



# ECONOMIC DEVELOPMENT ADMINISTRATION

## Community and Regional Economic Development

### CONSTRUCTION INVESTMENTS

	<b>Program Requirements</b>	<b>Page</b>
<p><b>PWEDA Section 201</b>  <i>(CFDA No. 11.300)</i></p> <p>Public Works and Economic            Development Grants</p> <p><b>PWEDA Section 209</b>  <i>(CFDA No. 11.307)</i></p> <p>Economic Adjustment            Construction Grants</p>	<p><b>Construction Budget: SF-424C</b> ..... 3</p> <p><b>Construction Assurances: SF-424D</b> ..... 5</p> <p><b>Additional Assurances</b> ..... 7</p> <p><b>Part I</b></p> <ul style="list-style-type: none"> <li>▪ Metropolitan Area Review ..... 9</li> <li>▪ Area Eligibility ..... 9</li> <li>▪ <input type="checkbox"/> Comprehensive Economic Development Strategy ..... 9</li> <li>▪ EDD Administration of Project ..... 10</li> </ul> <p><b>Part II</b></p> <ul style="list-style-type: none"> <li>▪ Architecture/Engineering Information ..... 11</li> </ul> <p><b>Part III</b></p> <ul style="list-style-type: none"> <li>▪ Ownership/Operation/Financing ..... 13</li> </ul> <p><b>Part IV</b></p> <ul style="list-style-type: none"> <li>▪ Environment ..... 15</li> </ul> <p><b>Part V</b></p> <ul style="list-style-type: none"> <li>▪ Additional Program Requirements ..... 19</li> </ul> <p><b>Checklist of Program Exhibits</b> ..... 21</p>	

**Application for Federal Assistance**  
**OMB Approval No. 0610-0094**

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

The information is required to obtain or retain benefits from the Economic Development Administration pursuant to the Public Works and Economic Development Act of 1965, as amended (Public Law 89-136, 42 U.S.C. § 3121, et seq.), and as further amended by the Economic Development Administration Reform Act of 1998 (Public Law 105-393). The reason for collecting this information is to enable the prospective applicants to apply for financial assistance and for the Economic Development Administration to determine their eligibility and compliance with Federal and other requirements. No confidentiality for the information submitted is promised or provided except that which is exempt under 5 U.S.C. § 552(b)(4) as confidential business information.

The public reporting burden for this collection is estimated to average 48.5 hours per response including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Economic Development Administration, Herbert C. Hoover Building, Washington, DC, 20230, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

**BUDGET INFORMATION - Construction Programs**

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative and legal expenses	\$ .00	.00	\$ .00
2. Land, structures, rights-of-way, appraisals, etc.	\$ .00	.00	\$ .00
3. Relocation expenses and payments	\$ .00	.00	\$ .00
4. Architectural and engineering fees	\$ .00	.00	\$ .00
5. Other architectural and engineering fees	\$ .00	.00	\$ .00
6. Project inspection fees	\$ .00	.00	\$ .00
7. Site work	\$ .00	.00	\$ .00
8. Demolition and removal	\$ .00	.00	\$ .00
9. Construction	\$ .00	.00	\$ .00
10. Equipment	\$ .00	.00	\$ .00
11. Miscellaneous	\$ .00	.00	\$ .00
12. SUBTOTAL (sum of lines 1-11)	\$ .00	.00	\$ .00
13. Contingencies	\$ .00	.00	\$ .00
14. SUBTOTAL	\$ .00	.00	\$ .00
15. Project (program) income	\$ .00	.00	\$ .00
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$ .00	.00	\$ .00
FEDERAL FUNDING			

17. Federal assistance requested, calculate as follows:  
 (Consult Federal agency for Federal percentage share.)  
 Enter the resulting Federal share.

Enter eligible costs from line 16c Multiply X \_\_\_\_\_%

\$ .00

## INSTRUCTIONS FOR THE SF-424C

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0041), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET.  
SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

This sheet is to be used for the following types of applications: (1) "New" (means a new [previously unfunded] assistance award); (2) "Continuation" (means funding in a succeeding budget period which stemmed from a prior agreement to fund); and (3) "Revised" (means any changes in the Federal Government's financial obligations or contingent liability from an existing obligation). If there is no change in the award amount, there is no need to complete this form. Certain Federal agencies may require only an explanatory letter to effect minor (no cost) changes. If you have questions, please contact the Federal agency.

*Column a.* - If this is an application for a "New" project, enter the total estimated cost of each of the items listed on lines 1 through 16 (as applicable) under "COST CLASSIFICATION."

If this application entails a change to an existing award, enter the eligible amounts *approved under the previous award* for the items under "COST CLASSIFICATION."

*Column b.* - If this is an application for a "New" project, enter that portion of the cost of each item in Column a. which is *not* allowable for Federal assistance. Contact the Federal agency for assistance in determining the allowability of specific costs.

If this application entails a change to an existing award, enter the adjustment [+ or (-)] to the previously approved costs (from column a.) reflected in this application.

*Column.* - This is the net of lines 1 through 16 in columns "a." and "b."

---

Line 1 - Enter estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government. Allowable legal costs are generally only those associated with the purchases of land which is allowable for Federal participation and certain services in support of construction of the project.

Line 2 - Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements).

Line 3 - Enter estimated costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.

Line 4 - Enter estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).

Line 5 - Enter estimated engineering costs, such as surveys, tests, soil borings, etc.

Line 6 - Enter estimated engineering inspection costs.

Line 7 - Enter estimated costs of site preparation and restoration which are not included in the basic construction contract.

Line 9 - Enter estimated cost of the construction contract.

Line 10 - Enter estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract.

Line 11 - Enter estimated miscellaneous costs.

Line 12 - Total of items 1 through 11.

Line 13 - Enter estimated contingency costs. (Consult the Federal agency for the percentage of the estimated construction cost to use.)

Line 14 - Enter the total of lines 12 and 13.

Line 15 - Enter estimated program income to be earned during the grant period, e.g., salvaged materials, etc.

Line 16 - Subtract line 15 from line 14.

