

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2015 | 2016 | 2017 | 2018 | 2019 |
|----------------------------|----------|------|------|------|------|
| Capital Expenditures | | | | | |
| Operating Costs | | | | | |
| External Revenues | | | | | |
| Program Income | | | | | |
| In-Kind Match (County) | | | | | |
| NET FISCAL IMPACT * | <i>0</i> | | | | |

| | | | | | |
|---|--|--|--|--|--|
| # ADDITIONAL FTE POSITIONS (Cumulative) | | | | | |
|---|--|--|--|--|--|

Is Item Included In Current Budget? Yes _____ No _____

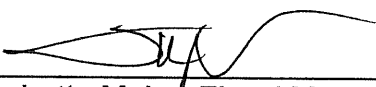
Budget Account No.:

Fund _____ Dept _____ Unit _____ Object _____ Program Code/Period _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

* No fiscal impact at this time. Palm Beach County will receive compensation for providing technical assistance and preparation and management of the grant should it be awarded. The amount of compensation is yet to be determined.

C. Departmental Fiscal Review:



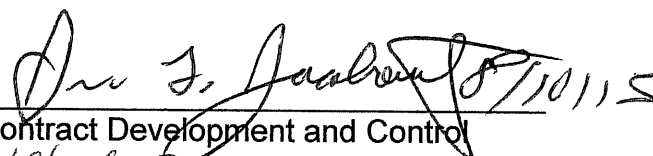
 Shairette Major, Fiscal Manager II

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:



 OFMB *8/17*



 Contract Development and Control
8/10/15

B. Legal Sufficiency:



 Assistant County Attorney

C. Other Department Review:

 Department Director



UNITED STATES DEPARTMENT OF COMMERCE
Economic Development Administration
Atlanta Regional Office
Suite 1820
401 West Peachtree St., N.W.
Atlanta, Georgia 30308-3510

July 31, 2015

In reply refer to:
EDA Control No. 109141

Mr. Michael Bornstein
City Manager
City of Lake Worth
7 North Dixie Highway
Lake Worth, FL 33460-3725

Dear Mr. Bornstein:

The Economic Development Administration (EDA) is pleased to congratulate the City of Lake Worth on your application for the Lake Worth Park of Commerce infrastructure improvements being selected through EDA's competitive application review process for further consideration for funding. Please note that this notification of further consideration is intended to inform you of EDA's competitive preliminary selection of your project for this funding cycle, **but does not guarantee final approval or legally bind EDA to make an award. Subject to the appropriation and availability of funds for FY16**, the proposed project, estimated to cost \$5,426,600 will be considered for \$1,389,100 in EDA funding under the Public Works program, authorized under section 201 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. Section 3121 *et seq.*).

By acceptance of this letter for further consideration of your application you agree to provide the additional information requested below, and any further information requested, and acknowledge that final approval and the timing of that approval are subject to EDA's acceptance of the information and the availability of funding.

Additional Information: Provide the following information to Jonathan Corso by September 4, 2015:

- Certificate of Eminent Domain and Attorney Verification on property to be improved. A suggested certification format is enclosed;
- Clarification on response to question M.6.e in form ED 900 as to any prior use of eminent domain;
- Evidence of easements;
- Palm Beach County added as a co-applicant. Please execute and submit:
 - Application form Standard Form (SF) 424;
 - Certification Regarding Lobbying, CD 511;
 - Construction Assurances SF 424D;
 - Additional Construction Assurances Exhibit D; and
 - Environmental Appendix A;
- Proof of renewal/re-activation of SAM registration for the City of Lake Worth (expires 9/18/15);

ATTACHMENT 1



- Proof of SAM registration for Palm Beach County;
- Comments from the State Clearinghouse to comply with Executive Order 12372 (Ref. ED 900 A.11);
- Public Notice – NEPA: To comply with the public participation requirements of the National Environmental Policy Act of 1969, as amended (NEPA), EDA requires applicants to provide notice to the local public regarding the project and the availability of NEPA documents. Enclosed is a template for public notification. Provide proof of public notification including dates of publication and the notice. Contact Keith Dyche, EDA Regional Environmental Officer at 404-730-3029 if assistance is needed prior to publication;
- Comments from the State Historic Preservation Officer (SHPO). Provide the SHPO with information regarding the EDA project and the proposed beneficiary property and facilities so that SHPO may confirm the appropriate area of potential effect. Please provide EDA with a copy of your submittal as soon as available;
- Comments from the US Fish and Wildlife Service on the proposed EDA project and the beneficiary's project;
- Sole source aquifer impact determination from EPA. For submittal information, please see: <http://www.epa.gov/region4/water/groundwater/r4ssa.html> ; and
- Contact information on the person who will be responsible for GPRA over a nine year period, and mechanism to track private beneficiary jobs and investment data and standard additional information as listed in the application that has not been previously submitted.

