

# Guide to Federal Requirements for Federal SRF Projects

Federal capitalization grants established and continue to seed the State Revolving Fund (SRF) program, therefore any money provided to Project Sponsors through the SRF is subject to federal requirements. The EPA, as the funding agency for the SRF capitalization grants can also impose requirements on SRF loan recipients. Some requirements apply to all SRF projects, with an additional few that apply to federal (i.e. equivalency) projects as well as some that apply only to Clean Water Projects.

This guide discusses the requirements for most of the federal authorities that apply to SRF federally-designated projects and explains the actions required of the Project Sponsor in order to obtain funding from the SRF. Forms referred to in the text below are found in Attachment B, and on the SRF forms page, <http://www.scdhec.gov/srfforms>.

Requirements that apply to all federally-designated projects include:

- ❖ Age Discrimination Act of 1975, Pub. L. 94-135
- ❖ Title VI of the Civil Rights Act of 1964, Pub. L. 88-352
- ❖ Section 13 of the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 (Clean Water Act)
- ❖ Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (including Executive Orders 11914 and 11250)
- ❖ Uniform Relocation and Real Property Acquisition Act, Pub. L. 91-646, as amended
- ❖ Women's and Minority Business Enterprise, Executive Orders 11625, 12138 and 12432
- ❖ Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988, Pub. L. 100-590
- ❖ Equal Employment Opportunity, Executive Order 11246
- ❖ Debarment and Suspension, Executive Order 12549
- ❖ Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans

For Clean Water federally-designated projects where the SRF Loan includes reimbursement for *architectural and/or engineering services*, **those services must be procured through a process that is equivalent to the SC State Procurement process.**

- ❖ “American Iron and Steel” Provisions, Clean Water Act, Section 608, and the Consolidated and Further Continuing Appropriations Act, 2015, Section 424 (and as required by any subsequent continuing or annual appropriations act).
- ❖ Davis-Bacon and Related Acts, Clean Water Act, Section 513 and the Safe Drinking Water Act, Section 1450(e)
- ❖ Signage, EPA Memorandum of June 3, 2015 RE: “Guidelines for Enhancing Public Awareness of SRF Assistance Agreements”

In addition to the above, Clean Water projects must also comply with the following:

- ❖ Cost and Effectiveness Analysis, CWA as amended 2014, Section 602(b)(13)
- ❖ Architectural and Engineering Procurement, CWA as amended 2014, Section 602(b)(14)
- ❖ Fiscal Sustainability Plan, Clean Water Act CWA) as Amended 2014, Section 603(d)(1)(E)

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## CIVIL RIGHTS/NON-DISCRIMINATION IN THE SRF PROGRAM

- ❖ The Age Discrimination Act of 1975
- ❖ Title VI of the Civil Rights Act of 1964
- ❖ Section 13 of the Federal Water Pollution Control Act Amendments of 1972
- ❖ Section 504 of the Rehabilitation Act of 1973

The SRF program is bound by the civil rights laws above, which prohibit discrimination in providing services or benefits on the basis of race, color, religion, national origin, sex, handicap or age.

These laws were amended in 1988 to make clear that their anti-discrimination powers are intended to apply to the entire operations of a project sponsor, not just the specific program, project, or activity that involves federal assistance. Recipients of federal financial assistance from the US EPA must comply with the above laws.

Direct EPA grantees, such as DHEC's SRF Program, are required to complete and submit to EPA Form 4700-4: Preaward Compliance Review Report for all Applicants and Recipients Requesting Federal Financial Assistance. SRF assistance recipients do not have to submit EPA form 4700-4 to EPA or DHEC, but instead are asked to review the form to self-assess how well the entity addresses nondiscrimination in its programs. An SRF Project Sponsor needs to be compliant with nondiscrimination practices. Keeping a copy of the form with any relevant documentation in the project's documentation file would be a best practice.

## UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 (URLAP)

- ❖ Uniform Relocation and Real Property Acquisition Act, Pub. L. 91-646, as amended

The Project Sponsor is required to certify in writing that it has complied with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act), **regardless of land purchase for loan participation**. This certification requirement applies to all land whether already owned, leased, purchased or used without payment. Fee simple title, long-term lease, permanent easement, and use without payment are all acceptable acquisition methods. Compliance with the Uniform Act can be waived for pre-owned land or previously acquired easements, but a request for waiver stating the date of possession of such waived land or easements must be submitted. (Please note, however, that **the cost of any land acquired earlier than one year prior to the date of the complete loan application is not eligible for loan participation.**)

Any land included in the project must be acquired in accordance with the Uniform Act **whether or not the land acquired is eligible for loan assistance**. The cost of land cannot exceed fair market value and must be documented by a certified appraisal to be eligible for loan participation.

- Under the Clean Water State Revolving Fund Program (CWSRF), land is eligible if needed for construction.
- Under the Drinking Water State Revolving Fund Program (DWSRF), land is eligible only if it is needed to locate eligible treatment or distribution projects and is purchased from a willing seller. **Any land requiring condemnation action is not eligible for funding.**

**The Project Sponsor must complete all land acquisition prior to loan execution.** The Project Sponsor must have fee simple ownership or have taken possession of all land required for construction and operation of the project including all necessary right-of-ways and easements, whether acquired by donation, purchase, condemnation, written authorizations for use (such as Highway Department right-of-ways), or other acceptable means. Project Sponsors must submit the certification of compliance prior to loan closing. There is no specific format that must be used. The Project Sponsor's attorney or the authorized representative should sign the certification statement. (See Attachment B for a sample certification document that may be used. You may vary the format as long as the basic certification requirements are met.)

## **LAND ACQUISITION**

During the process of acquisition the landowners must be fully informed by the Project Sponsor, in writing, of the owners' rights under the Uniform Act. After being informed of these rights, landowners may voluntarily waive their right to an appraisal and may donate the land or easements. Such waivers should be in writing and include a statement that the landowner has read and understands his rights under the Act. In cases where the cost of the land or easement being purchased or donated is \$2500 or less, the Project Sponsor may waive the requirement for an appraisal. However, if the landowner specifically requests an appraisal, it must be provided. Arrangements for long term lease, permanent easement, and use without payment must be adequate to ensure successful construction and operation for the life of the project; i.e., the arrangements must not be subject to expiration or revocation which would prevent continued operation for the life of the project.

Except as noted above, all land **must** be appraised by a certified/professional appraiser with a determination of fair market value included for fee simple title or less than fee simple title, e.g., lease. Appraisals must be up-to-date. A new appraisal must be obtained if the former appraisal is dated earlier than six months prior to the date the land is acquired. **Costs for expenses incidental to transfer, such as recording fees, transfer fees, attorney fees or appraiser fees, are eligible for SRF participation with DHEC approval, provided expenses are adequately documented.**

- Under the CWSRF, costs for litigation (e.g. condemnation) are also eligible for SRF participation with DHEC approval, provided expenses are adequately documented.

DHEC recommends an outside acquisition professional with experience in working with the Uniform Act requirements and eminent domain procedures.

## **APPRAISERS**

The Project Sponsor must ensure the appraiser has sufficient knowledge and experience in the type of appraisal problem to be solved and is thoroughly familiar with local conditions and property values. There are professional appraisal organizations which sponsor training, publish guidance and information, require proof of attainment of expertise for certification or professional designation in the organization, and monitor work performed by their members. Appraisers who are certified or designated members of these organizations are required to follow the organization's code of ethics and are subject to disciplinary actions and dismissal for failure to perform according to the standards of the organization. A list of appraisers for a given area can be obtained from the headquartered offices of the following appraisal organizations:

Appraisal Institute (AI)  
200 W. Madison, Suite 1500  
Chicago, Illinois 60606  
Phone: (888) 756-4624 or (312) 335-4100  
<http://www.appraisalinstitute.org/>

American Society of Appraisers, (ASA)  
Post Office Box 17265  
Washington, D.C. 20041  
Phone: (800) 272-8258 or (703) 478-2228  
<http://www.appraisers.org/>

American Society of Farm Managers and Rural Appraisers (ASMFRA)  
950 South Cherry Street, Suite 508  
Denver, Colorado 80246-2664  
Phone: (303) 758-3513  
<http://www.asfmra.org/>

National Association of Independent Fee Appraisers (NAIFA)  
401 North Michigan Avenue, Suite 2200  
Chicago, Illinois 60611  
Phone: (312) 321-6830  
<http://www.naifa.com/>

## RELOCATION

The Project Sponsor must contact the Federal Highway Administration (FHWA) for technical assistance if acquisition of real property results in the displacement of any person, business, or farm operation. **Relocation costs are not eligible under the SRF Program.** DHEC may request FHWA confirmation of the Project Sponsor's certification of compliance. *If no relocation was involved in the land acquisition, it must be so stated in the Project Sponsor's written certification to DHEC.*

## CERTIFICATION

Subsequent to land acquisition, but prior to loan execution, the Project Sponsor must certify to DHEC in writing that:

- The property was acquired by negotiation, if at all possible, rather than by litigation;
- The real property was appraised prior to initiation of negotiation;
- It has informed the property owner, in writing by certified mail, of his rights under the law, of acquisition policies, of requirements, and of payments which apply to the project.  
Specifically:
  - The property owner or his designated representative was given an opportunity to accompany the appraiser during his inspection of the property;
  - The owner was paid no less than the fair market value as established by the appraisal;
  - The seller was furnished a written statement of, and summary of the basis for, the amount established by the project sponsor as just compensation;
  - The property owner was reimbursed for necessary expenses;
  - If the acquisition of any part of the property left the owner with an uneconomic remnant, an offer was made to include that remnant in the acquisition;

- The owner was not required to surrender possession of real property until the project sponsor paid the agreed purchase price or deposited with the court, for benefit of the owner, an amount not less the appraised fair market value of the property or the amount of award of compensation in condemnation proceedings for the property;
- No person was required to move from his dwelling, or move his business or farm without at least 90 days written notice of the date by which the move was required;
- No action was taken that was coercive in nature to compel an agreement on the price to be paid for the property;
- If an owner or tenant was permitted by the project sponsor to occupy the real property on a rental basis, the amount of rent did not exceed the fair rental value of the property;
- The owner/tenant was paid just compensation for any building, structure, or improvement required to be acquired or removed from the real property;
- The owner was reimbursed fair and reasonable expenses incurred for:
  - recording fees, transfer fees, and expenses incidental to conveying real property;
  - penalty costs for prepayment of any pre-existing mortgage;
  - the pro rata portion of real property tax paid which were allocable to a period subsequent to the date of vesting title or the effective date of possession of the property, whichever is earlier;
  - litigation expenses to acquire property by condemnation, if the court:
    - rendered judgment or settlement for the owner; or
    - judges that the Project Sponsor cannot acquire the property by condemnation; or
    - the proceedings were abandoned by the Project Sponsor.

