley presented a contract extension request from the City of Raymond for their water treatment plan disinfection project. The City had issues with getting equipment on the ground. They are asking for a six month extension until April 30, 2016. **ACTION: JC Baldwin moved to approve the extension request as presented. Bubba Scott seconded the motion. MOTION APPROVED 8-0** (Baldwin, Carter, Haugen, Hildreth, Pottinger, Scott, Rasmussen, and Wellman).
- 4) DWSRF Agreement – Hideaway Mobile Home Park: Ann Campbell presented an agreement between the Department of Health, the City of Spokane, and Hideaway Mobile Home Park LLC. The Board is asked to approve the agreement. This is an extremely low income mobile home park outside Spokane. They had a completely failing water system serving low income residents. The owner of the park received a DWSRF loan to decommission the park's wells and then connect the park with the City of Spokane. After the project was completed the owner declared bankruptcy, and subsequently stopped communicating with the Department of Commerce and DWSRF staff. Staff persevered, and worked a deal with the City of Spokane to manage and operate the system. The final proposed loan agreement would have a reduced interest rate of 1.20% versus the original loan rate of 1.50%. Bubba Scott asked Joe Crossland from the Department of Health to chime in on this. Crossland replied that the City of Spokane is benefitting from this arrangement. As for setting a precedent, we have done this before. We adjusted the interest rate in Lynden, in return for them deferring some fees to water system users. We have the authority to adjust the interest rate. Mary Margaret Haugen asked if this will be continuing as a mobile home park? Campbell replied that this is the type of park where tenants rent lot space and is anticipated to remain a park. **ACTION: Pam Carter moved to approve the agreement as presented. JC Baldwin seconded the motion. MOTION APPROVED 8-0** (Baldwin, Carter, Haugen, Hildreth, Pottinger, Scott, Rasmussen, and Wellman).

C. POLICY & PROGRAM DEVELOPMENT

- 1) Updated Strategic Plan: Cecilia Gardener presented the latest iteration of the Strategic Plan. Most of the content is the same – it just has more context. A calendar at the back shows the timeline. We have about a year to complete everything we want to complete. We have to have decision packages ready by August 2016

Pam Carter stated that she really likes the organizational chart – she thinks it's very clear. However the word "Unit Supervisor" isn't used anywhere else. Gardener replied that is Ann Campbell, and her title tends to float between "Unit Supervisor" and "Programs Manager."

Lisa Wellman stated that she has concerns about what we set out to do. She thinks it's critical that we strategize and speak with one voice. There's enough bifurcation going on. She thinks we need to be more strategic than we've been. Diane Pottinger asked what are the other surveys. Wellman replied the Department of Health, the Association of Washington Cities, and Rhys Roth's Center for Sustainable Infrastructure are also talking about doing a survey. Gardener responded that Roth's report is done, and he's now working on the next step, trying to get his group to agree on a problem statement. They are looking at new ways to fund infrastructure in Washington. Wellman stated that we need to determine what is meaningful data. What can we do with what we have to work with?



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Gardener replied that we have \$300,000 of discretionary funds. She identified Anne Phlug as someone who might be good to hire as a report writer. She is a former state employee. Or we could write it in-house, and use the money to hire a lobbyist. **ACTION: Pam Carter moved to adopt the Strategic Plan as presented; bearing in mind it is a work in progress. Matt Rasmussen seconded the motion. MOTION APPROVED 8-0** (Baldwin, Carter, Haugen, Hildreth, Pottinger, Scott, Rasmussen, and Wellman).

- 2) Strategic Planning Sub Committee Structure: Cecilia Gardener presented the proposed list of members for each of the Strategic Planning Sub Committees, and asked for feedback from Board members. Diane Pottinger said she couldn't do both Committees, and would prefer to work on the Needs Assessment Sub-Committee. JC Baldwin, Ed Hildreth, Mary Margaret Haugen, Pam Carter, Bubba Scott, Lisa Wellman, and Matt Rasmussen said they were fine with their assignments. **ACTION: Lisa Wellman moved to adopt the Strategic Planning Sub Committee Structure as modified. JC Baldwin seconded the motion. MOTION APPROVED 8-0** (Baldwin, Carter, Haugen, Hildreth, Pottinger, Scott, Rasmussen, and Wellman).
- 3) Review and Removal of Policy Legislation: Cecilia Gardener informed the Board that staff have submitted 3 policy and 1 budget decision packages. Staff need to know if the Board would like to pull the fourth request regarding interest rates and eligibility. Gardener asked if the Board wants to do it on one fell swoop or increments. Diane Pottinger replied that it's a lot easier to look at things bit by bit, rather than in one fell swoop. Gardener responded that the advantage is this makes us visible again. **The Board took no action on this.**

D. INFORMATION & OTHER ITEMS

- 1) Board Committee Updates: There were no Board Committee meetings, and thus no updates.
- 2) Board Member Updates: There were no individual Board Member updates.
- 3) Other Items:

Update on Request for Attorney General's Opinion: Stan Finkelstein informed the Board that Brian Bonlender has contacted him to have a meeting with the Governor's office to talk further about this issue. This will include Finkelstein, Bonlender, Mark Barkley, Cecilia Gardener, and Keith Swenson. One of their concerns is what are the implications on a whole array of other issues? Fish & Wildlife is now in a major dispute with the Governor's office on an action they took that was overturned by the Governor. Finkelstein asks the Board to hold this in abeyance until he has that meeting with the Governor's staff on November 5th.

Mary Margaret Haugen stated that she has issues with this. Fish and Wildlife was created by initiative. The Public Works Board was created by the Legislature, not the Governor. Finkelstein replied that we're not asking for the blessing of the Governor, it's just a courtesy. Haugen reiterated that she doesn't represent the Governor, she represents the citizens.

Ann Campbell responded that the similarity between the two is that this is the first time the Governor has ever gainsaid a commission that has regulatory authority, and it has been cause for very interesting conversations. Haugen responded don't put us in the same boat as Fish & Wildlife. We are two different entities.



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Diane Pottinger stated that she is happy to hold off on this matter until the December 11th meeting, but wants it on the agenda then. Lisa Wellman agreed with Pottinger. Well stated that she thinks we know who we are and what we're doing and that we should continue doing it. Pam Carter said that she feels a lot of the same way. It's reasonable to wait and meet with the Governor, but she wants to see it at the December meeting. She stated that she doesn't know what problems there were before, she just knows her own experience. JC Baldwin responded that something's going to happen quickly with this other decision. We just need to wait and see.

Stan Finkelstein stated that he can't make the November 5th meeting that week, due to other commitments. Cecilia Gardener asked if we could have someone else go instead. Finkelstein replied that he might be available, he just doesn't know yet. He's in arbitration that week.

- 4) Small Communities Initiative: The Board wants it noted that they love Cathi Read! She is above and beyond all expectations.

ACTION: Diane Pottinger moved to adjourn the meeting. Lisa Wellman seconded the motion. MOTION APPROVED 9-0 (Baldwin, Carter, Haugen, Hildreth, Pottinger, Scott, Rasmussen, and Wellman). Meeting was adjourned at 2:29 pm

TAB B

Contracting



DATE: November 24, 2015
TO: Public Works Board
FROM: Jacquie Andresen, Programs Specialist
SUBJECT: PWAA Contract Status Report

This memo provides a quarterly status update to the Public Works Board and offers a snapshot of activities carried out by the PWAA Program Staff.

