

SELF-CERTIFICATION FORM

1. Applicant Information

Applicant Name: _____

Project Name: _____

2. Agreement and Legal Opinion Templates

If you would like the application to be considered for the Expedited Drinking Water Grant (EDWG) program, have you and your counsel reviewed the EDWG Agreement template posted on the State Water Board's [EDWG website](#) and all terms and conditions: [EDWG Agreement Template](#)? ☐ Yes ☐ No ☐ N/A

Name of Counsel: _____

Address: _____

Email: _____

Phone number: _____

Do you need to request any modifications to the provisions of the EDWG Agreement template? Applicants that request modifications will likely be directed to another funding program. ☐ Yes ☐ No

If yes, please explain:

Have you and your counsel reviewed the [legal opinion template](#) posted on the State Water Board's EDWG website? ☐ Yes ☐ No

Note that EDWG program legal opinions will be expected to conform to the EDWG legal opinion template, including any modifications that may be made by the State Water Board. Counsel will be required to review this completed Self-Certification prior to rendering the legal opinion. If an EDWG Agreement is issued to the applicant, the legal opinion will be requested to be submitted to the State Water Board immediately after the applicant executes the Agreement.

3. Urban Water Supplier Conservation

Is the applicant an urban water supplier as defined in Water Code, section 10617? ☐ Yes ☐ No

If the applicant is an urban water supplier, please answer the following questions.
*(If the applicant is **not** an urban water supplier, proceed to Section 4.)*

☐ Yes ☐ No

If the applicant is an urban water supplier, please answer the following questions.
(If the applicant is not an urban water supplier, proceed to section 5.)

☐ Yes ☐ No[illegible]

5. Project-Related Service Provider Contracts

Consultant and Professional Services

Has the applicant selected or contracted with an engineering consultant or other professional service provider (e.g., environmental, land surveying, project management) for assistance with the project? ☐ Yes ☐ No

If yes, provide the firm's name and contact information:

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If the applicant has selected or contracted with an engineering consultant or other professional service provider, describe the procurement process used to select each consultant, including how the process ensured selection based on demonstrated competence and qualifications and that contract rates are reasonable and consistent with state contracting requirements (including Government Code, section 4525 et seq.):

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If the applicant has selected or contracted with an engineering consultant for assistance with the project, is the consultant listed on the [California Department of Industrial Relations](#) or [Water Board Debarred Lists](#)? ☐ Yes ☐ No

If yes, the applicant should immediately notify the State Water Board, and may need to select a new consultant that is not on these lists to remain eligible for funding.

Self-Certification for Existing and Future Consultant Contracts

For all existing and future consultant service contracts related to this project, the applicant certifies the following:

Consultant(s) are or will be selected based on demonstrated competence and qualifications. All architectural and engineering services shall be procured pursuant to a fair, competitive selection process. The applicant's procurement process prohibits employees from participating in the selection process when they have a financial or business relationship with any private entity seeking the contract. (Government Code, sections 4526 and 4529.12.) ☐ Yes ☐ No

Rates in existing or future contracts are or will be reasonable and consistent with applicable state laws. ☐ Yes ☐ No

The procurement process complies or will comply with California contracting requirements for professional services (including Government Code, section 4525 et seq.). ☐ Yes ☐ No

The applicant will maintain documentation of procurement and selection processes, including justification for selected consultants and evaluation of rates. ☐ Yes ☐ No

For privately-owned water systems, the applicant will ensure bid procedures conform to the requirements set forth in the Drinking Water State Revolving Fund (DWSRF) Policy, Appendix K (Bid Procedures for Privately Owned Water Systems). ☐ Yes ☐ No ☐ NA

Note: Applicants should also review the State Water Board's Engineering Firm Selection Process – Recommendations for Small Public Water Systems Utilizing DWSRF Financing (DWSRF Policy, Appendix J, August 2012), which provides guidance on qualifications-based selection of professional engineering services.

