

NORTHWESTERN LANCASTER COUNTY AUTHORITY

RESOLUTION NO. 2-2026

A RESOLUTION OF THE BOARD OF NORTHWESTERN LANCASTER COUNTY AUTHORITY AMENDING AND RESTATING THE RESOLUTION IMPOSING CERTAIN FEES, INCLUDING A CONNECTION FEE AND A TAPPING FEE, AS APPLICABLE, AGAINST THE OWNERS OF CERTAIN PROPERTY IN THE AREA SERVED OR TO BE SERVED BY THE SANITARY SEWER SYSTEM ACQUIRED AND CONSTRUCTED BY THIS AUTHORITY; PROVIDING THE MANNER OF PAYMENT OF SUCH FEES; AND PROVIDING FOR ENFORCEMENT OF PAYMENT OF SUCH FEES.

WHEREAS, the Northwestern Lancaster County Authority (the "Authority") owns a sanitary sewer collection and treatment system, including all related and necessary facilities, for rendering sewage service for certain portions of Penn Township (the "Township"), all of which facilities, together with all additions, extensions, alterations and improvements which may be made or acquired, from time to time, are referred to as the "Sewer System"; and

WHEREAS, the Board of Supervisors of the Township has enacted an ordinance (the "Connection Ordinance") requiring all owners of improved properties located within the Township that are accessible to, and the principal buildings of which are within 150 feet of the Sewer System to connect with and use such Sewer System; and

WHEREAS, the Board of Supervisors of the Township has enacted an ordinance (the "Rate Ordinance") providing for the collection of rental charges for the use of the Sewer System from owners of properties served by it; and

WHEREAS, the Sewer System is leased by the Authority to the Township pursuant to an Agreement of Lease dated December 23, 2009; and

WHEREAS, this Authority has the power and authority under, *inter alia*, Section 5607 of the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and codified under 53 Pa.C.S. § 5601, *et seq.* (the "Authorities Act"), to charge a connection fee, a tapping fee, and other fees to owners of improved properties in the area served by the Sewer System and who make connection to the Sewer System

WHEREAS, the Authority, by Resolution # 4-3-91-3, adopted April 3, 1991, and amended in part from time to time thereafter, established certain provisions regulating the payment of tapping fees, connection fees and treatment capacity fees, and the calculation of the number of equivalent dwelling units ("EDU" in the singular, "EDUs" in the plural) assigned to properties for purposes of the tapping fees; and

WHEREAS, this Authority by Resolution No. 2-2022 and Resolution No. 1-2024 established the Tapping Fee and eliminated obsolete provisions and provided exceptions to the calculations in certain limited circumstances; and

WHEREAS, this Authority desires to amend Resolution #4-3-91-3, and any subsequent related Resolutions, by adopting and regulating the imposition of a connection fee and tapping fee against owners of approved properties being served by the Sewer System providing for the manner of payment of such and for providing for enforcement of payment of such fees.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Northwestern Lancaster County Authority hereby resolves that the regulations under Resolution 4-3-91-3 of this Authority, adopted April 3, 1991, and amended from time to time thereafter are hereby deleted in their entirety and amended and restated as follows:

Section 1. The foregoing recitals are incorporated herein and made a part of this Resolution as if set forth in their entirety.

Section 2. Unless otherwise expressly stated, the following words and abbreviations shall have the meanings ascribed to them in this Section when referenced in this Resolution. Terms not expressly defined herein or in the recitals to this Resolution, shall have such meaning as set forth in the Authorities Act, or in the absence thereof, their ordinary meanings:

(a) **AUTHORITY** - The Northwestern Lancaster County Authority, a municipal authority organized and operating under the laws of the Commonwealth of Pennsylvania.

(b) **COMMERCIAL ESTABLISHMENT** – any structure or any portion thereof intended to be used wholly or in part for the purpose of carrying on a trade, business or profession or for social, amusement, religious, educational, charitable, institutional or public uses, and which contains plumbing for kitchen, toilet, water fountain or washing facilities.

(c) **CONNECTION FEE** – a fee based upon the actual cost of the connection of the property extending from the sewer main of the Authority's Sewer System to the property line or curb line of the Improved Property so connected, including reasonable costs for inspection and restoration. A Connection Fee shall be considered the fee referred to as a "connection fee" in the Authorities Act.

