Mount Horeb Revolving Loan Fund

Created and Approved March 3rd , 2010

The Mount Horeb Revolving Loan Fund (RLF) was created in 2010 with funding from a USDA Rural Business Enterprise Grant (RBEG). The USDA awarded the Village of Mount Horeb $91,463 to create a revolving loan fund. The Village later added $100,000 as part of the 2010 budget.

Enclosed in this packet are the guidelines for qualifying for the fund, the application process, and all the necessary forms that need to be submitted to the USDA and the Village of Mount Horeb. Please take your time in reading through the materials and be sure to ask for assistance if you have any questions.

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Program Objectives:

The Objective of this RLF is to make capital available for business start-up and expansion more accessible for the following:

- To provide aid to small businesses when a need is demonstrated.
- To diversify the economy in the industrial and commercial sectors.
- To enhance the redevelopment of blighted building and property, or fill vacant structures for industrial or commercial use.
- To create jobs for the unemployed and under-employed or to save existing jobs.
- To increase available Village tax base.

Loans must be used to expand or create enterprises located, or to be located, within the Village limits of Mount Horeb. Businesses must have 50 or fewer employees and less than $1,000,000 in projected gross revenues.

The Village may negotiate and require terms designed to ensure each project meets the program objective(s), for example increasing interest rates where objective(s) are not satisfied and confirmation on the creation of jobs where applicable. Loans will be made on the strength of the application and not on a "first come, first serve" basis.

Eligible Uses

Eligible uses of funds include:

1. Purchase of Machinery or equipment
2. Inventory
3. Real Property Acquisition
4. Construction or Renovation costs
5. Loan application, review, and closing costs may be wrapped into the loan
6. Other expenses approved by the Revolving Loan Fund Committee

Process for Loan Approval

Revolving Loan Committee

RLF is managed by the Revolving Loan Fund Committee. This is a six person committee created by the Mount Horeb Village Board and given authority to review applications and to make recommendations to the Village Board for loan approvals. The committee includes: the Village President, the Village Administrator (ex-officio), a

Village Trustee and three residents or property owner members with recognized experience and qualifications in the following fields: building construction, economic development, banking, or legal professions.

Applications should be made on the attached form.

All applications shall be filed with Village staff and as funds are available, staff shall call for a meeting of the Revolving Loan Fund Committee to review initial applications. All applications must be preliminarily approved by the Revolving Loan Fund Committee before a financial evaluation is completed.

The Village Board and USDA Rural Development must approve this manual and any changes hereto.

Terms and Conditions

Confidentiality

Information divulged to the Village Administrator, Revolving Loan Fund Committee, or Village Board ***should not*** be considered confidential. Such information may be open to the public under Wisconsin Law. Please do not provide information you wish to have remain confidential.

A third party can be hired to review the financial information and credit of each applicant.

Fees

The Revolving Loan Fund Committee shall charge an application fee of $250 to all loan applicants. Applications may not be reviewed by anyone until after the application fee has been paid.

Applicants will be expected to cover the costs of a financial review if a third party financial review is required by the RLFC. The Third Party will analyze financial data and assist the Revolving Loan Fund Committee. The Village may require the applicant to deposit the estimated costs with the Village. The Village may also require the applicant to pay or reimburse the Village for any costs relating to negotiating or documenting the applicant's loan.

Terms

1. All loans rates will be set near the Village's borrowing rate, plus or minus, depending on the benefits of applicant's proposal to the Village.
2. All loans shall be paid in full within a period set by the Village, but not more than ten years. The Village may approve amortization schedules up to twenty-five years with a balloon payment not later than year ten.

Collateral

A. The repayment of RLF loans used to purchase real estate shall be secured by a mortgage interest in such real property. The fair market value of the mortgaged property shall be not less than 10 percent more than the combined total of the RLF loan and any other liens having priority over the RLF loan.

B. The Village may require that repayment of a RLF loan used for purposes other than purchasing real property be secured by a mortgage interest in real property or a security interest in other property. In such cases, the loan to value ratio, the priority of the Village's security interest in the collateral, and other terms, shall be as determined by the Village on a case-by-case basis.

C. The Village may require that repayment of any RLF loan be secured by personal or corporate guarantees.

D. The applicant must provide such other documentation or evidence as the Village may request to establish the fair market value of collateral. The applicant may also provide any evidence of value it wishes the Village to consider.