Number of Contracts Received from PWB from 7/1/2015 – 9/30/2015

PWAA 0

Number of Contracts in Open Status as of 9/30/2015

PWAA 74

Number of Contract Closed 7/1/2015 – 9/30/2015

PWAA 8

Dollars distributed to Clients 7/1/2015 – 9/30/2015

PWAA \$5,532,519.72



DATE: November 24, 2015
TO: Public Works Board
FROM: Jill Nordstrom, Section Manager
SUBJECT: DWSRF and Direct Appropriation Contract Status Report

This memo provides a quarterly status update to the Public Works Board and offers a snapshot of activities carried out by the DWSRF and Direct Appropriation Program Staff.

Number of Contracts Received from PWB from 7/1/2015 – 9/30/2015

DWSRF	5
Direct Appropriation	<u>0</u>
Total	5

Number of Contracts in Open Status as of 9/30/2015

DWSRF	127
Direct Appropriation	<u>12</u>
Total	139

Number of Contract Closed 7/1/2015 – 9/30/2015

DWSRF	7
Direct Appropriation	<u>4</u>
Total	11

Dollars distributed to Clients 7/1/2015 – 9/30/2015

DWSRF	\$14,495,961
Direct Appropriation	<u>\$ 0</u>
Total	\$14,495,961



DATE: December 1, 2015
TO: Public Works Board
FROM: Jill Nordstrom, Drinking Water Program Manager
SUBJECT: 2016 DWSRF Boilerplate – Municipal and Non-Municipal

STAFF RECOMMENDATION

Staff recommends approving the boilerplate with the following changes:

1. Updating the year of the contract from 2015 to 2016
2. Revision of Contract Administration Unit to Federal Programs Unit in Section 1.9 and as necessary in the document.
3. Revision of Section 1.12 as follows (striking “if a draw is made prior to this date” for clarification):

An assistance recipient begins annual repayment of the loan no later than one year after contract execution. The first repayment installment is due on the first day of the month shown as PAYMENT MONTH on the Declarations Page. Interest only will be charged for this first payment ~~if a draw is made prior to this date~~. All subsequent payments shall consist of principal and accrued interest due that month of each year during the remaining term of the loan.

BACKGROUND

There have been no substantive changes to the terms and conditions of the boilerplate. The Assistant Attorney General has reviewed and approved the boilerplate to form on November 30, 2015.



Washington State Public Works Board

1011 Plum Street SE
Post Office Box 42525
Olympia, Washington 98504-2525

December 1, 2015

«LoanContactName»
«LegalName»
«LoanContactStreet1»
«LoanContactStreet2»
«Loancontactcity», WA «LoanContactZip»

RE: Loan Contract Number: «LoanNumber»

Dear «LoanContactNamePrefix» «LoanContactName»:

Enclosed are two originals of the Drinking Water State Revolving Fund Loan Contract Number identified above. The Loan Contract details the terms and conditions that will govern the agreement between us, which includes the project's Scope of Work and an Attorney's Certification as formal attachments.

When you have obtained the appropriate signatures, please return both original contracts and all the attachments to the Public Works Board within 60 calendar days of the date of this letter. Failure to return the contracts within this timeline may result in your loan offer being withdrawn.

Please note that the U.S. Environmental Protection Agency is the funding source for this program and the Catalog of Federal Domestic Assistance (CFDA) number is 66.468. Consequently, the loan funds are federal and subject to both state and federal requirements.

If the loan fee applies, the amount of the loan includes an amount sufficient to cover a one-percent loan administration fee. The fee will be collected at contract execution, and is non-refundable. Please review the terms and conditions of the Loan Contract carefully, as well as the attachments.

A requirement of the DWSRF program is that you must maintain updated project records and yearly renewal of your registration in the System for Award Management at www.sam.gov.

Another requirement of the DWSRF program is that all entities are required to verify that the federal government has not suspended or debarred them from receiving federal funds. This includes, but is not limited to, project contractors, subcontractors, engineers, architects, consultants, and equipment vendors. The Exclusion Report can be accessed at www.sam.gov. Failure to provide this required certification may result in termination of your loan contract.

After the Loan Contracts have been signed by the Board or its designee, one fully executed original will be returned to you for your files. Instructions for drawing the loan funds will be returned to you with the executed Loan Contract, as well as the necessary forms. The Loan Contract specifies that draws may be made for costs that have been incurred, and which have supporting documentation such as receipts or bills.

Administrative services provided by the Department of Commerce

(360) 725-3150

Fax (360) 586-8440

www.pwb.wa.gov

We are looking forward to working with you over the course of this project. If you have any questions about this Loan Contract, please contact me.

Sincerely,

«ndbStaffName»
«ndbStaffUnit»
«ndbStaffPhone»
«ndbStaffEmail»

Enclosures:

ATTACHMENT I: ATTORNEY'S CERTIFICATION
ATTACHMENT II: FEDERAL AND STATE REQUIREMENTS
ATTACHMENT III: DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS
ATTACHMENT IV: CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS
ATTACHMENT V: DWSRF ELIGIBLE PROJECT COSTS
ATTACHMENT VI: LABOR STANDARD PROVISIONS FOR SUBRECIPIENTS THAT ARE GOVERNMENT ENTITIES



**Washington State
Public Works Board**

1011 Plum Street SE
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Capital Agreement between:

**«LegalName»
and**

Public Works Board

For:

Project Name: **«ProjectTitle»**
Loan Number: **«LoanNumber»**
Loan Type: **«LoanTypeText»**

Contract Start Date: _____ **Contract Execution Date** _____



Department of Commerce
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DECLARATIONS

CLIENT INFORMATION

Legal Name: «LegalName»
Loan Number: «LoanNumber»
Award Year: «LoanStartCalendarYear»
State Wide Vendor Number: «StateClientNumber»

PROJECT INFORMATION

Project Title: «ProjectTitle»
Project City: «ProjectCity»
Project State: Washington
Project Zip Code: «ProjectZip»

LOAN INFORMATION

Loan Amount: «ndbNewLoanAmountExec»
Loan Fee (Included in loan amount if applicable): «LoanFee»
Loan Forgiveness %: «PercentForgiven»%
Loan Term: «TermInYears» years
Interest Rate: «InterestRatePctExec»%
Payment Month: October 1st
Earliest Date for Construction Reimbursement: «ReimbursementYear»
Time of Performance: 48 months from Contract execution date to Project Completion date.

FUNDING INFORMATION

Total Amount of Federal Award (as applicable): [To be determined]
Federal Award Date: [To be determined]
Federal Award ID # (FAIN): [To be determined]
Amount of Federal Funds Obligated by this action: [To be determined]
Awarding Official: [To be determined]

SPECIAL TERMS AND CONDITIONS GOVERNING THIS LOAN AGREEMENT

A final determination on the eligibility of indirect costs is pending from the Environmental Protection Agency. Upon receipt of that determination, Commerce will notify you of that decision and advise if indirect costs may be charged against this contract.