The information requested above will supplement your application and enable EDA to proceed with processing your application. Failure to meet this deadline, or the submission of incorrect or incomplete information, will jeopardize approval of your application. If you cannot meet this deadline, please advise Jonathan Corso, Economic Development Representative, as soon as possible.

Upon receipt, EDA will assess the information provided. EDA's assessment of this information may result in a determination that:

1. No additional information is necessary;
2. Additional information is required, because the submission is incomplete, inaccurate, or otherwise unacceptable to EDA, and the applicant(s) must revise the submission before EDA will consider processing the application further; or
3. EDA will discontinue considering your application for funding, because the information submitted does not present a project that complies with applicable law or EDA's regulations or policies.

Your organization must comply with EDA's regulations (*see* 13 C.F.R. chapter III http://www.eda.gov/pdf/EDAs_regs-13_CFR_Chapter_III.pdf), as well as the Federal Funding Opportunity announcement *FY 2015 Economic Development Assistance Programs—Application Submission and Program*

Requirements for EDA's Public Works and Economic Adjustment Assistance Programs, which was published February 9, 2015 (see <http://www.eda.gov/funding-opportunities/>)

Final approval of an award is conditioned upon EDA's assessment of the additional information requested, project feasibility, funding priorities, and the availability of FY16 funds for obligation.

EDA's mission is to lead the Federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. EDA assists states, units of government, and community nonprofit organizations in economically-distressed areas by supporting their regional economic development efforts that emphasize innovation and entrepreneurship as the essential elements of regional and national competitiveness in the worldwide economy. Please do not hesitate to contact Mr. Corso at (404) 730-3023 or jcorso@eda.gov, if you have questions regarding the requested information or status of your application.

Sincerely,



H. Philp Paradice, Jr.
Regional Director, Atlanta Regional Office

Enclosure: Certificate of Eminent Domain
NEPA Public Notice Template – 15 Day

cc: Jonathan Corso, EDA

Publish this notice in the daily newspaper with the greatest local circulation for three (3) consecutive days. Provide an affidavit of publication to EDA upon publication.

PUBLIC NOTICE

The U.S. Department of Commerce, Economic Development Administration (EDA) is considering a request for Federal assistance from applicant to construct a project title in city, county, state. Pursuant to the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA), EDA is conducting an assessment of the potential of the proposed project to affect the environment and/or historic properties.

The project description. The project will be located at specific location description such as street address, map, etc. Project information is available for review at applicant's office, address and phone number.

If you have any information regarding potential impacts environmental resources or historic properties associated with this proposed project, please provide it in writing to:

Regional Environmental Officer
US Department of Commerce
Economic Development Administration
Atlanta Region
401 West Peachtree Street NW
Suite 1820
Atlanta, GA 30308-3510

Comments received in the EDA Regional Office by 5:00 pm eastern on insert date 15 days after the third day of publication of this notice. If the newspaper is not a daily, please contact the Regional Environmental Officer prior to publication to determine the deadline for comments will be considered. A copy of the NEPA/NHPA decisional document will be available upon request at the above EDA Regional Office.

October 2012 version

CERTIFICATE OF EMINENT DOMAIN AND ATTORNEY VERIFICATION

The Atlanta Regional Counsel, David Todd, welcomes questions regarding the completion of this form. David can be reached at 404-730-3006.

To be submitted to, completed, dated and executed by attorney first.

