




ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

November 2, 2021

To: Terrence D. McCracken, Secretary to the Authority

From: Michael J. Quinn, PE – Senior Distribution Engineer 

Subject: Board Authorization to File Grant Application
Transmission Main Replacement – Town of Amherst - Contract CH-013
ECWA Project No. 202000073

This project will consist of the installation of a new large-diameter transmission main paralleling the I-290 in Amherst from the south side of Main Street to the south side of Wehrle Drive (approximate length of 4,100 LF). This is the third and final section of transmission main to be replaced between the Ball Pumping Station and the Wehrle Water Storage Tank. The Authority applied for an obtained grant funding for the first two phases (Contracts W-027 and W-030) of this project. A New York State Environmental Quality Review Act environmental assessment will be completed and in the future the Board as lead agent will be requested to make a determination of significance. It is the Engineering Department's belief that the project as currently contemplated will not have a negative environmental impact.

Preparation of a complete application for a grant from the New York State Environmental Facilities Corporation (NYSEFC) under the Water Infrastructure Improvement Act (WIIA) program requires a resolution from the ECWA Board of Commissioners supporting the planning, design and construction, and funding of the project along with filing the grant application.

The Authority's engineering staff is in the process of completing the grant application package which is due on November 22, 2021. Attached for information is a summary document for the WIIA Grant Program.

MJQ:jmf
Attachments
cc: L.Kowalski
CONT-CH-013-2001-X-07

ERIE COUNTY WATER AUTHORITY
AUTHORIZATION FORM
For Approval/Execution of Documents
(check which apply)

Contract: CH-013 **Project No.:** 2020000073
Project Description: Transmission Main Replacement, Town of Amherst

Item Description:



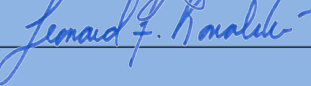


- | | | | |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD | <input type="checkbox"/> NYSDOT Agreement | <input type="checkbox"/> Contract Documents | <input type="checkbox"/> Addendum |
| <input type="checkbox"/> Recommendation for Award of Contract | <input type="checkbox"/> Recommendation to Reject Bids | | |
| <input type="checkbox"/> Request for Proposals | | | |
| <input checked="" type="checkbox"/> Other <u>Grant Application Summary Document for the WIIA Grant Program</u> | | | |

Action Requested:

- | | |
|--|--|
| <input type="checkbox"/> Board Authorization to Execute | <input checked="" type="checkbox"/> Legal Approval |
| <input type="checkbox"/> Board Authorization to Award | <input type="checkbox"/> Execution by the Chairman |
| <input type="checkbox"/> Board Authorization to Advertise for Bids | <input type="checkbox"/> Execution by the Secretary to the Authority |
| <input type="checkbox"/> Board Authorization to Solicit Request for Proposals | |
| <input checked="" type="checkbox"/> Board <u>Board Action of Resolutions - Application</u> | |

Approvals Needed:

APPROVED AS TO CONTENT:

<input checked="" type="checkbox"/> Sr. Distribution Engineer		Date: <u>11/02/2021</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>11/3/2021</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>11/02/2021</u>
<input type="checkbox"/> Director of Administration		Date: _____
<input type="checkbox"/> Risk Manager		Date: _____
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>11/02/2021</u>
<input checked="" type="checkbox"/> Legal		Date: <u>11/3/2021</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>11/3/21</u>
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Remarks: _____

Resolution Date: _____ **Item No:** _____



GRANT SUMMARY

NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA)

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NYS INTERMUNICIPAL WATER INFRASTRUCTURE GRANTS (IMG) PROGRAM

OVERVIEW

The New York State Clean Water Infrastructure Act (CWIA) of 2017 invests \$4 billion in clean and drinking water infrastructure projects and water quality protection across the state. As part of CWIA, the New York State Environmental Facilities Corporation (EFC) is offering \$400 million in grants for clean and drinking water projects during the 2021-2022 state fiscal year to selected municipalities with infrastructure projects that protect public health and/or improve water quality. Various types of clean and drinking water infrastructure projects are eligible to apply for grants, including critical water infrastructure projects that combat emerging contaminants (EC), such as PFOA, PFOS and 1,4 dioxane with system upgrades and innovative pilot technologies, along with those that address combined and/or sanitary sewer overflow impacts from sustained rain events.

