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ARPA Webinar: ARPA Checklist and Reimbursement Changes

March 14, 2023

ARPA Webinar Topics

- Introduction
- New Forms and ARPA checklist
 - General Overview of changes to checklist forms
 - Discussion of each new form and their predecessors
 - New ARPA Checklist and Website reorganization
- New Reimbursement Option
 - Existing Reimbursement Process
 - New Reimbursement Option
- Closing Notes
- Questions

ARPA Checklist: Background

- 1/10/23: ARPA general overview webinar announced the ARPA Checklist
- 1/20/23: ARPA Checklist was sent to all Grant Recipients
- 3/01/23: Streamlined ARPA Checklist and forms were sent to all grant recipients



Why New Forms?

- We wanted to make the checklist simpler and more user friendly for grant recipients.
- We wanted to limit the amount of paper work that communities and their partners had to complete.

What's Changed?

- The **General ARPA Certification** replaced three ARPA checklist forms:
 - The Certification Regarding Debarment and Suspension
 - The Procurement Certification
 - The Anti-Lobby Certification
- The **Revised Certificate as to Title to Project Site** replaced two separate easement forms:
 - The Certificate as to Title to Project Site
 - Applicant Assurance with Respect to Acquisition of Real Property
- Business Entity Certification and Affidavit of Work Authorization
 - The form was updated.

ARPA Checklist Forms

- Three forms have been removed from the ARPA checklist:
 - The Certification Regarding Debarment and Suspension
 - The Procurement Certification
 - The Certification Regarding Lobbying

Certification Regarding Debarment and Suspension

Applicant Name: _____

Project Name: _____

Project No.: _____

SAM.gov UEI No.: _____

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any governmental (federal, state, or local) entity;
- b) Have not within a three-year period preceding this certification been convicted of or had a civil judgment rendered against them for:
 - 1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction;
 - 2) Violation of federal or state antitrust statutes relating to the submission of offers; or
 - 3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c) Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with, commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- d) Have not, within a three-year period preceding this certification, had one or more public transactions (federal, state, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award.

I am able to certify to the above statements.

I am unable to certify to the above statements and attached my explanation.

Typed Name of Authorized Representative

Title of Authorized Representative

Signature of Authorized Representative

Date

Certification Regarding Debarment and Suspension

**Procurement of Architectural and Engineering Services
with DBE Certification Form**

Project Name: _____

FAC Project No.: _____

Missouri Law (Sections 8.285 to 8.291, RSMo) requires that political subdivisions of the State, such as counties, municipalities, and water or sewer districts procuring professional design and engineering services follow a qualifications based selection process.

Federal Law (2 C.F.R. Part 200 Subpart D Procurement Standards) requires that federal funding recipients must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or sub-award. The non-federal entity's documented procurement procedures must conform to the procurement standards identified in [§200.317](#) through [200.327](#).

Federal Law (40 C.F.R. Part 33) requires that federal funding recipients entering into contracts to seek and encourage bids from Disadvantaged Business Enterprises (DBEs). DBEs are for-profit small businesses with at least 51 percent ownership by socially and economically disadvantaged individuals who also control management and daily business operations.

The Missouri Department of Natural Resources' Financial Assistance Center intends applicants seeking financial assistance to use this form in documenting that proper procurement of professional design and engineering services and a good faith effort to solicit DBEs for their project has occurred.

Applicants are required to certify all of the following:

- Made a good faith effort to seek the most-qualified firm for professional services, by seeking a Request for Qualifications (RFQ) from 3-5 firms (see attached example). Allow at least 30 days for the solicitation period. Check your local phone directory, search the internet, or visit www.acecmo.org/membership/acecmo-directory/ to find engineering firms.
 - RFQ attached
- Evaluated the proposals or qualifications and selected a firm based on professional competency, past performance, specialized experience, and other factors deemed critical for success of the project.
- Followed the DBE six good faith efforts for procurement of engineering services.
- Used a documented procurement procedure consistent with State, local, and tribal laws and regulations and the standards identified in 2 C.F.R. §200.317 through 200.327.

Name and Title of Authorized Representative (Please Print or Type)

Signature of Authorized Representative

Date

Procurement Certification

- RFQ was requested as an accompanying document to this certification
- NOTE: The RFQ is no longer required.