Line 17 - This block is for the computation of the Federal share. Multiply the total allowable project costs from line 16, column "c." by the Federal percentage share (this may be up to 100 percent; consult Federal agency for Federal percentage share) and enter the product on line 17.

**ASSURANCES - CONSTRUCTION PROGRAMS**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED

**ADDITIONAL ASSURANCES  
EDA CONSTRUCTION GRANTS**

As the duly authorized representative of the applicant, I further certify that the applicant:

- |   |  |
|---|--|
| <p>1. Will operate and maintain the facility in accordance with at least the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.</p> <p>2. Will require the facility to be designed to comply with the Americans With Disabilities Act of 1990 (ADA) (P.L. 101-336) and Accessibility Guidelines for Buildings and Facilities, as amended, (36 CFR Part 1191). Will be responsible for conducting inspections to insure compliance with these specifications.</p> <p>3. In consideration of EDA funding a project to an applicant which is a business enterprise, applicant agrees that for two years after award by EDA of a grant or sub-grant, applicant will not employ or offer any office or employment to, or retain for professional services, any person who, on the date the grant or sub-grant was offered, or within one year prior to the date of offer, served as an officer, attorney, agent or employee of EDA in a position or engaged in activities which EDA has determined involves discretion with respect to the granting of assistance under PWEDA.</p> <p>4. Will have no facilities under ownership, lease or supervision that are to be utilized for this project either listed or under consideration for listing on EPA's List of Violating Facilities.</p> <p>5. Will comply with the EDA nonrelocation regulations which generally prohibit use of EDA financial assistance to assist employers who transfer jobs from one commuting area to another. This includes an affirmative duty on the part of the applicant to inform EDA of any employer who will benefit from such assistance who will transfer jobs in connection with the EDA grant.</p> <p>6. Will comply with Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction, which imposes requirements that federally assisted facilities be designed and constructed in accordance with the 1997 ICBO Uniform Building Code; or 1996 Supplement to the BOCA National Building Code; and/or 1997 Amendments to the SBCC Standard Building Code and 1996 American Society of Civil Engineers</p> | <p>(ASCE), Minimum Design Loads for Buildings and other Structures, ASCE 795 (ASCE7).</p> <p>7. Will observe and comply with Federal procurement rules, as defined in 15 CFR Part 24 and/or 15 CFR Part 14 as applicable, for award of any contracts for architectural engineering and/or grant administration services and/or construction financed with grant funds.</p> <p>8. Understands that attorneys' or consultants' fees, whether direct or indirect, expended for securing or obtaining EDA assistance for this application are not eligible costs.</p> <p>9. Understands that conflicts of interest or appearances of conflicts of interest are prohibited and may jeopardize this application or result in the forfeiture of grant funds. A conflict of interest occurs, for example, where a representative, official of the Federal, State or local government, has a direct or indirect financial interest in the acquisition or furnishing of any materials, equipment or services to or in connection with the project.</p> <p>10. Will comply with the required reporting requirements of the Government Performance and Results Act (GPRA) of 1993 for measuring and reporting project performance.</p> |
|---|--|
- \_\_\_\_\_  
Signature of Authorized Certifying Official

\_\_\_\_\_  
Title

\_\_\_\_\_  
Applicant Organization

\_\_\_\_\_  
Date Submitted





**A. METROPOLITAN AREA REVIEW**

**Metropolitan Area Review Process** (Section 204, Demonstration Cities and Metropolitan Development Act, Pub. L. 89-754, as amended.) Projects involving the development within a metropolitan statistical area (MSA) of a hospital, airport, library, water supply and distribution facilities, sewage and waste treatment works, highways, transportation facilities, water development or land conservation projects require comments from the metropolitan area clearinghouse/agency. Does the project involve any of the above identified development within an MSA?

Yes. If yes, provide the following:

Comments from the responsible metropolitan area clearinghouse/ agency and statement that such comments have been considered, as *Exhibit I.A.1.a.*; or

Explanation as to why comments are not available as *Exhibit I.A.1.b.*; or

The application was made available to the appropriate metropolitan area clearinghouse/agency and units of general local government for review on \_\_\_\_\_; and

A certification from the applicant that the application has lain before the metropolitan area clearinghouse/ agency for a period of 60 days without comments or recommendations, attached as *Exhibit I.A.1.c.*

No. Not Applicable.

**B. Area Eligibility**

EDA reviews area eligibility at the time an application is invited and at the time an application is received, based on the most recent Federal data available for the area where the project will be located or where the substantial direct

benefit will be received. If no Federal data is available to determine the eligibility, an applicant must submit to EDA the most recent data available through the government of the State in which the area is located, i.e., conducted by or at the direction of the State government. Other data may be submitted, as appropriate, to substantiate eligibility based on special needs. Project area must be eligible at the time an application is received by EDA.

Identify the project area and submit documentation, if required, to verify area eligibility. (See EDA regulations at 13 CFR §301.2 on EDA's Web site at [www.doc.gov/eda](http://www.doc.gov/eda).) Attach as *Exhibit I.B.1.*

**C. Comprehensive Economic Development Strategy**

1. A comprehensive economic development strategy (CEDS) acceptable to EDA is required as part of the application. EDA requirements for strategies are provided at 13 CFR §303.3 available at [www.doc.gov/eda](http://www.doc.gov/eda) or from EDA Regional Offices. For assistance, contact the Economic Development Representative (EDR) or regional office contact serving your area. Attach CEDS as *Exhibit I.C.1.*
2. Provide a letter from the entity developing the strategy or if the applicant's strategy, by the applicant's governing body, or in the case of a State, the governor or the governor's designee, indicating that the CEDS was approved within one year prior to the date of the application. Attach letter as *Exhibit I.C.2.*
3. Provide a narrative discussion of the activities proposed for funding and how they support the EDA-approved CEDS. Attach as *Exhibit I.C.3.*
4. Identify any **special circumstances**, such as a natural disaster or other emergency response, that may warrant EDA consideration and acceptance of a strategy with less depth and detail than would be the case in other circumstances.
  - Special circumstances attached as *Exhibit I.C.4.*
  - Not applicable.

