

- c. Form RD 1927-9, "Preliminary Title Work (Title Opinions)" – A separate Form RD 1927-9, "Preliminary Title Opinion", along with copies of deeds, contracts or options for any lands needed for construction of the proposed project, other than rights-of-way, may be used for each property currently owned or to be acquired.
- d. Form RD 1927-10, "Final Title Opinion" (final title work/title insurance) – When applicable, a title insurance binder will be required on all real estate related to the facility now owned and property (land) acquired or to be acquired necessary for construction of the proposed project. The policy should name the United States of America, Acting through the United States Department of Agriculture, as the proposed insured. Form RD 1927-10, "Final Title Opinion" may be used for this purpose.

PROJECT COMPLETION

The project must be completed, and all funds disbursed, within 5 years of obligation, after which the **Town** must submit to the Agency a written request for extension of time with adequate justification of circumstances beyond your control. Request for waivers beyond the initial extension will be submitted to the Assistant Administrator in the USDA Rural Development National Office for concurrence decision.

DEBT COLLECTION POLICIES

Prior to loan closing, the **Town** will acknowledge receipt of debt collection policies by executing Form RD 1910-11, "Certification, and Federal Collection Policies for Consumer or Commercial Debts."

RULES AND REGULATIONS

Rules and Regulations for the **Town's Sewer System** must be submitted to USDA Rural Development for approval and must be formally adopted by the **Town**, prior to loan closing. A certified copy of the ordinance establishing the Rules and Regulations must be provided to USDA Rural Development.

EXCESS FUNDS

If there is a significant reduction in project costs because of redesign or bids received, funding needs for the project will be reassessed. Any loan funds not needed to complete the proposed project will be de-obligated. An amended Letter of Conditions will be issued if the amount of the proposed sources of funds changes.

Remaining funds may be used for eligible [loan] purposes, provided the use will not result in major changes to the original scope of work and the purpose of the [loan] remains the same.

Agency loan funds that are not needed will be applied as an extra payment on the Agency indebtedness unless other disposition is required by the bond ordinance, resolution, or State statute.

INSURANCE AND BONDING

Insurance and fidelity bond coverage must be obtained as required by the North Carolina General Statutes and RUS Instruction 1780, paragraph 1780.39(g), as shown below. The **Town** must provide evidence of required coverage to USDA Rural Development prior to loan closing or start of construction, whichever occurs first. The use of deductibles may be allowed providing you have the financial resources to cover potential claim requiring payment of the deductible. The Agency strongly recommends that you have your engineer, attorney, and insurance provider(s) review proposed types and amounts of coverage, including any exclusions and deductible provisions.

It is the **Town's** responsibility, and not that of the Agency, to assure that adequate insurance and fidelity or employee dishonesty bond coverage is maintained. Evidence that the above-mentioned coverage is being maintained must be provided to USDA Rural Development annually.

- a. General Liability Insurance – Include vehicular coverage;
- b. Workers' Compensation - In accordance with appropriate State laws;
- c. Position Fidelity Bond(s) - All positions occupied by persons entrusted with the receipt and/or disbursement of funds must be bonded. The **Town** should have each position bonded in an amount equal to the maximum amount of funds to be under the control of that position at any one time. The coverage may be increased during construction of this project based on the anticipated monthly advances. The minimum coverage acceptable to the Agency will be for each position to be bonded for an amount at least equal to one annual installment on the **Town's** Agency loan(s);
- d. National Flood Insurance - If the project involves acquisition or construction in a designated special flood or mudslide prone areas, the **Town** must purchase a flood insurance policy at the time of loan closing;
- e. Real Property Insurance – Fire and extended coverage will normally be maintained on all structures except reservoirs, pipelines and other structures if such structures are not normally insured and subsurface lift stations except for the value of electrical and pumping equipment. Prior to the acceptance of the facility from the contractor(s), the **Town** must obtain real property insurance (fire and extended coverage) on all facilities identified above.

