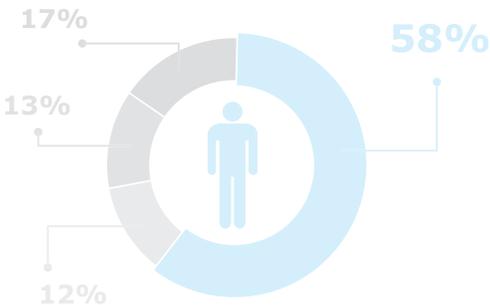


# CDBG Economic Development Infrastructure Financing

COMMUNITY DEVELOPMENT



**OKLAHOMA**  
DEPARTMENT OF COMMERCE



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**2016 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
ECONOMIC DEVELOPMENT INFRASTRUCTURE FINANCING (EDIF)**

**APPLICATION GUIDE**

**INTRODUCTION**

The purpose of this Application Guide is to provide guidance in preparing an application for Community Development Block Grant (CDBG) Economic Development Infrastructure Financing (EDIF) assistance. Complete information is required in order for the Oklahoma Department of Commerce/Community Development (ODOC/CD) to make an analysis of requests for funding.

The CDBG Program is authorized under Title I of the Housing and Community Development Act of 1974, as amended. Oklahoma's CDBG program is administered by ODOC and is designed to provide infrastructure financing to eligible units of local government for the benefit of new or expanding industries. Eligible units of local government sponsor applications for public infrastructure financing on behalf of private businesses that will create jobs resulting from the improvements. A CDBG award is in the form of a grant. The unit of local government is responsible for ensuring that the proposed project meets the funding criteria, and all applicable state and federal rules and regulations.

**NATIONAL OBJECTIVE**

The national objective of this program is *“the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities principally for persons of low and moderate income (LMI)”*. The State program will achieve this national objective by funding projects that primarily create jobs for LMI persons, defined as multi- or single-person households having incomes equal to or less than 80% of the county median income. Income levels are defined by the U.S. Department of Housing and Urban Development (HUD) under the provisions of 24 CFR Part 813 for the Section 8 Housing Assistance payment programs (refer to Attachment H for income ranges).

**ELIGIBLE ENTITIES**

Eligible applicants are units of local government (incorporated towns, cities, and counties) that are **not** HUD participants in the CDBG Entitlement Program. Oklahoma's entitlement cities are Edmond, Enid, Lawton, Midwest City, Moore, Norman, Oklahoma City, Shawnee, and Tulsa as well as the units of local government participating in the CDBG Urban County Designation for Tulsa County which consists of the following:

City of Bixby	City of Jenks	Town of Skiatook
City of Broken Arrow	City of Owasso	Town of Sperry
City of Collinsville	City of Sand Springs	Unincorporated Tulsa County
City of Glenpool	City of Sapulpa	

An eligible applicant should also be the unit of government having jurisdiction over the maintenance and operation of the proposed activities, and owning the infrastructure improvements.

## **FINANCING OPTION:**

The amount requested should be the minimum amount necessary to make the project feasible. Project cost estimates should be as accurate as possible due to limited resources.

## **Business Expansions and Targeted Industries**

- Targeted towards assisting Oklahoma existing companies' expansion efforts.
  
- Targeted industry group (i.e., alternative energy, agribusiness, aerospace, defense, or other advanced manufacturing), with the new jobs being Quality Job Eligible in terms of health insurance (as long as the company has a plan to meet the National Objective of benefit to low and moderate income persons).
  
- Maximum Grant Amount is \$1,000,000 based upon jobs and leverage.
  
- 110% of the Average County Wage for all new jobs. If the project does not meet the 110% ACW, the following three criteria may be considered:
  - Established Company – in business for at least 10 years.
  - County unemployment is higher than the state average.
  - Wages are no lower than the ACW.

