

Brownfields Low-Interest Loans Disbursement Guidelines

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General

The policies in these *Disbursement Guidelines (Guidelines)* apply to Brownfields Low-Interest Loans administered by the Indiana Finance Authority (Authority) through the Indiana Brownfields Program (Program). The following general items apply to all disbursements subject to these *Guidelines*:

- All loan recipients are required to execute a Financial Assistance Agreement with the Authority.
- Brownfields Low-Interest Loans are not retroactive.
- Requests for payment should not be submitted until the applicable loan conditions, if any, have been satisfied.
- Payment will be made only to reimburse expenses related to activities approved by the Program and included in the Financial Assistance Agreement. Invoices and back up documentation are required.
- Loan recipients must follow Indiana Code (IC) 5-16-11.1 and IC 36-1-12, as applicable, when procuring services to be reimbursed with or paid for using loan funds. Additional information about this requirement can be found in the *Guidance on Competitive Bidding*. By signing each Disbursement Request Form (described below), a loan recipient will be affirming that the invoiced services submitted for payment or reimbursement were bid pursuant to Indiana law.
- All invoices must be submitted to the Program for processing no later than three (3) months after the issuance of a Comment Letter, a Site Status Letter, a No Further Action Letter, or other activity completion documentation issued by the Program. Any invoices submitted for payment after that date will not be accepted.

Eligible Costs

Eligible loan activities include property acquisition, limited environmental assessment activities, Remediation Work Plan preparation, soil and groundwater remediation activities, demolition and disposal of structures (only if performed in conjunction with Program-approved remediation activities), asbestos and/or lead paint abatement (only if performed in conjunction with Program-approved remediation activities), administrative Voluntary Remediation Program expenses, and bond counsel fees. Additional information about eligible activities is included in the Brownfields Low-Interest Loan Guidelines. Other important items related to eligible expenses include:

- Maximum “mark up” on all subcontractor work and rental equipment is 10%.
- Travel and lodging costs will be paid in accordance with state policy and rates. The current in-state lodging rate is \$89/night plus applicable taxes for all areas of the state *except* Indianapolis, which is \$97/night plus applicable taxes. Additionally, the state mileage reimbursement rate is \$0.44/mile.
- A maximum of 5% of a loan amount may be used to reimburse professional services costs not accounted for in the scope of work. These may include (but are not limited to) the following: loan application preparation, planning/site meetings, bid package preparation, miscellaneous legal expenses (other than bond counsel fees), and coordination with Program staff. These tasks must be related to the site/project that is the subject of the loan award and cannot be used for general marketing or community outreach activities. Detailed accounting of these costs will be required prior to payment and a final determination of eligibility of any costs charged against this category rests with the Program.

Ineligible Costs

The following costs are ineligible for reimbursement unless **approved in writing by the Program before they are incurred**:

- Costs incurred prior to final execution of a Financial Assistance Agreement, approval of scope of work, and before receipt of notice to proceed from the Program.
- Per diem/meal allowance.
- Expenses outside the approved scope of work.
- Costs incurred as a result of unapproved changes to the approved scope of work.
- Costs incurred while performing field work for which Program project managers have not been provided adequate notice (at least 2 weeks prior to planned field activities).

All reimbursements will be made for items/charges at the unit rates included in the approved scope of work. A Program representative must provide advance approval of any expenses that are shifted between approved items (see Scope of Work/Payment Request Form for more information). If an activity is performed under budget or below the approved amount, the difference may not be used for other activities or in other categories unless approved in advance.

Process

Requests for payment should be submitted using the appropriate Scope of Work/Payment Request Form and should be accompanied by all required supporting documentation and a completed Disbursement Request Form.