## **DISADVANTAGED BUSINESS ENTERPRISE COMPLIANCE**

Project sponsors are required to ensure, to the fullest extent possible, that *disadvantaged businesses* have the opportunity to participate in a fair share of the contracts and subcontracts awarded in a SRF-funded project. This is required by the following executive orders and acts which EPA has determined apply to the SRF loan program:

- ❖ Women's and Minority Business Enterprise, Executive Orders 11625, 12138 and 12432
- ❖ Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988 DHEC administers this federal requirement

### **DBE DEFINITION**

A Disadvantaged Business Enterprise (DBE) is defined as a business that is:

- Owned by socially disadvantaged individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities; and
- Owned by economically disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished opportunities to obtain capital and credit as compared to others in the same line of business who are not socially disadvantaged. An individual claiming disadvantaged status must have an initial and continued personal net worth of less than \$750,000.

For purposes of this definition, disadvantaged enterprises may include the following:

- Black Americans
- Women
- Disabled Americans
- Minority Institutions
- Asian Americans
- Hispanic Americans
- Native Americans
- Historically Black Colleges and Universities

To qualify as a DBE firm, at least 51 percent of an independent business must be owned and controlled by a socially and economically disadvantaged individual whose personal net worth is less than \$750,000. The minority or woman owner's interest must be real, substantial and continuing. The control determination will revolve around the minority or woman owner's involvement in the day-to-day management of the business enterprise.

## **DBE CERTIFICATION**

DHEC does not determine the DBE status of businesses. Instead, the South Carolina SRF Program accepts certification of DBE status from other sources already established to make this determination, such as:

- South Carolina Department of Transportation
- South Carolina Governor's Office of Small & Minority Business Assistance
- South Carolina Minority Business Development Agency Business Center
- South Carolina Chamber of Commerce
- Other agencies or organizations that provide procurement assistance to DBEs if their definition of a DBE matches the criteria established above.

**Note: See Attachment A for a listing of the addresses, telephone numbers and web addresses for the above referenced agencies.**

## **DBE REQUIREMENTS**

Project sponsors must ensure that DBE firms have the opportunity to participate in a fair share of the funds awarded for contracts and subcontracts for supplies, construction, equipment or services. The DBE "fair share" goal is a reasonable amount of funds proportionate to the project's construction costs and is currently established as a participation rate of **2.5%** for minority business enterprises (MBE) and **2.5%** for women owned business enterprises (WBE). Minority and women's business enterprises are separate business groups; therefore, separate goals for each group are stated. The MBE participation goal cannot be satisfied by the use of a WBE firm.

The project sponsor is required to include the fair share goals in their bid documents and to ensure all of their prime contractors include the fair share goals in their bid documents for subcontracts. The fair share goal is subject to change each fiscal year. Therefore, it is the sponsor's responsibility to check with the SRF Project Manager for the current fair share percentage to be included in bid documents.

## “Six Good Faith Efforts”

Project Sponsors and their prime contractors must comply with the following “Six Good Faith Efforts” before a contract is awarded:

1. Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. This will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
2. Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, **posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.**
3. Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. This will involve dividing total requirements, when economically feasible, into smaller tasks or quantities to permit participation by DBEs in the competitive process.
4. Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
5. Use the services and assistance of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce.
6. If the prime contractor awards subcontracts, require the prime contractor to take the steps identified in paragraphs 1 through 5 of this section.

## IMPLEMENTATION OF DBE REQUIREMENTS

The following is recommended for accomplishing the “Six Good Faith Efforts” of the DBE program:

### Project Design Phase

The process for achieving the DBE goals begins during the design phase of the project. SRF Permit Guidance contains *Appendix A – Mandatory Supplemental General Conditions for the South Carolina State Revolving Program*. This section includes information on the DBE requirements for the project and clearly states the project's MBE and WBE goals. **It is mandatory for Appendix A to be included verbatim in the project specifications. (Appendix A is also to be included in subcontracts over \$2,000.)**

A unit price bid schedule is recommended over a lump sum bid schedule. Dividing work requirements into smaller segments will encourage participation by disadvantaged businesses. Some examples include masonry, plumbing, electrical, excavation, clearing and grubbing, sodding and seeding, landscaping, roofing, mechanical, sheet metal, curb and gutter, paving, hauling, fencing, tile, painting, steel erection, pipe installation, line work, heating, ventilation and air conditioning, building supplies, architect and engineering services and consultant work.

### Bidding Phase

The obvious key toward successfully meeting the DBE requirements is the solicitation of minority and women's business enterprises. The following strategies will aid in this effort and **note that item number 4 is mandatory:**

1. Strategic placement of the Invitation for Bid (IFB) advertisement in local newspapers of general circulation, MBE/WBE publications, statewide or regional newspapers of general circulation, or the South Carolina Business Opportunities (SCBO) will help the Project Sponsor assure that disadvantaged businesses are actually solicited for participation in the project. **The project should be advertised for a minimum of thirty (30) days in advance of bid opening.**

Under the SRF loan program, one of the requirements for construction contract approval is that the prime contractor must document to DHEC that he has made good faith efforts to meet the project's DBE requirements. The most effective way for the Project Sponsor to assure compliance is to inform all prospective bidders of the DBE requirements in the IFB. Therefore, it is recommended that the following information be included in the IFB:

- A statement that prospective bidders must implement procedures that ensure that DBE firms are given opportunities for meaningful participation if subcontracts are awarded; and
  - A statement informing the prospective bidders of the project's DBE goals.
2. Send a copy of the IFB to the MBDA Business Center - Columbia, SC (see Attachment A), retaining a copy of the transmittal letter for documentation purposes. The MBDA assists minority businesses in securing procurement contracts and provides technical assistance and bid and/or proposal preparation. Announcements of any prebid conferences should also be sent to the MBDA for distribution.
  3. Developing a DBE listing for the use of potential contractors is highly recommended. Providing the potential contractors with a list of qualified, bona fide disadvantaged business enterprises will help the Project Sponsor meet the DBE requirements. This can be accomplished by including the project's DBE listing in the Invitation for Bid Documents. Each potential bidder will have easy access to identified disadvantaged businesses from which to solicit subcontract proposals.

Attachment A lists state and federal agencies that can help in developing a DBE procurement list. These agencies maintain listings of disadvantaged businesses which can form the basis for a project-specific DBE listing. Any DBE firm that directly expresses interest in your project can be added to this list. This will provide a pool of DBE firms for proposal solicitation. Direct mailing of the IFB advertisement to all the firms on your DBE listing is also suggested.

4. It is **mandatory** that Project Sponsors create and maintain a **Bidders List**. This is a composite list composed of **all firms that bid or quote on prime contracts, or bid or quote on subcontracts, including both MBE/WBEs and non-MBE/WBEs**. The purpose of the Bidders List is to provide as accurate of a database as possible about the universe of MBE/WBE and non-MBE/WBE prime contractors and subcontractors. A copy of the Project Sponsor's Bidders List must be submitted to DHEC as part of the bid package. Project Sponsors are required to retain the Bidders List until the project period for the loan has ended. The following information must be obtained from all bidders:
  - Bidder's name with point of contact
  - Bidder's mailing address, telephone number and e-mail address
  - The procurement (scope of work) on which the firm bid or quoted and when
  - The bidder's status as an MBE, WBE or non-MBE/WBE

## Preconstruction Phase

The Project Sponsor should take two more steps to meet the DBE requirements. The first is establishing delivery schedules, work requirements permitting, which will encourage participation by disadvantaged businesses. This can be done by:

- Assisting the prime contractor(s) in developing realistic delivery schedules,
- Encouraging the prime contractor(s) to consider lead times and scheduling requirements needed by disadvantaged business firms for participation, and
- Helping the prime contractor(s) maintain as much flexibility as possible, without jeopardizing the work, to facilitate DBE participation.

Second, the Project Sponsor *must*, in accordance with good faith effort number 6, *require that the prime contractor take the same six good faith efforts* if the prime contractor intends to award subcontracts. However, the prime contractor(s) cannot be forced to subcontract any work.

## DBE DOCUMENTATION

The tentatively selected bidder is required to submit DBE documentation in duplicate to the Project Sponsor after bid opening. The Project Sponsor must forward one copy of the information to DHEC. Since the project's plans and specifications serve as documentation of the **Project Sponsor's** prebid efforts to provide opportunities for DBE participation, the DBE documentation submitted will primarily show the **prime contractor's** efforts to achieve the project's DBE goals.

