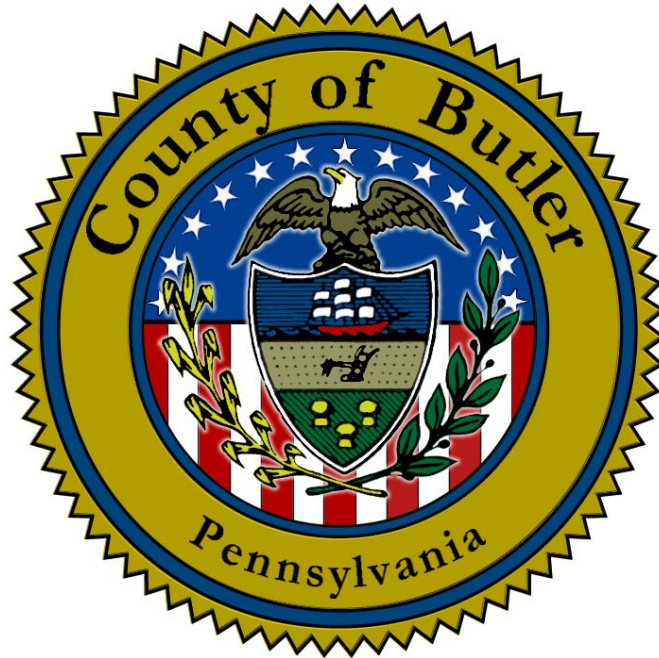


BUTLER COUNTY INFRASTRUCTURE BANK

PROGRAM GUIDELINES



FY 2023 FUNDING ROUND

January 30, 2023

BCIB PROGRAM GUIDELINES (FY 2023)

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Butler County Infrastructure Bank (BCIB) Program Guidelines

SECTION 1 – STATEMENT OF PURPOSE

With a growing need for investments in critical infrastructure projects throughout Butler County (County), the Commissioners have created a new innovative subsidized funding program. The Butler County Infrastructure Bank (BCIB) Program provides reduced interest loan financing up to 100% of eligible project costs, including soft costs, to support infrastructure and other improvement projects County-wide.

The BCIB Program was developed to address the following issues that may be preventing important infrastructure projects from coming to fruition:

- Projects that may not be eligible (or creditworthy) for funding from existing available sources
- Projects delayed due to lack of professional, administrative or project management capacity or experience

The BCIB Program intends to primarily fund transportation, water, wastewater, and stormwater infrastructure improvement projects that support economic development, and public health and safety.

The BCIB Program is administered under the direction of the Chief of Economic Development and Planning, County of Butler, and the BCIB Advisory Board. The County has retained professional, legal, technical and financial resources necessary to support the BCIB.

Section 2 – Loans

A. Eligible Applicants

The following entities based in Butler County may apply for BCIB loans:

1. Municipalities
2. Municipal Authorities (may require credit support from a local government unit)

School districts, redevelopment and economic development entities and private non-profit organizations may be beneficiaries of BCIB funding through cooperation with an eligible applicant (see items 1 and 2 above) but are not permitted to apply directly to the BCIB Program at this time.

In order to be considered for financing through the BCIB Program, all Applicants must demonstrate creditworthiness. The evaluation of creditworthiness will include, but is not limited to, the following factors, which may be adjusted by the County as deemed necessary:

- Ability to demonstrate an investment grade rating (Standard & Poor's BBB- rating or its equivalent. If a rating is not available, then the County may conduct a review using an equivalent methodology to be determined by the County).
- Ability to demonstrate compliance with timely completing and submitting audited financial statements for the most recent three-year period.
- For Municipal Authorities, ability to demonstrate sufficient remaining life, under its Articles of

Incorporation, to complete the financing.

- All Applicants must not be in default of any financial obligations.

B. Eligible Projects

To be eligible for BCIB funding, projects must support the economic development initiatives and priorities as set forth by the County Commissioners and must be eligible under Act 13 of 2012 (Impact Fee), herein referred to as Act 13, and based in Butler County, Pennsylvania (this does **not** mean that all projects eligible for Act 13 are also eligible for BCIB). The following BCIB Program eligible uses include two (2) of the 13 categories set forth by law of Act 13, Section 2314(g):

1. Construction, reconstruction, non-routine maintenance and repair of roadways, bridges and public transportation and related public infrastructure.
2. Construction, reconstruction, non-routine maintenance and repair of water, wastewater and stormwater systems/related infrastructure.

All Applicants must complete and submit the Act 13 Confirmation of Eligible Project and Expenditure Checklist located in Appendix C.

