Erie County Municipal Infrastructure Gap Funding Guidelines

PROGRAM OVERVIEW

American Rescue Plan Act (ARPA) is allowing for an unprecedented financial investment in Erie County. Of the $350 billion allocated to Coronavirus State and Local Fiscal Recovery Funds, which are to be used to help state and local governments cover increased expenditures, replenish lost revenue, and mitigate economic harm from the COVID-19 pandemic, Erie County is receiving $52.4 million.

With funds received through the preceding CARES Act, the County distributed $687,000 to municipalities to cover direct costs incurred in responding to the COVID-19 public health emergency. Unlike the CARES Act funding, which the legislature required be spent quickly to address immediate challenges created by the COVID-19 pandemic, ARPA funds may be spent over the next five years, allowing for critical, timely needs to be met as well as the opportunity to plan and invest for the future.

To support, empower, and advance Erie County municipalities, the County is providing Coronavirus Local Fiscal Recovery Fund (CLFRF) monies to create a Municipal Infrastructure Gap Funding Program. Funds may be used to invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Erie County has allocated $2.5 million for the Municipal Infrastructure Gap Funding Program. These funds are being administered by the Erie County Department of Planning and Community Development.

The Municipal Infrastructure Gap Funding Program is being implemented in compliance with the ARPA Coronavirus State and Local Fiscal Recovery Funds guidance published by the US Department of the Treasury, which is found at https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds.

ELIGIBLE APPLICANTS

- Municipal governments located in Erie County, PA*
- Municipal utilities authorities located in Erie County, PA

The City of Erie is ineligible to apply for Municipal Infrastructure Gap Funding from Erie County.

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OTHER ELIGIBILITY CRITERIA

To be eligible for Municipal Infrastructure Gap Funding, applicants must:

- Have applied for and received their ARPA Coronavirus State and Local Fiscal Recovery Funds allocation through either the US Department of the Treasury or the PA Department of Community and Economic Development;
- Show a need for additional or "gap" funding for their proposed water, sewer, or broadband project(s) – the County's CLFRF funding may not be the only source of cash for proposed project(s);
- Align proposed projects and programs with priorities and recommendations identified by Emerge 2040, as well as any other relevant existing community plans;
- Complete proposed projects within the CLFRF timeframe - funds must be allocated/committed by December 31, 2024 and spent, with goods and services received, by December 31, 2026;
- Adhere to contemporary practices/policies with regards to diversity, equity, and inclusion; and
- Employ strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions, not only to promote effective and efficient delivery of high-quality infrastructure projects but also to support the economic recovery through strong employment opportunities for workers.

ELIGIBLE USES OF FUNDING

Under federal law, Erie County's CLFRF monies may be used "to make necessary investments in water, sewer, or broadband infrastructure." The US Department of the Treasury's Interim Final Rule allows for a broad range of necessary investments in projects that improve access to clean drinking water, improve wastewater and stormwater infrastructure systems, and provide access to high-quality broadband service.

WATER AND SEWER INFRASTRUCTURE

Eligible uses for Gap Funding include projects to consolidate or establish drinking water systems, construct, improve, and repair wastewater treatment plants, manage and treat stormwater or subsurface drainage water, facilitate water conservation and reuse, control non-point sources of pollution, improve resilience of infrastructure to severe weather events, create green infrastructure, reduce the energy consumption of public water treatment facilities, protect waterbodies from pollution, and improve drinking water infrastructure, such as building or upgrading facilities and transmission, distribution, and storage systems, including replacement of lead service lines.

Green infrastructure projects that support stormwater system resiliency may include rain gardens that provide water storage and filtration benefits, and green streets, where vegetation, soil, and engineered systems are combined to direct and filter rainwater from impervious surfaces.

Gap Funding may also be used to secure publicly owned treatment works, such as cybersecurity needs to protect water or sewer infrastructure.

Priority will be given to projects that:

- Ensure compliance with applicable health and environmental safety requirements;
- Address the most serious risks to human health; and
- Assist systems most in need on a per household basis according to State affordability criteria.

BROADBAND

The US Department of the Treasury's Interim Final Rule states that eligible investments in broadband are those that are designed to provide services meeting adequate speeds and are provided to unserved and underserved households and businesses. Under the Interim Final Rule, eligible projects are expected to be designed to deliver, upon project completion, service that reliably meets or exceeds symmetrical upload and download speeds of 100 Mbps.

There may be instances in which it would not be practicable for a project to deliver such service speeds because of the geography, topography, or excessive costs associated with such a project. In these instances, the affected project would be expected to be designed to deliver, upon project completion, service that reliably meets or exceeds 100 Mbps download and between at least 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds.