**D. Will the Economic Development District organization for the area in which the project is located perform the project administration?**

Yes. If yes, certify that administration of the project is beyond the capacity of the recipient's current staff to perform and would require hiring additional staff or contracting for such services; that no local organization/business exists that would be able to administer the project in a more efficient or cost-effective manner than the staff of the district; and that the staff of the district would administer the project themselves, without subcontracting the work out. Attach as *Exhibit I.D.*

No.

*{Go to Part II}*

### A. Engineering Report for Construction Projects

An engineering report must be submitted and include, at a minimum, the following information and is attached as *Exhibit II.A.*

1. Statement of project components. Indicate if it will be a new facility, enlargement, expansion, renovation, or replacement of an existing facility. Describe the existing facilities and proposed project components in terms of dimensions, capacities, quantities, etc.
2. Sketches and/or schematics at a minimum, showing the general layout and location of the components.
3. Feasibility Analysis. Include a review of existing conditions. Discuss any potential problems which might delay construction and affect project components.
4. Identify the percentage of this project which will be utilized by each beneficiary/"Other Parties" identified in project justification.
5. Proposed Method of Construction. Indicate whether the project will be constructed by competitive bid, single contract, multiple contracts. Indicate if any portion of the construction work is proposed to be done by applicant's own forces.
6. Estimate the useful life of the facility and the basis on which it was determined.
7. Include a current detailed construction cost estimate for each of the major project components showing quantities, unit prices and total costs.
8. Identify major construction permits required for this project, and if any are pending, provide the status of the request.
9. Provide an estimate of the number of months for the design period and the construction period.
10. If this project will be constructed adjacent to or in the vicinity of a federally owned or operated airfield, attach comments from the FAA which demonstrate that the project will be compatible

with the airfield land-use plan prepared for the subject airfield as *Exhibit II.A.10.*

### B. Projects for Design and Engineering Work

When the primary purpose of the EDA investment is to accomplish the design and engineering work required for the construction of a complex or environmentally sensitive public works or development facility project, the following information must be submitted and attached as *Exhibit II.B.*

1. A description and general layout of the components of the proposed project for which the design and engineering work will be accomplished and the reason(s) why such work needs to be accomplished separately, e.g., highly specialized features and complex and/or environmentally sensitive nature of the project require that design and engineering work be accomplished to help determine the project's feasibility or to help assure that all required permits and/or approvals by state or Federal regulatory authorities, e.g., EPA, can be obtained in the most effective and efficient manner possible, while the proposed project lends itself to be constructed in phases the design and engineering of the overall project must be completed before construction can begin. **Note: EDA will only award grants for design and engineering work when there is reasonable expectation that construction of the project can, and will, begin soon after the completion of design and engineering.**
2. **PWEDA Section 201 Public Works Only:** A statement of pressing need to be addressed by the proposed public works or economic development facility project for which the design and engineering work will be accomplished and details of the scope of the work to be achieved under this initial phase of the project, including a review of existing conditions and capacities of the site(s) where the project will be constructed and a discussion of the various alternatives, if any, that will be investigated to achieve the desired results.
3. A statement regarding the proposed method of financing and sources of funds that will be used to finance the construction of the public works or development facility project upon completion of

the design and engineering work, including commitments made, if any, for the project's permanent financing and the likelihood that EDA or other Federal programs will be requested to provide funds for the construction of the project.

**Note: EDA cannot make a commitment against a future fiscal year's appropriation.**

An estimate of the number of months required to complete the design and engineering work and an estimate of how long after the design and engineering work is completed for construction to begin.

***{GO TO PART III }***



(EDA requirements are provided at 13 CFR Part 314 and available on EDA’s Web site at [www.doc.gov/eda](http://www.doc.gov/eda)).

Provide a narrative explaining how the applicant will comply with EDA property management requirements at 13 CFR Part 314 (available on EDA’s Web site at [www.doc.gov/eda](http://www.doc.gov/eda)). Respond to questions in the order listed below and attach as **Exhibit III.A**.

**A. Title**

1. Does the applicant(s) hold title to all project facilities, underlying land, necessary easements and rights-of-way, or long-term leases as are required for the project? Describe any required state permits, easements, rights-of-way or leases necessary to construct, operate and maintain the project. Provide information on liens, mortgages, other encumbrances, reservations, reversionary interests or other restrictions on the applicant’s interest in the property. Provide information on industrial/commercial park acreage being developed under the project.
  - " Yes.
  - " No. If no, explain how and when title will be obtained. Be specific, identify any existing liens or encumbrances, describe the timing and procedure for obtaining title, and identify who will own land to be improved (including the industrial or commercial park).
  - " If the title is not obtainable, is there a long-term leasehold interest in applicant for a period not less than the estimated useful life of the project, or an agreement for applicant to purchase the property.
  - " Yes
  - " No (Explain)
2. Is the project located on a military or Department of Energy installation that is closed or scheduled for closure or realignment?
  - " Yes. (Explain why EDA should not require the applicant to have title to or leasehold interest in the property for a specified term.)
  - " No

3. Does the project involve construction within a railroad’s right-of-way or over a railroad crossing?
  - " Yes. (Explain)
  - " No

Is this a minor but essential component of the project?

  - " Yes
  - " No
4. Does the project include construction of a highway owned by a state or local government other than the applicant?
  - " Yes. (Explain)
  - " No

Is this a minor but essential component of the project?

  - " Yes
  - " No

**B. Sale or Lease**

1. Does the applicant(s) intend to sell, lease, transfer, dedicate or otherwise convey any interest in the project facilities, underlying land, or any land improved with EDA assistance?
  - " Yes. (Explain)
  - " No.
2. Is the purpose of the project to construct facilities to serve industrial or commercial parks or sites owned by the applicant for sale or lease to private parties?
  - " Yes. (Explain how EDA requirements will continue to be met.)
  - " No

3. Is the purpose of the project to construct facilities to serve privately-owned industrial or commercial parks or sites for sale or lease?