Economic Development Administration

Attn: _____

401 West Peachtree Street, NW

Suite 1820

Atlanta, Georgia 30308-3510

RE: [Brief description of Project to include description of location with reference to acreage, county and state] (Project)

Application by [*Insert name of applying entity*] (Applicant) for a Federal Assistance Award (Award) from the Economic Development Administration (EDA) for the Project

Effective Date: _____ [*To be inserted by attorney, which shall be the date through which the attorney searches title.*]

Dear _____

Certification by Applicant's Office (Certification)

I, the undersigned [*insert title*] of the Applicant, referenced above, do hereby certify and confirm that:

- a.) The Applicant will not use its power of eminent domain to acquire title to any land comprising the Project except as described below in an Exhibit (if any):

[Choose and mark one]

See Exhibit attached _____. No Exhibit attached _____, and

- b.) To the best of my knowledge and belief, prior to the Effective Date the Applicant has not exercised its power of eminent domain to acquire title to any land comprising the Project except as described below in an Exhibit (if any):

[Choose and mark one]

See Exhibit attached _____. No Exhibit attached _____.

I am authorized on behalf of the Applicant to make this Certification which is binding on the Applicant.

Attorney Verification

I, the undersigned attorney licensed to practice law in the State of _____ [*Insert name of state*], representing the Applicant described in the Certification above, hereby state and confirm that:

- a.) I have examined title to the land comprising the Project, for such period of time commencing as I deem necessary to give this Attorney Verification through the Effective Date, and based on that examination confirm that the record title reflects no exercise of the power of eminent domain in said title except as described below in an Exhibit (if any):

[Choose and mark one]

See Exhibit attached _____. No Exhibit attached _____.

- b.) I have examined all appropriate civil court records for the public office with jurisdiction over the land comprising the Project and confirm that no civil action is currently pending to exercise the power of eminent domain in connection with the Project except as described below in an Exhibit (if any):

[Choose and mark one]

See Exhibit attached _____. No Exhibit attached _____.

- c.) To the best of my knowledge and belief (without independent investigation), the power of eminent domain has not been exercised in connection with the land comprising the Project except as described below in an Exhibit (if any):

[Choose and mark one]

See Exhibit attached _____. No Exhibit attached _____.

The parties executing the foregoing Certification and Opinion acknowledge that the EDA will rely on this Certification and Opinion in connection with and for purposes of due diligence for the Application of Applicant for an Award.

Sincerely,

Execution for Certification

(Insert name)

(Insert title)

Dated signed: _____, 201_____

Address: _____

Phone number: _____

Execution for Verification

Attorney at Law

(Insert name)

Dated signed: _____, 201_____

Address: _____

Phone number: _____

Application for Federal Assistance SF-424

| | | |
|---|---|--|
| * 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application | * 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision | * If Revision, select appropriate letter(s): _____ * Other (Specify): _____ |
|---|---|--|

| | |
|-------------------------------------|--|
| * 3. Date Received: _____ | 4. Applicant Identifier: _____ |
|-------------------------------------|--|

| | |
|--|---|
| 5a. Federal Entity Identifier: _____ | 5b. Federal Award Identifier: _____ |
|--|---|

State Use Only:

| | |
|---|---|
| 6. Date Received by State: _____ | 7. State Application Identifier: _____ |
|---|---|

8. APPLICANT INFORMATION:

*** a. Legal Name:** Palm Beach County Board of County Commissioners

| | |
|--|---|
| * b. Employer/Taxpayer Identification Number (EIN/TIN): 59-6000785 | * c. Organizational DUNS: 0784704810000 |
|--|---|

d. Address:

| | |
|-----------------------------|-----------------------|
| * Street1: | 100 Australian Avenue |
| Street2: | _____ |
| * City: | West Palm Beach |
| County/Parish: | _____ |
| * State: | FL: Florida |
| Province: | _____ |
| * Country: | USA: UNITED STATES |
| * Zip / Postal Code: | 33460-3725 |

e. Organizational Unit:

| | |
|--|---|
| Department Name: Economic Sustainability | Division Name: Special Projects |
|--|---|

f. Name and contact information of person to be contacted on matters involving this application:

| | |
|---------------------------|---------------------------|
| Prefix: Mr. | * First Name: Greg |
| Middle Name: _____ | |
| * Last Name: Vaday | |
| Suffix: _____ | |

Title: Principal Planner

Organizational Affiliation:
Palm Beach County Department of Economic Sustainability

| | |
|---|---------------------------------|
| * Telephone Number: 561-233-3630 | Fax Number: 561-656-7567 |
|---|---------------------------------|

*** Email:** gvaday@pbcgov.org

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

B: County Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Economic Development Administration

11. Catalog of Federal Domestic Assistance Number:

11.300

CFDA Title:

Investments for Public Works and Economic Development Facilities

*** 12. Funding Opportunity Number:**

EDAP2015

* Title:

FY 2015 Economic Development Assistance Programs. Application submission and program requirements for EDA's Public Works and Economic Adjustment Assistance programs.