VULNERABILITY ASSESSMENT AND EMERGENCY RESPONSE PLAN

The **Town** must complete a Vulnerability Assessment (VA) and Emergency Response Plan (ERP) in relationship to its **Sewer System**. The **Town** must provide written certification to the Agency that the VA and ERP for the **Sewer System** have been completed within twelve (12) months of project completion. (Do not provide a copy of the actual VA or ERP to USDA Rural Development).

CLOSING INSTRUCTIONS

The loans will be closed in accordance with instructions issued by the Office of General Counsel and applicable RUS Instructions issued by the USDA Rural Development National and/or State Office. Closing instructions must be obtained prior to advertising for bids.

SYSTEM for AWARD MANAGEMENT (SAM)

The **Town**, as the recipient, must have a Data Universal Numbering System (DUNS) number and register it in the System for Award Management (SAM). Recipients can register on-line at <https://sam.gov/>.

The **Town**, as the recipient, must maintain the currency of its information in SAM until it submits the final financial report required under this award and all grant funds under this award have been disbursed or de-obligated, whichever is later. This requires that the **Town** review and update the information at least annually after initial registration, and more frequently if required by changes in its information or other award term.

DRUG FREE WORKPLACE CERTIFICATION

Prior to approval of a USDA Rural Development grant, the **Town** must certify that it will provide a drug-free workplace, are not involved with drugs, and will establish an educational program concerning drug abuse for employees by executing Form AD-1049, "Certification Regarding Drug Free Workplace Requirement (Grants)."

DEBARMENT CERTIFICATION

Prior to loan approval, the **Town** must certify that they are not debarred or suspended from the Federal Non-Procurement Program by use of Form AD-1047, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions." Also, Form AD-1048, "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion - Lower Tier Covered Transactions," must be executed by lower tier parties (builders, contractors, dealers, suppliers, manufacturers, and others) involved in transactions exceeding \$25,000.

LITIGATION

The **Town** is required to notify the Agency within 30 days of receiving notification of being involved in any type of litigation prior to loan closing or start of construction, whichever occurs is first. Additional documentation regarding the situation and litigation may be requested by the Agency.

AUDITS, MANAGEMENT REPORTS AND ACCOUNTING METHODS

An annual audit under the Single Audit Act is required if the **Town** expends \$750,000 or more in Federal financial assistance per fiscal year. The total Federal funds expended from all sources shall be used to determine Federal financial assistance expended. Expenditures of interim financing are considered Federal expenditures.

All audits are to be performed in accordance with 2 CFR Part 200, as adopted by USDA through 2 CFR Part 400. Financial statements must be prepared on the accrual basis of accounting in accordance with generally accepted accounting principles (GAAP), and must include at a minimum a balance sheet as well as an income and expense statement. *Annual Audits/Financial Statements will include a separate reporting for each Water and Sewer Proprietary/Enterprise Fund, and itemize restricted cash accounts by type (debt service, short-lived assets, etc.).* Further, guidance on preparing an acceptable audit can be obtained from the Agency. The audit must be prepared by an independent licensed Certified Public Accountant, or a State or Federal auditor if allowed by State law, and must be submitted within 9 months of your fiscal year end.

GRADUATION

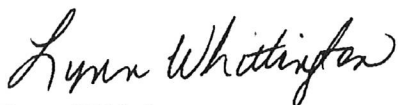
The **Town** will refinance the unpaid balance, in whole or in part, of its Rural Utilities Service debt upon request of the Government, if at any time it should appear to the Government that the **Town** is able to refinance its indebtedness by obtaining a loan for such purposes from cooperative or private sources at reasonable rates and terms.