LOAN SECURITY CONDITION GOVERNING THIS LOAN AGREEMENT

«ndbLoanSecurityParagraph»

DECLARATIONS (continued)

Loan Number:
Project Title:

«**LoanNumber**»
«**ProjectTitle**»

Scope of Work:
«**ScopeOfWork**»



CONTRACT FACE SHEET
Contract Number: «LoanNumber»
Drinking Water State Revolving Fund (DWSRF)
2016
(Municipal)

1. Contractor «LegalName» «LoanContactStreet1», «LoanContactStreet2» «Loancontactcity», WA «LoanContactZip»		2. Contractor Doing Business As (optional) N/A	
3. Contractor Representative N/A		4. Public Works Board Representative N/A	
5. Contract Amount «ndbNewLoanAmountExec»	6. Funding Source Federal: <input checked="" type="checkbox"/> State: <input checked="" type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>	7. Contract Start Date Contract Execution Date	8. Contract End Date October 1, «LoanEndCalendarYear»
9. Federal Funds (as applicable) N/A	Federal Agency EPA	CFDA Number 66.468	
10. Tax ID # N/A	11. SWV # «StateClientNumber»- «StateClientNumberSuffix»	12. UBI #	13. DUNS # «DunnsID»
14. Contract Purpose The purpose of this Contract is to provide funding for a project of a local government that furthers the goals and objectives of the Drinking Water State Revolving Fund Loan Program. The project will be undertaken by the Contractor and will include the activities described in the Declared Scope of Work. The Board, defined as the Washington State Public Works Board, and Contractor acknowledge and accept the terms of this Contract and attachments and have executed this Contract on the date below to start as of the date and year last written below. The rights and obligations of both parties to this Contract are governed by this Contract and the following other documents incorporated by reference: Contractor Terms and Conditions including Declarations Page; Attachment I: Attorney's Certification; Attachment II: Federal and State Requirements; Attachment III: Disadvantaged Business Enterprise Requirements; Attachment IV: Certification Regarding Debarment, Suspension, and Other Responsibility Matters; Attachment V: DWSRF Eligible Project Costs; and Attachment VI: Labor Standard Provisions for Subrecipients that are Governmental Entities.			
FOR THE CONTRACTOR _____ Signature _____ Print Name _____ Title _____ Date		FOR PUBLIC WORKS BOARD _____ Stan Finkelstein, Public Works Board Chair _____ Date APPROVED AS TO FORM ONLY This <u>10th-30th</u> Day of <u>April, 2015</u> November, 2015 _____ Bob Ferguson Attorney General <u>Signature on file</u> _____ Kathryn Wyatt Assistant Attorney General	



Washington State Public Works Board

1011 Plum Street SE
Post Office Box 42525
Olympia, Washington 98504-2525

December 1, 2015

«LoanContactName»
«LegalName»
«LoanContactStreet1»
«LoanContactStreet2»
«Loancontactcity», WA «LoanContactZip»

RE: Non-Municipal Loan Contract Number «LoanNumber»

Dear «LoanContactNamePrefix» «LoanContactName»:

Enclosed are two originals of the Drinking Water State Revolving Fund Loan Contract Number identified above. The Loan Contract details the terms and conditions that will govern the agreement between us.

When you have obtained the appropriate signatures, please return both original contracts and all the attachments to the Public Works Board within 60 calendar days of the date of this letter. Failure to return the contracts within this timeline may result in your loan offer being withdrawn.

Please note that the U.S. Environmental Protection Agency (EPA) is the funding source for this program and the Catalog of Federal Domestic Assistance (CFDA) number is 66.468. Consequently, the loan funds are federal and subject to both state and federal requirements.

If the loan fee applies, the amount of the loan includes an amount sufficient to cover a one-percent loan administration fee. The fee will be collected at contract execution, and is non-refundable. Please review the terms and conditions of the Loan Contract carefully, as well as the attachments.

A requirement of the DWSRF program is that you must maintain updated project records and yearly renewal of your registration in the System for Award Management at www.sam.gov

Another requirement of the DWSRF program is that all entities are required to verify that the federal government has not suspended or debarred them from receiving federal funds. This includes, but is not limited to, project contractors, subcontractors, engineers, architects, consultants, and equipment vendors. The Exclusion Report can be accessed at www.sam.gov. Failure to provide this required certification may result in termination of your loan contract.

Please ensure that all signatures required on the Promissory Note, Commercial Security Agreement, Corporate Resolution to Borrow Funds, Suspension and Debarment Certificate, and UCC Filing form are obtained. Also, please completely fill all the blanks on CORPORATE RESOLUTION TO BORROW OR GUARANTEE. This includes the location of the Corporation's principle office, the name and position of all of the Corporation's officers, the date the resolution was adopted, and the name, position, and actual signature of all officers of the Corporation who are authorizing the debt.

Administrative services provided by the Department of Commerce

(360) 725-3150

Fax (360) 586-8440

www.pwb.wa.gov

After the Loan Contracts have been signed by the Board or its designee, one fully executed original will be returned to you for your files. Instructions for drawing the loan funds will be returned to you with the executed Loan Contract, as well as the necessary forms. The Loan Contract specifies that draws may be made for costs that have been incurred, and which have supporting documentation such as receipts or bills.

We are looking forward to working with you over the course of this project. If you have any questions about this Loan Contract, please contact me.

Sincerely,

«ndbStaffName»
«ndbStaffUnit»
«ndbStaffPhone»
«ndbStaffEmail»

Enclosures:

ATTACHMENT I: PROMISSORY NOTE
ATTACHMENT II: FEDERAL AND STATE REQUIREMENTS
ATTACHMENT III: DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS
ATTACHMENT IV: CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS
ATTACHMENT V: DWSRF ELIGIBLE PROJECT COSTS
ATTACHMENT VI: LABOR STANDARD PROVISIONS FOR SUBRECIPIENTS THAT ARE NOT GOVERNMENT ENTITIES
ATTACHMENT VII: UCC FILINGS
ATTACHMENT VIII: CORPORATE RESOLUTION TO BORROW OR GUARANTEE
ATTACHMENT IX: COMMERCIAL SECURITY AGREEMENT



**Washington State
Public Works Board**

1011 Plum Street SE
Post Office Box 42525
Olympia, Washington 98504-2525

Capital Agreement between:

«LegalName»

and

Public Works Board

For:

Project Name: **«ProjectTitle»**
Loan Number: **«LoanNumber»**
Loan Type: **«LoanTypeText»**

Contract Start Date: Contract Execution Date



Department of Commerce
Innovation is in our nature.

Washington State Department of Commerce
www.commerce.wa.gov

DECLARATIONS

CLIENT INFORMATION

Legal Name: «LegalName»
Loan Number: «LoanNumber»
Award Year: «LoanStartCalendarYear»
State Wide Vendor Number: «StateClientNumber»

PROJECT INFORMATION

Project Title: «ProjectTitle»
Project City: «ProjectCity»
Project State: Washington
Project Zip Code: «ProjectZip»

LOAN INFORMATION

Loan Amount: «ndbNewLoanAmountExec»
Loan Fee (Included in Loan Amount, if applicable) «LoanFee»
Loan Forgiveness %: «PercentForgiven»%
Loan Term: «TermInYears»
Interest Rate: «InterestRatePctExec»%
Payment Month: October 1st
Earliest Date for Construction Reimbursement: «ReimbursementYear»
Time of Performance: 48 months from Contract execution date to Project Completion date.