Scope of Work/Payment Request Form

- If the loan funding is used for acquisition, demolition, bond counsel fees, or professional services, please use the Scope of Work/Payment Request Form on page 6. Payment milestones are reflected on the Scope of Work/Payment Request Form and generally allow for payment of acquisition, demolition, bond counsel fees, and professional services expenses after such costs have been incurred. Completion of these activities is the milestone that triggers payment. If a request for payment is submitted prior to the completion of the milestone, the invoice will be held and will not be paid. **The Program reserves the right to request additional information about any payment request.**
- For environmental assessment activities, please see the Scope of Work/Payment Request Form on page 7 for milestones after which invoices can be submitted. No more than seven (7) requests for payment can be submitted. If a request for payment is submitted prior to the completion of the corresponding milestone, the invoice will be held and will not be paid. **The Program reserves the right to request additional information about any payment request.**
- For environmental remediation activities, including Remediation Work Plan preparation and soil and groundwater activities, please see the Scope of Work/Payment Request Form on page 8 for milestones after which invoices can be submitted. No more than three (3) requests for payment can be submitted unless long-term groundwater monitoring is a requirement for closure, in which case invoices for monitoring can be submitted after each monitoring event in addition to after the satisfaction of the three (3) remediation payment triggers listed above. *Please note: if long-term groundwater monitoring is a closure*

requirement, the budget for all groundwater monitoring activities should be reflected on a separate Scope of Work/Payment Request Form (page 8 of these Guidelines). If a request for payment is submitted prior to the completion of the corresponding milestone, the invoice will be held and will not be paid. **The Program reserves the right to request additional information about any payment request.**

- The payment for the reporting task will follow the issuance of a Comment Letter, a Site Status Letter, a No Further Action Letter, or other activity completion documentation issued by the Program.

Invoice Information, Required Supporting Documentation

- For all awards, scopes of work must be submitted for review and approval on the appropriate Scope of Work/Payment Request Form described above and included in these *Guidelines* on pages 6 - 8 (electronic versions are available at <http://www.brownfields.in.gov>). Requests for payment must also be submitted on this form and should be accompanied by the appropriate supporting documentation.
- Invoices should contain a detailed explanation of the work performed. They should identify the nature of the services and/or materials provided, the amount charged for the services and/or materials, the identity of the provider, and the dates on which the services and/or materials were provided. If an invoice identifies subcontractor costs, include a copy of the subcontractor's invoice. Submit all invoices for each eligible cost that you are submitting for reimbursement.
- If the invoice includes a change order(s), copy(ies) of the Program's written approval(s) must be submitted with the invoice for payment.

Payment Processing

- All paperwork, including the completed Scope of Work/Payment Request Form, should first be submitted to the loan recipient for approval. The loan recipient should review the invoice package for accuracy and eligibility before signing the Disbursement Request Form and sending to the Program for payment. All requests for payment sent to the Program for processing must be accompanied by an executed Disbursement Request Form found on page 9 of these *Guidelines* (an electronic version is available at <http://www.brownfields.in.gov>).
- Payment will be triggered by the satisfactory completion of a payment milestone. Payment milestones differ based on the type of activity performed with loan funds. If a request for payment is submitted prior to the completion of the milestone, the invoice will be held and will not be paid. **The Program reserves the right to request additional information about any payment request.**
- The Program will review the payment package and will follow up on any discrepancies, missing documentation, etc. The Program must have a complete package prior to issuing payment.
- After invoice review and approval, payment will be sent to either the loan recipient or the consultant (as directed on the Disbursement Request Form).
- The Program prefers making electronic payments. If either the loan recipient or the consultant would like to receive payments by wire, please contact the Program for additional information.

Forms

The following is a list of applicable forms for Low-Interest Loan awards:

- Scope of Work/Payment Request Form for acquisition, demolition, bond counsel fees, and professional services (page 6; electronic copy at <http://www.brownfields.in.gov>)
- Scope of Work/Payment Request Form for environmental investigation activities (page 7; electronic copy at <http://www.brownfields.in.gov>)
- Scope of Work/Payment Request Form for environmental remediation activities (page 8; electronic copy at <http://www.brownfields.in.gov>)
- Disbursement Request Form (page 9; electronic copy at <http://www.brownfields.in.gov>)

	Approved Category TOTAL	Invoice #1 (Date)	Invoice #2 (Date)	Invoice #3 (Date)	Invoice #4 (Date)	Invoice #5 (Date)	Invoice #6 (Date)	Amount Remaining
I. Category - Property Acquisition	\$ -							\$ -
II. Category - Demolition	\$ -							\$ -
III. Category - Bond Counsel	\$ -							\$ -
IV. Category - Professional Services (maximum 5% of loan amount)	\$ -							\$ -
V. Category - VRP Administrative Fees	\$ -							\$ -
TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1. All are lump sum estimates.								
2. Following Program approval of a scope of work, Program pre-approval is required for cost shifts between categories.								
3. Invoices can be submitted after the completion of categories I, II, and III. Invoices can then be submitted for categories IV and V as costs are incurred.								
4. Requests for payment must be submitted on this form and be accompanied by a signed Disbursement Request Form from the Loan Recipient for payment (a separate form that is available as part of the Loan Disbursement Guidelines). More information about required documentation is included in the Loan Disbursement Guidelines.								

