

CITY ORDINANCE NO. CO-187-2024

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL AMENDING THE FY 24/25 OPERATING AND CAPITAL BUDGET OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT BY INCREASING REVENUES IN THE AMOUNT OF \$5,000,000 AWARDED FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) AND APPROPRIATING WITHIN THE UTILITIES DEPARTMENT AND BY DECREASING THE USE OF RETAINED EARNINGS RESERVE IN THE AMOUNT OF \$5,000,000 WITHIN THE UTILITIES DEPARTMENT

BE IT ORDAINED by the Lafayette City Council that:

SECTION 1: The FY 24/25 operating and capital budget of the Utilities Department of the Lafayette City-Parish Consolidated Government is hereby amended by adjusting the revenues and appropriations of the Utilities Department

SECTION 2: This transfer of funds shall be reflected in any pertinent documents which are attached and made a part hereof and filed in the Office of the Lafayette Clerk of the Council.

SECTION 3: The Lafayette Mayor-President, or her designee, is hereby further authorized to conduct all negotiations and to make, execute, and submit all documents and to perform all actions that may be appropriate to fulfill the grant agreement conditions, including providing the corresponding match, and for the completion of the South Gravity Sewer Upgrades project. The Lafayette Mayor-President acknowledges receipt of the grant funds pursuant to the terms and conditions of the grant, a copy of which is attached.

SECTION 4: The Chief Financial Officer, through the Lafayette Mayor-President, is authorized to prepare administrative budget revisions for additional funding that may be needed outside of the grant and local match funds in order to complete this project. Upon completion, the Chief Financial Officer, through the Lafayette Mayor-President, shall prepare a written report to the Lafayette City Council detailing the amount and nature of any adjustments required to implement the necessary budget amendments.

SECTION 5: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 6: This ordinance shall become effective upon signature of the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon an override of a veto, whichever occurs first.

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Fiscal Year: 2025
 Budget Adjustment Codes:
 Disposition of new revenues
 Ordinance #:

Fund: Description:
 502 UTILITIES SYSTEM FUND

AUTHORIZATION FOR BUDGETARY REVISIONS

Justification:
 To transfer funding to South Gravity Sewer Upgrades project (previously adopted) identified for partial reimbursement through the U.S. Environmental Protection Agency (EPA).

Page _____ of _____

ACCOUNTING UNIT	ACCOUNT	SUB ACCOUNT	ACCOUNT DESCRIPTION	ACTIVITY	ACTIVITY DESCRIPTION	ACCOUNT CATEGORY	ADJUSTMENT AMOUNT	GL		AC		
								CURRENT GL BUDGET	ADJUSTED BUDGET	CURRENT AC BUDGET	ADJUSTED BUDGET	
5020999	42198		EPAC3 COMMUNITY GRANT-DEPR401	50201100070	LUS NON-OPERATING	14187	(5,000,000.00)	0.00	(5,000,000.00)	0.00	(5,000,000.00)	
5027099	89920		RETAINED EARNINGS CAPITAL	50202059943	SOUTH GRAVITY SEWER UPRGR-EPAC3	19920	5,000,000.00	67,353,786.00	72,353,786.00	0.00	5,000,000.00	
5027099	89920		RETAINED EARNINGS CAPITAL	50230193843	SOUTH GRAVITY SEWER UPRGR	19920	(1,250,000.00)	72,353,786.00	71,103,786.00	7,255,693.00	6,005,693.00	
5027099	89920		RETAINED EARNINGS CAPITAL	5022028943	SOUTH GRAVITY SEWER UPRGR-EPAC3	19920	1,250,000.00	71,103,786.00	72,353,786.00	5,000,000.00	6,250,000.00	
5027099	89920		RETAINED EARNINGS CAPITAL	50230199943	SOUTH GRAVITY SEWER UPRGR	19920	(5,000,000.00)	72,353,786.00	67,353,786.00	6,005,693.00	1,005,693.00	
5027099	77983		RESERVED US-RETAINED EARNINGS				5,000,000.00	13,239,454.00	18,239,454.00			
Total Adjustments:								0.00				

Note: Revenue is a credit account therefore an increase is a credit (minus) and a decrease is a debit (plus). Expense is a debit account therefore an increase is a debit (plus) and a decrease is a credit (minus).

Reserve Balances (Budget Use Only)
 Operating Funds
 Reserve
 Accum Use of P.Y. Fund Balance
 Transfer No. _____
 Balance After This Transfer _____

Capital Funds
 Reserve
 Accum Use of P.Y. Fund Balance
 Transfer No. _____
 Balance After This Transfer _____

DIVISION HEAD _____ DATE _____
 DEPARTMENT HEAD _____ DATE _____
 BUDGET MANAGEMENT OFFICER _____ DATE _____
 MAYOR/PRESIDENT _____ DATE _____

RECEIVED
 OCT 24 2024
 BUDGET MGMT

10/21/24
10/21/24

From: Russell, Randy <Russell.Randy@epa.gov>
Sent: Tuesday, August 27, 2024 7:37 AM
To: Brad Eldridge; Emily Quebedeaux
Cc: Feaster, Aneida; Cooney, Thomas
Subject: EPA Grant Award CG 02F64401-0
Attachments: OMB Form 02F64401-0.pdf

EPA Grant Award Attached


Attached is an approved award for assistance agreement CG 02F64401-0. Please forward a copy to all appropriate staff within your organization. If you have questions or need additional information, please call Aneida Feaster at 214-665-2267 or your EPA Project Officer, Thomas Cooney at 214-665-6580.

Please note that a signature is not requested on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, do not draw down on the funds provided by this award/amendment, any cost incurred by the recipient are at its own risk.

If your work plan and budget include subawards of financial assistance (2 CFR 200.92 and 200.300), please pay particular attention to EPA's National Term and Condition for Subawards which is found in the programmatic terms and conditions for this award. By accepting this assistance agreement, your organization is certifying that it either has systems in place to comply with the regulatory or EPA policy requirements specified in the National Term and Condition for Subawards or that it will refrain from making subawards with funding EPA provides under this agreement until the systems are designed and implemented. Also note that should your organization decide to make a subaward(s) that was not described in the work plan and budgeted for under this agreement you must obtain written approval from EPA's Award Official for the subaward as provided at 2 CFR 200.308 (c) (1)(vi).

