



ED-900C – EDA Application Supplement for Construction Programs

A. Metropolitan Area Review

A.1. Is the Project located in a Metropolitan Statistical Area (MSA)?

- ☐ Yes ☐ No (go to B.1.)

A.2. Projects within an MSA that involve the development of hospitals, airports, libraries, water supply and distribution facilities, sewage and waste treatment works, highways, transportation facilities, water development, or land conservation require comments from the metropolitan area clearinghouse/agency. Does the proposed project involve any of the above identified developments?

- ☐ Yes ☐ No (go to B.1.)

A.3. If Yes, please attach either:

- ☐ Comments from the responsible metropolitan area clearinghouse/agency and a statement that such comments have been considered; or
- ☐ An explanation as to why comments are not available; or
- ☐ A statement indicating the date the application was made available to the appropriate metropolitan area clearinghouse/agency and units of general local government for review and certifying that the application has been before the metropolitan area clearinghouse/agency for a period of 60 days without comments or recommendations.

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B. District Organization Project Administration

B.1. Will the District Organization for the region in which the project will be located administer the project for the applicant?

- ☐ Yes ☐ No

B.2. If Yes, the applicant must be able to certify to all of the following and indicate such certification by checking each box:

- ☐ The administration of the project is beyond the capacity of the applicant's current staff and would require hiring additional staff or contracting for such services;
- ☐ No local organization/business exists that could administer the project in a more efficient or cost-effective manner than the District Organization; and
- ☐ The District Organization will administer the project without subcontracting the work.

C. Preliminary Engineering Report

To be considered for assistance, all construction and design applications must include a **Preliminary Engineering Report (PER)** that at a minimum provides the following information:

(Note: The Preliminary Engineering Report should be completed by a Professional Engineer or Architect. If the applicant plans on using the same engineer or architect for full design if the grant is awarded, the engineer or architect must be competitively procured in accordance with 2 C.F.R. part 200 for the PER; otherwise, the architect or engineer may be excluded from bidding for design work under the grant award.)

C.1. Project Overview.

- Insert the project description from Section B.1. of the ED-900GA.
- If the project contains elements of work that are not in the EDA-funded project, or if there is a larger overall project of which EDA is a smaller component, describe the non-EDA funded parts of work.
- Identify project components that have a useful life of less than 20 years and provide the useful life for each of these components.

C.2. Project drawings.

- Identify and label existing conditions such as existing infrastructure elements or structures within the EDA project construction limits.
- Identify and label proposed project components with rough dimensions and general layouts.
- Identify and label the location of any project beneficiaries identified in Section E.3 of the Form ED-900GA, if applicable.
- Color coding, labeling, legends and keyed notes are encouraged.

C.3. Construction cost estimate.

- Provide a detailed construction cost estimate in terms of quantities, unit prices, and total costs for all the EDA project components.
- Provide a basis for the determination of construction contingencies.
- If separate contracts are anticipated for demolition or site work, provide a separate detailed cost estimate for these components. If demolition or site work will not be separate contracts, include the costs in the overall detailed construction cost estimate.

C.4. Project constraints.

- Describe any design and construction constraints for the proposed project.

C.5. The proposed method of construction procurement.

- Identify if the project will be traditional design/bid/build with a sealed competitive bid process consistent with 2 C.F.R. § 200.320(c).
- Identify if any portion of the project is to be done by an alternate construction procurement method such as design/build, construction management at risk, the applicant's own forces, and/or a construction manager.

(Note: If an alternate construction procurement method is proposed, a construction services procurement plan must be provided to EDA for approval in accordance with EDA's regulation at 13 C.F.R. § 305.6(a).)

C.6. Number of construction contracts anticipated.

- Identify the number of construction contracts anticipated and provide a description of the project components for each contract.

(Note: If project phasing is proposed, a project phasing request must be provided to EDA for approval per EDA's regulation at 13 C.F.R. § 305.9(a).)

C.7. Project permits.

- List permits required for the proposed project.
- Provide the timeline to obtain the permits and their current status. Permits should include, but are not limited to: Clean Water Act Section 404 permits, NPDES permits including stormwater permits, railroad permits, highway encroachment, etc.

C.8. Project schedule.

Provide the following proposed project schedule in terms of months.

(Note: If project phasing is proposed, provide a schedule for each construction contract.)

- A/E procurement, if applicable;
- design period;
- period of time to obtain required permits;
- period of time to obtain any required easements, rights-of-way, or other real property rights needed for the project (including permits or licenses needed for entering land owned by a third party);
- solicitation of bids;
- awarding of contracts;
- construction period.

C.9. Preliminary Engineering Report.

