



Online Application for Financial Assistance

DRAFT VERSION - 1/12/2021

APPLICATION NUMBER:

Products Selected: Brownfields Loan Program

Applicant Organization Information

Applicant Organization Name:
(legal name without abbreviations)

Federal Employer's I.D. No.
(FEIN):

Doing Business As Name (if you operate under a different than the business's legally registered name please identify):

Holding Company Name:

Authorized Representative:

Authorized Representative Title:

Authorized Representative Email Address:

Chief Executive Officer Name:

Chief Executive Officer Email
Address:

Chief Executive Officer
Telephone Number:

Is the Organization's address
the same as the Contact's
address?

County:

Telephone Number:

Website Address:

Number of Employees:

Media Contact Name

Media Contact Telephone
Number

Media Contact Email Address

NAICS Number:

(To find this number, look to the federal determination provided
when the applicant entity was formed, or visit the following link to
determine based upon current business functions,
<http://www.census.gov/epcd/www/naics.html>.)

Description of Business:

Year Established:

Ownership Structure:

Other than this application for
the Brownfields Loan Program,
has the applicant received or
applied for any other funding or
assistance from the NJEDA, or

other New Jersey State or Federal agencies, that will be used for this project?

Has the project been approved for or received assistance through the NJEDA's Brownfields Site Contamination Reimbursement Program or NJDEP Hazardous Discharge Site Remediation Fund (HDSRF)?

Applicant Type

Please indicate the type of organization that best describes the applicant:

Principal Bank Reference Information

Legal Information (if applicable)

Counsel Firm Name:

Name of counsel to applicant:

Address:

Telephone:

E-mail:

Accountant Information (if applicable)

Accountant Firm Name:

Accountant name:

Address:

Telephone:

E-mail:

Consultant Information (if applicable)

Consultant Firm Name:

Consultant name:

Address:

Telephone:

E-mail:

Applicant Contact Information

Salutation:

First Name:

Middle Initial:

Last Name:

Suffix:

Title:

Company:

Mailing Address:

Address Line 2:

City/Town:

State:

ZIP Code:

Telephone Number:

Fax Number:

Email Address:

Project Information

Project Location

The project location is unknown.

Site and Project Information

Please provide a narrative description as fully and precisely as possible of the remediation and proposed redevelopment project.

This should include, but is not limited, to:

- A description of the contamination that currently exists on the site;
- The proposed investigation, assessment and remedial activities to address the contamination;
- Current use of the site;
- Site acquisition (if applicable);
- Current interest for redevelopment;
- The proposed redevelopment that will take place on the site following its remediation;
- Construction or redevelopment plans; and,
- Proposed future use(s) by the applicant.

Is one of the following statements true regarding the project?

- Preliminary site assessment and site investigation have already been completed.
- Preliminary site assessment and site investigation are not necessary (demolition, asbestos abatement, PCB removal, contaminated wood or paint removal or other infrastructure remedial activities may not require site assessment or site investigation)

Upon remediation of the site, please indicate what type of project is proposed to be developed on the remediated site?

Please discuss the site's current zoning status:

Is the site currently zoned for the proposed end use?

Does the site plan have approval from the host municipality?

Have all local, state and Federal approvals necessary to advance the project been received?

Are the public utilities required for the redevelopment project already available at the site?

Please discuss any alignment between the proposed project and the municipality's or county's existing land use and redevelopment plans. If possible, please provide a link to the municipality or county's existing land use and redevelopment plans as part of the description, or provide the plans as an attachment to the application.

Has property access been secured?

Does the project involve the development of a **food delivery source**?

A **food delivery source** means access to nutritious foods, such as fresh fruits and vegetables, through grocery operators, including, but not limited to: a full service supermarket or grocery store, and other healthy food retailers of at least 10,000 square feet, including, but not limited to, a prepared food establishment selling primarily nutritious ready-to-serve meals.

Does the project involve the development of a **health care or health services center** of at least 10,000 sq. ft. of space devoted to primary health care or health services?

Does the project involve the development of a **tourism destination project**?

