

CWSRF Regulation Stakeholder Meeting Summary
September 15, 2016

10 CSR 20-4.010 Construction Grant and Loan Priority System

- Factor A-5 – Additional points for a facility being eliminated where the recipient receives a high burden affordability determination. Additional points will also be awarded if the facility being eliminated has a history of significant non-compliance.

Stakeholders requested clarification on how these points would be assigned. An additional 10 points will be assigned for each facility that is being eliminated. The determination that a facility has a history of significant noncompliance will be made after consultation with appropriate department staff.

- Factor B-2 – Added points for conversion of existing, discharging facilities to a no-discharge facility.
- Other

Stakeholders ask for clarification regarding the Facility Plan Loan List provided for in 10 CSR 20-4.010(2)(E). Applicants desiring a loan for the development of a facility plan must have an acceptable debt instrument. The State Revolving Fund does not provide loans to recipient's that do not have acceptable debt instruments such as revenue bonds or general obligation bonds.

Staff presented a revised definition of a 'complete facility plan' to the stakeholders. The proposed language is to eliminate the confusion as to what is considered complete for purposes of placing a recipients proposed project on the Intended Use Plan fundable list.

10 CSR 20-4.040 State Revolving Fund General Assistance Regulation

- Added design-build criteria (HB 2376).

Stakeholders discussed the recent changes to the state statutes that would allow for funding recipients to utilize the design-build method of procurement. It was decided to include language that will allow those entities that are exempt to utilize the design-build method of procurement if there local ordinances or policies allowed.

Some stakeholders expressed opinions that HB 2376 is burdensome for small communities and there may be future legislative proposals to modify the recently enacted RSMo. 67.5060 to exclude water and wastewater projects from complying with the three-stage qualifications-based selection process. Some of the comments appeared to be driving the process to a sole-source and preferred contractor procurement.

Stakeholders were reminded that State Revolving Fund financing requires any procurement process not to unduly restrict competition.

Stakeholders also asked if the stipend under the design-build process was eligible for SRF funding. Yes it will be.

Stakeholders requested guidance on the new requirements in the proposed regulation such as certification forms. Staff provided an explanation of the self-certification forms in development and agreed to provide additional guidance and/or checklists of necessary forms.

- Proposed rescission and re-adoption.

Due to the extensive changes to the regulation, it has been determined that the best approach going forward was to rescind the current regulation and readopt the regulation with the proposed changes.