FUNDING INFORMATION

Total Amount of Federal Award (as applicable) [To be determined]
Federal Award Date [To be determined]
Federal Award ID # (FAIN) [To be determined]
Amount of Federal Funds Obligated by this action [To be determined]
Awarding Official [To be determined]

SPECIAL TERMS AND CONDITIONS GOVERNING THIS LOAN AGREEMENT

A final determination on the eligibility of indirect costs is pending from the Environmental Protection Agency. Upon receipt of that determination, Commerce will notify you of that decision and advise if indirect costs may be charged against this contract.

LOAN SECURITY CONDITION GOVERNING THIS LOAN AGREEMENT

«ndbLoanSecurityParagraph»

DECLARATION (continued)

Loan Number:
Project Title:

«**LoanNumber**»
«**ProjectTitle**»

Scope of Work:
«**ScopeOfWork**»



CONTRACT FACE SHEET
Contract Number: «LoanNumber»
Drinking Water State Revolving Fund (DWSRF)
2016
(Non-Municipal)

1. Contractor «LegalName» «LoanContactStreet1», «LoanContactStreet2» «Loancontactcity», WA «LoanContactZip»		2. Contractor Doing Business As (optional) N/A	
3. Contractor Representative N/A		4. Public Works Board Representative N/A	
5. Contract Amount «ndbNewLoanAmountExec»	6. Funding Source Federal: <input checked="" type="checkbox"/> State: <input checked="" type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>	7. Contract Start Date Contract Execution Date	8. Contract End Date October 1, «LoanEndCalendarYear»
9. Federal Funds (as applicable) N/A	Federal Agency EPA	CFDA Number 66.468	
10. Tax ID # N/A	11. SWV # «StateClientNumber»- «StateClientNumberSufix»	12. UBI #	13. DUNS # «DunnsID»
14. Contract Purpose The purpose of this Contract is to provide funding for a project of a local government that furthers the goals and objectives of the Drinking Water State Revolving Fund Loan Program. The project will be undertaken by the Contractor and will include the activities described in the Declared Scope of Work.			
The Board, defined as the Washington State Public Works Board, and Contractor acknowledge and accept the terms of this Contract and attachments and have executed this Contract on the date below to start as of the date and year last written below. The rights and obligations of both parties to this Contract are governed by this Contract and the following other documents incorporated by reference: Contractor Terms and Conditions including Declarations Page; Attachment I: Promissory Note; Attachment II: Federal and State Requirements; Attachment III: Disadvantaged Business Enterprise Requirements; Attachment IV: Certification Regarding Debarment, Suspension, and Other Responsibility Matters; Attachment V: DWSRF Eligible Project Costs; Attachment VI: Labor Standard Provisions for Subrecipients that are not Governmental Entities; Attachment VII: UCC Filings; Attachment VIII: Corporate Resolution to Borrow or Guarantee; and, Attachment IX: Commercial Security Agreement.			
FOR THE CONTRACTOR _____ Signature _____ Print Name _____ Title _____ Date		FOR PUBLIC WORKS BOARD _____ Stan Finkelstein, Public Works Board Chair _____ Date APPROVED AS TO FORM ONLY This <u>20th-30th</u> Day of <u>April, November,</u> -2015 _____ Bob Ferguson Attorney General _____ <i>Signature on file</i> Kathryn Wyatt Assistant Attorney General	



DATE: December 1, 2015
TO: Public Works Board
FROM: Jill Nordstrom, Drinking Water Program Manager
SUBJECT: 2015 DWSRF Emergency Loan Boilerplate – Municipal and Non-Municipal

STAFF RECOMMENDATION

Staff recommends approving the boilerplate for emergency loans. Below is a summary of the terms & conditions:

1. Loans have 6 months to issue notice to proceed from the contract execution date
2. Project must be complete 24 months after contract execution date
3. Loan repayment period is 6 years

BACKGROUND

The board previously approved the use of funds for emergency loans in December 2014. The Assistant Attorney General has reviewed and approved the boilerplate to form on July 13, 2015.



Washington State Public Works Board

1011 Plum Street SE
Post Office Box 42525
Olympia, Washington 98504-2525

December 1, 2015

«LoanContactName»
«LegalName»
«LoanContactStreet1»
«LoanContactStreet2»
«Loancontactcity», WA «LoanContactZip»

RE: Loan Contract Number: «LoanNumber»

Dear «LoanContactNamePrefix» «LoanContactName»:

Enclosed are two originals of the Drinking Water State Revolving Fund Loan Contract Number identified above. The Loan Contract details the terms and conditions that will govern the agreement between us, which includes the project's Scope of Work and an Attorney's Certification as formal attachments.

When you have obtained the appropriate signatures, please return both original contracts and all the attachments to the Public Works Board within 60 calendar days of the date of this letter. Failure to return the contracts within this timeline may result in your loan offer being withdrawn.

Please note that the U.S. Environmental Protection Agency is the funding source for this program and the Catalog of Federal Domestic Assistance (CFDA) number is 66.468. Consequently, the loan funds are federal and subject to both state and federal requirements.

If the loan fee applies, the amount of the loan includes an amount sufficient to cover a one-percent loan administration fee. The fee will be collected at contract execution, and is non-refundable. Please review the terms and conditions of the Loan Contract carefully, as well as the attachments.

A requirement of the DWSRF program is that you must maintain updated project records and yearly renewal of your registration in the System for Award Management at www.sam.gov.

Another requirement of the DWSRF program is that all entities are required to verify that the federal government has not suspended or debarred them from receiving federal funds. This includes, but is not limited to, project contractors, subcontractors, engineers, architects, consultants, and equipment vendors. The Exclusion Report can be accessed at www.sam.gov. Failure to provide this required certification may result in termination of your loan contract.

After the Loan Contracts have been signed by the Board or its designee, one fully executed original will be returned to you for your files. Instructions for drawing the loan funds will be returned to you with the executed Loan Contract, as well as the necessary forms. The Loan Contract specifies that draws may be made for costs that have been incurred, and which have supporting documentation such as receipts or bills.

Administrative services provided by the Department of Commerce

(360) 725-3150

Fax (360) 586-8440

www.pwb.wa.gov

We are looking forward to working with you over the course of this project. If you have any questions about this Loan Contract, please contact me.

Sincerely,

«ndbStaffName»
«ndbStaffUnit»
«ndbStaffPhone»
«ndbStaffEmail»

Enclosures:

ATTACHMENT I: ATTORNEY'S CERTIFICATION
ATTACHMENT II: FEDERAL AND STATE REQUIREMENTS
ATTACHMENT III: DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS
ATTACHMENT IV: CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS
ATTACHMENT V: DWSRF ELIGIBLE PROJECT COSTS
ATTACHMENT VI: LABOR STANDARD PROVISIONS FOR SUBRECIPIENTS THAT ARE GOVERNMENT ENTITIES



**Washington State
Public Works Board**

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Olympia, Washington 98504-2525

Capital Agreement between:

«**LegalName**»
and

Public Works Board

For:

Project Name: «**ProjectTitle**»
Loan Number: «**LoanNumber**»
Loan Type: «**LoanTypeText**»

Contract Start Date: _____ **Contract Execution Date** _____



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DECLARATIONS

CLIENT INFORMATION

Legal Name: «LegalName»
Loan Number: «LoanNumber»
Award Year: «LoanStartCalendarYear»
State Wide Vendor Number: «StateClientNumber»