" Yes. 1) Explain how EDA requirements will continue to be met. 2) EDA may require evidence that the private party has title to the park or site prior to such sale or lease, and may condition the award of project assistance upon assurances by the private party relating to the sale or lease that EDA determines are necessary to assure consistency with the project purposes.)

" No

### C. Ownership, Operation and Maintenance

1. Will any of the facilities funded by EDA be owned by an entity other than the applicant?

" Yes. (Explain)

" No.

2. Does the project include the acquisition or improvement of significant items of tangible personal property?

" Yes. (Explain)

" No.

3. Does the applicant intend to mortgage or use the project facilities or underlying land to collateralize any sort of financing, including bonds?

" Yes. (Explain)

" No

4. Will operation and maintenance responsibilities for the project be retained by the applicant(s)?

" Yes

" No. (Explain)

### D. Calculation of Estimated Relocation and Land Acquisition Expenses

All applicants must complete and provide *Exhibit III.D.* \*"Calculation of Estimated Relocation and Land Acquisition Expenses", and enter the total estimate for "Costs Incidental to Land Acquisition-Estimates" on line item 3, "Relocation expenses and payments" of the SF 424C Budget form, for costs incidental to land acquisition. This is separate from the estimated purchase price of the property. If the project to be assisted will cause the displacement of individuals, families, businesses or farms, explain how the procedure will comply with P.L. 91-646. See SF-424 Assurance-Construction Programs, paragraph #11.

*{Go to Part IV}*

Federal agencies are required by law to independently assess the expected environmental impacts associated with proposed Federal actions. It is extremely important that the information provided be in sufficient detail to permit EDA to perform its evaluation. This information request is designed to obtain an understanding of the area's present environmental condition and the project's elements that will affect the environment. Should you believe that an item does not apply to the project, consult with EDA's Economic Development Representative (EDR) or the Regional Environmental Officer for your area before responding. In all cases when it is asserted that an item is not applicable, explain the reasons for this assertion.

It is important to understand the comprehensive nature of the information required to complete an environmental review in accordance with the National Environmental Policy Act (NEPA). Information must be provided for (a) the site(s) where the project facilities will be constructed and the surrounding areas affected by its operation, and (b) the areas to be affected by any primary beneficiaries of the project. The information submitted by the applicant must be sufficient to enable an evaluation of all reasonable alternatives to the proposed project, the direct and indirect environmental impacts, as well as the cumulative impacts on the environment as defined in the regulations for implementing the procedural provisions of NEPA (see 40 CFR Parts 1500-1508). The amount of detail should be commensurate with the complexity and size of the project, and the magnitude of the expected impact. (Previously completed environmental impact documentation (assessments, Impact Statements, etc.), for activities in the area of this proposed project, may be used as source material for the Environmental exhibit of this EDA application).

### A. Environmental Narrative

Provide responses to the following items in the order listed and attach as *Exhibit IV.A.*, "Environmental Narrative":

1. **Beneficiaries**

Identify any existing businesses or major developments that will benefit from the proposed project, and those which will expand or locate in the area because of the project.

2. **Area Description**

Describe the general project area including topography, economic history, historic land usages, unique geologic features, etc. In addition to maps which may have been submitted as preliminary proposal exhibits, and which should be updated if necessary, attach the following:

- a. Attach as *Exhibit IV.A.2.a.*, **FEMA flood plain and USGS topographic maps**, with legend, showing the project location and boundaries, existing and proposed project components and location of all sites and/or companies benefitting from this project. The document should be of sufficient size and clarity for adequate interpretation of the applicant's intentions (originals are preferred).
- b. Provide **site photos and/or an aerial photograph** of the site if available, as *Exhibit IV.A.2.b.*

3. **Alternatives to the Proposed Project**

Provide a detailed description of alternative actions which were considered during project development

processes (i.e. alternative locations, designs, other projects having similar benefits, and including a "no-project" alternative), and explain why this project/site was selected as the preferred alternative with respect to other choices.

4. **Shorelines, Beaches and Dunes, Estuary, Wetlands, Floodplains**

Identify any shorelines, beaches, dunes, estuaries, wetlands, or flood plain areas located within or adjacent to the project site(s). Indicate potential impact from proposed project activities, and specify proposed measures to mitigate probable impacts. Contact the U.S. Army Corps of Engineers/U.S. Fish and Wildlife Service concerning any presumable wetland resources in or near the project location. If wetlands are impacted, a permit from the U.S. Army Corps of Engineers may be required.

Indicate if applicant participates in the National Flood Insurance Program.

5. **Vegetation and Wildlife Resources**

Identify native vegetation and wildlife found in the project area or its immediate vicinity.

- a. Identify any designated State or National Parks, or National Game Preserves, located on or in the vicinity of the proposed project activities.
- b. Identify any Wilderness Areas, as designated or proposed under the Wilderness Act, or wild or scenic rivers, as designated or proposed under the Wild and Scenic Rivers Act that are located on or in the vicinity of the proposed project activities.

6. **Endangered Species**

Identify any endangered or threatened species of plants or animals, or critical habitats, that have been identified in the project area or its immediate vicinity. Contact the U.S. Fish and Wildlife Service and request comments on your proposal for Federal funding.

7. **Land Use and Zoning**

Describe the present formal zoning designation, and current land use(s) of the specific project site(s) and adjacent land parcels. These areas include the site(s) of construction activities, adjacent areas, and areas affected by the primary beneficiaries. Land use(s) to be considered include, but are not limited to, industrial, commercial, residential, agricultural, recreational, woodlands, mines/quarries, and open spaces.

Identify agriculture land parcels designated as "prime/unique agricultural lands" by the U.S. Department of Agriculture under the Federal Farmlands Protection Act or a local equivalent.

8. **Solid Waste Management**

- a. Indicate the types and quantities of solid wastes to be produced by the project facilities and primary beneficiaries.
- b. Describe local solid waste collection and disposal methods, and their expected useful life.
- c. Indicate if recycling or resource recovery programs are or will be used.

9. **Hazardous or Toxic Substances**

- a. Describe any toxic, hazardous, or radioactive substances which will be utilized or produced by the project facilities and primary beneficiaries.
- b. Describe the manner in which these substances will be stored, used or disposed.
- c. Complete and sign **"Applicant Certification Clause"** and attach as *Exhibit IV.A.9.c*.

