



**COLORADO**  
Department of Public  
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

# Navigating the State Revolving Fund Requirements Handbook for Borrowers

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# Navigating the State Revolving Fund Requirements

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## **EXECUTIVE SUMMARY**

Thank you for participating in the State Revolving Fund Program.

The goal of this document is to inform and guide the borrower to satisfy the federal requirements of the State Revolving Fund Program. Compliance with the program ensures the low interest loans provided by the SRF program will remain a viable resource in Colorado for the future. Colorado receives millions of dollars in federal funding each year to help communities comply with the Safe Drinking Water Act and the Clean Water Act. State Revolving Fund grants or loans funded with federal dollars require that all federal and state requirements are met. The EPA conducts audits of the SRF program to validate that funds are properly spent and that federal requirements and reporting are met. When the SRF program fully satisfies the federal requirements, it reinforces the federal commitment to Colorado and ensures the future of the program.

We ask that borrowers read through the Navigating SRF Requirements and study the Matrix of Responsibilities to understand your responsibilities with regards to compliance and reporting associated with the project funding. Please contact a Grants and Loans Unit project manager for assistance or questions.

## **1. Bidding and Regulatory Requirements**

The bidding process can begin when the borrower has received approval for the plans and specifications from the Water Quality Control Division and the Grants and Loans Unit project manager has approved the bid package and contract documents to ensure the State Revolving Fund Required Bid Specifications are included. The construction contract can be awarded when all funds are in place.

Borrowers of the SRF Program are required to comply with the following federal requirements:

1. Davis-Bacon & Related Acts
2. American Iron and Steel
3. Certification Regarding Debarment, Suspension, and Other Responsibility Matters
4. Prohibition Against Participation of Listed Violating Facilities
5. Disadvantaged Business Enterprise
6. Williams Steiger Occupational Safety and Health Act of 1970
7. Archeological Discoveries
8. Environmental Assessment - Compliance with the National Environmental Policy Act
9. Water Resources Reform & Development Act (WRRDA)
  - a. Architectural and Engineering Procurement
  - b. Generally Accepted Accounting Principles (GAAP)
  - c. Fiscal Sustainability Criteria - (Details coming soon)
  - d. Cost and Effectiveness Evaluation - (Details coming soon)
  - e. Water and Energy Efficiency Analysis - (Details coming soon)

## 2. Online Resources for the Water Quality Control Division

Visit the Water Quality Control Division website for guidance on grants and loans and other related topics at <https://www.colorado.gov/pacific/cdphe/wq-grants-and-loans>.

## 3. Matrix of Responsibilities

The Matrix of Responsibilities on the following pages illustrates the compliance and reporting responsibilities of borrowers and contractors for the State Revolving Fund Program.

### Davis-Bacon and Related Acts

	Borrower/Authorized Representative	Contractor:
<p><b>What:</b> Contractors and subcontractors must pay their laborers and mechanics employed under this contract no less than the local prevailing wages and fringe benefits as determined by DOL.</p> <p><b>Who:</b> All SRF funded projects</p>	<p><b>How to Comply:</b></p> <ul style="list-style-type: none"> <li>• Understand DBRA requirements</li> <li>• Ensure wage rate requirements, and contract and subcontract provisions sections are in the bid package and contract</li> <li>• Identify the wage determination in the bid package.</li> <li>• Submit final bid package to grants and loans unit for approval prior to bid solicitation.</li> <li>• Lock-in wage determination within 10 days of bid opening.</li> <li>• Execute contract within 90 days of bid opening.</li> <li>• Submit executed contract to grants and loans unit.</li> <li>• Ensure compliance posting at job-site</li> <li>• Conduct labor standards interviews form 1445 within two weeks of construction start and as needed throughout construction.</li> <li>• Review, sign and submit 1444 Additional Wage Classification Request forms to compliance specialist of the grants and loans unit.</li> <li>• Review certified payrolls for contractor and subcontractor to ensure compliance with wage determination.</li> <li>• Complete and submit the Davis-Bacon Certification form along with pay requests to the grants and loans unit.</li> <li>• Maintain certified payroll for three years following completion of construction.</li> </ul>	<p><b>How to Comply:</b></p> <ul style="list-style-type: none"> <li>• Understand DBRA requirements in bid package and contract.</li> <li>• Responsible for subcontractor compliance with DBRA.</li> <li>• Provide wage rate requirements in subcontractor agreements.</li> <li>• Prepare weekly certified payroll.</li> <li>• Review subcontractor certified payroll.</li> <li>• Prepare 1444 Additional Wage Classification Request and submit to borrower.</li> </ul>