C. Eligible Use of Funds

Funds may be used by the Applicant to pay for any of the following costs related to the eligible projects listed above:

- Planning/engineering/design/inspection
- Environmental site assessments and studies
- Land/easement acquisition/right-of-way necessary to construct the eligible project
- Construction/expansion/improvement/repair/rehabilitation of public infrastructure
- Traffic signs/signals/control/lighting/crosswalks
- Demolition of structures/clearing and preparation of land necessary for eligible project construction
- Permit fees/inspection costs
- Utility relocation
- Legal fees
- Administrative costs associated with the financing (to be determined, in part, and confirmed by the County at the time of application approval)¹

Please be advised that the above list of eligible uses does not constitute Act 13 eligibility. Municipalities

¹ Please note, if the Applicant is approved and participates in the loan financing, it will be responsible for a share of the costs of issuance (the "Cost of Issuance Contribution"), calculated based upon the proportionate share of funding available to the Applicant. Please further note, if the Applicant is approved and participates in the loan financing, but fails to draw any funds available to it other than the Cost of Issuance Contribution, the Applicant's Cost of Issuance Contribution will **not** be eligible for the Subsidy.

should consult with the County regarding specific eligibility questions. All Applicants must attend a pre-application conference to be considered for the BCIB Program.

D. Ineligible Projects and Uses

BCIB Program funding is not intended to support any projects ineligible under Act 13, such as routine maintenance, private property drives and sidewalks, parks, playgrounds, municipal buildings, brick and mortar structures, equipment and vehicle purchases, and historic/civic/charitable expenditures. BCIB loans cannot be used to refinance existing debt secured from other sources.

Applicants unclear about whether a proposed project is eligible are encouraged to contact the County for further guidance and clarification on qualified eligibility and project costs prior to scheduling the **mandatory** pre-application meeting.

E. Financial Assistance

1. Loan Amounts

There is no minimum or maximum amount of project size or loan financing that may be awarded to an individual project. Loan amounts will be determined based on the scope of the proposed project, the amount of leveraged funds available to the Applicant through other public and private sources, the agreement of the Applicant and/or host municipality to support the creditworthiness necessary to repay the loan, and overall demand for the BCIB Program. The County will also consider the project's impact on regional public infrastructure goals (relating to transportation/water/wastewater/stormwater), public health and safety, and economic development when determining subsidized loan financing awards. Applicable Cost of Issuance Contributions associated with securing BCIB loans will be financed as eligible project costs and included in the final principal amortization schedule.

2. Terms and Interest Rate Subsidy

The maximum term for a BCIB loan is 10 years, unless otherwise determined by the Board of Commissioners. Repayments will be structured as semi-annual payments of interest and annual payments of principal, resulting in approximately level annual debt service over the 10-year period. Eligible Applicants may receive up to a 1.50% interest rate subsidy (the "Subsidy") on the financing secured by the County. The final loan and payment terms will be determined following the issuance of County financing.

3. Security

All BCIB Program loans must be secured by the Applicant. The expectation is for BCIB loans to be secured by the full faith and credit of a taxing authority, but the County reserves the right to accept other forms of security upon credit review in accordance with Section 6 hereof.

Section 3 – PROJECT DELIVERY AND COMPLIANCE REQUIREMENTS

A. "Turnkey" Project Design and Delivery

To ensure timely completion of projects funded by the BCIB Program, approved projects may take advantage of the "Turnkey" Project Design and Delivery option. If an applicant selects the Turnkey

option, they will independently contract with the BCIB Program Engineer to provide resources necessary to design and implement an approved project, and to oversee and lead the project delivery process from planning and design through project completion. This Turnkey process combines project delivery capabilities of the Program Engineer with Applicant resources to ensure projects are completed in an efficient and cost effective manner, and in compliance with any applicable time restrictions associated with the County-secured financing. The delivery process will fulfill the Applicant project requirements and ensure adherence to both the County's and Applicant's schedule, as well as legal and fiduciary requirements. The Program Engineer will administer all phases of the project including planning, design, permitting, bid document preparation, bidding, contracting (including administering contracts between necessary vendors and the Applicant/loan recipient to complete the project), and commissioning. The County will not be a party to the Applicant's contract with the Program Engineer.

The assigned Program Engineer will coordinate the project delivery process; and will provide the technical expertise, design capabilities, quality assurance, project management, bidding and construction administration, and engage external consultants and vendors to provide supplemental services, as required and/or necessary.

The assigned Program Engineer will work with a project team composed of a designated Applicant's representative, the County BCIB Program coordinator, design staff, and contracted vendors to deliver project value for both the County and the Applicant.