A **tourism destination project** is a non-gaming business facility that will be among the most visited privately owned or operated tourism or recreation sites in the State. ?

Does the project include electric vehicle charging station installation in at least 25 percent of the parking spaces located at the redevelopment project?

Does the proposed project include a parking area that can be converted to commercial space (i.e. smart growth parking) if there a decrease in demand for parking?

Does the project include the development of an incubator facility or other type of collaborative workspace?

Does the project involve the revitalization of a **historic structure**?

A **historic structure** is an income-producing structure or a site associated with the history of New Jersey that is on the State or National Register of Historic Places or is eligible for placement on the State or National Register.

Brownfields Loan Program Scoring Criteria

Economic Benefits

Is the project within a one-half mile radius, with bicycle and pedestrian connectivity, to the mid-point of a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, including all light rail stations, or a high frequency bus stop as certified by the New Jersey Transit Corporation?

Please provide the municipality's existing tax base and detail the projected tax revenues to be generated by the project when completed, or other economic benefits associated with the project.

Please indicate the number of estimated new permanent full time jobs that are expected to be created following the redevelopment of the site:

Please indicate the number of construction jobs that are expected to be created as a result of the project:

Please indicate the estimated capital investment that is expected to be generated as a result of the redevelopment of the project site?

Will the project, once completed, have an ability to grow the number of small businesses or attract employers to the municipality/region?

Does the proposed redevelopment project include a plan to hire local residents?

Will the primary use of the redeveloped project site be related to an innovation economy industry such as information and high-tech, life sciences, clean energy, advanced manufacturing, advanced transportation and logistics, finance and insurance, and non-retail food and beverage?

Stakeholder Engagement Strategy

Please provide a detailed description of and to what extent the applicant has developed a meaningful stakeholder engagement strategy with the community for the project site, including for both remediation and redevelopment.

Has the project been discussed in an open public meeting of the host municipality, in which an opportunity for public comment was made available, or is the project scheduled to be discussed in an open public meeting of the host municipality, in which an opportunity for public comment will be made available?

Public Health and Environmental Benefits:

Will the project address an unmet neighborhood, municipal and/or regional need?

Does the redevelopment of the site include features that will promote or enhance walkability or bikeability?

Does the proposed project incorporate higher standards to address sea level rise, increased temperatures, changes in groundwater tables, increased rainfall intensity, or other climate impacts that may affect the performance of the site in the future?

Does the project include sustainable practices the applicant will follow during the awarded phases of the project that would include incorporation of energy efficiency and or green energy.

If applicable, please describe any other public health and environmental benefits applicable to the project.

Please provide any information the applicant may be aware of regarding whether a prior use was related to the site contamination, or how and when the current or suspected environmental condition was caused.

Viability & Need for Financing

Please describe why the Brownfields Loan is necessary to advance the project.

If applicable, please list any strategic partners involved with the project and documentation demonstrating a history of successfully completing projects of similar size/scope.

Is the applicant the owner of the brownfield property?

To be eligible for a Brownfields Loan, the applicant must provide an owner equity contribution, to the project, equal to a minimum of 10% of the appraised value of the property in a remediated state.

** Equity includes cash, development fees, costs for remediation and redevelopment project feasibility incurred within the 12 months prior to*

application, property value less any mortgages or liens, and the portion of the developer's fee that is delayed for a minimum of five years, and any other investment by the developer in the remediation or redevelopment project deemed acceptable by the Authority. Federal, state and local grant and federal and state tax credits are not considered equity.

Please describe how (and in what form) the applicant intends to make this contribution to the project. The applicant may be asked to provide more information to substantiate how this 10% equity contribution requirement will be satisfied.

Please describe the current status of the property?

Are there any DEP or EPA enforcement actions currently related to the site?

