



Delaware Health and Social Services



Office of Engineering

Drinking Water State Revolving Fund (DWSRF)

Program Requirements

**DRINKING WATER STATE REVOLVING FUND
PROGRAM REQUIREMENTS
PART A:
Prevailing Wage Regulations**

The Project or Program to which the work covered by this contract pertains is being assisted by the State of Delaware and the following provisions are included in this Contract pursuant to the provisions applicable to such State Revolving Fund (SRF) Program. Loan Recipients or engineering representatives are to notify the State of Delaware Department of Labor to verify the appropriate wage determination before they go out for competitive bidding. A copy of the Delaware Prevailing Wage Regulations may be obtained from the State of Delaware Department of Labor by calling **(302) 761-8200** or by writing to this address:

**State of Delaware
Department of Labor
225 Corporate Blvd. Suite 104
Newark, De 19702**

As of 2010, all DWSRF projects will also be required to pay wage rates according to Davis-Bacon wage rates and/or Delaware State wage rates. When considering which rate to use for a classification the higher of the two rates shall be used. If only one of the wage rates has the classification for the job task that is the rate to be used.

The Davis Bacon wage rate determination can be obtained at:

<http://www.gpo.gov/davisbacon/>

DRINKING WATER STATE REVOLVING FUND PROGRAM REQUIREMENTS

PART B: Equal Employment Opportunity

I. Executive Order 11246 (Contracts/subcontracts above \$10,000)

(A). During the performance of this contract, the contractor and all subcontractors agree as follows:

(1). The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of the nondiscrimination clause.

(2). The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.

(3). The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4). The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5). The contractor will furnish all information and reports required by the Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant to thereto, and will permit access to his books, records, and accounts by the

administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6). In the event of the contractors' noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally-assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7). The contractor will include the portion of the sentence immediately preceding Paragraph (1) and the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase orders as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance. Provided; however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.

DRINKING WATER STATE REVOLVING FUND PROGRAM REQUIREMENTS

PART C:

Notice to Prime Contractor of Requirement for Certification of Nonsegregated Facilities

Bidders and offerers are cautioned as follows: By signing this bid or offer, the bidder or offerer will be deemed to have signed and agreed to the provisions of the "Certification of Nonsegregated Facilities" in this solicitation. The certification provides that the bidder or offerer does not maintain or provide for his employees' facilities which are segregated on a basis of race, creed, color, or national origin, whether such facilities are segregated by directive or on a de facto basis. The certification also provides that he will not maintain such segregated facilities.

DRINKING WATER STATE REVOLVING FUND PROGRAM REQUIREMENTS

PART D: Construction Contractors Requirements

(1). Whenever the contractor or any subcontractor at any tier subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract, the provisions of these specifications and the Notice to which contains the affirmative action goals for minority and female participation, as is set forth in the solicitations from which this contract resulted.

(2). The fair share objective for the Delaware State Revolving Fund Program is as follows:

Statewide - 16% MBE / 8% WBE

(3). The MBE/WBE goals set forth in the contract are shown in #2 above. The contractor shall make every reasonable attempt to achieve the goals as stated. When so notified by the owner, the apparent low bidder shall provide a listing of MBE's and WBE's he proposes to use on this project. Should the bidder fail to meet the aforementioned objectives, he shall provide complete documentation which demonstrates the positive efforts taken. Failure to satisfy this requirement to the satisfaction of the owner shall constitute a non-responsible bid and shall be cause for the owner to reject the bid.

(4). The contractor shall implement the specific six affirmative steps as provided in the Special Notice under the Instructions to Bidders section of these specifications.

(5). The contractor and all subcontractors must maintain documentation and records of all solicitations of offerers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations. Within 21 days of the determination of the apparent low bidder, the contractor must furnish to the Loan Recipient all pertinent documentation, which evidences or documents a good faith effort in MBE/WBE solicitation and projected utilization. Failure to comply with the submission of appropriate MBE/WBE documentation may result in the determination of a bidder as non-responsible and shall cause for the bid to be rejected.

(6). Immediately following the award of contracts and continuing through the constructions state, all records of MBE/WBE utilization shall be maintained and reported in accordance with the Department of Commerce Form SF-334. A MBE/WBE Utilization Report Form SF-334 shall be completed and submitted to the Loan Recipient on a calendar year quarterly basis during the construction period. Please see the attached Instruction to Bidders/Offerers for MBE/WBE Requirements.