E. The applicant must provide such title evidence and / or title insurance relating to collateral that the Village may require on a case-by-case basis.

F. The Village shall require that collateral be insured, and that the proceeds of insurance be used to repair or replace any damage to collateral, or paid to the Village.

The RLF Committee may recommend the Village Board consider releasing collateral during the term of the loan so long as the Village's investment of public funds is protected. In order to protect the investment of public funds, the RLF Committee may also seek additional collateral at renewal of the loan.

Matches and Loan Packaging

Except as otherwise provided below, all RLFA loans must be matched with funding from other sources. At least one dollar of private funds must be provided for every one dollar

of RLF money. For loans of less than $5,000, the match shall be set by the RLF Committee. Eligible matches may include funding from:

1. Banks
2. Savings Institutions
3. Credit Unions
4. Small Business Administration
5. WHEDA
6. Other Economic or Community Development Authorities or Lending Institutions.
7. Women's Business Initiative
8. Equity from Borrower

A Revolving Loan Fund Committee representative(s) and the Village Administrator will review lien waivers or other means of verification, and compare them to cost estimates before disbursing funds.

Eligibility

1. Loans must be used to expand or create enterprises located, or to be located, within the Village limits of Mount Horeb. Businesses must have 50 or fewer employees and less than $1,000,000 in projected gross revenues.
2. A project is not eligible if a member of the Village Board or Revolving Loan Fund Committee, the Third Party, or any other official, employee, or agent of the Village who exercises decision-making functions or responsibilities in connection with the implementation of the Revolving Loan Fund program, has a financial interest in the project, or if the project would otherwise create or appear to create a conflict of interest.
3. No loans shall be made that are in conflict with Wis. Stat. § 946.13 (Private Interest in Public Contract Prohibited).
4. Applicants shall not be disqualified based on age (provided the applicant has the ability to contract), race, religion, color, national origin, sex, handicap, physical condition, development disability (as defined in Wis. Stat. § 51.01(5)), sexual orientation, marital status, or derivation of all or part of the applicant's income from any public assistance program.

Loan Servicing

The Village Administrator shall prepare a loan analysis memorandum for the Committee and Village Board to review and approve. This memo shall serve as a basis for the Village Attorney to draft loan documents.

Loan Closings

Applicant will sign a commitment letter furnished by the Village within fifteen (15) days of Village Board approval. The applicant shall inform the Village whether it accepts the terms of the commitment within fifteen days, and shall reimburse the Village for any

costs incurred by the Village after such acceptance if the loan does not close within sixty (60) days from the date of the signed commitment letter, or such additional time as the parties may agree. All necessary documents must be signed at the closing.

Loan Payments
Loan Payments must be mailed to "Village of Mount Horeb" at:

Village Administrator
Revolving Loan Fund
138 E. Main Street
Mount Horeb, WI 53572

The Village Administrator or his/her staff, will record each payment made and ensure that deposits are made in a timely manner into the "RLF" Account.

Loan Payments must be received as per the scheduled due dates. Payments received after the due date will be subject to penalty of: 10% of payment, if received 5+ days late. Loans left unpaid for 45 days may be turned over to a collection agency for the collection of the remaining loan balance and will be reported to credit agencies, with approval of the Revolving Loan Fund Committee. The Village Administrator is responsible to ensure that collection of loan defaults are pursued to the fullest extent of the law. Legal fees and costs associated with collections shall be borrower's expense.

Fund Maintenance
The Village of Mount Horeb understands that upon rare occasions there will be loans that fall into default or are unable to be paid back. The Village will perform all steps necessary to recover loans in default and will collect all collateral possible to ensure the maximum amount of loan repayment.

All principal and interest payments shall be returned to the fund for the benefit of fund growth. When that occurs, the Revolving Loan Fund Committee may use the interest earned to cover administrative costs associated with maintaining the fund.

Site Visits/Inspections
The Village may perform site visits to ensure that collateralized equipment is still present and to inspect property. The applicants shall agree in writing to such inspections documentation.

Rejected or Incomplete Applications
As part of the application review, the Village Administrator shall conduct research regarding the applicant's credit worthiness and advise the RLF of any concerns generated about the applicant. The Village shall retain all rejected and incomplete applications for a period of one year after the date on the application.

Documentation

The Village of Mount Horeb shall maintain a file on each loan awarded that includes the necessary forms and payment history, as well as documentation of loan compliance. Applicant will be expected to sign documents to secure the loan, i.e. loan agreements, promissory notes, mortgage or other security instruments, USDA reporting documents, or other documents as required by the Revolving Loan Fund Committee.

