

RESOLUTION OF THE FAYETTEVILLE PUBLIC WORKS COMMISSION TO ACCEPT A STATE LOAN OFFER UNDER THE INFRASTRUCTURE INVESTMENT AND JOBS ACT OF 2021

WHEREAS, the Infrastructure Investment and Jobs Act (IIJA) of 2021 and North Carolina General Statute (NCGS) 159G have authorized the making of principal forgiveness loans to aid eligible, drinking water system owners in financing pre-construction activities and planning efforts associated with the removal of per- and polyfluoroalkyl substances (PFAS); and

WHEREAS, the North Carolina Department of Environmental Quality (NCDEQ) has offered a Drinking Water State Revolving Fund – Emerging Contaminants (DWSRF-EC) loan with principal forgiveness in the amount of \$500,000 for the PO Hoffer/ Glenville Lake WTP GAC Facilities Design project (Exhibit A); and

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

WHEREAS, the loan terms for PO Hoffer/Glenville Lake WTP GAC Facilities Design project are 100% principal forgiveness and 2% closing fee.

NOW THEREFORE BE IT RESOLVED BY THE COMMISSION THAT:

1. The COMMISSION does hereby accept the IIJA DWSRF-EC principal forgiveness loan offer of \$500,000 as presented in Exhibit A, contingent upon approval of the same by the City Council of the City of Fayetteville pursuant to Charter Section 6A.19.
2. The COMMISSION does hereby give assurance to NCDEQ that all items specified in the loan offer, Section II – Assurances will be adhered to.
3. Timothy L. 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 such application or the project; to make the assurances as contained above; to execute the promissory note; and to execute such other documents as may be required in connection with the application.
4. The COMMISSION 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.
5. The COMMISSION requests that the City Council of the City of Fayetteville approve this loan pursuant to Charter Section 6A.19 by adopting a Resolution in the form attached hereto.

Adopted this 9th day of April, 2025.

FAYETTEVILLE PUBLIC WORKS COMMISSION



Christopher Davis, Chairman

ATTEST:



Roma Rowe Garrett, Secretary

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

Funding Offer and Acceptance

Legal Name and Address of Award Recipient

Project Number: SRF-D-EC-0005

Fayetteville Public Works Commission
955 Old Wilmington Road
Fayetteville, NC 28301

Assistance Listing Number: 66.468
Unique Entity ID Number: UMXDRGNCMPQ7

Funding Program

Drinking Water	<input checked="" type="checkbox"/>	Additional Amount for Funding Increases	Previous Total	Total Offered
Stormwater	<input type="checkbox"/>			
Wastewater	<input type="checkbox"/>			
IIJA DWSRF-EC Fund - Principal Forgiveness	<input checked="" type="checkbox"/>	--	--	\$500,000
State Revolving Fund – Repayable Loan	<input type="checkbox"/>	--	--	
State Reserve Loan	<input type="checkbox"/>			
State Reserve Grant	<input type="checkbox"/>			
State Reserve Earmark (S.L. 2023-134)	<input type="checkbox"/>			
American Rescue Plan Act Choose an item.	<input type="checkbox"/>			

Project Description:

PO Hoffer Glenville GAC Design

Total Financial Assistance Offer:	\$500,000
Total Project Cost:	\$500,000
Estimated Closing Fee*: 2.00% <i>For Loans</i>	\$10,000
Principal Forgiveness:	\$500,000
Interest Rate:	N/A Per Annum
Maximum Loan Term:	N/A Years

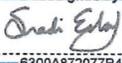
*Estimated closing fee calculated based on grant and/or loan amount(s).

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.

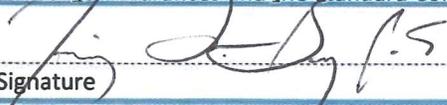
The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

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

DocuSigned by:  Signature	3/6/2025 Date
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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	4/11/25 Date
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APPLICABLE STANDARD CONDITIONS*