	Quantity	Unit	Unit Rate	Approved SUBTOTAL	Approved Task TOTAL	Approved Category TOTAL	Invoice #1 (Date)	Invoice #2 (Date)	Invoice #3 (Date)	Invoice #4 (Date)	Invoice #5 (Date)	Invoice #6 (Date)	Invoice #7 (Date)	Amount Remaining
I. Category - Phase I Environmental Site Assessment						\$ -								\$ -
II. Category - Phase II Environmental Site Assessment						\$ -								\$ -
A. Task - Scope of Work / Health and Safety Plan					\$ -									\$ -
B. Task - Field Activities					\$ -									\$ -
<i>(1) Staff Hours (list hours for each staff separately for this Task)</i>				\$ -										\$ -
			\$ -											
			\$ -											
			\$ -											
			\$ -											
<i>(2) Materials and Equipment (list each separately for this Task)</i>				\$ -										\$ -
			\$ -											
			\$ -											
			\$ -											
			\$ -											
			\$ -											
			\$ -											
			\$ -											
			\$ -											
<i>(3) Travel (reimbursed at state rates)</i>				\$ -										\$ -
Mileage		mi	\$ 0.44											
Hotel		night	\$ -											
<i>(4) Mobilization</i>				\$ -										\$ -
<i>(5) Subcontractors (list all subcontractors separately for this Task)</i>				\$ -										\$ -
			\$ -											
			\$ -											
			\$ -											
			\$ -											
			\$ -											
			\$ -											
C. Task - Report					\$ -									\$ -
III. Category - Asbestos and Lead Paint Surveys						\$ -								\$ -
A. Task - Scope of Work / Health and Safety Plan					\$ -									\$ -
B. Task - Field Activities					\$ -									\$ -
<i>(1) Staff Hours (list hours for each staff separately for this Task)</i>				\$ -										\$ -
			\$ -											
			\$ -											
			\$ -											
<i>(2) Materials and Equipment (list each separately for this Task)</i>				\$ -										\$ -
			\$ -											
			\$ -											
			\$ -											
			\$ -											
			\$ -											
			\$ -											
			\$ -											
<i>(3) Travel (reimbursed at state rates)</i>				\$ -										\$ -
Mileage		mi	\$ 0.44											
Hotel		night	\$ -											
<i>(4) Mobilization</i>				\$ -										\$ -
<i>(5) Subcontractors (list all subcontractors separately for this Task)</i>				\$ -										\$ -
			\$ -											
			\$ -											
			\$ -											
			\$ -											
			\$ -											
C. Task - Report					\$ -									\$ -
TOTAL						\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1. I, IIA, IIC, IIIA, and IIIC are lump sum estimates.														
2. Following Program approval of a scope of work, Program pre-approval is not required for costs shifts within the following: IIB(1), IIB(2), IIB(3), IIB(4), IIB(5), IIB(1), IIB(2), IIB(3), IIB(4), and IIB(5). Pre-approval is required for all other changes.														
3. There will be an opportunity to submit up to 7 separate invoices and receive 7 separate payments. Invoices can be submitted less frequently, but no more often than after the completion of the following activities: I, IIA, IIB, IIC, IIIA, IIB, and IIIC.														
4. Requests for payment must be submitted on this form and be accompanied by a signed Disbursement Request Form from the Loan Recipient for payment (separate form that is available as part of the Loan Disbursement Guidelines). More information about required documentation is included in the Loan Disbursement Guidelines.														