The Program Engineer will collaborate with the project team to review, reconcile, and meet the project goals in the following areas:

- Approved Budget
- Project Schedule and Milestones
- Design Criteria
- Operational Objectives
- Regulatory and Permitting Compliance
- Design Standards
- Aesthetic Quality
- Bidding and Contracting Requirements
- Public Relations
- Construction Administration
- Legal Review

The Applicant will collaborate with the County's team through each step of the project development lifecycle to ensure that the County's and Applicant's goals and requirements are addressed.

The Applicant may choose to utilize the "Finance Only" option (detailed in the following section), however all documents and procedures are subject to County review to be eligible for BCIB funding.

B. “Finance Only” Project Design and Delivery

The “Finance Only” Project Design and Delivery option allows the Applicant to utilize their own professional to design, permit, and prepare plans and specifications for the proposed project, to be reviewed by the County². This option gives the Applicant the opportunity to design the project, prepare bid documents, and administer all bidding, contracting, and commissioning, rather than the County directing the process. This option also provides the Applicant the ability to secure funding for a shovel-ready project (Reimbursement Resolution may be required – reference Appendix D - Exhibit 5 Sample Reimbursement Resolution). The Applicant is responsible for project ownership and delivery, however there will be coordination with the County and respective consultants, as deemed necessary to confirm compliance with the BCIB Program, financing limitations, and any applicable local, state and federal laws, as well as ensure timely project delivery, for which the County will have issued debt to fund eligible project expenditures.

C. Bidding

All projects must comply with applicable federal, state, and local laws and regulations related to bidding and procurement.

D. Pennsylvania Prevailing Wage Act

The Pennsylvania Prevailing Wage Act (43 P.S. §165-1 et seq.; 34 Pa. Code §9.101 et seq.) may apply to projects funded under the BCIB Program. Prevailing Wage requirements are generally applicable to public funds for construction, demolition, reconstruction, alteration, repair work, renovations, and similar work receiving subsidized public financing. Applicants are encouraged to contact the Pennsylvania Department of Labor and Industry, Bureau of Labor Law Compliance/Prevailing Wage office at (717) 705-7256 for further information on necessary compliance requirements.

E. Project Records

If the Turnkey option is selected, the County will cause full and accurate records to be maintained with respect to the project during the project activity period. The Applicant will have access to such records, as well as the ability to inspect all project work, materials, and other relevant records at reasonable times and places. The County will provide all data, reports, contracts, documents, and other information relevant to the project to the Applicant. If the Applicant chooses the Finance Only option, it is the responsibility of the Applicant to maintain complete and accurate project design and delivery document records available for the County to inspect, as requested.

F. Nondiscrimination/Sexual Harassment

No financial assistance will be awarded unless the Applicant certifies to the County that it shall not discriminate against any employee or against any person seeking employment because of race, religion, color, handicap, national origin, age, or sex. All contracts for work to be paid for with BCIB Program loan proceeds must contain the Commonwealth's official Nondiscrimination/Sexual Harassment Clause (reference Appendix E).

² Applicant must provide the County, at the time the application is submitted, with (i) costs estimates for the project, prepared by the Applicant's retained professionals, and (ii) a timeline for the drawing and expenditure of funds.

Section 4 – Application AND FUNDING AWARD PROCESS

A. **Mandatory Pre-Application Procedures**

Applicants interested in funding through the BCIB Program must request a pre-application conference with the County. Pre-application conferences must be complete per the County approved schedule. The required conference is designed to provide potential Applicants with an overview of the Program, application process and eligibility, and assistance with budget development to assure the completeness of the project application for formal submission and review.

During the pre-application conference, the County's BCIB Program consultants and/or staff will discuss the proposed project with the Applicant, answer questions, and gather additional project details.

An important outcome of the pre-application conference will be the development of the Project Budget for the BCIB Program Application. The County's engineering consultant will review the project budget and provide confirmation or recommended changes for both the Applicant's and the County's consideration and concurrence when processing the application. The mutually concurred Project Budget will serve as the basis for determining the project's financing need.

To schedule the mandatory pre-application conference, email request to BCIBank@co.butler.pa.us.

B. **Application Procedures**

1. Application Materials

The following is a list of application materials that should be prepared and submitted (as applicable) in accordance with the submission instructions detailed below (also reference Appendix A for a copy of the Application):

Certified BCIB Application

Exhibit 1 – Project Description

Exhibit 2 – Municipal Resolution

Exhibit 3 – Financial Documents

Exhibit 4 – Act 13 Confirmation of Eligible Projects and Expenditures Checklist

Exhibit 5 – Reimbursement Resolution (if applicable)

Exhibit 6 – Leveraged Funding Documentation (if applicable)

Exhibit 7 – Local Support (if applicable)

Exhibit 8 – Alternate Engineer Qualifications (if applicable)

Exhibit 9 – Articles of Incorporation and By-Laws (for Municipal Authorities only)

Exhibit 10 – Cost estimates for the Project and a schedule of the anticipated draws and expenditure of funds for the Project (for “Finance Only” Projects)³

³ Please note, if the Applicant is approved and participates in the loan financing, it will be responsible for its Cost of Issuance Contribution. Please further note, if the Applicant is approved and participates in the loan financing, but fails to draw any funds available to it other than the Cost of Issuance Contribution, the Applicant's Cost of Issuance Contribution will not be eligible for the Subsidy.