Project Applicant: Fayetteville Public Works Commission

Project Number: SRF-D-EC-0005

1. **Social Authorities:** Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, The Age Discrimination Act of 1975, Section 13 of the Federal Water Pollution Control Act Amendments of 1972, and Equal Employment Opportunity (Executive Order No 11246, as amended) which prohibits activities that are intentionally discriminatory and/or have a discriminatory effect based on race, color, religion, sex, sexual orientation, gender identity, or national origin.
2. Acquisition of Real Property must comply with all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL 92-646), as amended. The Subrecipient shall certify that it has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project using a certification form provided by DEQ.
3. Specific MBE/WBE (DBE) forms and instructions are provided that are to be included in the contract specifications. These forms will assist with documenting positive efforts made by subrecipients, their consultants and contractors to utilize disadvantaged businesses enterprises. Such efforts should allow DBEs the maximum feasible opportunity to compete for sub agreements and subcontracts to be performed. Documentation of efforts made to utilize DBE firms must be maintained by all subrecipients, and construction contractors, and made available upon request.
4. Debarment and Suspension, Executive Order No. 12549: Subrecipients shall fully comply with Subpart C of 2 CFR Part 180 entitled, "Responsibilities of Participants Regarding Transactions Doing Business with Other Persons," as implemented and supplemented by 2 CFR Part 1532. Subrecipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Subrecipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Subrecipients may access suspension and debarment information at: <http://www.sam.gov>. This system allows subrecipients to perform searches determining whether an entity or individual is excluded from receiving Federal assistance.
5. As applicable, the construction contract(s) requires the contractor to adhere to Davis Bacon and Related Acts Provisions and Procedures as listed in the Code of Federal Regulations Chapter 29 Part 5 Section 5 (29 CFR 5.5). Public Law pertaining to this is also enacted in Title 40, United States Code, Subtitle II Section 3141 through Section 3148. Wage Rate requirements are also authorized by section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-12).
6. Projects funded through the IIJA DWSRF-EC funds are required to comply with the Federal Build America, Buy America (BABA) Act. BABA requires that iron, steel, manufactured products, and construction materials used in infrastructure projects are produced in the United States. If a PFAS pilot testing apparatus becomes permanently affixed to the public water system, BABA will apply.
 - a. For projects that qualify for a BABA wavier, American Iron & Steel (AIS) provisions will apply as required by H.R. 3547, "Consolidated Appropriations Act, 2014" Section 436, Division G, Title IV. The State provides detailed requirements to be included in the construction contract specifications, if applicable to the project.
7. Pursuant to 2 C.F.R. § 200.216, Subrecipients cannot obligate SRF funds to: (1) procure or obtain; (2) extend or renew a contract to procure or obtain; or (3) enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services (as described in Public Law 115-232, Section 889) as a substantial or essential component of any system, or as a critical technology as part of any system.

**Note: Condition 1 does not require anything to be submitted. Details on all of these conditions can be found in the EPA Cross-Cutter handbook.*

ASSURANCES

Project Applicant: Fayetteville Public Works Commission

Project Number: SRF-D-EC-0005

1. The Subrecipient acknowledges that no disbursements will be made until the 2.0% closing fee has been received by the Division of Water Infrastructure (Division).
2. The Subrecipient acknowledges that no disbursements will be made until applicable service agreements or contracts are submitted. The description of work listed on invoices must be included in the scope of work shown on the agreements or contracts.
3. All projects must comply with North Carolina General Statute 143-64.31, Article 3D Procurement of Architectural, Engineering, and Surveying Services. Any services provided that were not selected in compliance with state requirements will be ineligible for disbursement.
4. The Subrecipient intends to complete the project in accordance with the application for financial assistance approved by the Division. The Subrecipient acknowledges that in the event a milestone contained in the most recent IJIA DWSRF-EC Fund Intended Use Plan and/or the Letter of Intent to Fund is missed, the Department of Environmental Quality may rescind this Funding Offer.
5. The Subrecipient is responsible for paying for the costs ineligible for IJIA DWSRF-EC funding.
6. All aspects of the project, including the letting of contracts in connection therewith, conform to the applicable requirements of State and local laws and ordinances.
7. The Subrecipient will provide and maintain adequate engineering supervision and inspection.
8. The Subrecipient 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 course 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.
9. Subrecipients with a network or information system connected to the US Environmental Protection Agency's (EPA) network for purposes of transferring data to the EPA are required to obtain an Interconnection Service Agreement with EPA if the Subrecipient uses any system other than the Environmental Information Exchange Network or EPA's Central Data Exchange. Contact the EPA Project Officer, Jacob Netemeyer at netemeyer.jacob@epa.gov if an Interconnection Service Agreement is required.
10. All IJIA DWSRF-EC funds provided shall 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 Award 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 Subrecipient agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.
11. The Subrecipient 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 Subrecipient is expected to uphold its contract obligations regarding timely payment.
12. The Subrecipient must provide to the Division a digital copy of the final deliverable in a universally readable format. The Subrecipient must provide an executive level summary of the work performed, any conclusions made, and the next steps to be taken as a result of this work.
13. A maximum of 90% of the Award will be paid prior to receipt of the documentation described in Assurance No. 12. After receipt of this documentation, the final disbursement request will be processed.