EFC and the NYS Department of Health (DOH) will evaluate all applications for projects received by the deadline (**5:00 p.m. on Monday, November 22, 2021**) based on factors including protection of public health and water quality; median household income; governmental and community support; consideration for Environmental Justice Areas; and readiness of the project to proceed expeditiously. Available grant funds may not be sufficient to offer grants to all eligible applicants.

PROGRAM CHANGES

The following changes have been made for this round of WIIA/IMG grant funding:

- Clean Water WIIA grant awards maximum thresholds have been revised to remove the project cost tiers
- IMG grant maximum award threshold has increased
- IMG grant project eligibilities have been further clarified
- Eligibility criteria for construction dates have been revised
- MWBE goals for the programs have been revised to be:
 - 20% for WIIA and IMG awards with SRF financial assistance
 - 30% for WIIA and IMG awards without SRF financial assistance

AVAILABLE FUNDING

WIIA Clean Water Projects

An applicant with an eligible clean water project may receive a WIIA grant award as described below:

- A project, including phases of the project, would be awarded the lesser of \$25 million or 25% of net eligible project costs.

Municipalities may apply for this grant on more than one project, but each municipality is limited to receiving no more than a \$5 million allocation per year. If a municipality is awarded grant funds totaling more than \$5 million for a project or projects, the grant(s) will be allocated over multiple years in increments not to exceed \$5 million per year.

If a municipality applies for more than one project during the current round, EFC will prioritize the awards based on the score of the project(s) until all of the projects have received 25% of eligible project costs or the \$5 million cap has been reached. If the award(s) exceed \$5 million, the remaining applications will not be eligible for additional grant in the current round.

WIIA Drinking Water Projects

An applicant with an eligible drinking water project may receive a WIIA grant award as described below:

- A project addressing an emerging contaminant above the State determined Maximum Contaminant Level (MCL) would be awarded 60% of net eligible project costs.
- A project that does not address emerging contaminants, including phases of the project, would be awarded the lesser of \$3 million or 60% of net eligible project costs.

Municipalities may apply for this grant on more than one project, but each municipality is limited to receiving no more than \$3 million per year. Municipalities are limited to \$3 million of combined Drinking Water State Revolving Fund (DWSRF) grant and WIIA grants annually.

IMG Clean Water and Drinking Water Projects

Cooperating municipalities with an eligible project may receive an IMG grant award as described below:

- The lesser of \$30 million or 40% of net eligible project costs.
- IMG grant awardees seeking SRF financing will only be eligible to apply for market-rate financing.

ELIGIBILITY REQUIREMENTS

WIIA and IMG grants are available only to the following: county, city, town, village, district corporation, county or town improvement district, school district, Indian nation or tribe

recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, any public benefit corporation or public authority established pursuant to the laws of New York or any agency of the State that is empowered to construct and operate a water quality infrastructure project. (School districts are eligible for DWSRF financial assistance but are ineligible for Clean Water State Revolving Fund (CWSRF) financial assistance.)

Eligible projects include water quality infrastructure projects at municipally-owned sewage treatment works¹ OR municipally-owned public water systems² for:

- Construction, replacement, or repair of infrastructure; or
- Compliance with environmental and public health laws and regulations related to water quality.

Each WIIA project must meet the following criteria:

- Result in construction of the project,
- Not have started construction before October 1, 2019, and
- Not have completed construction before November 1, 2021.