**Forms:** Grants and Loans Unit - Davis-Bacon Act Certification Form  
 WH-347 USDOL Contractors Payroll Form  
 Standard Form 1444 - Request for Authorization of Additional Classification and Rate  
 Standard Form 1445 - Labor Standards Interview form

## American Iron and Steel

	Borrower/Authorized Representative	Contractor:
<p><b>What:</b> Iron and steel products used in SRF projects for construction, alteration, maintenance or repair are produced in the United States.</p> <p><b>Who:</b> All SRF Projects</p>	<p><b>How to Comply:</b></p> <ul style="list-style-type: none"> <li>• Include American Iron and Steel requirements in bid package and contract.</li> <li>• Review AIS certifications provided by contractor for all AIS materials.</li> <li>• Submit the AIS Certification form and AIS Product Spreadsheet with each pay requisition to the grants and loans unit.</li> <li>• Maintain AIS documentation for three years after the completion of construction.</li> <li>• Prepare waiver when there is no other alternative and submit to grants and loans unit project manager</li> </ul>	<p><b>How to Comply:</b></p> <ul style="list-style-type: none"> <li>• Include American Iron and Steel requirements in subcontract and supplier agreements</li> <li>• Review all submittals, requisitions and deliveries for compliance with AIS requirements</li> <li>• Solicit and provide step and/or manufacturer certifications to borrower.</li> <li>• Do not install any products that do not comply with AIS.</li> </ul>

**Forms:** American Iron and Steel Certification Form (SRF Form)  
American Iron and Steel Product Spreadsheet (SRF Form)

## DUNS/SAM Registration and Certification Regarding Debarment

	Borrower
<p><b>What:</b> Executive Order 12549 ensures entity and subcontracting entities meet compliance requirements for federally funded projects.</p> <p><b>Who:</b> All SRF funded projects</p>	<p><b>How to Comply:</b></p> <ul style="list-style-type: none"> <li>• If the borrower does not have a DUNS number, they must register with Dunn &amp; Bradstreet for a DUNS Number prior to submitting a pre-qualification form (<a href="http://www.dnb.com">www.dnb.com</a>).</li> <li>• The DUNS number must be registered in the System for Award Management (SAM) (<a href="http://www.sam.gov">www.sam.gov</a>).</li> <li>• Once verification of registration is completed the borrower will receive a CAGE code that must be provided to the Grants and Loans Unit with Project Needs Assessment (PNA).</li> <li>• Complete the Certification Regarding Debarment, Suspension &amp; other Related Matters form and submit to the grants and loans unit at time of application.</li> <li>• Verify that contractor and subcontractors are not debarred or suspended from working on federally funded projects.</li> <li>• Must renew SAM registration on an annual basis as determined by expiration date.</li> </ul>

**Forms:** Certification Regarding Debarment, Suspension, and Other Responsibility Form

## Disadvantaged Business Enterprise

	Borrower/Authorized Representative	Contractor & Subcontractor:
<p><b>What:</b> Encourages diverse participation and competition.</p> <p><b>Who:</b> As determined by Grants and Loans Unit</p>	<p><b>How to Comply:</b></p> <ul style="list-style-type: none"> <li>• When advised by the project manager, include the DBE section of the SRF bid requirements in the bid package.</li> <li>• Provide a list of entities solicited to grants and loans.</li> <li>• Provide proof of publication of solicitation that includes the DBE language.</li> <li>• Provide bid tabulations that clearly identify the DBE bidders.</li> <li>• Provide the appropriate agency forms 6100-2, 6100-3 &amp; 6100-4 to the contractor in the bid package.</li> <li>• Review and approve SRF Form B and submit to cdphe_grantsandloans@state.co.us quarterly no later than 5 days following the end of the federal fiscal quarter (Jan 5, Apr 5, Aug 5, Oct 5)</li> </ul>	<p><b>How to Comply:</b></p> <ul style="list-style-type: none"> <li>• DBE businesses to provide proof of DBE status to borrower by providing information on CDOT shared list or SBA list.</li> <li>• Complete and submit the agency form 6100-2 and send to Pullman.marshall@epamail.gov</li> <li>• Complete and provide agency form 6100-3 and 6100-4 to borrower</li> <li>• Complete Form B and submit to borrower.</li> </ul>

