

# CITY OF HIGH POINT

## AGENDA ITEM



<b>TITLE:</b> Resolution for American Rescue Plan Act (ARPA) – LASII - for High Point W. Green Drive Stormwater Infrastructure Improvements Grant	
<b>FROM:</b> Robby Stone, Public Services Director	<b>MEETING DATE:</b> May 6, 2024
<b>PUBLIC HEARING:</b> N/A	<b>ADVERTISED DATE/BY:</b> N/A
<b>ATTACHMENTS:</b> Resolution Funding Offer and Acceptance	

**PURPOSE:** The City of High Point's Public Services Department has been approved for funding assistance according to the ARPA funding offer (Project No. SRP-SW-ARP-0022), for High Point W. Green Drive Stormwater Infrastructure Improvements. Approval for grant funding requires the City Council to adopt a resolution designating the applicant's agent(s) for signature authority and submit for funding offer and acceptance.

**BACKGROUND:** The State Water Infrastructure Authority approved the City's application, in partnership with Southwest Renewal Foundation (SWRF) of High Point, Inc., for a Local Assistance for Stormwater Infrastructure Investments (LASII) grant from the American Rescue Plan Act (ARPA) for a Stormwater Construction Grant. The project will be an innovative redevelopment of a key city arterial. The project proposes to design and install new Green Stormwater Infrastructure systems along a ¾-mile stretch of W. Green Drive that arcs along the southwest side of downtown, near the headwaters of the drainage area into the Richland Creek watershed. The project area extends in an arc from the intersection of West Green Drive with Main Street, towards the southwest at West Green Drive's intersection with Taylor Avenue for a length of approximately ¾-mile.

**BUDGET IMPACT:** Funds are available in the FY 23-24 budget.

**RECOMMENDATION/ACTION REQUESTED:** The Public Services Department recommends adopting this resolution for the designation of applicant's agent(s), approval of the funding offer, acceptance of the grant award, and authorize the appropriate City Official(s) to execute all necessary documents.



# **CITY OF HIGH POINT RESOLUTION**

## **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF HIGH POINT**

**WHEREAS,** the City of High Point, NC has received an earmark for the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund established in S.L. 2022-74 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

**WHEREAS,** the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$5,000,000 to perform work detailed in the submitted application, and

**WHEREAS,** the City of High Point, NC intends to perform said project in accordance with the agreed scope of work,

### **NOW, THEREFORE, BE IT RESOLVED BY THE City of High Point OF THE Public Services Department:**

That the City of High Point does hereby accept the American Rescue Plan Grant offer of \$5,000,000.

That the City of High Point does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Tasha Logan Ford, City Manager or Greg Ferguson, Deputy City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 6<sup>th</sup> day of May 2024 at High Point, North Carolina.

[SEAL]

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Cyril Jefferson, Mayor

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Sandra Keeney, City Clerk

**FORM FOR CERTIFICATION BY THE RECORDING OFFICER**

The undersigned duly qualified and acting City Clerk of the City of High Point, NC does hereby certify:  
That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of  
an application with the State of North Carolina, as regularly adopted at a legally convened meeting of  
the City of High Point, NC duly held on the 6th day of May, 2024; and, further, that such resolution has  
been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I  
have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Sandra Keeney

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City Clerk

STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER INFRASTRUCTURE

Funding Offer and Acceptance

Legal Name and Address of Award Recipient  
City of High Point  
211 S. Hamilton St.  
High Point, North Carolina 27260

Project Number(s): SRP-SW-ARP-0022  
Assistance Listing Number: 21.027  
Unique Entity ID Number: UVJAHE7H36N6

Funding Program

Drinking Water	<input type="checkbox"/>	Additional Amount for	Previous Total	Total Offered
Stormwater	<input checked="" type="checkbox"/>	Funding Increases		
Wastewater	<input type="checkbox"/>			
State Revolving Fund-Repayable Loan	<input type="checkbox"/>			
State Revolving Fund-Principal Forgiveness	<input type="checkbox"/>			
State Reserve Loan	<input type="checkbox"/>			
State Reserve Grant	<input type="checkbox"/>			
State Reserve Earmark (S.L. 2023-134)	<input type="checkbox"/>			
American Rescue Plan Act - LASII	<input checked="" type="checkbox"/>			\$5,000,000

Project Description:

High Point W. Green Drive Stormwater Infrastructure Improvements

Total Financial Assistance Offer: \$5,000,000  
Total Project Cost: \$7,500,000  
Estimated Closing Fee\*: \$0.00  
*For Loans*  
Interest Rate:  
Maximum Loan Term:

*\*Estimated closing fee calculated based on grant and loan amount.*

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance.

