

## Amy Jones

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**From:** Jordan Johnson <Jordan.Johnson@owrb.ok.gov>  
**Sent:** Friday, December 1, 2023 9:50 AM  
**To:** Gene McCullough; grsclington@gmail.com; Debra Blanchard; Amy Jones; City Manager  
**Subject:** ARPA Board Approval  
**Attachments:** Clinton Agreement.pdf; Clinton Approval Letter.pdf; Clinton EFT.pdf; City of Clinton ARP-23-0203-G.pdf

We are pleased to let you know that your OWRB Funding Application was approved at our Board Meeting earlier this week.

Attached is your Approval Packet which includes the approval letter and executed Board Order, You will need to return the Grant Agreement and EFT to us at your earliest convenience.

If you have questions, please don't hesitate to reach out to me.

**Jordan Johnson | Federal Grants Administrator**  
Financial Assistance Division  
**OKLAHOMA WATER RESOURCES BOARD**  
405.530.8820 • [OWRB Website](#) • [Facebook](#)





# OKLAHOMA

## Water Resources Board

December 1, 2023

Mr. David Berrong, Mayor  
City of Clinton, Oklahoma  
Post Office Box 1177  
Clinton, OK 73601

Re: Notice of American Rescue Plan Act (ARPA) Grant Approval and Commitment of Funds -- OWRB  
ARPA Grant No. ARP-23-0203-G; City of Clinton, Oklahoma, Custer County

Dear Mr. Berrong:

We are pleased to formally notify you that on November 30, 2023 the Oklahoma Water Resources Board (OWRB) approved your request for an American Rescue Plan Act ("ARPA") grant. With this approval, and subject to limitations, requirements and points of understanding set out below, the Board has committed funds to be made available to you for purposes of the project subject of this ARPA grant.

Approval of the City of Clinton, Oklahoma grant request is based on the proposed project which shall be to build a chlorine gas storage building to house new gas feed and storage equipment as more fully described in the grant application submitted to OWRB. The approval was made subject to the terms of the enclosed ARPA Grant Agreement which is to be signed, attested and returned prior to disbursement of ARPA grant funds. It is our understanding that funding of this project, estimated at \$2,524,764.00, is being secured as follows:

<u>Sources of Funds (Est.)</u>		<u>Uses of Funds (Est.)</u>	
OWRB ARPA Grant:	\$1,262,382.00	Project:	\$2,524,764.00
Local Matching Funds:	1,262,382.00		
<b>Total</b>	<u>\$2,524,764.00</u>	<b>Total</b>	<u>\$2,524,764.00</u>

As you know, any grant funds made available may be utilized and expended solely and exclusively for purposes of paying costs directly related to the project for which grant approval has been given and for no other purpose. Such funds may not be used, for example, to retire any existing and unrelated indebtedness or to operate and maintain any utility system. ***The applicable OWRB Grant Rules, applicable Federal laws, and applicable State laws must be complied with at all times during the course of the project.***

***Please take the following steps immediately in order to enable us to encumber funds for your project. Without this documentation your funds are not encumbered:***

City Of Clinton, Oklahoma  
ARP-23-0203-G  
Approval Letter

1. Sign, attest and return to our office immediately the enclosed ARPA Grant Agreement. Return only the original Grant Agreement. The OWRB Board Order attached to the Grant Agreement is for your records.
2. Complete the enclosed EFT Form with voided check and return to our office immediately. The FEIN number on the EFT Form needs to match the entity applying for the grant (i.e. Authority or Town/City).

Prior to OWRB's release and disbursement of grant funds the following information if applicable or not already provided should be submitted.

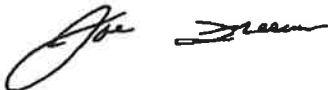
1. A copy of the project plans and specifications must be provided to OWRB Staff for review and comments when you submit them to the Department of Environmental Quality for approval.
2. The Affidavit of Publication should be submitted with the Bid Tabulation. ***In order to avoid further Board Action, the Affidavit of Publication must match the plans and specifications as provided to OWRB Staff.***
3. A copy of the construction permit when issued by the Department of Environmental Quality;
4. A resume or background information for the proposed inspector for this project, and a copy of the inspector's agreement, if applicable;
5. A copy of the engineering services contract;
6. A copy of the successful bidder's contract documents (detailed list enclosed);
7. A copy of the notice to proceed with construction;
8. Also, please note that OWRB Staff should be included in the pre-construction conference, project progress meetings, and at the final inspection.

**Furthermore, all reimbursement invoices for eligible project activities must be received by August 31, 2026 unless extended in writing by the Board.**

Prior to and during the construction period you are required to comply with the requirements of all applicable federal and state statutory provisions and all Oklahoma Water Resources Board rules, regulations and applicable ARPA grant policies.

Should you have any questions regarding this notification and letter of commitment, please feel free to contact our Federal Grants Administrator, Jordan Johnson at 405-530-8820.

Sincerely,



Joe Freeman, Chief  
Financial Assistance Division

Enclosure as stated

Cc: Ms. Laura Merriman, Burns McDonnell  
Robert Johnson, City Manager, City of Clinton, Oklahoma

**OKLAHOMA WATER RESOURCES BOARD  
AMERICAN RESCUE PLAN ACT GRANT AGREEMENT  
between City Of Clinton, Oklahoma, Custer County  
and Oklahoma Water Resources Board**

I, Mr. David Berrong, duly authorized Mayor of the City Of Clinton, Oklahoma, Custer County (hereinafter "Recipient"), do hereby accept and acknowledge said grant according to the terms of this American Rescue Plan Act ("ARPA" or the "Act") Grant Agreement.