PROJECT INFORMATION

Project Title: «ProjectTitle»
Project City: «ProjectCity»
Project State: Washington
Project Zip Code: «ProjectZip»

LOAN INFORMATION

Loan Amount: «ndbNewLoanAmountExec»
Loan Fee (Included in loan amount if applicable): «LoanFee»
Loan Forgiveness %: «PercentForgiven»%
Loan Term: «TermInYears» years
Interest Rate: «InterestRatePctExec»%
Payment Month: October 1st
Earliest Date for Construction Reimbursement: «ReimbursementYear»
Time of Performance
 'Notice To Proceed': 6 months from Contract execution date
 Project Completion: 24 months from Contract execution date

FUNDING INFORMATION

Total Amount of Federal Award (as applicable): [To be determined]
Federal Award Date: [To be determined]
Federal Award ID # (FAIN): [To be determined]
Amount of Federal Funds Obligated by this action: [To be determined]
Awarding Official: [To be determined]

SPECIAL TERMS AND CONDITIONS GOVERNING THIS LOAN AGREEMENT

A final determination on the eligibility of indirect costs is pending from the Environmental Protection Agency. Upon receipt of that determination, Commerce will notify you of that decision and advise if indirect costs may be charged against this contract.

LOAN SECURITY CONDITION GOVERNING THIS LOAN AGREEMENT

«ndbLoanSecurityParagraph»

DECLARATIONS (continued)

Loan Number:
Project Title:

«**LoanNumber**»
«**ProjectTitle**»

Scope of Work:
«**ScopeOfWork**»



CONTRACT FACE SHEET
Contract Number: «LoanNumber»
Drinking Water State Revolving Fund (DWSRF)
2015 Emergency Loan
(Municipal)

1. Contractor «LegalName» «LoanContactStreet1», «LoanContactStreet2» «Loancontactcity», WA «LoanContactZip»		2. Contractor Doing Business As (optional) N/A	
3. Contractor Representative N/A		4. Public Works Board Representative N/A	
5. Contract Amount «ndbNewLoanAmountExec»	6. Funding Source Federal: <input checked="" type="checkbox"/> State: <input checked="" type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>	7. Contract Start Date Contract Execution Date	8. Contract End Date October 1, «LoanEndCalendarYear»
9. Federal Funds (as applicable) N/A	Federal Agency EPA	CFDA Number 66.468	
10. Tax ID # N/A	11. SWV # «StateClientNumber»- «StateClientNumberSuffix»	12. UBI #	13. DUNS # «DunnsID»
14. Contract Purpose The purpose of this Contract is to provide funding for a project of a local government that furthers the goals and objectives of the Drinking Water State Revolving Fund Loan Program. The project will be undertaken by the Contractor and will include the activities described in the Declared Scope of Work. The Board, defined as the Washington State Public Works Board, and Contractor acknowledge and accept the terms of this Contract and attachments and have executed this Contract on the date below to start as of the date and year last written below. The rights and obligations of both parties to this Contract are governed by this Contract and the following other documents incorporated by reference: Contractor Terms and Conditions including Declarations Page; Attachment I: Attorney's Certification; Attachment II: Federal and State Requirements; Attachment III: Disadvantaged Business Enterprise Requirements; Attachment IV: Certification Regarding Debarment, Suspension, and Other Responsibility Matters; Attachment V: DWSRF Eligible Project Costs; and Attachment VI: Labor Standard Provisions for Subrecipients that are Governmental Entities.			
FOR THE CONTRACTOR _____ Signature _____ Print Name _____ Title _____ Date		FOR PUBLIC WORKS BOARD _____ Stan Finkelstein, Public Works Board Chair _____ Date APPROVED AS TO FORM ONLY This 13th Day of July, 2015 _____ Bob Ferguson Attorney General _____ <i>Signature on file</i> Kathryn Wyatt Assistant Attorney General	



Washington State Public Works Board

1011 Plum Street SE
Post Office Box 42525
Olympia, Washington 98504-2525

December 1, 2015

«LoanContactName»
«LegalName»
«LoanContactStreet1»
«LoanContactStreet2»
«Loancontactcity», WA «LoanContactZip»

RE: Non-Municipal Loan Contract Number «LoanNumber»

Dear «LoanContactNamePrefix» «LoanContactName»:

Enclosed are two originals of the Drinking Water State Revolving Fund Loan Contract Number identified above. The Loan Contract details the terms and conditions that will govern the agreement between us.

When you have obtained the appropriate signatures, please return both original contracts and all the attachments to the Public Works Board within 60 calendar days of the date of this letter. Failure to return the contracts within this timeline may result in your loan offer being withdrawn.

Please note that the U.S. Environmental Protection Agency (EPA) is the funding source for this program and the Catalog of Federal Domestic Assistance (CFDA) number is 66.468. Consequently, the loan funds are federal and subject to both state and federal requirements.

If the loan fee applies, the amount of the loan includes an amount sufficient to cover a one-percent loan administration fee. The fee will be collected at contract execution, and is non-refundable. Please review the terms and conditions of the Loan Contract carefully, as well as the attachments.

A requirement of the DWSRF program is that you must maintain updated project records and yearly renewal of your registration in the System for Award Management at www.sam.gov

Another requirement of the DWSRF program is that all entities are required to verify that the federal government has not suspended or debarred them from receiving federal funds. This includes, but is not limited to, project contractors, subcontractors, engineers, architects, consultants, and equipment vendors. The Exclusion Report can be accessed at www.sam.gov. Failure to provide this required certification may result in termination of your loan contract.

Please ensure that all signatures required on the Promissory Note, Commercial Security Agreement, Corporate Resolution to Borrow Funds, Suspension and Debarment Certificate, and UCC Filing form are obtained. Also, please completely fill all the blanks on CORPORATE RESOLUTION TO BORROW OR GUARANTEE. This includes the location of the Corporation's principle office, the name and position of all of the Corporation's officers, the date the resolution was adopted, and the name, position, and actual signature of all officers of the Corporation who are authorizing the debt.

Administrative services provided by the Department of Commerce

(360) 725-3150

Fax (360) 586-8440

www.pwb.wa.gov

After the Loan Contracts have been signed by the Board or its designee, one fully executed original will be returned to you for your files. Instructions for drawing the loan funds will be returned to you with the executed Loan Contract, as well as the necessary forms. The Loan Contract specifies that draws may be made for costs that have been incurred, and which have supporting documentation such as receipts or bills.

We are looking forward to working with you over the course of this project. If you have any questions about this Loan Contract, please contact me.