13. Competition Identification Number:

PW

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Lake Worth Park of Commerce Infrastructure Improvements

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

| | |
|---------------------|---|
| * a. Federal | <input type="text" value="1,389,100.00"/> |
| * b. Applicant | <input type="text" value="4,037,500.00"/> |
| * c. State | <input type="text" value="0.00"/> |
| * d. Local | <input type="text" value="0.00"/> |
| * e. Other | <input type="text" value="0.00"/> |
| * f. Program Income | <input type="text" value="0.00"/> |
| * g. TOTAL | <input type="text" value="5,426,600.00"/> |

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative:

* Date Signed:

CERTIFICATION REGARDING LOBBYING

Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 15 CFR Part 28, "New Restrictions on Lobbying." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Commerce determines to award the covered transaction, grant, or cooperative agreement.

LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 15 CFR Part 28, for persons entering into a grant, cooperative agreement or contract over \$100,000 or a loan or loan guarantee over \$150,000 as defined at 15 CFR Part 28, Sections 28.105 and 28.110, the applicant certifies that 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 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, an officer or employee of Congress, or an employee of 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 subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients 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 occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

Statement for Loan Guarantees and Loan Insurance

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

In any 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, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement 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 statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above applicable certification.

| | |
|---|---|
| NAME OF APPLICANT | AWARD NUMBER AND/OR PROJECT NAME |
| Palm Beach County Board of County Commissioners | Lake Worth Park of Commerce Infrastructure Impr |
| PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE | |
| Shelley Vana, Mayor | |
| SIGNATURE | DATE |

ASSURANCES - CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have 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 non-discrimination 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 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.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 of 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; (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. 92-255), as amended, relating to nondiscrimination 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 patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles 11 and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide 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 all interests 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), and 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 flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) 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) 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 protection 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 Amendments of 1996 and OMB Circular No. A-1 33, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

| | |
|---|----------------|
| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | TITLE Mayor |
| APPLICANT ORGANIZATION Palm Beach County Board of County Commissioners | DATE SUBMITTED |

Exhibit D.

| EDA CONSTRUCTION INVESTMENTS ADDITIONAL ASSURANCES | |
|---|--|
| <i>As a duly authorized representative of the applicant, I further certify that the applicant:</i> | |
| 1. | Will operate and maintain the facility in accordance with at least the minimum standards as may be required or prescribed by applicable federal, State and local agencies for the maintenance and operation of such facilities. |
| 2. | Will require the facility to be designed to comply with the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. 12101 <i>et seq.</i>), the Architectural Barriers Act of 1968 (42 U.S.C. 4151 <i>et seq.</i>) and the Accessibility Guidelines for Buildings and Facilities regulations, as amended (36 CFR part 1191), and will be responsible for conducting inspections to insure compliance with these requirements. |
| 3. | For the two-year period beginning on the date EDA investment assistance is awarded, will refrain from employing, offering any office or employment to, or retaining for professional services any person who, on the date on which the investment assistance is awarded or within the one-year (1) period ending on that date, served as an officer, attorney, agent or employee of the Department of Commerce and occupied a position or engaged in activities that EDA determines involved discretion with respect to the award of investment assistance under PWEDA. See section 606 of PWEDA and 13 C.F.R. §302.10(b). |
| 4. | Will have no facilities under ownership, lease or supervision to be utilized in this project that are listed or under consideration for listing on EPA's List of Violating Facilities. |
| 5. | 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 most current local building codes determined by the awarding agency or by the Interagency Committee for Seismic Safety in Construction (ICSSC) and the most recent edition of the American National Standards Institute Standards A58, Minimum Design Loads for Buildings and Other Structures. |
| 6. | Will observe and comply with federal procurement rules, as set forth in 15 CFR parts 14 or 24, as applicable, for award of any contracts for architectural engineering, grant administration services, or construction financed with EDA investment assistance. |
| 7. | Understands that attorneys' or consultants' fees, whether direct or indirect, expended for securing or obtaining EDA investment assistance are not eligible costs. See 13 C.F.R. § 302.10(a). |
| 8. | Understands that conflicts of interest or appearances of conflicts of interest are prohibited and may jeopardize this application, or result in the forfeiture of investment funds. A conflict of interest occurs, for example, where a representative, official, employee, architect, attorney, engineer or inspector of the applicant, or a representative or 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. See 13 C.F.R. § 302.17. |
| 9. | Will comply with the reporting requirements under the Government Performance and Results Act of 1993 (GPRA) for measuring and reporting project performance. |
| <div style="border: 1px solid black; width: 100%; height: 30px;"></div> | <div style="border: 1px solid black; width: 100%; height: 30px; background-color: #cccccc;">Mayor</div> |
| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | TITLE |
| <div style="border: 1px solid black; width: 100%; height: 30px; background-color: #cccccc;">Palm Beach County Board of County Commissioners</div> | <div style="border: 1px solid black; width: 100%; height: 30px;"></div> |
| APPLICANT ORGANIZATION | DATE |