Forms: 6100-2  
6100-3  
6100-4  
FORM B - DBE Procurements Made During Quarter (SRF Form)

## Williams-Steiger Occupational Safety and Health Act (OSHA)

	Borrower/Authorized Representative	Contractor:
<p><b>What:</b> Requirements to ensure safe and healthful working conditions for working men and women.</p> <p><b>Who:</b> All SRF funded projects</p>	<p><b>How to Comply:</b></p> <ul style="list-style-type: none"> <li>• Incorporate the OSHA SRF boilerplate language section in bid package.</li> <li>• Ensure contractor provides safe and healthful working conditions for all.</li> <li>• Conduct monthly project safety meetings.</li> <li>• Prepare safety meeting minutes.</li> </ul>	<p><b>How to Comply:</b></p> <ul style="list-style-type: none"> <li>• Comply with the Occupational Safety and Health Act of 1970.</li> <li>• Provide safe and healthful working conditions for all.</li> <li>• Conduct monthly project safety meetings with borrower and project participants.</li> <li>• Each trade shall conduct a minimum of one weekly gang meeting as outlined in the Act.</li> </ul>

## Environmental Review

	Borrower/Authorized Representative
<p><b>What:</b> Projects must undergo an environmental review in conformance with EPA's National Environmental Policy Act (NEPA) guidelines and as stipulated in Colorado's State Environmental Review Process.</p> <p><b>Who:</b> All SRF funded projects</p>	<p><b>How to Comply</b></p> <ul style="list-style-type: none"> <li>• Provide project, community, and environmental details required in the Pre-Qualification and Project Needs Assessment (PNA).</li> <li>• Conduct properly noticed public meeting(s), and provide the Grants and Loans Unit with affidavit of publication showing at least 30 day public notice, meeting attendance list, meeting minutes</li> <li>• Prepare the Environmental Assessment Checklist and submit with the Project Needs Assessment</li> <li>• If directed by the Grants and Loans Unit, prepare an Environmental Assessment based on the Environmental Assessment Template             <ul style="list-style-type: none"> <li>○ (If an Environmental Assessment or Environmental Impact Statement has been prepared for another funding source please contact the Grants and Loans unit project manager to determine adequacy.)</li> </ul> </li> <li>• If directed by the Grants and Loans Unit, coordinate with state and federal agencies to mitigate adverse project impacts below a level of significance (as determined by the relevant state or federal agency).</li> <li>• Begin construction only after a finding from the Grants and Loans Unit of             <ul style="list-style-type: none"> <li>○ Categorical Exclusion (published on the Grants and Loans Unit website)</li> <li>○ Environmental Assessment/ Finding of No Significant Impact (FNSI) (published in a local newspaper with a 30 day public comment period)</li> <li>○ Environmental Impact Statement/Record of Decision (published in the Federal Register with a 30 day public comment period)</li> </ul> </li> </ul>

**Forms:**            Environmental Checklist  
                           Environmental Assessment Template

## Architectural and Engineering Services Procurement

	Borrower
<p><b>What:</b> Water Pollution Control SRF equivalency projects must procure design services utilizing qualification based selection</p> <p><b>Who:</b> As determined by Grants and Loans Unit</p>	<p><b>How to Comply:</b></p> <ul style="list-style-type: none"> <li>• Public announcement of the solicitation</li> <li>• Evaluate and rank submitted qualifications statements based on established, publicly available criteria</li> <li>• Discussion with at least three firms to consider anticipated concepts and compare alternative methods for furnishing services</li> <li>• Selection of at least three firms considered to be the most highly qualified to provide the services required</li> <li>• Contract negotiation with the most highly qualified firm to determine compensation that is fair and reasonable for services to be rendered</li> <li>• Requirements apply to contracts for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, and/or A/E services.</li> </ul>

**Forms:** AE Procurement Certification

## **STATE AND FEDERAL PROGRAM REQUIREMENTS OVERVIEW**

### ***1. Davis-Bacon and Related Acts Prevailing Wage Requirements***

The borrower is legally responsible for the SRF project compliance with the Davis-Bacon and Related Acts (DBRA). Non-Compliance with DBRA may result in debarment and suspension from receiving federal dollars or working on projects funded with federal dollars for up to three years. For additional information refer to the Department of Labor's website at <http://www.dol.gov/whd/govcontracts/dbra.htm>. If questions arise during bidding or construction of the project, the Grants and Loans Unit compliance specialist may be utilized as a resource.

