

OWRB American Rescue Plan Act (ARPA) Grants Q & A

Application questions:

- Q. How should one apply if the UEI and/or FEIN are for the town/city but not the authority or vice versa? Could the UEI work for the authority if under 'doing business as (DBA)' on Sam.gov? What if we use the town/city FEIN?
- A. You may apply as either; however, whichever you choose, you must provide us with the proper organizational documents, the UEI number must be in the name of the applicant, the FEIN must be for the applicant, and the Resolution must be approved by the proper governing body. All of these documents must match the applicant.
- Q. Typically, the County name does not come first in a rural water district (RWD) name shown in the organizational documents. Do we still show County name first like shown in the drop-down list?
- A. Yes, utilize the name in the dropdown in those cases. The way the name shows up is the result of a database that was built years ago and cannot be changed because there are projects associated with that name that are completed and indexed as such. The OWRB Staff has developed a Legal Name field that will be used in the preparation of documents and correspondence but cannot be used on the application.
- Q. Does the application have to be filled out all at once or can it be saved during the process and then submitted?
- A. There is no way to save the application. You can navigate away from it and come back to it but if you leave it, you will lose your data already entered.
- Q. How long does it take to get the UEI number after submitting information online?
- A. This is a sam.gov process and our recent experience has been that it is a lengthy process but that is a case-by-case basis.
- Q. Can there be more than one application?
- A. You may have more than one application, but it is more beneficial to apply for your project(s) under one application to avoid having points deducted for having received previous ARPA funds.
- Q. Is this separate from the state ARPA application we've submitted for previously this year?
- A. The legislative portal closed in March 2022. If your project was submitted in the portal, you will receive an additional 5 points on your application. However, the OWRB application is separate and must be completed for consideration of the OWRB ARPA grant.

- Q. If an entity has received a direct earmark of state ARPA money, are they still eligible to apply for the pooled funds? (if yes, are they just subject to the point deduction on their application scoring?)
- A. Yes, they can still apply and will, however, receive the 8-point deduction.
- Q. Is there a file upload size requirement?
- A. Yes – 10 MB
- Q. Is there be a way to upload additional supporting documents in the application?
- A. If you wish to supply additional documentation beyond what is required, you may email that to us. Only documentation required for the application is what is included in the application with an upload button.
- Q. Is the water charge or sewage charge just for the volumetric rate or does it include base charge for each utility?
- A. For the base rate plus volumetric rate for up to 5,000 gallons.
- Q. If you purchase water for part of a RWD system but produce it for half. If the project includes one or the other, as opposed to the entire district, do you include the number of customers for the side where your project is?
- A. Include the total number of customers as that is what is used to determine the debt to customer ratio for indebtedness.
- Q. As a wholesaler, are all meters served counted or just our meters?
- A. They have to count all meters served by their wholesale customers (i.e., if servicing 4 different water districts, then all meters connected must be provided and added to the total)
- Q. If we are in progress on DWSRF loans, do we enter the indebtedness as of the date of application or anticipated totals when completed?
- A. If you have already applied and well along the way and have a designated loan and payment amount, then yes. If you are just on the PPL list, then no.
- Q. Will Agreed Upon Procedure work or is a full audit required?
- A. Agreed upon procedures will work; however, whether it is an audit or agreed upon procedures it needs to be recent – no older than two years unless there are extenuating circumstances. However, if you receive more than \$750,000 in federal funds in a year a Single Audit is required.

- Q. What is the best resource to find adjusted per capita income (APCI) numbers for RWD's? Or will a county's APCI #'s suffice?
- A. The APCI Tiers are located on the affordability list which is a link in the application. If your community or district is not on the list, you will answer the question with "Need OWRB Calculation." The affordability team at the OWRB will assist you in determining which Tier you are in.
- Q. Will we be able to see the full application form to download or print to prepare/compile information prior to completing the final application?
- A. The form is dynamic and produces different questions based on previous answers. Pre-printing the form does not allow the pop-up questions to be seen and you may therefore miss answers to questions that may be required based on other answers. However, there is a list of documentation requirements on the OWRB ARPA webpage <https://www.owrb.ok.gov/financing/grant/arpa.php>
- Q. When submitting the application, under project engineer contact information, what do I put if we have not decided on a firm yet?
- A. Put 'Engineering RFQ in progress'; no points will be deducted
- Q. Can the engineer submit the application and supporting documentation on behalf of the applicant?
- A. Yes – but they cannot assist with the RFQ process, or they will be eliminated as a possible candidate. Also, you must have a Resolution to apply.

