CITY ORDINANCE NO. CO-109-2026

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL AMENDING THE FY 26/27 OPERATING AND CAPITAL BUDGET OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT BY INCREASING REVENUES IN THE AMOUNT OF $6,000,000 AWARDED FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) AND APPROPRIATING WITHIN THE UTILITIES DEPARTMENT AND BY INCREASING THE USE OF RETAINED EARNINGS RESERVE IN THE AMOUNT OF $1,500,000 WITHIN THE UTILITIES DEPARTMENT

BE IT ORDAINED by the Lafayette City Council, that:

SECTION 1: The Lafayette City Council recognizes, approves, authorizes, and ratifies the grant of $6,000,000 from the United States Environmental Protection Agency for the Galvanized Main Replacement Project, pursuant to the terms and conditions of the Grant Agreement attached hereto and made a part hereof.

SECTION 2: FY 26/27 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 to increase revenues in the amount of $6,000,000 and to provide for the local match specified in the Grant Agreement.

SECTION 3: 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 Clerk of the Council.

SECTION 4: The Lafayette Mayor-President and the Director of the Utilities Department, or either of them, or their respective designees, are hereby 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 Galvanized Main Replacement 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 5: The Chief Financial Officer, through the 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 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 6: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 7: 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.

* * * * *

AUTHORIZATION FOR BUDGETARY REVISIONS

Page_____ of _____

Fiscal Year: 2027

Budget Adjustment Codes:
Disposition of new revenues

Fund: Description:
5020 UTILITIES SYSTEM FUND

Justification:
To transfer funding to Galvanized Main Replacement project identified for partial reimbursement through the U.S. Environmental Protection Agency (EPA).

Ordinance #: _____

PROJECT STRING	PROJECT DESCRIPTION	GL ACCOUNT	GL ACCOUNT DESCRIPTION	ADJUSTMENT AMOUNT	PL CURRENT PB BUDGET	PL ADJUSTED BUDGET	GL CURRENT GL BUDGET	GL ADJUSTED BUDGET
UT00000070-50200999-4210810000-141890	LUS NON-OPERATING	5020-00-000-000-0999-421081-000000-000000-000000	EPA24&28 COMMUNITY GR-03F17201	(6,000,000.00)	0.00	(6,000,000.00)	0.00	(6,000,000.00)
UT00775630-50207099-7756300000-195200	RESERVE-LUS-RETAINED EARNINGS	5020-UT-975-855-7099-775630-000000-000000-000000	RESERVE-LUS-RETAINED EARNINGS	(1,500,000.00)	0.00	(1,500,000.00)	13,831,033.82	12,331,033.82
UT27203652-50207099-8952000000-195200	GALVANIZED MAIN RPL-EPA24 & 25	5020-UT-975-855-7099-895200-000000-000000-000000	RETAINED EARNINGS CAPITAL	7,500,000.00	0.00	7,500,000.00	87,014,245.16	94,514,245.16

RECEIVED
OCT 22 2026
Lafayette Consolidated Government
Finance & Management/CFO

RECEIVED
OCT 19 2026
BUDGET MGMT

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

DMA 10/19/26

10.22.26

D. Alan Adam 10.16.26
DIVISION HEAD DATE

_____
DEPARTMENT HEAD DATE

Denise G. Deville 10/20/26
BUDGET MANAGEMENT OFFICER DATE

_____
MAYOR-PRESIDENT DATE

Updated 10/28/21

Emily Quebedeaux

From: Kapsh, Lisa <Kapsh.Lisa@epa.gov>
Sent: Tuesday, September 29, 2026 12:24 PM
To: Jeffrey Stewart; Alison Alleman; Emily Quebedeaux; Alex M. Theriot
Cc: Fry, Jessica; RTPFC-Grants; Martin, Matthew; Kapsh, Lisa
Subject: EPA Grant Attached for #CG-03F17201-0
Attachments: OMB Form CG-03F17201-0.pdf

Importance: High

Attached is an approved award for assistance agreement #CG-03F17201-0. Please forward a copy to all appropriate staff within your organization. If you have questions or need additional information, please call Lisa Kapsh at (214) 665-7335 or your Project Officer.