The Davis-Bacon and Related Acts require that contractors and subcontractors pay laborers and mechanics employed directly upon the site of the work at least the locally prevailing wages (including fringe benefits). Laborers and mechanics are those workers performing work that is physical and/or manual in nature (including those who use tools or who are performing the work of a trade), and includes apprentices, trainees and helpers.

SRF projects must "lock in" wage rates for the duration of the project by including in the solicitation for bid and the contract the applicable General Wage Decision. The General Wage Decision can be found online at [www.wdol.gov](http://www.wdol.gov) by selecting "Selecting DBA WDs" under the "Davis-Bacon Act" heading. Navigate to the appropriate General Wage Decision by entering the state, county and construction type in the drop down menus. It is important to note that these decisions are modified frequently and applicability must be verified prior to execution of the contract.

For competitively bid projects, provide both the general wage decision number (e.g. CO150012 01/02/2015 CO12) and a copy of the wage decision in the bid solicitation. If the wage decision is updated prior to 10 days before the bid opening, the bid solicitation must be updated to include the revised decision, otherwise the wage decision in the bid solicitation is appropriate and should be included in the contract. Please note that if the contract is not executed within 90 days of the bid opening, the construction contract must include the current wage decision as of the signing of the contract as provided on [www.wdol.gov](http://www.wdol.gov).

For negotiated projects, provide both the current general wage decision number as of the signing of the contract and a copy of the wage decision in the construction contract.

In general, SRF projects utilize "Heavy" General Wage Decisions; however, in specific circumstances they may utilize "Building", "Highway", or a combination of these. Please consult with the Grants and Loans Unit project manager if you believe this is the case. The preliminary General Wage Decision will be noted in the bid package approval letter, or plans and specification approval letter, issued by the Division. The borrower is responsible for confirming that the wage decision has not been modified prior to bid opening and contract execution as described above.

In some cases, SRF projects will require additional classifications of laborers not included in the General Wage Decision. To obtain wage and fringe rates for these classifications, the contractor shall prepare Standard Form 1444, and route for approval and signature from the subcontractor (if applicable), the impacted employees, and the borrower (Contracting Officer). After completion of the form, the borrower must submit to the Grants and Loans Unit project manager, who will submit to the Department of Labor and request a conformance. Every effort should be utilized to ensure a conformance is obtained prior to these classifications performing any work so as to avoid additional work correcting certified payrolls. Please note that proposed wage rates must be within wage rates contained in the project's General Wage Decision for the following breakdown of classifications: Laborers, Skilled Laborers, Truck Drivers, and Equipment Operators.

The borrower must obtain and review weekly certified payrolls (form WH-347 or equivalent) from the contractor and subcontractors to ensure compliance with DBRA. Additionally, they must sign and submit a copy of the Davis-Bacon certification to the Grants and Loans Unit project manager with each pay request.

The borrower must also perform job site interviews to ensure laborers and mechanics are being properly paid utilizing Standard Form 1445. At a minimum, the borrower must perform an interview within two weeks of the start of construction, and as new subcontractors begin work. The borrower must also ensure that the wage decision is posted as the jobsite for all laborers and mechanics to review.

Borrowers, contractors, and subcontractors are required to retain all records for a period of three years after construction completion.

Exemptions from the Davis-Bacon and Related Acts requirements include:

- Employee who spends the majority of time in a supervisory position at the job site, and who spends less than 20% of the work week engaged in skilled labor
- Other employees whose work is not physical in nature (such as foremen, and other non-laborers and non-mechanics)
- Force Account workers, prisoners, and volunteers
- Surveyors are exempt if they are providing information for the planning of a project. (Surveyors are subject to the requirements during construction.)
- Owner/Operator Truck Drivers

Apprentices or trainees may be employed at less than the rates listed in the contract wage determination only when they are in an apprenticeship program registered with the Department of Labor, and must be paid at rates listed in their Program Registration and Apprenticeship Agreement.