Engineering procurement: The request for qualification (RFQ) must meet the required components of 2 CFR 200.319 for competition and an attorney must certify that has been followed.

- Q. What is the rule for engineering procurement and is it state or federal requirement?
- A. There is a federal requirement of sending out a RFQ to at least 3 firms or advertise for a minimum of 10 days. Procurement of engineering services must be a **competitive based process**, which will be awarded based off qualifications, not price.
- Q. Does procurement for engineering have to be done prior to application?
- A. No, but projects will not go to the board for approval until services are procured and an Engineer's Report is produced.
- Q. If a local engineer is retained, or RFQs have gone out, been responded, or have a contract, or already started the process, does it meet criteria or is there a need to start over?

- A. OWRB will need a certification from an attorney that has reviewed the procurement of engineering services to verify they have been procured following the federal law.
- Q. Does the DBE program need to be approved through the Oklahoma Water Resources Board or do we just need to show we have a Policy and Procedure in place to follow the DBE requirements?
- A. During the bidding process, the project owner and subsequently the contractor must show evidence of following the 6 good faith efforts for soliciting DBE businesses. More information is available in the DBE Guidance document on the OWRB website <https://www.owrb.ok.gov/forms/FAforms/ORF-267DBEGuidance.pdf>
- Q. If a project already has completed engineering and has a Permit to Construct, will those projects still be subject to procurement requirements for engineering services?
- A. OWRB has developed an exemption policy for competitive services required under federal law if the design of the project has been completed, ARPA funds are not being requested for engineering services, and satisfies the requirements in the policy as stated below. The full policy can be found on OWRB's website at <https://www.owrb.ok.gov/financing/grant/arpa.php>.
- “In order to prevent duplication of services and unnecessary expenditures for recipients, OWRB will allow recipients to receive ARPA funds if the recipient can meet the requirements described herein. Recipients must provide documentation that demonstrates: (1) legal certification of compliance with State law for procurement and, (2) application for and/or receipt of a permit to construct from the appropriate regulatory agency or an approved bid packet if a permit to construct is not required.”
- Q. Does OWRB have any wording for the RFQ?
- A. Please see the request for qualifications template that the OWRB has prepared as a reference. This document is an example, the city attorney should be involved in approving the final request for qualifications, since they will be certifying the compliance with 2 CFR 200.319. A template for RFQ can be found on our website at <https://www.owrb.ok.gov/financing/grant/arpa.php>.
- Q. Can our city engineers prepare the engineering report?
- A. Yes.
- Q. If we are unable to obtain engineering within the timeline, do we have options? Or do we just need to start planning for next year?
- A. It is suggested that you start the Request for Qualifications now and submit your solicitation efforts in place of an engineering report. We will need the engineering

report before we award. This is a one-time grant opportunity; no funding has been secured for next year.

Q. If a project has already been engineered, must you procure an engineer to complete the project, or do you have to go back and re-engineer from the beginning?

A. As long as the engineering service was procured according to the 2 CFR 200, the entity does not have to go back from the beginning. Please consult with your local attorney if your procurement process satisfies the federal standard. If your project design has been completed, there is an exemption policy on OWRB's website at <https://www.owrb.ok.gov/financing/grant/arpa.php> that defines certain criteria that must be met for the exemption.

Q. Does the engineer that prepared engineering report required to be retained through the procurement process; or just the engineer that prepares the actual construction plans?

A. Please refer to 2 CFR 200.317-327 regarding procurement process. We encourage the grant recipient to consult with an attorney if your procurement process will satisfy the federal standard.

Q. How long are we required to allow engineering firms to reply to our Request for Qualifications for Engineering Services?

A. A sufficient amount of time needs to be allocated for firms to respond. Please refer to 2 CFR 200:317-327 regarding procurement process. We encourage the grant recipient to consult with an attorney if your procurement process will satisfy the federal standard.