Please note that a 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, do not draw down on the funds provided by this award/amendment, any costs incurred by the recipient are at its own risk.

If your work plan and budget includes subawards of financial assistance (2 CFR 200.92 and 200.330), 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 prior written approval from EPA's Award Official for the subaward as provided at 2 CFR 200.308(c)(1)(vi).

Respectfully,
Lisa

Lisa Kapsh

Lisa Kapsh
Grants Management Specialist
Mission Support Division
Grants and Acquisition Branch,
Grants Management Section, (Mail Code: MSDGG)
U.S. Environmental Protection Agency
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102
(214) 665-7335 Office

Email: Kapsh.Lisa@epa.gov

U.S. ENVIRONMENTAL PROTECTION AGENCY

Grant Agreement

GRANT NUMBER (FAIN): 03F17201 **MODIFICATION NUMBER:** 0 **PROGRAM CODE:** CG	**DATE OF AWARD** 09/23/2026
TYPE OF ACTION: New	**MAILING DATE** 09/28/2026
PAYMENT METHOD: ASAP - EPA Prior Approval	**ACH#** 67190

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
PO BOX 4017C
LAFAYETTE, LA 70502

PROJECT MANAGER	EPA PROJECT OFFICER	EPA GRANT SPECIALIST
Alex Theriot 705 West University Avenue Lafayette, LA 70506-3543 **Email:** amtheriot@lus.org **Phone:** 337-291-5827	Jessica Fry 1201 Elm Street, Suite 500, WDAD Dallas, TX 75270-2102 **Email:** fry.jessica.l@epa.gov **Phone:** 214-665-8308	Lisa Kapsh Mission Support Division, MSDGG 1201 Elm Street, Suite 500 Dallas, TX 75270-2102 **Email:** Kapsh.Lisa@epa.gov **Phone:** 214-665-7335

PROJECT TITLE AND DESCRIPTION

North Lafayette Galvanized Water Line Replacement Project for Lafayette Utilities System

See Attachment 1 for project description.

BUDGET PERIOD	PROJECT PERIOD	TOTAL BUDGET PERIOD COST	TOTAL PROJECT PERIOD COST
01/06/2027 - 09/30/2029	01/06/2027 - 09/30/2029	$ 7,500,000.00	$ 7,500,000.00

NOTICE OF AWARD

Based on your Application dated 07/29/2026 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards $ 6,000,000.00. EPA agrees to cost-share 80.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of $ 6,000,000.00. 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	**ORGANIZATION / ADDRESS**
U.S. EPA, Region 6, Grants Management Section 1201 Elm Street, Suite 500 Dallas, TX 75270-2102	U.S. EPA, Region 6, Water Division 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 Marya Stanton - Director, Mission Support Division	**DATE** 09/23/2026

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	$ 0	$ 6,000,000	$ 6,000,000
EPA In-Kind Amount	$ 0	$ 0	$ 0
Unexpended Prior Year Balance	$ 0	$ 0	$ 0
Other Federal Funds	$ 0	$ 0	$ 0
Recipient Contribution	$ 0	$ 1,500,000	$ 1,500,000
State Contribution	$ 0	$ 0	$ 0
Local Contribution	$ 0	$ 0	$ 0
Other Contribution	$ 0	$ 0	$ 0
Allowable Project Cost	$ 0	$ 7,500,000	$ 7,500,000

Assistance Program	Statutory Authority	Regulatory Authority
66.202 - Congressionally Mandated Projects	2024 Consolidated Appropriations Act (PL118-42) 2026 Consolidated Appropriations Act (PL 119-74)	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
-	2606WB0038	25	E5C	0624DYU	000B81	4192	-	-	$ 5,000,000
-	2606WB0038	26	E5	0626DJS	000B81	4192	-	-	$ 1,000,000
									$ 6,000,000