Revolving Loan Fund Application

I. Applicant Information - Please provide the information requested. "You" refers to the proprietor, general partner, or corporate officer signing this form.

Name:

Address:

City, State, Zip Code:

Telephone(s):

II. Information about Your Business - Please provide the information requested. "You" refers to the proprietor, general partner, or corporate officer signing this form.

Name of Business:

Address of Business:

City, State, Zip Code:

Type of Business: | Telephone:

Number of Employees: | IRS Employer ID Number:

Bank Where Your Business Has An Account:

III. Information about Management (please list owners with 20% or more)

Name: | % Ownership:

Address:

Name: | % Ownership:

Address:

Name: | % Ownership:

Address:

Name: | % Ownership:

Address:

Name: | % Ownership:

Address:

IV. How do you Plan to Use the Financing - If your intended use of the financing fits one of these categories, please fill out this section. If you use "other" submit a list on a separate sheet of paper.

Building: $ _____ | Amount for New Building: $

New Purchase Renovate | Amount for Land: $

Equipment: $ | New: $ Used: $

Equipment Repair: $ | Working Capital: $

Notes Payable: $ | Accounts Payable: $

Other: $

TOTAL AMOUNT REQUESTED: $

REQUESTED INTEREST RATE: % | *TERM (YEARS) REQUESTED:*

V. Summary of Collateral - If your collateral consists of (A) land and buildings, (B) Inventory, and/or © Accounts Receivable, fill in the appropriate blanks. If you are using (D) Machinery and Equipment, (E) Furniture and Fixtures, and/or (F) Other, Please provide an itemized list.

	Current Value	- Depreciation for Loan Term	= Balance
A. Land and Buildings	$	- $	= $
B. Inventory	$	- $	= $
C. Accounts Receivable	$	- $	= $
D. machinery/Equipment	$	- $	= $
E. Furniture and Fixtures	$	- $	= $
F. Other	$	- $	= $
TOTAL COLLATERAL			*$*

VI. Additional Considerations - Please add anything additional you believe should be considered when review this application.

VII. Exhibits – Please provide Exhibits A and B with the initial application. The Revolving Loan Fund Committee may request the additional exhibits below.

Exhibit A - A personal resume for each person, e.g. owners, partner, major shareholder.

Exhibit B - A brief history of your company and a paragraph describing the expected benefits the borrower and the lender will receive from this financing.

Exhibit C - Articles of Incorporation (S & C Corp.), Operating Agreement (LLC), and corresponding borrowing resolution.

Exhibit D - A Cash Flow Projection and Earnings Projection for the next two years for the business.

Exhibit E - A personal balance sheet, two years of personal taxes, child support or maintenance, current credit report for each stakeholder with 20% or more ownership interest.

Exhibit F - A current business balance sheet, two years of previous years federal tax returns, and a list which states the origination date, amount, mortgagee, present balance owed, interest rate, periodic payment, maturity, and security for each loan or debt that your business currently has. Please also indicate if any loans are delinquent.

Exhibit G – A Purchase Contract.

Exhibit H – Business Plan. A tool to help create one can be found at http://web.sba.gov/busplantemplate/BizPlanStart.cfm

I hereby acknowledge that the information provided on this application and corresponding Exhibits is true to the best of my knowledge.

_____ _____

Registered Agent/Applicant Date

REVOLVING LOAN FUND
PROGRAM ACTIVITY REPORT

SUBMIT FOR EACH PROJECT FUNDED

Borrower Name: _____
Name of Project Ultimate Recipient: _____
Project Address: _____
County: _____
2000 Median Household Income for Business Location: _____
Six-digit NAICS (North American Industry Classification System) Code: _____

Race: ☐ White ☐ Black/African American ☐ American Indian/Alaskan Native
☐ Asian ☐ Hawaiian/Pacific Islander

Applicant Type: ☐ Indian Tribe ☐ Profit-Making Corporation ☐ Proprietorship
☐ Cooperative ☐ Public Body ☐ Partnership
☐ Nonprofit Corp. ☐ Trust ☐ Other