Project Costs

Please enter applicable costs:

Total Cost:	\$0
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New Jersey Economic Development Authority Legal Questionnaire

Persons (entities or individuals) applying for NJEDA programs are subject to the Authority's Disqualification/Debarment Regulations (the "Regulations"), which are set forth in N.J.A.C. 19:30-2.1, et seq. Applicants are required to answer the following background questions ("Legal Questionnaire")

pertaining to causes that may lead to debarment, disqualification, or suspension from eligibility under the Regulations and Executive Orders 34 (Byrne 1976) and 189 (Kean 1988) after consideration of all relevant mitigating factors. Governmental entities are not required to submit this Legal Questionnaire and may leave it empty.

Note that this form has recently been modified. Please review in its entirety prior to providing any responses or certifications.

DEFINITIONS

Notwithstanding any terms defined elsewhere or otherwise herein, the following definitions shall govern in responding to this Legal Questionnaire:

"Affiliates" means any entities or persons having an overt or covert relationship such that any one of them directly or indirectly controls or has the power to control another. For the purposes of application for, or ongoing compliance with, Authority-administered programs, this includes:

- any entities or persons having an ownership interest in Applicant of 10% or greater;
- any entities in which Applicant holds an ownership interest of 10% or greater; and
- any entities that are named in the application and/or agreement, or that will receive a direct benefit from the financing, incentive, or other agreement with the Authority.

"Legal Proceedings" means any civil, criminal, or administrative proceedings in a State or Federal court or administrative tribunal in the United States or any territories thereof.

RELEVANT TIMEFRAMES

Responses should be given based on the following "look-back" periods:

- For civil matters, those that were either pending or concluded within 5 years of the reporting date;
- For criminal matters, those that were either pending or concluded within 10 years of the reporting date;

- For environmental regulatory matters, those that were either pending or concluded within 10 years of the reporting date; and
- For all other regulatory matters, those that were either pending or concluded within 5 years of the reporting date.

Note that in cases where Applicant has previously submitted and certified a legal questionnaire to the Authority, the Applicant may refer to its prior legal questionnaire and report only those matters that are new or have changed in status since the date of last reporting.

Part A. Past Proceedings

Has Applicant, or any officers or directors of Applicant, or any Affiliates of Applicant, been found or conceded or admitted to being guilty, liable or responsible in any Legal Proceeding, or conceded or admitted to facts in any Legal Proceedings that demonstrate responsibility for any of the following violations or conduct? (Any civil or criminal decisions or verdicts that have been vacated or expunged need not be reported.)

1. Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract there under, or in the performance of such contract or subcontract.

2. Violation of the Federal Organized Crime Control Act of 1970, or commission of embezzlement, theft, fraud, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty.

3. Violation of the Federal or State antitrust statutes, or of the Federal Anti-Kickback Act (18 U.S.C. 874).

4. Violation of any law governing the conduct of elections of the Federal Government, State of New Jersey or of its political subdivision.

5. Violation of the "Law Against Discrimination" (P.L. 1945, c169, N.J.S.A 10:5-1 et seq., as supplemented by P.L. 1975, c127), or of the act banning discrimination in public works employment (N.J.S.A 10:2-1 et seq.) or of the act prohibiting discrimination by industries engaged in defense work in the employment of persons therein (P.L. 1942, c114, N.J.S.A 10:1-10, et seq.).

6. To the best of your knowledge, after reasonable inquiry, violation of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, or child labor.

7. To the best of your knowledge, after reasonable inquiry, violation of any law governing the conduct of occupations or professions of regulated industries.

8. Debarment by any department, agency, or instrumentality of the State or Federal government.

9. Violation of the Conflict of Interest Law, N.J.S.A. 52:13D-12 et seq., including any of the following prohibitions on vendor activities representing a conflict of interest, or failure to report a solicitation as set forth below:

- i. No person shall pay, offer or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any Authority officer or employee or special Authority officer or employee, as defined by N.J.S.A 52:13D-13(b) and (e), with which such person transacts or offers or proposes to transact business, or to any member of the immediate family as defined by N.J.S.A 52:13D-13(i), of any such officer or employee, or partnership, firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A 52:13D-13(g).
- ii. The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any Authority officer or employee or special Authority officer or employee from any person shall be reported in writing by the person to the Attorney General and the NJEDA Ethics Liaison Officer.