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	$ 7,500,000
8. Other	$ 0
9. Total Direct Charges	$ 7,500,000
10. Indirect Costs: 0.00 % Base	$ 0
11. Total (Share: Recipient 20.00 % Federal 80.00 %)	$ 7,500,000
12. Total Approved Assistance Amount	$ 6,000,000
13. Program Income	$ 0
14. Total EPA Amount Awarded This Action	$ 6,000,000
15. Total EPA Amount Awarded To Date	$ 6,000,000

Attachment 1 - Project Description

This agreement provides funding to the Lafayette Utilities System (LUS) to implement its project to abandon and replace approximately 37,000 linear feet of existing 2-inch galvanized steel water mains and associated appurtenances, as well as approximately 600 water meters and associated service line piping, throughout Lafayette Parish. The purpose of the project is to replace deteriorated water infrastructure that has reached the end of its design lifespan and is causing low pressure issues and unexpected pipe breaks, thereby increasing system capacity and pressure, improving system reliability, and reducing LUS water system operational and maintenance costs.

The activities to be performed include the execution and implementation of a drinking water infrastructure construction project. Workplan activities consist of the design and construction of the abandonment and replacement of existing galvanized steel water mains and service lines with new 4-inch or larger PVC or high-density polyethylene piping, along with associated appurtenances and water meters. The project also includes preliminary study, route assessment, preparation of contract documents, construction management, and field verification to confirm existing utility conflicts and pipeline routes. The design approach identifies horizontal directional drilling as the preferred installation method where appropriate to minimize neighborhood disruption and traffic impacts, with open-cut replacement used for short-side service connections.The anticipated deliverables include the design and construction completion of approximately 37,000 linear feet of replaced water main piping, approximately 600 replaced water meters and associated service line piping, and associated appurtenances within the selected project areas throughout Lafayette Parish. The expected outcomes include increased water system capacity and pressure, improved reliability of the drinking water distribution system, fewer main breaks and service disruptions, and reduced long-term operation and maintenance costs for LUS. The intended beneficiaries include residents and businesses served by the LUS water system in the project areas throughout Lafayette Parish, as well as the general public through improved drinking water infrastructure and service reliability.

No subawards are included in this assistance agreement.

Administrative Conditions

National Administrative Terms and Conditions

General Terms and Conditions

The recipient agrees to comply with the current Environmental Protection Agency (EPA) general terms and conditions available at: https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2026-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.

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 ***[Lisa Kapsh, Grants Management Specialist at: Kapsh.Lisa@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: ***[Jessica Fry, Project Officer at: Fry.Jessica@epa.gov and Lisa Kapsh, Grants Management Specialist at: Kapsh.Lisa@epa.gov].***

•Payment requests (if applicable): ***[Jessica Fry, Project Officer at: Fry.Jessica@epa.gov and Lisa Kapsh, Grants Management Specialist at: Kapsh.Lisa@epa.gov].***

•Quality Assurance documents, workplan revisions, equipment lists, programmatic reports and deliverables: ***[Jessica Fry, Project Officer at: Fry.Jessica@epa.gov].***

B. Prior Approval of Payments for EPA Community Grants Updated 6/29/2026

The recipient must submit Payment Requests via email using Standard Form 270 (SF-270), "Request for Advance or Reimbursement" via email to the EPA Grants Management Specialist and EPA Project Officer listed in the award agreement. In addition, the recipient must attach supporting documentation substantiating costs listed on the SF-270 form. The SF-270 form and instructions for completing this form are available at https://www.epa.gov/grants/epa-grantee-forms. Payment Requests should report cumulative expenditures (both federal and non-federal) incurred under the grant. The EPA will approve payments for allowable expenditures at the ratio shown in the latest applicable grant agreement.

