



Clean Water Fund

Point Source Implementation Grant Program

FY 2018 Application

Minnesota Public Facilities Authority
First National Bank Building, Suite W820
332 Minnesota Street
Saint Paul, MN 55101-1378
www.mn.gov/pfa



Point Source Implementation Grant Application

Program Information

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- Form 2 Project Contacts
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Minnesota Public Facilities Authority
First National Bank Building, Suite W820
332 Minnesota Street
St. Paul, MN 55101-1378
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**MINNESOTA PUBLIC FACILITIES AUTHORITY
POINT SOURCE IMPLEMENTATION GRANT PROGRAM (FY 2018)
PROGRAM INFORMATION**

The Point Source Implementation Grant (PSIG) Program is jointly administered by the Minnesota Public Facilities Authority (PFA) and the Minnesota Pollution Control Agency (MPCA).

APPLICATIONS MUST BE POSTMARKED OR SENT VIA E-MAIL NO LATER THAN JULY 31, 2017

The **Point Source Implementation Grant Program** (Minnesota Statutes, Section 446A.073 as amended) provides 80% grants up to a maximum of \$7 million to governmental units to assist with the cost of water infrastructure projects necessary to meet:

- 1) Wasteload reductions prescribed under an approved total maximum daily load (TMDL) plan;
- 2) A phosphorus concentration or mass limit that requires discharging one milligram per liter or less at permitted design flow which is incorporated into a permit issued by the MPCA;
- 3) Any other water quality-based effluent limit established under Minnesota Statute Section 115.03, Subd 1, (e)(8), that is incorporated into a permit issued by MPCA that exceeds secondary treatment limits; or
- 4) A total nitrogen concentration or mass limit that requires discharging ten milligrams per liter or less at permitted design flow.

Program Information and Requirements

- Eligible projects must be ranked on the MPCA's 2018 Clean Water Revolving Fund Project Priority List (PPL).
- Eligible drinking water treatment projects must also be ranked on the Minnesota Department of Health's (MDH) Drinking Water Revolving Fund 2018 Project Priority List (PPL).
- Applicants must submit plans and specifications to MPCA for wastewater, stormwater and drinking water projects.
- Applicants must submit plans and specifications to MDH for drinking water treatment plant projects.
- Applicants also seeking funds through the Clean Water Revolving Fund or Drinking Water Revolving Fund (CWRF and DWRF) must also follow the CWRF/DWRF application process. This includes being listed on the PFA's Intended use Plan (IUP) within the

fundable range. A separate CWRP/DWRP loan application must be submitted by the deadline stated in the IUP, generally six months after IUP adoption.

- Form 4b requests information on prior incurred costs, based on invoices, for which applicants expect to request reimbursement through the PSIG grant. Items not identified on this form will not be considered for reimbursement. The PFA may limit PSIG reimbursement for costs incurred prior to the Grant award due to restrictions of the funding source, even if identified on Form 4b. An updated form will be requested prior to grant award. Contact your loan officer for more information.
- Applicants must document that total project funding is in place before the PFA can award the grant. Documentation may include, local government resolutions, or award letters and grant agreements for other state or federal funds.
- Grant recipients must pay an application fee to the PFA equal to one-half of one percent of the grant amount. Fees are due at the time of execution of the grant agreement. The fee is not an eligible PSIG cost.
- If the project includes Clean Water Legacy funds, the Recipient must display a sign with the Clean Water Legacy logo at the project site or other public location identifying that the project was built with assistance from the Clean Water, Land, & Legacy Amendment. If it is not practicable to display the sign at the project site, the sign may be displayed in a public location at the Grantee's office along with a photograph of the project. An example sign layout is contained in this application package in **Appendix B**. The logo and specifications can be found at: <http://www.dnr.state.mn.us/legacylogo/index.html>
- The PSIG program is subject to the requirements of [Minnesota Statute 16A.695](#) and the Grantee will need to file a Real Property Declaration and/or request a waiver from the filing requirements. See **Appendix C** for additional information. If either of the below checklists are needed, consult with the City's attorney to complete the checklists. Submit completed checklists and management contracts, if applicable, to PFA as part of the application.
 - If the City has a private operator agreement, the agreement will need to be reviewed and a Use Contract checklist ([Minnesota Management and Budget General Obligation Compliance Checklist for Use Contracts](#))
 - If property is leased or if an easement is part of the PSIG-funded project, complete the Minnesota Management and Budget [Checklist for Ground Leases and Easements](#) .
- Grants funded by the PSIG Program are subject to Job Reporting Requirements. See **Appendix D** for additional information.
- Grantees must follow the state Uniform Municipal Contracting Law and other applicable requirements (bidding, special requirements for out-of-state contractors, workers compensation, etc.) in the construction of the project.