V/R
Randy Russell
Grant Management Specialist
Grants Management Section
U.S. Environmental Protection Agency
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102
(214) 665-7558 Office

Email: Russell.Randy@epa.gov

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement	GRANT NUMBER (FAIN): 02F64401 MODIFICATION NUMBER: 0 PROGRAM CODE: CG	DATE OF AWARD 08/23/2024
		TYPE OF ACTION New	MAILING DATE 08/28/2024
		PAYMENT METHOD: ASAP	ACH# PENDING
RECIPIENT TYPE: County		Send Payment Request to: Contact EPA RTPFC at: rtpfc-grants@epa.gov	
RECIPIENT: LAFAYETTE CITY PARISH CONSOLIDATED GOVERNMENT PO BOX 4017C LAFAYETTE, LA 70502 EIN: 72-1335255		PAYEE: LAFAYETTE CITY PARISH CONSOLIDATED GOVERNMENT 705 West University Avenue Lafayette, LA 70506-3543	
PROJECT MANAGER Brad Eldridge 705 West University Avenue Lafayette, LA 70506-3543 Email: beldridge@lus.org Phone: 337-291-5803	EPA PROJECT OFFICER Thomas Cooney 1201 Elm Street, Suite 500, WDAI Dallas, TX 75270-2102 Email: cooney.thomas@epa.gov Phone: 214-665-6580	EPA GRANT SPECIALIST Anedia Feaster Mission Support Division, MSDGG 1201 Elm Street, Suite 500 Dallas, TX 75270-2102 Email: Feaster.Anedia@epa.gov Phone: 214-665-2267	
PROJECT TITLE AND DESCRIPTION Lafayette Consolidated Government South Gravity Sewer Upgrade Project See Attachment 1 for project description.			
BUDGET PERIOD 01/06/2025 - 01/01/2026	PROJECT PERIOD 01/06/2025 - 01/01/2026	TOTAL BUDGET PERIOD COST \$ 6,250,000.00	TOTAL PROJECT PERIOD COST \$ 6,250,000.00
NOTICE OF AWARD Based on your Application dated 07/01/2024 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$ 5,000,000.00. EPA agrees to cost-share <u>80.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$ 5,000,000.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS U.S. EPA, Region 6, Grants Management Section 1201 Elm Street, Suite 500 Dallas, TX 75270-2102		ORGANIZATION / ADDRESS U.S. EPA, Region 6, WDAI R6 - Region 6 1201 Elm Street, Suite 500 Dallas, TX 75270-2102	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official for Marya Stanton - Acting Director, Mission Support Division by Tongee Flemming - Award Official Delegate			DATE 08/23/2024

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 0	\$ 5,000,000	\$ 5,000,000
EPA In-Kind Amount	\$ 0	\$ 0	\$ 0
Unexpended Prior Year Balance	\$ 0	\$ 0	\$ 0
Other Federal Funds	\$ 0	\$ 0	\$ 0
Recipient Contribution	\$ 0	\$ 1,250,000	\$ 1,250,000
State Contribution	\$ 0	\$ 0	\$ 0
Local Contribution	\$ 0	\$ 0	\$ 0
Other Contribution	\$ 0	\$ 0	\$ 0
Allowable Project Cost	\$ 0	\$ 6,250,000	\$ 6,250,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.202 - Congressionally Mandated Projects	2023 Consolidated Appropriations Act (PL 117-328)	2 CFR 200, 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2406WB0018	23	E5	0623CQM	000B80	4192	-	-	\$ 5,000,000
									\$ 5,000,000

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$ 0
2. Fringe Benefits	\$ 0
3. Travel	\$ 0
4. Equipment	\$ 0
5. Supplies	\$ 0
6. Contractual	\$ 0
7. Construction	\$ 6,250,000
8. Other	\$ 0
9. Total Direct Charges	\$ 6,250,000
10. Indirect Costs: 0.00 % Base	\$ 0
11. Total (Share: Recipient <u>20.00</u> % Federal <u>80.00</u> %)	\$ 6,250,000
12. Total Approved Assistance Amount	\$ 5,000,000
13. Program Income	\$ 0
14. Total EPA Amount Awarded This Action	\$ 5,000,000
15. Total EPA Amount Awarded To Date	\$ 5,000,000

Attachment 1 - Project Description

This agreement provides funding to the Lafayette (LA) Consolidated Government to implement its project to upgrade existing gravity sewer infrastructure in the downtown and south areas of the City of Lafayette as directed in the 2023 Consolidated Appropriations Act or as identified in an approved Technical Correction if one has been approved for this project. The activities to be performed are the construction of a new collector/interceptor pump station near the downtown area, upgrade existing gravity sewer lines to increase pipe sizes to better deliver flows to the pump station, eliminate existing bottlenecks and restrictions in the gravity sewer system, and construction of a new 24-inch force main from this new pump station to the South Sewage Treatment Plant site. The anticipated deliverables are the construction of a new collector/interceptor pump station near the downtown area, upgrade existing gravity sewer lines to increase pipe sizes to better deliver flows to the pump station, eliminate existing bottlenecks and restrictions in the gravity sewer system, and construction of a new 24-inch force main from this new pump station to the South Sewage Treatment Plant site, which are expected to lead to elimination of several package sewage treatment plants and to better handle instances of inflow/infiltration to prevent instances of sewer system overflows for the citizens of the City of Lafayette, Louisiana and over 3,000 downtown service connections. No subawards are included in this assistance agreement.

Administrative Conditions

A. General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2023-or-later>.

These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: <https://www.epa.gov/grants/grant-terms-and-conditions#general>.

B. Correspondence Condition

The terms and conditions of this agreement require the submittal of reports, specific requests for approval, or notifications to EPA. Unless otherwise noted, all such correspondence should be sent to the following email addresses:

- Federal Financial Reports (SF-425): rtpfc-grants@epa.gov and (GS) Anedia Feaster, feaster.ania@epa.gov, (214) 665-2267, R6_EPA_Grants_Program@epa.gov
- MBE/WBE reports (EPA Form 5700-52A): Debora Bradford, bradford.debora@epa.gov, (214) 665-7406, (GS) Anedia Feaster, feaster.ania@epa.gov, (214) 665-2267, R6_EPA_Grants_Program@epa.gov
- All other forms/certifications/assurances, Indirect Cost Rate Agreements, Requests for Extensions of the Budget and Project Period, Amendment Requests, Requests for other Prior Approvals, updates to recipient information (including email addresses, changes in contact information or changes in authorized representatives) and other notifications: (GS) Anedia Feaster, feaster.ania@epa.gov, (214) 665-2267, R6_EPA_Grants_Program@epa.gov, (PO) Thomas Cooney, cooney.thomas@epa.gov, (214) 665-6580
- Payment requests (if applicable): (GS) Anedia Feaster, feaster.ania@epa.gov, (214) 665-2267, (PO) Thomas Cooney, cooney.thomas@epa.gov, (214) 665-6580
- Quality Assurance documents, workplan revisions, equipment lists, programmatic reports and deliverables: Thomas Cooney, cooney.thomas@epa.gov, (214) 665-6580

c. New Recipient Training Requirement

The recipient agrees to complete the [EPA Grants Management Training for Applicants and Recipients](#) and the [How to Develop a Budget](#) training within 90 calendar days of the date of award of this agreement. The recipient must notify the Grant Specialist via email when the required training is complete. For additional information on this training requirement, the

recipient should refer to [RAIN-2024-G01](#).

D. Prior Approval of Payments for EPA Community Grants

Payment Requests are to be completed on Standard Form 270, "Request for Advance or Reimbursement" and submitted to the EPA Grants Office with a copy to the EPA Project Officer. This form and instructions for completing it can be found at <https://www.epa.gov/grants/epa-grantee-forms>. The requests will report cumulative expenditures both (federal and non-federal) incurred under the grant. EPA will approve payments for allowable expenditures at the ratio shown in the latest Agreement.