## **USES OF FUNDS**

CDBG funds can only be provided where the applicant owns, maintains, and operates the improvements. Typical uses of funds include, but are not limited, to the following:

- Acquisition of real property for public ownership and maintenance;
- Acquisition of public facilities for public ownership and maintenance (except for buildings used for the general conduct of government);
- Construction of public facilities;
- Installation of public facilities;
- Reconstruction of publicly owned and maintained industrial buildings or structures and other industrial real property;
- Rehabilitation of publicly owned and maintained industrial buildings or structures and other industrial real property;
- Publicly owned Fiber Optic lines; and
- Reasonable cost of administration up to a maximum of \$15,000.

If acquisition of real property is proposed as a part of the project, federal acquisition and relocation requirements become applicable. This in turn may impact proposed project costs.

## INELIGIBLE USES OF FUNDS

Inappropriate uses of CDBG funds include, but are not limited to, the following activities:

- Relocating economic activity from one Oklahoma community to another when CDBG funds are the primary motivation factor;
- Refinancing existing debt;
- Financing a loan pool or projects based on speculation (a specific business creating new jobs is required);
- Using CDBG funds as a subsidy or substitution for other financing that may be reasonably assumed available;
- Funding infrastructure improvements that are not directly related to the industry being assisted;
- Financing a project in which the CDBG assistance is not the determining factor for project completion;
- Financing a project in which the projections for permanent job creation represent an unreasonable expectation;
- Application for CDBG-EDIF funds will not be considered if project construction has commenced prior to application submittal.
- Using CDBG funds for bad debts, contingencies, contributions and donations, entertainment, fines and penalties, government expenses, interest and other financial costs, legislative expenses, and under recovery of costs under other grant agreements; or
- Financing a project before committing any prior project's accumulated program income. Program income is defined as gross income that is received by either a recipient or sub-recipient and has been directly generated from the use of CDBG funds.
- Beginning construction of the project before the CDBG funds are awarded.
- Reimbursement of CDBG funds is an ineligible use of funds.
- Funding is not for the benefit of retail, private prisons, or educational institutions.
- Start-up Businesses will not be considered unless the company has cash capitalization of at least 25% of the company's project cost.
- A company can be the beneficiary of only one CDBG-EDIF project at a time. All projected jobs must be created and the project must be closed out before a company can benefit from another CDBG-EDIF project.

If you have any questions or concerns regarding an ineligible use of the funds, ODOC encourages you to contact the personnel identified in the Technical Assistance section of this guide.

## **TECHNICAL ASSISTANCE**

Technical Assistance regarding project concepts, eligible projects, application guidelines, and other information pertaining to the CDBG Program is available upon request and encouraged. Questions may be directed to Karen Adair, 1-800-879-6552 extension 5363 or 405-815-5363. Email address: [karen\\_adair@okcommerce.gov](mailto:karen_adair@okcommerce.gov)

## THRESHOLD REQUIREMENTS

The following minimum requirements must be met before an application will be reviewed:

1. At least 51% of the jobs to be created will be held by or made available to persons who qualify as LMI persons.
2. Proof that citizen participation requirements have been met, as evidenced by an application phase public hearing, and creation and adoption of a written Citizen Participation Plan ([Sample Attachment A and B](#))
3. One (1) new dollar from other sources must be committed as financial leverage for every CDBG-EDIF dollar requested. Financial leverage is defined as new money, recently contributed to the project for the express purpose of implementing the proposed project. **Financial Leverage must be committed and in place with supporting documentation at the time of application submittal.** The source of the new money may be cash or other valuable consideration, e.g., land, bank loans, proceeds from the sale of stocks or bonds or loans from other public agencies. Private and public investments that do not qualify as financial leverage are existing net worth, existing debt, future operating expenses, and inventory. Additionally, In-Kind Leverage is ineligible.

Written copies of promissory notes, leases, loan and security agreements, bank statements, and other evidence of receipt of funds will be required to document financial leverage.

