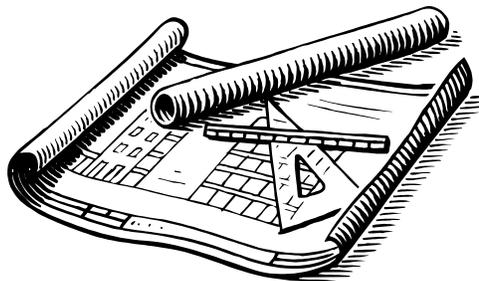


**00650 DHSS-ODW STATE REVOLVING FUND PROGRAM REQUIREMENTS**



**Delaware Health and Social Services**



**Office of Engineering**

**Drinking Water State Revolving Fund (DWSRF)**

**Program Requirements**

REVISED MAY 2013

# **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 to is being assisted by the State of Delaware and the following provisions are included in this Contract pursuant to the provisions applicable to such 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 offerers 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**

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**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 data 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**

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### **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 subagreements:

- (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 subagreement to take the affirmative 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:

- 1.) 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 regulations 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 Nonprocurement Programs” to insure 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.arnet.gov/epls](http://www.arnet.gov/epls) or by calling (202) 512-1800 or by writing to this address:

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

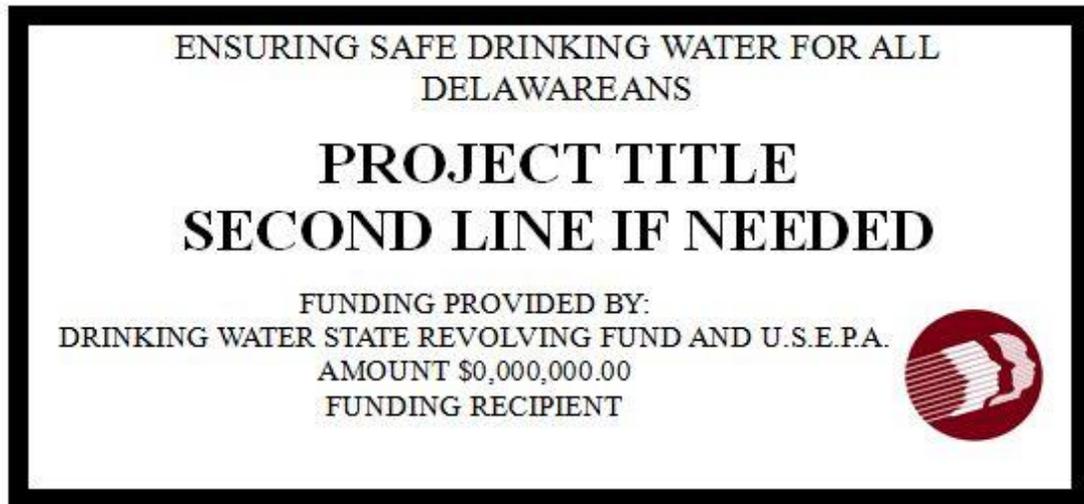
# **DRINKING WATER STATE REVOLVING FUND PROGRAM REQUIREMENTS**

## **PART I: PROJECT SIGN**

- 1.) 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 detailed instructions. It shall be the responsibility of the Contractor to maintain the sign in good condition throughout the life of the project.
- 2.) 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**

- 1.) The Contractor shall allow representatives of U.S. EPA, and State of Delaware DHSS-ODW access to the project site.



- 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 sign a proper distance above grade to permit public viewing and provide adequate support for sign
- DHSS logo stickers will be provided by the Office of Engineering

# 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 executed beginning January 17, 2014 (enactment of the Act), through the end of Fiscal Year 2014.

## **Implementation:**

The Act states:

Sec. 436. (a)(1) None 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, storm water, 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 Corner 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 AIS 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

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

Date

Company Name

Company Address

City, State Zip

Subject: Buy America Step Certification for Project (XXXXXX-XXXXXX)

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

**00660 EPA DBE Reporting Requirements/Forms**

- The Six Good Faith Efforts and Contract Administrative Requirements
- Payroll Form
- Labor Standards Interview Form
- Poster – Employee Rights Under the Davis-Bacon Act

## 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"> <li>• 30 day payment provision, notifications of DBE terminations, and continuing the Six Affirmative Steps after termination of DBE</li> </ul>
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.





**LABOR STANDARDS INTERVIEW**

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

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 (If explanation is needed, use comments section)	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**  
(1-866-487-9243) TTY: 1-877-889-5627



**WWW.WAGEHOUR.DOL.GOV**

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