**Instruction to Bidders/Offerers:
Minority Business and Women's Business Enterprise
(MBE/WBE) Requirements of 40 CFR 33.240**

Bidder/Offerer Responsibilities:

- A. Affirmative Steps: Activities during preparation of bids and offers. Bidders/Offerers shall take affirmative steps in compliance with the regulations, prior to submission of bids or closing date for receipt of initial offers, to encourage participation in projects by MBEs and WBEs. Such efforts include:
- (1). Establish and maintain a current solicitation list of minority and female recruitment sources, and assure MBEs and WBEs are solicited once they are identified.
 - (2). When feasible, segmenting total work requirements to permit maximum MBE/WBE participation and establish delivery schedules to encourage MBE/WBE participation.
 - (3). Assuring that MBEs and WBEs are solicited whenever they are potential sources of goods or services. This step may include:
 - a. Sending letters or making other personal contact with MBEs, WBEs, private agencies and state associations (e.g., those whose name appears on lists prepared by the recipient and other MBE/WBE known to the bidder/offerer). MBEs and WBEs should be contacted when other potential subcontractors are contacted, within reasonable time prior to bid submission or closing date for receipt of initial offers. Those letters or other contacts should communicate the following:
 - (i) Specific description of the work to be contracted;
 - (ii) How and where to obtain a copy of plans and specifications or other detailed information needed to prepare a detailed price quotation.
 - (iii) Date the quotation is due to the bidder/offerer
 - (iv) Name, address, and phone number of the person in the bidder/offerer's firm whom the prospective MBE/WBE subcontractor should contact for additional information.
 - b. Using the services and assistance of the Small Business Administration, the Office of Minority Business Enterprises of the U.S. Department of Commerce, or the list by DELDOT in Dover, DE.

- B. Bidders/Offerers must demonstrate compliance with MBE/WBE requirements to be deemed responsible. Demonstration of compliance may include the following information; however, the recipient may specify other methods of demonstrating compliance:
- (1). Names, addresses, and phone numbers of MBE/WBEs expected to perform work;
 - (2). Work to be performed by the MBEs and WBEs;
 - (3). Show dollar amount of work to be performed by MBEs and show dollar amount to WBEs separately.
 - (4). Description of contacts to MBE and WBE organizations, agencies, and associations which service MBEs/WBEs, including names of organizations, agencies, and associations and dates of contacts.
 - (5). Descriptions of contacts to MBEs and WBEs, including number of contacts, fields, (i.e., equipment or material supplier, excavators, transport services, electrical subcontractors, plumbers, etc.), and dates of contact.
- C. Successful bidders/offerers should take responsible affirmative steps to subcontract with MBEs and WBEs whenever additional subcontracting opportunities arise during the performance of the contract.

DRINKING WATER STATE REVOLVING FUND PROGRAM REQUIREMENTS

SPECIAL INSERT

For insertion into the Instructions for Bidders

This is to advise bidders of the requirements of this program regarding the "affirmative steps" necessary to be deemed a responsive and responsible bidder. The Federal Register Part 40 CFR 33.240 requires these "affirmative steps" in procurement actions to assure that MBE and WBE firms are awarded a fair share of sub agreements:

- (1). Including qualified small, minority, and women's business solicitation lists.
- (2). Assuring that small, minority, and women's businesses are solicited whenever they are potential sources.
- (3). Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of small, minority, and women's businesses.
- (4). Establishing delivery schedules, where the requirements of the work permit which will encourage participation by small minority and women's businesses.
- (5). Using the services and assistance of the Small Business Administration and the Office of Minority Business Enterprise of the U.S. Department of Commerce.
- (6). Requiring each party to a sub agreement to take the affinitive steps in 1 through 5 above.

DRINKING WATER STATE REVOLVING FUND PROGRAM REQUIREMENTS

PART E:

Civil Rights Act of 1964

The contractor and any subcontractors shall not, on the grounds of race, color, or national origin, or sex, exclude from participation in, deny the benefits of, or subject to discrimination, any person under any program or activity receiving Federal financial assistance.

