# WIFIA Application Instructions – Public Entities

The U.S. Environmental Protection Agency (EPA) invites selected applicants to submit an application for Water Infrastructure Finance and Innovation Act (WIFIA) loans. Unsolicited applications will not be considered. Following selection, each selected applicant will work with WIFIA staff as they prepare their application and can answer the applicant’s questions regarding the application form, its attachments, and the project review, negotiation, and closing processes.

Resources regarding WIFIA program eligibility; completing a letter of interest and application; how loans are selected and closed; as well as post-close expectations are available in the [WIFIA Program Handbook](https://www.epa.gov/wifia/wifia-program-handbook). It is highly recommended to use this document as a companion when developing your letter of interest. For general information about WIFIA, consult the WIFIA website ([www.epa.gov/wifia](http://www.epa.gov/wifia)). Additional information specific to the current project selection round can be found in the [NOFA](https://www.epa.gov/wifia/wifia-funding-currently-available), and questions may be submitted to the WIFIA program office at [wifia@epa.gov](mailto:wifia@epa.gov).

# How to Complete the Application

**Confidential Business Information (CBI)**

The applicant may assert a Confidential Business Information (CBI) claim covering part or all of the information submitted to the 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 applicant 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 the 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 the EPA may be made available to the public by the EPA without further notice to the applicant. More information about CBI is available in the WIFIA program handbook and frequently asked questions (FAQ), which is available at http://www.epa.gov/wifia.

The applicant must submit a non-refundable application fee. The application fee is $25,000 for an application for a project serving small communities (population of not more than 25,000 people). For all other project applications, the application fee is $100,000. For further information regarding the application fee, as well as the credit processing fee which will be charged at loan closing, and any other applicable fees, please see the [WIFIA fee rule](https://www.federalregister.gov/documents/2017/06/28/2017-13438/fees-for-water-infrastructure-project-applications-under-wifia).

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# How to Submit the Application

**WIFIA Application Submission**

The final application submission must include:

1. Completed application form;
2. All attachments requested and referenced in this form; and
3. The application fee.

The applicant should reference the supporting document checklist provided on page 4 to ensure all needed information is provided in the application submission. Upon receipt of the application fee and materials, the EPA will provide a confirmation email.

**Application Form and Attachment Submittal:** When finished, the application form and attachments must be uploaded to the EPA’s SharePoint site. To be granted access to the WIFIA SharePoint site, the applicant should email the WIFIA staff person assigned to the applicant with the names and emails of all staff that need access.

**Application Fee Submittal:** The applicant should use of Pay.gov to make electronic payments to EPA. In Pay.gov, the applicant can track its payments to EPA and schedule recurring or automatic payments. Although it is not mandatory to register for a user id to access and use Pay.Gov, registration is recommended to have access to all Pay.gov system functionality. To use Pay.gov, follow these instructions:

1. Access the Pay.gov system by going to <https://www.pay.gov> and search for WIFIA or click on the following hyperlink to directly launch the [WIFIA Loan Collection & Fees Form](https://www.pay.gov/public/form/start/169789225).
2. Provide the following information on your payment to ensure proper credit:

* Remitter's contact phone number
* Company/Organization Name as it appears on EPA document
* Complete address, including city, state, zip code
* Project Name
* Loan Number: this is the EPA WIFIA Loan number, NOT the remitter's number
* From the “Payment Type” drop down menu select “Application Fee (Fee01)”
* Other Description: please enter your EPA WIFIA Loan number followed by -FEE01, for example 16123DC-FEE01

1. Follow the remaining on‐screen instructions to successfully process the payment to EPA.
2. Send an email to [ocfo-oc-fad-wifia@epa.gov](mailto:ocfo-oc-fad-wifia@epa.gov) and [wifia\_portfolio@epa.gov](mailto:wifia_portfolio@epa.gov) informing that a payment has been made.

The application fee may also be paid via FEDWIRE; for questions about payments, email to [ocfo-oc-fad-wifia@epa.gov](mailto:ocfo-oc-fad-wifia@epa.gov) and [wifia\_portfolio@epa.gov](mailto:wifia_portfolio@epa.gov). For detailed payment instructions, contact the WIFIA program.

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# Burden

The public reporting and recordkeeping burden for this collection of information is estimated to average 200 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, including 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 the Environmental Protection Agency. 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. Section 1001.