The Interim Final Rule treats users as being unserved or underserved if they lack access to a wireline connection capable of reliably delivering at least minimum speeds of 25 Mbps download and 3 Mbps upload, as households and businesses lacking this level of access are generally not viewed as being able to originate and receive high-quality voice, data, graphics, and video telecommunications.

To meet the immediate needs of unserved and underserved households and businesses, applicants are encouraged to focus on projects that deliver a physical broadband connection by prioritizing projects that achieve last mile-connections. Applicants are also encouraged to prioritize support for broadband networks owned, operated by, or affiliated with local governments, non-profits, and co-operatives—providers with less pressure to turn profits and with a commitment to serving entire communities.

Applicants may use Gap Funding from Erie County to cover costs incurred after March 3, 2021 for eligible projects.

Ineligible uses of these funds include, but are not limited to, the payment of debt service, to satisfy a judgement or settlement, contribute to a "rainy day" or pension fund, or the purchasing of vehicles.

The maximum request amount per applicant is $250,000, though the county reserves the right to award funding in an amount greater than the maximum request amount based on the scope of work, number of county residents to be served by the proposed project, and prioritization of the proposed project in existing community plans.

SUBMITTING AN APPLICATION

Applicants must use the online form available at https://eriecountypa.submittable.com. The application must be authorized or submitted by the municipality's highest elected official.

Applications will be reviewed and approved on a rolling basis beginning November 15, 2021, and grant awards will be made until all Gap Funding has been allocated.

ADDITIONAL PROVISIONS

Recipients of Erie County CLFRF funds that expend more than $750,000 in federal awards during their fiscal year will be subject to an audit under the Single Audit Act and its implementing regulation at 2 CFR Part 200, Subpart F regarding audit requirements.

Documenting expenditures is essential to managing compliance risk and minimizing the possibility that costs are deemed ineligible, thereby requiring that the municipality return funds to Erie County.

For a period of five years, recipients of Erie County CLFRF funds are obligated to retain records relating to the use of the monies, including, but not limited to, invoices, contracts, receipts, purchase orders, correspondence, and records demonstrating that funds were spent for purposes permitted by the ARPA and related federal guidance. Such records must be made available to representatives of Erie County upon request and in the requested format.

QUESTIONS?

Questions may be directed to Melinda Meyer at the Erie County Department of Planning and Community Development at mmeyer@eriecountypa.gov

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Erie County Courthouse | 140 W. Sixth St., Erie, PA 16501 | Phone: 814-451-6000
TTY: 814-451-6237 | www.eriecountypa.gov

APPLICATION FORM

(For reference only. All applications must be submitted online at https://eriecountypa.submittable.com)

Name of Erie County Municipality / Municipal Utilities Authority:

Primary Contact Name:

Primary Contact Title:

Primary Contact Email:

Primary Contact Phone #:

Mailing Address:

Mailing Address 2: (optional)

Mailing City:

Mailing State:

Mailing Zip:

Website:

DUNS Number:

SAM.gov Registration Number and Registration Expiration Date:

EIN #:

Did your municipality apply for and receive ARPA Coronavirus State and Local Fiscal Recovery Funds? Y/N/Not applicable

Type of Funding Request: Water and Sewer Infrastructure/Broadband Infrastructure/Both

Water and Sewer Projects ONLY: Per reporting guidelines provided by the US Department of the Treasury, Erie County is required to collect the following information for water and sewer infrastructure projects, if applicable.

Public Water System ID Number (For projects aligned with the Drinking Water State Revolving Fund)

National Pollutant Discharge Elimination System (NPDES) Permit Number (For projects aligned with the Clean Water State Revolving Fund)

Total Amount Requested from Erie County:

Total Project(s) Cost:

Project Overview: Provide a 500-1000-word narrative description of the project(s) for which you request Gap Funding. How does this project(s) qualify as a "necessary investment."

Per reporting guidelines provided by the US Department of the Treasury, Erie County is required to collect the following information for broadband infrastructure projects. Please be sure to include the following details in your Project Overview.

- Speeds/pricing tiers to be offered, including the speed/pricing of its affordability offering
- Technology to be deployed
- Miles of fiber
- Cost per mile
- Cost per passing
- Number of households projected to have increased access to broadband meeting the minimum speed standards in areas that previously lacked access to service of at least 25 Mbps download and 3 Mbps upload
- Number of households with access to minimum speed standard of reliable 100 Mbps symmetrical upload and download
- Number of households with access to minimum speed standard of reliable 100 Mbps download and 20 Mbps upload
- Number of institutions and businesses projected to have increased access to broadband meeting the minimum speed standards in areas that previously lacked access to service of at least 25 Mbps download and 3 Mbps upload, in each of the following categories: business, small business, elementary school, secondary school, higher education institution, library, healthcare facility, and public safety organization. Specify the number of each type of institution with access to the minimum speed standard of reliable 100 Mbps symmetrical upload and download, and specify the number of each type of institution with access to the minimum speed standard of reliable 100 Mbps download and 20 Mbps upload.

