

LOCAL SHARE ACCOUNT LUZERNE COUNTY

Program Guidelines | February 2020



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Section I – Statement of Purpose

The PA Race Horse Development and Gaming Act (Act 2004-71) as amended has established the Pennsylvania Gaming Local Share Account ("Local Share Account") under the Commonwealth Financing Authority (CFA) for the purpose of distributing 2% of gross terminal revenues of certain licensed gaming facilities in an orderly and timely fashion to support and enhance community and economic well-being and mitigate the impact of gaming and related activities.

Section II – Eligibility

A. Eligible Applicants – Luzerne County

1. All Luzerne County municipalities
2. Luzerne County Redevelopment Authority.*
3. Multi-municipal applications are also eligible for funding.

* *The Luzerne County Redevelopment Authority may only receive funds for economic development or infrastructure projects.*

B. Eligible Uses of Funds

Projects in the Public Interest: Projects that improve the quality of life of citizens in the community

Section III – Application Procedures

- A. To apply for funding, the applicant must submit the electronic on-line Department of Community & Economic Development (DCED) Single Application for Assistance located at www.esa.dced.state.pa.us. Required supplemental information outlined in Section IV of these guidelines must be attached electronically to the application on the Addenda tab.
 - B. The CFA may facilitate one or more community meetings to provide technical assistance to applicants eligible for the current round of funding.
 - C. The CFA will review applications to ensure that each proposed project meets eligibility requirements. Evaluation criteria are outlined in Section V.
 - D. Applications will be received between July 1st and September 30th of each year.
 - E. The CFA charges a \$100 non-refundable application fee for the Local Share Account applications. The application fee must be paid electronically by credit or debit card through our secure, third-party vendor. Payment of the application fee must be completed prior to the certification and submission of the Electronic Single Application. Detailed payment instructions will be provided on the Certification Tab of the Electronic Single Application once all required fields have been completed.
- NOTE: Upon completion of the payment transaction, you will be redirected to the Electronic Single Application to complete the submission process resulting in confirmation of submission and generation of a 12-digit Application ID number. Failure to complete this process will make your application ineligible for consideration.

Section IV – Application Supplemental Items

In addition to the basic online application, the Applicant shall submit the following list of items:

Exhibit 1: Project Description

Provide a description of the project which discusses all the following:

- a. a clear, concise and focused description of the proposed project to include specific project activities and expected results;
- b. the specific location of the project site;
- c. as applicable, identification of the project as a priority investment in a local or regional economic development plan or strategy;
- d. if applicable, the anticipated positive economic development and/or community impact of the project; and
- e. estimated start and end dates for project costs.

Exhibit 2: Cost Estimate

Provide a detailed estimate of project costs. The estimate must be dated and current (within 1 year of application submission). Engineering and construction estimates must be provided by a PA licensed engineer or qualified professional. Estimates of costs for specified products, materials, equipment, etc. must be in writing from a qualified vendor.

Exhibit 3: Planning Letter(s)

As applicable, evidence of conformity of the project with local and regional comprehensive plans and zoning (in the form of a letter from the applicable planning/zoning office).

Exhibit 4: Resolution

Public sector applicants, provide a resolution duly adopted by the applicant's governing board formally requesting the grant, designating an official to execute all documents, describing briefly the project scope, and identifying the grant amount.

Exhibit 5: Matching Funds

As applicable, provide copies of funding commitment letters from all other project funding sources. Applicants providing match from their organizational funds should provide evidence to show these funds are available – financials, loan commitments, etc.

Exhibit 6: Color-coded Map

As applicable, provide a detailed, color-coded map with a color legend that shows a clear illustration of the project to include street names and project boundaries. (Note: This is not applicable, for example, when requesting equipment or single-site renovation/rehab/construction.)

Section V – Application Evaluation

The CFA determines the competitiveness of proposed LSA projects by conducting a quantitative analysis based on the following criteria:

- Economic impact.
- The economic conditions of the region where the project is located.
- The level of private sector investment leveraged.
- The contribution of the project to the reuse of brownfields/underutilized sites.
- Local financial support.
- Project readiness.
- Strategic importance.
- Financial need.

Section VI – Procedures for Accessing Funds

1. Upon approval of an application by the CFA, a grant agreement and commitment letter will be electronically issued to the applicant explaining the terms and conditions of the grant. The grant agreement must be electronically signed and returned to the CFA within 45 days of the date of the commitment letter or the offer may be withdrawn by the CFA.
 - At the time of application, the CFA will request the name, title, and email address of two individuals authorized to execute a contract, *if awarded*. Staff will verify the accuracy of information prior to contracting, as necessary.
2. A *fully executed* contract between the applicant and the CFA is required prior to the disbursement of grant funds.
3. Requests for payment must be submitted to the DCED Center for Community Enhancement by submitting a payment request form accompanied by invoices, bid tabs, construction contracts or other approved documentation verifying costs incurred by the applicant. Applicants should take note that payment requests require 2-4 weeks for processing.