- State prevailing wage rates apply to the project (available from the Minnesota Department of Labor and Industry (DOLI), Labor Standards Division 651/284-5091 (www.DOLI.state.mn.us). The DOLI contract conditions included in **Appendix A** of this Application along with the actual MN prevailing wages must be included in all bidding documents and construction contracts for projects that receive PSIG funding.

Funding Process

1. Applicants submit FY 2018 PSIG application to PFA by July 31, 2017
2. In August 2017, PFA will post a FY 2018 PSIG funding list (www.mn.gov/pfa) that identifies PSIG applications as follows:
 - a. First, prior PSIG applications that were certified by MPCA by June 30, 2017, listed in priority order based on the MPCA 2018 Project Priority List.
 - b. Second, new PSIG applications submitted for FY 2018, listed in priority order based on the MPCA 2018 Project Priority List.
3. The posted PSIG funding list will identify the estimated PSIG grant amount for each project and the amount of funds available to award for PSIG grants.
 - a. For certified projects, the project cost and grant amount will be based on the submitted cost estimate as of the certification date.
 - b. For projects not yet certified, costs will be based on the estimate in the PSIG application.
4. Applicants must submit plans and specifications to MPCA for sanitary sewer, storm sewer and drinking water treatment projects; also submit plans and specifications to Minnesota Department of Health for drinking water treatment projects.
5. When the project plans and specifications are approved, MPCA certifies the PSIG project to PFA and identifies the eligible PSIG percentage and construction components. ***Please note: As-bid costs are no longer required for certification.***
6. To the extent funds are available, PFA will reserve PSIG grant funds for projects when they are certified by MPCA, and award PSIG grants after as-bid costs are submitted based on the amount reserved or the as-bid cost, whichever is less.
7. FY 2018 PSIG applications that are certified but not awarded by June 30, 2018 will be listed as carryover projects on the FY 2019 PSIG list, followed by new PSIG applications for FY 2019.
8. FY 2018 PSIG applications that are not certified by June 30, 2018 will need to resubmit an updated application for the next fiscal year.

Coordination with PFA Revolving Fund Loans

Applicants with projects seeking PSIG funds and a loan through the Clean Water or Drinking Water Revolving Fund must also follow the CWRP/DWRF application process. This includes being listed on PFA's Intended Use Plan (IUP) within fundable range. A separate CWRP/DWRF loan application must be submitted by the deadline stated in the IUP.

Contacts

Minnesota Public Facilities Authority Loan Officers: Find your loan officer on the PFA contact page: [PFA loan officer](#)

Minnesota Pollution Control Agency: Contact the review engineer for your project or Bill Dunn at the MPCA at 651-757-2324, or see the MPCA web site at www.pca.state.mn.us/PPL for additional information.

Minnesota Department of Health: contact Chad Kolstad at 651-201-3972 or chad.kolstad@state.mn.us.

Application Submittal

Save this file to your computer and complete the forms electronically. The forms can then be printed or e-mailed to the PFA

Applications may be submitted electronically as an e-mail attachment to the appropriate PFA loan officer no later than July 31, 2017, or by mail (postmarked no later than July 31, 2017) to: MN Public Facilities Authority, 1st National Bank Building, 332 Minnesota Street, Suite W820, St. Paul, MN 55101-1378.

Minnesota Public Facilities Authority
First National Bank Building, Suite W820
332 Minnesota Street
Saint Paul, MN 55101-1378
Phone 651-259-7469 or 1-800-657-3858 (Outside Metro Area)
TTY/TDD: 651-296-3900
FAX: 651-296-8833

**APPLICATIONS MUST BE POSTMARKED OR
SENT VIA E-MAIL NO LATER THAN JULY 31, 2017**

MINNESOTA PUBLIC FACILITIES AUTHORITY
Point Source Implementation Grant Program
Form 1 - Checklist

APPLICATION ITEMS REQUIRED BY JULY 31, 2017 (submit to PFA):

Grant Application Forms

- Form 1 – PSIG Checklist (this document)
 - Form 2 – Project Contacts
 - Form 3 – Project Information
 - Form 4a – PSIG Project Budget and Schedule (excel document)
 - Form 4b – Prior Incurred Costs (excel document)
 - Form 5 – Compliance with Laws, Rules & Regulations
 - Form 6 – Resolution of Application (Note: an example is included as Form 6, please submit copy of resolution adopted and signed by the governing body)
 - Form 7 – Description/Exhibits of Estimated PSIG Construction Costs
-

SUMBITTAL ITEMS REQUIRED PRIOR TO GRANT AWARD (AFTER INITIAL APPLICATION):

To the Minnesota Pollution Control Agency:

- Project plans and specifications for wastewater and stormwater projects (for review and approval) and drinking water projects.
- As-bid cost documentation for wastewater, stormwater and drinking water projects (for determination of eligible PSIG construction costs).

