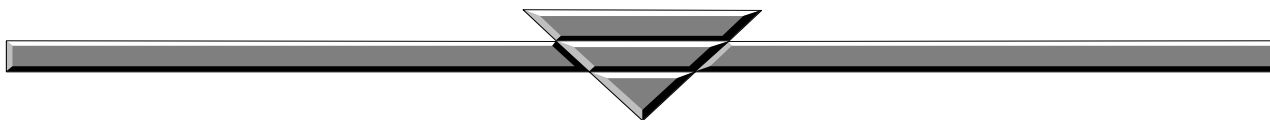


# **Application Form**

## **for the MIDAS Council of Governments**

### **EDA Revolving Loan Fund Program**

**602 1<sup>st</sup> Avenue South**  
**Fort Dodge, Iowa 50501**  
**Phone (515)576-7183 FAX (515)576-7184**  
**E-Mail: cweldon@midascog.net**



*Before completing an application the applicant is urged to review the “Program Implementation summary and Plan for the MIDAS Business Revolving Loan Fund,” which outlines other conditions and requirements of the program.*

*A Non-refundable Application Fee is due at the time this application is submitted. Also, note that the applicant/borrower will be responsible for paying the costs for legal review of security documents and the cost of filing of such documents if a loan is finalized.*

#### **Items that must be included to be a complete application**

- ☐ Loan Request Form (page 3)
- ☐ History and Description of Business (page 4-6)
- ☐ Employee and Payroll Information (page 6-7)
- ☐ Financial Information (page 8-9)
- ☐ Schedule of Collateral (page 10-12)
- ☐ Signatures (page 12)
- ☐ Environmental Information (page 13-16)
- ☐ Release of Information and Indemnification (page 17)

**Required Attachments. Check Off Each One Submitted Or Not Applicable (NA).**

- ☐ Business Plan and Marketing Plan (If New Business). Exhibit #1
- ☐ Balance Sheets and Profit and Loss Statements for the past three years. Exhibit #2
- ☐ Balance Sheets and Profit and Loss Statements projected for the next two years. Exhibit #3
- ☐ Letters of Commitment of Funds from banks and all lenders participating in the project and terms of the loan(s). Exhibit #4
- ☐ A copy of existing or proposed lease or purchase agreement or other financing arrangements. Exhibit #5
- ☐ An independent appraisal on property being acquired that includes before construction value, after construction value, and quick sale value. Exhibit #6
- ☐ A copy of the deed to the property involved. Exhibit #7
- ☐ Preliminary plans and specifications covering new construction and cost estimates for machinery and equipment. Exhibit #8
- ☐ Resumes of the principals involved in the firm. Exhibit #9
- ☐ If your business is a franchise, include a copy of the franchise agreement and the Franchisor's FTC Disclosure Statement. Exhibit #10
- ☐ Current personal financial statement for each owner, partner, and each stockholder with 20% or more ownership of the business. Exhibit #11
- ☐ Resolution from the Board of Directors, if a corporation, authorizing the business to borrow funds and sign loan documents. Exhibit #12
- ☐ Corporation's Certificate of Good Standing. If a Partnership is involved, provide a Partnership Agreement and a Certificate as to Partners. Exhibit #13
- ☐ Statement of Assurances. Exhibit # 14
- ☐ Statement of Required Acts. Exhibit #15
- ☐ Is any officer, director or controlling group of the Mid Iowa Development Association Council of Governments an officer, director or holder of any direct or indirect pecuniary interest in the business? ☐ No ☐ Yes  
(If yes, explain and attach as Exhibit #16)

Please identify the purpose of this application for assistance.