4. At least one (1) permanent job will be created for every \$35,000 of CDBG funds requested. Lower costs per job ratios are encouraged.
5. The proposed use of CDBG funds must be allowable, allocable, reasonable, and appropriate. These criteria are defined as follows:

Allowable Costs must be necessary and reasonable for proper and efficient administration of the CDBG program. The costs may not be a general expense required to carry out the overall responsibilities of State, local or federally recognized Indian tribal governments. The costs must be authorized or not prohibited under State or local laws or regulations and must conform to any limitations or exclusions set forth in Federal laws, or other governing limitations as to the types or amounts of cost items. The costs must be consistent with policies, regulations, and procedures that apply uniformly to both federally assisted and other activities of the unit of government of which the Grantee is a part. The costs must be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances. The costs must not be allocable to or included as a cost of any other financed program in either the current or a prior period and must be net of all applicable credits.

Allocable Costs are any costs allocable to a particular grant or cost objective under the principles provided for in the OMB Circular A-87. These costs may not be shifted to other Federal grant programs to overcome fund deficiencies, avoid restrictions imposed by law or grant agreements or for other reasons.

Reasonable and Appropriate projects are those activities that show a clear link between the desired infrastructure improvement activities and the creation of permanent jobs. The reasonableness of proposed project costs is reasonable and consistent with third party fair market prices for that activity.

6. All Towns and cities (Counties are exempt) must submit a copy of the FY 2015 audit or most recent audit or the agreed upon procedures (*OK Grants-On Line Completion Only*)

If the city or town receives less than \$25,000 in annual revenues from its normal business the city or town cannot apply directly to ODOC. The city or town can apply only by having the local County apply on their behalf, if the County chooses to do so. Nothing contained herein mandates a County to act as an accommodating party. Any applications by a County to act as an accommodation for a city or town that does not have \$25,000 in annual revenues from its normal business, will not count against the County's open contract maximum.

7. Applicants must provide responses to all application form questions and satisfy all documentation requirements delineated in this guide.

ODOC shall have sole discretion in the determination of the acceptability of the applicant's application and adherence to the threshold criteria. ***Failure to meet the Threshold Requirements will result in the rejection of the application.***

## EVALUATION CRITERIA

Projects will be evaluated and a funding decision reached as expeditiously as possible. However, project evaluation will depend on the applicant satisfactorily completing the application and all information requested by ODOC.

Economic development projects may be approved where a community development project is in existence. **Funds cannot be used to relocate economic activity from one Oklahoma community to another when CDBG funds are the primary motivation factor.** Applicant will be asked to justify request when relocation is an issue. Eligible entities are strongly encouraged to apply only for the minimum financing necessary to make the project a reality. Projects must have other new leverage dollars in place or currently applied for.

Applications meeting the aforementioned requirements shall be evaluated based upon the following criterion. The state will review and underwrite applications to determine if, and to what extent, the criterion are met. Each application will stand on its own, and the strengths or weaknesses of the applicant's claim will be evaluated. A determination will be made by ODOC as to the likelihood or reasonableness of the claims made by the applicant becoming a reality. The criterion are prioritized according to relative importance to the State.

In the event that the funding levels reach 75% expended, the Evaluation Criterion Point System will be the determining funding tool of CDBG-EDIF requests. All projects (currently under review and any new applications received) at this point, who meet Eligibility, Threshold and Completeness review will be funded based on the highest points achieved on the Evaluation Criterion Point System until the CDBG-EDIF funds are exhausted. Once funds are exhausted, all applications not funded will be returned to the applicant.





# APPLICATION REQUIREMENTS

## SECTION I APPLICANT REQUIREMENTS

All applications for CDBG-EDIF assistance must include the following information:

### A. Application Summary (*OKGrants Form*)

This form must be completed with the chief elected official of the applicant, the chief executive officer of the business, and the packager information prior to submission.