PART F:

Section 13 of PL 92-500; Under the Federal Water Pollution Control Act; Rehabilitation Act of 1973; PL 93-112; And Age Discrimination Act of 1975

The contractor and any subcontractors shall not on the ground of race, color, national origin, or sex, exclude from participation in, deny the benefits of, or subject to discrimination any person or activity funded in whole or in part with Federal funds. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975, or with respect to any otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973 shall also apply to any such program of activity.

DRINKING WATER STATE REVOLVING FUND PROGRAM REQUIREMENTS

PART G: Compliance with Section 306 of the Clean Air Act and Section 508 of the Clean Water Act

(Contracts and Subcontracts in Excess of \$10,000)

The contractor agrees that:

- I.) Any facility to be utilized in the performance of this contract or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to 40 CFR 15.20.
- 2.) The contractor and subcontractors will comply with all requirements of Section 306 of the Clean Air Act as amended, and Section 508 of the Clean Water Act, as amended, and all regulation and guidelines issued thereunder.

PART H: Suspension and Debarment and Other Responsibility Matters

The Project or Program to which the work covered by this contract pertains to is being assisted by the State of Delaware and the following provision is included in this Contract pursuant to the provisions applicable to such SRF Program. Loan Recipients or engineering representatives are to refer to the "List of parties exclude from Federal Procurement and on procurement Programs" to ensure that the contractor or subcontracts are not on this list. A copy of the list may be obtained from the world wide web at www.sam.gov/portal/SAM/#1 #1 or by calling (202) 512-1800 or by writing to this address:

Superintendent of Documents
U.S. Government Printing Office
Washington, DC
20402

DRINKING WATER STATE REVOLVING FUND PROGRAM REQUIREMENTS

PART I: PROJECT SIGNS

- 1.) Two signs are required per project (1) Project Sign as shown in Sign Spec #1 and (2) Bipartisan Infrastructure Law sign as shown in Sign Spec #2
- 2.) The contractor shall provide and erect a sign at a prominent location at each construction site. The sign and location shall be approved by the Engineer. The sign shall be prepared in accordance with the attached and below detailed instructions. It shall be the responsibility of the Contractor to maintain the sign in good condition throughout the life of the project. The sign wording shown on the attachment is for example only and must be adapted to suit each project. The Contractor shall be responsible for obtaining the appropriate wording from the Engineer.

PART J: ACCESS TO PROJECT SITE & Notification of Public or Media Events

- 1.) The Contractor shall allow representatives of U.S. EPA, and State of Delaware DHSS-ODW access to the project site.
- 2.) EPA encourages the recipient to notify the EPA Project Officer listed in this award document of public or media events publicizing the accomplishment of significant events related to construction projects as a result of this agreement and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days' notice.

SIGN SPEC #1

ENSURING SAFE DRINKING WATER FOR ALL
DELAWAREANS

PROJECT TITLE
SECOND LINE IF NEEDED

FUNDING PROVIDED BY:
DRINKING WATER STATE REVOLVING FUND AND U.S.E.P.A.
AMOUNT \$0,000,000.00
FUNDING RECIPIENT



- Sign Dimensions (4'X8'X3/4") Exterior Plywood (A-B Grade)
- Ensuring safe drinking water are 2.75 inches
- Project Title is 3.5 inches - Remaining lines are 2 inches
- Black letters on white background with three-inch border around the perimeter in black
- Keep the sign a proper distance above grade to permit public viewing and provide adequate support for the sign
- **DHSS** logo stickers is be provided by the Office of Engineering (16" in Diameter)



SIGN SPEC #2

PROJECT FUNDED BY

**President Joe Biden's
Bipartisan
Infrastructure Law**

**INVESTING IN
AMERICA**



- Sign Dimensions (72” Wide x 48” High) Exterior Plywood (A-B Grade)
 - PDF of Bipartisan Infrastructure Law Text available on EPA Website
<https://www.epa.gov/system/files/documents/2023-04/WHITE%20Background%20Bipartisan%20Infrastructure%20Law%20Signage.pdf>
 - Keep the sign a proper distance above grade to permit public viewing and provide adequate support for the sign
 - **These signs are currently available on a first come first serve basis.** They can be picked up M-F 8-4:30 from the Office of Engineering- 43 South Dupont Hwy, Dover DE 19901
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- 1.) In addition to the SRF sign, this project is subject to Bipartisan Infrastructure Law (BIL) signage requirements, and a BIL sign is required. A physical sign displaying the official Investing in America emblem and EPA logo shall be placed at the construction site in an easily visible location.