This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2030-0020). Responses to this collection of information are required to obtain an assistance agreement (40 CFR Part 30, 40 CFR Part 31, and 40 CFR Part 33 for awards made prior to December 26, 2014, and 2 CFR 200, 2 CFR 1500, and 40 CFR Part 33 for awards made after December 26, 2014). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to average 0.25 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2811T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

ARPA Project Number

CERTIFICATION REGARDING LOBBYING

CERTIFICATION FOR CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Typed Name & Title of Authorized Representative

Signature and Date of Authorized Representative

Certification Regarding Lobbying

- Has an accompanying form: Disclosure of Lobbying Activities form.



General ARPA Certification Form

Participant Name: _____

Project No.: _____ SAM.gov UEI No.: _____

The participant and its principals certify that all statements in the following sections are true to the best of its knowledge and belief, and acknowledge the certifications shall be treated as a material representation of fact in consideration of this grant award.

Section 1: Debarment and Suspension

Participant:

1. Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any governmental (federal, state, or local) entity;
2. Has not within a three-year period preceding this certification been convicted of or had a civil judgment rendered against them for:
 - 1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction;
 - 2) Violation of federal or state antitrust statutes relating to the submission of offers; or
 - 3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Is not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with, commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
4. Have not, within a three-year period preceding this certification, had one or more public transactions (federal, state, or local) terminated for cause or default.
5. Is compliant with Executive Order 12549, 2 C.F.R. Part 180, and 2 C.F.R. Part 1532 regarding Debarment and Suspension.
6. Has obtained or will obtain this certification from all engineers, contractors, or subcontractors working on this project, prior to entering into an award agreement with the department.
7. Has checked or will check SAM.gov to ensure all engineers, contractors, and subcontractors are compliant with these requirements.

Section 2: Procurement of Engineering

Participant:

1. Has complied with Missouri Law (Sections 8.285 to 8.291, RSMo) and Federal Rules (2 C.F.R. Part 200 Subpart D Procurement Standards and 40 C.F.R. Part 33) when soliciting services,

General ARPA Certification Form

- This form consolidated the previous three forms.

Easement/Real Estate Forms

- Historically there were two forms related to easements and the acquisition of Real Property.
 - The Certificate as to Title to Project Site
 - Applicant Assurance with Respect to Acquisition of Real Property
- These forms are completed by the Grant Recipient's attorney.



CERTIFICATE AS TO TITLE TO PROJECT SITE
(Uniform Relocation Act Certification of Title to Site)

Project No. _____

I _____, Attorney at Law
representing the _____, as title counsel,
do hereby certify:

1. That I have investigated and ascertained the location of, and am familiar with the legal description of the site or sites being provided by the applicant for all elements (including distribution lines, collection lines, storage facilities, wells, treatment plants, lagoons and appurtenances) of the Missouri State Revolving Fund project under 49 CFR Subtitle A, Subpart A – General and Subpart B – Real Property Acquisition, identified as project No. _____, to be constructed and maintained in and upon such site or sites.

2. That, if not previously submitted, I am attaching a legal description of the site or sites on which the treatment facility is to be constructed. (Description of rights of way and easements for water mains are not required, but such rights of way and easements are covered by this title opinion.)

3. That I have examined the deed records of the county or counties in which such project is to be located and, in my opinion, the applicant has a legal and valid fee simple title to the site of the project, including necessary easements and rights of way; or such other interest, less than fee simple and fully described below, including terms as to duration or termination, sufficient to assure undisturbed use and possession for the purposes of constructing and operation of the project; and in the case of projects serving more than one municipality, that the participating communities have such interests or rights sufficient to assure their undisturbed utilization of the project.

4. Said acquisition was conducted in accordance with 49 CFR Part 24; including that:

(Place a checkmark in the box beside as many of the following statements as are appropriate. At least one statement must be checked; it is possible that more than statements could be applicable.

- A. Property was appraised by a qualified appraiser in accordance with nationally recognized appraisal standards; review appraisal was conducted, also by a qualified individual; and both were performed prior to initiation of negotiations;

Certificate as to Title To Project Site





MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM
FINANCIAL ASSISTANCE CENTER
CLEAN WATER STATE REVOLVING FUND

Applicant Assurance with Respect to Acquisition of Real Property Including Easements Prior to Award of Loan

Please check the appropriate box(es) and provide any appropriate explanation.

We hereby certify that with reference to the Wastewater Treatment Project Number
_____ for the _____
(Legal Name of Recipient)

- All necessary real property including easements has been acquired.

- Bonafide options have been taken on all necessary real property, including easements.

- Formal condemnation proceedings have been initiated for necessary real property, including easements.

Recipient's Attorney

Authorized Representative of Recipient

Date

Date

NOTE: Both signatures are required.

