

**CITY OF COLOGNE
RESOLUTION NO. 13-19**

**Minnesota Public Facilities Authority Loan Application
Drinking Water Revolving Fund**

RESOLUTION OF APPLICATION

BE IT RESOLVED that the City of Cologne is hereby applying to the Minnesota Public Facilities Authority for a loan from the Drinking Water Revolving Fund for making improvements to its drinking water system as described in the loan application.

BE IT FURTHER RESOLVED that the City of Cologne estimates the loan amount to be \$560,000 or the as-bid cost of the design and construction project.

BE IT FURTHER RESOLVED that the City of Cologne has the legal authority to apply for the loan, and the financial, technical, and managerial capacity to repay the loan and ensure proper construction, operation and maintenance of the project for its design life.


BE IT FURTHER RESOLVED that the City of Cologne hereby expresses its official intent to use proceeds of this loan to reimburse construction expenditures made prior to the issuance of its bond to the Public Facilities Authority.

Adopted by the City Council of the City of Cologne, Minnesota, this 16th day of December, 2013.



Matt Lein, Mayor

ATTEST:



Sue Mueller
Deputy Clerk

M/ Meyer

Lein

Aye

Meyer

Aye

Williams

Aye

McInnis

Aye

S/ Williams

Evenski

Aye

Minnesota Public Facilities Authority
Loan Application
Cologne, MN
Form 5 – Compliance with Federal and State Laws, Rules, Regulations

As a condition of receiving funding, a Borrower is required to comply with certain state and federal laws, rules and regulations and to ensure that their contractor(s) also comply with these regulations, laws and rules, including, but not limited to the items identified below which will be invoked as a condition of the PFA loan in both the loan agreement and general obligation bond to be executed by the Borrower.

1. Title VI of the Federal Water Pollution Control Act, more commonly known as the Clean Water Act.
2. Safe Drinking Water Act (P.L. 93-523)
3. National Environmental Policy Act (P.L. 91-190 (1970)); National Historic Preservation Act (P.L. 89-665 as amended, 80 Stat. 917 (1966)); Archeological and Historic Preservation Act (P.L. 93-291(1974)); Protection of Wetlands, Executive Order No. 11990 (1977), as amended by Executive Order No. 12608 (1997); Flood Plain Management, Executive Order No 11988 (1977), as amended by Executive Order No. 12148 (1979); Farmland Protection Policy Act (P.L. No 97-98 (1981)); Coastal Zone Management Act (P.L. 92-583 (1972), as amended); Coastal Barriers Resources Act (P.L. 97-378, 96 Stat 1653 (1982)); Wild and Scenic Rivers Act (P.L. 90-542, 82 Stat. 913 (1968)); Endangered Species Act (P.L. 93-205 (1973), as amended); Essential Fish Habitat Consultation Process under the Magnuson-Stevens Fishery Conservation and Management Act (P.L. 94-265 (1976), as amended) and; Clean Air Act Conformity (P.L. 95-95 (1977), as amended).
4. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. Sec. 1251), Section 504 of the Rehabilitation Act of 1973 (P.L. 93-1123, 87 Stat. 355, 29 U.S.C. Sec. 794), The Age Discrimination Act of 1975 (P.L. 94-135 Sec. 303, 89 Stat. 713, 728, 42 U.S.C. Sec. 6102), and subsequent regulations, ensures access to facilities or programs regardless of race, color, national origin, sex, age or handicap.
5. Executive Orders 11246, as amended by Executive Orders 11375 and 12086 and subsequent regulations. Prohibits employment discrimination on the basis of race, color, religion, sex or national origin. Inclusion of the seven clauses in Section 202 of E. O. 11246 as amended by E. O. 11375 and 12086 are required in all project related contracts and subcontracts over \$10,000.
6. Executive Orders 11625, 12138 and 12432; 40 CFR part 33 Participation by Disadvantaged Business Enterprises in Procurement under Environmental Protection Agency (EPA) Financial Assistance Agreements; Section 129 of P. L. 100-590 Small Businesses Reauthorization & Amendment Act of 1988; Public Law 102-389 (42 U.S.C. 437d); a 1993 appropriations act ("EPA's 8% statute"); Public Law 101-549, Title X of the Clean Air Acts Amendments of 1990 (42 U.S.C. 7601 note) ("EPA's 10% statute"). Encourages recipients to award construction, supply and professional service contracts to minority, women's business enterprises (MBE/WBE's) and small businesses and requires recipients to utilize affirmative steps in procurement.
7. Executive Orders 12549 and 12689, Subpart C of 2 CFR Part 180 and 2 CFR Part 1532 entitled "Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)." Prohibits entering into contracts or subcontracts with individuals or businesses that are debarred or suspended. Borrowers are required to check and keep a record of the status of all contractors (construction and professional services) and must require contractors to check and keep a record of the status of subcontractors for contracts expected to be equal to or over \$25,000 via this Internet address: <https://www.sam.gov/portal/public/SAM/>
8. Executive Order 13502, use of Project Labor Agreements for Federal Construction Projects.
9. OMB Circular A-133, issued pursuant to the Single Audit Act of 1984 ((P.L. 98-502), as amended 1996), which establishes audit requirements for state and local governments receiving federal funds.