- iii. No person may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such person to, any Authority officer or employee or special Authority officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to the Authority, or with any person, firm or entity with which he or she is employed or associated or in which he or she has an interest within the meaning of N.J.S.A 52: 13D-13(g). Any relationships subject to this subsection shall be reported in writing to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the Authority officer or employee or special Authority officer or employee upon a finding that the present or proposed relationship does not present the potential, actually or appearance of a conflict of interest.
- iv. No person shall influence, or attempt to influence or cause to be influenced, any Authority officer or employee or special Authority officer or employee in his or her capacity in any manner which might tend to impair the objectivity or independence of judgment of the officer or employee.
- v. No person shall cause or influence, or attempt to cause or influence, any Authority officer or employee or special Authority officer or employee to use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for the person or any other person.

10. Violation of any State or Federal law that may bear upon a lack of responsibility or moral integrity, or that may provide other compelling reasons for disqualification. Your responses to the foregoing question should include, but not be limited to, the violation of the following laws, without regard to whether there was any monetary award, damages, verdict, assessment or penalty, except that any violation of any environmental law in category (v) below need not be reported where the monetary award, damages, etc. amounted to less than \$1 million.

- i. Laws banning or prohibiting discrimination or harassment in the workplace.
- ii. Laws prohibiting or banning any form of forced, slave, or compulsory labor.
- iii. The New Jersey Conscientious Employee Protection Act, N. J. Stat. Ann. § 34:19-1 *et seq.*, or other "Whistleblower Laws" that protect employees from retaliation for disclosing, or threatening to disclose, to a supervisor or to a public body an activity, policy or practice of the employer, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law.
- iv. Securities or tax laws resulting in a finding of fraud or fraudulent conduct.
- v. Environmental laws, where the monetary award, penalties, damages, etc. amounted to more than \$1 million.
- vi. Laws banning anti-competitive dumping of goods.
- vii. Anti-terrorist laws.
- viii. Criminal laws involving commission of any felony or indictable offense under State or Federal law.
- ix. Laws banning human rights abuses.
- x. Laws banning the trade of goods or services to enemies of the United States.

Part B. Pending Proceedings

11. To the best of your knowledge, after reasonable inquiry, are Applicant, or any officers or directors of Applicant, or any Affiliates, a party to pending Legal Proceedings, or the subject of a criminal investigation, wherein any of the offenses or violations described in questions 1-10 above are alleged or asserted against such entity or person? With respect to laws banning or prohibiting discrimination or harassment in the workplace, please provide only information pertaining to any class action lawsuits.

If the answer to any of the foregoing questions is affirmative, you must provide the following information as an attachment to the application: (i) the case name and court/administrative agency (including jurisdiction and venue) in which such matters were tried or are pending; (ii) the charges or claims adjudicated or alleged; and (iii) a brief explanation of the circumstances giving rise to such matters. Also, for affirmative

answers to question 1-10, please attach copies of document(s) reflecting the final resolution (e.g., final judgments, verdicts, plea bargains, consent orders, administrative findings, or settlement agreements).

Note that an Applicant may refer to or attach specific provisions of a 10-K/Q or other filings with the U.S. Securities and Exchange Commission (SEC); however, the Applicant should be aware that different laws apply to disclosures to the Authority. This means that the Authority does not have the same types of materiality thresholds as the SEC. The Applicant is expected to supplement its SEC filings to ensure that all relevant matters are disclosed to the Authority, including any matters that were below the SEC's materiality threshold and any matters that may have occurred after its most recent filing.

Please Note: Eligibility is determined based on the information presented in the completed Application. If, at any time while engaged with the Authority the Applicant should become aware of any facts that materially alter or change its answers, or that render any of them incomplete or inaccurate, the Applicant has a duty to promptly report such facts to the Authority in writing.

The Authority reserves the right to require additional clarifying or explanatory information from the Applicant regarding the answers given, to ask additional questions not contained in this Legal Questionnaire, and to perform its own due diligence investigations and searches.