(d) **CONTINUING CARE RETIREMENT COMMUNITY (CCRC)** – A retirement community regulated in part by the State Department of Health or Human Services and in part by

the Department of Insurance that provides a continuum of care from independent living to assisted living and long-term care/skilled nursing facilities.

(e) DWELLING UNIT - One or more rooms connected together that meets all of the following standards: 1) it constitutes a separate, independent housekeeping establishment used for residential occupancy, 2) it is physically separated from any other room or dwelling units which may be in the same building, 3) it contains its own cooking, sleeping and bathroom facilities, and 4) it is occupied by only one family.

(f) EDU - an equivalent dwelling unit; the amount of sanitary sewage discharged into the Sewer System by an average dwelling in a day as determined by the Authority from time to time in accordance with the Authorities Act. Subject to Sections 9 and 10 herein, each non-residential use shall be assigned a number of EDUs based upon the estimated or actual sewage discharged from the Improved Property divided by the per capita flow rate at the time established by the Authority, with such discharge being calculated using the consecutive 90-day period with the highest discharge. In calculating the applicable number EDUs herein, the number of EDUs shall always be a whole number and any portion whatsoever of an EDU shall be rounded up to the next highest EDU.

(g) IMPROVED PROPERTY - Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall or may be discharged.

(h) INDUSTRIAL ESTABLISHMENT – any structure or any portion thereof intended to be used wholly or in part for the purpose of manufacturing, fabricating, processing, cleaning, laundering or assembly of any product, commodity or article.

(i) NURSING HOME – A facility licensed by the Commonwealth of Pennsylvania Department of Health as a nursing home and which provides supervised, around-the-clock services and/or long-term nursing and/or rehabilitation care to residents who require assistance to perform daily tasks.

(j) SEWER SYSTEM - The public sanitary sewer collection, conveyance and treatment facilities, including all related facilities having been, or to be, constructed, installed or acquired by or for the Authority, including all property real, personal and mixed, rights, powers, licenses, easements, rights-of-way, privileges, franchises and other property or interest in property of whatsoever nature used or useful in connection with such facilities.

(k) TAPPING FEE – a fee imposed under the authority of the Authorities Act to enable the recovery of the Authority's equity in the Sewerage System which shall be composed of a capacity part and a collection part and may, in the future, if warranted, include for some Customers a special purpose part and/or a reimbursement part. A Tapping Fee shall be considered the fee referred to as a "tapping fee" in the Authorities Act.

(l) TOWNSHIP - The Township of Penn, Lancaster County, Pennsylvania, acting by and through its Board of Supervisors.

Section 3. No Person shall connect any Improved Property with any part of the Sewer System without first making application for and securing a permit, in writing, from the Authority, as provided for in the Connection Ordinance of the Township. Such application shall be made on a form to be provided by the Authority.

Section 4. This Authority hereby imposes a "Connection Fee", in the amounts set forth in Section 5, against the owner of any improved property who or which shall physically connect such improved property to the Sewer System for the costs of making such connection to the Sewer System, as authorized under the Authorities Act.

Section 5. The amount of the Connection Fee for each individual connection to the Sewer System shall be the actual cost incurred by the Authority, including the cost of inspection and restoration of the property. The owner of the improved property shall deposit with the Authority the sum of \$1,500.00, to be placed in escrow in order to insure reimbursement of the Authority's actual costs in connecting owner's Improved Property to the Sewer System. In the event the actual expenses incurred by the Authority in connecting the owner's Improved Property to the Sewer System exceed the escrow amount, the owner shall pay such excess amount within thirty (30) days of receipt of the Authority's invoice for such expenses. In the event that the actual expense incurred by the Authority in connecting the owner's Improved Property to the Sewer System is less than the escrow amount, the Authority shall refund such excess amount, without interest, to the owner. In lieu of payment of a Connection Fee, the owner of an improved property may, at such owner's sole cost and expense, physically connect the improved property to the Sewer System in accordance with the Authority's Rules and Regulations.