Labor Practices: Describe workforce practices on your infrastructure project(s). How will your project(s) use strong labor standards to promote effective and efficient delivery of high-quality infrastructure while also supporting the economic recovery through strong employment opportunities for workers? For example, report whether any of the following practices are being utilized: project labor agreements, community benefits agreements, prevailing wage requirements, and local hiring.

Project Start Date:

Project End Date:

Project Timeline: Describe your implementation timetable, with key milestones included, for your project(s).

Intended Audience: Grantees receiving Erie County Local Fiscal Recovery Funds must identify whether funded project(s) will serve economically disadvantaged communities. Guidance from the US Department of the Treasury states that projects will be considered targeting economically disadvantaged communities if funds will be used to support:

- A program or service for which the eligibility criteria states that primary beneficiaries must earn less than 60% of the median income for Erie County ($51,529 Household Income or $26,585 Individual Income); or
- A program or service with 25% of the primary beneficiaries below the federal poverty level. Federal poverty guidelines are found at https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines

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Describe the intended audience for your project(s) and identify whether the funded project(s) will serve economically disadvantaged communities, as defined by Treasury's guidance.

Evidence-Based Project Approach: Describe the evidence, such as case studies, experience with implementing similar past projects, best or accepted practice in a particular field, etc., on which your project(s) is based.

Evaluation: Describe the project outcomes and how you will evaluate the overall impact of the project(s) and collect performance data. Will you conduct an internal evaluation, or will your project evaluation(s) will be conducted by a third party?

Project Budget: Using the table below, provide a proposed budget for the total request amount. If requesting Coronavirus Local Fiscal Recovery Funds for more than one project, provide a proposed budget that accounts for all the projects included in the total request amount.

EXPENSE	EXPENSE DESCRIPTION	AMOUNT
Salaries		$
Fringe Benefits		$
Equipment		$
Supplies		$
Contracted Services		$
Other Direct Costs		$
Indirect Costs		$
	TOTAL	$

INCOME	INCOME DESCRIPTION	AMOUNT
Local Government		$
County Funds		$
State Funds		$
Federal Funds		$
Private/Foundation		$
Other		$
	TOTAL	$

Budget Narrative: Please describe your other sources of project funds, being sure to indicate if funds have been secured or are pending. Describe the "gap" that Erie County's CSLFRF monies will be filling and how you will use project funds.

Project Documentation: Applicants must upload documentation for proposed projects, such as drawings, site photographs, signed vendor agreements, etc., as well as budget justification, such as contractor estimates, bid documents, etc., to the online application. Please limit file types to PDF, Word, Excel, JPG, and PNG.

Diversity, Equity, and Inclusion: What steps have you taken to adhere to contemporary practices/policies with regards to diversity, equity, and inclusion?

Municipal Resolution / Authority Board Motion / Executive Committee Motion: An authorizing body must adopt a resolution or pass a motion to approve the submission of this Erie County Municipal Infrastructure Gap Funding request. See the sample resolution that has been provided. Upload a copy of your adopted resolution or motion.

Certification:

- I am the representative of the applicant listed above who is authorized to submit this form.
- I attest that the information provided in this application is true, accurate, and complete.

I certify the submission of this Erie County Municipal Infrastructure Gap Funding application. (Check box)

SAMPLE RESOLUTION

RESOLUTION (Number)

A Resolution to Approve the Application for
Erie County Municipal Infrastructure Gap Funding Program

WHEREAS, the Federal government through the American Rescue Plan Act legislation allows for a broad range of necessary investments in projects that improve access to clean drinking water, improve wastewater and stormwater infrastructure systems, and provide access to high-quality broadband service.

WHEREAS, the Federal government has provided guidance on eligible uses of the funding through the U.S. Department of the Treasury to the County of Erie.

WHEREAS, the County of Erie has provided information to all Erie County municipalities on the activities that are eligible for grant funding and the process to request grant funding.

WHEREAS, (name of Municipality) has reviewed the Erie County Municipal Infrastructure Gap Funding Program guidelines and completed the application process provided by the County of Erie.

WHEREAS, the (name of the Municipal Legislative Body) has reviewed the completed application prior to submission to the County of Erie and finds it to be in good order; and

WHEREAS, the (name of the Municipal Legislative Body) agrees to the terms and conditions set forth in the application portal.

IT IS HEREBY RESOLVED by the (name of the Municipal Legislative Body), Erie County, Pennsylvania approves the filing of an application for Erie County Municipal Infrastructure Gap Funding Program.

ADOPTED this (_____) day of (month), 2021.

_____

(NAME OF MUNICIPAL LEGISLATIVE BODY)
(Signatures of chairperson and/or legislators)

Attest:

_____   _____

                                            _____

                                            _____

                                            _____