Sincerely,

«ndbStaffName»
«ndbStaffUnit»
«ndbStaffPhone»
«ndbStaffEmail»

Enclosures:

ATTACHMENT I: PROMISSORY NOTE
ATTACHMENT II: FEDERAL AND STATE REQUIREMENTS
ATTACHMENT III: DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS
ATTACHMENT IV: CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS
ATTACHMENT V: DWSRF ELIGIBLE PROJECT COSTS
ATTACHMENT VI: LABOR STANDARD PROVISIONS FOR SUBRECIPIENTS THAT ARE NOT GOVERNMENT ENTITIES
ATTACHMENT VII: UCC FILINGS
ATTACHMENT VIII: CORPORATE RESOLUTION TO BORROW OR GUARANTEE
ATTACHMENT IX: COMMERCIAL SECURITY AGREEMENT



**Washington State
Public Works Board**

1011 Plum Street SE
Post Office Box 42525
Olympia, Washington 98504-2525

Capital Agreement between:

«LegalName»

and

Public Works Board

For:

Project Name: «ProjectTitle»
Loan Number: «LoanNumber»
Loan Type: «LoanTypeText»

Contract Start Date: Contract Execution Date



Department of Commerce
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Washington State Department of Commerce
www.commerce.wa.gov

DECLARATIONS

CLIENT INFORMATION

Legal Name: «LegalName»
Loan Number: «LoanNumber»
Award Year: «LoanStartCalendarYear»
State Wide Vendor Number: «StateClientNumber»

PROJECT INFORMATION

Project Title: «ProjectTitle»
Project City: «ProjectCity»
Project State: Washington
Project Zip Code: «ProjectZip»

LOAN INFORMATION

Loan Amount: «ndbNewLoanAmountExec»
Loan Fee (Included in Loan Amount, if applicable) «LoanFee»
Loan Forgiveness %: «PercentForgiven»%
Loan Term: «TermInYears»
Interest Rate: «InterestRatePctExec»%
Payment Month: October 1st
Earliest Date for Construction Reimbursement: «ReimbursementYear»
Time of Performance:
 'Notice To Proceed': 6 months from Contract execution date
 Project Completion: 24 months from Contract execution date

FUNDING INFORMATION

Total Amount of Federal Award (as applicable) [To be determined]
Federal Award Date [To be determined]
Federal Award ID # (FAIN) [To be determined]
Amount of Federal Funds Obligated by this action [To be determined]
Awarding Official [To be determined]

SPECIAL TERMS AND CONDITIONS GOVERNING THIS LOAN AGREEMENT

A final determination on the eligibility of indirect costs is pending from the Environmental Protection Agency. Upon receipt of that determination, Commerce will notify you of that decision and advise if indirect costs may be charged against this contract.

LOAN SECURITY CONDITION GOVERNING THIS LOAN AGREEMENT

«ndbLoanSecurityParagraph»

DECLARATION (continued)

Loan Number:
Project Title:

«**LoanNumber**»
«**ProjectTitle**»

Scope of Work:
«**ScopeOfWork**»



CONTRACT FACE SHEET
Contract Number: «LoanNumber»
Drinking Water State Revolving Fund (DWSRF)
2015 Emergency Loan
(Non-Municipal)

1. Contractor «LegalName» «LoanContactStreet1», «LoanContactStreet2» «Loancontactcity», WA «LoanContactZip»		2. Contractor Doing Business As (optional) N/A	
3. Contractor Representative N/A		4. Public Works Board Representative N/A	
5. Contract Amount «ndbNewLoanAmountExec»	6. Funding Source Federal: <input checked="" type="checkbox"/> State: <input checked="" type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>	7. Contract Start Date Contract Execution Date	8. Contract End Date October 1, «LoanEndCalendarYear»
9. Federal Funds (as applicable) N/A	Federal Agency EPA	CFDA Number 66.468	
10. Tax ID # N/A	11. SWV # «StateClientNumber»- «StateClientNumberSufix»	12. UBI #	13. DUNS # «DunnsID»
14. Contract Purpose The purpose of this Contract is to provide funding for a project of a local government that furthers the goals and objectives of the Drinking Water State Revolving Fund Loan Program. The project will be undertaken by the Contractor and will include the activities described in the Declared Scope of Work. The Board, defined as the Washington State Public Works Board, and Contractor acknowledge and accept the terms of this Contract and attachments and have executed this Contract on the date below to start as of the date and year last written below. The rights and obligations of both parties to this Contract are governed by this Contract and the following other documents incorporated by reference: Contractor Terms and Conditions including Declarations Page; Attachment I: Promissory Note; Attachment II: Federal and State Requirements; Attachment III: Disadvantaged Business Enterprise Requirements; Attachment IV: Certification Regarding Debarment, Suspension, and Other Responsibility Matters; Attachment V: DWSRF Eligible Project Costs; Attachment VI: Labor Standard Provisions for Sub-recipients that are not Governmental Entities; Attachment VII: UCC Filings; Attachment VIII: Corporate Resolution to Borrow or Guarantee; and, Attachment IX: Commercial Security Agreement.			
FOR THE CONTRACTOR _____ Signature _____ Print Name _____ Title _____ Date		FOR PUBLIC WORKS BOARD _____ Stan Finkelstein, Public Works Board Chair _____ Date APPROVED AS TO FORM ONLY This 13th Day of July, 2015 _____ Bob Ferguson Attorney General _____ <i>Signature on file</i> Kathryn Wyatt Assistant Attorney General	



Date: December 1, 2015
To: Public Works Board
From: Jill Nordstrom, Drinking Water Program Manager
Subject: Late Fee Waiver for Napavine DWSRF Loan DM10-952-006 (DOH 2010-172)

STAFF RECOMMENDATION: Recommend waiving Loan Repayment Late Fee of \$773.46

Project Description: Small Water System Consolidation

Original Loan Amount: \$2,832,000

Project Status:

The project is complete. Napavine made their full loan repayment on November 17, 2015.

History:

In September, Napavine requested an extension to their loan in order to complete their Local Improvement District (LID) process. At the time their first repayment was due (October 1st, 2015), the LID was not yet complete and therefore the City did not have sufficient funds available to make their payment. Since that date, Napavine has completed their LID process and submitted their loan repayment.

Action:

Waive the Late Fee of \$773.46 for DM10-952-006 (2010-172).



DATE: November 18, 2015
 TO: Public Works Board
 FROM: Jill Nordstrom, Drinking Water Program Manager
 SUBJECT: Project Completion Extension Request

STAFF RECOMMENDATION

Staff recommends extending the contract project completion dates as follows:

Program	Client	Contract No.	Project	Loan/Grant Amount	Available to Draw	Original Closeout Date	Current Closeout Date	Proposed Closeout Date
DWSRF	Omak	DM11-952-026	Omak Source Improvements	\$2,419,960	\$2,354,435.49	1/02/16	1/02/16	12/31/17

Reason for Extension Request: Additional time is needed due to a longer than anticipated environmental review process. The City's water right approval request was also challenged by Colville Tribes adding delays. In addition, local wildfire events caused extreme interruptions at the City. The Construction Award is now scheduled for mid-November. Project is 2% complete.

BACKGROUND - The client has requested an extension to their project completion date. Staff evaluated the request through a staff peer review process. DOH has been consulted and agrees with extending the DWSRF project.



DATE: December 7, 2015

TO: Public Works Board

FROM: Janet Cherry & Michael Copeland, Office of Drinking Water, Drinking Water State Revolving Fund (DWSRF) Program

SUBJECT: 2016 DWSRF Recommended Funding List

STAFF RECOMMENDATION

Staff respectfully requests the following actions from the Public Works Board (PWB):

1. Individual confirmation of recusal status:

Board Member	Recusal (No, or Applicant Name)
Stan Finkelstein	
Janet (JC) Baldwin	
Pam Carter	
The Honorable Jerry Cummins	
Mary Margaret Haugen	
Scott Hutsell	
Diane Pottinger	
Matthew Rasmussen	
Mark (Bubba) Scott	
Lisa Wellman	

2. Approval of the DWSRF list of projects provided in handout.

PWB and Department of Health (DOH) staff recommend Board approval of the projects identified in Attachment A of the handout. While staff feels confident that these projects are ready to proceed to contract, there may be modifications to the listed applications as staff finalizes project scopes and budgets with applicants. We will inform the Board if any of the interest rates or loan terms change during the final stages of this process.

