



STATE REVOLVING FUND WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT (SWIFIA) LETTER OF INTEREST INSTRUCTIONS

State Infrastructure Financing Authorities (SIFA) seeking Water Infrastructure Finance and Innovation Act (WIFIA) credit assistance under the SWIFIA program must complete and submit this letter of interest form and provide the requested attachment to the U.S. Environmental Protection Agency (EPA) following the instructions in the Notice of Funding Availability (NOFA). A SIFA is a State entity established or designated by the Governor of a State to receive a capitalization grant provided by, or otherwise carry out the requirements of, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et. seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12).

A prospective borrower may assert a Confidential Business Information (CBI) claim covering part or all of the information submitted to EPA as part of its letter of interest, in a manner consistent with 40 C.F.R. 2.203, 41 Fed. Reg. 36902 (Sept. 1, 1976), by placing on (or attaching to) the information a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential. The prospective borrower should also state whether it desires confidential treatment until a certain date or until the occurrence of a certain event. Information covered by a business confidentiality claim will be disclosed by EPA only to the extent and only by means of the procedures set forth under 40 C.F.R. Part 2, Subpart B. Information that is not accompanied by a business confidentiality claim when it is received by EPA may be made available to the public by EPA without further notice to the prospective borrower. More information about CBI is available in the [WIFIA program handbook](#).

The final letter of interest submission must include:

- 1) A completed, signed version of this letter of interest form
- 2) All attachments requested in the letter of interest form. There is no limit to the length of attachments provided. Attachments should be the most recent versions of the documents available at the time of submission and may be draft or preliminary.

When finished, the letter of interest form and attachments may be submitted by uploading the documents to EPA's SharePoint site. To be granted access to the SharePoint site, prospective borrowers can request access to SharePoint by emailing wifia@epa.gov. After uploading the completed letter of interest form and all attachments, emailing the WIFIA program office at wifia@epa.gov with the subject line: "[NAME OF PROSPECTIVE BORROWER] – [NAME OF PROJECT] – Letter of Interest Submitted".

Upon receipt, EPA will provide a confirmation email. If you have questions on completing this letter of interest, please consult the WIFIA website (www.epa.gov/wifia) or contact the WIFIA program office at wifia@epa.gov.

After completing its intake process, EPA will provide a confirmation email.



Burden

The public reporting and recordkeeping burden for this collection of information is estimated to average 5 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, included through the use of automated collection techniques to the Director, Regulatory Support Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

Warning

Falsification or misrepresentation of information or failure to file or report information required to be reported may be the basis for denial of financial assistance by EPA. Knowing and willful falsification of information required to be submitted and false statements to a Federal Agency may also subject you to criminal prosecution. See, for example, 18 U.S.C. §1001.

Additional information is available at <https://epa.gov/wifia> and by contacting wifia@epa.gov.



SWIFIA LETTER OF INTEREST FORM

Section A: Loan Information

Provide the requested information in the response boxes.

1. Legal name of prospective borrower:

2. Other names under which the prospective borrower does business:

3. Business street address:

Street Address: _____

City/State/Zip: _____

4. Program website:

5. Employer/taxpayer identification number (EIN/TIN):

6. Unique Entity ID from SAM.gov:

7. Requested amount of the SWIFIA loan (in dollars) (cannot exceed 49% of question A-8):

8. Estimated total costs of the State Revolving Fund (SRF) loans that are included in the SWIFIA Project (as defined on page 7) (in dollars):

9. The SRF loans are for (select only one):

Clean Water SRF (CWSRF) projects
Drinking Water SRF (DWSRF) projects
Both CWSRF and DWSRF projects



10. Requested loan structure (select only one):

OPTION 1: EPA adopts the SIFA’s existing indenture. If selected, provide indenture as Attachment 4.

OPTION 2: The SIFA accepts EPA standard terms. More information on standard terms is available at www.epa.gov/wifia.

Section B: Supporting Documents

Provide the most recent versions of the following documents as attachments. The document is required unless otherwise noted.

- Attachment 1: Intended Use Plan (IUP)
- Attachment 2: SRF Operating Agreements with EPA Regional Office (CWSRF and/or DWSRF, as applicable)
- Attachment 3: Documentation of the priority setting system (if not included in IUP or Operating Agreement)
- Attachment 4: Bond Indentures - CWSRF/DWSRF/Combined, as applicable (if applying for OPTION 1)

Section C: Contact Information

1. Primary point of contact

Name: _____
 Title: _____
 Organization: _____
 Street Address: _____
 City/State/Zip: _____
 Phone: _____
 E-mail: _____

2. Secondary point of contact

Name: _____
 Title: _____
 Organization: _____
 Street Address: _____
 City/State/Zip: _____
 Phone: _____
 E-mail: _____

Section D: Certifications

Please sign in the appropriate space and submit a scanned version of the signature page to EPA with your electronic Letter of Interest submission.