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

Shadi Eskaf, Director, Division of Water Infrastructure  
North Carolina Department of Environmental Quality

DocuSigned by:  
  
6300A872077B4C5...  
Signature

2/23/2024  
Date

On Behalf of: City of High Point

Name of Representative in Resolution: \_\_\_\_\_

Title (Type or Print): \_\_\_\_\_

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the attached Assurances and the Standard Conditions.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**APPLICABLE STANDARD CONDITIONS****Project Applicant: City of High Point****Project Number(s): SRP-SW-ARP-0022**

1. Acceptance of this Funding Offer does not exempt the Recipient from complying with requirements stated in the U.S. Treasury's [Final Rule](#) for the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) and the [SLFRF Compliance and Reporting Guidance](#) not explicitly referred to in this document and any future requirements implemented by the U.S Treasury.
2. Acquisition of Real Property must comply with all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL 92-646), as amended. The applicant shall certify that it has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project using a certification form provided by DEQ.
3. Specific MBE/WBE (DBE) forms and instructions are provided that are to be included in the contract specifications. These forms will assist with documenting positive efforts made by recipients, their consultants and contractors to utilize disadvantaged businesses enterprises. Such efforts should allow DBEs the maximum feasible opportunity to compete for subagreements and subcontracts to be performed. Documentation of efforts made to utilize DBE firms must be maintained by all recipients, and construction contractors, and made available upon request.
4. Subrecipients shall fully comply with Subpart C of 2 CFR Part 180 entitled, "Responsibilities of Participants Regarding Transactions Doing Business with Other Persons," as implemented and supplemented by 2 CFR Part 1532. Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Subrecipients may access suspension and debarment information at: <http://www.sam.gov>. This system allows subrecipients to perform searches determining whether an entity or individual is excluded from receiving Federal assistance.
5. Projects with a total cost of \$10,000,000 or more must meet U.S. Treasury requirements for prevailing wage rates, project labor agreements, and related requirements. Recipients can either certify meeting the requirements or provide plans and reports as the [SLFRF Compliance and Reporting Guidance](#) specifies.
6. The Uniform Guidance 2 CFR 200.317 through 2 CFR 200.327 gives minimum requirements for procurement, with 2 CFR 200.319(b) addressing engineering services procurement guidelines. ARPA-funded projects must also adhere to North Carolina State law, specifically NC General Statute 143-64.31, Article 3D Procurement of Architectural, Engineering, and Surveying (A/E) Services. NCGS 143-64.32 cannot be used to exempt funding recipients from a qualification-based selection for A/E. The State provides applicable certification forms that must be completed prior to receiving funds for any engineering services covered under this funding offer.
7. Local government units designated as distressed must complete associated requirements of statute §159G-45(b).
8. Funds made available by the ARPA that are not disbursed to the entity accepting the funds in this document by December 31<sup>st</sup>, 2026, will no longer be available for the project. Unused Federal funds will revert from the State of North Carolina to the U.S. Treasury.

**ASSURANCES****Project Applicant: City of High Point****Project Number(s): SRP-SW-ARP-0022**

1. The Applicant intends to construct the project or cause it to be constructed to final completion in accordance with the Application approved for financial assistance by the Division. The recipient acknowledges that in the event a milestone contained in the Letter of Intent to Fund is missed, the Department of Environmental Quality will rescind this Funding Offer.
2. The Applicant is responsible for paying for the costs ineligible for ARPA funding.
3. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.
4. The Applicant will provide and maintain adequate engineering supervision and inspection.
5. The recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.
6. All ARPA funds shall be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the recipient's compliance with the Standard Conditions of this Award. The Applicant agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.
7. The applicant will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note that the State is not a party to the construction contract(s) and the Applicant is expected to uphold its contract obligations regarding timely payment.
8. Funds must be fully spent (i.e., fully disbursed to the recipient) by December 31, 2026.
9. The applicant acknowledges that loan funds contained in this Funding Offer require approval from the North Carolina Local Government Commission before they can be disbursed.