Under this payment mechanism, the recipient submits for EPA approval the Standard Form 270 along with supporting cost documentation via email to cooney.thomas@epa.gov and feaster.anedia@epa.gov, the EPA Project Officer and the EPA Grants Management Specialist listed on this award document. Attachments must be submitted in pdf or other acceptable software format (e.g., DocuSign) and the Standard Form 270 must be electronically or digitally signed by your organization's authorized representative or their designee in accordance with EPA's Recipient/Applicant Information Notice (RAIN), [Establishment of Standards for Submission of Administrative and Financial Assistance Agreement Forms/Documents with Electronic or Digital Signatures by Email](#). Documentation to support costs claimed for reimbursement include copies of bills (vouchers, invoices, etc.), along with a description of services rendered, time spent, and charges. The table below provides examples of acceptable documentation. Also, as a reminder, please refer to the Grant-Specific Programmatic Terms and Conditions of this award for additional information regarding procurement documentation submission requirements.

After review and written notification of EPA's approval, the recipient will request funds via the U.S. Treasury's Automated Standard Application for Payment (ASAP) system for 80% of the total allowable expenditures shown on the Standard Form 270 (i.e., the Federal share) for the period covered by the request. EPA may pay 100% of the allowable expenditures reported for the period of the request for grants for which the cost share requirement has been waived by EPA. Payment for costs approved by EPA and authorized for drawdown by the recipient via the ASAP System will be credited to the recipient's designated financial institution (See Financial Information in the [EPA General Terms and Conditions](#) applicable to this award). Any questioned or disallowed costs will be detailed in writing by EPA's Grants Management Officer.

SUPPORTING DOCUMENTATION BY BUDGET CATEGORY	
BUDGET CATEGORY	ACCEPTABLE DOCUMENTATION
1. PERSONNEL (for both EPA-funded and non-EPA funded employees whose services will count towards the recipient's cost share) Records must: <ul style="list-style-type: none"> • meet the requirements in 2 CFR 200.430(i) for producing accurate 	

<p>information regarding actual hours an employee worked performing the EPA agreement. • reflect 100% of actual hours worked daily and the projects, programs or activities worked, not estimated amounts or percentages. They must also reflect non-working hours used during the pay period. • be certified by an appropriate recipient manager indicating that the hours shown as worked in support of the EPA assistance agreement were actually spent on activities approved and eligible under the agreement for which the costs are claimed • contain names of employees charging time to the agreement, with explicit indication of number of hours charged, the hourly rate, and the total amount thereof charged.</p>	
<p>1a. Working Hours</p>	<ul style="list-style-type: none"> • Copies of time sheets or equivalent records
<p>1b. Non-Working Hours (e.g., sick leave, annual leave, holiday pay, etc.) being charged to the agreement if not covered by a leave rate or included in fringe benefits.</p>	<ul style="list-style-type: none"> • A schedule or report showing the non-working hour cost calculations and amounts claimed, including the applicable accruals and distribution methodologies for the periods used in the calculations.
<p>2. FRINGE BENEFITS – if applicable, approved fringe rate or actual costs per employee.</p>	<ul style="list-style-type: none"> • A schedule or report showing the fringe benefit cost calculations per employee, per pay period being claimed for payment and charged to the assistance agreement. Individual items included in approved fringe benefit rates must be identified.
<p>3. INDIRECT COSTS – either an approved indirect cost rate agreement covering the period for the indirect costs being claimed, or otherwise approved to use the 10% de minimis rate. See the General Terms and Conditions for additional information.</p>	<ul style="list-style-type: none"> • A schedule or report showing the indirect costs calculations and amounts claimed and charged to the assistance agreement, including the applicable rates and cost basis for the periods used in the calculations.
<p>4. TRAVEL Note: First class/business class travel costs are not allowable.</p>	<ul style="list-style-type: none"> • listing of trips taken, trip dates, location, purpose, and actual costs incurred. • copy of signed and dated authorization documents for each trip. • written certification by employee's supervisor or other authorized official

	that the trip took place. • copy of signed and dated travel vouchers showing actual expenditures
5. EQUIPMENT – records must show equipment items, quantity, unit cost, and total amount consistent with the PO and RFP.	• copy of procurement requests • copy of vendor invoices • quotes or bid announcements as required
6. SUPPLIES	• invoices showing supply items, quantity, unit cost, and total amount consistent with the Purchase Order. • copy of procurement requests • copy of vendor invoices • quotes or bid announcements as required
7. CONTRACTUAL The contract agreement must include all applicable clauses stipulated at 2 CFR Part 200.327 and Appendix II . NOTE: per the grant-specific programmatic Terms and Conditions of the award, all contracts should have already been reviewed and approved by the project officer. Contracts for Architectural and Engineering services are included in this category. The costs for consultant compensation that are charged to the EPA assistance agreement (including cost shares) must not exceed the consultant cap (Level IV of the Executive Schedule) as described at 2 CFR 1500.10	• documents showing quotes or bid announcements as required. • evidence of the selection decision and a cost and price analysis • copy of contractor invoices
8. CONSTRUCTION This category includes contracts for general construction and other contractor costs for activities described in EPA's Small and Disadvantaged Business (DBE) rule at 40 CFR 33.103 .	• documents showing quotes or bid announcements as applicable. • evidence of the selection decision and a cost and price analysis • copy of contractor and vendor invoices
9. OTHER If subaward costs are being claimed, a copy of the executed subaward agreement must be provided. The subaward agreement must comply with the requirements of the subaward term and condition of the EPA award and 2 CFR 200.331 and 200.332 .	• invoices showing items, quantity, unit cost, and total amount. As applicable ensure there are: • copies of procurement requests • copy of vendor invoices • quotes or bid announcements as required • documentation of participant support cost payments approved in the budget • cost Calculations/Allocations of shared costs like rent, utilities, etc.

Programmatic Conditions

GRANT-SPECIFIC PROGRAMMATIC TERMS AND CONDITIONS FOR EPA COMMUNITY GRANTS

A. Performance Reporting ([2 CFR 200.329](#))

The recipient agrees to submit performance reports to the EPA Project Officer on a semi-annual basis, no later than April 30 and October 30 of each year. The final performance report must be submitted no later than 120 calendar days after the period of performance end date.

Performance reports must relate financial data and accomplishments to performance goals and objectives; include brief information on each of the following areas: 1) a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement workplan for the period; 2) the reasons for slippage if established outputs/outcomes were not met; and 3) additional pertinent information, including, when appropriate, analysis and formation of cost overruns or high unit costs.

The recipient agrees to inform EPA as soon as problems, delays, or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement workplan.

B. Project Changes

The recipient must obtain written EPA approval before implementing changes which alter the project performance standards; change the scope or objectives of the project or substantially alter the design of the project; transfer funds between construction and non-construction budget categories; significantly delay or accelerate the project schedule; substantially alter the facilities plan, design drawings and specifications, or the location, size, capacity, or quality of any major part of the project.

C. Right of Access ([2 CFR 200.337](#))

EPA will have access to all records which are pertinent to the assistance agreement (including fiscal, procurement, and engineering data and files), and EPA may conduct site visits and inspections related to progress of the assistance agreement workplan activities.