(Additional details and requirements for each exhibit are provided in Section 5, Application Exhibits.)

Please email an electronic copy of the completed BCIB Program Application along with the required attachments and exhibits to BCIBank@co.butler.pa.us.

Note that e-mail submissions cannot exceed 10MB and attachments need to be in word, excel or pdf format. Zip files will not be accepted. You may submit multiple e-mails. If more than one e-mail is necessary to complete the submission, please use the Subject Line of the e-mail to label the number of submissions (e.g. "Springfield Municipality - BCIB Application 1 of 3").

2. Municipal Applicant Authorization

All applications must include written evidence that the project is authorized to be submitted by a municipal entity. Written evidence shall be an adopted resolution from the municipality or municipal authority completing the project. A sample resolution is included in Appendix B.

3. Review Process

The BCIB Advisory Board will complete a review period to confirm eligibility requirements established by the BCIB Program Guidelines.

4. Public Presentation of Eligible Applicants

Applicants considered for award will be required to make a public presentation to the BCIB Advisory Board. The general public will have an opportunity to comment at the Butler County Commissioner's meeting when the projects are presented to the Commissioners for funding consideration. Written comments will also be accepted. Invited Applicants will be notified of the date and time of the public presentation.

Following public presentations, the County reserves the right to schedule follow-up meetings or request additional information. Such meetings would be held to ensure all Applicant and project related questions are addressed. Additional meetings will not have an impact on evaluation criteria when rendering final award decisions. The BCIB Advisory Board will establish a deadline for submitting written comments or materials.

5. Final Review and Recommendations

After public presentations have been completed and all written responses have been received, the final review process will ensue. The BCIB Advisory Board will review projects for creditworthiness and constructability, and use the evaluation criteria, as outlined in Section 6, to evaluate and rank projects, and make recommendations to the Butler County Board of Commissioners.

6. Award Announcement

Loan awards will be announced during a public meeting of the Butler County Board of Commissioners. Applicants receiving loan awards will also be notified by letter (as described below). The County reserves the right to approve or reject any project based on eligibility and project merits as outlined within the current program guidelines, which are subject to change due to changes in law affecting the County's ability to borrow funds.

C. Procedures for Accessing Funds

1. Commitment Letter

Upon approval of an application, a commitment letter will be issued to the Applicant that outlines the terms and conditions of the BCIB loan. The commitment letter must be signed and returned within 30 days or the offer may be withdrawn.

2. Loan Closing

Following the acceptance of an offer by the Applicant and the satisfactory completion of applicable special conditions, a loan closing will be scheduled. Loan recipients will be required to work with the County's appointed Note Counsel to complete Local Government Unit Debt Act proceedings or, if applicable, have an applicable guarantor complete such proceedings. The County and the Applicant will finalize the terms of the loan agreement, including collateral, repayment schedule, and the process for use of non-BCIB funds towards project construction, if any. The Applicant will be required to certify that the expenses during construction were incurred in accordance with the final design plans approved by the Applicant and the County.

All vendor contracts will be executed between the Applicant and vendor. During the project activity period, the County will receive and review project costs to confirm eligibility and determine the appropriate release of loan funds in accordance with an agreed upon schedule for the release of loan proceeds. The Applicant will be responsible for loan payments to the County in accordance with the terms and conditions of the BCIB loan documents executed at closing.

Section 5 – Application Exhibits

A. Exhibit 1 – Project Description

Provide a detailed description of the project that includes the project need, objective, and expected outcomes. Specifically, the description should include the following components:

1. A detailed description of the project's purpose and need, economic development impact, type of project, and project scope;
2. The specific location of the project site identified on a PennDOT County Type 10 map for transportation projects or a standard location map for other infrastructure projects (water/wastewater/stormwater/etc.);
3. Detailed information regarding the following project phases: preliminary engineering/environmental review, final design, utilities, right-of-way/easements, construction costs and schedule, and construction engineering/inspection, substantial completion and final completion;
4. Detailed list and status of all required permits;
5. Description of project outcomes, such as: project's impact on water/wastewater/storm service, traffic congestion; impact on public health and safety; economic development benefits; new jobs to be created, etc.; and
6. Project renderings, site plans, and similar documentation as available.