To the Minnesota Department of Health:

- Project plans and specifications for drinking water treatment plants (for review and approval)
- As-bid cost documentation for drinking water treatment plants (for determination of PSIG eligible construction cost)

To the Minnesota Public Facilities Authority:

Documentation that complete project funding is in place (resolution from local government with commitment of local funds, award letter from other state/federal funding sources)

Final Form 4b Prior Incurred Costs (**Note:** *items not identified in the spreadsheet will not be considered for reimbursement*)

As-bid costs and bid tabulations

Copy of adopted/enacted user charge system and ordinance

Inter-municipal Agreement (enacted) if more than one municipality is involved in project

Management Contract: If the recipient has engaged a private contract operator to manage its wastewater, drinking water or storm water system, submit a copy of the management contract and a completed [Minnesota Management and Budget General Obligation Compliance Checklist for Use Contracts](#).

Completed Minnesota Management and Budget [Checklist for Ground Leases and Easements](#) if an easement is part of the PSIG-funded project.

MPCA project certification (MPCA provides this document to PFA)

SUBMITTAL ITEMS REQUIRED AFTER GRANT AWARD BUT PRIOR TO GRANT DISBURSEMENT:

Payment of application fee (one-half of one percent of grant amount). The application fee must be paid prior to final execution of the Grant Agreement.

Disbursement Request Form and supporting documentation for eligible expenses

SUBMITTAL ITEMS REQUIRED AFTER AWARD:

Real Property Declaration and/or Waiver from Real Property Declaration

Photograph of Clean Water Legacy Sign posting emailed to the PFA Loan Officer

MINNESOTA PUBLIC FACILITIES AUTHORITY
Point Source Implementation Grant Program
Form 2 – Project Contacts

Applicant Name _____ County _____
DUNS Number _____
Contact Person _____ Telephone _____
Contact Person Title _____ E-mail _____
Address _____ Fax No. _____

Authorized Official _____ Telephone _____
Title _____ E-mail _____

Consultants and Advisors

Consulting Engineer Name _____ Telephone _____
Engineering Firm _____ E-mail _____
Address _____ Fax No. _____

Other Consultant Name _____ Telephone _____
Firm _____ E-mail _____
Address _____ Fax No. _____

MPCA Engineer _____ Telephone _____

Will a Public Utilities Commission be responsible for operation & maintenance of the project? If yes, provide information below.

PUC Contact Person _____ Telephone _____
PUC Title _____ E-mail _____
Address _____ Fax No. _____

MINNESOTA PUBLIC FACILITIES AUTHORITY
Point Source Implementation Grant Program
Form 3 – Project Information (attach additional sheets if necessary)

Brief description of project to be financed:

Is the project listed on the 2017 PPL?	Yes	No
If not, has applicant submitted a 2018 PPL request to MPCA/MDH?	Yes	No

Identify the Project Type:

Wastewater

Stormwater

Drinking Water

Check which applies to the project seeking funding:

Wasteload reduction prescribed under a TMDL Plan

Phosphorus concentration/mass limit of 1 mg/L or less in MPCA permit

Other water quality-based effluent limit that exceeds secondary treatment limits in MPCA permit

Total nitrogen limit of 10 mg/L or less (land based treatment)

Receiving Water _____

Title and year of Approved TMDL (if applicable) _____

Identify/name pollutant _____

Other Proposed Sources of Project Financing (in addition to the Point Source Implementation Grant)

Source	Amount Requested	Contact Person/Phone	Status
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Additional information on other sources of project financing:

Project Schedule - provide estimated or actual dates for:

Submission of Plan and Specification to PCA _____

Advertising for Bids _____

Open bids _____

Award bids _____

Start Construction _____

End Construction _____

Specify the sources of revenue that will be used to operate and maintain the system. Include copy of current rate ordinance(s) and projected revenues.

Identify whether the project site(s) are owned by the applicant, leased by the applicant, or other (specify):

If the project is leased or if an easement is part of the PSIG-funded project, complete the Minnesota Management and Budget [Checklist for Ground Leases and Easements](#) and submit it to PFA.

Will any of the project occur in or along a trunk highway? Please explain.