Please note that the prime contractor(s) cannot be forced to subcontract any work. If the prime contractor elects to perform the work using only his own work force, the only documentation needed is an executed "Prime Contractor's Subagreement Certification" form (DHEC 3591) indicating the contractor has elected not to let subcontracts. However, please be aware that subcontractor utilization is monitored during construction. The Project Sponsor's inspector is required to list all subcontractors on the job site in the Monthly Construction Inspection Reports provided to DHEC. Use of any unapproved subcontractor on the project may delay loan draw requests or result in costs associated with that subagreement declared ineligible for SRF assistance.

## Prime Contractor's Good Faith Efforts

If subcontracts are awarded, the prime contractor must submit the following items as documentation of its good faith efforts, **even if the prime contractor has achieved its fair share objectives**:

- A copy of the proposed prime contractor's Bidders List.
- Evidence of solicitation to certified prospective DBE firms, such as copies of solicitation letters/emails listing **specific scope/volume of work**, phone logs, fax confirmation sheets, printouts of online searches with results of said searches, etc. Whenever possible, **contact should be made not later than 30 days before bid opening** to allow DBE firms sufficient time to develop quotes or proposals. Letters of a general nature which do not request quotes or proposals for **specific scope/volume of work** will not be acceptable as good faith efforts. *The prime contractor is strongly encouraged to follow-up each written, faxed or emailed solicitation with at least one logged phone call.*

- ❑ Copies of letters asking assistance from the MBDA Business Center - Columbia, SC, the South Carolina Governor's Office of Small & Minority Business Assistance, or other agencies or organizations that provide procurement assistance to DBEs. **Note: As outlined in the “Good Faith Efforts” Number 5 above, it is mandatory that prime contractors contact the MBDA Business Center.**
- ❑ List by trade the names of *certified* DBE subcontractors solicited but not selected, including name, address, telephone number, contact person, date of contact, and outcome of contact, including dollar amount of quote.
- ❑ List any job-specific criteria that disqualified a certified DBE firm that submitted a low bid for a subcontract. Attach a copy of the disqualified bid or quote along with the bid or quote from the selected subcontractor for comparison.
- ❑ Proof of DBE certification from an acceptable source for each subcontractor listed as a MBE or WBE.
- ❑ DHEC form entitled “Prime Contractor’s Subagreement Certification” (DHEC 3591) and EPA Form 6100-4, “DBE Subcontractor Utilization Form. The DHEC form captures **all** proposed subcontractors, both DBE firms and non-DBE firms, while the EPA form captures DBE subcontractors only.
- ❑ Require all DBE subcontractors to complete EPA Form 6100-3, “DBE Subcontractor Performance Form”. This form captures an intended DBE subcontractor’s description of work to be performed for the prime contractor and the price of the work submitted to the prime contractor.

Upon submittal of the DBE package, DHEC will determine if deficiencies exist. If any such deficiencies are correctable, the Project Sponsor will be informed as to what actions must be taken. The proposed construction contract award will not be approved until the corrective action has been taken. Failure by the contractor to take the required corrective action or to explain to DHEC's satisfaction why the action cannot be taken may result in a finding by the Project Sponsor that the prime contractor is nonresponsive. This may be grounds for rejecting the bid.

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**Please note that DHEC cannot authorize the Project Sponsor to award the construction contract(s) until the project's good faith efforts are approved.**

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## REPORTING REQUIREMENTS

The DBE approval is contingent upon the prime contractor's commitment to use the services of the DBE firm(s) reported. After the SRF Project Sponsor awards the construction contract(s), the Project Sponsor must comply with the following:

- Require prime contractors to forward a copy of each DBE subcontract as soon as possible.
- Require prime contractors to pay subcontractors for satisfactory performance no more than **30 days** from the prime contractor’s receipt of payment.
- Submit “Monthly Construction Inspection Reports” to DHEC. The Project Sponsor’s project inspector is required to list **all** subcontractors working on the job site in the reports. **Use of any unapproved subcontractor on the project may delay loan draw requests or result in costs associated with that subcontract declared ineligible for SRF assistance.**

- Submit the “MBE/WBE Utilization under Federal Grants, Cooperative Agreements, and Interagency Agreements” (EPA Form 5700-52A) to DHEC. The reporting period is semiannual, with reporting periods ending March 31<sup>st</sup> and September 30<sup>th</sup>. Submission of this report is required even if there is no MBE/WBE activity to report; this is called a Negative Report. **Failure to meet this requirement may result in loan draw requests being held pending receipt of the MBE/WBE Utilization Reports.**
- Require the prime contractor to report any proposed changes/additions from the approved subcontractor list to the Project Sponsor **prior to initiation of the action** along with the following items:
  1. A **revised/updated** “Prime Contractor’s Subagreement Certification” (DHEC Form 3591) and EPA 6100-4 Form “DBE Subcontractor Utilization Form”.
  2. Reason for the proposed deviation.
  3. Evidence of the prime contractor’s continued good faith efforts to secure a DBE firm for the new and/or replacement subcontract work.
  4. A “DBE Subcontractor Performance Form” (EPA Form 6100-3) **if** work is subcontracted to a **new** DBE firm.
  5. A “EEO Documentation Form” (DHEC Form 2323) from the **new** subcontractor **if** the subcontract amount exceeds \$10,000.
  6. A “Certification by Proposed Prime or Subcontractor Regarding Equal Employment Opportunity” (DHEC 3592) from the **new** subcontractor **if** the subcontract amount exceeds \$10,000.
  7. A “Certification Regarding Debarment, Suspension and Other Responsibility Matters” (DHEC 3590) from the **new** subcontractor **if** the subcontract amount equals or exceeds \$25,000.

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**If an unidentified scope of work is to be subcontracted, or, an approved subcontractor needs to be replaced, DHEC must be notified and the good faith efforts employed in procuring a subcontractor.**

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## **EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE**

Discrimination in employment decisions on the basis of race, color, religion, national origin, sex, age or handicap is prohibited. The affirmative action program is designed to enhance hiring, training and promotion opportunities for minorities and women and is governed by the federal authority:

- ❖ Equal Employment Opportunity (EEO), Executive Order 11246.

These provisions, applicable to SRF projects, require contractors and subcontractors to maintain a policy of nondiscrimination in the treatment of employees, to make this policy known to employees, and to recruit, hire and train employees without regard to race, color, sex, age, handicap, religion or national origin.

**By submission of a bid, each bidder acknowledges that he understands and agrees to be bound to the EEO requirements and to also contractually bind each subcontractor, if applicable.**

## EEO DOCUMENTATION

*Appendix A – Mandatory Supplemental General Conditions for the South Carolina State Revolving Program* found in SRF Permit Guidance contains information on the EEO requirements for the project. **It is mandatory for Appendix A to be included verbatim in the project specifications. (Appendix A is also to be included in subcontracts over \$2,000.)**

**All prime contractors and any subcontractors whose contract amount exceeds \$10,000**, must supply the EEO information required by Special Notice #1 of Executive Order (EO) 11246, as amended. The “EEO Documentation Form” (DHEC 2323) assists contractors with presenting the most of the required EEO information (#1, 3-8 & 11) in addition to DHEC 3591 & 3592. (Attachment B – Forms)

The required information is:

1. Project number, location and type of construction.
2. Copy of the “Certification by Proposed Prime or Subcontractor Regarding Equal Employment Opportunity” (DHEC Form 3592).
3. Copy of the Employer Information Report EEO-1 (also known as Standard Form 100) if the contractor meets the criteria outlined on page 4 of the “EEO Documentation Form” (see DHEC 2323).
4. Copy of the Affirmative Action Plan of the contractor. Indicate company official responsible for EEO.
5. List of current construction contracts, with dollar amount. List contracting federal agency, if applicable.
6. Statistically detail the sex and race/ethnic composition of the company's workforce, temporary and permanent, by job category. List any handicapped employees.
7. List of employment sources for the project in question. If union sources are used, indicate percentage of minority membership within the union crafts.
8. Anticipated employment needs for this project, by sex, race, and trade, with estimate of minority participation in specific trades.
9. List of subcontractors (name, address and telephone) with dollar amount and duration of subcontract. (Use “Prime Contractor’s Subagreement Certification” (DHEC 3591) to provide this information.) *Note: Subcontractors whose contract amount exceeds \$10,000 must submit items 2-8 (DHEC 2323 & 3592).*
10. List of any subcontract work yet to be committed with estimate of dollar amount and duration of contract. (Use “Prime Contractor’s Subagreement Certification” (DHEC 3591) to provide this information.)
11. Contract Price and duration of prime contract.
12. DBE Documents - See instructions above for Disadvantaged Business Enterprise Compliance regarding use of Minority Owned, Women Owned and Small Businesses.

## REPORTING REQUIREMENTS

The tentatively selected bidder is required to submit the above EEO documentation in duplicate to the Project Sponsor after bid opening. The Project Sponsor must forward one copy of the information to DHEC as part of their bid package.

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**Failure to comply with the EEO requirements may be grounds for rejecting the bid. DHEC cannot authorize the Project Sponsor to award the construction contract(s) until this requirement is met.**

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## PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS

- ❖ Debarment and Suspension, Executive Order 12549
- ❖ Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans,

Under the federal authorities listed above, funds provided by the federally-assisted SRF loan program may not go to individuals or entities that are prohibited from doing business with the federal government. Debarment status can be checked on the System for Award Management (SAM) Website, <https://www.sam.gov/>.

Sponsors, prime contractors, **and** subcontractors whose contract amount is expected to equal or exceed \$25,000 must submit a "Debar Certification" (DHEC 3590) certifying that they are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participating in a contract using federal funds.