10. **Water Resources**

Describe surface and/or underground water resources in or near the project area.

11. **Water Supply and Distribution Systems**

Indicate the source, quality, and supply capacity of local domestic and industrial/commercial water resources, and the amount of water which project facilities and primary beneficiaries are expected to utilize.

12. **Wastewater Collection and Treatment Facilities**

- a. Describe all domestic class and/or process waste waters or other discharges associated with the project facilities and its primary beneficiaries; and the expected composition and quantities to be discharged either to a municipal system or to the local environment.
- b. Describe the wastewater treatment facilities available for processing the additional effluent and indicate their design capacities and current loading, and their adequacy in terms of the degree and type of treatment required. Indicate all discharges which will require on-site pretreatment. If local treatment systems are or will be inadequate or overloaded, describe the steps being taken for necessary improvements and their completion dates.
- c. Describe any induced changes in local surface water runoff patterns, and the status of storm water discharge permit process.

13. **Environmental Justice (Executive Order 12898)**

Will this project result in disproportionate adverse human health or environmental impacts relative to minority and low income populations? If so, please explain and elaborate.

14. **Streets, Traffic, Parking**

- a. Briefly describe the local street/road system serving the project area and describe any new traffic patterns which will arise because of the project.
- b. Indicate if area land use(s), such as residential, hospital, school or recreational will be affected by these new traffic patterns.
- c. Indicate if any existing capacities of these transportation facilities will be exceeded as a direct or indirect result of this project implementation, particularly in terms of car and truck traffic.



15. **Air Quality**
- a. Is the proposed project area classified as a "non-attainment" area for any criteria pollutants? If yes, indicate types and quantities of air emissions (including odors) to be produced by the project facilities and its primary beneficiaries, and any measures proposed to mitigate adverse impacts.
  - b. Indicate if any local topographical or meteorological conditions hinder the dispersal of air emissions.

reasonably foreseeable future actions regardless of what agency or person undertakes such actions (40 CFR §1508.7).

- a. Identify direct and indirect effects of the proposed action;
- b. Which resources, ecosystems, and human communities are affected; and
- c. Which effects on these resources are important from a cumulative effects perspective.

16. **Noise**
- Will operation of project facilities or primary beneficiaries' facilities, increase local ambient noise levels. If yes, indicate the area land uses to be affected.

**B. Historic/Archaeological Resources**

Identify any known historic/archeological resources within the project area that are either listed on the National Register of Historic Places or considered to be of local and State significance and perhaps eligible for listing in the National Register.

17. **Construction**
- Describe methods to be employed to reduce adverse impacts from construction, such as noise, dust generation/soil erosion and siltation.

Applicants are required to provide the State Historic Preservation Officer (SHPO) with (a) a narrative description of the project's elements and its location, (b) a map of the area surrounding the project which identifies the project site, adjacent streets and other identifiable objects, (c) line drawings or sketches of the project and, (d) photographs of the affected properties if building demolition or renovation is involved. **This material should be submitted to the SHPO prior to the submission of the application to EDA.** Additionally, the SHPO must be requested to submit comments on the proposed project to the appropriate EDA Regional Office. If the SHPO comments have been received, they should be attached as ***Exhibit IV.B.***

18. **Permits**
- Identify any federal, state, or local permits of an environmental nature which are needed for the project (i.e. U.S. Army Corps of Engineers, U.S. EPA, Coastal Zone Management/Shoreline Management, Air Quality, State Environmental Policy Act, etc.), and the status of any such permit process. Attach copies of any such permits which have been received as ***Exhibit IV.A.18.***

***{Go to Part V}***

19. **Public Notification/Controversy**
- a. Provide evidence of the community's awareness of the project, such as newspaper articles or public notification and/or public meetings, as applicable.
  - b. If a formal public hearing has been held, attach a copy of the transcript as ***Exhibit IV.A.19.b.***
  - c. Fully describe any public controversy or objections which have been made concerning this proposed project and discuss steps taken to resolve issues raised.

20. **Cumulative Effects** (the impact on the environment which results from the incremental impact of the action when added to other past, present and



{End}

**A. Nonrelocation**

An executed **"Employer's Nonrelocation Certification"** is required for all employers and entities providing the economic justification for the EDA project. Generally, EDA financial assistance cannot be used directly or indirectly to assist employers who transfer jobs from one commuting area to another.

" Nonrelocation Certification(s) attached as ***Exhibit V.A.1.***

" Not Applicable

**B. Excess Capacity**

Projects which will benefit a firm or industry that provides a commercial service product or service and that directly benefits from an EDA-assisted project, and others when EDA so determines, are subject to the requirements of 13 CFR §316.2 regarding unfair competition and excess capacity and may require the completion and submission of the **"Marketing and Capacity Information Report."** (See EDA regulations at [www.doc.gov/eda](http://www.doc.gov/eda)).

Will the project benefit a single firm or industry that provides a commercial product or service?

" Yes. If yes, contact the EDR for assistance. Unless the proposed project satisfies one of the listed exemptions in 13 CFR §316.2, as determined by EDA, the applicant must complete or have the beneficiary complete the **"Marketing and Capacity Information Report"** and attach as ***Exhibit V.B.1.*** Check the appropriate box below:

" Exemption determined by EDA; **"Marketing and Capacity Information Report"** attached as ***Exhibit V.B.1.***

OR

" No. Not applicable.



# CHECKLIST OF PROGRAM EXHIBITS

This checklist identifies all of the Construction Exhibits. Those with Asterisks (\*) are preprinted forms. The Exhibit number refers to the part-section-item in the application. Check the items and Exhibits submitted.