Appendix A: Applicant Certification Clause

The applicant represents and certifies that it has used due diligence to determine that the description of the project site described herein is accurate with respect to the presence or absence of contamination from toxic and hazardous substances. The term "site" includes the entire scope of the project, including future phases of the project and all areas where construction will occur.

- 1. Is the site currently, or has it in the past 50 years, been used for any of the following operations or activities:
 - a. Generation of hazardous substances or waste?
 Yes No
 - b. Treatment, storage (temporary or permanent), or disposal of solid or hazardous substances or waste?
 Yes No
 - c. Storage of petroleum products?
 Yes No
 - d. Used/waste oil storage or reclamation units?
 Yes No
 - e. Research or testing laboratory?
 Yes No
 - f. Ordinance research, testing, production, use, or storage?
 Yes No
 - g. Chemical manufacturing or storage?
 Yes No
 - h. Weapons or ammunition training, use, or testing?
 Yes No
 - i. Iron works/foundry?
 Yes No
 - j. Railroad yard?
 Yes No
 - k. Industrial or manufacturing operation?
 Yes No

If any of the above operations ever occurred at the site, and if appropriate cleanup or other mitigation actions were performed in accordance with the local, State, and federal laws, please attach documentation of these actions.

- 2. Do wells draw from an underlying aquifer to provide the local domestic water supply?
 Yes No
- 3. Has a federal, State, or local regulatory authority ever conducted an environmental assessment, environmental impact statement, or a preliminary assessment/site inspection, or similar environmental surveyor inspection report at the site? If yes, please list here and attach copies of these reports or results.
 Yes No

Appendix A: Applicant Certification Clause

- 1) CDM conducted a Phase I Environmental Assessment
- 2) _____
- 3) _____
- 4) _____
- 5) _____

- 4. Have any environmental or OSHA citations or notices of violation been issued to a facility at the site? If yes, please attach copies.
 Yes No
- 5. Have any unauthorized releases of hazardous substances occurred at any facility at the site which resulted in notification of the EPA's National Response Center?
 Yes No
- 6. Is any material containing asbestos or lead paint located at the site? If yes, please attach information concerning State and federal regulatory compliance.
 Yes No
- 7. Is there any equipment (electrical transformers, etc.) containing polychlorinated biphenyls (PCB) on the site? If yes, please attach a description of the equipment.
 Yes No
- 8. Are there underground or above ground storage tanks on the site? If yes, please attach a detailed description, including the number of underground storage tanks on the site, whether the tanks have been inspected (or removed) and the results of such inspections.
 Yes No
- 9. Has the site been tested for radon? If yes, please attach results.
 Yes No
- 10. Have there been, or are there now any environmental investigations by federal, State or local government agencies that could affect the site in question? If yes, please attach available information.
 Yes No

The applicant acknowledges that this certification regarding hazardous substances and/or waste is a material representation of fact upon which EDA relies when making and executing an award. EDA reserves the right to terminate any award made in conjunction with the representations contained herein if, at any time during the useful life of the project, EDA becomes aware of the presence of hazardous materials or waste at the site, or that hazardous materials or waste have been inappropriately handled thereon.

Further, if it is determined at any time that the presence of hazardous materials or waste, or handling thereof, has been misrepresented, EDA may pursue other available legal remedies against the applicant.

Palm Beach County Board of County Commissioners
Applicant's Name _____

Shelley Vana, Mayor
Name and Title of Applicant's Authorized Representative _____

Signature of Applicant's Authorized Representative _____ Date _____