## "AMERICAN IRON AND STEEL" PROVISIONS

- ❖ Clean Water Act, Section 608 and Consolidated and Further Continuing Appropriations Act, 2015- "Use of American Iron and Steel" (and as required by any subsequent continuing or annual appropriations act)

The American Iron and Steel (AIS) provision requires Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) assistance recipients to use iron and steel products that are produced in the United States. This requirement applies to projects for the construction, alteration, maintenance, or repair of a public water system or treatment works. Project Sponsors are required to follow "American Iron and Steel" provisions and certify that all iron and steel products used in the project are produced in the United States, unless a waiver is granted by the U. S. Environmental Protection Agency.

"Iron and steel" products means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete and construction materials. Additional information may be found in Guidance posted to the EPA Website, <https://www.epa.gov/cwsrf/state-revolving-fund-american-iron-and-steel-ais-requirement>.

Project Sponsors must require the prime contractor to follow the American Iron and Steel provisions and certify compliance using DHEC Form 2556, "Bidders 'American Iron and Steel' Certification", which must be submitted as part of the bid package.

Any direct equipment or material purchases made by the Project Sponsor must be certified as meeting American Iron and Steel requirements using DHEC Form 2558, "Project Sponsor's 'American Iron and Steel' Certification for Direct Equipment Purchase."

To certify a Sponsor's compliance with American Iron and Steel during construction, the "Project Sponsor's 'American Iron and Steel' Compliance Form," DHEC Form 0962, must accompany all draw requests.

## DAVIS-BACON AND RELATED ACTS

- ❖ Clean Water Act, Section 513 and Safe Drinking Water Act, Section 1450(e)
- ❖ Public Law 107-217- [The Davis-Bacon Act, as amended, 2002] and Related Acts – the many laws that authorize federal assistance for construction that include provisions requiring Davis-Bacon labor standards apply to most federally-assisted construction.

Wage Rate Requirements - All contracts and subcontracts for construction carried out in whole or in part with assistance made available by SC SRF shall insert in full in any contract in excess of \$2,000 the required contract clauses, which can be found in *Appendix A – Mandatory Supplemental General Conditions for the South Carolina State Revolving Program*.

Project Sponsors **must require the prime contractor(s)** to: follow the Davis-Bacon provisions; include a copy of the "wage rate requirements" and the proper Davis-Bacon wage determination(s) in all subcontracts over \$2,000; and maintain and provide all required documentation. To certify a Sponsor's compliance with Davis-Bacon and Related Acts, DHEC Form 2557, the "Project Sponsor's Davis-Bacon Certification," must accompany all draw requests.

## SIGNAGE:

- ❖ EPA Memorandum of June 3, 2015; SUBJECT: Guidelines for Enhancing Public Awareness of SRF Assistance Agreements"

EPA's desires to increase public awareness of EPA assistance agreements including those made with funds from the State Revolving Fund Programs. The primary objective is to improve public understanding of the positive benefits of CWSRF and DWSRF funding to towns, cities, municipalities and water systems. EPA has provided a range of options for implementing the signage requirement (including a formal sign, or written notice). A document entitled, "Signage to Increase Public Awareness of SRF Assistance Agreements" is posted to the SC SRF Guidance webpage and contains information on the options that may be used to meet the signage requirement.

The signage option chosen should satisfy the overall objective of communicating EPA's role in funding projects that achieve positive benefit but should not be burdensome in the investment of time and resources. Costs associated with meeting the signage requirement are an eligible SRF cost.

# ARCHITECTURAL AND ENGINEERING PROCUREMENT

## Clean Water Only

- ❖ Clean Water Act, Section 602(b)(14)

Clean Water SRF loan recipients who finance architectural and engineering (A&E) contracts as part of the eligible SRF project must ensure that such contracts are procured according to the elements of procurement processes as identified in 40 U.S.C. 1101 *et seq.*, or an equivalent State requirement. The SC State Procurement process has been determined to be equivalent to the federal process of 40 U.S.C. 1101 *et seq.*

The Sponsor will need to document and prove to DHEC, prior to loan closing that A&E services were procured under proper state procurement process. During project construction if additional architecture or engineering services are procured, the state procurement processes would need to be followed and presented to DHEC.

## COST AND EFFECTIVENESS

### Clean Water Only

- ❖ Clean Water Act, Section 602(b)(13)

All Clean Water SRF loan recipients must conduct a “cost and effectiveness analysis” of the project proposed for SRF funding. The cost of such analysis is an eligible SRF project cost. The cost and effective analysis should be part of the Preliminary Engineering Report.

At a minimum, the cost and effectiveness analysis must involve:

- the study and evaluation of the cost and effectiveness of the processes, materials, techniques, and technologies for carrying out the proposed project or activity for which assistance is sought under this title; and
- the selection, to the maximum extent practicable, of a project or activity that maximizes the potential for efficient water use, reuse, recapture, and conservation, and energy conservation, taking into account—
  - the cost of constructing the project or activity;
  - the cost of operating and maintaining the project or activity over the life of the project or activity; and
  - the cost of replacing the project or activity.

See “Cost and Effectiveness” guidance posted at <http://www.scdhec.gov/srfguidance> and consult with DHEC Project Managers to learn what to include in the PER document regarding cost and effectiveness.

# FISCAL SUSTAINABILITY PLAN

## Clean Water Only

- ❖ Clean Water Act, Section 603(d)(1)(E)

For Clean Water SRF projects that involve the repair, replacement, or expansion of a treatment works, the loan recipient must develop and implement, a fiscal sustainability plan (FSP), for that section of the treatment works, or, certify that one has been developed and implemented. Development of an FSP is a CWSRF eligible expense.

FSPs must include, at a minimum:

- an inventory of critical assets that are part of the treatment works;
- an evaluation of the condition and performance of inventoried assets or asset groupings;
- a certification that the assistance recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and
- a plan for maintaining, repairing, and, as necessary, replacing the treatment works and a plan for funding such activities.

Borrowers must certify, or develop then certify, that there is an FSP meeting these requirements before DHEC will approve the final disbursement of funds to the project sponsor. DHEC will not collect the FSP but may review the FSP during an on-site project evaluation.

Consult with DHEC Project Managers to request guidance on the FSP process and learn of any upcoming Asset Management/FSP trainings.

## ATTACHMENT A

### Contacts for Procurement of DBEs

Minority Business Development Agency  
(MBDA) Business Center – Columbia SC  
1515 Richland Street  
Columbia, SC 29201  
Office: (803) 743-1154  
Fax: (803) 743-1162  
Email: [busdev@columbiambdacenter.com](mailto:busdev@columbiambdacenter.com)  
Website: <http://columbiambdacenter.com/>

Office of Small & Minority Business Assistance  
South Carolina Office of the Governor  
1205 Pendleton Street, Suite 474  
Columbia, SC 29201  
Telephone: (803) 734-5010  
Website: [osmba.sc.gov](http://osmba.sc.gov)

South Carolina Chamber of Commerce  
1201 Main Street, Suite 1700  
Columbia, SC 29201  
Telephone: (803) 799-4601  
Website: [www.scmminoritybusiness.net](http://www.scmminoritybusiness.net)

South Carolina Department of Transportation  
Office of Business Development & Special Programs  
Post Office Box 191  
Columbia, SC 29202  
Telephone: (803) 737-1372  
Website: <http://www.scdot.org/doing/businessDevelop.aspx>

## ATTACHMENT B

### FORMS

EPA 4700-4	Preaward Compliance Review Report for All Applicants Requesting Federal Financial Assistance
EPA 5700-52A	MBE/WBE Utilization Under Federal Grants, Cooperative Agreements, and Interagency Agreements
EPA 6100-3	DBE Subcontractor Performance Form
EPA 6100-4	DBE Subcontractor Utilization Form
DHEC 0962	Project Sponsor's "American Iron and Steel" Certification
DHEC 2323	EEO Documentation Form
DHEC 2556	Bidders "American Iron and Steel" Certification
DHEC 2557	Project Sponsor's Davis-Bacon Certification
DHEC 2558	Project Sponsor's "American Iron and Steel" Certification for Direct Equipment Purchase
DHEC 3590	Certification Regarding Debarment, Suspension and Other Responsibility Matters
DHEC 3591	Prime Contractor's Subagreement Certification
DHEC 3592	Certification by Proposed Prime or Subcontractors Regarding Equal Employment Opportunity
DHEC 3594	Certification Regarding Uniform Relocation Assistance and Real Property Acquisition Policies (URLAP) Act of 1970



## Instructions for EPA FORM 4700-4 (Rev. 06/2014)

### General

Recipients of Federal financial assistance from the U.S. Environmental Protection Agency must comply with the following statutes and regulations.

Title VI of the Civil Rights Acts of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Act goes on to explain that the statute shall not be construed to authorize action with respect to any employment practice of any employer, employment agency, or labor organization (except where the primary objective of the Federal financial assistance is to provide employment).

Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act provides that no person in the United States shall on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Federal Water Pollution Control Act, as amended. Employment discrimination on the basis of sex is prohibited in all such programs or activities.

Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified individual with a disability in the United States shall solely by reason of disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Employment discrimination on the basis of disability is prohibited in all such programs or activities.

The Age Discrimination Act of 1975 provides that no person on the basis of age shall be excluded from participation under any program or activity receiving Federal financial assistance. Employment discrimination is not covered. Age discrimination in employment is prohibited by the Age Discrimination in Employment Act administered by the Equal Employment Opportunity Commission.

Title IX of the Education Amendments of 1972 provides that no person in the United States on the basis of sex shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Employment discrimination on the basis of sex is prohibited in all such education programs or activities. Note: an education program or activity is not limited to only those conducted by a formal institution.