---

## Part I - Applicant and Authorization

- " I.A.1.a. Metropolitan Area Agency Comments
- " I.A.1.b. Explanation of Unavailability of Metropolitan Area Agency Comments
- " I.A.1.c. Certification of Metropolitan Area Agency Review
- " I.B.1 Area Eligibility Update
- " I.C.1. Comprehensive Economic Development Strategy (CEDS)
- " I.C.2. Letter Certifying CEDS Approval
- " I.C.3. CEDS Narrative
- " I.C.4. Special Circumstances Regarding CEDS
- " I.D. EDD Administration of Project

## Part II - Architecture/Engineering

- " II.A. Preliminary Engineering Report
- " II.A.10. FAA Comments
- " II.B. Design/Engineering Work Only

## Part III - Ownership/Operation/Financing

- " III.A. Property Management
- " III.D. \*Calculation of Estimated Relocation and Land Acquisition Expenses

## Part IV - Environment

- " IV.A. Environmental Narrative  
(Including the following):
- " IV.A.2.a. FEMA Flood Plain and USGS Topographic Maps
- " IV.A.2.b. Site Photos and/or Aerial Photo

- " IV.A.9.c. \*Applicant Certification Clause (ED-536)
- " IV.A.18. Permits
- " IV.A.19.b. Public Hearing Transcript
- " IV.B. State Historic Preservation Office (SHPO) Clearance

## Part V - Additional Program Requirements

- " V.A.1. \*Employer's Nonrelocation Certification
- " V.B.1. \*Marketing and Capacity Information Report



**Applicant's Name:**

**Project Number:**

### APPLICANT CERTIFICATION CLAUSE

The applicant represents and certifies that it has used due diligence to determine that the description of the site described herein is accurate with respect to the presence or absence of contamination from toxic and hazardous substances. The term "site" includes the entire scope of the project, including future phases of the project and all areas where construction will occur.

- |  |   |
|--|---|
| <p>1. Is the site currently, or has it in the past fifty years, been used for any of the following operations or activities:</p> <p>a. generation of hazardous substances and/or waste</p> <p>" YES            " NO</p> <p>b) treatment, storage (temporary or permanent), or disposal of solid or hazardous substances and/or waste</p> <p>" YES            " NO</p> <p>c) storage of petroleum products</p> <p>" YES            " NO</p> <p>d) used/waste oil storage or reclamation units</p> <p>" YES            " NO</p> <p>e) research or testing laboratory</p> <p>" YES            " NO</p> <p>f) ordnance research, testing, production, or storage</p> <p>" YES            " NO</p> <p>g) chemical manufacturing or storage</p> <p>" YES            " NO</p> | <p>h) military weapons or ammunition training or testing</p> <p>" YES            " NO</p> <p>i) iron works/foundry</p> <p>" YES            " NO</p> <p>j) railroad yard</p> <p>" YES            " NO</p> <p>k) industrial or manufacturing operation</p> <p>" YES            " NO</p> <p>If any of the above operations ever occurred at the site, and appropriate cleanup or other action was performed in accordance with the local, State and Federal laws, <u>provide documentation</u> of such cleanup.</p> <p>2. Do wells draw water from an underlying aquifer to provide the local domestic water supply?</p> <p>" YES            " NO</p> <p>3. Has a Federal, State or local regulatory authority ever conducted an environmental assessment, environmental impact statement, or a preliminary assessment/site inspection, or similar environmental survey or inspection report at the site? If yes, <u>provide copies</u> of reports or result.</p> <p>" YES            " NO</p> |
|--|---|

4. Have any environmental or OSHA citations or notices of violation been issued to the facility? If yes, provide copies.

" YES " NO

5. Have any unpermitted releases of hazardous substances occurred at the facility which resulted in notification to the EPA's National Response Center? If yes, what was the nature of the release.

" YES " NO

6. Is asbestos containing material currently in the facility? If yes, describe and provide information concerning State and Federal regulatory compliance.

" YES " NO

7. Is there any equipment (electrical transformers, etc.) containing polychlorinated biphenyls (PCB) on the site? If yes, describe condition of the equipment, i.e., age, leaking, etc.

" YES " NO

8. a) Are there underground storage tanks on the site?

" YES " NO

b) If so, how many are there? \_\_\_\_\_

c) Have they been inspected for leaks within the past year? If so, what were the results?  
If not, provide explanation.

9. Has the facility been tested for radon? If yes, provide results.

" YES " NO

10. Have there been or are there now any environmental investigation by Federal, State or local government agencies which could affect the site in question? If yes, provide available information.

" YES " NO

The applicant acknowledges that this certification regarding hazardous substances and/or waste is a material representation of fact upon which the Government relies when executing this award.

The Government reserves the right to terminate the award, if at any time during the useful life of the project it becomes aware that hazardous substances and/or waste are present thereon, or that such hazardous substances, and/or waste have been inappropriately handled thereon. Further, if it is determined at any time that the presence of hazardous substances and/or waste, or inappropriate handling thereof, has been misrepresented, the Government will utilize other available legal remedies against the applicant.

\_\_\_\_\_  
*Authorized Signature*

\_\_\_\_\_  
*Title and Date*



**CALCULATION OF ESTIMATED RELOCATION AND  
LAND ACQUISITION EXPENSES**

**ITEM 1. COSTS INCIDENTAL TO LAND ACQUISITION - ESTIMATES**

Number of Land Transactions Involved (Including options, easements and rights-of-way): \_\_\_\_\_

Recording fees, transfer taxes, surveys, appraisals,  
title search and similar expenses-Section 303(1) ..... \$ \_\_\_\_\_

Penalty costs-Section 303(2) ..... \$ \_\_\_\_\_

Real Property taxes-Section 303(3) ..... \$ \_\_\_\_\_

Litigation expenses-Section 304(a) ..... \$ \_\_\_\_\_

Total - Estimated costs incidental to transfer of title ..... \$ \_\_\_\_\_

**ITEM 2. RELOCATION - ESTIMATES**

**a. TENANTS** - Estimates: Number of Claims

(1) Moving Expenses:

“Actual Expenses” - Section 202(a)(1) ..... \$ \_\_\_\_\_

In lieu payments-Section 202(b) ..... \$ \_\_\_\_\_

Total ..... \$ \_\_\_\_\_

(2) Replacement housing payments:

Rental payments-Section 204(1) ..... \$ \_\_\_\_\_

Down payment-Section 204(2) ..... \$ \_\_\_\_\_

Total ..... \$ \_\_\_\_\_

(3) Total Estimated Tenants ..... \$ \_\_\_\_\_

**b. OWNER-OCCUPANTS** - Estimates: Number of Claims

(1) Moving expenses:

“Actual expenses” -Section 202(a)(1) ..... \$ \_\_\_\_\_

In lieu payments-Section 202(b) ..... \$ \_\_\_\_\_

Total ..... \$ \_\_\_\_\_

(2) Replacement housing payments:

Purchase payments-Section 203(a)(1) ..... \$ \_\_\_\_\_

Reasonable replacement costs-Section 203(a)(1)(A) ..... \$ \_\_\_\_\_

Increased interest costs-Section 203(a)(1)(B) ..... \$ \_\_\_\_\_

Closing costs-Section 203(a)(1)(C) ..... \$ \_\_\_\_\_  
 Rental payments-Section 204(1) ..... \$ \_\_\_\_\_  
 Down payment-Section 204(2) ..... \$ \_\_\_\_\_  
 Total ..... \$ \_\_\_\_\_  
 (3) Total Estimated Owner-Occupants ..... \$ \_\_\_\_\_

**CALCULATION OF ESTIMATED RELOCATION AND  
 LAND ACQUISITION EXPENSES**

**c. BUSINESS** - Estimates: Number of Claims \_\_\_\_\_

Moving Expenses:

“Actual” expenses-Section 202(a)(1) ..... \$ \_\_\_\_\_  
 “Actual” loss of tangible personal property-Section 202(a)(2) ..... \$ \_\_\_\_\_  
 “Actual” searching expenses-Section 202(a)(3) ..... \$ \_\_\_\_\_  
 In lieu payments-Section 202(c) ..... \$ \_\_\_\_\_  
 Total - Estimated Business ..... \$ \_\_\_\_\_

**d. NONPROFIT ORGANIZATIONS** - Estimates: Number of Claims \_\_\_\_\_

Moving Expenses:

“Actual” expenses-Section 202(a)(1) ..... \$ \_\_\_\_\_  
 “Actual” loss of tangible personal property-Section 202(a)(2) ..... \$ \_\_\_\_\_  
 “Actual” searching expenses-Section 202(a)(3) ..... \$ \_\_\_\_\_  
 In lieu payments-Section 202(c) ..... \$ \_\_\_\_\_  
 Total - Estimated Nonprofit Organizations ..... \$ \_\_\_\_\_

**e. FARM OPERATIONS** - Estimates: Number of Claims \_\_\_\_\_

Moving Expenses:

“Actual” expenses-Section 202(a)(1) ..... \$ \_\_\_\_\_  
 “Actual” loss of tangible personal property-Section 202(a)(2) ..... \$ \_\_\_\_\_  
 “Actual” searching expenses-Section 202(a)(3) ..... \$ \_\_\_\_\_  
 In lieu payments-Section 202(c) ..... \$ \_\_\_\_\_  
 Total - Estimated Farm Operations ..... \$ \_\_\_\_\_

**f. ADVISORY SERVICES** - Estimates: Number of Claims \_\_\_\_\_

Total - Expenses of grantee/borrower-Section 205 ..... \$ \_\_\_\_\_

**g. ADMINISTRATION** - Estimates: Number of Claims

Contracting with individual, firm, association, or corporation-Section 212 ..... \$ \_\_\_\_\_

Agreement w/ Federal or State government agency or

instrumentality-Section 212 ..... \$ \_\_\_\_\_

Total - Estimated Administration ..... \$ \_\_\_\_\_

**ITEM 3. GRAND TOTAL**

Enter the sum of Item 1 and Item 2, parts a through g in this Item and also on line 3 of the Detailed Project Budget, on page B-3 of the application.

**GRAND TOTAL RELOCATION EXPENSES** \$ \_\_\_\_\_



## EMPLOYER'S NONRELOCATION CERTIFICATION

Part 1:  
Introduction

To be executed by primary beneficiaries of grant assistance under the Public works and Economic Development Act of 1965, as amended, including the comprehensive amendments by the Economic Development Administration Reform Act of 1998 (PWEDA). Primary beneficiary is defined as an entity providing the economic justification for the grant assistance.

The Economic Development Administration's (EDA) regulations at 13 CFR § 316.3 prohibit EDA from making financial assistance available which will be used to assist employers who transfer jobs from one commuting area to another. A commuting area (area) is that area defined by the distance people travel; to work in the locality of the project receiving EDA financial assistance. The Nonrelocation requirement stated above shall not apply to businesses which:

- (1) Relocated to the area prior to the date of applicant's request for EDA assistance;
- (2) Have moved or will move into the area primarily for reasons which have no connection to the EDA assistance;
- (3) Will expand employment in the area where the project is to be located substantially beyond employment in the area in which the business had originally been located;
- (4) Are relocating from technologically obsolete facilities to be competitive;
- (5) Are expanding into the new area by adding a branch, affiliate, or subsidiary while maintaining employment levels in the old area or areas; or
- (6) Are determined by EDA to be exempt

Part 2:  
Name of  
Applicant

Name \_\_\_\_\_

Part 3:  
Employer  
Certification

Name of Employer: \_\_\_\_\_ Street Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ City, State, Zip Code: \_\_\_\_\_

The entity named above certifies and assures that:

- (1) Except as explained in the attached Exhibit \* \_\_\_\_\_, it is not its intention to transfer one or more jobs from one commuting area to another. (If the employer has already or has plans to relocate jobs from another commuting area, a full explanation is provided in Exhibit \_\_\_\_\_ to demonstrate that the circumstances meet one of the exceptions described in Part 1 above or provides other justification for EDA to determine that the business is exempt from the Nonrelocation requirement in this case.)
- (2) It has not located and that it will not locate in the project area prior to the date of EDA's approval of the proposed financial assistance for the purpose of avoiding the restrictions of this Nonrelocation requirement.
- (3) The undersigned is authorized to make the foregoing certification and assurances and to execute this Certification on behalf of the Employer.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_  
(Name)

(Title\*\*)

(Signature)

\*\*If the person signing this form is not a corporate officer, the company's corporate officer or corporate counsel must certify in writing that the signatory is authorized to legally bind the company. Written certification should be attached to this form.