OTHER CONDITIONS

All applicable items set out in *Form NC RUS Bulletin 1780-6-A, WWD Processing Checklist (Public Body)*, apply to this project and become a part of this Letter of Conditions. All requirements of the following must be met:

- a. Compliance with all Federal, State, and local laws and Regulations in accordance with RUS Instruction 1780, Paragraph 1780.15
- b. Compliance with State Pollution Control and/or Environmental Protection Agency standards
- c. Compliance with other development plans
- d. Compliance with State agency regulating water rights
- e. Compliance with the Civil Rights Act of 1964
- f. Compliance with Section 504 of the Rehabilitation Act of 1973
- g. Compliance with the Age Discrimination Act of 1975
- h. Compliance with the American with Disabilities Act of 1990
- i. Limited English Proficiency (LEP) under Executive Order 13166

Sincerely,



Lynn Whittington
Area Specialist



**Certification Regarding Drug-Free Workplace Requirements (Grants)
Alternative I – For Grantees Other Than Individuals**

The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. § 552(a), as amended). This certification is required by the regulations implementing §§ 5151-5160 of the Drug-Free Workplace Act of 1998 (Pub. L. 100-690, Title V, Subtitle D: 41 U.S.C. § 8101 et seq.), and 2 C.F.R. Parts 182 and 421. The regulations were amended and published on June 15, 2009, in 74 Fed. Reg. 28150-28154 and on December 8, 2011, in 76 Fed. Reg. 76610-76611. Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the grant.

According to the Paperwork Reduction Act of 1995 an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0505-0027. The time required to complete this information collection is estimated to average 0.25 minutes 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. The provisions of appropriate criminal and civil fraud privacy, and other statutes may be applicable to the information provided.

(Read Instructions On Page Three Before Completing Certification)

- A. The grantee certifies that it will or will continue to provide a drug-free workplace by:
1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 2. Establishing an ongoing drug-free awareness program to inform employees about –
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug-abuse violations occurring in the workplace.
 3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (A.1.).
 4. Notifying the employee in the statement required by paragraph (A.1.) that, as a condition of employment under grant, the employee will –
 - a. Abide by the terms of the statement; and
 - b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (A.4.b.) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (A.4.b.), with respect to any employee who is so convicted –
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or, local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (A.1. through A.6.).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

PLACE OF PERFORMANCE (Street Address, City, County, State, Zip Code)

124 E. Wade Street, Wadesboro, NC 28170

Check if there are workplaces on file that are not identified here.

ORGANIZATION NAME

Town of Wadesboro

PR/AWARD NUMBER OR PROJECT NAME

Sewer Improvements Project

NAME(S) AND TITLE(S) OF AUTHORIZED REPRESENTATIVE(S)

Bill Thacker, Mayor

SIGNATURE(S)



DATE

6/25/2018

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

CERTIFIED LIST OF OFFICIALS/OFFICERS/DIRECTORS

NAME OF APPLICANT: Town of Wadesboro

ADDRESS: PO Box 697, Wadesboro, NC 28170

PHONE NUMBER: 704-694-5171

CONTACT PERSON: Ray Allen, Interim Town Manager

PROJECT: Sewer Pump Station Replacement and Forcemain Installation

OFFICERS AND DIRECTORS OF GOVERNING BODY

NAME	TITLE	ADDRESS	PHONE NUMBER	TERM OF OFFICE
Bill Thacker	Mayor	646 West Avenue, Wadesboro, NC 28170	(704)694-3860	12/01/2015- 11/30/2019
Fred Davis	Mayor Pro Tem	1208 Center Street, Wadesboro, NC 28170	(704)694-5171	12/01/2017- 11/30/2021
James David Lee	Councilman	219 Williamsburg Lane, Wadesboro, NC 28170	(704)694-3760	12/01/2017- 11/30/2021
John Ballard	Councilman	200 Williamsburg Lane, Wadesboro, NC 28170	(704)694-9596	12/01/2015- 11/30/2019
Jeremy Burr	Councilman	1000 White Store Road, Wadesboro, NC 28170	(704)694-3641	12/01/2015- 11/30/2019
Bobby Usrey	Councilman	133 Highland Drive, Wadesboro, NC 28170	(704)694-4826	12/01/2017- 11/30/2021

I certify that the above is the correct list of Officers and Directors of the Town of Wadesboro as of June 25, 2018.

CERTIFIED CORRECT BY:



Cynthia A. Pope, Town Clerk

(SEAL)