Supporting documentation must be submitted in pdf or other acceptable software format (e.g., DocuSign) and the SF-270 form must be electronically or digitally signed by the recipient'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. Supporting documentation may 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 supporting documentation.

As a reminder, please refer to the grant-specific Programmatic Terms and Conditions, as well as the EPA General Terms and Conditions, applicable to this award for additional information regarding procurement documentation submission, American Iron and Steel (AIS), Build America, Buy America Act (BABA), Davis-Bacon, and other requirements.

After EPA review and written approval of Payment Request documentation, the recipient may request funds via the U.S. Treasury's Automated Standard Application for Payment (ASAP) system for 100% of the total allowable expenditures shown on the SF-270 for the covered period (i.e., the Federal share). If EPA has waived the cost-share requirement for the grant, EPA may pay 100% of the allowable costs reported for that period. If EPA identifies any unallowable or unresolved costs in the Payment Request documentation, the recipient must revise and resubmit the SF-270 to reflect the correct amount of costs. Any questioned or disallowed costs will be detailed in writing by the EPA Grants Management Officer (GMO) or authorized Award Official.

Payment for costs approved by the EPA and authorized for drawdown by the recipient via ASAP will be credited to the recipient's designated financial institution (Refer to the Financial Information section in the EPA General Terms and Conditions applicable to this award).

The EPA Grants Management Officer (GMO) or authorized Award Official reserves the right to adjust the prior approval requirement after a number of payments are processed successfully (e.g., where the recipient submits accurate SF-270s with complete supporting documentation). The EPA GMO or authorized Award Official will consult with the EPA Project Officer to discuss any potential changes to this requirement. Any changes to this requirement will be implemented via a formal grant amendment updating the terms and conditions in the award document.

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: •Meet the requirements in 2 CFR 200.430(g) for producing accurate 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.	
1a. Working Hours	Copies of time sheets or equivalent records
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.	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.
2. FRINGE BENEFITS – If applicable, approved fringe rate or actual costs per employee.	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.
3. INDIRECT COSTS – Must have an approved indirect cost rate agreement covering the period for the indirect costs being claimed or opt to use up to a 15% de minimis rate of Modified Total Direct Costs. Refer to the "Indirect Cost Rate Agreements" in the General Terms and Conditions for additional information.	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.
4. TRAVEL Note: First class/business class travel costs are not allowable.	• 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.• Copies 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 Purchase Order and Request For Proposal.	• Copies of procurement documentation, including quotes or bid announcements as required (unless already provided to the EPA).• Copies of vendor invoices.• Copies of sufficient AIS/BABA manufacturer certification letters, or documentation of appropriate waiver coverage, if applicable.
6. SUPPLIES	• Invoices showing supply items, quantity, unit cost, and total amount consistent with the Purchase Order.• Copies of procurement requests.• Copies of sufficient AIS/BABA certification letters or documentation of appropriate waiver coverage, if applicable.
7. CONTRACTUAL As required by 2 CFR 200.327, the recipient contracts must include all applicable clauses contained in	• Solicitation documents (e.g., requests for proposals or requests for qualifications, as applicable).*• Evidence of the selection

Appendix II to 2 CFR Part 200, in addition to provisions relating to American Iron and Steel and the Build America, Buy America Act, as applicable. NOTE: per the grant-specific programmatic Terms and Conditions of the award, all contracts should have already been reviewed and approved by the EPA 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.More information is found in the General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance (RAIN-2019-G02-R2)	decision and a cost and price analysis, as applicable.*• Copies of contractor invoices* (unless previously provided to the EPA)
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. More information is found in the General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance (RAIN-2019-G02-R2). As required by 2 CFR 200.327, the recipient contracts must include all applicable clauses contained in Appendix II to 2 CFR Part 200, in addition to provisions relating to American Iron and Steel and the Build America, Buy America Act, as applicable. NOTE: per the grant-specific programmatic Terms and Conditions of the award, all contracts should have already been reviewed and approved by the EPA Project Officer.	• Solicitation documents (e.g., requests for proposals or quotes).*• Evidence of the selection decision and a cost and price analysis.*• Copies of contractor and vendor invoices.• Copies of sufficient AIS/BABA certification letters or documentation of appropriate waiver coverage, if applicable.* (unless previously provided to the EPA)
9. OTHER If subaward costs are being claimed, a copy of the executed subaward agreement must be provided to the EPA (unless already 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.	• Copies of procurement requests.*• Copies of sufficient AIS/BABA certification letters or documentation of appropriate waiver coverage, if applicable.• 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. *(unless previously provided to the EPA)

