

EXPEDITED DRINKING WATER GRANT FUNDING PROGRAM PROJECT PROPOSAL FORM ATTACHMENT 3 – SELF-CERTIFICATION FORM

As an applicant, you must complete this self-certification form as a condition to enter into a Grant Agreement with the State Water Resources Control Board (State Water Board). Failure to meet and continue to comply with these conditions and requirements may result in the State Water Board revoking the preliminary funding award, withholding grant funding, stopping disbursements, and/or terminating the Grant Agreement.

1. Applicant Information

Applicant Name: _____

Applicant Entity Type: _____

Project Name: _____

2. Grant Agreement and Legal Opinion Templates

Have you and your counsel reviewed the Grant Agreement template and all terms and conditions? Yes No

Do you need to request any modifications to the provisions of the Grant Agreement template? (Applicants that request modifications will likely be directed to another funding program.) Yes No

If yes, please explain:

Have you and your counsel reviewed the legal opinion template? Yes No
(Note that legal opinions will be expected to conform to the legal opinion template.)

3. Urban Water Supplier Conservation

Is the applicant an urban water supplier as defined in Water Code, section 10617?

“Urban water supplier” means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers. This part

applies only to water supplied from public water systems subject to Chapter 4 (commencing with Section 116275) of Part 12 of Division 104 of the Health and Safety Code.

Yes No

If the applicant is an urban water supplier, please answer the following questions. (If the applicant is not an urban water supplier, proceed to Section 4.)

Has the applicant adopted and submitted an Urban Water Management Plan (UWMP) in compliance with Water Code, sections 10610-10657? Yes No

What is the date of the most recent UWMP? _____

Is the applicant compliant with all requirements for urban water suppliers including but not limited to metering requirements (Water Code, § 525 et seq.), water loss audits, and monthly reporting to the State Water Board? Yes No

4. Certification for Compliance with Water Metering

Does the applicant require, as a condition of new water service, that a suitable water meter to measure the water service be installed on the water service facilities (Wat. Code, § 525)? Yes No

If the applicant is an urban water supplier, please answer the following questions. (If the applicant is not an urban water supplier, proceed to the next section.)

Have water meters been installed on all municipal and industrial service connections located within the applicant's service area? Yes No

Does the applicant charge each customer that has a service connection based on the actual volume of deliveries as measured by the water meter? Yes No

If you answered "no" to any questions above, explain how the applicant is in compliance with the provisions of Division 1, Chapter 8, Article 3.5 of the Water Code (sections 525 through 529.7 inclusive) regarding metered service:

5. Litigation

- There is no litigation pending relative to the operation of the applicant's water system or the proposed project.
- There is litigation pending relative to the operation of the applicant's water system or the proposed project. (Attach description.)

6. Land or Water System Facilities

Does the applicant own all drinking water system facilities, and will the applicant own all facilities to be constructed as part of the project? Yes No

If no, please describe what facilities are not or will not be owned by the applicant, and indicate who owns or will own the facilities:

Are there any liens on water system property? Yes No

Is the applicant leasing land or major water system facilities? Yes No

Will the applicant acquire land, easements, or other access rights for the project? Yes No

If you answered "yes," to any of the three questions above, please explain. Please describe the lien, the terms of the lease or attach a copy of the lease agreement, and the process by which any land, easements, or access rights for the project will be obtained. (NOTE: If the lease or property right to be acquired is critical to the location or operation of the proposed project facilities, the term generally must be equal to or greater than the useful life of the project, and at least 20 years from completion of construction.)

Does the project involve easements or property owned by private, federal, or tribal entities, and/or will easements or property need to be obtained from private, federal, or tribal entities for the project? Yes No

If yes, provide the entity name, ownership type, property description, ownership status, and explain how the property is necessary for the project's completion and useful life. Additionally, discuss any potential issues or delays anticipated in acquiring any necessary easements or property and describe plans to address these challenges.

7. Project-Related Contracts

Has the applicant selected or contracted with an engineering consultant for assistance with the project? Yes No

If yes, provide the firm's name and contact information:

If the applicant has selected or contracted with an engineering consultant for assistance with the project, is the consultant listed on the [California Department of Industrial Relations](#) or [Water Board Debarred Lists](#)? Yes No

If yes, the applicant should immediately notify the State Water Board, and may need to select a new consultant that is not on these lists to remain eligible for funding.

Does the applicant have a contract with a private firm or another agency for the operation of the facility to be funded? Yes No

If yes, provide the name of the firm or agency and term (in years) of the agreement:

8. Privately-Owned Entities

Does the project involve consolidation (e.g., master meter, distribution system, managerial, intertie) of a water system owned by a private or tribal entity? Yes No

If yes, describe the process and provide an estimated timeframe for obtaining timely authorization from the Board of Directors or the governing authority of the private or tribal entity to enter into and sign the consolidation agreement:

Describe any difficulties associated with obtaining such authorization, including any relevant law or requirement of the private or tribal entity's articles of incorporation, bylaws, tribal constitution, etc. of which you are aware:

**If the applicant is a privately-owned entity, please answer the following questions.
(If the applicant is not a privately-owned entity, proceed to Section 9.)**

If you are a corporation, would shareholder approval be required for you to enter into the Grant Agreement, or any such other agreements or instruments contemplated in the Grant Agreement and necessary for implementation of the Project, such as a consolidation agreement, based on applicable law, articles of incorporation and bylaws?