1. *National Environmental Policy Act:* The undersigned acknowledges that EPA will not approve a loan until a final agency determination, such as a Categorical Exclusion (CATEX), Finding of No Significant Impact (FONSI), or a Record of Decision (ROD), has been issued.
2. *American Iron and Steel:* The undersigned acknowledges that any project receiving credit assistance under this program for the construction, alteration, maintenance, or repair of a project may only use iron and steel products produced in the United States and must comply with all applicable guidance.
3. *Buy America Preference:* The prospective borrower acknowledges that any project receiving credit assistance under this program for the construction, alteration, maintenance, or repair of a project may only use domestic iron/steel, manufactured products and construction materials produced or manufactured in the United States and must comply with all applicable guidance.
4. *Prevailing Wages:* The undersigned acknowledges that all laborers and mechanics employed by contractors or subcontractors on projects receiving credit assistance under this program shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with sections 3141-3144, 3146, and 3147 of Title 40 (Davis-Bacon wage rules).
5. *Lobbying:* Section 1352 of Title 31, United States Code provides that none of the funds appropriated by any Act of Congress may be expended by a recipient of a contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, or an employee of a Member of Congress in connection with the award or making of a Federal contract, grant, loan, or cooperative agreement or the modification thereof. The EPA interprets this provision to include the use of appropriated funds to influence or attempt to influence the selection for assistance under the WIFIA and SWIFIA program.

Prospective borrowers must file a declaration: (a) with the submission of an application for SWIFIA credit assistance; (b) upon receipt of SWIFIA credit assistance (unless the information contained in the declaration accompanying the SWIFIA application has not materially changed); and (c) at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the information contained in any declaration previously filed in connection with the SWIFIA credit assistance.

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a



Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

6. *Debarment:* The undersigned further certifies that it is not currently: 1) debarred or suspended ineligible from participating in any Federal program; 2) formally proposed for debarment, with a final determination still pending; or 3) indicted, convicted, or had a civil judgment rendered against it for any of the offenses listed in the Regulations Governing Debarment and Suspension (Governmentwide Nonprocurement Debarment and Suspension Regulations: 2 C.F.R. Part 180 and Part 1532).
7. *Default/Delinquency:* The undersigned further certifies that neither it nor any of its subsidiaries or affiliates are currently in default or delinquent on any debt or loans provided or guaranteed by the Federal Government.
8. *Other Federal Requirements:* The undersigned acknowledges that it must comply with all other federal statutes and regulations, as applicable. A non-exhaustive list of federal cross-cutting statutes and regulations can be found at: <https://www.epa.gov/wifia/wifia-resources#complianceanchor>.
9. *SWIFIA Requirements:* The undersigned acknowledges that it must comply with the requirements set by the EPA regarding the loans included in the SWIFIA Project, acceptance of standard terms or indenture requirements, and other SWIFIA program requirements outlined in regulation and guidance materials.
10. *Signature:* By submitting this letter of interest, the undersigned certifies that the facts stated and the certifications and representations made in this letter of interest are true, to the best of the prospective borrower's knowledge and belief after due inquiry, and that the prospective borrower has not omitted any material facts. The undersigned is an authorized representative of the SIFA.

Signature: _____

Date Signed: _____

Name: _____

Title: _____

Organization: _____

Street Address: _____



City/State/Zip: _____
 Phone: _____
 E-mail: _____

KEY DEFINITIONS

- (a) *Credit assistance* means a secured loan or loan guarantee under SWIFIA.
- (b) *Buy America Preference* means the iron/steel, manufactured products and construction materials used in a project are produced or manufactured in the United States, including:
 - (1) all iron and steel used in a project across all manufacturing processes, from initial melting stage through the application of coatings, occurred in the United States.
 - (2) all manufactured product used in the project are produced in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total components of the manufactured product unless another standard has been established.
 - (3) all manufacturing processes for the construction materials used in a project occurred in the United States. Such as the following construction materials: “non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), concrete and other aggregates, glass (including optic glass), lumber, and drywall”
- (c) *Iron and steel products* means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.
- (d) *Prospective borrower* means an entity that is contemplating or is in the process of undertaking the WIFIA or SWIFIA application process, or an entity that has undertaken these activities on behalf of another entity. The following entities are eligible to receive credit assistance: a corporation, a partnership, a joint venture, a trust, a Federal, State, or local government, a tribal government or consortium of tribal governments, and a State infrastructure financing authority. Prospective borrowers become applicants when they are invited to apply for WIFIA or SWIFIA credit assistance.
- (e) *State infrastructure financing authority* means the State entity established or designated by the Governor of a State to receive a capitalization grant provided by, or otherwise carry out the requirements of, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et. seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).
- (f) *WIFIA* means the Water Infrastructure Finance and Innovation Act of 2014, Pub. L. 113-121, 128 Stat, 1332, codified at 33 U.S.C. §§ 3901-3914.



- (g) *SWIFIA Project* means the all the SRF loans being included in request for credit assistance. This includes both the SRF loans that will be financed with the SWIFIA loan (up to 49% of SWIFIA Project costs) and the SRF loans that will be financed by other sources.
- (h) *SWIFIA* means the separate, stand-alone State Revolving Fund *WIFIA* program authorized by sec. 4201(b) of America’s Water Infrastructure Act of 2018, Pub. L. 115-270.