## ***2. American Iron and Steel***

On January 17, 2014, P.L. 113-76, the "Consolidated Appropriations Act, 2014" was enacted requiring the use of iron and steel products produced in the United States for the construction, alteration, maintenance, or repair of a public water system or treatment works funded in whole or in part with funding assistance from Water Pollution Control or Drinking Water State Revolving Loan Fund. Guidance for the American Iron and Steel Act can be found on the EPA website at [http://water.epa.gov/grants\\_funding/aisrequirement.cfm](http://water.epa.gov/grants_funding/aisrequirement.cfm). This EPA website also contains guidance related to posted questions and answers as well as granted nationwide or project specific waivers.

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.

Exemptions from the American Iron and Steel provisions may include:

- De minimis: De minimis incidental components of projects that may otherwise be prohibited under the Act; comprise no more than five percent of the total cost of materials; and the cost of an individual item may not exceed one percent of the total cost of materials. Refer to the EPA website to obtain specifics related to the de minimis Waiver.

- Those projects for which specific waivers have been provided by the EPA. A waiver may be provided if EPA determines that:
  - applying these requirements would be inconsistent with the public interest;
  - iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
  - inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

It is the responsibility of the borrower to maintain the necessary documentation (STEP or manufacturer certification, AIS Product Spreadsheet, de minimus list of expenditures, etc.), to ensure compliance with the American Iron and Steel provisions, and provide certification of such to the Grants and Loans Unit project manager utilizing the following items. The "American Iron and Steel Certification" form and the continuous tracking "AIS Product Spreadsheet." These must be submitted with every pay requisition during construction and/or when materials are purchased for the project. If there are any questions regarding the AIS requirement, please contact your project manager.

### ***3. Certification Regarding Debarment, Suspension, and Other Responsibility Matters***

The borrower must provide certification that they are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency. The borrower must also ensure that any consultants, prime contractors, subcontractors, vendors, suppliers and manufacturers meet the requirements and are not excluded from covered transactions by any Federal department or agency.

The borrower must have a Dunn & Bradstreet (DUNS) Number ([www.dnb.com](http://www.dnb.com)) and be registered annually in the System for Award Management (SAM) ([www.sam.gov](http://www.sam.gov)) system in good standing. Once verification of registration is completed the borrower will receive a CAGE code that must be provided to the Grants and Loans Unit with Project Needs Assessment (PNA). The borrower must complete the Certification Regarding Debarment, Suspension & other Related Matters form and submit to the Grants and Loans Unit at time of application.

All prospective consultants and prime contractors must submit the "Certification Regarding Debarment, Suspension and other Responsibility Matters" form to the borrower. All prospective subcontractors, vendors, suppliers and manufacturers must submit the "Certification Regarding Debarment, Suspension and other Responsibility Matters" form to the prime contractor.

### ***4. Prohibition Against Participation of Listed Violating Facilities***

The borrower and prime contractor must ensure that no portion of the work required by the prime contract will be performed in a facility listed on the Environmental Protection Agency list of violating facilities on the date when the contract is awarded. The work must comply with the Clean Air Act and Clean Water Act, and comply with clean air and clean water standards at the facilities in which the contract is being performed.

## ***5. Disadvantaged Business Enterprise***

The goal of the Disadvantaged Business Enterprise (DBE) program is to ensure nondiscrimination in the award of contracts. Contractors and subcontractors bidding on projects funded by State Revolving Funds, and designated for equivalency, must document compliance with Disadvantaged Business Enterprise rules. If there are questions regarding the applicability of the DBE provisions to a specific project, please contact the Grants and Loans Unit project manager.

Recipients of EPA financial assistance agreements are required to seek, and encouraged to utilize small, minority, and women-owned businesses for their procurement needs under the financial assistance agreement. This is done through the inclusion of terms and conditions in the financial assistance agreement. The key functional components of the DBE Program are as follows:

- DBE Certification
- Fair Share Objectives/Goals
- MBE/WBE Reporting
- Six Good Faith Efforts and Contract Administration Requirements

A source for locating certified disadvantaged business enterprise sub-contractors is <http://coloradodbe.org/> on the Colorado Department of Transportation's website.

The borrower must complete and submit Form B within 5 days of the end of the Federal fiscal quarter or by January 5, April 5, August 5, and October 5. Please email to [cdphe\\_grantsandloans@state.co.us](mailto:cdphe_grantsandloans@state.co.us).

Additional information regarding the Disadvantaged Business Enterprise program may be located at [http://www.epa.gov/osbp/dbe\\_team.htm](http://www.epa.gov/osbp/dbe_team.htm).