In accepting said grant, Recipient duly acknowledges and agrees in all regards and respects that the Oklahoma Water Resources Board (the "Board") is a Subrecipient of a grant made available under the Act from the United States Treasury and the Recipient is a secondary subrecipient of such grant and, as such, Recipient must and shall comply with the requirements of all applicable federal and state statutory provisions and all Board rules, regulations and ARPA applicable grant policies including but not limited to: American Rescue Plan Act, Public Law No. 117-2 (March 11, 2021), 2 CFR 200 et seq, local, state and federal labor laws, and other relevant provisions in the list attached hereto as "**Attachment 2**". Without limiting the generality of the foregoing, the applicant agrees as follows:

1. **Description of approved project.** This grant has been approved by the Board for Recipient's project which is to build a chlorine gas storage building to house new gas feed and storage equipment as well as other related expenses (the "Project"), as provided in the Board's Order Approving ARPA Award attached hereto as "**Attachment 1**" and incorporated by reference herein.
2. **Determination of amount of grant and assurance of adequate funding.** The amount of this grant shall not exceed the amount of one million, two hundred and sixty two thousand, three hundred and eighty two dollars only (\$1,262,382.00). The Recipient shall ensure that adequate funding is in place to complete the Project. In the event that this grant alone, is for any reason insufficient to complete the Project, the Recipient shall obtain or make available and apply other funds (including without limitation, by incurring loans or obtaining other grants) in an aggregate amount necessary to ensure completion of the Project.
3. **Creation and maintenance of separate accounting.** As a prerequisite to receiving grant money from the Board, Recipient shall establish and maintain separate accounting for said ARPA funds in a federally insured account.
4. **Expenditure of money in grant account only for authorized Project purposes.** The Board shall disburse proceeds of the grant to the Recipient only for incurred eligible project costs dated from March 3, 2021 and after in accordance with ARPA procedures. The Recipient shall submit certified requests for disbursement of funds proceeds to the Board on ARP-271 forms. The requests shall be accompanied by such invoices or other documentation as may be required by the Board to demonstrate that such amounts have

**OWRB ARPA Grant Agreement**  
**Grant No. ARP-23-0203-G**

been incurred by or on behalf of the Recipient for the payment of project costs. Upon approval by the Board Staff, the Board shall provide for disbursement of that portion of the funds to the Recipient in an expeditious and timely manner. The Recipient covenants and agrees that all disbursements of funds received shall be immediately and expeditiously transferred or paid out, as appropriate, for payment of Project costs as specified by the Recipient on the corresponding ARP-271 form. ARPA Grant funds cannot be expended for reimbursement of products or services originally procured with other federal or state grant funds.

5. **Expiration of Approval.** All reimbursement invoices for eligible project activities must be received by the Board by August 31, 2026 unless extended in writing by the Board. If an acceptable reimbursement request is not received on or before August 31, 2026, and there is no notice of extension by the Board then the approval of this grant shall expire, and no further grant funds will be released to Recipient.
6. **De-obligation of unexpended grant money.** Upon completion of the project, the Recipient agrees to provide to the Board with a copy of a certification in such form as is acceptable to the Board regarding completion of the project and quantification of any unexpended funds. Thereafter, the Board will de-obligate any such unexpended funds.
7. **Single Audit.** If a Single Audit is required, Subrecipient will submit a copy of the audit report to the State of Oklahoma within 9 months from the end of Subrecipient's fiscal year. For fiscal years ending on or after December 25, 2015, a Single Audit is required if the subrecipient expends \$750,000 or more in federal assistance during its fiscal year and must be conducted in accordance with 2 CFR Chapter I, Chapter II, Part 200, Subpart F.
8. **Record Retention.** The Recipient agrees to maintain and make available to the State of Oklahoma and/or US Department of Treasury, upon request, all documents, and financial records sufficient to establish compliance with ARPA, including but not limited to those examples of records described in Attachment 2. Recipient shall maintain and retain its financial records, supporting documents, statistical records, and all other records pertinent to this Grant for seven (7) years after all funds have been expended, and longer if any litigation, claims, or audit is started before the end of that seven (7) year period; in which case, records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action has been taken. If the U.S. Department of Treasury requests transfer of any of Recipient's records to it, Recipient must collect and transmit all required records to Treasury within the time allowed by Treasury in the request and in the format required in section 2 CFR § 200.336 of the Uniform Guidance (as defined in Attachment 2).
9. **Remedies.** In the event of non-compliance, the OWRB has the authority to withhold disbursements of grant funds pending correction of the non-compliance, terminate the grant, recover from the Recipient grant funds expended by the Recipient for anything other than approved Project costs, or other remedies available by law.

**OWRB ARPA Grant Agreement**  
**Grant No. ARP-23-0203-G**

10. **SAM.Gov Registration**. Recipient is registered with the U.S System for Award Management (SAM) and confirms that the Data Universal Numbering System (DUNS) number or Unique Entity Identifier (UEI) listed is the correct such number for the Recipient as of the date hereof.
  
11. **Federal Requirements**. The Recipient may be subject to additional requirements as may be directed by OWRB in accordance with ARPA and associated procedures for implementing provisions of the Act.

In consideration of the Recipient's agreement to these terms and conditions, Recipient has entered and signed this American Rescue Plan Act Grant Agreement this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**City Of Clinton, Oklahoma, Custer  
County, Oklahoma**

By: \_\_\_\_\_  
Mr. David Berrong, Mayor

ATTEST:

By: \_\_\_\_\_

Title: \_\_\_\_\_

**(BOARD SEAL)**