Applicant Assurance with Respect to Acquisition of Real Property



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES



Certificate as to Title to Project Site (Revised)
Adequate Title and Uniform Relocation Act

ARPA Project No. _____.

I _____, Attorney at Law
representing the _____, as title counsel,
do hereby certify:

Section 1: Adequate Title to Project Site (complete section 1 only if grant funds not
being used to acquire property)

_____ I have examined the deed records of the county or counties in which such project
is to be located and, in my opinion, the applicant has a legal and valid fee simple title
to the site of the project, including necessary easements and rights of way; or such
other interest, less than fee simple and fully described below, including terms as to
duration or termination, sufficient to assure undisturbed use and possession for the
purposes of constructing and operation of the project; and in the case of projects
serving more than one municipality, that the participating communities have such
interests or rights sufficient to assure their undisturbed utilization of the project.

Section 2: Certification related to Acquisition (complete sections 1 and 2 if title is
being acquired with project funds)

1. That I have investigated and ascertained the location of, and am familiar with
the legal description of the site or sites being provided by the applicant for all elements
(including distribution lines, collection lines, storage facilities, wells, treatment plants,
lagoons and appurtenances) of the DNR American Rescue Plan Act (ARPA) project
under 49 CFR Subtitle A, Subpart A – General and Subpart B – Real Property
Acquisition, to be constructed and maintained in and upon such site or sites.

2. That, if not previously submitted, I am attaching a legal description of the site
or sites on which the treatment facility is to be constructed. (Description of rights of way
and easements for water mains are not required, but such rights of way and easements are
covered by this title opinion.)

3. Said acquisition was conducted in accordance with 49 CFR Part 24; including
that:

**(Place a checkmark in the box beside as many of the following statements as are
appropriate. At least one statement must be checked; it is possible that more than
statements could be applicable.**

Revised Certificate as to Title to Project Site

- This form replaced the previous two Forms



**BUSINESS ENTITY CERTIFICATION, ENROLLMENT DOCUMENTATION,
AND AFFIDAVIT OF WORK AUTHORIZATION**

BUSINESS ENTITY CERTIFICATION:

The vendor must certify their current business status by completing either Box A or Box B or Box C on this Exhibit.

BOX A:	To be completed by a non-business entity as defined below.
BOX B:	To be completed by a business entity who has not yet completed and submitted documentation pertaining to the federal work authorization program as described at https://www.e-verify.gov/ .
BOX C:	To be completed by a business entity who has current work authorization documentation on file with a Missouri Department including Office of Administration, Division of Purchasing.

Business entity, as defined in section 285.525, RSMo, pertaining to section 285.530, RSMo, is any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood. The term "business entity" shall include but not be limited to self-employed individuals, partnerships, corporations, contractors, and subcontractors. The term "business entity" shall include any business entity that possesses a business permit, license, or tax certificate issued by the state, any business entity that is exempt by law from obtaining such a business permit, and any business entity that is operating unlawfully without such a business permit. The term "business entity" shall not include a self-employed individual with no employees or entities utilizing the services of direct sellers as defined in subdivision (17) of subsection 12 of section 288.034, RSMo.

Note: Regarding governmental entities, business entity includes Missouri schools, Missouri universities, out of state agencies, out of state schools, out of state universities, and political subdivisions. A business entity does not include Missouri state agencies and federal government entities.

BOX A – CURRENTLY NOT A BUSINESS ENTITY	
I certify that _____ (Company/Individual Name) DOES NOT CURRENTLY MEET the definition of a business entity, as defined in section 285.525, RSMo pertaining to section 285.530, RSMo as stated above, because: (check the applicable business status that applies below)	
<input type="checkbox"/> - I am a self-employed individual with no employees; OR	
<input type="checkbox"/> - The company that I represent employs the services of direct sellers as defined in subdivision (17) of subsection 12 of section 288.034, RSMo.	
I certify that I am not an alien unlawfully present in the United States and if _____ (Company/Individual Name) is awarded a contract for the services requested herein under _____ (IFB Number) and if the business status changes during the life of the contract to become a business entity as defined in section 285.525, RSMo pertaining to section 285.530, RSMo then, prior to the performance of any services as a business entity, _____ (Company/Individual Name) agrees to complete Box B, comply with the requirements stated in Box B and provide the Department with all documentation required in Box B of this exhibit.	
_____ Authorized Representative's Name (Please Print)	_____ <i>Authorized Representative's Signature</i>
_____ Company Name (if applicable)	_____ Date

Business Entity Certification and Affidavit of Work Authorization

- A revised version of this form was uploaded to the ARPA website.
- The new form is very similar to the previous form.