## ***6. Williams-Steiger Occupational Safety and Health Act***

All contractors working on the construction of projects funded through the State Revolving Fund are subject to the provisions of the Williams-Steiger Occupational Safety and Health Act of 1970. The borrower must ensure that this program is included in the prime contract documents and all subcontract agreements.

The following activities must be completed by the contractors:

- General project safety meetings must be conducted at the site at least once each month during construction.
- Each trade shall conduct a gang meeting weekly to review project safety requirements.
- The prime contractor and all subcontractors shall immediately report all accidents, injuries, or health hazards to the borrower, or their designated representatives, in writing.

Additional information regarding the Williams-Steiger Occupational Safety and Health Act of 1970 may be obtained at [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=9605](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9605).

## **7. Archeological Discoveries**

In the event of an archaeological discovery during any phase of construction, or a more recent historical find (e.g. artifacts, housing sites), the following procedure should be followed:

- (1) The construction shall be halted with as little disruption to the archaeological site as possible.
- (2) The contractor shall notify the borrower who shall contact the State Historical Preservation Officer.
- (3) The State Historical Preservation Officer may decide to have an archaeologist inspect the site and make recommendations about the steps needed to protect the site, before construction is resumed.
- (4) The entire event should be handled as expediently as possible in order to hold the loss in construction time to a minimum while still protecting archaeological finds.

In the event archaeological/historical data are evaluated to meet national register criteria, the Advisory Council on Historic Preservation may be notified and asked to comment by the Water Quality Control Division.

## **8. Environmental Assessment - Compliance with the National Environmental Policy Act**

### **State Environmental Review Process**

All proposed actions funded by the State Revolving Fund program must undergo an environmental review process to assess compliance with the intent of the National Environmental Policy Act (NEPA) and State Review Process (SERP). The State, borrower, engineer, contractor and subcontractors have a duty to cooperate fully with federal and local governments and all other concerned public and private organizations, to use all practical means and measures including financial and technical assistance, and to create and maintain conditions under which man and nature can exist in productive harmony and promote the general welfare of the public.

The purpose of the environmental review is to evaluate the relevant environmental impacts and impact to the human environment of a federal action. The environmental review process contains three levels of review:

1. Categorical Exclusion (CatEx)
2. Environmental Assessment/Finding of No Significant Impact (EA/FNSI)
3. Environmental Impact Statement/Record of Decision (EIS/ROD)

### **Categorical Exclusion**

The first level of environmental review is whether or not a project is eligible for a CatEx. The NEPA specialist, after review of the Environmental Assessment Checklist and the Project Needs Assessment (PNA), may deem the project eligible for a CatEx. Projects that receive a CatEx are allowed to continue with no further environmental review.

### **Environmental Assessment**

Projects not eligible for a CatEx must prepare an Environmental Assessment (EA). The EA documents all impacts of the proposed project and determines whether or not there are any significant impacts. If there are significant impacts, the EA must address if the impacts can be mitigated below a level of significance. At the conclusion of the EA review, the project will receive a Finding of No Significant

Impact (FNSI), or will be required to prepare an Environmental Impact Statement. A FNSI is subject to publication followed by a 30 public comment period. If no significant comments are raised during the public comment period, the NEPA specialist will finalize the environmental review.

The environmental assessment is utilized to: (1) assist in the evaluation of reasonable alternatives; (2) examine and document the effects of the proposed action on the quality of the human environment; (3) ensure the fullest appropriate opportunity for public review and comment on the proposed action; and (4) determine the need to prepare an environmental impact statement.

The scope of the environmental assessment includes: (1) inviting participation of affected agencies, affected Indian tribes, and other interested groups or persons; (2) assessing the scope and significance of issues; (3) identifying and eliminating those remote or immaterial issues which will not be addressed; and (4) address any public environmental assessments, environmental impact statements or other agency requirements that are related to the proposed project.

### **Environmental Impact Statement**

Projects not eligible for either a Categorical Exclusion or an Environmental Assessment must complete an Environmental Impact Statement and obtain a Record of Decision. The specifics and scope for this effort will be determined on a project by project basis and will be coordinated by the NEPA specialist.

## ***9. Water Resources Reform & Development Act (WRRDA)***

### ***9.a. Architectural and Engineering Services Procurement***

Effective October 2014, the Water Resources Reform and Development Act (WRRDA) implemented requirements for the procurement of architectural and engineering (A/E) services to comply with the elements as identified under chapter 11 of title 40, United States Code.