- ☐ 1. CREDIT IS NOT OTHERWISE AVAILABLE  
If 1. is checked, a letter from a financial institution stating this fact **MUST** be attached.
- ☐ 2. INCENTIVE TO LOCATE  
If 2. is checked, please provide a letter (on company letterhead) defining why the incentive is required

## APPLICANT INFORMATION

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Company Name \_\_\_\_\_ Telephone # \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Postal Code \_\_\_\_\_

Date Established \_\_\_\_\_ Name of Franchise (if Applicable) \_\_\_\_\_

Type of Entity:

- ☐ CORPORATION "S" OR "C"  
☐ Sole Proprietorship (d/b/a)  
☐ General Partnership  
☐ Limited Partnership  
☐ Other: (explain)

### OWNERSHIP OF APPLICANT COMPANY

List below all owners, partners, and stockholders with 20% or more ownership interest.

Name \_\_\_\_\_ Name \_\_\_\_\_

Title \_\_\_\_\_ Title \_\_\_\_\_

Address \_\_\_\_\_ Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_ City, State, Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Telephone \_\_\_\_\_

Percent Ownership \_\_\_\_\_ Percent Ownership \_\_\_\_\_

Social Security No. \_\_\_\_\_ Social Security No. \_\_\_\_\_

Name \_\_\_\_\_ Name \_\_\_\_\_

Title \_\_\_\_\_ Title \_\_\_\_\_

Address \_\_\_\_\_ Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_ City, State, Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Telephone \_\_\_\_\_

Percent Ownership \_\_\_\_\_ Percent Ownership \_\_\_\_\_

Social Security No. \_\_\_\_\_ Social Security No. \_\_\_\_\_

(If additional owners, please attach on a separate sheet)

# SPONSORING LOCAL DEVELOPMENT CORPORATION (REQUIRED)

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Sponsoring LDC \_\_\_\_\_ Telephone # \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Postal Code \_\_\_\_\_

CONTACT PERSON/TITLE \_\_\_\_\_ Signature \_\_\_\_\_

## LOCAL CONTRIBUTION

NOTE: For applications from Pocahontas and Calhoun Counties the Local Development Corporation/City/County within which the applicant is located will be required to submit a "local match amount" to this project. The local match is expressed as 10% percent of the funds requested from the MIDAS RLF fund. The local match will remain within the RLF fund for future loan purposes. This requirement will remain until the county provides match funds to three project loans.

# HISTORY AND DESCRIPTION OF BUSINESS

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1. Is project location different from your company's location? ☐ YES ☐ NO

If Yes, please provide Project Location Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

2. Company's Federal I.D. Number \_\_\_\_\_

Company's DUNS Number \_\_\_\_\_

Is your company a ☐ New Business ☐ Existing/Expanding Business

Is the project a relocation of your business? ☐ Yes ☐ No

If yes, where is it relocating from? \_\_\_\_\_

3. Briefly describe the type of product(s) manufactured or service your business will provide.

4. Provide a detailed description of your proposed project.

5. Provide a brief history of your company.

6. What date will the project begin? \_\_\_\_\_

Has any part of the project been started?

☐ Yes      ☐ No

7. For what purpose are you requesting the loan funds?

- ☐ Land Acquisition
- ☐ Site preparation
- ☐ Building Renovation
- ☐ Building Construction
- ☐ Machinery and Equipment
- ☐ Furniture and Fixtures
- ☐ Working Capital
- ☐ Other (please explain)

8. Who are the KEY people involved in the operation of your company?

9. Is the company a franchise?    ☐ Yes    ☐ No

If Yes, include a copy of the franchise agreement.