BIL Signage Requirements:

- a. **Investing in America Emblem:** The recipient will ensure that a sign is placed at construction sites supported under this award displaying the official Investing in America emblem and must identify the project as a “project funded by President Biden’s Bipartisan Infrastructure Law.” Construction is defined at 40 CFR 33.103 as “erection, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, or other improvements to real property, and activities in response to a release or a threat of a release of a hazardous substance into the environment, or activities to prevent the introduction of a hazardous substance into a water supply.” The sign must be placed at construction sites in an easily visible location that can be directly linked to the work taking place and must be maintained in good condition throughout the construction period. The recipient will ensure compliance with the guidelines and design specifications for using the official Investing in America emblem and corresponding logomark available at: <https://www.whitehouse.gov/wp-content/uploads/2023/02/Investing-in-America-BrandGuide.pdf> and https://www.epa.gov/sites/default/files/2015-01/documents/epa_logo_seal_specifications_for_infrastructure_grants.pdf
- b. **EPA Logo:** The recipient will ensure that signage displays the EPA logo along with the official Investing in America emblem. The EPA logo must not be displayed in a manner that implies that EPA itself is conducting the project. Instead, the EPA logo must be accompanied with a statement indicating that the recipient received financial assistance from EPA for the project. The recipient will ensure compliance with the sign specifications provided by the EPA Office of Public Affairs (OPA) available at: <https://www.epa.gov/grants/epa-logo-seal-specifications-signage-produced-epaassistance-agreement-recipients>. As provided in the sign specifications from OPA, the EPA logo is the preferred identifier for assistance agreement projects and use of the EPA seal requires prior approval from the EPA. To obtain the appropriate EPA logo or seal graphic file, the recipient should send a request directly to OPA and include the EPA Project Officer in the communication. Instructions for contacting OPA is available on the Using the EPA Seal and Logo page.
- c. **Procuring Signs:** Consistent with section 6002 of RCRA, 42 U.S.C. 6962, and 2 CFR 200.323, recipients are encouraged to use recycled or recovered materials when procuring signs. Signage costs are considered an allowable cost under this assistance agreement provided that the costs associated with signage are reasonable. Additionally, to increase public awareness of projects serving communities where English is not the predominant language, recipients are encouraged to translate the language on signs (excluding the official Investing in America emblem or EPA logo or seal) into the appropriate non-English language(s). The costs of such translation are allowable, provided

the costs are reasonable.

American Iron and Steel (AIS) Requirement

Consolidated Appropriations Act, 2014 (Act), includes an "American Iron and Steel (AIS)" requirement in section 436 that requires Clean Water State Revolving Loan Fund (CWSRF) and Drinking Water State Revolving Loan Fund (DWSRF) assistance recipients to use iron and steel products that are produced in the United States for projects for the construction, alteration, maintenance, or repair of a public water system or treatment works if the project is funded through an assistance agreement.

Implementation:

The Act states:

Sec. 436. (a)(1) one of the funds made available by a State water pollution control revolving fund as authorized by title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or made available by a drinking water treatment revolving loan fund as authorized by section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j 12) shall be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term "iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency (in this section referred to as the "Administrator") finds that-

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public on an informal basis a copy of the request and information available to the Administrator concerning the request, and shall allow for

informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Administrator may retain up to 0.25 percent of the funds appropriated in this Act for the Clean and Drinking Water State Revolving Funds for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

(f) This section does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency's capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of the enactment of this Act.

Iron/ Steel Products:

For purposes of the CWSRF and DWSRF projects that must comply with the AIS requirement, an iron or steel product is one of the following made primarily of iron or steel that is permanently incorporated into the public water system or treatment works:

- Lined or unlined pipes or fittings;
- Manhole Covers;
- Municipal Castings (defined in more detail below);
- Hydrants;
- Tanks;
- Flanges;
- Pipe clamps and restraints;
- Valves;
- Structural steel (defined in more detail below);
- Reinforced precast concrete; and
- Construction materials (defined in more detail below).

'Primarily iron or steel' places constraints on the list of products above. For one of the listed products to be considered subject to the AIS requirements, it must be made of greater than 50% iron or steel, measured by cost. If one of the listed products is not made primarily of iron or steel, United States (US) provenance is not required.

