



65 East State Street, Suite 312, Columbus, Ohio 43215

Commission Chair Sandra Tunnell Director Linda S. Bailiff

Commissioners Kimberly Marshall Randy Riley Paul Oyaski
Halle Jones Capers Joy Padgett

To: District Integrating Chairs and Liaisons

July 27, 2020

Re: FY 22 / Round 35 Program Guidance
(Project Agreements Released July 1, 2021)

Budget

Please find attached the annual allocations for FY 22 / Round 35. These allocations reflect an increase in the State Capital Improvement Program due to the voter approved increase from \$175 million to \$200 million annually for the second half of the ten-year renewal. The statutory set-asides were first taken prior to the district allocations. The Small Government allocation is 10% of the program for a total of \$20 million. The current transportation budget bill, Am. Sub. H.B. 62 of the 133rd General Assembly, permits the OPWC Director to increase funding for the Emergency Fund up to 6% beginning July 1, 2021; therefore, the set-aside for this program has been increased to \$12 million. The Local Transportation Improvement Program allocations are decreased due to the decline in motor vehicle fuel tax revenues as a result of reduced collections caused by the pandemic. Contact your program representative for carry-over balances.

Project agreements for July 2021 will be entered into subject to appropriation authority. Since the budget process is biennial and the program is annual, every other year, opposing cycles for SCIP and LTIP, solicitations occur prior to appropriation authority. For reference, the OPWC maintains a budget chart at <https://www.pwc.ohio.gov/Home/Overview-and-Budget>.

Program Changes & Notes

- Engineering Only applications are no longer permitted since engineering only is not useable infrastructure with a weighted useful life.
- Construction includes “off-site” construction to account for pre-fabrication work.
- The one-year look-back has been removed from the Loan Assistance program. Applicants may request the full period of construction period interest. To ensure the applicant can take advantage and to protect against older projects, construction must have commenced within three years prior to the project agreement date.
- Project schedules must meet the Readiness to Proceed requirement in that construction must be scheduled to begin within one year (by June 2022) of the project agreement date. Projects that are ODOT-let are confirmed by OPWC staff and may be returned if the schedule does not comply with this requirement.
- Per the OPWC Application Instructions, the certified engineer’s estimate must be detailed. Construction cannot be summarized into one item.
- The Small Government materials have been posted. There are two changes to note. First, the district may still submit up to seven applications and the first five will be awarded District Priority points. The change is that all seven will be scored and compete for funding. The Intent to Apply step has been removed. The other item is the MHI calculation for Multiple Jurisdiction applications has been revised to a weighted calculation using number of households.

Methodologies & Program Schedules

If not yet approved by the OPWC Director, the methodology and program schedule must be submitted as soon as possible to the Director and Program Representative reflecting any comments previously provided to meet the requirements specified in Chapter 164 of the Ohio Revised Code. Due to the delayed kick-off of this round, unlike prior rounds, the OPWC has extended the slate submission deadline to March 31, 2021. If there are any scheduling issues, please contact your program representative. Since schedules are subject to change, there is no need to resubmit schedules for approval if application solicitation provides for at least 60 days. Final approved methodologies and schedules are posted to the OPWC District webpages.

The OPWC encourages the use of scanned applications for electronic submission.

Teleworking

The OPWC staff remain teleworking for the foreseeable future according to Governor DeWine's orders, and are also operating under a travel ban. Any communications and materials must be delivered electronically since the office is not staffed to receive mail and deliveries. If this poses any difficulty, contact the respective program representative to arrange delivery.

Open Meetings Act & Pending AG Opinion

As previously communicated last year, the OPWC made a formal request of the Attorney General - <https://www.ohioattorneygeneral.gov/Files/Legal/Opinions/Opinions-Requested/Public-Works-031-To-Upload-WCAG-Passed.aspx> - about OPWC Integrating Committees and Natural Resources Assistance Councils, the Ohio Public Records law, the Open Meetings Act, liability, and defense. An opinion has not yet been issued. At the time that OPWC met with committees and NRACs virtually on July 22, 2020 we relayed that considering the age of the request the Attorney General's Opinion Section has given this request high priority. However, the timing of our meeting closely coincided with an announcement concerning controversy surrounding the Speaker of the House. Considering the new demands on the Attorney General's office, please continue to be patient for the opinion. We will relay news as soon as available.

Am. Sub. H.B. 197 of the 133rd General Assembly, Section 12, allows boards and commissions to conduct public meetings remotely, meaning they may use teleconferencing or other electronic software to participate, vote, and allow the public to attend. This allowable period does not extend beyond December 1, 2020 and is specific to boards and commissions. OAC 164-1-10 requires integrating committees and their subcommittees to conduct open meetings; however, regardless of the pending opinion above safe protocols should be followed mindful of state and local health orders.

Portal

The Portal project is on track to go live FY 23 / Round 36 in July 2021. We will work with our volunteer test districts this fall to test the system and enter project applications into the system. Additionally, we expect to go live with our online payment portal for loan repayments for the January 2021 billing cycle. Questions and concerns should be addressed to Abbey DeHart at Abbey.DeHart@pwc.ohio.gov.

Communications

Although we communicate directly with District chairs and liaisons, news is also communicated through the OPWC website and through the OPWC Newsletter of which the subscription service is available from the bottom of our website's home page. Please share this information with your applicants to help us communicate any future updates.