10. How often are financials prepared and by whom?

11. Please identify all financial participants involved with this project and their corresponding contact information .

12. Who would be considered your main competitors and where are they located?

13. What markets are targeted or served?

14. What type of marketing program will you use?

## EMPLOYEES AND PAYROLL INFORMATION

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15. What has been your greatest number of employees? \_\_\_\_\_  
When? \_\_\_\_\_
16. What is the current number of employees? Full Time \_\_\_\_\_  
Part Time \_\_\_\_\_
17. **HOW MANY NEW JOBS WILL THIS PROJECT CREATE IN THE NEXT 12 MONTHS?**  
Full Time \_\_\_\_\_ Part Time \_\_\_\_\_
18. **HOW MANY NEW JOBS WILL THIS PROJECT CREATE IN THE NEXT 24 MONTHS?**  
Full Time \_\_\_\_\_ Part Time \_\_\_\_\_
19. What will be the average starting wage for new employees? \$ \_\_\_\_\_
20. Will any of your current employees lose their jobs if the project does not proceed?  
☐ Yes ☐ No  
If yes, how many? \_\_\_\_\_ Explain why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
21. What is the estimated annual payroll of the new employees resulting from this proposed project?  
Within the first TWELVE MONTH PERIOD \$ \_\_\_\_\_  
Within the first TWENTY-FOUR MONTH PERIOD \$ \_\_\_\_\_
22. Please check what type of benefits your new employees will received.
- ☐ Health
  - ☐ Life
  - ☐ Disability Insurance
  - ☐ Vacation
  - ☐ Holiday
  - ☐ Sick
  - ☐ Other

If checked, please describe benefits.

# FINANCIAL INFORMATION

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## PROFESSIONAL ASSISTANCE

|                   |                  |
|-------------------|------------------|
| Accountant's Name | Attorney's Name  |
| Firm              | Firm             |
| Address           | Address          |
| City, State, Zip  | City, State, Zip |
| Telephone         | Telephone        |
| Contact           | Contact          |

## BANK REFERENCES (Business and Personal)

|                  |                  |
|------------------|------------------|
| Name             | Name             |
| Address          | Address          |
| City, State, Zip | City, State, Zip |
| Telephone        | Telephone        |
| Contact          | Contact          |

## INSURANCE COMPANY

|         |           |
|---------|-----------|
| Contact | Telephone |
|---------|-----------|



## ESTIMATED PROJECT COSTS

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|                                    |          |
|------------------------------------|----------|
| Land Acquisition/Site Preparations | \$ _____ |
| New Building Construction          | \$ _____ |
| Existing Land and Building         | \$ _____ |
| Building Improvements/Repairs      | \$ _____ |
| Acquisition of Machinery/Equipment | \$ _____ |
| Acquisition of Furniture/Fixtures  | \$ _____ |
| Inventory Purchase                 | \$ _____ |
| Working Capital                    | \$ _____ |
| Other (Identify)                   | \$ _____ |

|                                |          |
|--------------------------------|----------|
| TOTAL ESTIMATED PROJECT AMOUNT | \$ _____ |
| TOTAL RLF LOAN REQUESTED       | \$ _____ |

|  |          |
|--|----------|
| CASH/EQUITY TO BE COMMITTED                    | \$ _____ |
| Source of Equity: Cash from personal resources | \$ _____ |
| Cash from Business                             | \$ _____ |
| Other Sources of Equity: _____                 | \$ _____ |
|  | \$ _____ |

# FINANCING INFORMATION

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## PROJECT SOURCES AND USES

|                                    | Source A | Source B | Source C | Source D | Source E |
|------------------------------------|----------|----------|----------|----------|----------|
| Land Acquisition                   | \$       | \$       | \$       | \$       | \$       |
| New Building Construction          | \$       | \$       | \$       | \$       | \$       |
| Existing Land and Building         | \$       | \$       | \$       | \$       | \$       |
| Building Improvements/Repairs      | \$       | \$       | \$       | \$       | \$       |
| Acquisition of Machinery/Equipment | \$       | \$       | \$       | \$       | \$       |
| Acquisition of Furniture/Fixtures  | \$       | \$       | \$       | \$       | \$       |
| Inventory Purchase                 | \$       | \$       | \$       | \$       | \$       |
| Working Capital                    | \$       | \$       | \$       | \$       | \$       |
| Other (Identify)                   | \$       | \$       | \$       | \$       | \$       |
| TOTAL PROJECT AMOUNT               | \$       | \$       | \$       | \$       | \$       |