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*Additional information is available at* [*https://epa.gov/wifia*](https://epa.gov/wifia) *and by contacting* [*wifia@epa.gov*](mailto:wifia@epa.gov)*.*

# **SUPPORTING DOCUMENT CHECKLIST**

Theapplicant should submit its completed application form plus all relevant supporting documents listed in the checklist as attachments or links.

|  |  |  |  |
| --- | --- | --- | --- |
| **Question** | **Supporting Document(s)** | **Included** | **Not Applicable** |
| **Application Fee –** *Refer to fee instructions on page 2* | | |  |
| **Master Agreement Supplement** (No Supporting Documents) | | | |
| **Section A: Key Applicant and Loan Information** (No Supporting Documents) | | | |
| **ection B: Applicant Background** | | | |
| 2. Alternate Legal Entity | * Authorizing or organizational documents relating to such entity. |  |  |
| 4. Statistical Information | * Annual Comprehensive Financial Report or similar |  |  |
| **ection C: Financing Plan** | | | |
| 2. Rate Setting Process | * Rate Studies |  |  |
| 4. Preliminary Rating Letter | * Preliminary Rating Letter |  |  |
| 5. Audited Financial Statements | * Audited Financial Statements (2 years) |  |  |
| 6. Cash flow pro forma(s) | * Cash flow pro forma |  |  |
| 7. Sample Documentation | 1. Governing debt issuance documents 2. Bond issuance documents 3. Outstanding debt. 4. Additional agreements with bondholders 5. Outstanding Bonds with a debt service reserve. 6. Draft resolutions, ordinances, or other proceedings 7. Most recent SRF loan agreement 8. Any outstanding loan agreements 9. Major purchase agreements 10. Major wholesale agreements 11. Customer assistance program |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Section D: Technical and Environmental Review** | | |  |
| 1. Project Information Spreadsheet | * Project Information Spreadsheet (see below) |  |  |
| 3. Maps | * Maps of entire project and project components |  |  |
| 4. Programmatic Environmental Assessment | * WIFIA Programmatic Environmental Assessment Questionnaire |  |  |
| 6. Tribal Consultation | * Supporting documentation, including list of Tribes contacted. |  |  |
| 10. Capital Improvement Planning Process | * Current Capital Improvement Plans * Current Year Capital Budget |  |  |
| 11. System Condition | * System Master Plan * System Condition Assessment |  |  |
| 12. Operations and Maintenance | * Operations and Maintenance Plan |  |  |
| 9. Additional Forms | * [EPA 6600-06](https://www.epa.gov/system/files/documents/2021-08/epa_form_6600_06.pdf) * [SF-LLL](https://www.epa.gov/grants/sf-lll-disclosure-lobbying-activities) * [EPA 4700-4](https://www.epa.gov/sites/default/files/2014-09/documents/epa_form_4700_4.pdf) |  |  |
| **Project Information Spreadsheet** | | |  |
| Complete Project Information Spreadsheet and indicate which of the following attachments are included for each project component:   * Project Map (Tab 1, Column D) * Technical Reports (Tab 1, Column G) * Project Schedule Documents (Tab 2, Column H) * Engineer’s Cost Estimate (Tab 3, Column J) * Previously Incurred Costs (Tab 3, Column K) * Contract Documentation (Tab 4, Column G) * Environmental Review Documentation (Tab 5, Column J) | |  |  |
| **Certifications with signature** | |  |  |

# **APPLICATION FORM**

***Provide the following information in this form. Narrative answers can reference source documents (include the name of the document and relevant pages or sections). Provide any referenced documents as attachments or links. Please refer to the WIFIA Program Handbook for support in answering these questions. If your question is not covered in the Handbook or is specific to your project, please reach out to your assigned underwriter or origination contact for pre-application assistance.***

## **Master Agreement Supplement**

*A Master Agreement provides an overarching credit and legal framework under which multiple loans can be executed as projects are ready. Borrowers seeking WIFIA financing for a combination of projects under a single WIFIA letter of interest may benefit from a Master Agreement when the phasing, cost, scope, schedule, and location of some projects may change as the project develops or when the borrower wishes to finance multiple projects over time that do not share a common purpose. Please see WIFIA’s* [*fact sheet*](https://www.epa.gov/sites/default/files/2021-05/documents/master_agreement_overview.pdf) *on Master Agreements for more information.*