Certification of Application

PLEASE NOTE:

Eligibility of financial assistance by the New Jersey Economic Development Authority is determined by the information presented in this application and the required attachments and schedules. Any changes in the status of the proposed project from the facts presented herein could disqualify the project, including but not limited to, the commencement of construction or the acquisition of assets such as land or equipment. Please contact the staff of the EDA before taking any action which would change the status of the project as reported herein. The EDA's regulations and policies

regarding the payment of prevailing wages and affirmative action in the hiring of construction workers require the submission of certain reports and certificates and the inclusion of certain provisions in construction contracts. Please consult with the EDA staff for details concerning these matters. (Forms can be found on our website www.njeda.com/forms)

Only Board Members of the governing board of the particular program for which you are applying, by resolution, may take action to determine project eligibility and to authorize the issuance of funds.

I, THE UNDERSIGNED, BEING DULY SWORN UPON MY OATH SAY:

1. I have received a copy of the "Regulation on Payment of Prevailing Wages" and the "Affirmative Action Regulation" and am prepared to comply with the requirements contained therein.
2. I affirm, represent, and warrant that the applicant has no outstanding obligations to any bank, loan company, corporation, or individual not mentioned in the above application and attachments; that the information contained in this application and in all attachments submitted herewith is to the best of my knowledge true and complete and that the bond/loan applied for herein is not for personal, family, or household purposes.
3. This certification provision is for Brownfields Loan Program applicants only: I certify that the redevelopment project has a funding gap, that the applicant has made all good faith efforts to raise additional capital, and that additional capital cannot be raised from other sources.
4. I understand that if such information is willfully false, I am subject to criminal prosecution under N.J.S.A. 2C:28-2 and civil action by the EDA which may at its option terminate its financial assistance.
5. I authorize the New Jersey Department of Law and Public Safety to verify any answer(s) contained herein through a search of its records, or records to which it has access, and to release the results of said research to the EDA.
6. I authorize the EDA to obtain such information including, but not limited to, a credit bureau check as it may require,

covering the applicant and/or its principals, stockholders and/or investors.

7. I authorize the EDA to provide information submitted to it by or on behalf of the applicant to any bank or State agency which might participate in the requested financing with the EDA.

[] I am an Authorized Signer and I accept the terms and conditions.

Brownfield Loan Program Application Checklist

Part 1: Required Information

The following information is required attachments for the NJEDA to determine if the project is eligible for the Brownfields Loan.

Information

1. [Brownfields Loan Certification \(signed by authorized representative\)](#)
2. Current tax clearance certificate printed in NJ Economic Development Authority's name

(Note: This will remain valid for only 6 months). Tax Clearance Certificates can be obtained by visiting the State of New Jersey's Premier Business Services (PBS) portal online at https://www16.state.nj.us/NJ_PREMIER_EBIZ/jsp/home.jsp
3. [Environmental Activity Summary](#) w/ any necessary information attached.
4. Information reflecting site control or path to site control that includes one of the following:
 - An executed letter of intent signed by both the applicant and the current site owner.
 - Copy of the purchase contract for the proposed site as well as any financing agreements associated with the purchase.
 - If property is owned by applicant, submit copy of deed.
5. Property Appraisal, dated within three months of application submittal, showing property value at time of application, as well as value of property in remediated state.
6. Term Sheets or Commitments from any lenders or list of other sources of funding to the project, including any other federal, state or local grants (if applicable).

Information from lenders should reflect why the full project cost cannot be provided (thus demonstrating a funding gap that the NJEDA Brownfields Loan would fill)

7. Timeline & Construction Schedules for both the remediation phase of the project, and the proposed redevelopment phase following completion of remediation.
8. Copy of any contracts between applicant and remediation professionals or contractors undertaking the remediation.

9. Any supplemental information the applicant may have that validates that the project includes any of the features for which the applicant is applying for a reduced interest rate.

10. Support Letter from the Mayor (or governing body if position of mayor does not exist) supporting the project and its application to the EDA.