Is there a contract/agreement with another entity to operate or manage the sewer system (i.e. private operator agreement)? If yes, please submit a copy of the contract/agreement and a completed [Minnesota Management and Budget General Obligation Compliance Checklist for Use Contracts](#)

Yes

No

For Wastewater Projects, identify who will prepare and submit the Performance Certification (including as built plans, Operation & Maintenance Manual, and related items) to MPCA:

Consulting Engineer Name _____

Telephone _____

Engineering Firm _____

E-mail _____

Address _____

This is an example of Form 4a Project Costs.
Please use the excel document found on the PFA website.

Minnesota Public Facilities Authority Point Source Implementation Grant Program Form 4a - PSIG Project Costs						
Applicant:				Date:		
Project:				Project Costs Based on:	Select from drop-down list	
<i>Instructions: Fill in yellow cells. See notes at bottom.</i>						
	COLUMN A	COLUMN B	COLUMN C	COLUMN D	COLUMN E	
	Start Date	End Date	Total Project Costs	ESTIMATED PSIG Eligible Costs	Estimated PSIG Eligible %	
1. Construction Costs						
Wastewater Treatment						
Sanitary Sewer Collection						
Stormwater Treatment						
Other:						
<i>Subtotal - Construction</i>			\$ -	\$ -		
2. Contingencies (5% of construction)			\$ -	\$ -		
3. Engineering / Other						
Planning / Pre-design				\$ -		
Design (preparation of plans & specs)				\$ -		
Inspection / Construction Mgmt				\$ -		
Legal / Financing Related Fees				\$ -		
Land Purchase				\$ -		
Other:				\$ -		
<i>Subtotal - Engineering / Other</i>			\$ -	\$ -		
Total Project Costs			\$ -	\$ -		

Total PSIG Eligible Cost \$ -

Estimated PSIG Grant:
(PSIG Eligible Cost x 80%, \$7 million max) \$ -

Additional funding needed (total project cost minus PSIG grant): \$ -

Other funding:

Other funding:

Other funding:

Total: \$ -

Notes:

COLUMN A: For each activity, identify the **START DATE** on which eligible costs were, or are expected to be, incurred. On Form 4b (see tabs below), identify specific prior incurred costs for which the recipient will request reimbursement based on invoices. Items not identified on this form will not be considered for reimbursement. PFA may limit PSIG reimbursement for costs incurred prior to the grant award, even if identified on Form 4b. Submit an updated form prior to grant award. Contact your loan officer for more information.

COLUMN B: For each activity, identify the expected **END DATE** for which the work will be completed.

COLUMN C: Identify the **TOTAL PROJECT COSTS** (wastewater, stormwater or drinking water)

COLUMN D: Identify the **ESTIMATED PSIG ELIGIBLE COSTS** necessary to comply with the TMDL; to reduce the discharge of total phosphorus to one milligram per liter or less; to address the water quality-based effluent limits; or to meet a total nitrogen limit of 10 mg/L for land based treatment. **ATTACH A DETAILED BREAKDOWN** of the estimated PSIG eligible construction costs on a separate sheet (see Form 6). The Minnesota Pollution Control Agency will determine the grant eligible portion of the total construction costs.

COLUMN E: The worksheet will calculate the estimated PSIG eligible percentage based on the estimated PSIG eligible costs in Column D compared to total project costs in Column C. This same percentage will be applied to contingencies and engineering/other project costs.

MINNESOTA PUBLIC FACILITIES AUTHORITY
Point Source Implementation Grant Program
Form 5 – Compliance with Laws, Rules and Regulations

Point Source Implementation grantees are required to comply and ensure their contractor(s) comply with certain state laws, rules and regulations including but not limited to those described below which will be invoked as a condition of the grant.