*Please complete this section ONLY if you intend to pursue a Master Agreement with the WIFIA program. This section provides the WIFIA program with information about your Master Agreement. For the remainder of the Application, please focus your responses on the intended first loan of your Master Agreement.*

1. Describe the overall goal of your proposed Master Agreement. For example, a goal might be to build a new facility and associated infrastructure, or to implement a Water CIP.
2. Please list the major project components considered under this Master Agreement. A project component might be a new facility, facility upgrades, pipe replacements, etc. You do not need to include a comprehensive list of all potential work to be done under this Master Agreement.
3. Please describe the anticipated number of loans as well as the factors driving the timing and structure of each individual loan. Drivers may include factors such as compliance deadlines, construction timelines, or site selection.
4. Requested amount of the WIFIA Master Agreement (in dollars):
5. Total anticipated eligible project costs for the WIFIA Master Agreement (in dollars):

## **Section A: Key Applicant and Loan Information**

1. a. Legal name of applicant:

b. If a different entity is proposed to enter into the WIFIA loan documents as the borrower on behalf of the applicant, provide the legal name of such entity:

1. Project name *(for purposes of identification assign a short name to the project):*
2. Provide a brief description of the project(s) seeking financing. Limit the description to the elements included in the estimated total projects costs in Question A-7.
3. Describe the overarching project purpose(s) (including quantitative or qualitative details on public benefits the project will achieve).
4. Describe any changes to the project description or purpose since LOI submission:
5. Requested amount of the WIFIA loan (in dollars):
6. Total Eligible Project Costs of the WIFIA loan (in dollars):
7. Anticipated Closing Date and any factors driving such date:
8. Applicant Contact Information

|  |  |  |  |
| --- | --- | --- | --- |
| Team Member | Name and Title | Email | Phone Number |
| Authorized Signatory |  |  |  |
| WIFIA Point of Contact |  |  |  |
| Financial Advisor |  |  |  |
| Bond Counsel |  |  |  |
| Project Manager |  |  |  |
| Environmental Review Contact |  |  |  |
| Engineering Contact |  |  |  |
| Other |  |  |  |
| Other |  |  |  |

1. Borrower’s Employer/Taxpayer Identification number (EIN/TIN):

1. Unique Entity Identifier (previously Dun and Bradstreet Data Universal Number) number:
2. Is the applicant registered in the System for Award Management (SAM) with an active status?

* Yes
* No

At loan closing, borrower will need to provide a PDF or JPEG screenshot that shows evidence of the SAM registration and an “active status” for the entity receiving the WIFIA loan.

## **Section B: Applicant and Project Background**

*Legal Information*

1. Describe the authorizing process and materials for the transaction. This includes:
   1. The legal authority (e.g. statutory reference) for the Borrower’s issuance of the WIFIA bond.
   2. Authorizing actions and additional documentation required by the applicant in order to enter into a loan agreement with the WIFIA program (e.g. one or two readings by board/council/commission; any local/voter/bondholder approvals; supplemental ordinance/resolution)
   3. Any waiting, referendum or appeal periods before the authorization would be effective.
2. If the applicant intends to use another legal entity to enter into the WIFIA loan documentation, such as a joint powers authority, financing authority/corporation, cooperative, or other similar arrangement, provide the authorizing or organizational documents relating to such entity.
3. Disclose any current, threatened, or pending litigation involving the applicant related to permitting, public involvement, environmental irregularities, construction defects, securities fraud, conflict of interest, failure to perform under a State or Federal contract, or other charges which may reflect on the applicant’s financial position or ability to complete the project(s).

*Community Benefits Information*

1. If applicable, describe community outreach efforts conducted to date and planned for the project(s). Include community meetings, outreach sessions and groups contacted.
2. Describe the benefits to the community as a result of the project. Examples include but are not limited to: modernizing water infrastructure; addressing current or future compliance; removing contaminants; improving access to safe water; developing the local economy; supporting population growth; and assisting small communities.