40 C.F.R. Part 5 implements Title IX of the Education Amendments of 1972.

40 C.F.R. Part 7 implements Title VI of the Civil Rights Act of 1964, Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act, and Section 504 of The Rehabilitation Act of 1973.

The Executive Order 13166 (E.O. 13166) entitled; "Improving Access to Services for Persons with Limited English Proficiency" requires Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

### Items

"Applicant" means any entity that files an application or unsolicited proposal or otherwise requests EPA assistance. 40 C.F.R. §§ 5.105, 7.25.

"Recipient" means any entity, other than applicant, which will actually receive EPA assistance. 40 C.F.R. §§ 5.105, 7.25.

"Civil rights lawsuits and administrative complaints" means any lawsuit or administrative complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability pending or decided against the applicant and/or entity which actually benefits from the grant, but excluding employment complaints not covered by 40 C.F.R. Parts 5 and 7. For example, if a city is the named applicant but the grant will actually benefit the Department of Sewage, civil rights lawsuits involving both the city and the Department of Sewage should be listed.

"Civil rights compliance review" means any review assessing the applicant's and/or recipient's compliance with laws prohibiting discrimination on the basis of race, color, national origin, sex, age, or disability.

Submit this form with the original and required copies of applications, requests for extensions, requests for increase of funds, etc. Updates of information are all that are required after the initial application submission.

If any item is not relevant to the project for which assistance is requested, write "NA" for "Not Applicable."

In the event applicant is uncertain about how to answer any questions, EPA program officials should be contacted for clarification.

\* Note: Signature appears in the Approval Section of the EPA Comprehensive Administrative Review For Grants/Cooperative Agreements & Continuation/Supplemental Awards form.

### "Burden Disclosure Statement"

EPA estimates public reporting burden for the preparation of this form to average 30 minutes per response. This estimate includes the time for reviewing instructions, gathering and maintaining the data needed and completing and reviewing the form. Send comments regarding the burden estimate, including suggestions for reducing this burden, to U.S. EPA, Attn: Collection Strategies Division (MC 2822T), Office of Information Collection, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

The information on this form is required to enable the U.S. Environmental Protection Agency to determine whether applicants and prospective recipients are developing projects, programs and activities on a nondiscriminatory basis as required by the above statutes and regulations.





## Instructions:

### A. General Instructions:

MBE/WBE utilization is based on 40 CFR Part 33. The reporting requirement reflects the class deviation issued on November 8, 2013, clarified on January 9, 2014 and modified on December 2, 2014. EPA Form 5700-52A must be completed annually by recipients of financial assistance agreements where the combined total of funds budgeted for procuring supplies, equipment, construction or services exceeds \$150,000. This reporting requirement applies to all new and existing awards and voids all previous reporting requirements.

In determining whether the \$150,000 threshold is exceeded for a particular assistance agreement, the analysis must focus on funds budgeted for procurement under the supplies, equipment, construction, services or "other" categories, and include funds budgeted for procurement under sub-awards or loans

Reporting will also be required in cases where the details of the budgets of sub-awards/loans are not clear at the time of the grant awards and the combined total of the procurement and sub-awards and/or loans exceeds the \$150,000 threshold.

When reporting is required, all procurement actions are reportable, not just the portion which exceeds \$150,000.

If at the time of award the budgeted funds exceed \$150,000 but actual expenditures fall below, a report is still required.

If at the time of award, the combined total of funds budgeted for procurements in any category is less than or equal to \$150,000 and is maintained below the threshold, no DBE report is required to be submitted.

Recipients are required to report 30 days after the end of each federal year, per the terms and conditions of the financial assistance agreement.

Last reports are due October 30<sup>th</sup> or 90 days after the end of the project period, whichever comes first.

MBE/WBE program requirements, including reporting, are material terms and conditions of the financial assistance agreement.

### B. Definitions:

**Procurement** is the acquisition through contract, order, purchase, lease or barter of supplies, equipment, construction or services needed to accomplish Federal assistance programs.

A **contract** is a written agreement between an EPA recipient and another party (also considered "prime contracts") and any lower tier agreement (also considered "subcontracts") for equipment, services, supplies, or construction necessary to complete the project. This definition excludes written agreements with another public agency. This definition includes personal and professional services, agreements with consultants, and purchase orders.

A **minority business enterprise (MBE)** is a business concern that is (1) at least 51 percent owned by one or more minority individuals, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more minority

individuals; and (2) whose daily business operations are managed and directed by one or more of the minority owners. In order to qualify and participate as an MBE prime or subcontractor for EPA recipients under EPA's DBE Program, an entity must be properly certified as required by 40 CFR Part 33, Subpart B.

U.S. citizenship is required. Recipients shall presume that minority individuals include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, or other groups whose members are found to be disadvantaged by the Small Business Act or by the Secretary of Commerce under section 5 of Executive order 11625. The reporting contact at EPA can provide additional information.

A **woman business enterprise (WBE)** is a business concern that is, (1) at least 51 percent owned by one or more women, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more women and (2) whose daily business operations are managed and directed by one or more of the women owners. In order to qualify and participate as a WBE prime or subcontractor for EPA recipients under EPA's DBE Program, an entity must be properly certified as required by 40 CFR Part 33, Subpart B.

Business firms which are 51 percent owned by minorities or women, but are in fact not managed and operated by minorities or females do not qualify for meeting MBE/WBE procurement goals. U.S. Citizenship is required.

### **Good Faith Efforts**

A recipient is required to make the following good faith efforts whenever procuring construction, equipment, services, and supplies under an EPA financial assistance agreement. These good faith

efforts for utilizing MBEs and WBEs must be documented. Such documentation is subject to EPA review upon request:

1. Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
2. Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
3. Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
4. Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
5. Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
6. If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

### C. Instructions for Part I:

1A. Specify Federal fiscal year this report covers. The Federal fiscal year runs from October 1st through September 30th (**e.g. November 29, 2014 falls within Federal fiscal year 2015**)

1B. Specify report type. Check the annual reporting box. Also indicate if the project is completed.

1C. Indicate if this is a revision to a previous year and provide a brief description of the revision you are making.

2A-B. Please refer to your financial assistance agreement for the mailing address of the EPA financial assistance office for your agreement.

The "EPA DBE Reporting Contact" is the DBE Coordinator for the EPA Region from which your financial assistance agreement was originated. For a list of DBE Coordinators please refer to the EPA OSBP website at [http://epa.gov/osbp/dbe\\_cord](http://epa.gov/osbp/dbe_cord).

3A-B. Identify the agency, state authority, university or other organization which is the recipient of the Federal financial assistance and the person to contact concerning this report.

4A. Provide the Assistance Agreement number assigned by EPA. A separate report must be submitted for each Assistance Agreement.

**\*For SRF recipients:** In box 4a list numbers for ALL OPEN Assistance Agreements being reported on this form.

4B. Refer back to Assistance Agreement document for this information.

5A. Provide the total amount of the Assistance Agreement which includes Federal funds plus recipient matching funds and funds from other sources.

**\*For SRF recipients only:** SRF recipients will not enter an amount in 5a. SRF recipients should check the "N/A" box.

5B. Self-explanatory.

5C. Provide the total dollar amount of **ALL** procurements awarded this reporting period by the recipient, sub-recipients, and SRF loan recipients, **including** MBE/WBE expenditures, not just the portion which exceeds \$150,000. For example: Actual dollars for procurement from the procuring office; actual contracts let from the contracts office; actual goods, services, supplies, etc., from other sources including the central purchasing/ procurement centers).

**\*NOTE:** To prevent double counting on line 5C, if any amount on 5E is for a subcontract and the prime contract has already been included on Line 5C in a prior reporting period, then report the amount going to MBE or WBE subcontractor on line 5E, but exclude the amount from Line 5C. To include the amount on 5C again would result in double counting because the prime contract, which includes the subcontract, would have already been reported.

**\*For SRF recipients only:** In 5c please enter the total annual procurement amount under all of your SRF Assistance Agreements. The figure reported in this section is **not** directly tied to an individual Assistance Agreement identification number. (**SRF state recipients report state procurements in this section**)

5D. State whether or not sub-awards and/or subcontracts have been issued under the financial assistance agreements by indicating “yes” or “no”.

5E. Where requested, also provide the total dollar amount of all MBE/WBE procurement awarded during this reporting period by the recipient, sub-recipients, SRF loan recipients, and prime contractors in the categories of construction, equipment, services and supplies. These amounts include Federal funds plus recipient matching funds and funds from other sources.

6. If there were no MBE/WBE accomplishments this reporting period, please briefly how certified MBEs/WBEs were notified of the opportunities to compete for the procurement dollars entered in Block 5C and why certified MBEs /WBEs were not awarded any procurements during this reporting period.

7. Name and title of official administrator or designated reporting official.

8. Signature, month, day, and year report submitted.

#### **D. Instructions for Part II:**

For each MBE/WBE procurement made under this financial assistance agreements during the reporting period, provide the following information:

1. Check whether this procurement was made by the recipient, sub-recipient/SRF loan recipient, or the prime contractor.

2. Check either the MBE or WBE column. If a firm is both an MBE and WBE, the recipient may choose to count the entire procurement towards EITHER its MBE or WBE accomplishments. The recipient may also divide the total amount of the procurement (using any ratio it so chooses) and count those divided amounts toward its MBE and WBE accomplishments. If the recipient chooses to divide the procurement amount and count portions toward its MBE and WBE accomplishments, please state the appropriate amounts under the MBE and WBE columns on the form. **The combined MBE and WBE amounts for that MBE/WBE contractor must not exceed the “Value of the Procurement” reported in column #3**

3. Dollar value of procurement.

4. Date of procurement, shown as month, day, year. Date of procurement is defined as the date the contract or procurement was awarded, **not** the date the contractor received payment under the awarded contract or procurement, unless payment occurred on the date of award. **(Where direct purchasing is the procurement method, the date of procurement is the date the purchase was made)**

5. Using codes at the bottom of the form, identify type of product or service acquired through this procurement (e.g., enter 1 if construction, 2 if supplies, etc.).

