**Section 365.440  Disbursement and Use of Loan Funds**

a) Before the Agency will disburse loan funds, the loan recipient shall submit the following:

1) A complete payment request based on costs incurred that are due and payable, as evidenced by invoices; and

2) A certification that the contractor is paying prevailing wages in accordance with the Davis-Bacon Act (40 USC 3141 through 3148), as defined by the US Department of Labor.

b) Disbursements are subject to the appropriation of funds by the General Assembly.

c) Disbursements shall be processed in accordance with the loan agreement.

d) The Agency may withhold any disbursement for a violation of the loan agreement conditions.

e) The loan recipient shall make prompt payment to the contractor.

f) The State share of any refunds, rebates, credits, or other amounts (including any interest) accruing to or received by the loan recipient with respect to the project that are properly allocable to costs for which loan funds have been disbursed must be paid, minus any reasonable expenses incurred in securing these funds, to the State of Illinois for deposit in the WPCLP.

g) Any use of loan funds inconsistent with this Part shall result in repayment of those loan funds to the State of Illinois for deposit into the WPCLP receipt account within the Fund.

h) The loan recipient shall agree to pay the ineligible costs associated with the project, as well as all eligible costs that exceed the amount of the loan, and shall construct the project or cause it to be constructed to final completion in accordance with the plans and specifications and on the schedule approved by the Agency.

(Source: Amended at 43 Ill. Reg. 11141, effective October 1, 2019)