Please attach a Preliminary Engineering Report that provides the information contained in C.1.- C.8.

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D. Title Requirements

D.1. Does the applicant currently hold title to the real property necessary for the project?

☐ Yes

☐ No (explain below in D.3.)

D.2. Does the applicant currently hold all easements, rights-of-way, long-term leases, or other property rights necessary for the project, such as licenses or permits often required to work within railroad rights-of-way, highway rights-of-way, or on other publicly owned lands?

☐ Yes

☐ No (explain below in D.3.)

D.2.a. Please check, if applicable:

☐ This project requires work within a railroad-right-way, or over a railroad crossing.

☐ This project requires work on a State or local government owned roadway or highway, or a highway crossing.

D.3. If no to D.1. or D.2., explain how and when the applicant plans to obtain the property rights needed for the proposed project?

D.4. If real property is being acquired as part of the project, does the applicant have a signed agreement for the purchase, such as a purchase and sale agreement or option to purchase? See 13 CFR 314.7 (c)(1).

☐ Yes (attach agreement)

☐ No (explain below)

☐ Not Applicable

D.5. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (41 U.S.C. § 4601 et seq.) (URA) applies to federally funded projects involving the acquisition of real property or that displace persons from their homes, businesses, or farms. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in the purchases. (See URA's implementing regulations at 49 CFR part 24 and Certification #11 on Form SF-424D, "Assurances – Construction Programs" for an explanation of this requirement).

Please note that if real property is being acquired for this project, including the acquisition of easements, applicants may need to follow the appraisal procedures of the URA.

D.5.a. Will the project cause the displacement of individuals, families, businesses or farms?

☐ Yes

☐ No

D.5.b. Are relocation expenses for costs incidental to land acquired pursuant to the URA included in the proposed budget? These costs are separate from the estimated purchase price. Examples of such costs include those for recording fees, surveys, appraisals, title searches, real property taxes, etc.

☐ Yes

☐ No

If yes to either D.5.a. or D.5.b., explain below how acquisition and relocation procedures will comply with the URA. **In addition, applicants must complete Form ED-900E, "Calculation of Estimated Relocation and Land Acquisition Expenses" for purposes of completing the SF-424C (Budget Information - Construction Programs).**

D.6. Is (or was) any real property connected to the proposed project subject to eminent domain or the threat of such proceedings?

☐ Yes (explain below) ☐ No

D.7. Is the project located on a military or Department of Energy installation that is closed or scheduled for closure or realignment?

☐ Yes (explain below) ☐ No

D.8. For certain projects involving real property, including real property included as matching share, EDA regulations generally require recipients to execute a mortgage, deed of trust, or covenant of use in the real property acquired or improved with EDA investment assistance. In general, this interest should be a first priority lien. For Indian Tribe recipients, this interest will generally be a Covenant of Purpose, Use, and Ownership. See 13 CFR § 314.8.

Will the applicant be able to provide the required lien or covenant?

☐ Yes ☐ No (explain how you will satisfy 13 CFR § 314.8)

D.9. This question may require consulting with applicant's legal counsel, a title company, or a real estate specialist.

Is the property to be acquired or improved with EDA investment assistance, including real property to be used as matching share, free of any mortgages, deeds of trust, liens or other encumbrances, reservations, reversionary interests or other restrictions on the applicant's interest in the property, including those related to bonds, certificates of participation and similar financing structures?

☐ Yes ☐ No (explain below)

If no, describe any mortgages, deed of trust, liens or other encumbrances, reservations, reversionary interests or other restrictions on the applicant's interest in the property

D.10. Will real property acquired or improved with EDA investment assistance, or real property included as matching share, be used to collateralize any type of financing, including but not limited to bonds or tax credits?

☐ Yes (explain below) ☐ No

D.11. Briefly describe plans for the operation, maintenance and management of all project facilities, including any land, improved land, structures, and appurtenances thereto.

E. Sale or Lease

E.1. Does the applicant intend to sell, lease, transfer, dedicate or otherwise convey any interest in the project or any portion of the project, underlying land, land improvements, etc funded with EDA investment assistance?

☐ Yes (explain below) ☐ No (go to F.1.)

Note: Applicants may be asked to provide documentation that EDA's requirements will continue to be met after the sale or lease of project property.

E.2. Is the purpose of the project to provide building space or land to a single user or multiple users?

☐ Yes, single user ☐ Yes, multiple users

Please note the number of expected users (if multiple users), the type of expected user(s) and the type of property being lease or sold (building lease, office lease, lot sale, lot lease, ground lease, etc.)

E.3. Will the project or any portion of the project be leased in whole or in part?