C. State of Louisiana or a Louisiana State Agency

For grants awarded to the State of Louisiana or a Louisiana state agency: pursuant to a preliminary injunction issued by the U.S. District Court for the Western District of Louisiana, EPA will not impose any disparate-impact or cumulative-impact-analysis requirements under Title VI in the terms and conditions accompanying the application for and receipt of this grant award.

Programmatic Conditions

GRANT-SPECIFIC PROGRAMMATIC TERMS AND CONDITIONS FOR EPA COMMUNITY GRANTS

A. Performance Reports

Content

In accordance with 2 CFR 200.329, the recipient must relate financial data and project or program accomplishments to the performance goals and objectives of the EPA award and must provide cost information to demonstrate cost-effective practices (for example, through unit cost data) when reporting program performance. The recipient agrees to submit performance reports that include information on each of the following areas: 1) A comparison of accomplishments to the outputs/outcomes established in the assistance agreement work plan for the reporting period (for example, comparing costs to units of accomplishment); 2) explanations on why established outputs/outcomes were not met; and 3) Additional information, analysis, and explanation of cost overruns or higher-than-expected-unit costs.

Additionally, the recipient agrees to notify the EPA when a significant development occurs that could impact the award. Significant developments include events that enable meeting milestones and objectives sooner or at less cost than anticipated or that produce different beneficial results than originally planned. Significant developments also include problems, delays, or adverse conditions which will impact the ability to meet the milestones or objectives of the award, including outputs/outcomes specified in the assistance agreement work plan. If the significant developments negatively impact the award, the recipient must include information on their plan for corrective action and any assistance needed to resolve the situation.

Frequency

Semi-Annual: The recipient agrees to submit **semi-annual** performance reports electronically to the EPA Project Officer. Semi-annual reports are due within 30 days after the reporting period (every six-month period) as described below.

PERIOD ENDING	SEMI-ANNUAL DUE DATES
October 1 – March 31	April 30
April 1 – September 30	October 30

B. Project changes (2 CFR 200.308)

Consistent with 2 CFR 200.308, the recipient must request prior written approval from EPA for the following program and budget-related reasons, including but not limited to: changes which alter the project performance standards; changes in the scope or objectives of the project (even if there is no associated budget revision requiring prior written approval) or substantially altering the design of the project; changes in key personnel (including employees and contractors) that are identified by name or position in the Federal award; the disengagement from a project for more than three months, or a 25% reduction in time and effort devoted to the Federal award over the course of the period of performance, by the approved project director or principal investigator; the inclusion, unless waived by the EPA, of costs that require prior written approval in accordance with 2 CFR Part 200, Subpart E, as applicable; the

transfer of funds between construction and non-construction budget categories; significantly delaying or accelerating the project schedule; or substantially altering the facilities plan, design drawings and specifications, or the location, size, capacity, or quality of any major part of the project. Note, depending on the type of change, the authorized Agency Award Official or Grants Management Officer may need to make the final determination.

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. This term and condition supplements the requirements in the "Access to Records" General Term and Condition.