Facility Operation Contracts

Does the applicant have a contract with a private firm or another agency for the operation of the facility to be funded? ☐ Yes ☐ No

If yes, provide the name of the firm or agency and term (in years) of the agreement:

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6. Conflict of Interest Requirements

Service Provider Contracts

Does the applicant certify that any service provider or contractor, including but not limited to the ones listed in section 5, above, will not have any role or relationship with the applicant that, in effect, substantially limits the applicant's ability to exercise its rights, including cancellation rights, under the contract, based on all the facts and circumstances (General Terms and Conditions, paragraph C.11)? ☐ Yes ☐ No

If no, please explain:

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Conflict of Interest Code

The applicant has adopted a Conflict of Interest Code (may not be required for privately-owned entities). ☐ Yes ☐ No

If “yes” and if the applicant is a public agency, attach a copy of your Conflict of Interest Code.

If “no”, and if the applicant is a public agency, the State Water Board may require a copy of your Conflict of Interest Code prior to any disbursement of funds.
Provide an estimated timeframe for submission:

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If the applicant has adopted a Conflict of Interest Code, does the applicant certify that it, including its officers, directors, agents, representatives, and employees, comply—and will remain in compliance for the useful life of the Project—with the Conflict of Interest Code? ☐ Yes ☐ No

Compliance Status

If the applicant is a private entity, proceed to Section 7. If the applicant is a public agency, answer the following questions:

Does the applicant certify that it, including its officers, directors, agents, representatives, and employees, comply—and will remain in compliance for the useful life of the Project—with all applicable State, federal, and local conflict of interest laws? ☐ Yes ☐ No

Government Code, section 87100 et seq., and the Fair Political Practices Commission Regulations at title 2, division 6, sections 18700-18757 of the California Code of Regulations, prohibit a public official from participating in making, or in any way attempting to use the public official’s official position to influence a governmental decision in which the official knows or has reason to know the official has a financial interest. Does the applicant certify that its officers, directors, agents, representatives, and employees, comply—and will remain in compliance for the useful life of the Project—with these rules? ☐ Yes ☐ No

Does the applicant certify that its officers, directors, agents, representatives, and employees are not financially interested in any contract made by them in their official capacity or by any body or board of which they are members, including but not limited to any contract for engineering consultants or other service providers (e.g., environmental, land surveying, project management, construction or facility operation) or contracts for project property rights, materials, supplies, equipment, or any pre-purchased items related to the Project, and will remain in compliance with Government Code, section 1090 et seq., throughout the useful life of the Project? ☐ Yes ☐ No

If you answered “no” to either of the three questions immediately above, provide a detailed explanation and describe the measures that will be implemented to ensure future compliance with these requirements.

7. Projects Involving Privately-Owned or Tribal Entities

Does the project involve consolidation (e.g., master meter, distribution system, managerial, intertie) involving a water system owned by a private or tribal entity?

☐ Yes ☐ No

If yes, describe the process and provide an estimated timeframe for obtaining timely authorization from the Board of Directors or the governing authority of the private or tribal entity to enter into and sign the consolidation agreement:

Describe any potential difficulties associated with obtaining such authorization, including any relevant law or requirement of the private or tribal entity’s articles of incorporation, bylaws, tribal constitution, etc. of which you are aware:

Does the project involve consolidation that will require California Public Utility Commission (CPUC) approval?

☐ Yes ☐ No

If yes, describe the process and provide an estimated timeframe for obtaining timely authorization from the CPUC for this consolidation.

**If the applicant is a privately-owned entity, please answer the following questions.
(If the applicant is not a privately-owned entity, proceed to Section 8.)**

If you are a corporation, would shareholder approval be required for you to enter into the Agreement, or any such other agreements or instruments contemplated in the Agreement and necessary for implementation of the Project, such as a consolidation agreement, based on applicable law, articles of incorporation and bylaws?

☐ Yes ☐ No

Please explain after consultation with your legal counsel:

If you are a corporation, do you anticipate any difficulties with obtaining timely authorization from the Board of Directors to enter into the Agreement, or to enter into any other agreements or instruments contemplated in the Agreement or that are necessary for implementation of the Project? ☐ Yes ☐ No

Provide an estimated timeframe for obtaining such authorizations and describe any associated difficulties, including any relevant law or requirements in your corporation's articles of incorporation and bylaws:

If you are a private entity, are you in good standing with the Secretary of State? ☐ Yes ☐ No

If no, please explain:

If you are a CPUC regulated utility, have you been subject to any CPUC notices or citations? ☐ Yes ☐ No

If yes, please explain:

If you are a mutual water company, are you in compliance with the Corporations Code § 14300 which requires that the mutual water company's articles of incorporation or bylaws contain provisions that the water shall be supplied only to owners of shares and that these shares are appurtenant to the land, and that a certified copy of the articles or bylaws be recorded in the office of the county recorder in the county where the lands are situated? ☐ Yes ☐ No

If you are a mutual water company that operates a public water system, are you in compliance with the following requirements?