Sex: ☐ Male-Owned Organization ☐ Female-Owned Organization ☐ Public Body

Project Payment Schedule Information (attach copy, if preferable):
Loan Amount: _____ Intermediary Matching Amount: _____
Participation Amount (bank, ultimate recipients, other local funds etc.) : _____
Terms: _____ Closing Date: _____ Interest Rate: _____ Rate Type: (Fixed or Variable) _____

Loan Balance: _____

Status: ☐ Ahead ☐ Current ☐ Delinquent ☐ Loss/Charge Off ☐ Paid in Full ☐ Suspense/Deferred

Brief Description of Project (include use of loan funds):

Project Objectives and Accomplishments (mention whether project has been completed):

Number of Jobs created: _____
Number of Jobs saved: _____

_____ _____
Signature *Date*

USDA
Form RD 1940-20, **WI FORM**
(Rev. 4-06) **WI REV 06/2007**

Position 3

REQUEST FOR ENVIRONMENTAL INFORMATION

FORM APPROVED
OMB No. 0575-0094

Name of Project

Location

Item 1a. Has a Federal, State, or Local Environmental Impact Statement or Analysis been prepared for this project?
☐ Yes ☐ No ☐ Copy attached as EXHIBIT I-A.

1b. If "No." provide the information requested in Instructions as EXHIBIT I.

Item 2. The State Historic Preservation Officer (SHPO) has been provided a detailed project description and has been requested to submit comments to the appropriate Rural Development Office. ☐ Yes ☐ No **The SHPO submittal will be completed by the RD State Office - See Item 2, Page 5.**

Item 3. Are any of the following land uses or environmental resources either to be affected by the proposal or located within or adjacent to the project site(s)? *(Check appropriate box for every item of the following checklist).*

	Yes	No	Unknown		Yes	No	Unknown
1. Industrial	☐	☐	☐	19. Dunes	☐	☐	☐
2. Commercial	☐	☐	☐	20. Estuary	☐	☐	☐
3. Residential	☐	☐	☐	21. Wetlands	☐	☐	☐
4. Agricultural	☐	☐	☐	22. Floodplain	☐	☐	☐
5. Grazing	☐	☐	☐	23. Wilderness *(designated or proposed under the Wilderness Act)*	☐	☐	☐
6. Mining, Quarrying	☐	☐	☐				
7. Forests	☐	☐	☐	24. Wild or Scenic River *(proposed or designated under the Wild and Scenic Rivers Act)*	☐	☐	☐
8. Recreational	☐	☐	☐				
9. Transportation	☐	☐	☐	25. Historical, Archeological Sites *(Listed on the National Register of Historic Places or which may be eligible for listing)*	☐	☐	☐
10. Parks	☐	☐	☐				
11. Hospital	☐	☐	☐	26. Critical Habitats *(endangered /threatened species)*	☐	☐	☐
12. Schools	☐	☐	☐	27. Wildlife	☐	☐	☐
13. Open spaces	☐	☐	☐	28. Air Quality	☐	☐	☐
14. Aquifer Recharge Area	☐	☐	☐	29. Solid Waste Management	☐	☐	☐
15. Steep Slopes	☐	☐	☐	30. Energy Supplies	☐	☐	☐
16. Wildlife Refuge	☐	☐	☐	31. Natural Landmark *(Listed on National Registry of Natural Landmarks)*	☐	☐	☐
17. Shoreline	☐	☐	☐				
18. Beaches	☐	☐	☐	32. Coastal Barrier Resources System	☐	☐	☐

Item 4. Are any facilities under your ownership, lease, or supervision to be utilized in the accomplishment of this project, either listed or under consideration for listing on the Environmental Protection Agency's List of Violating Facilities? ☐ Yes ☐ No

_____ Signed: _____

(Date) *(Applicant)*

(Title)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collections is 0575-0094. The time required to complete this information collection is estimated to average 6 to 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

INSTRUCTIONS FOR PREPARING FORM RD 1940-20

Federal agencies are required by law to independently assess the expected environmental impacts associated with proposed Federal actions. It is extremely important that the information provided be in sufficient detail to permit Rural Department to perform its evaluation. Failure to provide sufficient data will delay agency review and a decision on the processing of your application.

This information request is designed to obtain an understanding of the area's present environmental condition and the project's elements that will affect the environment. Should you believe that an item does not need to be addressed for your project, consult with the RD office from which you received this Form before responding. In all cases when it is believed that an item is not applicable, explain the reasons for this belief.