B. Exhibit 2 – Municipal Resolution

Provide a resolution duly adopted by the Applicant's governing board that formally requests the loan and designates an official to execute all documents and be single point of contact, and briefly describe the project scope and identify the requested loan amount. A sample resolution is included in Appendix B.

C. Exhibit 3 – Financial Documents

Borrower Financial Document Requirements:

1. Audited Financial Statements (or if not available, DCED Municipal Audits for local government unit Applicants are acceptable) from the three (3) most recently completed fiscal years
2. Adopted budget for the current year
3. Historical primary revenue details, including:
 - a. for local governments, tax collection for the three (3) most recently completed fiscal years including:

Year	Amount of Tax Levy *	Current Year Taxes Collected	Prior Year Taxes Collected	Total Taxes Collected	As a % of Tax Levy
	<i>A</i>	<i>B</i>	<i>C</i>	<i>D=B+C</i>	<i>D/A</i>
	\$	\$	\$	\$	%
	\$	\$	\$	\$	%
	\$	\$	\$	\$	%

* Not adjusted for discounts or penalties

- b. for municipal authorities, debt service coverage for the three (3) most recently completed fiscal years including:

Year	Total Revenue	Operating Expenses	Net Revenue	Existing Debt Service	Debt Service Coverage Ratio
	<i>A</i>	<i>B</i>	<i>C=A-B</i>	<i>D</i>	<i>C/D</i>
	\$	\$	\$	\$	x
	\$	\$	\$	\$	x
	\$	\$	\$	\$	x

4. Pension funded status and most recent Actuarial Valuation Report(s) (if applicable)
5. If the Applicant currently has, or previously had, an underlying bond rating from S&P or Moody's, a copy of the most recent rating report that is available

D. Exhibit 4 - Act 13 Confirmation of Eligible Projects and Expenditures Checklist

The Act 13 Confirmation Checklist must be completed and certified by the Applicant and submitted with the application package. Reference Appendix C for a copy of the Checklist.

E. Exhibit 5 – Reimbursement Resolution (If Applicable)

In the event that the Applicant has a shovel-ready project and would like to proceed with and/or incur eligible project expenses other than those relating to planning and design (i.e. construction costs), the Applicant must complete and submit a Reimbursement Resolution in order for these expenses to be reimbursable by BCIB funds, assuming a loan is approved for the proposed project. An example Reimbursement Resolution is included in Appendix D.

F. Exhibit 6 – Leveraged Funding Documentation (If Applicable)

If additional funding above the BCIB request is planned for the project, provide a funding commitment letter (such as a term sheet, grant award notification, etc.) for each identified source, as available. Letters should include terms, rates, and collateral conditions for loan financing. Include a statement showing the current balance of Act 13 allocation funding (if available).

G. Exhibit 7 – Local Support (If Applicable)

Include any supplemental documentation, such as newspaper articles or letters of support, from the affected community, as well as any professional or expert studies, analyses, or support related to the project or its need, uses, or costs. Legislative and community letters of support are encouraged.

H. Exhibit 8 – Alternate Engineer Qualifications (If Applicable)

If the Applicant is choosing the “Finance Only” option, the Applicant must demonstrate responsible selection of an alternate engineer. An alternate engineer should be a qualified civil/transportation engineer with experience in delivering water/wastewater/stormwater and transportation plans, specifications, and estimates in acceptable formats (e.g. PennDOT compliant for transportation projects). To demonstrate this capability for BCIB funded projects, the Applicant must submit a Consultant Qualifications Package consisting of the following and approval of said engineer is at the sole discretion of the County:

1. General Information (company info, number of employees, services);
2. Project Experience (at least ten years is typical) (no more than five pages);
3. A license to practice in Pennsylvania;
4. Resumes (two pages per individual); and
5. Quality Management Plan.

I. Exhibit 9 - Articles of Incorporation and By-Laws (for Municipal Authorities only)

Include Articles of Incorporation and By-Laws to demonstrate sufficient remaining life to complete the financing.

J. Exhibit 10 – Cost estimates for the Project and a schedule of the anticipated draws and expenditure of funds for the Project (for “Finance Only” Projects)

Provide an itemized construction cost estimate of improvements prepared by the Applicant’s engineer to verify project budget included as part of the application. Provide an anticipated detailed schedule of draws and expenditure of VCIB funds on project budget included as part of the application.