	Quantity	Unit	Unit Rate	Approved SUBTOTAL	Approved Category TOTAL	Invoice #1 (Date)	Invoice #2 (Date)	Invoice #3 (Date)	Amount Remaining
I. Category - Remediation Work Plan / Health and Safety Plan / QAPP									\$ -
II. Category - Field Phase									\$ -
<u>A. Staff Hours (list hours for each staff separately for this Category)</u>				\$ -					\$ -
		hour	\$ -						
		hour	\$ -						
			\$ -						
			\$ -						
<u>B. Materials and Equipment (list each separately for this Category)</u>				\$ -					\$ -
		each	\$ -						
		each	\$ -						
		each	\$ -						
		each	\$ -						
		each	\$ -						
		each	\$ -						
		each	\$ -						
		LS	\$ -						
			\$ -						
			\$ -						
<u>C. Travel (reimbursed at state rates)</u>				\$ -					\$ -
Mileage		mi	\$ 0.44						
Hotel		night	\$ -						
<u>D. Mobilization</u>				\$ -					\$ -
<u>E. Subcontractors (list all subcontractors separately for this Category)</u>				\$ -					\$ -
			\$ -						
			\$ -						
			\$ -						
			\$ -						
			\$ -						
			\$ -						
			\$ -						
III. Category - Final Report									\$ -
TOTAL						\$ -	\$ -	\$ -	\$ -
1. I and III are lump sum estimates.									
2. Following Program approval of a scope of work, Program pre-approval is not required for costs shifts within the following: IIA, IIB, IIC, IID, IIE. Pre-approval is required for all other changes.									
3. There will be an opportunity to submit up to 3 separate invoices and receive 3 separate payments. Invoices can be submitted less frequently, but no more often than after the completion of the following activities: I, II, and III.									
4. If groundwater monitoring is a requirement for closure, payment for each monitoring event will be made following completion of the monitoring event and submittal of an invoice and appropriate back up documentation. The number of payments made for groundwater monitoring activities is in addition to what is outlined above.									
4. Requests for payment must be submitted on this form and be accompanied by a signed Disbursement Request Form from the Loan Recipient for payment (a separate form that is available as part of the Loan Disbursement Guidelines). More information about required documentation is included in the Loan Disbursement Guidelines.									

INDIANA BROWNFIELDS PROGRAM - DISBURSEMENT REQUEST FORM

Instructions: This Disbursement Request Form is to be typed and completed by the Grant or Loan Recipient for each payment request.

- The Disbursement Request Form is to be used for all eligible costs associated with the Grant or Loan Recipient's brownfields redevelopment project.
- Attach a copy of the claim (a bill, invoice or a statement) supporting this Request.
- Requested amounts must be rounded to the nearest whole dollar.
- Attach the Program change order approval if any part of the current claim is a result of a change order.

1. Grant or Loan Recipient: _____
2. Contact Person: _____
3. Mailing Address: _____

4. Phone No.: () _____
5. Email: _____
6. Recipient's Authorized Representative: _____
7. Authorized Representative's Phone No.: () _____
8. Pay Request No. (Invoice No.): _____
9. Description of work for which claim is being made (service, fees, type of, etc.): _____

10. Consultant: _____
11. Contact Person: _____
12. Mailing Address: _____

13. Phone No.: () _____
14. Email: _____
15. Amount of this Request: \$ _____
16. Original Grant or Loan Amount: \$ _____
17. Total Amount of Previous Disbursements: \$ _____
18. Balance Available after this Disbursement: \$ _____
19. Amount of Future Investment Required: \$ _____

*Calculate this amount by multiplying the percent of investment required (percentage is identified in the Recipient's Financial Assistance Agreement) by the total amount of disbursements made to date.

20. Is any part of this claim a result of a change order? YES _____ NO _____
*If yes, please attach the Program change order approval

21. Do you want payment mailed directly to the consultant? YES _____ NO _____
*If yes, payment will be sent directly to the consultant listed in #10 above

The undersigned hereby certifies that this Request is true and correct, that the claim underlying this Request is due in accordance with the Participant's Financial Assistance Agreement with the Authority, and that the services contained in such claim were procured in accordance with Indiana's public bidding laws, if applicable.

AUTHORIZED REPRESENTATIVE SIGNATURE _____ **Date** _____