In order to comply with WRRDA, the State Revolving Fund loan program must ensure that equivalency projects meet this requirement. Equivalency projects include projects whose cumulative State Revolving Fund amounts are equivalent to, or exceed, the amount of the capitalization grant each year. Based upon the State Revolving Fund program needs, there may be exemptions provided to projects once the State has met the equivalency requirements for a particular year.

It is recommended that all projects pursuing State Revolving Fund loan funds to utilize a procurement methodology that meets or exceeds the A/E procurement requirements of 40 U.S.C. 1101 *et seq.*

#### **A/E Procurement Requirements**

- Public announcement of the solicitation (e.g., a Request for Qualifications);
- Evaluate and rank submitted qualifications statements based on established, publicly available criteria (e.g., identified in the solicitation);
  - Evaluation criteria should be based on demonstrated competence and qualification for the type of professional services required (e.g., past performance, specialized experience, and technical competence in the type of work required);
- Discussion with at least three firms to consider anticipated concepts and compare alternative methods for furnishing services;

- Selection of at least three firms considered to be the most highly qualified to provide the services required; and
  - Contract negotiation with the most highly qualified firm to determine compensation that is fair and reasonable based on a clear understanding of the project scope, complexity, professional nature, and the estimated value of the services to be rendered;
  - In the event that a contract cannot be negotiated with the most highly qualified firm, negotiation continues in order of qualification;
- Requirements apply to contracts for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, and/or A/E services.

Entities planning to pursue State Revolving Fund loans should consult with their Grants and Loans Unit project manager early in the project planning process to ensure that the appropriate A/E services procurement procedures are utilized.

#### ***9.b. Generally Accepted Accounting Principles (GAAP)***

Effective October 2014, the Water Resources Reform and Development Act (WRRDA) implemented requirements that all State Revolving Fund assistance recipients maintain project accounts according to Generally Accepted Accounting Principles (GAAP). This provision requires borrowers to use standards relating to the reporting of infrastructure assets. Further information and details may be obtained through the Governmental Accounting Standards Board (GASB) at <http://www.gasb.org/>.

## **FORMS - Link to forms on webpage**

SRF forms can be found on this webpage: <https://www.colorado.gov/pacific/cdphe/water-quality-srf-forms>

### Section 1 - Davis-Bacon Prevailing Wages

- Davis-Bacon Certification Form (SRF form)
- WH - 347 - Contractors Payroll Form
- Standard Form 1444 - Request for Authorization of Additional Classification and Rate
- Standard Form 1445 - Labor Standards Interview Form

### Section 2 - American Iron and Steel

- American Iron and Steel Certification Form (SRF Form)
- American Iron and Steel Product Spreadsheet (SRF Form)

### Section 3 - Certification Regarding Debarment, Suspension, and Other Responsibility Matters

- United States Environmental Protection Agency Washington, DC 20460 Certification Regarding Debarment, Suspension, and Other Responsibility Matters form

### Section 4 - Prohibition Against Participation of Listed Violating Facilities

- No applicable SRF forms

### Section 5 - Disadvantaged Business Enterprise (DBE)

- EPA Form 6100-2 provided by prime contractor completed by DBE subcontractor and submitted to EPA at [R8grants@epa.gov](mailto:R8grants@epa.gov)
- EPA Form 6100-3 provided by prime contractor completed by DBE subcontractor and submitted to EPA at [R8grants@epa.gov](mailto:R8grants@epa.gov)
- EPA Form 6100-4 provided by subrecipient completed by prime contractor as part of bid package
- Form B provided by subrecipient completed by prime contractor submitted to SRF program at [Cdphe\\_grantsandloans@state.co.us](mailto:Cdphe_grantsandloans@state.co.us)

### Section 6 - Williams Steiger Occupational Safety and Health Act

- No applicable SRF forms

### Section 7 - Archaeological Discoveries

- No applicable SRF forms

### Section 8 - Environmental Assessment - Compliance with the National Environmental Policy Act

- Environmental Checklist
- Environmental Assessment Template

### Section 9.a - Architectural and Engineering Services Procurement

- AE Procurement Certification

### Section 9.b - Generally Accepted Accounting Principles (GAAP)

- No applicable SRF forms