6. Name, address, and telephone number of MBE/WBE firm.

\*\*This data is requested to comply with provisions mandated by: statute or regulations (40 CFR Parts 30, 31, and 33 and/or 2 CFR Parts 200 and 1500); OMB Circulars; or added by EPA to ensure sound and effective assistance management. Accurate, complete data are required to obtain funding, while no pledge of confidentiality is provided.

The public reporting and recording burden for this collection of information is estimated to average 1 hour per response annually. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclosure or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2136), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Include the OMB Control number in any correspondence. Do not send the completed form to this address.



As of March 7, 2016, the following EPA Forms are suspended:

- EPA Form 6100-2 DBE Subcontractor Participation Form
- EPA Form 6100-3 DBE Subcontractor Performance Form
- EPA Form 6100-4 DBE Program Subcontractor Utilization Form

Upon reinstatement the forms will be required to appear in SRF Contract Documents.

Note: EPA has published a Direct Final Rule revising EPA's Disadvantaged Business Enterprise (DBE) Program. "This rule is effective on October 26, 2016 without further notice, unless EPA receives adverse comment by August 29, 2016. If EPA receives adverse comment, we [EPA] will publish a timely withdrawal in the Federal Register informing the public that the rule will not take effect." As part of the revisions, EPA form 6100-2 is being withdrawn, but the 6100-3 and 6100-4 will be required and reinstated.

Visit, <https://www.epa.gov/resources-small-businesses/disadvantaged-business-enterprise-contract-administration-pdfs> to view the special notice regarding the suspension of the forms, a notice regarding the revised "EPA DBE rule", and to check for a notice of reinstatement and approved [revised] forms.



Bureau of Water – State Revolving Fund Program

**Project Sponsor’s “American Iron And Steel” Certification**

SRF Project Number: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Sponsor: \_\_\_\_\_

Period From: \_\_\_\_\_ To: \_\_\_\_\_

I certify, to the best of my knowledge and belief, that the above referenced project complies with American Iron and Steel Requirements of Section 436 of the Consolidated Appropriations Act, 2014, and that all of the iron and steel placed and/or stored during the above referenced period were produced in the United States, unless a waiver\* was granted by the U. S. Environmental Protection Agency.

I understand that a false statement on this certification may be grounds for termination of the loan agreement.

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Signature of the Project Sponsor’s Representative

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Name and Title of Project Sponsor’s Representative

*\*A copy of any waiver used by the project must be provided to DHEC SRF with the first draw after the waiver is employed on the project.*

## **INSTRUCTIONS FOR COMPLETING PROJECT SPONSOR'S "AMERICAN IRON AND STEEL" CERTIFICATION**

**PURPOSE:** The purpose of the *Project Sponsor's American Iron and Steel Certification* is to certify that, as required by Section 436 of the Consolidated Appropriations Act, 2014, all of the iron and steel products used in the referenced State Revolving Fund (SRF) project are produced in the United States unless a waiver is granted by the U. S. Environmental Protection Agency. All Sponsors of SRF projects funded after January 17, 2014 and before October 1, 2014 must complete this form, unless the project had approved plans and specs or an assistance agreement in place before January 17, 2014.

**GENERAL INFORMATION:** "Iron and steel" products means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced concrete and construction materials. Additional information, including any published waivers, is posted on the EPA Website, [http://water.epa.gov/grants\\_funding/aisrequirement.cfm](http://water.epa.gov/grants_funding/aisrequirement.cfm).

All firms bidding on SRF projects funded after January 17, 2014 and prior to October 1, 2014 must complete this form, unless complete plans and specifications were approved by January 17, 2014.

**INSTRUCTIONS:** The Project Sponsor's representative must complete and submit this form with each draw request.

Provide the project name, SRF project number, project sponsor name (utility, town, etc), and covered period (time covered by the draw request).

Sign the form to certify that the identified SRF project complies with the American Iron and Steel provision. Include the name and title of the Project Sponsor's representative.

**DHEC REVIEW AND FILING:** The Bureau of Water will use the above referenced form to document compliance with EPA/SRF appropriations law. The form will be kept in the Draw Request file of the project name listed on the form. Under retention schedule 15795 the *Project Sponsor's "American Iron and Steel" Certification* will be retained on file with the Bureau of Water for three years following the final disbursement to the project.



Project Sponsor: \_\_\_\_\_  
 Project Name: \_\_\_\_\_  
 SRF Project Number: \_\_\_\_\_

**STATE OF SOUTH CAROLINA STATE REVOLVING FUND (SRF) PROGRAM  
EEO DOCUMENTATION FORM**

1. Proposed Prime Contractor or Subcontractor: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

2. Fill out and attach "Certification by Proposed Prime or Subcontractor Regarding Equal Employment Opportunity" (DHEC Form 3592).

3. Attach a copy of the Employer Information Report EEO-1 (also known as Standard Form 100) if the firm meets the criteria outlined on page 4 of this form. N/A \_\_\_\_\_ (Check N/A if the firm does not meet the EEO-1 Report criteria.)

4. a. Name of company official responsible for EEO: \_\_\_\_\_  
 b. Attach a copy of the contractor's Affirmative Action Plan.

5. a. List current construction contracts, with dollar amount:  
 \_\_\_\_\_ \$ \_\_\_\_\_ \$  
 \_\_\_\_\_ \$ \_\_\_\_\_ \$  
 \_\_\_\_\_ \$ \_\_\_\_\_ \$

b. List contracting federal agencies, if applicable:  
 \_\_\_\_\_  
 \_\_\_\_\_

6. Detail the sex and race/ethnic composition of the company's workforce, temporary and permanent, by job category. List statistics by percent or number.

Job Category	Male	Female	African American	Asian	Hispanic	Native American	White
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

Number of Disabled: \_\_\_\_\_

7. Check applicable employment sources:

Newspaper Advertisement _____	Trade Schools _____
Job Service _____	Trade Associations _____
Walk-In Applications _____	Other: _____
Employee Referrals _____	

8. List anticipated employment needs for this project, indicating percentage or number of female/minority participation in each trade:

<u>Trade</u>	<u>Female</u>	<u>African American</u>	<u>Asian</u>	<u>Hispanic</u>	<u>Native American</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**OR** Check Yes \_\_\_\_\_ if you plan to only use your existing workforce.

9. **Prime Contractors Only:** Fill out and attach “Prime Contractor’s Subagreement Certification” (DHEC Form 3591).

10. Contract Price: \$\_\_\_\_\_.

11. Duration of Contract:\_\_\_\_\_.

12. **All Prime Contractors and Any Subcontractors** whose subcontract equals or exceeds \$25,000: Fill out and attach “Certification Regarding Debarment, Suspension and Other Responsibility Matters” (DHEC Form 3590).

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Signature of Authorized Official

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Print Name and Title of Authorized Official

Date

*Submit to:*  
SCDHEC, Water Facilities Permitting Division, SRF Section, 2600 Bull Street, Columbia, SC 29201

**INSTRUCTIONS FOR COMPLETING THE EEO DOCUMENTATION FORM  
DHEC 2323**

The purpose of the EEO Documentation Form is to document compliance with the Equal Employment Opportunity (EEO) requirements which prohibit discrimination in employment practices on the basis of race, color, religion, national origin, sex, age or handicap. The affirmative action program is designed to enhance hiring, training, and promotion opportunities for minorities and women and is governed by Executive Order 11246.

This form must be completed by each prime contractor and any subcontractor whose contract amount exceeds \$10,000.

Please provide the name of the Project Sponsor, project name and State Revolving Fund (SRF) project number. Please answer each question and submit the requested attachments with this form.

DHEC Review and Filing. The Bureau of Water will use the above referenced form to document each prime contractor and subcontractor's compliance with the EEO requirements. The form will be kept in the SRF DBE/EEO file of the project name listed on the form. The EEO Designation Form will be retained on file with the Bureau of Water for twenty years.

## Employer Information Report EEO-1

Under the direction of the U. S. Equal Employment Opportunity Commission, the Joint Reporting Committee (JRC) is responsible for the full-length, multi-phase processing of employment statistics collected on the Employer Information Report EEO-1. This report, also known as Standard Form 100, details the sex and race/ethnic composition of an employer's work force by job category.

The Employer Information EEO-1 survey is conducted annually under the authority of Public Law 88-352, Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972. All employers with 15 or more employees are covered by Public Law 88-352 and are required to keep employment records as specified by Commission regulations. Based on the number of employees and federal contract activities, certain large employers are required to file an EEO-1 Report on an annual basis.

The EEO-1 Report must be filed by:

- (A) All private employers who are: (1) subject to Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act of 1972) with 100 or more employees EXCLUDING State and local governments, primary and secondary school systems, institutions of higher education, Indian tribes and tax-exempt private membership clubs other than labor organizations; OR (2) subject to Title VII who have fewer than 100 employees if the company is owned or affiliated with another company, or there is centralized ownership, control or management (such as central control of personnel policies and labor relations) so that the group legally constitutes a single enterprise and the entire enterprise employs a total of 100 or more employees.
  