**SOURCE A** Financial Institution Amount \$\_\_\_\_\_Term\_\_\_\_\_Yrs\_\_\_Rate\_\_\_%

**SOURCE B** MIDAS RLF Amount \$\_\_\_\_\_Term\_\_\_\_\_Yrs\_\_\_Rate\_\_\_%

**SOURCE C** OWNERS EQUITY Amount \$\_\_\_\_\_Term\_\_\_\_\_Yrs\_\_\_Rate\_\_\_%

**SOURCE D** \_\_\_\_\_ Amount \$\_\_\_\_\_Term\_\_\_\_\_Yrs\_\_\_Rate\_\_\_%

**SOURCE E** \_\_\_\_\_ Amount \$\_\_\_\_\_Term\_\_\_\_\_Yrs\_\_\_Rate\_\_\_%

23. Has the loan with your financial institution been finalized? ☐ Yes ☐ No

24. Have any of the funds from the financial institution been disbursed?

☐ Yes ☐ No

If yes, how much? \$\_\_\_\_\_

25. What is the source of the local match?\_\_\_\_\_

Name of the contact person? \_\_\_\_\_Telephone No.\_\_\_\_\_

# SCHEDULE OF COLLATERAL

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## SECURITY

26. What type of security and in what amount will the assisted business provide to MIDAS?

MORTGAGE \$ \_\_\_\_\_ What Position? \_\_\_\_\_  
PERSONAL PROPERTY \$ \_\_\_\_\_ What Position? \_\_\_\_\_  
PERSONAL GUARANTEE \$ \_\_\_\_\_  
OTHER \$ \_\_\_\_\_

## REAL ESTATE

| LIST PARCELS OF REAL ESTATE |                  |                  |                 |                   |                           |
|-----------------------------|------------------|------------------|-----------------|-------------------|---------------------------|
| Address                     | Year<br>Acquired | Original<br>Cost | Market<br>Value | Amount<br>of Lien | Name of<br>Lien<br>Holder |
|                             |                  |                  |                 |                   |                           |

Attach a copy of the deed(s) containing a full legal description of the land (if the land is to be used to secure this loan).

## ATTACH PHOTO (IF AVAILABLE)

## PERSONAL PROPERTY

All items listed must show the manufacturer or make model, year, and serial number. Items with no serial number must be clearly identified.

| LIST ITEMS TO BE PROVIDED AS COLLATERAL |                  |                  |                 |                   |                        |
|---|------------------|------------------|-----------------|-------------------|------------------------|
| Name                                    | Year<br>Acquired | Original<br>Cost | Market<br>Value | Amount<br>of Lien | Name of<br>Lien Holder |
|   |                  |                  |                 |                   |                        |

## ENVIRONMENTAL INFORMATION

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### ENVIRONMENT

27. Name of current property owner(s).\_\_\_\_\_

28. Historic use of the property (check all that apply).

☐ Personal Services

☐ Manufacturing

☐ Retail Trade

☐ Health Services

☐ Other

29. Did this property have, or will it have underground storage tanks in use?

☐ Yes

☐ No

☐ Unknown as to past use

30. Will your company or business need an environmental permit?

☐ Yes

☐ No

If yes, type of permit and regulatory agency.\_\_\_\_\_

31. Are you aware of any violations regarding the release threat of release, or cleanup of any hazardous substances on this property?

☐ Yes

☐ No

32. Has an environmental audit been completed on this property?

☐ Yes

☐ No

33. Are there currently chemicals, fuels, pesticides, or waste products on this property?

☐ YES

☐ Stored in tanks

☐ Stored in drums

☐ NO

34. If you answered "YES" to having chemicals currently on the property, have there been any accidental spills?

☐ Yes

☐ No

35. If you answered "YES" to having chemicals currently on the property, what is the current practice of disposal of the used solvents, oils, metal shavings, etc.?