1. Minnesota Statutes, Section 16B.31, subdivision 2 requires that all project funding be in place prior to execution of grant agreement.
2. Minnesota Statutes, Section 471.345 Uniform Municipal Contracting Law.
3. Minnesota Statutes, Section 574.26 to 574.32, the Public Contractors' Performance and Payment Bond Act, as applicable.
4. Minnesota Statutes, Chapter 16C.285, as amended. Responsible Contractor Requirements. Solicitation documents must include the specified language for contracts
5. Minnesota Statutes, Chapter 16A.695, State Bond Financed Property.
6. Minnesota Statutes, Chapter 13, the Minnesota Government Data Practices Act.
7. Minnesota Statutes, Section 181.59, discrimination on account of race, creed, or color prohibited in contracts. Minnesota Statutes, Section 363A.08 prohibits unfair discrimination practices related to employment or unfair employment practices.
8. Minnesota Statutes Chapter 363 Minnesota Human Rights Act. Requires that all public services be operated in such a manner that does not discriminate against any person in the access to, admission to, full utilization of or benefit from such public service.
9. The recipient's Minnesota Pollution Control Agency permit construction schedule submissions. Submissions may include as-built plans and specifications, revised operation and maintenance manual or a certification of completion. Refer to the MPCA permit and construction schedule.
10. Minnesota Statutes Section 16A.633, subdivision 4, Report on Jobs Created or Retained.
11. Minnesota Statutes sections 176.181 - 176.182 - Requires recipients and subcontractors to have worker's compensation insurance coverage.
12. Minnesota Statutes 177.41 - 177.43 Prevailing Wage Rate Law. Requires that contractors pay laborers and mechanics prevailing wages established by the Minnesota Department of Labor and Industry for public works projects. The Grantee will ensure that the proper state prevailing wages and required contract conditions are included in bidding documents and in construction contracts.

- 13. Minnesota Statutes, Section 16B.31, subdivision 2 requires that all project funding be in place prior to execution of grant agreement.
- 14. Minnesota Statutes 290.9705. Requires that 8 percent of payments made to out-of-state contractors be withheld once cumulative payments made to the contractor for work done in Minnesota exceed \$50,000 in a calendar year, unless an exemption is granted by the Department of Revenue.
- 15. Laws of Minnesota 2010 Chapter 361, article 3, section 5(b). Clean Water Fund sign posting requirements.

The _____ certifies that it has or will comply with the above requirements
(Name of Grantee)

(Signature of Authorized Official) Date

(If digital signature is not available, print, sign and return signed form with application)

MINNESOTA PUBLIC FACILITIES AUTHORITY
Point Source Implementation Grant Program (PSIG)
Form 6 – Estimated Construction Cost Breakdown for PSIG Projects

MPCA suggests attaching an engineer's estimate of probable project costs line item spreadsheet or other formatted sheets.

The line item spreadsheet should indicate how the construction categories (portions of mobilization, portions of buildings, treatment units and treatment equipment, etc.) are considered PSIG eligible, and those line items that are not considered PSIG eligible.

Please use whatever format best documents the PSIG costs. Describe how the PSIG project costs are related to:

- an established TMDL wasteload allocation or permit limit
- a phosphorus concentration or mass limit
- other water quality-based effluent limit
- a total nitrogen concentration or mass limit that requires discharging 10 mg/L or less at permitted design flow

Refer questions to your MPCA Engineer.

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MINNESOTA PUBLIC FACILITIES AUTHORITY
Point Source Implementation Grant
Form 7 - Example Grant Application Resolution

RESOLUTION AUTHORIZING THE (applicant) TO SUBMIT A POINT SOURCE IMPLEMENTATION GRANT APPLICATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY (PFA) AND TO AUTHORIZE CITY OFFICIALS TO EXECUTE A GRANT AGREEMENT ON BEHALF OF THE (applicant) FOR THE (name of project)

WHEREAS, the Point Source Implementation Program, established in Minnesota Statutes 446A.073, as amended provides funds for construction projects; and

WHEREAS the (applicant) is hereby applying to the Minnesota Public Facilities Authority for a funds to be used for eligible costs for the (describe project).

BE IT RESOLVED that the (name of applicant) has the legal authority to apply for the grant, and the financial, technical, and managerial capacity to ensure proper construction, operation and maintenance of the project for its design life.

BE IT FURTHER RESOLVED, that upon approval of its application by the PFA, (applicant) may enter into an agreement with the PFA for the above referenced project, and that (applicant) certifies that it will comply with all applicable laws and regulations as stated in all contract agreements described in the Compliance listing of the grant application.

NOW, THEREFORE BE IT FURTHER RESOLVED, that (title of first authorized official) and (title of second authorized official), or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the above project on behalf of the (applicant).

I CERTIFY THAT the above resolution was adopted by the (Governing Body) on (month, day, year).

SIGNED: _____

WITNESSED: _____

Date: _____

Date: _____

S E A L

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MINNESOTA PUBLIC FACILITIES AUTHORITY
Point Source Implementation Grant
APPENDIX A

State of Minnesota Prevailing Wages

Include this language in all construction contracts:

Pursuant to Minnesota Statutes 177.41 to 177.44 and corresponding Rules 5200.1000 to 5200.1120, this contract is subject to the prevailing wages as established by the Minnesota Department of Labor and Industry. Specifically, all contractors and subcontractors must pay all laborers and mechanics the established prevailing wages for work performed under the contract. Failure to comply with the aforementioned may result in civil or criminal penalties.

