



Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, M.D., M.P.H.
Commissioner

MEGAN E. BALDWIN
Acting Executive Deputy Commissioner

June 30, 2023

The Honorable Malik D. Evans
Mayor, City Rochester
30 Church Street
Rochester, NY 14614

Re: Drinking Water State Revolving Fund
Bipartisan Infrastructure Law Lead Service Line Replacement Funds
DWSRF Project No. 19277
Lead Service Line Replacement
City of Rochester, Monroe County

Dear Mayor Evans:

The NYS Department of Health (DOH) has completed an evaluation for Federal Fiscal Year (FFY) 2022 Bipartisan Infrastructure Law Lead Service Line Replacement (BIL-LSLR) funding through the Drinking Water State Revolving Fund (DWSRF) for the project referenced above. I am pleased to inform you that this project is eligible for a BIL-LSLR grant award of up to \$10,000,000 and BIL-LSLR interest-free financing of up to \$14,000,000. Any remaining eligible projects costs will be eligible for financing through the DWSRF base program.

This funding determination is based on the criteria as described in Amendment No. 4 to the FFY 2023 DWSRF Intended Use Plan (IUP).

Please note the following with regard to this funding determination:

- This funding award remains in effect through December 31, 2024, by which time a Project Finance Agreement (PFA) must be executed with the New York State Environmental Facilities Corporation (EFC).
- All projects funded through the BIL-LSLR must meet certain programmatic requirements including, but not limited to:
 - Davis Bacon Federal Prevailing Wage rates
 - American Iron and Steel
 - Build America/Buy America (BABA) domestic sourcing
 - Federal Equivalency compliance including National Environmental Protection Act (NEPA) environmental review, federal cross-cutting authorities, disadvantaged business enterprises (DBE), single audit reporting, and surveillance services and equipment procurement, as applicable
 - Federal signage terms and conditions requiring a physical sign at construction sites. Signage guidance is available [Here](#).

- Compliance with Federal architectural and engineering (A/E) services procurement requirements in order for A/E services to be eligible for reimbursement. A/E services procurement guidance, including the required certification form, is available [Here](#).
- Minority and Women-owned Business Enterprises (MWBE) /Equal Employment Opportunities (EEO)/ Disadvantaged Business Enterprises (DBE) participation
- An updated engineering report may be required as part of the project review process.

This DWSRF/BIL funding award letter is not a formal commitment by DOH & EFC to provide financial assistance. Such a commitment will be reflected in the PFA once executed by EFC and the applicant community. DOH & EFC may deny or otherwise adjust the financial assistance for your project if the project scope or total eligible project cost changes or based upon our review of the complete DWSRF financing application. In addition, financial assistance for your project may only be provided after receiving formal approvals from the EFC Board of Directors and the New York State Public Authorities Control Board.

Please confirm your acceptance of the funding award and intent to proceed with this project by completing and signing the enclosed form and returning it to design@health.ny.gov no later than **July 21, 2023**. Without your confirmation, we may bypass your project and award these funds to another community.

Our team along with staff at EFC will continue to assist you and your representatives through the financing process. We look forward to working with you on this important public health infrastructure project to ensure that your community has a safe, affordable, and sustainable drinking water system. Please contact me at stephen.marshall@health.ny.gov with any questions.

Sincerely,



Stephen
Marshall

Digitally signed by
Stephen Marshall
Date: 2023.06.30
08:13:17 -04'00'

Stephen S. Marshall, P.E.
Chief, Residential Sanitation Section
Bureau of Water Supply Protection

ecc: NYSDOH – A. Kellerhouse/W. Silkworth
NYSEFC – M. Cunningham/R. Walker
Monroe County DOH – B. Gobe/S. O’Neil
City of Rochester – G. Gugel
Ramboll – M. McEntire

ACKNOWLEDGEMENT AND ACCEPTANCE OF BIL-LSLR FUNDING AWARD

Please confirm your community's acceptance of the BIL-EC funding and intent to proceed with this project by signing below. Please return the completed form and attachments (as appropriate) listed below to design@health.ny.gov no later than **July 21, 2023**.

Check the appropriate box:


- ☐ A/E services have already been procured and procurement did comply with federal standards (submit completed A/E Procurement Certification Form)
- ☐ A/E services have already been procured and procurement did not comply with federal standards
- ☒ A/E Services have not yet been procured. A completed A/E Procurement Certification form will be submitted when available

- Provide a copy of any BANs related to the project

ACKNOWLEDGMENT BY THE AWARDEE:

DWSRF Project No. 19277
Lead Service Line Replacement
City of Rochester, Monroe County

The Awardee intends to proceed with this project and accepts the BIL-LSLR funding award, and acknowledges the programmatic requirements noted above.


Malik D. Evans
Mayor

(Signature of Authorized Representative)

(Print Name)

(Title)

7/6/2023

(Date)



City of Rochester

City Clerk's Office

Certified Ordinance

Rochester, N.Y., _____
TO WHOM IT MAY CONCERN

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **June 20, 2023** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **June 21, 2023** in accordance with the applicable provisions of law.

Ordinance No. 2023-224

Authorizing competitive grant applications

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit applications to Federal, State, and regional governments, agencies and authorities, as well as private foundations and other funding sponsors, for funding that will support City programs, services and capital operations.

Section 2. For successful award applications, the Mayor shall obtain City Council approval to enter into agreements for receipt of the funding, to appropriate the funds, and for necessary professional services agreements for performance of work.

Section 3. The applications shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 4. Grant applications which obligate the City of Rochester to pay more than \$250,000 in City funding shall require City Council authorization.

Section 5. Applications for grants exceeding \$1,000,000 and for awards for capital projects that require project completion in one calendar year or less shall require City Council authorization.

Section 6. The Director of Finance shall submit quarterly reports to Council for grants received through applications authorized herein, detailing dollar amounts received and expended.

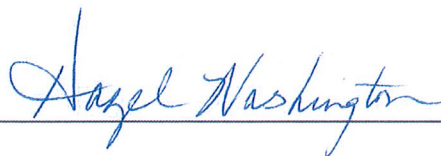
Section 7. This ordinance shall be in effect for the 2023-24 fiscal year.

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Patterson, Peo, Smith - 9.

Nays - None - 0.

Attest

A handwritten signature in blue ink, reading "Hazel Washington", is written over a horizontal line.

City Clerk