## FORM 1 - ENVIRONMENTAL CLEARANCE WORKSHEET

A. Name of City.

B. Project name and location.

C. Brief description of proposed activity.

D. 1) Are there properties listed on, nominated to or eligible for nomination to, the National Register of Historic Places on the site, or in the vicinity of the proposed activity?

\_\_\_ yes \_\_\_ no

2) If yes, does the proposed action have an effect on the properties?

\_\_\_ yes \_\_\_ no

3) How has this determination been made?

E. Environmental Checklist:

Rate the proposed activity of the following environmental components in terms of actual or potential impacts on the project on the environment on the project.

The rating scale is as follows:

**0 = no impacts.**

**1 = minor impacts (i.e., those impacts which can be easily mitigated with minimal extra expenses or delay in project implementation).**

**2 = major adverse impacts (i.e., those impacts which cannot be mitigated or which would require extensive mitigate long delays of project implementation)**

**N/A = not applicable to the type of activity proposed.**

## Environmental Checklist

01. Unique geologic features on site or in vicinity \_\_\_\_\_
02. Valuable geologic resources within 1 mile of site \_\_\_\_\_
03. Slope stability/rockfall \_\_\_\_\_
04. Depth of impermeable layers \_\_\_\_\_
05. Subsidence \_\_\_\_\_
06. Consolidation (geologic) \_\_\_\_\_
07. Seismic risk \_\_\_\_\_
08. Foundation support \_\_\_\_\_
09. Soil plasticity \_\_\_\_\_
10. Frost susceptibility \_\_\_\_\_
11. Liquefaction \_\_\_\_\_
12. Erosion/sedimentation \_\_\_\_\_
13. Soil permeability \_\_\_\_\_
14. Abandoned, active or planned sanitary landfill \_\_\_\_\_
15. Wetlands \_\_\_\_\_
16. Coastal/zones/shorelines \_\_\_\_\_
17. Mine dumps/spoil areas \_\_\_\_\_
18. Hydrologic balance \_\_\_\_\_
19. Aquifer yield \_\_\_\_\_
20. Drainage \_\_\_\_\_
21. Flooding \_\_\_\_\_
22. Water quality \_\_\_\_\_
23. Ground water \_\_\_\_\_
24. Surface water \_\_\_\_\_
25. Unique or endangered animal species \_\_\_\_\_
26. Vegetative community \_\_\_\_\_
27. Plant/animal diversity \_\_\_\_\_
28. Nutrient cycling \_\_\_\_\_
29. Special climatic conditions \_\_\_\_\_
30. Forest/range fires \_\_\_\_\_
31. Energy resources \_\_\_\_\_
32. Air quality \_\_\_\_\_
33. Education facilities:  
Elementary \_\_\_\_\_  
Junior high/senior high \_\_\_\_\_  
other (specify) \_\_\_\_\_
34. Employment \_\_\_\_\_

- 35. Commercial facilities \_\_\_\_\_
- 36. Health care/social services \_\_\_\_\_
- 37. Water supply system \_\_\_\_\_
- 38. Sanitary sewer system \_\_\_\_\_
- 39. Storm sewer system \_\_\_\_\_
- 40. Solid waste disposal \_\_\_\_\_
- 41. Police and fire protection \_\_\_\_\_
- 42. Parks/playgrounds/open space use \_\_\_\_\_
- 43. Other recreation facilities \_\_\_\_\_
- 44. Public transportation \_\_\_\_\_
- 45. Cultural facilities \_\_\_\_\_
- 46. Site hazards \_\_\_\_\_
- 47. Structural safety \_\_\_\_\_
- 48. Safety (materials) \_\_\_\_\_
- 49. Cultural patterns \_\_\_\_\_
- 50. Road safety and design \_\_\_\_\_
- 51. Noise:
  - Airports (within 15 miles) \_\_\_\_\_
  - Railroads (within 3,000 feet) \_\_\_\_\_
  - Major roads (within 1,000 feet) \_\_\_\_\_
  - Other (specify) \_\_\_\_\_
- 52. Vibration \_\_\_\_\_
- 53. Odor \_\_\_\_\_
- 54. Light \_\_\_\_\_
- 55. Temperature \_\_\_\_\_
- 56. Socio-economic character of the neighborhood \_\_\_\_\_
- 57. Physical character of the neighborhood \_\_\_\_\_
- 58. Crime levels \_\_\_\_\_
- 59. Nuisances \_\_\_\_\_
- 60. Compatibility of land uses \_\_\_\_\_
- 61. Aesthetic compatibility \_\_\_\_\_