Insert the applicable Minnesota wage determination into all proposals and all contracts.

Payrolls/Records

The contractor and subcontractor shall furnish to the OWNER copies of any or all payrolls not more than 14 days after the end of each pay period. The payrolls must contain all of the data required by Minnesota Statutes Section 177.30. Subcontractors must furnish payrolls to the contractor. The OWNER may examine all records relating to wages paid laborers or mechanics on work to which Minnesota Statutes Sections 177.41 to 177.44 apply.

Posting of Wage Rates/Required Posters

Each contractor and subcontractor performing work on a public project shall post on the project the applicable prevailing wage rates and hourly basic rates of pay for the county or area within which the project is being performed, including the effective date of any changes thereof, in at least one conspicuous place for the information of the employees working on the project. The information so posted shall include a breakdown of contributions for health and welfare benefits, vacation benefits, pension benefits, and any other economic benefits required to be paid.

For more information regarding prevailing wage and its application, contact:

Minnesota Department of Labor and Industry
Prevailing Wage unit
443 Lafayette Road N.
St. Paul, MN 55155
Phone: (651) 284-5091
E-mail: dli.prevwage@state.mn.us
Web: www.DOLI.state.mn.us

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MINNESOTA PUBLIC FACILITIES AUTHORITY
Point Source Implementation Grant Program
APPENDIX B

Sign for Clean Water Legacy Funded Projects

This project is financed by the



including funds from the Clean Water, Land, and Legacy Amendment

Insert Project Photograph



Minnesota Public Facilities Authority
Point Source Implementation Grant
APPENDIX C
Real Property Declaration and Waiver Requirements

A recipient receiving PFA funds that include state general obligation bond proceeds are required to:

- Record a Real Property Declaration that identifies the properties on which the recipient uses PFA funds as “state bond financed property
or
- Request a waiver from the recording requirement, and sign a Waiver Certification
and/or
- Both record a Real Property Declaration **and** request a waiver/sign a Waiver
Certification

Recipients must provide a copy of the recorded Declaration and/or signed Waiver Certification and/or a copy of the recorded Declaration to PFA and MMB prior to disbursement of money for construction activities or as soon thereafter as possible.

Real Property Declaration - The recorded **Real Property Declaration** places limitations on the use and sale of real property improved with state bond proceeds under Minn. Stat. Sec. [16A.695](#) and the *Fourth Order Amending Order of the Commissioner of Finance* dated July 30, 2012 (the “Commissioner’s Order”). Some activities needing this: treatment plants, ponds, lift stations, water towers, demolition sites. Recipients should have an attorney draft the **Declaration** and confirm the accuracy of the recordable parcel(s).

Real Property Declaration Recording Waiver - Section 7.02 of the *Commissioner’s Order* allows the Commissioner of Minnesota Management and Budget (MMB) to waive the declaration recording requirement for projects or portions of projects located within roads, highways or utility or transit corridors, easements or rights or way where recording would be problematic. If your project, or a portion of it fits this description, the recipient should request a waiver from the recording requirement from MMB.

If MMB grants the waiver from the recording requirement, the recipient will need to sign a **Waiver Certification** for those parts of the project, in which the recipient acknowledges that those project areas are “state bond financed property”. A description (legal description not needed) and/or map of the project areas should be attached to the **Waiver Certification**.

The following documents are attached:

- **Example Real Property Declaration**
- **Example Form letter to MMB**, which can be modified to transmit the recorded **Declaration**, request a waiver, or both.
- **Example MMB Waiver Certification**

Minnesota Public Facilities Authority
Point Source Implementation Grant
Example of Real Property Declaration

FOR USE BY FILING OFFICER ONLY

**Minnesota Public Facilities Authority
REAL PROPERTY DECLARATION**

The undersigned has the following interest in the real property located in the County of «**County_**», State of Minnesota, that is legally described in **Exhibit A** attached and all facilities situated thereon (collectively, the “Restricted Property”):

(Check the appropriate box.)

a fee simple title

a lease

an easement,

and as owner of such fee title, lease or easement, does hereby declare that such interest in the Restricted Property is made subject to the following restrictions and encumbrances:

A. The Restricted Property is bond financed property within the meaning of Minn. Stat. Sec. 16A.695, is subject to the encumbrance created and requirements imposed by such statute, and cannot be sold, mortgaged, encumbered or otherwise disposed of without the approval of the Commissioner of Minnesota Management and Budget, which approval must be evidenced by a written statement signed by the said commissioner and attached to the deed, mortgage, encumbrance or instrument used to sell or otherwise dispose of the Restricted Property; and