SECTION 6 – EVALUATION CRITERIA

The BCIB Advisory Board will review applications and make recommendations to the County Board of Commissioners based on the Applicant’s creditworthiness, as well as the project’s constructability and overall consistency with the BCIB Program statement of purpose; identified outcomes, such as the impact on water/wastewater/stormwater service, traffic congestion, public health and safety, and economic development; and ability to meet the overall BCIB Program objectives. The following is an expanded list of potential project evaluation criteria:

- Successfully adhere to the application process and guidelines, including mandatory attendance at the pre-application conference and board presentation.
- Ability of the Applicant to demonstrate creditworthiness and secure any additional project funding necessary to complete the project.
- Level of non-County funds secured and available to the project (i.e. private investment leveraged).
- Project cost effectiveness when compared to other alternatives and project ability to efficiently serve County residents and visitors.
- Project readiness.
- Ability of the project to demonstrate local support.
- Ability to secure funding from other sources.
- Project consistency with all local economic development plans and ability to support job creation/retention in the County.
- Ability of the project to address public health and safety.
- Ability of the project to incentivize and support major economic development projects and/or new or existing tourism initiatives.

The above list is not considered all-inclusive and the County reserves the right to approve or reject proposed applications based on eligibility and project merits as outlined herein.

SECTION 7 – PROGRAM INQUIRIES

Program inquiries and application submissions should be directed to:

Butler County Infrastructure Bank Advisory Board
c/o Mark Gordon, Chief of Economic Development and Planning
County of Butler
124 West Diamond Street
PO Box 1208
Butler, PA 16003-1208
(724) 284-5300
BCIBank@co.butler.pa.us

Note: BCIB Program guidelines may be periodically amended. Please visit <https://www.butlercountypa.gov/> for the most recent version.

APPENDICES

A. Appendix A – BCIB Program Application

1. APPLICANT PROFILE

Contact Information:

Type of Entity:

Applicant Entity: _____

Municipality

County

Contact Name: _____

Authority

Title: _____

Address: _____

FEIN: _____

City: _____

State: _____

Zip Code: _____

Phone: _____

E-mail: _____

Fax: _____

Pre-Application Conference Attendance Date: _____

If you receive a funding offer from the BCIB, municipal borrowers or guarantors will need to go through the Local Government Unit Debt Act (LGUDA). Please provide your Elected Officials' 2023 meeting schedule below (e.g. 1st and 3rd Thursdays).

Are you willing to schedule a special meeting in order to complete the necessary steps and requirements associated with LGUDA? Yes No

2. PROJECT SITE LOCATION

Street Address: _____

Municipality: _____

City: _____

Zip Code: _____

Project Site Description:

Specific Location of Improvements (*Please provide a brief description of the proposed project location*):

3. PROJECT TYPE

Infrastructure Ownership

Local State

Project Design and Delivery Option (reference Guidelines, Section 3)

Turnkey Finance Only

Scope of Work

Proposed Scope of Work *(Please provide a brief description of the proposed scope of work):*

4. PROJECT BUDGET

Project Budget		
Use	Amount	Year(s) of Expenditure
Environmental Review		
Preliminary Engineering		
Final Design		
Utilities		
Right-of-Way		
Construction		
Construction Engineering/Inspection		
Other*		
Contingency (not to exceed 15%)		
TOTAL USES		

Source	Amount	Date(s) Secured
Local Contributions		
Private Contributions		
Other Financing		
Grants (Already Secured)		
Other		
BCIB Request		
TOTAL SOURCES		

* "Other" uses may include administrative costs associated with the BCIB financing, to be confirmed in coordination with the County and included in the budget financed with BCIB loan proceeds.

5. CERTIFICATION

I, the undersigned representative of the Applicant, certify on behalf of the Applicant that the information contained in and provided with this BCIB Program Application is true and correct, and the Applicant submits said information knowing that Butler County will rely upon the same in processing and approving this Application.

Applicant Entity Name: _____

Authorized Applicant Representative Name (please print): _____

Title: _____

Signature: _____

Date: _____

Please email an electronic copy of the completed BCIB Program Application along with the required attachments and exhibits to BCIBank@co.butler.pa.us.

Note that e-mail submissions cannot exceed 10MB and attachments need to be in word, excel or pdf format. Zip files will not be accepted. You may submit multiple e-mails. If more than one e-mail is necessary to complete the submission, please use the Subject Line of the e-mail to label the number of submissions (e.g. "Municipality - BCIB Application 1 of 3").

All e-mail submissions for FY 2023 must be received by 4:00 p.m. EST on March 15, 2023. Please request a delivery receipt with all e-mail submissions.