It is important to understand the comprehensive nature of the information requested. Information must be provided for a) the site(s) where the project facilities will be constructed and the surrounding areas to be directly and indirectly affected by its operation and b) the areas affected by any primary beneficiaries of the project. The amount of detail should be commensurate with the complexity and size of the project, and the magnitude of the expected impact. Some examples:.

A small community center project may not require detailed information on air emissions, meteorological conditions and solid waste management.

A water resource, industrial development, or housing development project will require detailed information.

Item la - Compare the Environmental Impact Statement or Analysis that was previously prepared with the information requested in the instructions for Item lb below to be sure that every point in the information request is covered in the Environmental Impact Statement or Analysis. If any of the requested information is not covered, attach to the Environmental Impact Statement or Analysis a supplemental document that corrects any deficiencies or omissions.

Item lb - Provide responses to the following items in the order listed and attach as EXHIBIT I. In order to understand the full scope of the land uses and environmental factors that need to be considered in responding to these items, it may be helpful to complete Item 3 of the Form before completing these narrative responses. If your application is for a project that Rural Development has classified as a Class I action, complete only parts (1), (2), (13), (15), (16), and (17) of this Item. The Rural Development office from which you received this Form can tell you if your application falls within the Class I category.

(1) Primary Beneficiaries

Identify any existing businesses or major developments that will benefit from the proposal, and those which will expand or locate in the area because of the project. These businesses or major developments hereafter will be referred to as primary beneficiaries.

(2) Area Description: **See notes for this section under Additional Information section on Page 5.**

(a) Describe the size, terrain, and present land uses as well as the adjacent land uses of the areas to be affected. These areas include the site(s) of construction or project activities, adjacent areas, and areas affected by the primary beneficiaries. **Identify the Township, Range and Section Numbers of the Project Location.**

(b) For each box checked "Yes" in item 3, describe the nature of the effect on the resource. If one or more of boxes 17 through 22 is checked "Yes" or "Unknown," contact Rural Development for instructions relating to the requirements imposed by the Floodplain Management and Wetland Protection Executive Orders.

(c) Attach as Exhibit II the following: 1) a U.S. Geological Survey "15 minute" ("7 1/2 minute" if available) topographic map which clearly delineates the area and the location of the project elements; 2) the Federal Emergency Management Administration's floodplain map(s) for the project area; 3) site photos; 4) if completed, a standard soil survey for the project area; and 5) if available, an aerial photograph of the site. If a floodplain map is not available, contact Rural Development for additional instructions relating to the requirements imposed by the Floodplain Management Executive Order.

(3) Air Quality

(a) Provide available air quality data from the monitoring station(s) either within the project area or, if none exist nearest the project area.

(b) Indicate the types and quantities of air emissions to be produced by the project facilities and its primary beneficiaries. If odors will occur, indicate who will be affected.

(c) Indicate if topographical or meteorological conditions hinder the dispersal of air emissions.

(d) Indicate the measures to be taken to control air emissions.

(4) Water Quality

(a) Provide available data on the water quality of surface or underground water in or near the project area.

(b) Indicate the source, quality, and available supply of raw water and the amount of water which the project is designed to utilize.

(c) Describe all of the effluents or discharges associated with the project facilities and its primary beneficiaries. Indicate the expected composition and quantities of these discharges prior to any treatment processes that they undergo and also prior to their release into the environment.

(d) Describe any treatment systems which will be used for these effluents and indicate their capacities and their adequacy in terms of the degree and type of treatment provided. Indicate all discharges which will not be treated. Describe the receiving waters and their uses (e.g., recreational) for any sources of treated and untreated discharge.

(e) If the treatment systems are or will be inadequate or overloaded, describe the steps being taken for necessary improvements and their completion dates.

(f) Describe how surface runoff will be handled if not discussed in (d) above.

(5) Solid Waste Management

(a) Indicate the types and quantities of solid wastes to be produced by the project facilities and its primary beneficiaries.

(b) Describe the methods for disposing of these solid wastes plus the useful life of such methods.

(c) Indicate if recycling or resource recovery programs are or will be used.

(6) Transportation

(a) Briefly describe the available transportation facilities serving the project area.

(b) Describe any new transportation patterns which will arise because of the project.

(c) Indicate if any land uses, such as residential, hospitals, schools or recreational, will be affected by these new patterns.

(d) Indicate if any existing capacities of these transportation facilities will be exceeded. If so, indicate the increased loads which the project will place upon these facilities, particularly in terms of car and truck traffic.