Section 6. This Authority hereby imposes a "Tapping Fee", in the amount set forth in Section 7 against the owner of any Improved Property in the area served by the Sewer System, or to be served by the Sewer System, who or which shall physically connect to the Sewer System, is required to connect to the Sewer System pursuant to the Connection Ordinance of the Township then in effect requiring such connection, or which due to an expansion or change of the use of the Improved Property is required to pay for additional EDUs pursuant to terms of this Resolution.

Section 7. The amount of the Tapping Fee for connection and/or expansion of each Improved Property to the Sewer System shall be \$9,500.00 per each EDU, or portion thereof, determined by the Authority to be applicable to the Improved Property, subject to Sections 9 and 10 hereof. The maximum allowable tapping fee, pursuant to calculations under applicable law is \$9,839.50 with a capacity component of \$4,690.76 and a collection component of \$5,148.74. The per capita flow rate is established at 233.10 gallons per day per EDU. All of said calculations are attached hereto as Exhibit "A" and made a part hereof.

Section 8. The Connection Fee imposed by Section 4 and the Tapping Fee imposed by Section 6 of this Resolution shall be due and payable at the earliest of: (1) the time application is made to the Authority to make any such connection to the Sewer System, as provided in Section 3; (2) the date when the Township or Authority shall connect any such improved property to the

Sewer System, at the cost and expense of the owner, when such owner shall have failed to make such connection as required by the Township pursuant to the provisions of the Connection Ordinance then in effect requiring such connection; or (3) the date that is sixty (60) days after the date of issuance of a notice to connect the improved property in accordance with the Connection Ordinance. The Tapping Fee imposed for a change or expansion of use of an improved property, or due to actual usage exceeding the amount for which Tapping Fees were previously paid, shall be due within thirty (30) calendar days from the billing date stated on an invoice issued by the Authority for such payment.

Section 9. The number of EDUs ascribed to any improved property shall be not less than the sum of the number of Dwelling Units, Commercial Establishments, and/or Industrial Establishments on an Improved Property, with the exception of Nursing Homes and Continuing Care Retirement Communities, as defined herein, where Dwelling Units are not individually owned and occupancy in each Dwelling Unit is expressly limited to two (2) or fewer persons, as evidenced by written rules or contracts with residents, in which case the Authority may charge a Tapping Fee based on estimated sewage flow of 100 gpd per Dwelling Unit.

Section 10. If the initial imposition of Tapping Fees is based on estimated sewage flows, following the first four (4) full billing quarters after the date of connection of the improved property to the Sewer System, the number of EDUs applicable to such Improved Property shall again be calculated using actual metered water consumption, or sewage flow if sewer flow meters are installed, using the consecutive 90-day period with the highest discharge. If the number of EDUs so determined shall exceed the number upon which the Tapping Fee was calculated and paid initially, there shall be due and payable a Tapping Fee for each additional EDU so determined; and provided that the Authority may charge additional Tapping Fees in the manner provided for above following any period of four (4) full billing quarters in which the actual water consumption, or sewage flow where sewer meters are installed, exceeds the number upon which Tapping Fees have been paid to date during any consecutive 90-day period. Any such additional fee or fees shall be billed to the owner of the Improved Property, shall be calculated at the rate or rates for Tapping Fees in effect at the time of billing, and shall be due and payable within thirty (30) calendar days after the applicable billing date. An additional sum equal to ten percent (10%) of the amount billed shall be added to the amount billed if payment of the fee or fees shall not be made or mailed and postmarked within thirty (30) calendar days following the billing date; if the end of such thirty (30) calendar day period shall fall on a legal holiday or on a Sunday, then payment made or mailed and postmarked on the next succeeding business day or a Saturday shall constitute payment within such period.

Section 11. If the use of any improved property connected or hereafter connected to the Sewer System shall be changed or expanded after the date upon which any Tapping Fee shall have been paid, there is hereby imposed upon the expanded use of such improved property an additional Tapping Fee, as appropriate, calculated in the manner set forth in this Resolution at the amount per EDU then in effect.

Section 12. All Connection Fees and Tapping Fees shall be payable to the Treasurer of this Authority or to such other officer or representative of this Authority as shall be authorized, from time to time, by resolution of this Authority, to accept payment thereof.