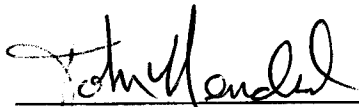
Form 5 – Compliance with Federal/State Laws, Rules, Regulations

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Cologne, MN cont.

10. Section 504 of the Federal Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), Minn. Statutes 1990, Chapter 363 Minnesota Human Rights Act. Requires that all public spaces and programs be designed and constructed to be accessible to the physically handicapped.
11. Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended and subsequent regulations found at 49 CFR Part 24. Identifies procedures for the acquisition of property and the relocation of persons and businesses.
12. Section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) and section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-9(e)). Requires that all laborers and mechanics employed by contractors or subcontractors be paid wages at rates not less than those prevailing for the same type of work as determined by the U. S. Secretary of Labor in accordance with the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., sec. 276a through 276a-5). Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Davis-Bacon Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).
13. Minnesota Statutes, Section 471.345, Uniform Municipal Contracting Law.
14. Minnesota Statutes, Section 574.26 to 574.32, the Public Contractors' Performance and Payment Bond Act, as applicable.
15. Minnesota Statutes sections 176.181 – 176.182. Requires recipients and subcontractors to have worker's compensation insurance coverage.
16. Minnesota Statutes, sections 177.41-177.43 (prevailing wage rate law). Requires that contractors pay laborers and mechanics prevailing wages established by the Minnesota Department of Labor and Industry for public works projects. Contractors or subcontractors failing to comply with the prevailing wage law may result in civil or criminal penalties.
17. Minnesota Statutes 290.9705. Requires that 8 percent of payments made to out-of-state contractors be withheld once cumulative payments made to the contractor for work done in Minnesota exceed \$50,000 in a calendar year, unless an exemption is granted by the Department of Revenue.
18. Minnesota Statutes, Chapter 13, the Minnesota Government Data Practices Act.
19. Minnesota Statutes Chapter 363A, the Minnesota Human Rights Act.
20. Minnesota Statutes, Chapter 16A.633, Subdivision 4, Report on Jobs Created or Retained (MN Laws of 2012, Chapter 293, Section 28).

The City of Cologne, MN (Name of Borrower) certifies that it has or will comply with the above requirements. Additionally, City of Cologne, MN (Name of Borrower) will include the PFA Contract Packet in bid solicitations and incorporate the PFA Contract Packet into all construction contracts.



(Signature of Authorized Official)

12/16/13

Date

**Minnesota Public Facilities Authority
Loan Application
Form 6 – FAIR SHARE STATEMENT
and
DISADVANTAGED BUSINESS ENTERPRISE CERTIFICATION**

The City of Cologne, MN (Borrower) proposes a "fair share objective" percentage of **5.0% for Women Business Enterprise and 3.5% for Minority Business Enterprises** for the Cologne water improvement project (name of project).

The Borrower agrees it will follow the **Six Good Faith Efforts** for DBE participation and will require its contractor(s) to follow these steps and provide documentation to the Borrower. The Borrower will retain all documentation and make it available for inspection.

The Borrower agrees it will include the **Required Contract Conditions** and **Good Faith Efforts** in procurement contracts.

The Borrower agrees it will establish and maintain a Bidders List with the information items identified on the **Bidders List** for the disbursement phase of the project.

The Borrower agrees to submit semi-annual reports, if required, on forms provided by the Authority, of total contracts awarded for the semi-annual period and the amounts awarded to Disadvantaged Business Enterprises.

BAV
Signature of Authorized Representative

MAYOR
Title

12/16/13
Date