BACKGROUND

DOH received thirty-six (36) applications requesting more than \$56.54 million in funding. Of the thirty-six (36) loan applications received, three (3) were deemed ineligible due to lack of required planning documents. The remaining thirty-three (33) eligible applications are under review by DOH and the requested funding in these applications is \$53.98 million, within the \$65 million allocated this year for construction project funding. At this time, DOH recommends the twenty-one (21) projects contained in Attachment A to be considered by the PWB

for funding. The City of Camas application has been split into two (2) projects from the original single application:

1. One application will be for \$2.6 million to allow continued construction of the slow sand filter plant as funded under DM12-952-089. Staff intends to expedite the execution of the contract.
2. The other application will be for \$3.4 million for construction of new transmission mains.

DOH will continue working with the remaining thirteen (13) eligible applications (as presented in Attachment B) and will present another list of applications to the PWB for consideration at the February 5, 2016 meeting.

Because of the availability of funds remaining in this year's construction loan cycle, DOH has conducted two outreach efforts:

1. Unfunded applicants from the 2015 DWSRF construction loan application cycle were contacted to seek their interest in receiving funding for the proposed project. To date, five (5) applicants have responded and DOH will be presenting these applications for PWB consideration at the February 5, 2016 meeting.
2. DOH has also contacted entities with current construction loans that have recently bid their projects and may be in need of additional money due to the bid amount exceeding project funding. DOH is working closely with PWB staff on how best to accommodate these systems with additional money through either an amendment to an existing loan or execution of a new loan. If staff concludes execution of a new loan is prudent, then DOH will present those applicants for PWB review at the February 5, 2016 meeting.

DWSRF

\$65 Million Available (approximate)
\$3,922,200 to \$5,883,300 Subsidy Available

*Subsidy (Loan Forgiveness) is awarded to high AI communities and those consolidating systems

A. DWSRF Applicants that are ready for PWB approval on December 11, 2015

DOH #	Applicant	Project Name	County	Score	Loan Amount	Loan Fee %	Loan Fee	Total Loan Amount	Subsidy %	Subsidy @ Project Completion	Interest Rate	Term in Years	Special Contract Conditions	Community/Non Community
2015-012	City of Olympia	McAllister Wellfield Corrosion Control Facility	THURSTON	156	\$ 4,018,448.00	1%	\$ 40,184.48	\$ 4,058,632.48	0%	\$ -	1.5%	20	n/a	Comm
2015-032	City of Enumclaw	2 MG Reservoir Replacement	KING	77	\$ 2,255,563.00	1%	\$ 22,555.63	\$ 2,278,118.63	0%	\$ -	1.5%	20	n/a	Comm
2015-050	City of Camas	Camas Surface Water Transmission Main	CLARK	48	\$ 3,400,000.00	1%	\$ 34,000.00	\$ 3,434,000.00	0%	\$ -	1.5%	20	n/a	Comm
2015-054	City of Camas	Camas Slow Sand Filter	CLARK	65	\$ 2,600,000.00	0%	\$ -	\$ 2,600,000.00	50%	\$ 1,300,000.00	1.0%	24	n/a	Comm
2015-029	City of Zillah	Source Well Improvements	YAKIMA	64	\$ 2,208,000.00	1%	\$ 22,080.00	\$ 2,230,080.00	0%	\$ -	1.5%	20	n/a	Comm
2015-034	City of Snohomish	Aldcrest Water Users Association - Cypress Lane Water Main Extension	SNOHOMISH	62	\$ 161,470.00	0%	\$ -	\$ 161,470.00	50%	\$ 80,735.00	1.0%	24	n/a	Comm
2015-047	City of Kelso	Minor Road Reservoir Replacement and Transmission Main	COWLITZ	62	\$ 4,485,000.00	1%	\$ 44,850.00	\$ 4,529,850.00	0%	\$ -	1.5%	20	n/a	Comm
2015-015	Skamania County Public Utility District #1	New Carson Water System Reservoir	SKAMANIA	61	\$ 1,796,578.00	1%	\$ 17,965.78	\$ 1,814,543.78	0%	\$ -	1.5%	20	n/a	Comm
2015-041	City of Morton	Reservoir No. 1 Replacement	LEWIS	61	\$ 1,300,000.00	1%	\$ 13,000.00	\$ 1,313,000.00	0%	\$ -	1.5%	20	n/a	Comm
2015-009	Kitsap Public Utility District #1	Crystal Springs Consolidation	KITSAP	60	\$ 320,868.00	0%	\$ -	\$ 320,868.00	50%	\$ 160,434.00	1.0%	24	n/a	Comm
2015-028	City of Auburn	Coal Creek Springs Transmission Main Replacement	KING	59	\$ 1,340,000.00	1%	\$ 13,400.00	\$ 1,353,400.00	0%	\$ -	1.5%	20	n/a	Comm
2015-051	City of Colville	Colville Reservoir #3 Replacement	STEVENS	59	\$ 2,278,864.00	1%	\$ 22,788.64	\$ 2,301,652.64	0%	\$ -	1.5%	20	n/a	Comm
2015-021	City of Sequim	Sunnyside Water Main Replacement - Maple St. to Fir St.	CLALLAM	55	\$ 634,900.00	1%	\$ 6,349.00	\$ 641,249.00	0%	\$ -	1.5%	20	n/a	Comm
2015-019	Town of Concrete	Town of Concrete Water System Improvements	SKAGIT	54	\$ 1,119,111.00	1%	\$ 11,191.11	\$ 1,130,302.11	0%	\$ -	1.5%	20	n/a	Comm
2015-020	City of Anacortes	Blue Herron Circle 3MG Reservoir Rehabilitation	SKAGIT	52	\$ 4,925,500.00	1%	\$ 49,255.00	\$ 4,974,755.00	0%	\$ -	1.5%	20	n/a	Comm
2015-022	City of Sequim	5th and McCurdy Booster Pump Station Improvements	CLALLAM	50	\$ 724,850.00	1%	\$ 7,248.50	\$ 732,098.50	0%	\$ -	1.5%	20	n/a	Comm
2015-027	City of Olympia	Fones Rd Booster Pump Station	THURSTON	50	\$ 1,912,853.00	1%	\$ 19,128.53	\$ 1,931,981.53	0%	\$ -	1.5%	20	n/a	Comm
2015-031	City of Kennewick	Kennewick/Elliot Lake Water System Consolidation	BENTON	50	\$ 1,097,342.00	0%	\$ -	\$ 1,097,342.00	50%	\$ 548,671.00	1.0%	24	n/a	Comm
2015-030	City of Selah	Palm Park Booster Station and Well No. 7 Improvements	YAKIMA	47	\$ 1,210,000.00	1%	\$ 12,100.00	\$ 1,222,100.00	0%	\$ -	1.5%	20	n/a	Comm
2015-043	City of Kettle Falls	BNSF/Highway 395 Water Main Replacement	STEVENS	45	\$ 587,000.00	1%	\$ 5,870.00	\$ 592,870.00	0%	\$ -	1.5%	20	n/a	Comm
2015-025	Seattle Public Utilities	Morse Lake Pump Plant	King	80	\$ 6,000,000.00	1%	\$ 60,000.00	\$ 6,060,000.00	0%	\$ -	1.5%	20	n/a	Comm
					\$ 44,376,347.00			\$ 401,966.67			\$ 44,778,313.67			\$ 2,089,840.00