## **Section C: Financing Plan**

*In preparing this section, please consult with your assigned WIFIA staff person to ensure all questions are answered completely and accurately.*

1. Provide a sources and uses of funds table for the project, including the entire proposed WIFIA loan. Information about eligible costs is available in the [WIFIA program handbook](https://www.epa.gov/wifia/wifia-resources#handbookanchor).

|  |  |
| --- | --- |
| **Sources Category** | **Estimated Dollar Value** |
| 1. WIFIA Loan (cannot exceed 49% of eligible costs) |  |
| 2. Bonds |  |
| 3. SRF Loan |  |
| 4. Borrower Cash |  |
| 5. Other Federal Sources (please specify) |  |
| 6. Other Non-Federal Sources (please specify) |  |
| **TOTAL SOURCES** |  |
| **Uses Category** | **Estimated Cost** |
| 1.  Planning (Project Information Spreadsheet, Cost Tab, Column B) |  |
| 2.  Design (Project Information Spreadsheet, Cost Tab, Column C) |  |
| 3.  Construction(Project Information Spreadsheet, Cost Tab, Column D) |  |
| 4.  Project Managementa (Project Information Spreadsheet, Cost Tab, Column F) |  |
| 5. Land Acquisition (Project Information Spreadsheet, Cost Tab, Column G) |  |
| 6.  Additional Contingency b |  |
| 7.  **Total Capital Costs** |  |
| 8. Financing Costs |  |
| 9. Other (please specify) |  |
| **TOTAL USES** |  |

a Costs related to the management and oversight of the project, not factored elsewhere

b Additional contingency include cost factors (separate from the construction contingency included in the estimated cost for Construction) that contribute to your total capital costs. This may include adjustments to market conditions or additional project contingency considerations.

1. Describe the rate setting process, including regulations governing rate setting, approval requirements, timing for implementation, and specify if recommended rate adjustments were ever rejected. Please attach the most recent rate study, if available.
2. Complete the following table of proposed credit terms of the WIFIA loan.

|  |  |
| --- | --- |
| **Credit Term** | **Proposed Credit Term for WIFIA loan** |
| Source(s) of Repayment and Security Pledge for the WIFIA loan | [e.g., combined sewer and water revenues of the utility] |
| Lien Priority | * Senior Lien: all debt for the project (including WIFIA) will be senior/first lien debt. |
| * Subordinate Lien: all debt for the project (including WIFIA) will be subordinated/second lien debt. |
| * Subordinate with Springing Lien\*: project debt may include debt senior to WIFIA loan. |
| Evidence of WIFIA debt obligation | * Bond * Promissory Note * To be determined * Other (explain): |
| WIFIA Loan Maturity Date |  |

\* Springing lien means that while the WIFIA debt will be subordinated/second lien debt at closing, upon a bankruptcy related event, the WIFIA debt will automatically spring to parity with the borrower’s senior/first lien debt.

1. If a credit rating was not provided with the letter of interest, or if a newer credit rating is available, please attach it. Indicate below if the credit rating provided with the letter of interest should be used for the application. The rating should match the proposed credit terms in question C-3.
2. Provide the year-end audited financial statements for the applicant for past two (2) years, as an attachment or provide a link to where they can be found (e.g., borrower website, EMMA). Please include an explanation of any anomalies such as nonrecurring expenses, revenue windfalls, or new revenue sources.
3. Attach the financial model for the project(s) security structure. For borrowers pursuing a Master Agreement, the model should include all proposed debt under the Master. All amounts should be expressed on a cash (year-of-expenditure) basis and should clearly show assumptions used to arrive at such estimates. Please include an explanation of any anomalies such as nonrecurring expenses, revenue windfalls, or new revenue sources. A sample pro forma can be found [here](https://www.epa.gov/wifia/wifia-application-materials) along with additional guidance in the WIFIA Handbook. The pro-forma should cover a sufficient period of time to understand the impact the proposed financing will have on the applicant’s balance sheet going forward. Typically this is anywhere from 10 years to the life of the loan.
4. Where applicable, provide the following documents:
   1. Governing debt issuance documents, such as a master bond resolution or indenture (including all amendments)
   2. Most recent bond issuance documents (e.g. offering statement; supplemental)
   3. List of outstanding debt, hedges, etc. that are payable from or secured by the Pledged Collateral.
   4. Copy of any agreements with bondholders outside of the indenture documents (e.g., continuing covenant agreements)?
   5. List of any outstanding Bonds that benefit from a debt service reserve.
   6. Copy of any draft resolutions, ordinances, or other proceedings that need to be adopted or taken to authorize the loan.
   7. If an SRF loan is expected for the project, a copy of the most recent SRF loan agreement with terms and conditions similar to what is expected for the project SRF loan;
   8. Copies of any other outstanding loan agreements that have been utilized to finance system capital projects (e.g. USDA or bank debt)
   9. Major water/sewer purchase agreements (or key terms)
   10. Major wholesale water/sewer agreements (or key terms)
   11. Terms of any customer assistance program