• Procurement Document Submission

(1) With the exception of projects that qualify for the procurement flexibilities in the FY 2024 Consolidated Appropriations Act (P.L. 118-42) discussed below in term and condition D. Procurement, the recipient shall submit a copy of all proposed and/or executed contracts for services (including professional and construction), supplies, and equipment over \$250,000 to the EPA Project Officer for review. The submittal of the proposed and/or executed contracts must include procurement records.

(a) Recipient agrees to submit plans and specifications, requests for proposals, invitations for bids, scopes of work, and/or plans and specifications to the EPA Project Officer for review prior to advertising for bids, or as soon as practicable thereafter if a contract has been executed or performance under the contract has begun. Recipient will also submit any addenda to these documents to the EPA Project Officer for review prior to the opening of bids, or as soon as practicable thereafter if a contract has been executed or performance under the contract has

begun.

(b) Recipient agrees to submit to the EPA Project Officer, within ten calendar days after a bid opening, or as soon as practicable thereafter if a contract has been executed or performance under the contract has begun, the bid package of the lowest responsive, responsible bidder for review prior to the award of a contract, or as soon as practicable thereafter if a contract has been executed or performance under the contract has begun. The bid package will include a bid tabulation, a copy of the proof of advertising, the bid bond of the low bidder, the MBE/WBE proposed utilization by the low bidder with a statement from Recipient that the efforts taken by the low bidder meet the regulatory requirements, and the recommendation to award a contract to the low bidder.

(c) Recipient agrees to submit to the EPA Project Officer for review any proposed and/or executed contract for services, such as architectural/engineering or grant management or construction, prior to signing each contract, or as soon as practicable thereafter if a contract has been executed or performance under the contract has begun, as well as any change orders executed after the award of the contract. A description of the process used to procure those services will also be submitted. To be accepted as allowable project costs, such procurements/contracts must comply with all statutory and regulatory requirements, including [40 U.S.C. 1101 et seq.](#) (the Brooks Act) or an equivalent State qualifications-based procurement requirement, as applicable; [2 CFR Part 200](#); [2 CFR Part 1500](#); and/or [40 CFR Part 33](#).

(2) Recipients that qualify for the procurement flexibilities discussed below in term and condition D. Procurement, must provide to the EPA upon request solicitation documents (e.g., Request for Proposals or Request for Qualifications), contracts, and/or any other pertinent documents relating to the process used to enter the contract.

(3) All recipients, to include those that qualify for the procurement flexibilities in the FY 2024 Consolidated Appropriations Act (P.L. 118-42) discussed below in term and condition D. Procurement must comply with the requirements in the Davis-Bacon Act, American Iron and Steel (AIS), and Build America, Buy America (BABA) in any procurements and resulting contracts as applicable. These requirements include incorporating the appropriate prevailing wage determinations and AIS/BABA in the solicitation documents.

D. Procurement

The FY2024 Consolidated Appropriations Act (P.L. 118-42), which was signed into law on March 9, 2024, states:

Provided further, that the funds made available under this heading for Community Project Funding/Congressionally Directed Spending grants in this or prior appropriations Acts are not subject to compliance with Federal procurement requirements for competition and methods of procurement applicable to Federal financial assistance, if a Community Project Funding/Congressionally Directed Spending recipient has procured services or products through contracts entered into prior to the date of enactment of this legislation that complied with state and/or local laws governing competition.

(a) Recipient with projects identified in the FY 2024 or prior (i.e., FY 2022 and FY2023) Appropriations Acts are not subject to compliance with Federal procurement requirements for competition and methods

of procurement applicable to Federal financial assistance if the recipient has:

- procured services or products through contracts entered into prior to March 9, 2024; and
- complied with state and/or local laws governing competition (including laws/policies relating to participation by disadvantaged business enterprises or equivalent, as applicable, and method of payment).

The recipient must provide a written statement to the EPA Project Officer affirming any contracts entering into prior to March 9, 2024, complied with state and/or local laws governing competition (including laws/policies relating to participation by disadvantaged business enterprises or equivalent as applicable, and method of procurement). The statement must also include the date the contracts were entered into. The contract will be considered covered by the provision upon receipt of written confirmation from EPA.

The recipient must retain documentation (e.g., solicitation documents, procurement certifications from state and/or local officials) demonstrating compliance of such contracts with state and/or local laws governing competition, including such laws relating to participation by disadvantaged business enterprises or equivalent as applicable.

(a)(1) Contract Amendments after March 9, 2024, and FY2024 Procurement Flexibility

Recipients with projects identified in the FY2024 or prior (i.e., FY2022 and FY2023) Appropriations Acts may not be subject to compliance with Federal procurement requirements for competition and methods of procurement applicable to Federal financial assistance (with the exception noted below in paragraph (a)(2) for contract modifications over the Simplified Acquisition Threshold in effect at the time of award) for contract amendments that occur after March 9, 2024, if the recipient has:

- (i) procured services or products through contracts entered into prior to March 9, 2024;
- (ii) entered into said contracts in compliance with state and/or local laws governing competition (including laws/policies relating to participation by disadvantaged business enterprises or equivalent, as applicable, and method of procurement); and
- (iii) complied with state and/or local laws relating to contract amendments as applicable.

The recipient must provide a written statement to the EPA Project Officer affirming any contracts entered into prior to March 9, 2024, and contract amendments after that date, complied with state and/or local laws governing competition (including laws/policies relating to participation by disadvantaged business enterprises or equivalent as applicable, and method of procurement). The statement must also include the date the contracts were entered into. The contracts and contract amendments will be considered covered by the provision upon receipt of written confirmation from EPA

The recipient must retain documentation (e.g., solicitation documents, procurement certifications from state and/or local officials) demonstrating compliance of such contracts and amendments with state and/or local laws governing competition, including such laws relating to participation by disadvantaged business enterprises or equivalent as applicable.

(2) Consistent with 2 CFR 200.324, the recipient further agrees that for all contract modifications/amendments in excess of the Simplified Acquisition Threshold in effect at the time of award, the recipient will: (i) perform a cost or price analysis; and (ii) negotiate profit as a separate element of the price for each contract amendment in all cases where cost analysis is performed.

(b) All other recipients who do not qualify for the procurement flexibilities discussed in section (a) must procure all services (professional, construction, etc.), supplies, and equipment awarded under this grant in accordance with all applicable federal requirements, including: [40 U.S.C. 1101](#) et seq. (the Brooks Act) or an equivalent State qualifications-based procurement requirement, as applicable; [2 CFR Part 200](#); [2 CFR Part 1500](#); and/or [40 CFR Part 33](#). This includes all services (professional, construction, etc.), supplies, and equipment for which costs are approved as preaward costs.