All Applicants are required to submit the following exhibits at the time of application, as outlined in the BCIB Program Guidelines:

- Exhibit 1 – Project Description
- Exhibit 2 – Municipal Resolution
- Exhibit 3 – Financial Documents
- Exhibit 4 – Act 13 Confirmation of Eligible Projects and Expenditures Checklist
- Exhibit 5 – Reimbursement Resolution (if applicable)
- Exhibit 6 – Leveraged Funding Commitment (if applicable)
- Exhibit 7 – Local Support Documentation (if applicable)
- Exhibit 8 – Alternate Engineer Qualifications (if applicable)
- Exhibit 9 – Articles of Incorporation and By-Laws (for Municipal Authorities only)
- Exhibit 10 – Cost estimates for the Project and a schedule of the anticipated draws and expenditure of funds for the Project (for "Finance Only" Projects)

B. Appendix B – Exhibit 2 – Sample Municipal Resolution

RESOLUTION NO. _____
[NAME OF APPLICANT]

A Resolution of [INSERT MUNICIPAL APPLICANT’S NAME] authorizing the filing of an application for a Butler County Infrastructure Bank loan request of [INSERT AMOUNT OF REQUEST] to be used for [INSERT DESCRIPTION OF PROJECT] (hereinafter the “Project”).

WHEREAS, [INSERT MUNICIPAL APPLICANT’S NAME] (the “Applicant”) has the ability to request funding from the Butler County Infrastructure Bank to support the Project;

NOW THEREFORE BE IT RESOLVED, that [INSERT MUNICIPAL APPLICANT’S NAME] hereby authorizes the filing of an application for a Butler County Infrastructure Bank loan of [INSERT AMOUNT OF REQUEST] to be used for infrastructure improvements associated with the Project.

BE IT FURTHER RESOLVED, that the Applicant does hereby designate [INSERT NAME OF MUNICIPAL OFFICIAL] as the official to execute all documents and agreements between [INSERT MUNICIPAL APPLICANT’S NAME] and Butler County to facilitate and assist in obtaining the requested loan.

IN WITNESS THEREOF, I affix my hand and attach the seal of [INSERT MUNICIPAL APPLICANT’S NAME] this _____ day of _____, _____.

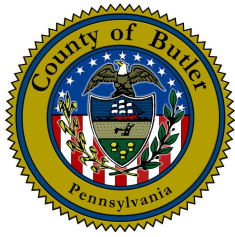
By: _____
[NAME]
[TITLE]

Attest: _____

I, [OFFICIAL’S NAME], duly qualified [OFFICIAL’S TITLE] of [INSERT MUNICIPAL APPLICANT’S NAME], Butler County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by a majority vote of the [INSERT MUNICIPAL APPLICANT’S NAME] at a regular meeting held [INSERT DATE] and said Resolution has been recorded in the Minutes of the [INSERT MUNICIPAL APPLICANT’S NAME] and remains in effect as of this date.

[NAME]
[TITLE]
SEAL

C. Appendix C – Exhibit 4 – Act 13 Confirmation of Eligible Projects and Expenditures Checklist



Butler County Infrastructure Bank

Act 13 Confirmation of Eligible Projects and Expenditure Checklist

(to be completed by the Applicant)

Instructions: Please identify the proposed project type. Final concurrence will be determined by the Butler County Infrastructure Bank administrators. BCIB loans cannot be used to refinance existing debt. [Note that BCIB Program funding is not intended to support routine maintenance, private property drives and sidewalks, parks, playgrounds, municipal buildings, brick and mortar structures, equipment and vehicle purchases, and historic, civic, or charitable expenditures.] Applicants unclear about whether a proposed project is eligible are encouraged to contact BCIB Program staff for guidance and clarification on qualified eligibility and project costs.

Eligible Project Types	Applicant (Please provide project description/detail - 100 characters or less)	BCIB Program Manager Concurrence (This column completed by BCIB staff)
Construction, reconstruction, non-routine maintenance and repair of roadways, bridges and public transportation and related public infrastructure.		
Construction, reconstruction, non-routine maintenance and repair of water, wastewater and stormwater systems/related infrastructure.		

Example descriptions:

- Roadway Construction or Reconstruction (routine maintenance overlays are ineligible)
- Construction, Reconstruction, or Rehabilitation of a Municipal Bridge (routine maintenance is ineligible)
- Construction or Reconstruction of Culverts
- Drainage or Stormwater Improvement Projects (may include non-equipment or non-routine maintenance MS4 related requirements)
- Applicable permits required by proposed improvements (including Highway Occupancy Permits, NPDES, and Water Supply)
- Public infrastructure (transportation or otherwise) ordered by the Public Utility Commission
- Installation or Upgrade of Traffic Signals
- Construction, improvement or expansion of a water supply/wastewater/stormwater system
- Other infrastructure in support of economic development projects

Act 13 Eligibility Certification

I, the undersigned representative of the Applicant, certify on behalf of the Applicant that Act 13 legislation was reviewed and is of the opinion that the proposed project meets Act 13 eligibility.