Steel means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements. Often, other metals are added to give steel a particular property, such as chromium and nickel to make it stainless.

Production in the United States of the iron or steel products used in the project requires that all manufacturing processes, including application of coatings, must take place in the United States, with the exception of metallurgical processes involving refinement of steel additives. All manufacturing processes includes processes such as melting, refining, forming, rolling, drawing, finishing, fabricating and coating. Further, if a domestic iron and steel product is taken out of the US for any part of the manufacturing process, it becomes foreign source material. However, raw materials such as iron ore, limestone and iron and steel scrap are not covered by the AIS requirement, and the material(s), if any, being applied as a coating are similarly not covered. Non-iron or steel components of an iron and steel product may come from non-US sources. For example, for products such as valves and hydrants, the individual non-iron and steel components do not have to be of domestic origin.

Municipal Castings :

Municipal castings are cast iron or steel infrastructure products that are melted and cast. They typically provide access, protection, or housing for components incorporated into utility-owned drinking water, stormwater, wastewater, and surface infrastructure. They are typically made of grey or ductile iron, or steel. Examples of municipal castings are:

- Access Hatches;
- Ballast Screen;
- Benches (Iron or Steel);
- Bollards;
- Cast Bases;
- Cast Iron Hinged Hatches, Square and Rectangular;
- Cast Iron Riser Rings;
- Catch Basin Inlet;
- Cleanout/Monument Boxes;
- Construction Covers and Frames;
- Curb and Comer Guards;
- Curb Openings;
- Detectable Warning Plates;
- Downspout Shoes (Boot, Inlet);
- Drainage Grates, Frames and Curb Inlets;
- Inlets;
- Junction Boxes;
- Lampposts;
- Manhole Covers, Rings and Frames, Risers;
- Meter Boxes;
- Steel Hinged Hatches, Square and Rectangular;
- Steel Riser Rings;
- Trash receptacles;
- Tree Grates;
- Tree Guards;
- Trench Grates; and
- Valve Boxes, Covers and Risers.

Structural steel is rolled flanged shapes, having at least one dimension of their cross-section 3 inches or greater, which are used in the construction of bridges, buildings, ships, railroad rolling stock, and for numerous other constructional purposes. Such shapes are designated as wide-flange shapes, standard I-beams, channels, angles, tees and zees. Other shapes include H-piles, sheet piling, tie plates, cross ties, and those for other special purposes.

Construction materials are those articles, materials, or supplies made primarily of iron and steel, that are permanently incorporated into the project, not including mechanical and/or electrical components, equipment and systems. Some of these products may overlap with what is also considered "structural steel". This includes, but is not limited to, the following products: wire rod, bar, angles, concrete reinforcing bar, wire, wire cloth, wire rope and cables, tubing, framing, joists, trusses, fasteners, welding rods, decking, grating, railings, stairs, access ramps, fire escapes, ladders, wall panels, dome structures, roofing, ductwork, surface drains, cable hanging systems, manhole steps, fencing and fence tubing, guardrails, doors, gates, and screens.

The following examples are NOT considered construction materials: gear reducers, drives, mixers, heat exchangers, pumps, motors, blowers/aeration equipment, meters, variable frequency drives (VFDs), valve actuators, controls, supervisory control and data acquisition (SCADA), membrane bioreactor systems, membrane filtration systems, filters, disinfection systems, belt presses HVAC (excluding ductwork), water heaters, generators, cabinetry and housings, lighting fixtures, electrical conduit, emergency life systems, metal office furniture, shelving, laboratory equipment, and analytical instrumentation.

For purposes of construction of the project, yes, welding rods are a construction material and must be produced in the US. Additionally, if welding rods are used in the production of a listed product, that welding rod used by a manufacturer, fabricator, etc., must also be produced in the US.

While reinforced precast concrete may not be at least 50% iron or steel, in this particular case, the reinforcing rebar must be produced in the US and meet the same standards as for any other iron or steel product. Additionally, the casting of the concrete product must take place in the US. If the reinforced concrete is cast at the construction site, the reinforcing rebar is considered to be a construction material and must be produced in the US.

Compliance Documentation:

In order to ensure compliance with the AJS requirement, the step certification process shall be used. The step certification process is a method used to ensure adherence to AIS requirements and establish accountability.