Section 13. Payment of Connection Fees and Tapping Fees imposed by this Authority pursuant to this Resolution shall be enforced by this Authority or by the Township in any manner appropriate under laws at the time in effect.

Section 14. This Authority may, from time to time, adopt modifications of, supplements to or amendments of this Resolution. It is the policy of the Authority that the Tapping Fee shall be recalculated every three years, but the Authority reserves the right to perform the calculations and modify this Resolution more frequently at the sole discretion of the Authority.

Section 15. This Resolution is intended as an amendment and restatement Resolution 4-3-91-3 adopted, April 3, 1991, and all amendments adopted thereto following such date. As such, any Tapping Fees, Connection Fees, and/or Treatment Capacity Fee already imposed under Resolution 4-3-91-3, as it existed prior to adoption of this Resolution, as well as any amendments thereto, remains a valid fee and shall not be impaired by adoption of this Resolution. Any other resolutions previously adopted by this Authority not inconsistent with the regulations herein, shall remain in full force and effect and shall not be deemed repealed by the adoption of this Resolution. This Resolution shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other resolutions or regulations; provided, however, that where this Resolution imposes a greater restriction or greater fee than is imposed or required by such existing provisions of other resolutions or regulations, the provisions of this Resolution shall control.

Section 16. The provisions of this Resolution are severable. In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Resolution, it being the intent of the Authority that this Resolution would have been adopted if such illegal, invalid or unconstitutional provision, section, sentence, clause or part had not been included herein.

Section 17. This Resolution shall take effect and be in force immediately.

DULY ADOPTED this 18th day of August, 2026, by the Board of Northwestern Lancaster County Authority in lawful session duly assembled.

NORTHWESTERN LANCASTER
COUNTY AUTHORITY

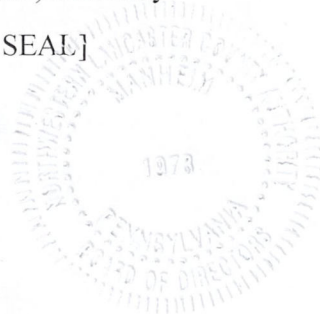
Attest:

Maria Hunt
(Assistant) Secretary

By:

Barbara J. Horst
(Vice) Chairman

[AUTHORITY SEAL]



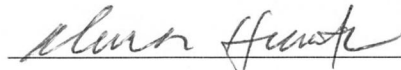
CERTIFICATE

I, the undersigned, (Assistant) Secretary of Northwestern Lancaster County Authority ("Authority") certify as follows: The foregoing is a true and correct copy of a Resolution which duly was adopted by affirmative vote of a majority of the members of the Board of the Authority at a meeting of said Board duly convened and held according to law on August 19, 2024 at which meeting a quorum was present; that such Resolution duly has been recorded in the minutes of Board of the Authority; and that said Resolution is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the Board of the Authority met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. §701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Authority or at the public building in which said meeting was held, by posting the Agenda at least 24 hours in advance of said meeting at the Authority office and on Penn Township's website reflecting this Resolution as an action item on the Agenda, and by providing a reasonable opportunity for public comment at said meeting prior to adopting such Resolution.

IN WITNESS WHEREOF, I set my hand and affix the official seal of Northwestern Lancaster County Authority, this 19th day of August, 2024.

[AUTHORITY SEAL]


(Assistant) Secretary

Northwestern Lancaster County Authority
Sanitary Sewer System
Act 57 Tapping Fee Calculation
August 18, 2026

	<u>Current Tapping Fee</u>
Capacity Component of Act 57 Tapping Fee:	\$4,200.00
Collection Component of Act 57 Tapping Fee:	<u>\$4,600.00</u>
Total Eligible Act 57 Tapping Fee:	\$8,800.00

	<u>Maximum Allowable Tapping Fee</u>
Capacity Component of Act 57 Tapping Fee:	\$4,690.76
Collection Component of Act 57 Tapping Fee:	<u>\$5,148.74</u>
Total Adopted Act 57 Tapping Fee:	\$9,839.50

	<u>Adopted Tapping Fee</u>
Capacity Component of Act 57 Tapping Fee:	\$4,500.00
Collection Component of Act 57 Tapping Fee:	\$5,000.00
Total Adopted Act 57 Tapping Fee:	\$9,500.00