### ATTACHMENTS

\_\_\_\_\_ Exhibit V.A.1.a.: Explanation of past or planned relocation of jobs from another commuting area.

\_\_\_\_\_ Exhibit V.A.1.b.: Corporate Counsel Certification.

### WARNING

Note: Section 605(a) of the Public Works and Economic Development Act of 1965, as amended, including the comprehensive amendment of the Economic Development Administration Reform Act of 1998, provides that a person that makes any statement that the person knows to be false, or willfully overvalues any security, for the purpose of obtaining for the person or for any applicant any financial assistance under PWEDA or any extension of the assistance by renewal, deferment, or action, or by any other means, or the acceptance, release, or substitution of security for the assistance, influencing in any manner the action of EDA, or obtaining money, property, or any thing of value, under PWEDA, shall be fined under title 18, United States Code, imprisoned not more than 5 years or both.



No financial assistance may be approved unless a completed form has been received, 42 USC §3148; 13 CFR §316.2.

## BENEFICIARY\* MARKETING AND CAPACITY INFORMATION REPORT

<b>APPLICANT NAME AND ADDRESS</b> (city, county, et.al)	<b>DATE PREPARED</b>	<b>PROJECT NO.</b> _____  <small>EDA USE ONLY</small>
--	----------------------	---

Provide Names and Addresses for the following: (Print or Type)

<b>BENEFICIARY (Headquarters Only)</b>	<b>PARENT COMPANY (If Any)</b>
<b>LOCATION OF PROJECT</b>	

### PURPOSE OF THE REPORT

Applications for financial assistance under the Public Works and Economic Development Act of 1965, as amended, including the comprehensive amendments by the Economic Development Administration Reform Act of 1998, (Act) must include information on the product(s) or service(s) to be offered and marketing plans proposed by the beneficiary, as defined above. In addition, all such beneficiaries must provide satisfactory evidence that the assistance would not be unfair or detrimental to existing competitive enterprises, as required by **Section 208** of the Act. That Section reads as follows:

PREVENTION OF UNFAIR COMPETITION

**Sec. 208.** "No financial assistance under this Act shall be extended to any project when the result would be to increase the production of goods, materials, or commodities, or the availability of services or facilities, when there is not sufficient demand for such goods, materials, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises."

The analytical criteria of Section 208 pertain to any beneficiary intending to expand capacity and sales or to diversify into new products or services. The following definitions are provided to clarify the concepts of Section 208.

**Demand** - means the actual quantity of a commercial product or service that users are willing to purchase in the market area served by the intended beneficiary of the EDA-assisted project.

**Capacity** - means the maximum amount of a product or service that can be supplied to the market area over a sustained period by existing enterprises through the use of present facilities and customary work schedules for the industry.

**Efficient Capacity** - means that part of capacity derived from the use of contemporary structures, machinery and equipment, designs and technologies.

**Existing Competitive Enterprise** - means an established operation which either produces or delivers the same kind of commercial product or service to all or a substantial part of the market area served by the intended beneficiary of the EDA assisted project.

\*- A BENEFICIARY is defined as a firm or group of firms, a public or private enterprise or organization that provides a commercial product or service and that directly benefits from an EDA-assisted project.





## COMPETITORS

A "competitor" may be interpreted as any enterprise marketing essentially the same type of product or service to the same universe of end-users. Products made of entirely different materials, or trade centers or travel attractions offering different types of services are **not** considered competitive. List your competitors.

- a. **Name of Competitor** **Location Serving Your Market Area(s)**


*(List any additional competitors on separate sheet and attach.)*

- b. If any known competitor has shut down or otherwise withdrawn from your market area, specify its name, location and reason for withdrawal.

---

---

- c. Give the name and location of any new entries or planned expansions which would affect competition in your market area(s).

---

---

- d. Identify any trade association representing your industry (your membership is immaterial).

---

---

## BASE AND FORECAST SALES

Indicate actual and projected sales **from only this facility** on the following table. Receipts may be shown in thousands of dollars (\$000). For production quantities, use the standard industry reporting measure (units, pounds, cases, gallons, bbls, etc.). For each service, use the dollar value of sales or revenues. Please identify each measure at the top of the corresponding column.

Period		Product A (in _____) units	Product B (in _____) units	Product C (in _____) units	Product D (in _____) units	TOTAL*
<b>Last Full Year Ending</b> ____/____/____	\$000					
	Qty					
<b>First Full Year From Start of Project</b>	\$000					
	Qty					
<b>First Full Year Project Fully Operational</b>	\$000					
	Qty					
<b>Past Peak (Restoration)</b> <i>(if applicable)</i>  19 _____	\$000					
	Qty					

\*Totals must agree with your pro forma unless those forecasts include unrelated items. If so, describe in the narrative below the types of goods or services and sales volumes which account for the difference between the amounts entered above and your total sales projections.

### NARRATIVE/ADDENDUM

Use the space below or an attachment to include additional supporting information. An addendum may be prepared to complete or elaborate on any of the responses furnished above. Market or feasibility studies are requested and will be kept confidential, to the extent allowable under the Freedom of Information Act, as amended, 5 U.S.C. §552 and implementing regulations at 15 CFR Part 4, and may be enclosed with this submission.

This report is \_\_\_\_\_ is not \_\_\_\_\_ accompanied by a market/feasibility study.

Please provide the name and number of a suitable **Contact Person**.

\_\_\_\_\_  
Name ( ) \_\_\_\_\_  
Area Code/Number

### CERTIFICATION

I, the undersigned, do hereby certify that the information reported on this form and any attachments hereto is, to the best of my knowledge, a true representation of the facts and an accurate reflection of the future intentions of the beneficiary as of this date.

\_\_\_\_\_  
Name and Title of Official (Print or Type) ( ) \_\_\_\_\_  
Area Code and Number

\_\_\_\_\_  
Signature of Official \_\_\_\_\_  
Date