Step certification creates a paper trail which documents the location of the manufacturing process involved with the production of steel and iron materials. A step certification is a process under which each handler (supplier, fabricator, manufacturer, processor, etc) of the iron and steel products certifies that their step in the process was domestically performed. Each time a step in the manufacturing process takes place, the manufacturer delivers its work along with a certification of its origin. A certification can be quite simple. It should include the name of the manufacturer, the location of the manufacturing facility where the product or process took place (not its headquarters), a description of the product or item being delivered, and a signature by a manufacturer's responsible party.

Alternatively, the final manufacturer that delivers the iron or steel product to either the worksite, vendor, or contractor, may provide a certification asserting that all manufacturing processes occurred in the US. While this type of certification may be acceptable, it does not provide the same degree of assurance. Additional documentation may be needed if the certification is lacking important information.

Sample Certification for Step Certification Process AIS

The following information is provided as a sample letter of step certification for America Iron and Steel Act compliance. Documentation must be provided on company letterhead.

Date

Company Name

Company Address

City, State Zip

Subject: American Iron and Steel Act Step Certification for Project (XXXXXX-XXXXXXXA)

I, (company representative), certify that the (melting, bending, coating, galvanizing, cutting, etc.) process for (manufacturing or fabricating) the following products and/or materials shipped or provided for the subject project is in full compliance with the American Iron and Steel requirement as mandated in EPA's State Revolving Fund Programs.

Item, Products and/or Materials:

1. XXXX
2. XXXX
3. XXXX

If any of the above compliance statements change while providing material to this project we will immediately notify the prime contractor and the engineer.

Signed by company representative

BUILD AMERICA, BUY AMERICA (BABA) REQUIREMENTS

The Contractor acknowledges that it understands the goods and services under this Agreement are being funded with federal monies and have statutory requirements commonly known as “Build America, Buy America;” that requires all of the iron and steel, manufactured products, and construction materials used in the project to be produced in the United States (“Build America, Buy America Requirements”) including iron and steel, manufactured products, and construction materials provided by the Contractor pursuant to this Agreement. The Contractor hereby represents and warrants to and for the benefit of the Owner and Funding Authority (a) the Contractor has reviewed and understands the Build America, Buy America Requirements, (b) all of the iron and steel, manufactured products, and construction materials used in the project will be and/or have been produced in the United States in a manner that complies with the Build America, Buy America Requirements, unless a waiver of the requirements is approved, and (c) the Contractor will provide any further verified information, certification or assurance of compliance with this paragraph, or information necessary to support a waiver of the Build America, Buy America Requirements, as may be requested by the Owner or the Funding Authority. Notwithstanding any other provision of this Agreement, any failure to comply with this paragraph by the Contractor shall permit the Owner or Funding Authority to recover as damages against the Contractor any loss, expense, or cost (including without limitation attorney’s fees) incurred by the Owner or Funding Authority resulting from any such failure (including without limitation any impairment or loss of funding, whether in whole or in part, from the Funding Authority or any damages owed to the Funding Authority by the Owner). If the Contractor has no direct contractual privity with the Funding Authority, as a lender or awardee to the Owner for the funding of its project, the Owner and the Contractor agree that the Funding Authority is a third-party beneficiary and neither this paragraph (nor any other provision of this Agreement necessary to give this paragraph force or effect) shall be amended or waived without the prior written consent of the Funding Authority.

Sample Certification for BABA

The following information is provided as a sample letter of certification for BABA compliance. Documentation must be provided on company letterhead.

Date

Company Name

Company Address

City, State Zip

Subject: Build America, Buy America Certification for Project (XXXXXXXXXX)

I, (company representative), certify that the following products and/or materials shipped/provided to the subject project are in full compliance with the Build America, Buy America requirement as mandated in EPA's State Revolving Fund Programs.

Item, Products and/or Materials:

1. Xxx
2. Xxx
3. Xxx

Such process took place at the following location:

If any of the above compliance statements change while providing material to this project we will immediately notify the prime contractor and the engineer.

Signed by company representative

Sample Step Certification for BABA

The following information is provided as a sample letter of step certification for BABA compliance. Documentation must be provided on company letterhead.

Date

Company Name

Company Address

City, State Zip

Subject: Build America, Buy America Step Certification for Project (XXXXXXXXXX)

I, (company representative), certify that the (melting, bending, coating, galvanizing, cutting, etc.) process for (manufacturing or fabricating) the following products and/or materials shipped or provided for the subject project is in full compliance with the Build America, Buy America requirements as mandated in EPA's State Revolving Fund Programs.