B. The Restricted Property is subject to all of the terms, conditions, provisions, and limitations contained in that certain Agreement between the Minnesota Public Facilities Authority and «**RecipientName**» for Project No. «**ProjectNo**», and dated «**ApprovalDate**»;

The Restricted Property shall remain subject to this State of Minnesota General Obligation Bond Financed Declaration for 125% of the useful life of the Restricted Property or until the Restricted Property is sold with the written approval of the Commissioner of Minnesota Management and Budget, at which time it shall be released therefrom by way of a written release in recordable form signed by both the Chair of the Minnesota Public Facilities Authority and the Commissioner of Minnesota Management and Budget, and such written release is recorded in the real estate records relating to the Restricted Property. This Declaration may not be terminated, amended, or in any way modified without the specific written consent of the Commissioner of Minnesota Management and Budget.

_____, a
«RecipientName»

By: _____

Title: _____

Dated:

By _____

Title: _____

Dated: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

This forgoing instrument was acknowledged before me this ___ day of _____, 20__, by _____ the _____ [insert name and title of first signatory], and _____, the _____ [insert name and title of second signatory], respectively, of the _____, a _____, [insert name and description of the entity receiving the funds].

Notary Public

This Declaration was drafted by:
[insert name and address]

Exhibit A

LEGAL DESCRIPTION

INSTRUCTIONS FOR REQUESTING A WAIVER FROM REAL PROPERTY
FILING REQUIREMENTS & EXAMPLE CERTIFICATION

Per the Minnesota Management and Budget's (MMB) *Fourth [Order](#) Amending Order of the Commissioner of Finance* dated July 30, 2012 (the "Commissioner's Order"), waiver requests may be submitted to the real property declaration filing requirement for projects that "acquire or better real property within roads, highway or utility or transit corridors, easements or rights of way" where the recording of the "declaration otherwise required would be unduly onerous or impracticable". An example letter to MMB is attached.

Provide the following information for MMB's evaluation:

1. A formal request to the Commissioner of MMB and justification by the City for waiver of Real Property Declaration requirement in accordance with Section 7.02 (b) of the Order.
2. Identify the PFA program (Point Source Implementation Grant (PSIG)) that is expected to finance the project.
3. A project description as determined within the application
4. A map reflecting actual location of property to be improved

The request may be submitted electronically to Trudy Halla Trudy.halla@state.mn.us at MMB for review and response.

MMB's mailing address is:

Mr. Myron Frans, Commissioner of Minnesota Management and Budget
c/o Ms. Trudy Halla Minnesota Management and Budget
400 Centennial Office Building
658 Cedar Street
Saint Paul, MN 55155

Please also copy your PFA loan officer on the waiver request.

Important: If MMB approves the waiver request, approval will be granted conditionally until MMB and PFA's receipt of a signed waiver certification. PFA will mail the certification form to the recipient after grant approval. An example certification form is on the following page. The executed waiver form and certification is to be provided to MMB and PFA prior to disbursement of money for construction activities. Some projects may include components that will require both a real property declaration and a waiver request.

Contact your [PFA loan officer](#) with any questions.

(Example of Letter Requesting a Waiver)

(Put on City Letterhead)

_____, 2017

Commissioner of Minnesota Management and Budget
c/o Trudy Halla
Minnesota Management and Budget
400 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

RE: Real Property Declaration Waiver Request - _____ Project
MPFA-_____ [insert MPFA project no.]

Dear Commissioner:

The City of _____ has submitted an application to the Minnesota Public Facilities Authority (“PFA”) requesting funding for a project within its jurisdiction. The project will be funded with a PFA [include only the applicable funding sources:] Clean Water Revolving Fund Loan/Drinking Water Revolving Fund Loan/Wastewater Infrastructure Grant/Point Source Implementation Grant. As described in the application to the PFA, the project is as follows:

[describe project]

The financing above will be funded in whole or in part with State bond proceeds, and the City must comply with the requirements applicable to Real Property Declarations set forth in Section 7.02 of Minnesota Management and Budget’s (MMB’s) *Fourth Order Amending Order of Commissioner of Finance* dated July 30, 2012 (the “Commissioner’s Order”).

[use one of the following two paragraphs:]

[if the entire project is eligible for a waiver] This letter constitutes the City’s written request for a waiver of the Declaration requirement because the entire project lies within roads, highways or utility or transit corridors, easements or rights of way, and the recording of the Declaration against such property would be unduly onerous or impracticable. I understand that the City will have to sign a Waiver Certification that the property improved by the funding described above is State bond financed property and cannot be sold, encumbered or otherwise disposed of without the approval of the Commissioner of MMB.