(7) Noise

(a) Indicate the major sources of noise associated with the project facilities and its primary beneficiaries.

(b) Indicate the land uses to be affected by this noise.

(8) Historic/Archeological Properties

(a) Identify any known historic/archeological resources within the project area that are either listed on the National Register of Historic Places or considered to be of local and state significance and perhaps eligible for listing in the National Register.

(b) Attach as EXHIBIT III any historical/archeological survey that has been conducted for the project area.

(9) Wildlife and Endangered Species

(a) Identify any known wildlife resources located in the project area or its immediate vicinity.

(b) Indicate whether to your knowledge any endangered or threatened species or critical habitat have been identified in the project area or its immediate vicinity.

(10) Energy

(a) Describe the energy supplies available to the project facilities and the primary beneficiaries.

(b) Indicate what portion of the remaining capacities of these supplies will be utilized.

(11) Construction

Describe the methods which will be employed to reduce adverse impacts from construction, such as noise, soil erosion and siltation.

(12) Toxic Substances

(a) Describe any toxic, hazardous, or radioactive substances which will be utilized or produced by the project facilities and its primary beneficiaries.

(b) Describe the manner in which these substances will be stored, used, and disposed.

(13) Public Reaction

(a) Describe any objections which have been made to the project.

(b) If a public hearing has been held, attach a copy of the transcript as EXHIBIT IV. If not, certify that a hearing was not held.

(c) Indicate any other evidence of the community's awareness of the project such as through newspaper articles or public notification.

(14) Alternatives to the Proposed Project

Provide a description of any of the following types of alternatives which were considered:

(a) Alternative locations.

(b) Alternative designs.

(c) Alternative projects having similar benefits.

(15) Mitigation Measures

Describe any measures which will be taken to avoid or mitigate any adverse environmental impacts associated with the project.

(16) Permits

(a) Identify any permits of an environmental nature which are needed for the project.

(b) Indicate the status of obtaining each such permit and attach as EXHIBIT V any that have been received.

(17) Other Federal Actions

Identify other federal programs or actions which are either related to this project or located in the same geographical area and for which you are filing an application, have recently received approval, or have in the planning stages.

Item 2 - All applicants are required to provide the **WI RURAL DEVELOPMENT STATE OFFICE** with (a) a narrative description of the project's elements and its location, (b) a map of the area surrounding the project which identifies the project site, adjacent streets and other identifiable objects, (c) **A SITE PLAN OF THE PROJECT** and (d) photographs of the affected properties if building demolition or renovation is involved. **ALSO SUBMIT THE TOTAL AMOUNT (IN SQUARE FEET) OF NEW GROUND DISTURBANCE THAT WILL OCCUR AT THE BUILDING SITE FOR THE CONSTRUCTION OF THE PROPOSED PROJECT.**
This material will be submitted to the SHPO by RURAL DEVELOPMENT.
THE APPLICANT SHOULD NOT CONTACT OR SUBMIT PROJECT MATERIALS TO THE WISCONSIN SHPO FOR THE RURAL DEVELOPMENT APPLICATION.

Item 3 - Self-explanatory.

Item 4 - Self-explanatory

ADDITIONAL INFORMATION:
USGS MAPS AND AERIAL PHOTOS CAN BE FOUND ON-LINE AT: http://terraserver.microsoft.com/
Identify the name of the USGS map (if known).
FLOODPLAIN MAPS CAN BE FOUND ON-LINE AT: www.fema.gov
SOILS MAPS (IF NEEDED) CAN BE FOUND ON-LINE AT: www.websoilsurvey.sc.egov.usda.gov/app/
LOCATE THE PROJECT SITE ON ALL MAPS SUBMITTED WITH THE APPLICATION.
ON THE USGS MAP, IDENTIFY ADJACENT STREETS AND OTHER SURROUNDING LANDMARKS NEAR THE PROJECT.
INCLUDE PHOTOS OF THE PROJECT SITE. PHOTOS SHOULD SHOW THE PROJECT SITE LOOKING N-S-E-W.