- (B) **All federal contractors (private employers)** who: (1) are not exempt as provided for by 41 CFR 60-1.5; (2) have 50 or more employees, **and** (a) are prime contractors or first-tier subcontractors, and have a contract, subcontract, or purchase order amounting to \$50,000 or more; or (b) serve as depository of Government funds in any amount; or (c) is a financial institution which is an issuing and paying agent for U. S. Savings Bonds and Notes.

**When filing for the EEO-1 Report for the first time**, go to the web site at: <http://www.eeoc.gov/eeo1survey> and select "Filing for the first time" from the information box. Fill out the electronic questionnaire to enter your company into the JRC system. Once you have completed the registration process, you will be contacted on how to proceed with the EEO-1 Report. **If you have previously registered with the JRC**, follow their instructions to update your information.



Bureau of Water – State Revolving Fund Program

**Bidder's "American Iron And Steel" Certification**

SRF Project Number: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Sponsor: \_\_\_\_\_

With respect to the "American Iron and Steel" (AIS) provisions of the Consolidated Appropriations Act, 2014 under Section 436, I understand the AIS Requirement and that this requirement applies to any and all portions of the project, including subcontracted portions; and I certify to the best of my knowledge and belief that:

1. Identification of American Iron and Steel: Consistent with the terms of the Project Sponsor's bid solicitation and the AIS provisions, the bidder certifies that this bid reflects the bidder's best, good faith effort to identify domestic sources of iron and steel for every covered product contained in the bid solicitation where such American-made components are available on the schedule and consistent with the deadlines prescribed in or required by the bid solicitation.
2. Verification of U.S. Production: The bidder certifies that all covered products contained in the bid solicitation that are American-made have been so identified, and if this bid is accepted, the bidder agrees that it will provide reasonable, sufficient, and timely verification to the Project Sponsor of the U.S. production of each component so identified.
3. Documentation Regarding Non-American Iron and Steel: The bidder certifies that for any product or products that are not American-made and are so identified in this bid, the bidder has included in or attached to this certification one or both of the following, as applicable:
  - a. Identification of and citation to a categorical waiver published by the U.S. Environmental Protection Agency in the Federal Register that is applicable to such product or products, and an analysis that supports its applicability to the product or products;
  - b. Verifiable documentation sufficient to the Project Sponsor, as required in the bid solicitation or otherwise, that the bidder has sought to secure American-made products but has determined that such products are not available on the schedule and consistent with the deadlines prescribed in the bid solicitation, with assurance adequate for the bidder under the applicable conditions stated in the bid solicitation or otherwise.
4. Information and Detailed Justification Regarding Non-American-made Iron and Steel: The bidder certifies that for any such product or products that are not so available, the bidder has also provided in or attached to this certification, including but not limited to the verifiable documentation and a full description of the bidder's efforts to secure any such American-made product or products, that the bidder believes are sufficient to provide and as far as possible constitute the detailed justification required for an AIS waiver with respect to such product or products. The bidder further agrees that, if this bid is accepted, it will assist the Project Sponsor in amending, supplementing, or further supporting such information as required by the Project Sponsor to request and, as applicable, implement the terms of a waiver with respect to any such product or products.

I understand that a false statement on this certification may be grounds for rejection or termination of any award.

\_\_\_\_\_  
Signature of Bidder Date

\_\_\_\_\_  
Typed Name and Title of Bidder

\_\_\_\_\_  
Name of Bidder's company

\_\_\_\_\_  
Bidder's Address

\_\_\_\_\_  
Bidder's Telephone Number

**INSTRUCTIONS FOR COMPLETING  
BIDDER'S "AMERICAN IRON AND STEEL" CERTIFICATION**

**PURPOSE:** The purpose of the *Bidder's "American Iron and Steel" Certification* is to certify that, as required by Section 436 of the Consolidated Appropriations Act, 2014, all of the iron and steel products used in the referenced State Revolving Fund (SRF) project are produced in the United States unless a waiver is granted by the U.S. Environmental Protection Agency.

**GENERAL INFORMATION:** "Iron and steel" products means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precise concrete and construction materials. Additional information, including any published waivers, is posted on the EPA Website, [http://water.epa.gov/grants\\_funding/aisrequirement.cfm](http://water.epa.gov/grants_funding/aisrequirement.cfm).

All firms bidding on SRF projects funded after January 17, 2014 and prior to October 1, 2014 must complete this form, unless complete plans and specifications were approved by January 17, 2014.

**INSTRUCTIONS:** Provide the project name, SRF project number, and project sponsor name (utility, town, etc).

Certify compliance with "American Iron and Steel" Provisions by signing the form. Include the date, typed name and title of the bidder, name of bidder's company, bidder's address and bidder's telephone number.

**DHEC REVIEW AND FILING:** The Bureau of Water will use the above referenced form to document bidder compliance with AIS. The form will be kept in the SRF Bidding file of the project name listed on the form. Under retention schedule 15795 the *Bidder's "American Iron and Steel" Certification* will be retained on file with the Bureau of Water for three years following project completion.



**Project Sponsor:** \_\_\_\_\_  
**Project Name:** \_\_\_\_\_  
**Project Number:** \_\_\_\_\_  
**Period From:** \_\_\_\_\_ **To:** \_\_\_\_\_

**STATE OF SOUTH CAROLINA STATE REVOLVING FUND (SRF) SECTION  
PROJECT SPONSOR'S DAVIS-BACON CERTIFICATION**

I certify, to the best of my knowledge and belief, that the above referenced project *complies* with Davis-Bacon and Related Acts, and that all laborers and mechanics employed by contractors and subcontractors during the above referenced period were paid wages at rates not less than those listed on the prevailing wage rate contained in the contract documents and that all applicable provisions of the Davis-Bacon and Related Acts have been met.

I understand that a false statement on this certification may be grounds for termination of the loan agreement.

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Signature of the Project Sponsor's Representative

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Name and Title of Project Sponsor's Representative

DHEC 2557 (11/2010)

**INSTRUCTIONS FOR COMPLETING  
PROJECT SPONSOR'S DAVIS-BACON CERTIFICATION  
DHEC FORM 2557**

The purpose of the Project Sponsor's Davis-Bacon Certification is to certify the identified SRF project complies with Davis-Bacon and Related Acts for the period identified on the form. This certification form must accompany all draw requests.

The Project Sponsor's representative must complete this form.

Please provide the name of the Project Sponsor, project name, SRF project number and covered period.

Please certify that the identified SRF project complies with Davis Bacon and Related Acts by signing the form and including the printed or typed name and title of the Project Sponsor's representative.

DHEC Review and Filing. The Bureau of Water will use the above referenced form to document compliance with EPA/SRF appropriations law. The form will be kept in the Draw Request file of the project name listed on the form. The Project Sponsor's Davis-Bacon Certification will be retained on file with the Bureau of Water for three years following the final disbursement to the project from the SC Budget and Control Board.



Bureau of Water – State Revolving Fund Program

**Project Sponsor’s “American Iron And Steel” Certification  
for Direct Equipment/Material Purchases**

SRF Project Number: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Sponsor: \_\_\_\_\_

With respect to the “American Iron and Steel” provisions of the Consolidated Appropriations Act, 2014 under Section 436, I certify to the best of my knowledge and belief that:

1. Identification of American-made Iron and Steel: Consistent with the provision of the Appropriations Act Section 436, the Project Sponsor certifies that the direct purchase of \_\_\_\_\_(identify purchased equipment or material) reflects the Project Sponsor’s best, good faith effort to identify domestic sources of iron and steel products for every product contained in the direct purchase solicitation where such American-made components are available on the schedule and consistent with the deadlines prescribed in or required by the direct purchase solicitation.
2. Verification of U. S. Production: The Project Sponsor certifies that all covered products contained in the direct purchase solicitation that are American-made have been so identified.
3. Documentation Regarding Non-American made Iron and Steel: The Project Sponsor certifies that for any product or products that are not American-made and are so identified in this direct purchase, the Project Sponsor has included in or attached to this certification one or both of the following, as applicable:
  - a. Identification of and citation to a categorical waiver published by the U. S. Environmental Protection Agency in the Federal Register that is applicable to such product or products, and an analysis that supports its applicability to the product or products;
  - b. Verifiable documentation that the Project Sponsor has sought to secure American-made components but has determined that such products are not available on the schedule and consistent with the deadlines prescribed in the direct purchase solicitation.
4. Information and Detailed Justification Regarding Non-American-made Iron and Steel: The Project Sponsor certifies that for any such product or products that are not so available, the Project Sponsor has also provided or attached to this certification information, including but not limited to the verifiable documentation and a full description of the Project Sponsor’s efforts to secure any such American-made product or products, that the Project Sponsor believes are sufficient to provide and as far as possible constitute the detailed justification required for a waiver under “American Iron and Steel” provisions with respect to such product or products. The Project Sponsor further agrees to request and, as applicable, implement the terms of a waiver with respect to any such product or products.



**INSTRUCTIONS FOR COMPLETING  
PROJECT SPONSOR'S "AMERICAN IRON AND STEEL" CERTIFICATION  
FOR DIRECT EQUIPMENT/MATERIAL PURCHASES**

**PURPOSE:** The purpose of the *Project Sponsor's "American Iron and Steel" Certification for Direct Equipment/Material Purchases* is to certify that, as required by Section 436 of the Consolidated Appropriations Act, 2014, all of the iron and steel products used in the referenced State Revolving Fund (SRF) project are produced in the United States unless a waiver is granted by the U.S. Environmental Protection Agency.

**GENERAL INFORMATION:** "Iron and steel" products means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precise concrete and construction materials. Additional information, including any published waivers, is posted on the EPA Website, [http://water.epa.gov/grants\\_funding/aisrequirement.cfm](http://water.epa.gov/grants_funding/aisrequirement.cfm).