ARPA Webpage: Reorganization

Applicable to All Construction Programs: Drinking Water, Wastewater, Stormwater, and Legislative Priority (Not Lead Service Line Inventories)

Webinars

- ▶ [ARPA Webinar Slides](#)
- ▶ [ARPA Webinar](#)

ARPA Checklist

- ▶ [Streamlined ARPA Checklist](#)

Checklist Documents for Grant Recipients

- ▶ [General ARPA Certification - NEW](#)
- ▶ [Business Entity Certification and Affidavit of Work Authorization - UPDATED](#)
- ▶ [Disclosure of Lobbying Activities](#)
- ▶ [Revised Certificate as to Title to Project Site - NEW](#)

Checklist Documents for Engineering Firms

- ▶ [Business Entity Certification and Affidavit of Work Authorization - UPDATED](#)
- ▶ [Certificate Regarding Debarment and Suspension](#)
- ▶ [ARPA Engineering Contract Review Checklist](#)
- ▶ [ARPA Plans and Specifications Review Checklist](#)

Link to the Webpage

<https://moarpa.mo.gov/additional-resources-dnr/>



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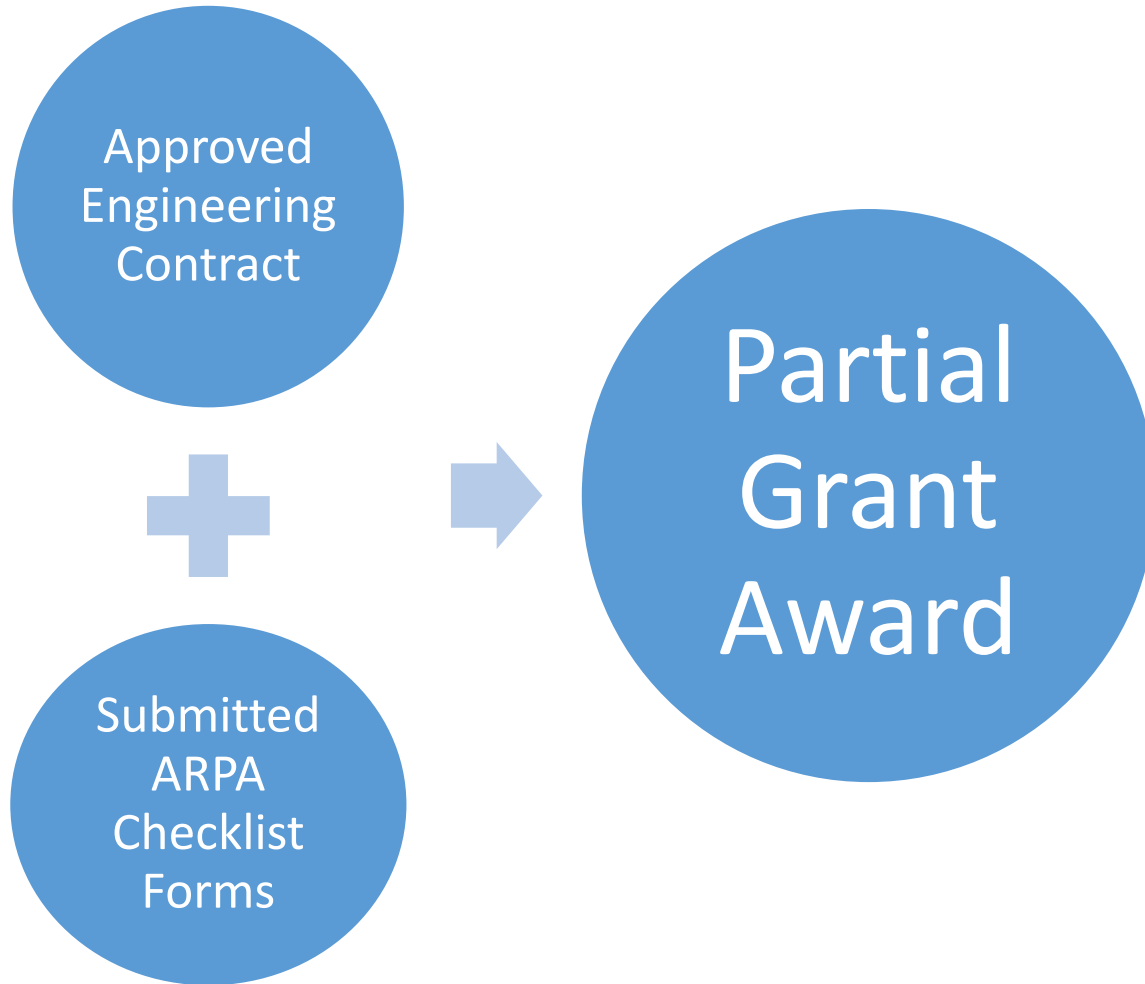
ARPA Document Submittal Checklist