### B. Citizen Participation Plan (*Upload to OKGrants-Attachment A*)

All applicants, prior to making application for CDBG assistance, **must** complete and document the following requirements: (1) create and adopt a Written Citizen Participation Plan, and (2) hold an application phase public hearing regarding the CDBG Program. Citizen Participation Plans are to be adopted first followed by the public hearing held in accordance with the adopted plan.

Citizen Participation Plans must be officially adopted and followed throughout the life of a project. Re-stating the Citizen Participation Plan outline requirements does not constitute a valid plan. Applicants must clearly state the actions they will undertake to meet the requirements of a Written Citizen Participation Plan. Sample Citizen Participation Plans are available through ODOC/CD. Applicants may use prior years Citizen Participation Plans provided that the previously adopted plan has been reviewed and updated as needed to adequately support the proposed project. See Attachment A for a sample Citizen Participation Plan.

Acceptable documentation of the application phase Public Hearing consists of the affidavit of publication, official posting announcing where and when the hearing is to be held along with a listing of the posting locations (posting is an acceptable method of advertising only where it is the standard method used by a unit of local government to provide notice of official meetings, or a copy of the newspaper article announcing the public hearing) and certified copy of minutes covering the comments made at the Public Hearing. ***Documentation for the application phase Public Hearing must be Uploaded to OKGrants with the application.*** See *Attachment B* for a sample Public Hearing Notice, and *Attachment C* for a sample Resolution.

***ODOC/CD recommends that no less than seven (7) to ten (10) working days be given as advance notice of the application phase Public Hearing or any subsequent public meetings held for the purpose of discussing project activities as they relate to the Community Development grant funds.***

## **Elements of the Citizen Participation Plan**

*All written Citizen Participation Plans must explain how an Applicant unit of local government will:*

1. Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in areas where CDBG funds are proposed to be used.
2. Ensure citizens will be given reasonable and timely access to local meetings, information and records relating to the unit of local government's proposed and actual use of the CDBG funds; including, but not limited to, the following:
  - The amount of CDBG funds expected to be made available for the current fiscal year if the project is approved;
  - The range of activities that may be undertaken with CDBG funds;
  - The estimated amount of CDBG funds proposed to be used for activities that will meet the National Objective of benefit to low and moderate income persons;
  - The proposed CDBG activities likely to result in displacement and the sponsoring unit of local government's anti-displacement and relocation plans developed in accordance with Section 104(d)(1) and (2) of the Act; and
  - The basis on which the sponsoring unit of local government may provide technical assistance to groups' representative of persons of low and moderate income that request assistance in developing proposals. The level and type of assistance to be provided is at the discretion of the sponsoring unit of local government. Such assistance need not include providing funds to such groups.
3. Provide for a minimum of two (2) public hearings; one prior to submission of the application for funding of the project that favors the purpose of obtaining citizens' views and formulating or responding to proposals and questions; the other at the end of the grant period if the Applicant receives funding that discusses Grantee performance. There must be reasonable notice of the public hearings (ODOC suggests seven (7) to ten (10) days), and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped.
4. Meet the needs of non-English speaking residents in the case of public hearings where a significant number of non-English speaking residents can reasonably be expected to participate.
5. Provide citizens with reasonable advance notice (ODOC suggests seven (7) to ten (10) days), and the opportunity to comment on proposed activities not previously described in a unit of local government's funding request and activities which are proposed to be deleted or substantially changed in terms of purpose, scope, location or beneficiaries. Substantially changed means changes made in terms of purpose, scope, location or beneficiaries.

6. Provide the place, phone numbers, and times where and when citizens are able to communicate when submitting written complaints and grievances and the process the unit of local government will use to provide for a timely written answer to written complaints and grievances (within fifteen (15) working days where practicable).

After the written Citizen Participation Plan has been adopted, the application phase public hearing must be held. The hearing shall discuss, at a minimum, the following items:

- Community and economic development and housing needs;
- CDBG Program purpose, i.e., meeting the National Objective by creating jobs primarily for families defined as LMI.
- The development of proposed activities.