Sponsors of an SRF projects funded after January 17, 2014 and prior to October 1, 2014 that make a direct purchase of any equipment or materials as part of the project must complete this form, unless complete plans and specifications were approved by January 17, 2014.

**INSTRUCTIONS:** Provide the project name, SRF project number, and project sponsor name (utility, town, etc).

Certify compliance with the "American Iron and Steel" Requirements by signing the form and including the date, typed name and title of the Project Sponsor's representative, name of Project Sponsor, Project Sponsor's address and Project Sponsor's telephone number.

**DHEC REVIEW AND FILING:** The Bureau of Water will use the above referenced form to document Project Sponsor's compliance with American Iron and Steel Provision for direct equipment/material purchases. The form will be kept in the SRF Procurement file of the project name listed on the form. Under retention schedule 15795 the Project Sponsor's "American Iron and Steel" Certification for Direct *Equipment/Material Purchases* will be retained in the SRF project record for three years following the final disbursement to the project.



Sponsor: \_\_\_\_\_

Project Name: \_\_\_\_\_

SRF Project No.: \_\_\_\_\_

**STATE OF SOUTH CAROLINA STATE REVOLVING FUND (SRF) PROGRAM  
CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND  
OTHER RESPONSIBILITY MATTERS**

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 U.S.C. Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

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Name of Prospective Participant (Town, Utility, Contractor, Subcontractor, Supplier etc.)

---

Printed Name and Title of Authorized Official

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Signature of Authorized Official

Date

\_\_\_\_\_ I am unable to certify to the above statements. Attached is my explanation.

Submit to:

*SCDHEC, Water Facilities Permitting Division, SRF Section, 2600 Bull Street, Columbia, SC 29201*

**INSTRUCTIONS FOR COMPLETING  
CERTIFICATION REGARDING DEBARMENT  
SUSPENSION AND OTHER RESPONSIBILITY MATTERS  
DHEC FORM 3590**

The purpose of the Certification Regarding Debarment, Suspension And Other Responsibility Matters form is to certify that potential participants are not debarred, suspended or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 “Debarment and Suspension.”

- This form is to be filled out by prospective participants in the State Revolving Loan fund program, including towns, public utilities, contractors, and subcontractors.
- Fill in the project sponsor’s name, project name and SRF project number.
- Fill in the potential participants name and name of authorized official for the participant. Sign and date the form to certify that the potential participant is not debarred, suspended or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 “Debarment and Suspension,” or, provide an explanation why the potential participant cannot.
- Where/when to submit:
  - A prospective loan recipient (Sponsor) must return the signed certification, or explanation, with the preliminary engineering report to *SCDHEC, Water Facilities Permitting Division, SRF Section, 2600 Bull Street, Columbia, SC 29201*.
  - A prospective prime contractor must submit a completed certification, or explanation, to the entity awarding the contract (Sponsor).
  - A prospective subcontractor must submit a completed certification, or explanation, to the (prospective) prime contractor for the project.
  - See also, SRF guidance documents.

DHEC Review and Filing: The Bureau of Water will use this form to document compliance with Executive Order 12549. The form will be retained in the SRF project record for three years following the final disbursement to the project from the SC Budget and Control Board.



**STATE OF SOUTH CAROLINA  
STATE REVOLVING FUND (SRF) PROGRAM  
PRIME CONTRACTOR'S SUBAGREEMENT CERTIFICATION**

Project Name:	Project Number:
Contractor's Name:	Contractor's Telephone Number:

Contractor's Address:

City:

State:

Zip Code:

**SECTION I - INSTRUCTIONS**

All prime contractors are required to certify whether or not they plan to utilize subcontractors for any portion of work throughout the life of their contract.

**SECTION II - CERTIFICATION**

I, as the authorized representative of the above named contracting firm, certify that we:

Plan to subcontract a portion of this project and will submit to SCDHEC evidence of the positive steps taken to utilize minority and women's businesses as required by Executive Order 11246 prior to entering into any subagreement. We agree to submit MBE/WBE utilization reports (U.S. EPA Form 5700-52A). (Please list each tentative subcontractor on Page 2 of this form.)

Do not elect to subcontract any portion of this project. We understand that should we elect, at a later date, to subcontract a portion of this project, we will be required to provide evidence of the positive steps taken to utilize minority and women-owned businesses as required by Executive Order 11246 prior to entering into any subagreement. Failure to do so may result in costs associated with that subagreement declared ineligible for SRF assistance.

Name:	Signature:	Date:(MM/DD/YYYY)
Title:		

Please list all tentative subcontractors you plan to use for this project, identifying whether or not they are a minority business enterprise (MBE) or a women-owned business enterprise (WBE). If more space is needed, please attach an additional sheet using the same format as below.

1. Type of Work:  
 Subcontractor's Name:  
 Subcontractor's Address:  
 City: State : Zip Code:  
 Contact Person: Contact's Telephone Number:  
 Subcontract Amount: Duration of Subcontract:  
*Check all that apply:* MBE (Minority Business Enterprise)  
 WBE (Women-owned Business Enterprise)

2. Type of Work:  
 Subcontractor's Name:  
 Subcontractor's Address:  
 City: State: Zip Code:  
 Contact Person: Contact's Telephone Number:  
 Subcontract Amount: Duration of Subcontract:  
*Check all that apply:* MBE (Minority Business Enterprise)  
 WBE (Women-owned Business Enterprise)

3. Type of Work:  
 Subcontractor's Name:  
 Subcontractor's Address:  
 City: State: Zip Code:  
 Contact Person: Contact's Telephone Number:  
 Subcontract Amount: Duration of Subcontract:  
*Check all that apply:* MBE (Minority Business Enterprise)  
 WBE (Women-owned Business Enterprise)

4. Type of Work:  
 Subcontractor's Name:  
 Subcontractor's Address:  
 City: State: Zip Code:  
 Contact Person: Contact's Telephone Number:  
 Subcontract Amount: Duration of Subcontract:  
*Check all that apply:* MBE (Minority Business Enterprise)  
 WBE (Women-owned Business Enterprise)

List of subcontract work yet to be committed with approximate price and duration of subcontract .

Work	Approximate Price	Duration
1.		
2.		
3.		
4.		

Submit to: SCDHEC, Water Facilities Permitting Division, SRF Section, 2600 Bull Street, Columbia, SC 29201



Name of Prime Contractor: \_\_\_\_\_  
Project No.: \_\_\_\_\_

**STATE OF SOUTH CAROLINA STATE REVOLVING FUND (SRF) PROGRAM  
CERTIFICATION BY PROPOSED PRIME OR SUBCONTRACTOR  
REGARDING EQUAL EMPLOYMENT OPPORTUNITY**

**INSTRUCTIONS**

This certification is required pursuant to Executive Order 11246, Part II, Section 203 (b), (30 F.R. 12319-25). Any bidder or prospective contractor, or any of their proposed subcontractors, shall state as an initial part of the bid or negotiations of the contract whether it has participated in any previous contract or subcontract subject to the equal opportunity clause; and, if so, whether it has filed all compliance reports due under applicable instructions.

Where the certification indicated that the prime or subcontractor has not filed a compliance report due under applicable instruction, such contractor shall be required to submit a compliance report.

**CONTRACTOR’S CERTIFICATION**

Contractor’s Name: \_\_\_\_\_

Address: \_\_\_\_\_

1. Bidder has participated in a previous contract or subcontract subject to the Equal Opportunity Clause. Yes\_\_\_\_\_ No\_\_\_\_\_
2. Compliance Reports were required to be filed in connection with such contract or subcontract. Yes\_\_\_\_\_ No\_\_\_\_\_
3. Bidder has filed all compliance reports due under applicable instructions, including SF-100. Yes\_\_\_\_\_ No\_\_\_\_\_
4. If answer to item 3 is NO, please explain in detail on reverse side of this certification.

**Certification** – The information above is true and complete to the best of my knowledge and belief. (A willfully false statement is punishable by law – U.S. Code, Title 18, Section 1001).

\_\_\_\_\_  
Name and Title of Signer (Please Type)

\_\_\_\_\_  
Signature Date

*Submit to:*  
SCDHEC, Water Facilities Permitting Division, SRF Section, 2600 Bull Street, Columbia, SC 29201



Project Name: \_\_\_\_\_

Project No.: \_\_\_\_\_

Sponsor: \_\_\_\_\_

**STATE OF SOUTH CAROLINA  
STATE REVOLVING FUND (SRF) PROGRAM  
CERTIFICATION REGARDING UNIFORM RELOCATION  
ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES  
(URLAP) ACT OF 1970**

- I certify to the best of my knowledge and belief that:
  - a. The above referenced project is in compliance with the URLAP Act of 1970 (the Uniform Act) Yes\_\_\_\_No\_\_\_\_
  - b. Acquisition of real property did not result in the displacement of any person, business, or farm operation. Yes\_\_\_\_No\_\_\_\_
  - c. If relocation was involved in the land acquisition, the Federal Highway Administration (FHA) was contacted for technical assistance. (DHEC will request FHA confirmation of the project’s certification of compliance.) Yes\_\_\_\_No\_\_\_\_

**OR**

- I am requesting a waiver from compliance with the Uniform Act because the land and/or easements associated with the above referenced project were acquired prior to the inception of the project. Date land acquired: \_\_\_\_\_

I understand that a false statement on this certification may be grounds for rejection or termination of this award.

\_\_\_\_\_  
Signature of Sponsor’s Attorney or Designated Representative Date

\_\_\_\_\_  
Typed Name and Title of Sponsor’s Attorney or Designated Representative

*Submit to:*

*SCDHEC, Water Facilities Permitting Division, SRF Section, 2600 Bull Street, Columbia, SC 29201*