B. DWSRF Applicants that need more assistance -- should be ready by February 2016 PWB meeting

Applicant	Applicant	Project Name	County	Score	Loan Amount	Loan Fee %	Loan Fee	Total Loan Amount	Subsidy %	Subsidy @ Project Completion	Interest Rate	Term in Years	Special Contract Conditions	notes
2015-014	Windolph Association	Windolph Water System Replacement	THURSTON	135	\$ 841,500.00	1%	\$ 8,415.00	\$ 849,915.00	0%	\$ -	1.5%	20	need more info	need more info
2015-049	City of Port Townsend	City of Port Townsend Mandated LT2ESWTR Water Treatment Facility	JEFFERSON	185	\$ 1,200,000.00	1%	\$ 12,000.00	\$ 1,212,000.00	0%	\$ -	1.5%	20	need more info	need more info
2015-026	College Place/ Christ Community Fellowship	New Source Well	WALLA WALLA	127	\$ 1,286,500.00	0%	\$ -	\$ 1,286,500.00	50%	\$ 643,250.00	1.0%	24	need more info	\$ amount estimated . need more info
2015-045	Keller Lane Property Owners Association, owners/operators of the Lakeview Subdivision Water System	Water Quality Improvements Project	LINCOLN	167	\$ 769,000.00	0%	\$ -	\$ 769,000.00	50%	\$ 384,500.00	1.0%	24	need more info	need more financial info
2015-011	Acme Water District #18	Arsenic Removal Project	WHATCOM	159	\$ 316,250.00	1%	\$ 3,162.50	\$ 319,412.50	0%	\$ -	1.5%	20	need more info	need more info
2015-007	City of Pomeroy	Pomeroy Sunny Side Booster Pump Station & Water Main Replacement	GARFIELD	67	\$ 389,828.00	1%	\$ 3,898.28	\$ 393,726.28	0%	\$ -	1.5%	20	need more info	need more info
2015-016	Town of Northport	Well Improvements Project	STEVENS	59	\$ 682,900.00	0%	\$ -	\$ 682,900.00	30%	\$ 204,870.00	1.0%	24	need more info	need more info. City looking at other fund options
2015-042	City of Ilwaco	Sahalee Subdivision Distribution System Improvements	PACIFIC	57	\$ 745,000.00	1%	\$ 7,450.00	\$ 752,450.00	0%	\$ -	1.5%	20	need more info	need more info
2015-044	Tulalip Shores Beach Association	Tulalip Shores Distribution System Replacement	SNOHOMISH	56	\$ 909,436.00	1%	\$ 9,094.36	\$ 918,530.36	0%	\$ -	1.5%	20	need more info	need more info - financials due
2015-048	City of Brewster	Brewster Reservoir Replacement	OKANOGAN	55	\$ 1,255,000.00	1%	\$ 12,550.00	\$ 1,267,550.00	0%	\$ -	1.5%	20	need more info	need more info
2015-052	City of Rockford	Rockford Well #4 Replacement Project	SPOKANE	55	\$ 510,400.00	1%	\$ 5,104.00	\$ 515,504.00	0%	\$ -	1.5%	20	need more info	need info
2015-046	Honeymoon Bay Vista Water Association	HBVWA Main Line Replacement; Reservoir Fill Alteration	ISLAND	49	\$ 222,000.00	1%	\$ 2,220.00	\$ 224,220.00	0%	\$ -	1.5%	20	need more info	will need more info
2015-023	City of Sequim	Roof of 500,000-Gallon Reservoir	CLALLAM	55	\$ 225,000.00	1%	\$ 2,250.00	\$ 227,250.00	0%	\$ -	1.5%	20	need more info	need revised scope for roof only
					\$ 9,352,814.00			\$ 63,894.14			\$ 1,232,620.00			

C. DWSRF Applicants that were ineligible due to lack of planning documents

Applicant	Applicant	Project Name	County	Score	Loan Amount	Loan Fee %	Loan Fee	Total Loan Amount	notes	Community/Non Community
2015-018	King County Water District No. 90	West Lake Kathleen Water Main Improvement Project	KING	Ineligible	\$ 1,816,500.00	1%	\$ 18,165.00	\$ 1,834,665.00	Recommended coming in for preconstruction loan	Comm
2015-008	Green Ridge HOA	Water system improvements	Spokane	Ineligible	574,480	1%	5745	580,225	Recommended consolidation with Liberty Lake Water and Sewer	Comm
2015-013	City of Black Diamond	Downtown AC water main replacement and looping	King	Ineligible	143,564	1%	1435	145,000	Recommended coming in for preconstruction loan	Comm
					\$ 2,534,544.00		\$ 25,345.00	\$ 2,559,890.00		

TAB C

Policy & Program Development



DATE: December 2, 2015
 TO: Public Works Board
 FROM: Cecilia Gardener, Executive Director
 SUBJECT: Proposed Legislative Strategy

As we enter the upcoming legislative session, it is time to think about how we will achieve our goals. Some ideas are listed here as suggested items for the Board's review, direction, and implementation. There is a short range for this upcoming 2016 session, and a long range for the 2017 session when the biennial budget is developed.

Items to be addressed and some proposed actions

- 1) Shepard the RCW modification for Board Membership – Including Legislators on the Board (Short-term)
 - a) Build Support
 - b) Identify a Champion
 - c) Develop Material to message
- 2) Shepard the RCW modification for Eligible Jurisdictions – Including Ports as eligible applications for PWAA (Short-term)
 - a) Build Support
 - b) Identify a Champion
 - c) Develop Material to message
- 3) Support the \$20M request for Emergency Funding for Counties hit by wildfires (Short-term)
 - a) Coordinate with those in lead positions for the wildfire recover try to identify jurisdictions and the specific needs both long and short term
 - b) Identify what is being addressed by FEMA and what is not
 - c) Survey?
- 4) Outreach (Short-term)
 - a) January legislative meeting to key legislators
 - b) Meet with the new chairs of budget and policy committees
 - c) Follow-up with the House Local Government Committee to see if there is any other information they would like
 - d) Coordinated Regional meetings

Local Tech Teams (DOH/DOE/Commerce)	Public Works Board Academy PWB Members and Staff		Planning Forum Growth Management Staff	Legislator Informational Sessions
Tech Team A	Session 1	Session 2		What is Infrastructure and why is it important?
Tech Team B	Session 3	Session 4		
LUNCH				
Tech Team C	Session 1	Session 2		Meet your Legislator
Tech Team D	Session 3	Session 4		

- 5) Building Relationships (long term)
 - a) Visit key Legislators and Committee Staff
 - b) Connect with Partners (Federal and State agencies that fund infrastructure)
 - c) Connect with Stakeholders (Associations representing local governments)
- 6) Consider hiring a lobbyist (short and long term)
- 7) Lay the groundwork for the 2017 Session (long term)