☐ Yes (explain below) ☐ No

E.4. Will the lease(s) be for fair market value?

☐ Yes ☐ No (explain below)

E.5. Explain the basic terms of any proposed lease(s), including planned length of the leases.

F. Industrial Parks, Commercial Parks or Similar Projects with Sites for Sale or Lease

F.1. Is the purpose of the project to construct infrastructure, buildings, or other facilities to serve an industrial park, commercial park or similar project with sites for sale or lease?

☐ Yes (explain below) ☐ No (go to G.1.)

F.2. A benefitting property is generally one that obtains direct economic benefits from the EDA funded project supporting the park (or similar project). For example, if EDA funded a water line that opened service and significant development potential for six adjacent industrial parcels identified as part of City Industrial Park, each of those six parcels would be considered a benefitting property. Please check one, the benefitting properties for this project are owned by:

☐ Applicant ☐ Private Part(ies)
☐ Both applicant and private part(ies) ☐ Other (explain below)

F.2.a. Identify below the owners of each property benefitting from the EDA funded construction, provide an estimate of the number of acres of each property and the estimated total acreage benefitting from the proposed project. Attach a map showing the EDA funded project and each benefitting property with its identified owner and acreage.

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Note that EDA may require that the owner of the benefitting property, including private owners, agree to certain restrictions on the use of the property and may require that those restrictions survive any sale or transfer of the property.

In addition, EDA may require evidence that the private party has title to the park or site and may require the private party to provide other assurances that EDA determines are necessary to ensure the property is used in a manner consistent with project purposes. See 13 CFR § 314.3(c) and § 314.7.

G. Broadband, Internet, and Dark Fiber

G.1. Is this project for broadband infrastructure construction, including installation of conduit, fiber optic cable and/or related equipment such as network switches and backhaul, pole attachments, towers, or the acquisition of an indefeasible right of use?

☐ Yes (explain below) ☐ No (go to H.)

G.2. Does the applicant understand and agree to comply with the requirements of the Federal Communications Commission and any other Federal requirements applicable to broadband projects?

☐ Yes ☐ No

G.3. EDA regulations require recipients to provide a security interest in significant items of tangible personal property, which may include fixtures, acquired with EDA investment assistance. For broadband projects, this may include a security interest in the fixed fiber optic cable, other broadband assets, and indefeasible rights of use. This should be a first priority lien.

Will the applicant be able to provide the required security interest?

☐ Yes ☐ No (explain below)

G.4. Will the applicant be the operator of the broadband infrastructure?

☐ Yes (explain below; skip G.5.) ☐ No (go to G.5.)

If yes, explain your plan for long-term operations, maintenance and use of the broadband infrastructure.

G.5. Explain who will be the operator of the broadband infrastructure and whether it will be available to a single internet service provider or multiple internet service providers.

G.6. Provide a brief description of the current internet services in the area, including providers and their standard download/upload speeds.

G.7. List any agreements the applicant will need to enter into for broadband operations such as indefeasible rights of use, pole attachment agreements, access agreements, operator agreements, etc.

H. Environmental and Historic Preservation Requirements

Please attach an environmental narrative and applicant certification clause using the template found on www.eda.gov.

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Federal agencies are required by law to assess the expected environmental impacts associated with proposed federal actions. Depending on its analysis of information submitted by the applicant, EDA may request additional information to better understand the current environmental conditions and the project elements that will affect the environment.

Comprehensive information is required to complete an environmental review in accordance with the National Environmental Policy Act (NEPA). Information must be provided for the:

- (i) site where the proposed project facilities will be constructed and the surrounding areas affected by its operation; and
- (ii) areas to be affected by any primary beneficiaries of the project.
- (iii) The information submitted must be sufficient to evaluate all reasonable alternatives to the proposed project and the direct and indirect environmental impacts of the project, as well as the cumulative impacts on the environment as defined in the regulations for implementing the procedural provisions of NEPA. See 40 C.F.R. parts 1500-1508.

The level 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 region in which the proposed project will be located may be referenced and attached to the environmental narrative as this documentation may be helpful. However, it is important that each section of the environmental narrative addresses the proposed EDA project.

Please note regardless of whether the applicant believes historic or archaeological artifacts are present, the applicant may be required to work directly with its State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) for projects on Tribal lands where there is a designated THPO. The SHPO and THPO clearance processes can be lengthy. Please reach out to EDA to start the process as early as possible. A good early step is to familiarize yourself with the SHPO or THPO websites, which generally explain the processes and requirements. There are also trainings and additional resources available through the Advisory Council on Historic Preservation (ACHP) website.