## **Section D: Technical and Environmental Review**

*If you are applying for a Master Agreement, please focus your discussion on the projects that will be included in the first loan of your Master Agreement.*

1. Project Information Spreadsheet - Please read all instructions before completing the Project Information Spreadsheet.

To complete technical due diligence and our environmental review of the proposed project, the WIFIA program will need some specific information on each project component. We have created a “Project Information Spreadsheet” to allow you to document the necessary information for each project component. A project component is any large piece of work done under the WIFIA project. An example might be upgrading a treatment system or adding a new pump. Each individual action under those larger projects does not need to be listed separately.

Please complete the Project Information Spreadsheet with the most up to date information at the time of application submission. Instructions for each column are available at the top of every tab. Provide answers for each project component in the application using separate rows. For questions related to federal requirements, please see the [Borrower Guide to Federal Requirements](https://www.epa.gov/wifia/wifia-borrower-guide-federal-requirements).

1. Please describe the overall design, planning, and construction schedule of your project. This narrative should be at the project level and should reflect the project components listed in the Project Information Spreadsheet.
2. Please attach or provide links to project maps of the entire project and each project component. Additional maps may be provided for clarify. Maps should be labeled appropriately with relevant streets and roadways; map surroundings should be visible. Provide ArcGIS shapefiles of project components, as available. This can be the same map provided as part of the Programmatic Environmental Assessment Questionnaire below.
3. For all project components listed in the Project Information Spreadsheet that do not have a Final Environmental Impact Statement or Record of Decision from another federal agency, please complete and attach the [Programmatic Environmental Assessment Questionnaire](https://www.epa.gov/wifia/wifia-programmatic-environmental-assessment-questionnaires). If you need assistance in completing this document or have any questions, please reach out to WIFIA staff.
4. For all project components listed in the Project Information Spreadsheet that have other federal or SRF involvement, please complete the table below to indicate whether a NEPA review has begun **prior** to the application for this WIFIA loan. Indicate if the NEPA review is **Completed**, In **Progress**, or **Not Begun**. This may include projects excluded from Question 4, as well as other projects subject to NEPA reviews.

|  |  |  |  |
| --- | --- | --- | --- |
| **Project Component** | **NEPA Status** | **NEPA Agency (SRF, BOR, USACE, etc.)** | **NEPA Agency Contact Information** |
|  |  |  |  |
|  |  |  |  |
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1. All projects receiving federal funding are required to comply with federal requirements, including American Iron and Steel / Build America, Buy America Act and the Davis-Bacon Act, among others (for more information, consult the [WIFIA Borrowers Guide](https://www.epa.gov/sites/default/files/2021-03/documents/wifia_borrower_guide_to_federal_requirements.pdf) to Federal Requirements). Have any construction or ground disturbing activities begun on any portion of the project(s)? If so, identify the project component, the work that has been completed to date, and how federal requirements have been met for this work.
2. Has any Tribal consultation or coordination taken place on the proposed project(s)? If yes, include supporting documentation as attachments, including a list of all Tribes contacted.
3. Confirm whether the project(s) include acquisition of real property. Note that the borrower must comply with the [Uniform Relocation Assistance and Real Property Acquisition Policies Act](https://www.fhwa.dot.gov/real_estate/uniform_act/acquisition/real_property.cfm).
   * Yes
   * No
4. Does the project involve a new or relocated discharge of effluent to surface or groundwater? For purposes of this question, relocated discharge refers to discharge of effluent into a different water body or the discharge to the same receiving water body at a different location.
   * Yes
   * No
5. Will the project assist in complying with applicable regulatory requirements?

* Yes
* No

If yes, describe how the project assists with regulatory compliance.