EXHIBIT "A"

NORTHWESTERN LANCASTER COUNTY AUTHORITY
Summary of Tapping Fees for
Sanitary Sewer Facilities

August 18, 2026

Tapping Fee Component	Original NWLCA Contribution	Indexed NWLCA Contribution	Less Outstanding Debt	NWLCA Equity	Design Capacity (GPD)	Cost per Gallon	GPD per EDU ^(c)	Cost per EDU
(1)	(2)	(3)	(4)	(5)=(3)-(4)	(6)	(7)=(5)/(6)	(8)	(9)=(7)*(8)
Capacity Component ^(a)	\$6,565,436.74	\$13,183,483.11	\$0.00	\$13,183,483.11	650,000	\$20.28	231.30	\$4,690.76
Collection Component ^(b)	\$6,100,518.47	\$14,466,299.68	\$0.00	\$14,466,299.68	650,000	\$22.26	231.30	\$5,148.74
Reimbursement Component	-	-	-	-	0	-	-	-
Special Purpose Component	-	-	-	-	0	-	-	-
Totals	\$12,665,955.21	\$27,649,782.79	\$0.00	\$27,649,782.79		\$42.54		\$9,839.50

(a) - Capacity Component Assumes that approximately 47.69% of Debt Service is associated with system capacity.

(b) - Collection/Conveyance Component assumes that approximately 52.31% of Debt Service is associated with collection/conveyance system

(c) - GPD per EDU = 90 x Avg Household Size - Penn Township average household size = 2.57 based on 2023 Census

GPD per EDU = 90 x 2.57 = 233.10

**Northwestern Lancaster County Authority
Sanitary Sewer Capacity Related Project Costs**

August 18, 2026

Original Wastewater Treatment Facility - Year: 1991

Construction Costs (a)				
General & Electrical/HVAC Construction	\$1,024,400.00		Average 1991 ENR Index:	4835
Other Project Costs (a)			June 2026 ENR Index:	14257.36
Engineering, Legal, & Financial Fees	\$552,070.00			
Total Project Costs	\$1,576,470.00		Index % Increase:	295%
Indexed Project Costs	\$4,648,666.04			

2003 Financing

Issuance Costs (b)				
Cost of Issuance	\$195,477.01		Average 2003 ENR Index:	6695
			June 2026 ENR Index:	14257.36
Rounding Amount	\$4,117.50			
Total Project Costs	\$199,594.51		Index % Increase:	213%
Indexed Project Costs	\$425,047.17			

WWTF Expansion Project - Year: 2008

Construction Costs (c)				
Contracts 1,2 and 3	\$3,950,708.88			
Other Project Costs			Average 2008 ENR Index:	8310
Engineering Fees	\$658,786.22		June 2026 ENR Index:	14257.36
Total Project Costs	\$4,609,495.10		Index % Increase:	172%
Indexed Project Costs	\$7,908,451.39			

2020 Financing

Project Costs (d)				
Total Issuance Costs	\$32,345.00		August 2020 ENR Index:	11455
			June 2026 ENR Index:	14257.36
Total Project Costs	\$32,345.00		Index % Increase:	114%
Indexed Project Costs	\$36,873.30			

WWTF Control Building Modifications - Year: 2022

Construction Costs (e)

Contracts 1,2 and 3	\$87,215.55
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Other Project Costs

Engineering Fees

\$60,316.58

March 2022 ENR Index:

12791

June 2026 ENR Index:

14257.36

Total Project Costs**\$147,532.13****Indexed Project Costs****\$164,445.21**

Index % Increase:

111%

(a) - Construction costs and Other Project costs taken from Tapping Fee calculations prepared by Rettew Associates, Inc. included as part of Resolution 4-3-91-3, dated 3/15/93.

(b) - Costs taken from 6/19/03 Estimated Sources and Uses of Funds.

(c) - Construction costs taken from Actual Construction Costs for WWTF Expansion Project, March 17, 2008.

(d) - Costs taken from August 4, 2020 Sources and Uses of Funds. Assumed 50% of refinancing cost of \$62,500 associated with WWTF.