Procurement Document Submission

1. With the exception of projects that qualify for the procurement flexibility in the FY 2026 Consolidated Appropriations Act (P.L. 119-74) 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 the simplified acquisition threshold as defined in 2 CFR 200.1 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 selected responsive and 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 should include, as applicable and at minimum, a bid tabulation, a copy of the proof of advertising, the bid bond of the selected bidder, the Disadvantaged Business Enterprises proposed consideration by the bidder with a statement from the recipient that the efforts taken by the selected bidder meet the statutory/regulatory requirements, and the recommendation to award a contract to the selected 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 as applicable, including 40 U.S.C. 1101 et seq. *(the Brooks Act) or an equivalent State qualifications-based*

procurement requirement; 2 CFR Part 200; 2 CFR Part 1500; and/or 40 CFR Part 33.

(2) Recipients that qualify for the procurement flexibility 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(s) and/or contract amendment(s).

(3) All recipients, to include those that qualify for the procurement flexibility in the FY 2026 Consolidated Appropriations Act (P.L. 119-74) discussed below in term and condition D. Procurement, must comply with the requirements in the Davis-Bacon Act, American Iron and Steel (AIS) Act, and Build America, Buy America (BABA) Act 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 FY 2026 Consolidated Appropriations Act (P.L. 119-74), which was signed into law on January 23, 2026, 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) Recipients with projects identified in the FY 2026 or prior (i.e., FY 2022, FY 2023, and FY 2024) 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 January 23, 2026; and
- complied with state and/or local laws governing competition (including state and local laws/policies relating to participation by disadvantaged business enterprises or equivalent, as applicable, and method of procurement).

In order to request coverage for the procurement flexibility, the recipient must provide a written statement to the EPA Project Officer affirming any contracts (and/or contract amendments) entered into prior to January 23, 2026, complied with state and/or local laws governing competition (including state and local 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 (and/or contract amendments) were entered. The contract (and/or contract amendment) 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 with this provision.

(a)(1) Contract Amendments after January 23, 2026, and FY 2026 Procurement Flexibility

Recipients with projects identified in the FY 2026 or prior (i.e., FY 2022, FY 2023, and FY 2026 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 January 23, 2026, if the recipient has:

(i) procured services or products (e.g., supplies and equipment) through contracts entered into prior to January 23, 2026;

(ii) entered into said contracts in compliance with state and/or local laws governing competition (including state and local 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.

In order to request coverage for the procurement flexibility for contract amendments after January 23, 2026,the recipient must provide a written statement to the EPA Project Officer affirming any contracts entered into prior to January 23, 2026, and contract amendments after that date, complied with state and/or local laws governing competition (including state and local 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 and contract amendments were entered into . The contract and contract amendment 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 with this provision.

(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 perform a cost or price analysis.

(b) All other recipients who do not qualify for the procurement flexibility 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.

(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. include:

- 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 recipients, to include those that qualify for the procurement flexibility discussed in section (a), must comply with the requirements in the Davis-Bacon Act, American Iron and Steel (AIS) Act, and Build America, Buy America (BABA) Act 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(e), 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), FY 2024 Consolidated Appropriations Act (Pub. Law 118-42), and FY 2026 Consolidated Appropriations Act (Pub. Law 119-74) 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 grant recipient receiving a Community Grants project. 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.

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 External Affairs, 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/aboutepa/using-epa-seal-and-logo. To obtain the appropriate EPA logo graphic file, the recipient should send a request directly to the EPA Office of External Affairs 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.

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 the project
- Brief listing of water quality benefits to be achieved

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 inserts and/or pamphlets in water/sewer bills should ensure the following are included:

- Name of facility, project, and community
- Project is wholly or partially funded with EPA funding
- Brief description of the project
- Brief listing of water quality benefits to be achieved

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 implement 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 this award agreement based on the directive Congressional language in the FY 2022, FY 2023, FY 2024, and FY 2026 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 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.

(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 (BABA)

This term and condition supplements the "Build America, Buy America" term and condition included in EPA's General Terms and Conditions**.**

(a) Definitions.