Yes No

If yes, please explain:

If you are a corporation, do you anticipate any difficulties with obtaining timely authorization from the Board of Directors to enter into the Grant Agreement, or to enter into any other agreements or instruments contemplated in the Grant Agreement or that are necessary for implementation of the Project?

Yes No

Provide an estimated timeframe for obtaining such authorizations and describe any associated difficulties, including any relevant law or requirements in your corporation's articles of incorporation and bylaws:

If you are a corporation, are you in good standing with the Secretary of State?

Yes No

If no, please explain:

If you are a California Public Utilities Commission (CPUC) regulated utility, have you been subject to any CPUC notices or citations?

Yes No

If yes, please explain:

9. Potential Red Flags

Does the applicant anticipate any issues complying with the requirements in the [EDWG Guidelines](#), including adhering to the recordkeeping guidance outlined in Appendix D?

Yes No

Does the applicant have any doubt whether their governing statutes allow them to finance the project through the funding program?

Yes No

Was there a significant level of protest during the most recent rate setting process?

Yes No

Is there an existing or pending rate rollback initiative on an upcoming ballot, or are there any efforts within the community to initiate a rate rollback? Have rates been rolled back in the past due to a voter initiative?

Yes No

Does the applicant have any conflicting or material obligations, such as obligations material to the project or material to the water system, or obligations that could materially affect the applicant's financial standing, operational capabilities, or legal status?

Yes No

Is the applicant aware of any pending or threatened actions, claims, investigations, suits, or other proceedings that could materially affect the project or the applicant's financial condition, operations, water system, water system revenues, or ability to enter into and comply with a grant agreement for project?

Yes No

Are there any current or prior material events such as bankruptcy, actions taken in anticipation of filing bankruptcy, defaults on material obligations, grand jury investigations or findings, unscheduled draws on reserve funds, or civil, criminal, or administrative investigations or enforcement actions relevant to the water system?

Yes No

Have any of the applicant's key personnel been investigated or indicted for fraudulent activity in the last three years?

Yes No

Has there been or is there currently significant disagreement within the community about the project?

Yes No

Will the project involve a public-private partnership?

Yes No

Is the applicant involved in a Joint Powers Authority or are there agreements with other entities related to the project?

Yes No

Does the applicant expect to use eminent domain to implement the project?

Yes No

Does the applicant anticipate that the plans and specifications will be out for bids before receiving an executed Grant Agreement? Yes No

Will the project impact any cultural resources? Yes No

Will the project impact any species listed in accordance with the California Endangered Species Act? Yes No

Is there any significant controversy related to the project's environmental documents? Yes No

If you answered "yes" to any questions in the Potential Red Flags section above, please explain each individual concern:

10. Conflict of Interest Requirements

Service Provider Contracts

Does the applicant certify that any service provider or contractor will not have any role or relationship with the applicant that, in effect, substantially limits the applicant's ability to exercise its rights, including cancellation rights, under the contract, based on all the facts and circumstances (Grant Agreement Exhibit C.11)? Yes No

If no, please explain:

Conflict of Interest Code

Does the applicant certify that it is a privately-owned entity not subject to statutory conflict of interest requirements? Yes No

The applicant is privately-owned and does not have a Conflict of Interest Code. Yes No

If you answered “yes” to both questions above, proceed to Section 11.

If you answered “no” to either question, please confirm the following:

The applicant is either a public agency or a privately-owned entity that has adopted a Conflict of Interest Code. Yes No

If “yes”, attach a copy of your Conflict of Interest Code.

If “no”, and if the applicant is a public agency, the State Water Board will require a copy of your Conflict of Interest Code prior to any disbursement of funds.

Provide an estimated timeframe for submission:

Compliance Status

If the applicant is a private entity, proceed to Section 11. If the applicant is a public agency, answer the following questions:

Does the applicant certify that it, including its officers, directors, agents, representatives, and employees, comply—and will remain in compliance for the useful life of the Project—with applicable State and federal conflict of interest laws, including but not limited to Government Code Sections 1090 and 87100? Yes No

Does the applicant certify that it its officers, directors, agents, representatives, and employees are not financially interested in any contract made by them in their official capacity or by any body or board of which they are members, and will remain in compliance with Gov. Code, section 1090 throughout the useful life of the Project? Yes No

If you answered “no” to either of the two questions immediately above, provide a detailed explanation and describe the measures that will be implemented to ensure future compliance with these requirements.

11. Certification

I understand that the State Water Board will rely on this signed Self-Certification Form in order to approve funding and that false and/or inaccurate representations in this Self-Certification Form may result in loss of all funds awarded to the applicant for its project. Additionally, for the aforementioned reasons, the State Water Board may withhold disbursement of project funds, and/or pursue any other applicable legal remedy. I certify under penalty of perjury that the information provided on this form is true and correct.

Name of Authorized Representative

Signature

Title

Date