(e) - Construction costs taken from Actual Construction Costs for WWTF Control Building Modifications Project, March 15, 2022.

Northwestern Lancaster County Authority **Sanitary Sewer Collection Related Project Costs**

August 18, 2026

Original Collection & Conveyance System - Year: 1973

Est. Construction Costs (a)			
Construction	\$908,670.00		
Other Project Costs (a)			
Engineering Fees & Easement Acquisition	\$323,035.00		
		Average 2005 ENR Index:	7446
		June 2026 ENR Index:	14257.36
Total Project Costs	\$1,231,705.00	Index % Increase:	191%
Indexed Project Costs	\$2,358,428.90		

Collection/Conveyance System Project - Year: 1991

Construction Costs (b)			
Construction Costs	\$1,955,200.00		
Other Project Costs (b)			
Engineering, Legal & Financial Fees	\$1,056,930.00		
		Average 1991 ENR Index:	4835
		June 2026 ENR Index:	14257.36
Total Project Costs	\$3,012,130.00	Index % Increase:	295%
Indexed Project Costs	\$8,882,114.12		

West End Drive Pumping Station Abandonment - Year: 1994

Construction Costs (c)			
General Construction	\$71,795.00		
Other Project Costs (c)			
Engineering Fees & Easement Acquisition	\$30,128.00		
		Average 1994 ENR Index:	5408
		June 2026 ENR Index:	14257.36
Total Project Costs	\$101,923.00	Index % Increase:	264%
Indexed Project Costs	\$268,704.31		

Pumping Station No. 3 Replacement - Year: 2006

Construction Costs (d)			
General Construction	\$741,588.00		
Other Project Costs (d1)			
Engineering Fees & Easement Acquisition	\$290,870.00		
		August 2006 ENR Index:	7723
		June 2026 ENR Index:	14257.36
Total Project Costs	\$1,032,458.00	Index % Increase:	185%
Indexed Project Costs	\$1,906,011.32		

South Penryn Road Sanitary Sewers - Year: 2007

Project Costs (e)

General Construction	\$284,221.25
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Average 2007 ENR Index:	7967
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Other Project Costs (e)

Engineering Fees & Easement Acquisition	\$44,227.68
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June 2026 ENR Index:	14257.36
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Total Project Costs	\$328,448.93
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Index % Increase:	179%
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Indexed Project Costs	\$587,776.41
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Doe Run Phase 2 Pipe Rehabilitation - Year: 2008

Project Costs (f)

General Construction	\$41,101.00
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Sept. 2008 ENR Index:	8557
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Other Project Costs (f)

Engineering Fees	\$14,096.44
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June 2026 ENR Index:	14257.36
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Total Project Costs	\$55,197.44
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Index % Increase:	167%
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Indexed Project Costs	\$91,967.95
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Fruitville Pike/Holly Tree Road Sanitary Sewer Project - Year 2022

Project Costs (g)

General Construction	\$297,535.00
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May 2022 ENR Index:	13004
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Other Project Costs (g)

Engineering Fees	\$41,121.10
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June 2026 ENR Index:	14257.36
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Total Project Costs	\$338,656.10
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Index % Increase:	110%
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Indexed Project Costs	\$371,296.67
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(a) - Project Costs based upon a Replacement Cost Basis utilizing June 2005 construction cost opinions.

(b) - Construction costs and Other Project costs taken from Tapping Fee calculations prepared by Rettew Associates, Inc. included as part of Resolution 4-3-91-3, dated 3/15/93.

(c) - Construction Costs taken from Actual Construction Bid Prices for Project, November 2, 1994.

(d) - Construction Costs taken from Actual Construction Costs for Project, August 2, 2006.

(d1) - Engineering Fees and Easement Acquisitions taken from Tapping Fee Calculations prepared by Rettew associates, Inc. included as part of resolution 4-3-91-3, dated 3/15/93.

(e) - Construction Costs taken from Actual Construction Costs for Project, June 18, 2007.

(f) - Construction Costs taken from Actual Construction Costs for Project, September 15, 2008.

(g) - Project Costs based on December, 2021 Bid Award amount and actual Engineering Costs expended through April 24, 2022.