This T&C applies to projects with activities that are considered Clean Water State Revolving Fund (CWSRF) eligible, as described in [EPA's Overview of CWSRF Eligibilities paper](#). This includes: construction of publicly owned treatment works; implementation of a management program established under section 319 of the Clean Water Act (CWA); development and implementation of a conservation and management plan under section 320 of the CWA; construction, repair, or replacement of decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage; measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water; measures to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse; development and implementation of watershed projects meeting the criteria set forth in section 122 of the CWA; measures to reduce the energy consumption needs for publicly owned treatment works; reusing or recycling wastewater, stormwater, or subsurface drainage water; measures to increase the security of publicly owned treatment works; providing assistance to owners and operators of small and medium publicly owned treatment works to plan, develop, and obtain financing for eligible projects under this subsection, including planning, design, and associated preconstruction activities; and assisting such treatment works in achieving compliance with the CWA; providing assistance to an eligible individual for the repair or replacement of existing individual household decentralized wastewater treatment systems; or in a case in which an eligible individual resides in a household that could be cost-effectively connected to an available publicly owned treatment works, connection of the applicable household to such treatment works.

(c) Recipient must comply with the procurement processes for architectural and engineering (A/E) services as described in [40 U.S.C. 1101 et seq.](#), or an equivalent State qualifications-based requirement.

Where equivalent State qualifications-based requirements are complied with, the source of the requirement (e.g., existing State legislation or regulation, etc.) must be stated, and a certification from the Governor of the State that the State's A/E procurement requirements are equivalent to [40 U.S.C. 1101 et seq.](#) must accompany the grant application. In lieu of a certification from the Governor, the Attorney General's certification submitted with each grant application may include this certification. The requirements of [40 U.S.C. 1101 et seq.](#) are:

Public announcement of the solicitation (e.g., public announcement of a Request for Qualifications);

Evaluation and ranking of the submitted qualifications statements based on established, publicly available criteria (e.g., criteria identified in the solicitation);

Evaluation criteria should be based on demonstrated competence and qualifications for the type of professional services required (e.g, past performance, specialized experience, and technical competence in the type of work required);

Discussion with at least three firms to consider anticipated concepts and compare alternative methods for furnishing services;

Selection of at least three firms considered to be the most highly qualified to provide the services required; and

Contract negotiation with the most highly qualified firm to determine compensation that is fair and reasonable based on a clear understanding of the project scope, complexity, professional nature, and the estimated value of the services to be rendered;

In the event that the recipient is unable to negotiate a satisfactory contract with the firm, the recipient shall formally terminate negotiations and then undertake negotiations with the next most qualified of the selected firms, continuing the process until an agreement is reached. If the recipient is unable to negotiate a satisfactory contract with any of the selected firms, the agency head shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached.

In the event that the State has no existing equivalent qualifications-based requirement for procurement, the federal requirements in [40 U.S.C. 1101 et seq.](#) apply.

(d) All recipient, to include those that qualify for the procurement flexibilities discussed in section (a), must comply with the requirements in the Davis-Bacon Act, American Iron and Steel (AIS), and Build America, Buy America (BABA) in any procurements and resulting contracts as applicable. These requirements include incorporating the appropriate prevailing wage determinations and AIS/BABA in the solicitation documents.

E. CYBERSECURITY CONDITION

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State or Tribal law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure. For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient will contact the EPA Project Officer no later than 90 days after the date of this award and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for

the submission of reporting and/or compliance data.

(2) The recipient agrees that any subawards it makes, under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: (i) by including this requirement in subaward agreements; and (ii) during subrecipient monitoring deemed necessary by the recipient under [2 CFR 200.332\(d\)](#), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

F. Signage

The FY 2022 Consolidated Appropriations Act (Pub. Law 117-103), FY 2023 Consolidated Appropriations Act (Pub. Law 117- 328), and FY 2024 Consolidated Appropriations Act (Pub. Law 118-42) provide that those federal requirements that would apply to a Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF) project grant recipient shall apply to a grantee receiving a Community Grant. Consequently, these Appropriations Acts extend Signage requirements applicable to SRF projects to Community Grants. The recipient agrees to comply with the SRF Signage Guidelines in order to enhance public awareness of EPA assistance agreements nationwide.

Basic Requirements

Recipients should note that they have the option of selecting different implementation options depending on the location, project type, and available resources. The costs of compliance with the signage requirements are allowable under the grant, provided the costs are reasonable. Recipients must ensure limited English proficient individuals have meaningful access to activities receiving EPA funds, consistent with Executive Order 13166 and EPA Order 1000.32. In this regard, to increase public awareness of projects serving communities where English is not the predominant language, EPA encourages recipients to translate the language used (excluding the EPA logo or seal) into the appropriate non-English language(s). The costs of such translation are allowable under the grant, provided the costs are reasonable.

Summary of Options

The SRF Signage Guidelines present a number of options which communities can explore to implement EPA's signage policy. The option selected should meet all of the Basic Requirements above while remaining cost-effective and accessible to a broad audience. The following strategies are acceptable options for communities to follow:

Standard Signage

Posters or wall signage in a public building or location

Newspaper or periodical advertisement for project construction, groundbreaking ceremony, or operation of the new or improved facility

Online signage placed on community website or social media outlet

Press release

Each of these options is described in more detail in the sections below.

Implementation Option: Standard Signage

EPA recommends that large projects that involve significant expansion or construction of a new facility elect to publicize through standard signage. This option should be selected for projects where the sign would be near a major road or thoroughfare or where the facility is in a location at which this would effectively publicize the upgrades. Some facilities will not find this an appropriate or cost-effective solution. For example, investing in a large road sign for a facility that is located in a rural area or where access is limited to a smaller service road would likely not be an optimal solution.

Signs can also be located away from the project site if there is another reasonable alternative. For example, a community may elect to place a sign advertising the project near a body of water that receives discharge from a particular facility.

Recipients selecting projects that will implement this requirement through use of a traditional sign should ensure the following are included:

- The name of the facility, project, and community

- Project cost (total grant award amount, i.e., federal share plus recipient contribution)

- The EPA and Recipient logos (EPA logo may only be used on a sign)

If the EPA logo is displayed along with logos of other participating entities, 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. As provided in the sign specifications from the EPA Office of Public Affairs (OPA), the EPA logo is the identifier for assistance agreement projects. Recipients are responsible to comply with the sign specifications provided by the OPA, available at https://www.epa.gov/sites/default/files/2015-01/documents/epa_logo_seal_specifications_for_infrastructure_grants.pdf. To obtain the appropriate EPA logo graphic file, the recipient should send a request directly to OPA and include the EPA Project Officer in the communication; contact information can be found at <https://www.epa.gov/aboutepa/using-epa-seal-and-logo#download>.

Implementation Option: Posters, Brochures, and/or Pamphlets

Smaller projects, projects located in rural areas, and other efforts may find that it is more cost-effective and practical to advertise efforts through creation of a poster or smaller sign. If the project involves nonpoint source or green infrastructure components, those can be described at the discretion of the recipient.

The poster or brochure and acknowledgement should be visible, as well as a website or other source of information for individuals that may be curious about the Community Grants program. The recipient may also implement this option as a short pamphlet that is placed in one of the locations noted below for

community members to read.

Posters, brochures, and/or pamphlets should be placed in a public location that is accessible to a wide audience of community members. This can include, but is not limited to:

- Town or City Hall
- Community Center
- Locally owned or operated park or recreational facility
- Public Library
- County/municipal government facilities
- Court house or other public meeting space

Given the low cost for producing multiple copies of the same poster, brochure, and/or pamphlet, communities can explore options for displaying these posters in several locations simultaneously. This would achieve the overall objective of reaching a broad audience and publicizing the project.