Corporations Code § 14301.1. requires that no later than Dec. 31, 2012, mutual water companies operating a public water system submit a map of their service area to the Local Agency Formation Commission (LAFCo) of their county and respond to requests from a LAFCo for information relating to the operation of the public water system. ☐ Yes ☐ No

Corporations Code § 14301.2. requires that each board member of a mutual water company that operates a public water system comply with the training requirements set out in subdivision (a) of Section 116755 of the Health and Safety Code. ☐ Yes ☐ No

Corporations Code § 14305, known as the Mutual Water Company Open Meeting Act. requires mutual water companies operating public water systems to follow open meeting and transparency rules, including notice of meetings, the right for eligible persons (members, shareholders, or residents) to attend the meetings and to access records. ☐ Yes ☐ No

Corporations Code § 14306. requires a mutual water company that operates a public water system to adopt, in an open meeting, an annual budget on or before the start of each fiscal year, and to contract with a certified public accountant or public accountant to conduct an annual review of the financial records and reports of the mutual water company that is subject to generally accepted accounting standards. ☐ Yes ☐ No

If no, to any of the above Mutual Water Company requirements, please explain:

8. Potential Red Flags

After general counsel consultation, does the applicant have any doubt whether their governing statutes, articles of incorporation, or bylaws allow them to finance the project through the funding program or to consummate any transactions contemplated under the funding agreement as part of the project? ☐ Yes ☐ No

Was there a significant level of protest during the most recent rate setting process?

☐ Yes ☐ No

Is there an existing or pending rate rollback initiative on an upcoming ballot, or are there any efforts within the community to initiate a rate rollback? Have rates been rolled back in the past due to a voter initiative?

☐ Yes ☐ No

Does the applicant have any material obligations that would conflict with the applicant's obligations with respect to the project, the water system(s) participating in the project, or otherwise negatively affect the applicant's financial standing, operational capabilities, or legal status during the implementation of the project?

☐ Yes ☐ No

Are there any contracts, agreements, or leases that are material to the project or to the Agreement?

☐ Yes ☐ No

Is the applicant aware of any pending or threatened actions, claims, investigations, suits, or other proceedings that could materially affect the project or the applicant's financial condition, operations, water system(s) participating in the project, water system revenues, or ability to enter into and comply with an Agreement for project?

☐ Yes ☐ No

Are there any current or prior material events such as bankruptcy, actions taken in anticipation of filing bankruptcy, defaults on material obligations, grand jury investigations or findings, unscheduled draws on reserve funds, or civil, criminal, or administrative investigations or enforcement actions relevant to the water system(s) participating in the project?

☐ Yes ☐ No

Has the applicant received any offers, become aware of any voter initiatives, or signed any agreements that would affect the applicant's legal structure, such as reorganization, merger, dissolution, formation of a Joint Powers Authority, or that would involve a sale of substantially all assets, etc., or does the applicant otherwise anticipate any such upcoming changes, during or upon completion of the project implementation?

☐ Yes ☐ No

Has the applicant received any offers for sale or notices of pending eminent domain action with respect to the water system(s) participating in the project, or is the applicant otherwise planning to sell or transfer its water system to any third party prior to, during implementation, or upon completion of the project, other than as contemplated by the project?

☐ Yes ☐ No

Have any of the applicant's key personnel been investigated or indicted for fraudulent activity in the last three years?

☐ Yes ☐ No

Has there been or is there currently significant disagreement within the community about the project?