11. If the applicant is a public entity, documentation demonstrating Local Finance Board approval, if applicable.

12. Completed [Notice Regarding Affirmative Action/Prevailing Wage](#).

Part 2: Scoring Criteria Information

The NJEDA's Scoring Committee will evaluate all application materials to determine the application's score. Documents, as listed under "Application Checklist Part 2 ? Scoring Criteria Information, are not mandatory, however applicants are strongly encouraged to provide them. The documents listed below may support some of the scoring criterion.

Please note that the documents submitted under "Application Checklist Part 2 ? Scoring Criteria Information" must be submitted on or before the application deadline of April 13, 2021. Documents that are submitted after the application deadline will not be considered.

1. [Exhibit A: Brownfields Loan Program Detailed Scoring Criteria](#)

Example of Criteria 1: Is the applicant a not for profit?

Documentation validating the status of the applicant as a not-for-profit organization.

Examples of Criteria 4: Consistency Between Project and Local Redevelopment Plans:

Links to or copies of any applicable existing land use and redevelopment plans for the host municipality (and County if applicable).

Site plan approval from the host municipality (if applicable).

Examples of Criteria 5: Economic Benefits

Market and/or Feasibility Study performed the project site, preferably by an independent party, that validates any projected economic benefits for the proposed end use of the site, (i.e. job creation, capital investment or projected tax revenue).

If Market and/or Feasibility Study is not available, other documentation to demonstrate any economic benefits of the redevelopment project, particularly related to job creation, capital investment and projected tax revenue.

Copies of any plans for hiring of local residents and workforce development training for these residents.

Examples of Criteria 6: Project Viability & Need for Financing

Copies of any and all local, state and Federal approvals necessary to advance the project.

Company/applicant overview, background and experiences, including evidence of successful completion of projects similar in size and scope to the proposed project with completion dates listed.

Strategic partners involved with the project and documentation demonstrating a history of successfully completing projects of similar size/scope.

Examples of Criteria 7: Public Health & Environmental Benefits

A letter from the project architect or other authorized representative outlining the energy efficient or green building standards, as outlined on the application.

Information regarding whether a prior use was related to the site contamination, or how and when the current or suspected environmental condition was caused.

Examples of Criteria 8: Stakeholder Engagement

Copies of any stakeholder engagement plans referenced in the Brownfields Loan application.

If the project was discussed or is expected to be discussed in an open public meeting of the host municipality or county, a copy of the minutes from the meeting or other information (i.e. agenda or date/time/location of meeting) in which the project is expected to be discussed.

Part 3: Information for Financial Analysis

For applications that meet the minimum score, and for which funding is available to satisfy the loan request in full, the project will advance to the NJEDA's Underwriting Department for a financial analysis of the application.

Should an application proceed to Underwriting, an Underwriter will be assigned to the project, and will request the information as listed below.

Applicants are encouraged to provide as much of this information as possible at time of initial application so that the Authority already has this information for the financial analysis. However, for any information that is missing or any additional information that is needed, the Underwriting Officer will notify the applicant, who will have 5 business days from date of notification to provide the information.

Information demonstrating the viability and experience of the entities undertaking the remediation and proposed redevelopment. This includes:

1. Historical Financial Statements for 3 most recent fiscal year ends. Interim statements for the current year if the fiscal statement date is more than 120 days old or signed complete business tax returns for 3 most recent years for Applicant
2. For any 10% or more owner of the Applicant, a copy of the most recent tax return and personal financial statement not more than 90 days old from the date of the application
3. Summary of type of organization, including history and description of the organization, and its ownership structure, with an Organizational Chart identifying owners and percentages of ownership if multiple partners. Subscription Agreements for all partners or members for investment funds contributing equity to the Project.
4. Company overview, background and experiences, including evidence of successful completion of projects similar in size and scope to the proposed project with completion dates listed.
5. For the entity applying for the loan, three years of projections, including the balance sheets, operating statements, reconciliation of the source and application of funds, and a detailing of the assumptions used in preparing the projections.
6. Listing of applicant's current projects in any stage of development and planning, identifying project type, size, location, funding sources, owner equity committed to project, anticipated funding closing date and completion/occupancy date
7. Schedule of Portfolio Assets