

department will assign a project number in chronological order of receipt. The project number will be used on all documents and correspondence relating to the project.

(2) INITIAL REVIEW. The department will review the application and accompanying supporting documents in sufficient detail to assure completeness and whether the proposed project is eligible as pursuant to NR 125.03. Applications which are incomplete may be returned to the applicant for the appropriate information. Applicants having projects which are determined to be ineligible will be notified of such determination.

(3) OBSOLETE APPLICATIONS. The application and supporting materials must be current and correct before the project can be placed on the priority list or before the state grant offer can be made. Generally information that is more than one year old is considered out of date and must be resubmitted or recertified as being up to date.

History: Cr. Register, July, 1976, No. 247, eff. 8-1-76.

**NR 125.09 Priority designation.** (1) POINT RATING SYSTEM. In ranking projects for priority for grants, financial capacity will be considered. A combined maximum of 30 points is assigned to these 3 measures of financial capacity and will be computed in accordance with the following table:

Points Applicable to Each Column	Per Capita Income State Average*	% of	Project Cost Dollars Per Capita Based on Current Population	Local Share of Project Cost Plus Current Long- Term Nonschool Indebtedness as a Percent of Statutory Limitation Based on Equalized Valuation
1	Over 135%		\$ 1 - 200	Less than 10%
2	100 to less than 135		201 - 400	10% to less than 20%
3	89 to less than 100		401 - 600	20% to less than 30%
4	80 to less than 89		601 - 800	30% to less than 40%
5	72 to less than 80		801 - 1,000	40% to less than 50%
6	65 to less than 72		1,001 - 1,200	50% to less than 60%
7	59 to less than 65		1,201 - 1,400	60% to less than 70%
8	54 to less than 59		1,401 - 1,600	70% to less than 80%
9	50 to less than 54		1,601 - 1,800	80% to less than 90%
10	Less than 50		Over 1,800	90% to less than 100%

\* Based on the most recent Wisconsin department of revenue publications, "Long Term Indebtedness of Wisconsin Political Subdivisions" and "Taxes, Aids and Shared Taxes" and confirmation of its applicability by department investigation.

(2) PROJECT PRIORITY. Projects shall be rated for priority for grants in descending order of the sum of the points (maximum possible points: 30). In case of a tie in the priority ranking, the project with final detailed approvable construction plans received at the earlier date shall be given the higher rating.

History: Cr. Register, July, 1976, No. 247, eff. 8-1-76; am. Register, November, 1976, No. 251, eff. 12-1-76.

**NR 125.10 Priority ranking and notice of funding allocation.** (1) PRIORITY RANKING OF PROJECTS FOR FUNDING. (a) During January and July, all pending complete grant applications (for which final approvable construction plans and specifications meeting chapters NR 108

Register, November, 1976, No. 251  
Environmental Protection

and 110 have been approved by the department) and for which the nonstate portion of the financing is available will be evaluated in accordance with NR 125.09 to determine the priority ranking of the projects if there are more such projects than can be funded with the available funds.

(b) At that time, if the department determines that the estimated cost of these projects for which grant applications are pending exceeds the grant funds available under this program, the department shall notify all affected applicants that construction grants shall be awarded on the basis of the priority ranking of the projects in accordance with NR 125.09.

(c) If the department determines that sufficient funds exist to provide a construction grant for all projects, on the project priority ranking list, the grant offers will be made in accordance with NR 125.11 in the order in which the projects are placed under construction.

(2) **NOTICE OF FUNDING ALLOCATION.** The department will determine which projects, in accordance with the priority list, can be funded with the available funds and notify the respective applicants of this. If the project has not already been bid the applicant will be advised to bid the project within 60 days after state plan approval and submit the results to the department so that a formal grant offer can be extended to the applicant. Failure of the applicant to bid the entire project within 60 days and to promptly execute all eligible construction contracts will result in the project not being considered again until funds are available and one priority deadline has elapsed.

**History:** Cr. Register, July, 1976, No. 247, eff. 8-1-76.

**NR 125.11 Offer and acceptance.** (1) **GRANT OFFER.** (a) No grant offer shall be made for any project unless such project conforms with all department requirements and has been determined by the department as entitled to priority over other eligible projects. All grant offers shall be made to a municipality (see NR 125.02 (2)) on forms prepared by the department. The grant offer shall be signed by the authorized representative of the department and will set forth the terms and conditions of the offer.

(b) All grant offers shall be made only after the grant application is complete and the department has approved all the project construction plans and specifications, all the bidding information and all of the proposed contract awards in accordance with this code. If all the contracts are not signed by both the municipality and the contractors within 30 days of the grant offer, the grant offer shall become null and void.

(c) If a municipality receives a grant under section 144.23, Wis. Stats., it cannot receive or retain a grant under section 144.21, Wis. Stats., for that same portion of the project.

(d) A municipality can receive a grant under section 144.21 for one portion of an eligible project and a grant under section 144.23 for different portion of that same eligible project. If a priority ranking conflict develops, the ranking under section 144.23 shall govern the award of the grants.

Register, November, 1976, No. 251  
Environmental Protection

(2) **AMOUNT OF GRANT OFFER.** A state grant shall not exceed 25% of the eligible costs of an approved project. The state grant plus grants from other nonlocal sources shall not exceed 75% of the eligible project costs.

(3) **GRANT OFFER CONDITION.** All grant offers made after July 1, 1976 are subject to the special condition that percentages of state grant involvement are conditional upon the availability of funds. Allocation and payments of available funds shall be determined by the order in which projects are placed under construction.

(4) **ACCEPTANCE OF GRANT OFFER.** If the recipient of a grant offer agrees to the terms and conditions thereof, acceptance shall be effected by signature of the authorized representative of the municipality in the designated place on all copies of the Offer and Acceptance Form. Two signed copies of the form shall be returned to the department with a certified copy of a resolution by the municipality's governing body accepting the grant offer and authorizing their representative to accept the grant offer. The offer must be accepted within 45 days from the date of offer or it will be withdrawn and the funds will be obligated to another applicant.

**History:** Cr. Register, July, 1976, No. 247, eff. 8-1-76; am. (2), Register, October, 1976, No. 250, eff. 11-1-76; renum. (3) to be (4) and cr. (3), Register, November, 1976, No. 251, eff. 12-1-76.

**NR 125.12 Payment procedure.** (1) **PARTIAL PAYMENTS.** Partial payments will be made after inspection at the 25, 50, and 75% stages of completion of the project. Payments shall not exceed 90% of the grant offer prior to final inspection and auditing.

(2) **FINAL PAYMENT.** Final payment will be made only after the project is fully functional and final inspection and audit and evidence of satisfactory operation and maintenance. The total state grant will be based on the final audited eligible costs.

**History:** Cr. Register, July, 1976, No. 247, eff. 8-1-76.

**NR 125.13 Severability.** If any section, paragraph, phrase, sentence or clause of this chapter is invalid or unconstitutional, the remainder of this chapter shall not be affected thereby.

**History:** Cr. Register, July, 1976, No. 247, eff. 8-1-76.