

**Form 9-F**  
**Sample Letter Explaining DEQ Involvement**  
**with Acquisition of Professional Services and**  
**Need for Certificate of Negotiation**

The following is a sample letter. Specific conditions will need to be changed to fit the applicant's situation.

*Date*

Honorable (*mayor name*)  
City of (*city name*)  
(*Street address*)  
(*City*), Idaho (*Zip code*)

Re: Clean Water State Revolving Fund (CWSRF) Loan Programs, City of (*city name*)  
Wastewater Treatment Project

Dear Mayor (*name*):

As you are already aware, the City of (*city name*) is actively investigating the city wastewater system's treatment problem and NPDES compliance issue. It was learned from a recent meeting with the City of (*city name*) that the City may be interested in acquiring a low-interest CWSRF loan.

As set forth in IDAPA 58.01.12.040, upon submission of an actual application for a loan, the applicant must provide certain documentation to be loan eligible. Included in the list is subsection 02(c), which states that the applicant must provide:

“Justification for the engineering firm selected. An engineering firm selected by the applicant must at a minimum:

- i. Be procured for design and/or services during construction or previously procured for planning services through the selection guidelines and procedures prescribed under Section 67.2320, Idaho Code.”

As set forth in IDAPA 58.01.12.040, upon submission of an actual application for a loan, the applicant must provide certain documentation to be loan eligible. Included in the list is subsection 02(b) and (c), which states that the applicant must provide:

“Contracts for engineering services or other technical services and the description of costs and tasks set forth therein shall be in sufficient detail for the Department to determine whether the costs associated with the tasks are eligible costs pursuant to Section 041; and

Justification for the engineering firm selected. An engineering firm selected by the applicant must at a minimum:

- i. be procured through the selection guidelines and procedures prescribed under Section 67-2320, Idaho Code.”

Please understand that a certificate of negotiation (certifying the following) is necessary to demonstrate that the city met the legal requirements for its loan application: 1) negotiation in accordance with competitive bidding requirements took place, and 2) a request for proposals (RFP) was used as part of the competitive bidding requirements in order to comply with Idaho Code §§ 67-2801 et seq., 67-2320, 59-1026, and 42-3212.

If the city of (*city name*) is interested in acquiring a CWSRF loan, DEQ is respectfully requesting that the city provide a certificate of negotiation to this office and the city attorney provide a letter describing the negotiations for professional services. The letter from the city attorney should clearly provide an opinion as to whether or not the procurement process meets the requirements of Idaho Code.

If you have any questions concerning CWSRF loan application processes or program rules and regulations, please do not hesitate to contact this office at (*phone number*).

Sincerely,

DEQ Regional Engineer

c: DEQ Loan Officer