Applicant Entity Name: _____

Authorized Applicant Representative Name (please print): _____

Title: _____

Signature: _____

Date: _____

D. Appendix D – Exhibit 5 – Sample Reimbursement Resolution

RESOLUTION NO. _____
[NAME OF APPLICANT]

DECLARATION OF OFFICIAL INTENT TO REIMBURSE GENERAL FUNDS OR SHORT-TERM BORROWED FUNDS USED TO CONSTRUCT IMPROVEMENTS [GENERAL PROJECT DESCRIPTION] WITH FUNDS RECEIVED FROM THE BUTLER COUNTY INFRASTRUCTURE BANK

WHEREAS, [NAME OF APPLICANT] ("Funding Recipient") has determined that construction of improvements to the [NAME OF PROJECT] located in [NAME OF MUNICIPALITY], Butler County, Pennsylvania (the "Project"), are necessary;

WHEREAS, in order to finance the costs of the Project, the Funding Recipient intends to issue its Debt Obligation to the Butler County Infrastructure Bank ("BCIB") in the maximum principal amount of [AMOUNT OF LOAN REQUEST] (the "BCIB Debt Obligation");

WHEREAS, Funding Recipient intends to pay Project costs, on an interim basis, using its GENERAL FUNDS until the proceeds of the BCIB Debt Obligation are received;

WHEREAS, Treasury Regulation §1.150-2 (the "Reimbursement Regulations"), issued pursuant to Section 150 of the Internal Revenue Code of 1986, as amended, (the "Code") prescribes certain requirements by which proceeds of tax-exempt bonds, notes, certificates or other obligations included in the meaning of "bonds" under Section 150 of the Code - used to reimburse advances made for capital expenditures paid before the issuance of such obligations--may be deemed "spent" for purposes of Sections 103 and 141 to 150 of the Code and, therefore, not subject to further requirements or restrictions under those sections of the Code; and

WHEREAS, Funding Recipient understands and acknowledges that the County will borrow on a tax-exempt basis to secure funds for the BCIB loan program and Funding Recipient wishes to assist the County in its compliance with the Reimbursement Regulations.

NOW, THEREFORE, the Funding Recipient hereby declares as follows:

Pursuant to the Reimbursement Regulations, the Funding Recipient officially intends to reimburse its GENERAL FUND for Project costs incurred by the Funding Recipient with the proceeds of the BCIB Debt Obligation up to the maximum principal amount of [AMOUNT OF LOAN REQUEST].

By: _____

[NAME]

[TITLE]

Attest: _____

I, [OFFICIAL'S NAME], duly qualified [OFFICIAL'S TITLE] of [INSERT MUNICIPAL APPLICANT'S NAME], Butler County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by a majority vote of the [INSERT MUNICIPAL APPLICANT'S NAME] at a regular meeting held [INSERT DATE] and said Resolution has been recorded in the Minutes of the [INSERT MUNICIPAL APPLICANT'S NAME] and remains in effect as of this date.

[NAME]

[TITLE]

SEAL

E. Appendix E – Nondiscrimination/Sexual Harassment Clause**NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE**

During the term of the Contract, the Contractor agrees as follows:

In the hiring of any employees for the manufacture of supplies, performance of work, or any other activity required under the Contract or any subcontract, the Contractor, subcontractor or any person acting on behalf of the Contractor or subcontractor shall not by reason of gender, race, creed, or color discriminate against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.

Neither the Contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate against or intimidate any employee involved in the manufacture of supplies, the performance of work or any other activity required under the Contract on account of gender, race, creed, or color.

The Contractor and any subcontractors shall establish and maintain a written sexual harassment policy and shall inform their employees of the policy. The policy must contain a notice that sexual harassment will not be tolerated and employees who practice it will be disciplined.

The Contractor shall not discriminate by reason of gender, race, creed, or color against any subcontractor or supplier who is qualified to perform the work to which the contract relates.

The Contractor and each subcontractor shall furnish all necessary employment documents and records to and permit access to its books, records, and accounts by the contracting officer and the Department of General Services' Bureau of Contract Administration and Business Development for purposes of investigation to ascertain compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause. If the Contractor or any subcontractor does not possess documents or records reflecting the necessary information requested, it shall furnish such information on reporting forms supplied by the contracting officer or the Bureau of Contract Administration and Business Development.

The Contractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subcontract so that such provisions will be binding upon each subcontractor.

The County may cancel or terminate the Contract, and all money due or to become due under the Contract may be forfeited for a violation of the terms and conditions of this Nondiscrimination/Sexual Harassment Clause. In addition, the agency may proceed with debarment or suspension and may place the Contractor in the Contractor Responsibility File.