Projects that will implement this requirement through use of posters, brochures, and/or pamphlets should ensure the following are included:

- Name of facility, project, and community
- Project is wholly or partially funded with EPA funding
- Brief description of project
- Brief description of the water quality benefits the project will achieve

Implementation Option: Newsletters, Periodicals, and/or Press Releases

For communities where there is no suitable public space or where advertisement through signage is unlikely to reach community members effectively, projects can be advertised in a community newsletter or similar periodical. States can use guidelines from their standard public notice practices. For new construction, if a groundbreaking ceremony is to be held, an announcement could publicize or accompany publicity for this event.

In some cases, it may be appropriate for the recipient to issue a formal press release announcing construction of a new facility. Distributing a single prepared statement concisely summarizing the project purpose and the joint funding from EPA and community resources can reach a wide audience as the statement goes through multiple news outlets.

If the recipient decides on a public and/or media event to publicize the accomplishment of significant events related to the project as a result of EPA support, the recipient must provide EPA with at least ten working days' notice of the event and the opportunity to attend and participate in the event.

Recipients that will implement this requirement through use of a newsletter, periodical, or press release should ensure the following are included:

Name of facility, project, and community

Project is wholly or partially funded with EPA funding

Brief description of project

Brief description of the water quality benefits the project will achieve

Implementation Option: Inserts and/or Pamphlets in Water/Sewer Bills

Utilities can consider including a single-page insert within water and sewer bills that are mailed to residents and users in the affected community. This approach would effectively publicize the project to those individuals directly benefitting from the project. The flyer or insert could emphasize the environmental and public health benefits to the community.

Recipients that will implement this requirement through use of a newsletter, periodical, or press release should ensure the following are included:

Name of facility, project, and community

Project is wholly or partially funded with EPA funding

Brief description of project

Brief description of the water quality benefits the project will achieve

Implementation Option: Online and/or Social Media Publicity

Many communities are increasingly finding that the internet is the most cost-effective approach to publicizing their projects and reaching a broad audience of stakeholders. Online "signage" should follow the minimum information guidelines above and may appear on the town, community, and/or facility website if available. In some cases, communities may be active on social media sites such as Facebook or X, formally known as Twitter. These can be used as an opportunity for publicizing projects and information about how EPA funds are being used in the community.

These online announcements/notices may be appropriate for settings where physical signage would not be visible to a wide audience. They can be a more cost-effective option than traditional signs or publicity in print media outlets. This option may be most useful where the community's website is a well-recognized source of information for its residents.

In the case of some projects, such as nonpoint source, there might be additional opportunities for online publicity through partner agencies or organizations. This could take place either on the organization's website or through other social media outlets.

Projects that will implements this requirement through use of online and/or social media publicity should ensure the following are included:

Name of facility, project, and community

Project was wholly or partially funded with EPA funding

Brief description of the project

Brief listing of water quality benefits to be achieved

Suggested Language for Alternate Options

For any of the alternate implementation options listed above, recipients have discretion to structure their signage as they see appropriate. The language below is offered as an option for use in posters, pamphlets, brochures, press releases, and/or online materials. Communities may consider using the following:

"Construction of upgrades and improvements to the [Name of Facility, Project Location, or WWTP] were financed by the grant funding administered by the U.S. Environmental Protection Agency (EPA). EPA's Community Grant Program. This project will (description of project) and will provide water quality benefits [details specifying particular benefits] for community residents and businesses in and near (name of town, city, and/or water body or watershed to benefit from project.)"

For projects in certain areas, recipients should consider whether it is appropriate to include additional details about the project. Specific benefits, such as reduction of CSO events, lessening of nutrient pollution, reducing contaminant levels or water pumping costs, or improvements to a particular water body, may be of interest to community residents. In these cases, including additional detail would further serve to showcase positive efforts financed by EPA. Additionally, recipients may elect to detail improvements in energy efficiency or water conservation achieved by project upgrades. If the project includes green infrastructure components such as rain gardens and green roofs that have environmental and aesthetic benefits to the community, these can be described briefly as well. Again, this additional information can be included at the discretion of the recipient when it is appropriate, given the project type, location, and the type of signage or publicity effort selected.

G. Public or Media Events

The recipient will notify the EPA Project Officer listed in this award document of public or media events publicizing the accomplishment of significant events related to the project as a result of EPA support and provide the opportunity for attendance and participation by federal representatives with at least ten working days notice.

H. Federal Cross-cutting Requirements/Other Applicable Federal Laws

Recipient must comply with federal cross-cutting requirements as well as other applicable federal laws as provided in EPA's [Community Grants Program Final Implementation Guidance](#). For additional information on cross-cutting requirements, as well as applicability for recipients and subrecipients, visit <https://www.epa.gov/grants/epa-subaward-cross-cutter-requirements>.

I. American Iron and Steel (AIS)

AIS requirements apply to State Revolving Fund assistance agreements signed on or after January 17, 2014, including all treatment works projects funded by a CWSRF assistance agreement and all public water system projects funded by a DWSRF assistance agreement. Based on the directive Congressional language in the FY 2022, FY 2023, and FY 2024 Consolidated Appropriations Acts' (i.e., "Applicable Federal requirements that would apply to a Clean Water State Revolving Fund or Drinking Water State Revolving Fund project grant recipient shall apply to a grantee receiving a CPF grant under this section"), AIS requirements apply to this award agreement.

(a) *Definitions.* As used in this award term and condition---

(1) "iron and steel products" mean the following products made primarily of iron or steel, where "primarily" means 50% or greater iron/steel, measured by materials costs: 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 ferrous construction materials.

(2) "steel" means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

(b) *Domestic preference.*

(1) This award term and condition requires that all iron and steel products used for a project for the construction, alteration, maintenance or repair of a public water system or treatment work are produced in the United States except as provided in paragraph (b)(2) of this section and condition. "Produced in the United States means all manufacturing processes, beginning with initial melting, must occur in the United States.

(2) This requirement shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency finds that---

(i) applying the requirement would be inconsistent with the public interest;

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

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

(3) The Build America, Buy America (BABA) Act requirements do not supersede the AIS requirements, and both provisions still apply and work in conjunction. Compliance with AIS requirements meets the BABA requirements for iron and steel.

(c) *Request for a Waiver under (b)(2) of this section*

(1) Any recipient request to use foreign iron or steel products in accordance with paragraph

(b)(2) of this section shall include adequate information for federal Government evaluation of the request, including---

- (i) A description of the foreign and domestic iron and/or steel, ;
- (ii) Unit of measure;
- (iii) Quantity;
- (iv) Cost;
- (v) Time of delivery or availability;
- (vi) Location of the project;
- (vii) Name and address of the proposed supplier; and
- (viii) A detailed justification of the reason for use of foreign iron or steel products cited in accordance with paragraph (b)(2) of this section.

(2) If the Administrator receives a request for a waiver under this section, the waiver request shall be made available to the public for at least 15 days prior to making a finding based on the request.

(3) Unless the Administrator issues a waiver of this term, use of foreign iron and steel products is noncompliant with Section 608 of the Clean Water Act and Section 1452(a)(4) of the Safe Drinking Water Act.