Item, Products and/or Materials:

1. Xxx
2. Xxx
3. Xxx

Such process took place at the following location:

If any of the above compliance statements change while providing material to this project we will immediately notify the prime contractor and the engineer.

Signed by company representative

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The Six Good Faith Efforts and Contract Administration Requirements

The Keys to Outreach and Opportunity

Program Comparison

Old MBE/WBE Program	New DBE Program
Following the “Six Affirmation Steps” under 40 CFR Part 31, and “Six Positive Efforts” under 40 CFR Part 30 were required by all grantees.	The “Six Good Faith Efforts” combine the “Six Affirmative Steps” and the “Six Positive Efforts” and are still required by all grantees. The substance of the efforts has not changed.
No protections for DBE Subcontractors	Several mechanisms are in place to protect DBE Subcontractors: <ul style="list-style-type: none"> • 30 day payment provision, notifications of DBE terminations, and continuing the Six Affirmative Steps after termination of DBE
No Mechanism for recipients to develop and maintain their own list of DBEs	Recipient’s are now required to create and maintain a bidders list. There is a \$250K exemption for this requirement.

What is the Purpose of the Six Good Faith Efforts?

The Good Faith Efforts are required methods implored by all EPA financial assistance agreement recipients to ensure that all disadvantaged business enterprises (DBEs) have the opportunity to compete for procurements funded by EPA financial assistance dollars.

What are the Six Good Faith Efforts?

- Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local, and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

- Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and Local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- Use the services and assistance of SBA and the Minority Business Development Agency of the Department of Commerce.
- If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

What are The New Contract Administration Requirements?

There are a number of new provisions designed to prevent unfair practices that adversely affect DBEs. Those provisions are as follows:

- A recipient must require its prime contractor to pay its subcontractor for satisfactory performance no more than 30 days from the prime contractor's receipt of payment from the recipient.
- A recipient must be notified in writing by its prime contractor prior to any termination of a DBE subcontractor for convenience by the prime contractor.
- If a DBE subcontractor fails to complete work under subcontract for any reason, the recipient must require the prime contractor to employ the six good faith efforts if soliciting a replacement subcontractor.
- A recipient must require its prime contractor to employ the six good faith efforts even if the prime contractor has achieved its fair share objectives.

What is the New Bidders List Requirement?

The purpose of a bidders list is to provide the recipient and entities receiving identified loans who conduct competitive bidding with as accurate of a database as possible about the universe of MBE/WBE and non-MBE/WBE prime and subcontractors.

- A recipient of a Continuing Environmental Program Grant or other annual grant must create and maintain a bidders list.

- A recipient of an EPA financial assistance agreement to capitalize a revolving loan fund also must require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements.
- The list must include all firms that bid or quote on prime contracts or bid or quote subcontracts on EPA assisted projects, including both MBE/WBEs and non-MBE/WBEs.
- The bidders list must only be kept until the grant project period has expired and the recipient is no longer receiving EPA funding under the grant. For entities receiving identified loans, the bidders list must only be kept until the project period for the identified loan has ended.

What Information Must Be Retained on the Bidders List?

- (1) Entity's name with point of contact;
- (2) Entity's mailing address, telephone number, and email address;
- (3) The procurement on which the entity bid or quoted, and when; and
- (4) Entity's status as an MBE/WBE or non-MBE/WBE.

What Are There Exemptions From The Bidders List Requirements?

- A recipient of an EPA financial assistance agreement in the amount of \$250,000 or less for any single assistance agreement, or of more than one financial assistance agreement with a combined total of \$250,000 or less in any one fiscal year, is exempt from the requirement to create and maintain a bidders list.
- A recipient under CWSRF, DWSRF, or BCRLF Program is not required to apply the bidders list requirement to an entity receiving an identified loan in an amount of \$250,000 or less, or to an entity receiving more than one identified loan with a combined total of \$250,000 or less in any one fiscal year.
- These exemptions are limited to the bidders list requirements only.

PAYROLL

For contractor's optional use; see instructions at dol.gov/agencies/whd/forms/wh347

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.



