RESOLUTION OF THE FAYETTEVILLE PUBLIC WORKS COMMISSION TO ACCEPT THE DRINKING WATER AND WASTEWATER RESERVE DIRECT APPROPRIATION

WHEREAS, the Current Operations Appropriations Act of 2023 of the General Assembly of North Carolina was established in Session Law (S.L) 2023-134, Section 12.2.(e) to assist eligible units of local government with meeting their drinking water and/or wastewater infrastructure needs;

WHEREAS, the North Carolina Department of Environmental Quality (NCDEQ) has offered Drinking Water and Wastewater Reserve Direct Appropriation funding in the amount of $2,111,000 to perform the work detailed in the submitted funding request for the High Pressure Zone Water Main Improvements project for which the Funding Offer and Acceptance set forth as Exhibit A attached hereto was granted (the Project); and

WHEREAS, the Fayetteville Public Works Commission (COMMISSION) intends to perform said project in accordance with the agreed scope of work, and

NOW, THEREFORE, LET IT BE RESOLVED BY THE COMMISSIONERS OF THE FAYETTEVILLE PUBLIC WORKS COMMISSION THAT:

1. The COMMISSION does hereby accept the Drinking Water and Wastewater Reserve Direct Appropriation offer of $2,111,000 as presented in Exhibit A;

2. The COMMISSION does hereby give assurance to NCDEQ that all Conditions and Assurances and other items contained in the Funding Offer and Acceptance (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State and local laws, rules, regulations, and ordinances applicable to the Project and to federal and State grants and loans pertaining thereto; and

3. Timothy Bryant, CEO/General Manager of the COMMISSION, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with the project; to make the assurances as contained above; and to execute such other documents as may be required by the NCDEQ, Division of Water Infrastructure.

ADOPTED this 24th day of July, 2024.

FAYETTEVILLE PUBLIC WORKS COMMISSION

_____

Donald L. Porter, Chairman

ATTEST:

_____

Ronna Rowe Garrett, Secretary

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

Funding Offer and Acceptance

Legal Name and Address of Award Recipient

Fayetteville Public Works Commission
955 Old Wilmington Rd.
Fayetteville, NC 28301

Project Number(s): SRP-D-134-0129

Assistance Listing Number: N/A
Unique Entity ID Number: UMXDRGNCMPQ7

Funding Program

		Additional Amount for Funding Increases	Previous Total	Total Offered
Drinking Water	☒			
Stormwater	☐			
Wastewater	☐			
State Revolving Fund-Repayable Loan	☐			
State Revolving Fund-Principal Forgiveness	☐			
State Reserve Loan	☐			
State Reserve Grant	☐			
State Reserve Earmark (S.L. 2023-134)*	☒			$2,111,000
American Rescue Plan Act - Choose an item.	☐			

Project Description:

High Pressure Zone Water Main Improvements

Total Financial Assistance Offer:	$ 2,111,000
Total Project Cost:	$23,564,000
Estimated Closing Fee:**	$ 0
For Loans	
Interest Rate:	-- Per Annum
Maximum Loan Term:	-- Years

** Federal conditions and requirements will also apply to S.L 2023-134 projects co-funded with federal funds.*
*** Estimated closing fee calculated based on grant and loan amount.*

Pursuant to North Carolina General Statute 159G:

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

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

For The State of North Carolina: **Shadi Eskaf, Director, Division of Water Infrastructure**
North Carolina Department of Environmental Quality

DocuSigned by: Shadi Eskaf
Signature

7/5/2024
Date

On Behalf of: Fayetteville Public Works Commission
Name of Representative in Resolution: Timothy Bryant
Title (Type or Print): CEO/General Manager

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

Signature

Date

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STANDARD CONDITIONS & ASSURANCES FOR STATE RESERVE PROJECTS
Project Applicant: Fayetteville PWC **Project Number: SRP-D-134-0129**

1. The Applicant intends to construct the project or cause it to be constructed to final completion in accordance with the Application approved for financial assistance by the Division.
   The recipient acknowledges that in the event a milestone contained in the most recent Clean Water State Revolving Fund intended Use Plan and/or the Letter of Intent to Fund is missed, the Department of Environmental Quality will rescind this Funding Offer.

2. The Applicant is responsible for paying for the costs ineligible for DWI funding.

3. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.

4. As of the acceptance of this Funding Award Offer, steps A-D in the SRP Guidance will be complete. These Assurances, likewise, incorporate the most recent version of the SRP Guidance, and the Applicant hereby certifies by accepting this Funding Award Offer that it will adhere to the subsequent steps in the SRP Guidance document. The remaining steps generally govern project design, bidding, contracting, inspection, disbursements, closeout and repayment.

5. The Applicant will provide and maintain adequate engineering supervision and inspection.

6. The recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.

7. All SRP funds must be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the recipient's compliance with the Standard Conditions of this Award. The Applicant agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.

8. The applicant will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note that the State is not a party to the construction contract(s) and the Applicant is expected to uphold its contract obligations regarding timely payment.

9. The applicant acknowledges that any loan funds contained in this Funding Offer requires approval from the North Carolina Local Government Commission before they can be disbursed.