Section VII – Restrictions and Limitations

1. An Applicant may not make or authorize any substantial change in an approved project without first obtaining consent of the CFA in writing.
2. If the full amount of the grant is not required for the project, the unused portion shall be returned to the CFA.
3. The project may not commence prior to the approval of LSA assistance. Project costs incurred prior to LSA approval are ineligible for payment from LSA funds.
4. Funds must be used for new projects and may not be used for fees for securing other financing, interest on borrowed funds, refinancing of existing debt, lobbying, fines, or application preparation fees.
5. Administration costs shall not exceed 3% of the total grant award.
6. Engineering costs shall not exceed 10% of the total grant award.
7. Contingency costs are limited to 5% of documented construction and/or infrastructure costs.
8. Applications are based on a singular project.
 - Only one project may be submitted per application.
 - Multiple phases of a singular project may be included in one application.
 - Applicants may submit multiple applications.
9. The Luzerne County Redevelopment Authority shall not receive more than 10% of the total program funds awarded.

Section VIII – Miscellaneous Program Requirements

- A. **Nondiscrimination** - No assistance shall be awarded to an applicant under this program unless the applicant and the project user certifies to the CFA that the project user shall not discriminate against any employee or against any person seeking employment by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the Pennsylvania Human Relations Act, which prohibits discrimination on the basis of race, color, religious creed, ancestry, age, sex, national origin, handicap or disability, or in violation of any applicable federal laws. All contracts for work to be paid with grant funds must contain the commonwealth's official nondiscrimination clause.
- B. **Project Account** - For record maintenance and audit purposes, all Local Share Account funds must be deposited in a separate project account.
- C. **Project Records** - The applicant must maintain full and accurate records with respect to the project. The CFA requires access to such records as well as the ability to inspect all project work, invoices, and other relevant records at reasonable times and places.

D. Reporting/Close-out

- **Certification of Expenses**

The applicant shall sign a payment request form certifying that the expenses were incurred and were in accordance with the scope of work approved by the CFA. In lieu of a formal project audit and prior to final closeout of the grant agreement, the applicant shall be required to submit copies of all canceled checks verifying the expenditure of the LSA Program proceeds. Bank statements may also be submitted if electronic payment of the expenditure occurred.

- **Reporting**

Pennsylvania counties and municipalities are required by Act 1 of 2010 to report to the Department of Community and Economic Development all distributions of local share assessments, such as funds received under the LSA Program, on an annual basis. The report must include:

- Amount of funds received by the municipality or county in the prior calendar year. This applies each year funds are disbursed from the grant.
- A description of how the funds were used; either deposited in a general fund or committed to a specific use or project. If specific use or project, a narrative is required.

To access the online reporting form and additional instructions, please visit: dced.pa.gov/lsr.

Only one report will be submitted per municipality or county. All governmental authorities of a particular municipality or county (e.g., Redevelopment Authority, Industrial Development Authority, Water Authority, etc.) are required to coordinate and submit a singular report.

- E. **Bidding** - If the applicant is a political subdivision or other entity for which open and competitive bidding procedures have been established by law, it shall comply with those statutory bidding procedures. If not, the grantee shall comply with open and competitive bidding procedures in awarding any contracts in excess of \$10,000 for construction, reconstruction, demolition, alteration and/or repair, for acquisition of machinery and equipment, or for engagement of the services of a professional consultant, when such contracts are funded at least 50% with funds made available under this Contract. In order to comply with open and competitive bidding procedures the grantee must obtain a minimum of three arms-length bids from contractors who are capable of performing the services requested.
- F. **Prevailing Wage** - The Pennsylvania Prevailing Wage Act (43 P.S. § 165-1 et seq.; 34 Pa. Code § 9.101 et seq.) may be applicable to a project funded under this program. Prevailing Wage requirements are generally applicable to grants for construction, demolition, reconstruction, alteration, repair work, renovations, build-out and installation of machinery and equipment in excess of \$25,000. If applicable, the grantee is responsible for including prevailing wage rates in all bid documents, specifications, and construction contracts pertaining to the Project. The Department of Labor and Industry (L&I) has final authority to make prevailing wage applicability determinations.
- G. **Conflict of Interest** - An officer, director, or employee of an applicant who is a party to or has a private interest in a project shall disclose the nature and extent of the interest to the governing body of the applicant, and may not vote on action of the applicant concerning the project, nor participate in the deliberations of the applicant concerning the project.

Section IX – Program Inquiries

Program inquiries should be directed to:

Department of Community and Economic Development
Center for Community Enhancement
LSA - Luzerne County Program
400 North Street, 4th Floor
Commonwealth Keystone Building
Harrisburg, PA 17120-0225

Telephone: (717) 787-6245
Email: ra-dcedcbf@pa.gov