CHECKLIST	SUBMITTAL TIMELINE			
	WITH APPLICATION	AFTER SCORING and PRIOR TO PARTIAL AWARD	AFTER PARTIAL AWARD AND PRIOR TO FULL AWARD	AFTER FULL AWARD AND PRIOR TO CONSTRUCTION COMPLETION
Application	X			
Resolution for Authorized Representative	X			
Facility Plan/Engineering Report (if needed)	X (if completed)			
Applicant Assurance of Local Cost Share	X			
A. General ARPA Certification - NEW		X		
B. Business Entity Certification, Affidavit of Work Authorization and E-Verify MOU - UPDATED		X		
C. Disclosure of Lobbying Activities (if applicable)		X		
Procurement and Engineering Agreement				
--- Engineering Contract Agreement		X		
--- B. Engineer's Business Entity Certification, Affidavit of Work Authorization, and E-Verify MOU		X		
--- D. Certificate Regarding Debarment and Suspension Form		X		
E. Intermunicipal Agreement (if applicable) (this will not be common for most recipients)				
F. Revised Certificate as to Title to Project Site - NEW			X-if two cities are connecting	
G. Construction Permit Application & Fee (N/A for stormwater)			X	
H. Plans and Specifications (If applicable)				
---Contract 1			X	
---Contract 2			X	
I. Bid Documents				
---Affidavit of Publication or Proof of Solicitation			X	
---Bid Tab			X	
---Bid Form			X	
---Recommendation of Award from Grant Recipient			X	
---Addenda and Bidders Acknowledgement			X	
---Affidavit of Work Authorization from Contractor			X	
---Contractor's Business Entity / E-Verify MOU			X	
---Domestic Products Procurement Act Certification			X	
J. Executed Construction Contract				X
K. Notice to Proceed				X
L. Affidavit of Compliance with the Prevailing Wage Law (before final payment)				X

What if I already submitted my ARPA Checklist forms?

- If you already submitted the older forms you do not need to submit the new consolidated forms. The older forms are perfectly acceptable.
- If you are in the process of signing or completing the older forms you are welcome to submit them. You are not required to submit the new versions.
- New forms are merely simpler options.

Partial Grant Award



- Partial award will only be made for the value of the engineering contract
- Once partial award is signed by both recipient and Department, recipient will be able to submit reimbursement requests for engineering
- Once bidding is complete, the partial award will be amended to include funds for construction

Reimbursements

Invoice Based Process

Advanced Payment Option

Invoice Based Reimbursement Process



- Following partial or full grant awards, grant recipients will submit reimbursement requests through the ARPA Portal
- All reimbursements must be supported by invoices (Paid or Unpaid) from engineers, contractors, or suppliers
 - Invoices are to be uploaded to ARPA Portal
- Recipients can request reimbursement once per calendar month

Reimbursements Continued

- Grant recipients are expected to pay a proportional amount of each pay request based on committed local cost share
 - Percentages will be indicated on grant award
- For example, a \$1,000,000 project: A community received an \$800,000 ARPA grant and committed \$200,000 in local cost share
 - First reimbursement request is for \$100,000
 - The state will reimburse \$80,000 (80%) and recipient will pay \$20,000 (20%) from local cost share

New Advance Payment Option



- After completing the grant award, grant recipients can request a one time advance payment of up to 25% of the total value of their grant.
- Once approved, funds will be released to the grant recipient.
- As project invoices are paid with the advanced funds, the grant recipient will upload the invoices to the ARPA portal.

Advance Payments Cont.

- The grant recipient will need to upload a current project budget detailing the full cost of the project with the advance payment request.
- Once invoices have been submitted documenting that all advance payment funds have been spent, the grant recipient can begin requesting reimbursement through the invoice based method, once per month.

Advance Payments Cont.

- Advance payment funds must only be spent on **ELIGIBLE PROJECT COSTS**
 - Spending advance payment funds on ineligible expenses could result in the Department withholding all or a portion of the grant funds or the Department terminating the grant.



What's Coming Next?

- Information on completing the grant award process for partial awards
- Information on submitting reimbursement requests in the portal

Questions?

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Photo credits: John Overstreet, Mike Logston, and The Missouri Department of Natural Resources