☐ Yes ☐ No

Will the project involve a public-private partnership? ☐ Yes ☐ No

Is the applicant involved in a Joint Powers Authority or are there agreements with other entities related to the project? ☐ Yes ☐ No

If the applicant is a private entity, is the applicant not in good standing with the California Franchise Tax Board? ☐ Yes ☐ No ☐ N/A

If the applicant is a private entity, is the applicant domiciled and registered outside of California? ☐ Yes ☐ No ☐ N/A

Has the applicant completed project bidding? ☐ Yes ☐ No

If project bidding is completed, do the specifications not include the American Iron and Steel requirements? ☐ Yes ☐ No ☐ N/A

If project bidding is completed, do the specifications not include the Disadvantaged Business Enterprises requirements? ☐ Yes ☐ No ☐ N/A

If project bidding is completed, do the specifications not include the Davis-Bacon requirements? ☐ Yes ☐ No ☐ N/A

Is this a regionalization project? ☐ Yes ☐ No

Will the project be co-funded with other agencies? ☐ Yes ☐ No

If completed, have the plans and specifications not been reviewed and/or approved by the Division of Drinking Water for permitting purposes? ☐ Yes ☐ No ☐ NA

Does the applicant anticipate the project will be implemented in phases with multiple bids? ☐ Yes ☐ No

Does the applicant anticipate the project will be implemented with a Design-Build delivery method? ☐ Yes ☐ No

Does the applicant anticipate that the plans and specifications will be out for bids before receiving an executed Agreement? ☐ Yes ☐ No

Are the last three (3) years of audited financial statements not available? ☐ Yes ☐ No

Are you planning to request Advance Payment? ☐ Yes ☐ No

Have the environmental documents not been prepared for the project? ☐ Yes ☐ No

Is there any significant controversy related to the project's environmental documents?
☐ Yes ☐ No

Have the project's environmental documents been approved more than four years ago?
☐ Yes ☐ No

If the applicant is a private entity, has the applicant been unable to find a local agency that is willing to act as the CEQA lead agency for the project?
☐ Yes ☐ No

Is it anticipated that the CEQA lead agency for the potential construction project will be an agency other than the Applicant?
☐ Yes ☐ No

If non-profit, is the applicant unable to provide a copy of its tax exemption confirmation statement from the IRS?
☐ Yes ☐ No ☐ N/A

Is there an anticipated funding deficit for the project due to the funding limitations of this application?
☐ Yes ☐ No

Are the applicant's annual revenues currently insufficient to cover annual expenses?
☐ Yes ☐ No

Does the applicant have outstanding fines or penalties due to non-compliance with a permit or order?
☐ Yes ☐ No

Will the project be co-funded with funding other than from the State Water Resources Control Board?
☐ Yes ☐ No

Was the last rate study completed over five years ago?
☐ Yes ☐ No

Has the applicant had a prior material event such as a bankruptcy, default, unscheduled draw on reserve funds, substitution of insurers on their failure to perform, or unscheduled draw on a credit enhancement in the preceding 10 years?
☐ Yes ☐ No

Has the applicant taken actions in anticipation of the sale of significant system assets?
☐ Yes ☐ No

Has the applicant taken actions in anticipation of restructuring or dissolution?
☐ Yes ☐ No

Does the applicant anticipate any issues complying with the requirements in the [EDWG Guidelines](#), including adhering to the recordkeeping guidance outlined in Appendix D, or complying with the requirements in the DWSRF Policy or the applicable DWSRF Intended Use Plan?
☐ Yes ☐ No

Does the applicant and their attorney(s) have any concerns regarding their ability to comply with the Exhibit C Standard Terms and Conditions used for all DFA funding agreements? Terms and conditions: [General Terms and Conditions](#) ☐ Yes ☐ No

Have the environmental documents not been prepared to meet “federal cross-cutting” requirements? ☐ Yes ☐ No

Will the project impact any cultural resources? ☐ Yes ☐ No

Will the project impact any species listed in accordance with the California Endangered Species Act? ☐ Yes ☐ No

Will the project require consultations with the United States Fish and Wildlife Service or the National Marine Fisheries Service? ☐ Yes ☐ No

Will the project require a Clean Water Act Section 404 permit and a Section 401 Certification? ☐ Yes ☐ No

If you answered “yes” to any questions in the Potential Red Flags section above, please explain each individual concern:

9. Certification

I understand that the State Water Board will rely on this signed Self-Certification Form in order to approve funding and that false and/or inaccurate representations in this Self-Certification Form may result in loss of all funds awarded to the applicant for its project. Additionally, for the aforementioned reasons, the State Water Board may withhold disbursement of project funds, and/or pursue any other applicable legal remedy. I certify under penalty of perjury that the information provided on this form is true and correct.

Name of Authorized Representative

Signature

Title

Date