Each IMG project must meet the following criteria:

- Serve multiple municipalities;
- Be a shared drinking water or sewage treatment infrastructure project, such as:
 - More than one municipality undertaking a capital improvement project jointly,
 - Consolidation of intermunicipal facilities,
 - Shared water quality infrastructure,
 - Regional wastewater treatment facilities for multiple municipalities, or
 - The interconnection of multiple municipal water systems;
- Have a valid and binding project Intermunicipal Agreement (IMA) between at least two cooperating municipalities related to financing of the IMG project;
- Designate a “lead municipality” that applies on behalf of all cooperating municipalities;
- Result in construction of the project;
- Not have started construction before October 1, 2019;
- Not have completed construction before November 1, 2021;
- Not have closed an SRF financing; and

¹ Sewage treatment works as defined in Environmental Conservation Law Section 17-1903.

² Eligible project as defined in paragraphs (a), (b), (c), and (e) of subdivision 4 of Section 1160 of the Public Health Law.



- Not be for the construction of water infrastructure that exclusively supports new development, whether residential or commercial.

PROGRAM REQUIREMENTS

Program requirements for WIIA and IMG recipients include minority- and women-owned business enterprise (MWBE) participation, equal employment opportunity, service-disabled veteran-owned business (SDVOB) participation, smart growth and environmental review.

There are additional program requirements for recipients of WIIA and IMG funds that also utilize SRF financial assistance, such as American Iron and Steel and Davis-Bacon federal prevailing wage requirements.

All contracts entered into by recipients that are to be paid for with WIIA funds, IMG funds, or SRF financial assistance must demonstrate compliance with EFC's program requirements and must include the required contractual language from the applicable terms and conditions (EFC bid packets). Any contracts, including those that are executed prior to grant application, that do not include the required contractual language will be disqualified from funding.

Additional information on program requirements is available on EFC's website at www.efc.ny.gov, including EFC's terms and conditions (i.e. bid packets) and the current Intended Use Plans for the SRF programs.

APPLICATIONS

Applicants who would like to be considered for a WIIA and/or IMG grant must submit a grant application and the following required documentation to EFC no later than 5:00 p.m. on **Monday, November 22, 2021**.

- Engineering Report³, including a current project schedule and budget, if not previously submitted
- Smart Growth Assessment Form, if not previously submitted
- Environmental Review Documentation
- SHPO Project Review Determination Letter
- Authorizing Resolution⁴: If debt will finance any portion of the project, a bond resolution is required, otherwise a board resolution is required

³ The Engineering Report for projects must conform to EFC's Engineering Report Outline, available at <http://www.efc.ny.gov/cleanwater> for clean water projects, and <http://www.efc.ny.gov/drinkingwater> for drinking water projects.

⁴ For certain WIIA/IMG Grant Only applications, please note the following: Certain applicants may not have the authority to incur debt on their own and pass a bond resolution but may plan to finance the balance of their project with debt issued by a third-party governing municipality. In such a case, a board resolution from the applicant is required with the initial application which formally requests the governing municipality adopt a bond resolution for the project. The bond resolution from the governing municipality, if not adopted at the time of the application, must be received by EFC no later than 6 months from the date of any WIIA award to the applicant.



- If applying for IMG, a valid and binding Intermunicipal Agreement (IMA) between at least two cooperating municipalities related to the financing and necessary for the project
- If seeking SRF financing in addition to grant funds, a complete SRF Financing Application, if not previously submitted
- Proof of District Formation, if applicable

Applications must be submitted using the Application Submission Form located on EFC's website at www.efc.ny.gov/WIIA or www.efc.ny.gov/IMG. Applications that are submitted without all required information and documentation may be deemed unacceptable and may not be processed.

CONTACT US

Please direct all questions about the WIIA or IMG grant programs and application to:

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Division of Operations & Program Management
New York State Environmental Facilities Corporation
625 Broadway
Albany, New York 12207-2997
PHONE: (518) 402-6924
FAX: (518) 402-6954
E-mail: NYSWaterGrants@efc.ny.gov