For legal definitions and sourcing requirements, the recipient must consult the EPA Build America, Buy America website, 2 CFR Part 184, and the Office of Management and Budget's (OMB) Memorandum M-24-02 Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.

(b) 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 under the Water Programs section athttps://www.epa.gov/baba/build-america-buy-america-baba-epa-programs.

(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/baba/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, as well as the source of any additional federal funds, if any;

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.

(c) 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, the EPA has issued a categorical exclusion 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. If the EPA determines that a categorical exclusion is no longer appropriate for this project because of a change in project scope, then the recipient agrees to submit information necessary for the EPA to prepare an environmental assessment and issue a Finding of No Significant Impact, as appropriate.

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);
- Consolidated Appropriations Act, 2024 (P.L. 118-42); and
- Consolidated Appropriations Act, 2026 (P.L. 119-74)

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, FY 2024, and/or FY 2026 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, FY 2024, and/or FY 2026 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. Operation and Maintenance

The recipient agrees 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

Lafayette
CONSOLIDATED GOVERNMENT

Internal Memorandum

Utilities Department
Support Services Division (7001)

TO: Rachel Godeaux **DATE:** October 12, 2026

THRU: Karen Fontenot 10.20.26 Spencer Lormand / Denise Deville 10/20/26 Jeffrey B. Stewart 10/19/26

FROM: Alison Alleman

SUBJECT: 11/10/26 City Council Agenda Item - Amended LUS FY 2026-2027 Budget O&M and Capital

Attached is an ordinance and supporting documents pertaining to amending the FY 2026-2027 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 $6,000,000 awarded from the U.S. Environmental Protection Agency (EPA) and appropriating within the Utilities Department and to reflect an increase in the use of Retained Earnings Reserve in the amount of $1,500,000 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 Galvanized Main Replacement Project in which LUS will provide a 20% cost share ($1,500,000) of the approved budget period costs.

This appropriation increase is funded through the increased revenue in the amount of $6,000,000 and the $1,500,000 use of the Retained Earnings Reserve.

The Utilities Department is governed by the City; therefore, please place this on the agenda for the Lafayette City Council for introduction on November 10, 2026 with final adoption on November 24, 2026.

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

D. Alleman

Alison Alleman
Customer and Support Services Manager

/eq

Attachments

c: LUS Managers
Gwen Burleigh
Emily Quebedeaux

RECEIVED
OCT 23 2026
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RECEIVED
OCT 22 2026
Lafayette Consolidated Government
Finance & Management/CFO

t: 337.291.5806 / aalleman@lus.org / f: 337.291.5995

LAFAYETTE CITY COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) **JUSTIFICATION FOR REQUEST:** An ordinance of the Lafayette City Council amending the FY 26/27 operating and capital budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of $6,000,000 awarded from the U.S. Environmental Protection Agency (EPA) and appropriating within the Utilities Department and by increasing the use of Retained Earnings Reserve in the amount of $1,500,000 within the Utilities Department

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

3) **COUNCIL DISTRICT(S) (CIP PROGRAM/PROJECTS ONLY):** Districts 1, 4, 5

4) **REQUESTED ACTION OF COUNCIL:**

A) INTRODUCTION: November 10, 2026

B) FINAL ADOPTION: November 24, 2026

5) DOCUMENTATION INCLUDED WITH THIS REQUEST:

A) Internal Memorandum (1 page)

B) Ordinance (2 pages)

C) Budget Revision (1 page)

D) Grant Award Email (1 page)

E) Grant Award (25 pages)

6) FISCAL IMPACT:

__X__ Fiscal Impact ($6,000,000 increase in revenue)

_____ No Fiscal Impact

RECOMMENDED BY:

JEFFREY B. STEWART
UTILITIES DIRECTOR

APPROVED FOR AGENDA:

RACHEL GODEAUX
CHIEF ADMINISTRATIVE OFFICER