## AUTHORIZATION TO RELEASE INFORMATION

\*\*\*\*\*

I/we hereby authorize the Mid Iowa Development Association (MIDAS) Council of Governments or any of its affiliates/support agencies to make all inquiries it deems necessary to verify the accuracy of the information provided herein, and to determine my/our credit worthiness for any purpose related to our credit transaction with them. I/we hereby certify that the enclosed application information including attachments/exhibits is valid and correct to the best of my/our knowledge.

I/we hereby authorize the Mid Iowa Development Association (MIDAS) Council of Governments and any of its affiliates/support agencies to furnish relevant information to all necessary sources including various federal, state and conventional funding opportunities to obtain the best sources for the project

I we further agree that I shall indemnify and hold the Mid Iowa Development Association (MIDAS) Council of Governments and any of its affiliates/support agencies harmless from any claim or cause of action arising because of incorrect, inaccurate or incomplete information furnished by me/us, whether the furnishing of such incorrect, inaccurate or incomplete information was accidental or intentional and in consideration of the Mid Iowa Development Association (MIDAS) Council of Governments and any of its affiliates/support agencies' assistance, I/we waive all claims against the Mid Iowa Development Association (MIDAS) Council of Governments and any of its affiliates/support agencies, its personnel or counselors arising from this assistance.

Signature \_\_\_\_\_ Date \_\_\_\_\_

## INDEMNIFICATION AGREEMENT

BORROWER(S) hereby agree to indemnify and hold harmless the Mid Iowa Development Association (MIDAS) Council of Governments and any of its affiliates/support agencies from and against any liabilities, losses, damages, suits, judgments, counsel fees, or costs arising attributable to the release, discharge, manufacture, production, storage or disposal or the presence of hazardous toxic substances, on, or under borrower's property or property in which the borrow has an interest and based upon claims assertible by local, state, and federal governmental authority or other third parties against the Mid Iowa Development Association (MIDAS) Council of Governments and any of its affiliates/support agencies.

This indemnification will specifically survive, and is entirely independent of; the debtor's contractual obligation to repay the primary obligation held by Mid Iowa Development Association (MIDAS) Council of Governments and any of its affiliates/support agencies as amended, extended, or renewed by Mid Iowa Development Association (MIDAS) Council of Governments and any of its affiliates/support agencies prepayment in full of the borrower's indebtedness Mid Iowa Development Association (MIDAS) Council of Governments and any of its affiliates/support agencies; and release of Mid Iowa Development Association (MIDAS) Council of Governments and any of its affiliates/support agencies liens on the borrower's real or personal property by payment, foreclosure, or action including Mid Iowa Development Association (MIDAS) Council of Governments and any of its affiliate's discretionary abandonment of lien.

Signature \_\_\_\_\_ Date \_\_\_\_\_



## *Statement of Required Acts*

I certify to the best of my knowledge and belief, data in the application is true and correct, including any commitment of local resources, the document has been duly authorized by the governing body of the applicant, and the applicant will comply with all applicable Federal and State requirements, including the following if this assistance is approved:

- A. Housing and Community Development Act of 1974, as amended;
- B. Age Discrimination Act of 1975;
- C. Section 504 of the Rehabilitation Act of 1973;
- D. Davis-Bacon Act, as amended (40 U.S.C. 276a-276-a-5) where applicable under Section 110 of the Housing and Community Development Act of 1974, as amended;
- E. National Environmental Policy Act of 1969; and
- F. Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1979, Title II and Title III.
- G. Public Works and Economic Development Act of 1965, as amended

\_\_\_\_\_  
Signature of Company Official

\_\_\_\_\_  
Date

## ***Revolving Loan Fund Compliance Commitment***

Note: Some of the following assurances may not be applicable to your project or program; if you have any questions please contact the Awarding Agency. Further, certain federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination (during the useful life of the project).
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency, or State
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5C.F.R. 900, Subpart F).