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

J. Build America, Buy America Act

This term and condition supplements the "Build America, Buy America" term and condition included in EPA's [General Terms and Conditions](#).

(a) Definitions.

As used in this award term and condition —

(1) "Build America, Buy America Preference" means the "domestic content procurement preference" set forth in section 70914 of the Build America, Buy America Act, which requires the head of each Federal agency to ensure that none of the funds made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.

(2) "Infrastructure" encompasses public infrastructure projects in the United States, which includes, at a minimum, the structures, facilities, and equipment for roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband

infrastructure; and buildings and real property; and structures, facilities, and equipment that generate, transport, and distribute energy including electric vehicle (EV) charging.

(3) "Infrastructure Project" means any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States regardless of whether infrastructure is the primary purpose of the project.

(b) Domestic Preference.

This term and condition implements the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, including Build America, Buy America Act, Pub. L. No. 117-58, §§70901-52. None of the funds provided under this award may be used for a project for infrastructure unless:

(1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and

(3) all construction materials are manufactured in the United States. All manufacturing processes for the construction material occurred in the United States. Construction materials includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that is or consists primarily of:

non-ferrous metals;

plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);

fiber optic cable (including drop cable);

optical fiber;

glass (including optic glass);

lumber;

drywall; and

engineered wood

(4) The Build America, Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools,

equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

(c) Waiver Request.

(1) When necessary, recipients may apply for a waiver from these requirements.

(2) A request to waive the application of the domestic content procurement preference must be in writing and submitted following the waiver instructions at <https://www.epa.gov/cwsrf/build-america-buy-america-baba>.

(3) Waiver requests are subject to public comment for at least 15 days prior to making a finding based on the request.

(4) Waiver requests are subject to review by the Office of Management and Budget's Made in America Office.

(5) There may be instances where an award qualifies, in whole or in part, for an existing waiver described at <https://www.epa.gov/cwsrf/build-america-buy-america-baba-approved-waivers>.

(6) The U.S. Environmental Protection Agency may grant a waiver based upon one of the exceptions as established in Section 70914(b) of the Infrastructure Investment and Jobs Act and further described in the Office of Management and Budget Memorandum M-24-02-.

(7) Any recipient waiver request to use foreign iron, steel, manufactured products, and/or construction materials in an infrastructure project shall include adequate information for the Federal Government evaluation of the request, including—

- i. The Federal Award Identification Number (FAIN);
- ii. Location and description of the project;
- iii. Total cost of infrastructure expenditures, including federal and non-federal funds;
- iv. List of iron or steel item(s), manufactured products, and construction material(s) proposed to be excepted from Buy America requirements, including name, cost, country(ies) of origin (if known), relevant Product Services Code (PSC) and North American Industry Classification System (NAICS) code for each, unit of measure, quantity, time of delivery or availability, and name and address of the proposed supplier;
- v. Project schedule including earliest targeted installation dates of items requested to be waived;
- vi. A detailed justification of the reason for use of foreign iron, steel, manufactured products, and/or construction materials;
- vii. Recipient's Unique Entity Identifier (UEI);

vii. Anticipated impact if no waiver is issued; and

viii. A certification that the federal official or assistance recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.

(8) Unless a waiver applies, use of foreign iron, steel, manufactured products, and/or construction materials that are consumed in, incorporated into, or affixed to an infrastructure project is noncompliant with this term and condition pursuant to the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, including Build America, Buy America Act, Pub. L. No. 117-58 §§70901-52.

(d) Waiver Evidence Submission.

(1) **The recipient must maintain** documentation of any use of materials which are considered de minimis and are covered by an [existing waiver](#) (e.g. miscellaneous, generally low-cost products that are essential for construction and are incorporated into the physical structure of the project) with grant project files for a period of three years from the date of submission of the final expenditure report, in accordance with [2 CFR 200.334](#).

(2) If the recipient seeks coverage under an existing general applicability [BABA waiver](#), the recipient agrees to submit available evidence to the EPA Project Officer to support such a determination as identified in the BABA waiver. The recipient shall maintain this evidence with grant project files for a period of three years from the date of submission of the final expenditure report, in accordance with [2 CFR 200.334](#).

K. Environmental Review

In accordance with the requirements of the National Environmental Policy Act, EPA has issued a Finding of No Significant Impact for this project in accordance with provisions in [40 CFR Part 6](#). If the scope of the project changes, the recipient understands that additional environmental review may be necessary.

L. Davis-Bacon Labor Standards

1. Program Applicability

a. Program Name: Community Grants Program

b. Statutes requiring compliance with Davis-Bacon:

Consolidated Appropriations Act, 2022 (P.L. 117-103);

Consolidated Appropriations Act, 2023 (P.L. 117-328); and

Consolidated Appropriations Act, 2024 (P.L. 118-42)

c. Activities subject to Davis-Bacon:

For Community Grants Projects that are inclusive of CWSRF-eligible activities: Treatment works constructed in whole or in part with assistance made available by the FY 2022, FY 2023,

and/or FY 2024 Consolidated Appropriations Acts discussed in section b.

For Community Grants Projects that are inclusive of DWSRF-eligible activities: Any construction project carried out in whole or part with assistance made available by the FY 2022, FY 2023, and/or FY 2024 Consolidated Appropriations Acts discussed in section b.

d. The recipient must work with the appropriate authorities to determine wage classifications for the specific project(s) or activities subject to Davis Bacon under this grant (or cooperative agreement).

2. Davis-Bacon and Related Acts

Davis-Bacon and Related Acts (DBRA) is a collection of labor standards provisions administered by the Department of Labor, that are applicable to grants involving construction. These labor standards include the:

Davis-Bacon Act, which requires payment of prevailing wage rates for laborers and mechanics on construction contracts of \$2,000 or more;

Copeland "Anti-Kickback" Act, which prohibits a contractor or subcontractor from inducing an employee into giving up any part of the compensation to which he or she is entitled; and

Contract Work Hours and Safety Standards Act, which requires overtime wages to be paid for over 40 hours of work per week, under contracts in excess of \$100,000

3. Recipient Responsibilities When Entering Into and Managing Contracts:

a. Solicitation and Contract Requirements:

i. **Include the Correct Wage Determinations in Bid Solicitations and Contracts:** Recipients are responsible for complying with the procedures provided in [29 CFR 1.6](#) when soliciting bids and awarding contracts.

ii. **Include DBRA Requirements in All Contracts:** Include the following text on all contracts under this grant:

"By accepting this contract, the contractor acknowledges and agrees to the terms provided in the [DBRA Requirements for Contractors and Subcontractors Under EPA Grants.](#)"

b. After Award of Contract:

i. **Approve and Submit Requests for Additional Wages Rates:** Work with contractors to request additional wage rates if required for contracts under this grant, as provided in [29 CFR 5.5\(a\)\(1\)\(iii\)](#).

ii. **Provide Oversight of Contractors to Ensure Compliance with DBRA Provisions:** Ensure contractor compliance with the terms of the contract, as required by [29 CFR 5.6](#).