WAGE AND HOUR DIVISION
Revised December 2008

NAME OF CONTRACTOR	OR SUBCONTRACTOR	ADDRESS	OMB No. 1235-0008 Expires 09/30/2026
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PAYROLL NO.	FOR WEEK ENDING	PROJECT AND LOCATION	PROJECT OR CONTRACT NO.
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(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK
				HOURS WORKED EACH DAY										FICA	WITH- HOLDING TAX	OTHER	TOTAL DEDUCTIONS		
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W. Washington, D.C. 20210

Date _____

I, _____
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

_____ on the
(Contractor or Subcontractor)

_____ ; that during the payroll period commencing on the
(Building or Work)

_____ day of _____, _____, and ending the _____ day of _____, _____,
all persons employed on said project have been paid the full weekly wages earned, that no rebates have
been or will be made either directly or indirectly to or on behalf of said

_____ from the full
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly
from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part
3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948,
63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are
correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the
applicable wage rates contained in any wage determination incorporated into the contract; that the classifications
set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship
program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and
Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered
with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

- in addition to the basic hourly wage rates paid to each laborer or mechanic listed in
the above referenced payroll, payments of fringe benefits as listed in the contract
have been or will be made to appropriate programs for the benefit of such employees,
except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- Each laborer or mechanic listed in the above referenced payroll has been paid,
as indicated on the payroll, an amount not less than the sum of the applicable
basic hourly wage rate plus the amount of the required fringe benefits as listed
in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE

SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR
SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 3729 OF
TITLE 31 OF THE UNITED STATES CODE.

LABOR STANDARDS INTERVIEW

CONTRACT NUMBER				EMPLOYEE INFORMATION				
NAME OF PRIME CONTRACTOR				LAST NAME		FIRST NAME		MI
				STREET ADDRESS				
NAME OF EMPLOYER				CITY		STATE	ZIP CODE	
				SUPERVISOR'S NAME		WORK CLASSIFICATION		WAGE RATE
LAST NAME		FIRST NAME		MI				

ACTION	CHECK BELOW	
	YES	NO
Do you work over 8 hours per day?		
Do you work over 40 hours per week?		
Are you paid at least time and a half for overtime hours?		
Are you receiving any cash payments for fringe benefits required by the posted wage determination decision?		
WHAT DEDUCTIONS OTHER THAN TAXES AND SOCIAL SECURITY ARE MADE FROM YOUR PAY?		

HOW MANY HOURS DID YOU WORK ON YOUR LAST WORK DAY BEFORE THIS INTERVIEW?	TOOLS YOU USE	
DATE OF LAST WORK DAY BEFORE INTERVIEW (YYMMDD)		
DATE YOU BEGAN WORK ON THIS PROJECT (YYMMDD)		

THE ABOVE IS CORRECT TO THE BEST OF MY KNOWLEDGE

EMPLOYEE'S SIGNATURE			DATE (YYMMDD)
INTERVIEWER	SIGNATURE	TYPED OR PRINTED NAME	DATE (YYMMDD)

INTERVIEWER'S COMMENTS

WORK EMPLOYEE WAS DOING WHEN INTERVIEWED	ACTION <i>(If explanation is needed, use comments section)</i>	YES	NO
	IS EMPLOYEE PROPERLY CLASSIFIED AND PAID?		
	ARE WAGE RATES AND POSTERS DISPLAYED?		

FOR USE BY PAYROLL CHECKER

IS ABOVE INFORMATION IN AGREEMENT WITH PAYROLL DATA?

YES NO

COMMENTS

CHECKER			
LAST NAME	FIRST NAME	MI	JOB TITLE
SIGNATURE			DATE (YYMMDD)

EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT

FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

**PREVAILING
WAGES**

You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.

OVERTIME

You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

ENFORCEMENT

Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.

APPRENTICES

Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

PROPER PAY

If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

or contact the U.S. Department of Labor's Wage and Hour Division.



For additional information:

1-866-4-USWAGE **=IVHD**
(1-866-487 -9243) TTY: 1-877-889-5627 Wage and Hour Division

WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

00660 EPA DBE Reporting Requirements/Forms

- The Six Good Faith Efforts and Contract Administrative Requirements
- Payroll Form- <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh347.pdf>
- Labor Standards Interview Form- https://www.gsa.gov/system/files/SF_1445.pdf
- Poster - Employee Rights Under the Davis-Bacon Act- <https://www.dol.gov/agencies/whd/posters/dbra>