ARPA Funding questions:

Q. Once the application is closed, when will entities be notified if they will be awarded or not?

A. OWRB has a tentative goal to have all projects ranked within 90 days of the closing period.

Q. What is the deadline to receive bids in hand once awarded?

A. 90 days with one 90-day extension for a total of 6 months.

Q. Is the number of awards in each COG going to be limited?

A. These grants are not being divided by the COG but rather by the community/district size.

Q. Can DWSRF loan funds be used for match?

A. Yes.

- Q. What is the cost share requirement on all of this?
- A. For communities 7,000 or less, or districts with 2,300 or less taps, there is a \$1,000,000 grant maximum with no cost share. For communities over 7,000 or districts with over 2,300 taps, there is a \$2,000,000 maximum grant with a 50% cost share (i.e., if you receive a \$2M grant, you must have \$2M of other funds to match it). The cost share is not a federal requirement therefore matching funds can come from any other source.
- Q. If an entity is able to provide some level of matching funds for the project, will it increase its chances or the scoring for the application?
- A. For the small community grant, there are no additional points given for having matching funds. The medium/large community grant requires a match.
- Q. Is grant administration/activity delivery an eligible expense? If so, at what rate?
- A. No. Administrative costs are not eligible expenses for this grant.
- Q. Can the City/Town/District use ARPA allocation as match or since the notification on this wasn't received until after budget year started, if approved by OWRB & council, can it come from next fiscal year?
- A. All sources of funds must be identified before OWRB approval.
- Q. Can you comment as to the rationale of the decision-making? Are we looking for number of projects or looking for projects that hit the award ceiling?
- A. The prioritization for awarding projects is based on the competitive ranking procedures outlined in the OWRB rules for ARPA which can be found on OWRB's website.
<https://www.owrb.ok.gov/financing/grant/arpa.php>
- Q. What if your authority has not allocated the APRA funds but are thinking of using the funds along with this project would that be considered in the point system, or do we need to have it submitted to the portal before the application is submitted?
- A. The legislative portal is closed. When submitting your grant application to OWRB all sources of funding for the project should be identified in order for OWRB to make an award.
- Q. In the event bids for the project come in over the project estimate & subsequent award, is there the potential for additional funding or will it be the sole responsibility of the applicant? Conversely, what if the bids for the project come in below the estimate/award?
- A. Any costs above the amount of the award will be the responsibility of the applicant and all sources of funding will need to be identified before proceeding with the project (if you cannot procure the required additional funding, we will be happy to work with you to see if a CWSRF/DWSRF/FAP Loan would be a possibility, or you can work with your

engineer to potentially scale back the scope of your project to fall within the available funds). If bids come in low, disbursements will only be made on a cost-incurred basis. If you can identify additional projects within the original scope to utilize the funding, you will need to submit a request to OWRB to utilize the funds for a different project.

Q. Can this be used for updating reporting equipment. Such as radio type meters?

A. Yes – these funds can be used for any CWSRF/DWSRF eligible projects.

Other questions:

Q. What projects are eligible?

A. Eligible projects are generally for water and sewer projects and follow the CWSRF and DWSRF (with some modifications) eligibilities (can include stormwater). For final eligibility determination, please refer to the ARPA Final Rule. <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>.

Q. The attorney certification - is that a form or just a letter stating the applicant met the procurement requirements?

A. The application requires an attorney verification certifying the legality of the applicant. There is a [verification form template](#) on OWRB's website. For engineering procurement, a letter from the attorney stating they have met the requirements will suffice.

Q. If your system is working with ORWA on a rate study would that meet the rate study qualification for this grant opportunity?

A. A copy of your most current rates will be required as documentation of this grant.

Q. Can you apply for engineering only?

A. Yes

Q. Would a rural water company --not a district--qualify for funding?

A. No. An entity must be formed under Title 82 in order to be qualified to receive an ARPA Grant.

Q. Would we work with our financial advisor to prepare this?

A. You can but that is not a requirement.

Q. Can your Depreciation Schedule be a part of your Sustainability Plan?

A. In order to receive the points for sustainability plan, there are 4 required components:

- Inventory of critical assets.

- Evaluation of the condition and performance of those assets.
- A plan to maintain, repair and replace the components of the Treatment Works overtime and a plan to fund these activities.
- Certification that the recipient has evaluated and will be implementing water and energy conservation efforts

Q. If other parts of the whole project were submitted on ARPA OK portal but this grant will be asking for the next steps does that count as a yes or no for the ARPA portal question?

A. If you applied for part of the project before realizing you could apply for multiple projects, you will get five points for what was applied for in the portal.

Q. If we are already in construction of the project what would the start date be?

A. The date you started construction.

Q. Will you please clarify what it means when asking if our project was submitted on the ARPA Oklahoma portal?

A. When the State of Oklahoma ARPA Portal was receiving requests, did you submit a request? The portal requests closed March 31, 2022. OWRB will verify.

Q. We have received an application from OWRB Dam Safety Group that is significantly shorter. Will it be used?

A. The Dam Safety grant is an entirely separate grant. Their application cannot be used for the competitive grant.