4. Recipient Responsibilities When Establishing and Managing Additional Subawards:

a. **Include DBRA Requirements in All Subawards (including Loans):** Include the following text on all subawards under this grant:

“By accepting this award, the EPA subrecipient acknowledges and agrees to the terms and conditions provided in the [DBRA Requirements for EPA Subrecipients](#).”

b. **Provide Oversight to Ensure Compliance with DBRA Provisions:** Recipients are responsible for oversight of subrecipients and must ensure subrecipients comply with the requirements in [29 CFR 5.6](#).

5. The contract clauses set forth in this Term & Condition, along with the correct wage determinations, will be considered to be a part of every prime contract covered by Davis-Bacon and Related Acts (see [29 CFR 5.1](#)), and will be effective by operation of law, whether or not they are included or incorporated by reference into such contract, unless the Department of Labor grants a variance, tolerance, or exemption. Where the clauses and applicable wage determinations are effective by operation of law under this paragraph, the prime contractor must be compensated for any resulting increase in wages in accordance with applicable law.

M. Geospatial Data Standards

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at www.fgdc.gov.

N. Sites, Easements, and Rights-of-Way

The recipient must submit a written legal opinion from a licensed attorney in the State where the real property is located (i.e., a title opinion) that the necessary sites, easements, and/or rights-of-way have been obtained and that they are free of any restrictions or encumbrances that might restrict their use for the purpose intended to be carried out under the assistance agreement. The opinion shall address:

- the title examination conducted;
- the validity of the form and substance of the legal instruments creating the sites, easements, and/or rights-of-way for the purposes intended;
- whether the legal instruments adequately confer upon the recipient the necessary sites, easements, and/or rights-of-way to carry out the project for the purposes intended; and
- whether the legal instruments have been properly recorded in the appropriate public land records of each county, town, district, province, etc. in which any of the land affected thereby is situated.

The recipient must submit the opinion to EPA no later than the time at which the recipient requests approval to award contracts where sites, easements, or rights-of-way are involved, or as soon as practicable thereafter if a contract has been executed or performance under the contract has begun.

O. Flood Insurance

The recipient will acquire and maintain at its own cost any flood insurance made available to it under the National Flood Insurance Act of 1968, as amended, before the project is placed in operation. This condition shall not be applicable if, on the date of execution of this Grant Agreement by both parties, flood insurance was not available pursuant to the Flood Insurance Act of 1968, as amended, for property on the project location.

P. Operation and Maintenance

The recipient agrees that that it will properly operate and maintain all facilities that are partially or wholly funded by this grant for the useful life of the facilities as described below.

Useful Life Timeframes

- Land - Permanent
- Wastewater/Water Conveyance Structures: collection systems, pipes, interceptors, force mains, tunnels, distribution lines, etc. - 40 years
- Other Structures: plant buildings, concrete tankage, basins, lift stations and pump station structures, inlet structures, etc. - 30 years
- Wastewater and Drinking Water Process Equipment - 15 years
- Auxiliary Equipment - 10 years

Q. Small Unmanned Aircraft Systems, a.k.a. drones, Purchases and Operation Costs

a. EPA assistance agreement recipients may charge small, unmanned aircraft systems (UAS) as defined at 14 CFR 107.3 to their EPA assistance agreement so long as costs are allowable and allocable. The recipient shall obtain approval from the EPA Project Officer of an original or revised workplan, and/or scope of work concerning use of small UAS. Prior EPA approval of costs and tasks are required before the recipient may purchase or incur lease costs for UAS.

b. The recipient must include the intended use of any small UAS defined at [14 CFR 107.3](#), also known as drones, to achieve environmental outputs and outcomes in negotiated workplans and performance reports.

c. The recipient will abide by all the Federal Aviation Administration (FAA) regulatory requirements of [14 CFR 107](#) including registration, certification, and training of small UAS. This includes but is not limited to recipients completing small UAS operator training at a FAA approved Airman Knowledge Testing Center, complete remote pilot certification (FAA Airman Certificate and/or Rating Application Form 8710-13), and complete FAA UAS registration. The recipient must provide copies of registration, certification, and training certificates to the EPA Project Officer prior to operating UAS to ensure compliance with this assistance agreement.



Internal Memorandum

Utilities Department
Support Services Division (7001)

TO: Rachel Godeaux

DATE: October 23, 2024

THRU: Karen Fontenot, Spencer Lormand, Denise Deville, Jeffrey Stewart

FROM: Alison Alleman

*JKS
10-31-24*

*JDS
10/24/24*

SUBJECT: 11/18/24 City Council Agenda Item - Amended LUS FY 2024-2025 Budget

Attached is an ordinance and supporting documents pertaining to amending the FY 2024-2025 budget of the Utilities Department, Lafayette Utilities System (LUS). The amendment is an adjustment of Operations & Maintenance and Capital Appropriations to reflect an increase in revenues in the amount of \$5,000,000 awarded from the U.S. Environmental Protection Agency (EPA) and appropriating within the Utilities Department and to reflect a decrease of the use of retained earnings reserve in the amount of \$5,000,000 within the Utilities Department.

Attached is the grant agreement which outlines the details and includes the general terms and conditions of the grant. The grant funds will be used for the South Gravity Sewer Upgrades Project in which LUS will provide a 20% cost share (\$1,250,000) of the approved budget period costs.

This appropriation increase is funded through the increased revenue in the amount of \$5,000,000 and the reallocation of a previously funded capital work order.

The Utilities Department is governed by the City; therefore, please place this on the agenda for the Lafayette City Council for introduction on November 18, 2024 with final adoption on December 3, 2024.

Please let me know if you should have any questions or need additional information.

Alison Alleman
Customer and Support Services Manager

/eq

Attachments

c: LUS Managers
Gwen Burleigh
Emily Quebedeaux

RECEIVED

OCT 31 2024

Lafayette Consolidated Government
City Administrative Office

LAFAYETTE CITY COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) **JUSTIFICATION FOR REQUEST:** An ordinance of the Lafayette City Council amending the FY 24/25 Operating and Capital Budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$5,000,000 awarded from the U.S. Environmental Protection Agency (EPA) and appropriating within the Utilities Department and by decreasing the use of the Retained Earnings Reserve in the amount of \$5,000,000 within the Utilities Department

2) **ACTION REQUESTED:** Approval of Ordinance

3) **COUNCIL DISTRICT(S) (CIP PROGRAM/PROJECTS ONLY):** Districts 2,3,4,5

4) **REQUESTED ACTION OF COUNCIL:**

A) **INTRODUCTION:** November 18, 2024

B) **FINAL ADOPTION:** December 3, 2024

5) **DOCUMENTATION INCLUDED WITH THIS REQUEST:**

A) Internal Memorandum (1 page)

B) Ordinance (1 page)

C) Budget Revision (1 page)

D) Grant Award Email (1 page)

E) Grant Award (27 pages)

6) **FISCAL IMPACT:**

Fiscal Impact (\$5,000,000 increase in revenue)

No Fiscal Impact

RECOMMENDED BY:


JEFFREY B. STEWART
UTILITIES DIRECTOR

APPROVED FOR AGENDA:


RACHEL GODEAUX
CHIEF ADMINISTRATIVE OFFICER