Applicants are required to submit both their adopted written Citizen Participation Plan and documentation of the application phase public hearing as a part of their application materials.

**C. Section 102 Disclosures and Certification** ([Upload to OKGrants -Attachment D](#))

**D. Project Description** (*OKGrants Form*)

**E. Detailed Line Item Budget** (*OKGrants Form*)

Itemize all sources and uses of funds and provide the requested information on the second page of the form.

**F. Benefiting Multiple Business Disclosures**

Each business that benefits from the proposed activity(ies) will be required to submit the documents listed in the *"Application Requirement/Benefiting Business Requirements"* section of this guide. Each business will also be subject to providing quarterly job reports to the applicant.

## SECTION II BENEFITING BUSINESS REQUIREMENTS

### A. Proposed Staffing Plan *(OKGrants Form)*

- Only Full-Time Equivalent (FTE) permanent jobs may be considered. FTE is defined as follows:

Part-time and seasonal employment positions should be converted to percentages of a full-time equivalency utilizing 1,600 total hours per year. The following conversion formula is to be used when calculating FTE.

$$\frac{\text{hrs per year}}{1600 \text{ total hours per year}} = \text{Full-Time Equivalency}$$

Example:  $\frac{1,200 \text{ hrs per year}}{1600 \text{ total hours per year}} = 0.75 \text{ Full-Time Equivalency}$

Projects that benefit more than one (1) business must provide a Staffing Plan for each business.

B. **Financial Information from the benefiting business(es) ([Upload to OKGrants - Attachment E-Balance Sheet/Profit & Loss Statement](#))** If the benefiting business(es) has been in operation for at least three (3) years and has three (3) complete years of historical statements, then the business will submit Attachment E, signed by the president of the business. If the business receives a score of seven (7) or more, it will be assumed that there is a reasonable likelihood that the projected jobs will be created. If the business receives a score of less than seven (7), the business will have the opportunity to submit additional documentation and information to support its claim of the new jobs being created.

**If the business(es) has been in operation for less than three (3) years, then the following information is required. From the following requested items, the reviewer shall be able to conclude that the business has a reasonable likelihood of achieving the projected job creation goals. [The following information must be Uploaded in the OK Grants System in the Upload Section:](#)**

***Benefiting Business' Business Plan***—At a minimum, the Business Plan must consist of the benefiting business' financial condition and a marketing, management, and business operation's analysis. A thorough analysis will be used as an indication of the business' preparedness and potential for the new jobs to be created. The required financial documentation is as follows:

- Interim Balance Sheets and Profit and Loss Statements dated not more than sixty (60) days from the date of the application
- Pro Forma Balance Sheet, Profit and Loss Statement, and Cash Flow Analysis for the next three (3) years, in the following format (identify, in detail, the underlying assumptions used in preparing the projections):
  - First year, month-by-month with year-end totals
  - Years two and three, quarterly, with year-end totals
- Inventory Cycle Statement
- Payroll Cycle Statement
- Break-Even Analysis
- Copies of Lease Agreements if the company is renting office space, plant space, or equipment. Copies of leases or proposed leases on a building or equipment.
- Sales Assurances

***If an existing business is being purchased, additional information will be required. Please contact our offices for a listing of needed additional information.***

## APPLICATION SUBMISSION

ODOC/CD accepts economic development applications throughout the year **beginning April 1, 2016**. **Applications must be submitted online at the following OKGrants web address: <https://grants.ok.gov>**. There are no specific application deadlines. However, ODOC/CD reserves the right to suspend taking applications at any time without notice. Projects will be evaluated and a decision reached as expeditiously as possible depending upon the satisfactory completion of the application. Projects will be funded in order of submission of ***complete*** applications. Documents other than those specified in this guide may be requested at the discretion of ODOC/CD. ODOC/CD also reserves the right to negotiate with the applicant to realign or change proposed project budgets in an application to determine which activities CDBG funds are to be spent on, and special conditions related to contract award.