9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation or residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits discrimination on the basis of handicaps; and (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255), as amended, relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patients records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any' other non-discrimination provisions in the specific statute(s) under which application for Federal assistance is being made, and (j) the requirements on any other non-discrimination Statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Title II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally assisted programs. These requirements apply to interest in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. § 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333) regarding labor standards for federally assisted construction sub agreements.
14. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 930234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands

- pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
  17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
  18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
  19. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.
  20. Will operate and maintain the facility in accordance with at least the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
  21. Will require the facility to be designed to comply with the Americans With Disabilities Act of 1990 (ADA) (P.L. 101-336) and the Accessibility Guidelines for Buildings and Facilities, as amended, (36 CFR Part 1191). Will be responsible for conducting inspections to insure compliance with these specifications.
  22. In consideration of EDA making a grant and/or loan for a project that is requested by an applicant which is a business enterprise, it agrees that for a period of two years after disbursement by EDA of said grant and/or loan or any part thereof, applicant will not employ or tender any office or employment to, or retain for professional services, any person who, on the date such assistance is needed or within one year prior to said date, shall have served as an officer, attorney, agent or employee of EDA occupying a position or engaged in activities which EDA has determined involves discretion with respect to the granting of assistance under the Public Works and Economic Development Act of 1965, as amended.
  23. Will have no facilities under ownership, lease or supervision that are to be utilized for this project either listed or under consideration for listing on EPA's List of Violating Facilities.
  24. Will comply with the EDA no relocation regulations which generally prohibit use of EDA financial assistance to assist employers who transfer jobs from one commuting area to another. This includes an affirmative duty on the part of the applicant to inform EDA of any employer who will benefit from such assistance who will transfer jobs in connection with the EDA grant.

25. Will comply with Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction, which imposes requirements that federally assisted facilities be designed and constructed in accordance with the 1991 ICBO Uniform Building Code; or 1992 Supplement to the BOCA National Building Code; and/or 1991 Amendments to the SBCC Standard Building Code.
26. Will observe and comply with Federal procurement rules, as defined in 15 CFR Part 24 and/or Office of Management and Budget Circulars as applicable, for award of any contracts for architectural engineering and/or grant administration services and/or construction financed with grant funds.
27. Understands that attorneys' or consultants' fees, whether direct or indirect, expended for securing or obtaining EDA assistance for this application are not eligible costs.
28. Understands that conflicts of interest or appearances of conflicts of interest are prohibited and may jeopardize this application or result in the forfeiture of grant funds. A conflict of interest occurs, for example, where a representative, official of the Federal, State or local government, has a direct or indirect financial interest in the acquisition or furnishing of any materials, equipment or services to or in connection with the project.
29. Will comply with the required reporting requirements of the Government Performance and Results Act (GPRA) of 1993 for measuring and reporting project performance.
30. Will agree that any equipment or products authorized to be purchased with funding provided in this application or amendments must be American made to the maximum extent feasible according to Public Law 103-121, Section 606.(a) and (b).

**Signature of Authorized Company Certifying Official      Title**

\_\_\_\_\_

**Date:** \_\_\_\_\_

**APPLICANT SIGNATURE**

**All information contained herein is TRUE and CORRECT to the best of my knowledge.**

\_\_\_\_\_  
**SIGNATURE**

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**TITLE**

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**DATE**

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