U.S. DEPARTMENT OF AGRICULTURE

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, Participants' responsibilities. The regulations were published as Part IV of the January 30, 1989, Federal Register (pages 4722-4733). Copies of the regulations may be obtained by contacting the Department of Agriculture agency with which this transaction originated.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name

PR/Award Number or Project Name

Name(s) and Title(s) of Authorized Representative(s)

Signature(s)

Date

Instructions for Certification

1. By signing and submitting this form, the prospective lower tier participant is providing the certification set out on the reverse side in accordance with these instructions.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," " lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this form that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Position 3

USDA
Form RD 400-4
(Rev. 3-97)

ASSURANCE AGREEMENT
(Under Title VI, Civil Rights Act of 1964)

FORM APPROVED
OMB No. 0575-0018

The _____
(name of recipient)

_____
(address)

("Recipient" herein) hereby assures the U. S. Department of Agriculture that Recipient is in compliance with and will continue to comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d et. seq.), 7 CFR Part 15, and Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, or the Farm Service Agency, (hereafter known as the " Agency") regulations promulgated thereunder, 7 C.F.R. §1901.202. In accordance with that Act and the regulations referred to above, Recipient agrees that in connection with any program or activity for which Recipient receives Federal financial assistance (as such term is defined in 7 C.F.R. §14.2) no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination.

1. Recipient agrees that any transfer of any aided facility, other than personal property, by sale, lease or other conveyance of contract, shall be, and shall be made expressly, subject to the obligations of this agreement and transferee's assumption thereof.
2. Recipient shall:

   (a) Keep such records and submit to the Government such timely, complete, and accurate information as the Government may determine to be necessary to ascertain our/my compliance with this agreement and the regulations.

   (b) Permit access by authorized employees of the Agency or the U.S. Department of Agriculture during normal business hours to such books, records, accounts and other sources of information and its facilities as may be pertinent to ascertaining such compliance.

   (c) Make available to users, participants, beneficiaries and other interested persons such information regarding the provisions of this agreement and the regulations, and in such manner as the Agency or the U.S. Department of Agriculture finds necessary to inform such persons of the protection assured them against discrimination.
3. The obligations of this agreement shall continue:

   (a) As to any real property, including any structure, acquired or improved with the aid of the Federal financial assistance, so long as such real property is used for the purpose for which the Federal financial assistance is made or for another purpose which affords similar services or benefits, or for as long as the Recipient retains ownership or possession of the property, whichever is longer.

   (b) As to any personal property acquired or improved with the aid of the Federal financial assistance, so long as Recipient retains ownership or possession of the property.

   (c) As to any other aided facility or activity, until the last advance of funds under the loan or grant has been made.
4. Upon any breach or violation this agreement the Government may, at its option:

   (a) Terminate or refuse to render or continue financial assistance for the aid of the property, facility, project, service or activity.

   (b) Enforce this agreement by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the breach or violation occurs.

Rights and remedies provided for under this agreement shall be cumulative.

In witness whereof, _____ on this
(name of recipient)
date has caused this agreement to be executed by its duly authorized officers and its seal affixed hereto, or, if a natural person, has hereunto executed this agreement.

_____
Recipient

(S E A L)

_____
Date

Attest: _____
Title

_____
Title

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0570-0018. The time required to complete this information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

DATA COLLECTION
Equal Credit Opportunity Act

Revolving Loan Funds

Under the Equal Credit Opportunity Act and Title VI Civil Rights Act of 1964 recipients of Rural Development assistance must maintain, for compliance review and discrimination complaint investigation purposes by Rural Development and other appropriate agencies, various types of data by race and national origin. The recipient must maintain this data to show the extent to which members of protected groups are participants and beneficiaries of the Rural Development assisted program. The following statement and data collection should be used on all application forms:

INFORMATION FOR GOVERNMENT MONITORING PURPOSES--------

The following information is requested by the Federal Government in order to monitor the lender's compliance with equal credit opportunity, fair housing and Federal laws prohibiting discrimination against applicants seeking to participate in this program. You are not required to furnish this information, but are encouraged to do so. This information will not be sued in evaluating your application or to discriminate against you in any way. However, if you choose not to furnish it, we are required to note the race/national origin of individual applicants on the basis of visual observation or surname. (Lender must review the above material to assure that the disclosures satisfy all requirements to which the Lender is subject under applicable state law for the particular type of loan applied for.)

APPLICANT: [ ] I do not wish to furnish this information

Ethnicity:	[ ] Hispanic or Latino	[ ] **NOT** Hispanic or Latino
Race/National Origin: (Select one or more)	[ ] American Indian or Alaska Native (not Alaskan) [ ] Black or African American	[ ] Asian [ ] Native Hawaiian or or Other Pacific Islander [ ] White
Gender:	[ ] Female	[ ] Male