[if only a portion of the project is eligible for a waiver] This letter constitutes the City’s written request for a waiver of the Declaration requirement only for the portion of the project within roads, highways or utility or transit corridors, easements or rights of way, and the recording of

the Declaration against such property would be unduly onerous or impracticable. I understand that the City will have to sign a Waiver Certification that the property subject to the waiver is State bond financed property and cannot be sold, encumbered or otherwise disposed of without the approval of the

Commissioner of MMB. I also understand that the City will be required to record a real property Declaration for the remaining parcel(s) of land in the project that is/are not eligible for the waiver, stating that such parcel(s) is/are State bond financed property and cannot be sold, encumbered or otherwise disposed of without the approval of the Commissioner of MMB.

I am including for your review a map which shows the location of the project. If you need any additional information, please contact me at (____)_____.

Sincerely,

cc: _____, PFA [*insert name of PFA loan officer*]

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Example Minnesota Management and Budget
Certification Waiver from Filing Requirements

State of Minnesota
General Obligation Bond Financed Property

The undersigned has a fee simple, leasehold and/or easement interest in the real property located in the County(ies) of _____, State of Minnesota that is generally described or illustrated graphically in **Exhibit A** attached and all facilities situated thereon (the "Restricted Property") and acknowledges that the Restricted Property is or may become State bond-financed property. To the extent that the Restricted Property is or becomes State bond-financed property, the undersigned acknowledges that:

- A. The Restricted Property is state bond financed property within the meaning of Minn. Stat. Sec. 16A.695, is subject to the encumbrance created and requirements imposed by such statute, and cannot be sold, mortgaged, encumbered or otherwise disposed of without the approval of the Commissioner of Minnesota Management and Budget;
- B. The Restricted Property is subject to the provisions of the _____ *[title of grant or loan agreement]* between _____ *[State agency providing the grant or loan]* and _____ *[name of undersigned grantee or borrower]*, dated _____, 20____; and
- C. The Restricted Property shall continue to be deemed state bond financed property for 125% of the useful life of the Restricted Property or until the Restricted Property is sold with the written approval of the Commissioner of Minnesota Management and Budget.

Date: _____, 20____

_____, a

[name and description of the grantee or borrower]

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

Exhibit A

GENERAL DESCRIPTION OF RESTRICTED PROPERTY

[Insert a narrative or graphic description of the Restricted Property. It need not be a legal description.]

MINNESOTA PUBLIC FACILITIES AUTHORITY
Point Source Implementation Grant
APPENDIX D
JOB REPORTING FORM TEMPLATE

Minnesota Statutes Section 16A.633, subdivision 4, requires reporting on jobs created or retained as part of the project. An example of the job reporting template is below. A form specific for your project will be provided to you after grant award. Contact your loan officer with any questions about the Job Reporting requirements.

MN Jobs Reporting spreadsheet for capital projects funded thru the MN Public Facilities Authority

part 1. PFA project info:

Construction of a new influent lift station and rehabilitation of the existing wastewater stabilization pond system

Recipient	Proj id	Award dt	Program Description (s)	Funding ID (s)	Award Amts
Heron Lake	CW0723	11/10/16	Clean Water SRF Bond Fund	MPFA-CWRF-L-043-FY17	\$ 1,492,453

part 2. jobs reporting fields for MMB's database (blue-shaded fields to be completed by recipients):

Project Name (must be unique within MMB's database)	Project Start Date	Project End Date	Main County for the Project	Job Type	Hourly Pay Range	Number of Hours Paid for Jobs: Created	Number of Hours Paid for Jobs: Retained	
Heron Lake PFA CW0723			Jackson	Engineering /Other Professional	Less than \$10.00			
<p>Instructions:</p> <p>Please return this completed worksheet (after project completion) by email to the PFA project loan officer *</p> <p>Only the blue-shaded columns need to be completed by recipients:</p> <ul style="list-style-type: none"> -Project Start Date -Project End Date -Number of Hours Paid, by: <ul style="list-style-type: none"> Category (jobs created / jobs retained) Job type (Engineering/Other Professional; Construction; or Other) Hourly pay range <p>MN Public Facilities Authority 1st National Bank Building 332 Minnesota St, Suite W820 Saint Paul, MN 55101-1378 mn.gov/pfa</p> <p style="text-align: right;">* project loan officer: Becky Sabie 651 259-7470 Rebecca.Sabie@state.mn.us</p>								
					Construction	Less than \$10.00		
				Other	Less than \$10.00			

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