1. Please describe the significant facilities (e.g. pump stations or treatment plants) within your system and their condition, including construction and major rehabilitation dates. You may attach a condition assessment report, master plan, or similar to support your discussion.
2. Provide your current year capital budget and describe your capital improvement planning process. Include any additional risk analysis (technical and/or financial) used to inform this process.
3. Provide the operations and maintenance plan that will be used for the project. This can be an overall system plan if appropriate. If the plan is currently under development, please indicate when it is expected to be completed.
4. Additional forms will need to be completed and submitted prior to closing the WIFIA loan. All forms are available at <https://www.epa.gov/grants/epa-grantee-forms>. Check all that are included with the application:

|  |  |  |  |
| --- | --- | --- | --- |
| Form Number | Purpose | Included | Not Applicable |
| [EPA 6600-06](https://www.epa.gov/system/files/documents/2021-08/epa_form_6600_06.pdf) | Certification Regarding Lobbying |  |  |
| [SF-LLL](https://www.epa.gov/grants/sf-lll-disclosure-lobbying-activities) | Disclosure of Lobbying Activities |  |  |
| [EPA 4700-4](https://www.epa.gov/sites/default/files/2015-05/documents/epa_form_4700_4.pdf) | Preaward Compliance Review Report |  |  |

# **CERTIFICATIONS**

1. *National Environmental Policy Act:* The applicant acknowledges that any project receiving credit assistance under this program must comply with all provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.)
2. *American Iron and Steel:* The applicant 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. *Build America, Buy America Preference*: The applicant acknowledges that any project receiving credit assistance under this program for the construction, alteration, maintenance, or repair of a project requires use of domestic iron/steel, manufactured products and construction materials produced or manufactured in the United States and must comply with all applicable guidance.
4. *National Historic Preservation Act:* The applicant acknowledges that any project receiving credit assistance under this program must comply with all provisions of the National Historic Preservation Act as amended (54 U.S.C. Sections 300101, et seq.).
5. *Endangered Species Act:*  The applicant acknowledges that any project receiving credit assistance under this program must comply with all provisions of the Endangered Species Act (16 U.S.C. Sections 1531, et seq.).
6. *Prevailing Wages*: The applicant 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).
7. *Credit Ratings:* This applicant has received a preliminary rating opinion letter(s) on the project’s senior debt instrument (which may be the WIFIA credit assistance), from one or more rating agencies, indicating the potential to achieve an investment-grade rating. These letters or ratings are attached.
8. *Credit Processing Fees:* The undersigned certifies that it will reimburse the EPA for any and all fees and expenses incurred by the EPA (including legal, financial and other consultant fees and expenses) in connection with the evaluation of the application materials, and the preparation, negotiation, and closing of the credit agreement and related documents, irrespective of whether the credit agreement is executed.
9. *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 program.

WIFIA applicants must file a declaration: (a) with the submission of an application for WIFIA credit assistance; (b) upon receipt of WIFIA credit assistance (unless the information contained in the declaration accompanying the WIFIA 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 WIFIA 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 applicant, 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 applicant 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.

1. *Debarment:* The undersigned further certifies that the applicant has fully complied with its verification obligations under 2 C.F.R. Part 180 and confirms that, to its knowledge, neither applicant nor any of its principals (as defined in 2 C.F.R. Part 180.995 and Part 1532.995)
2. is debarred, suspended or voluntarily excluded from participating in any Federal programs, Government contracts, procurement or non-procurement matters;
3. is present indicted for or otherwise criminally or civilly charged by a governmental authority with commission of 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); or
4. has, within the three (3) year period preceding the date of the application,
   1. has been convicted for or had a civil judgment rendered against the applicant for any of the above-mentioned offenses within such period or
   2. had any public transactions (Federal, state, or local) terminated for cause or default.
5. *Default/Delinquency:* The undersigned further certifies that neither the applicant 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.
6. *Other Federal Requirements*: The applicant 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-federal-compliance-requirements.
7. *Signature:* By submitting this application, the undersigned certifies on behalf of the applicant that the facts stated and the certifications and representations made in this application are true, to the best of the applicant’s knowledge and belief after due inquiry, and that the applicant has not omitted any material facts. The undersigned is an authorized representative of the applicant.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Organization: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Street Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City/State/Zip: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

E-mail: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_