
SECTION 10
APPENDIX

Federal Grant Compliance - American Rescue Plan Act of 2021

All references to the Contractor shall include all subcontractors and suppliers at any tier.

All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through §200-326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. All applicable local, state, and federal procurement requirements will be followed when expending federal funds. Should the State of Ohio have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.

The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause. 41 C.F.R. 60-1.4(b).

The Contractor shall comply with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States").

The Contractor shall comply with the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701 - 3708) as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each Contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

The Contractor shall comply with the Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

A contract with a Contractor will not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with OBM guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp. p.189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

The Contractor shall comply with the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) and must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

The Contractor shall comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

The Contractor shall comply with CFR §200.216, Prohibition on certain telecommunications and video surveillance services or equipment. The Contractor is prohibited from obligating or expending loan or grant funds to:

- (1) Procure or obtain;
- (2) Extend or renew a contract to procure or obtain; or
- (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, Section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
 - (i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

- (ii) Telecommunications or video surveillance services provided by such entities or using such equipment.
- (iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

In implementing the prohibition under Public Law 115 -232, Section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

See Public Law 115-232, Section 889 and § 200.471 for additional information.

BABA - The Contractor shall, as appropriate and to the extent consistent with law, to the greatest extent practicable, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

- (a) For purposes of this section:
 - (1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
 - (2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

End of Section [7/29/22]



DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

January 25, 2024

Regulatory Division
LRP-2021-390

ABC Water & Stormwater District
c/o Jason Loree
8299 Market St.
Boardman, OH 44512

Dear Mr. Loree:

I refer to your Department of the Army permit application received in this office on December 18, 2023, regarding your proposal to remove 500 linear feet of twin 60" diameter culverts that convey Boardman Ditch to conduct stream restoration activities in Boardman Ditch that will result in 982 linear feet of stream channel being restored by realigning the channel, installing numerous instream structures, bank protection and conducting riparian enhancements in Boardman Township, Mahoning County, Ohio. The project is anticipated to provide functional lift by restoring floodplain connectivity, reducing erosion and sedimentation and improving stream habitat.

Activities associated with projects of this type are authorized by Nationwide Permit (NWP) No. 27, Aquatic Habitat Restoration, Establishment, and Enhancement Activities. The Ohio Environmental Protection Agency (OEPA) granted a general Section 401 Water Quality Certification (WQC), with conditions, for the NWPs, found at:

<https://www.lrp.usace.army.mil/Portals/72/OH%20Public%20Notice%20Final%2041%20NWP%202022.pdf>

This project has been verified to comply with all applicable regional conditions.

These NWPs were published in the December 27, 2021 issue of the Federal Register.

This NWP was previously issued by the Corps of Engineers, for purposes of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

For a list of conditions which must be followed for the NWP to be valid, refer to:

<https://www.lrp.usace.army.mil/Portals/72/OH%20Public%20Notice%20Final%2041%20NWP%202022.pdf>

Special Conditions:

1. No tree clearing is to be conducted to complete this project. If tree clearing is required, the applicant shall contact the Army Corps of Engineers to discuss measures that must be taken to avoid impacts to Indiana bats and northern long-eared bats.
2. Monitoring of the stream restoration area will be conducted in accordance with the monitoring plan included in the permit application.

Adherence to these conditions will permit you to proceed with the proposed project. Please note, the enclosed Compliance Certification Form must be signed and returned to this office upon completion of the proposed work.

The verification of this NWP is valid until March 14, 2026, unless the NWPs are modified, suspended, or revoked. If project specifications are changed or work has not been initiated before March 14, 2026, please contact this office for further verification.

The verification of this NWP will not relieve you of the responsibility to obtain any other required state, local, or Federal authorizations.

If you have any questions, please contact Michael D. Engelhardt by phone at (412) 395-7141 or email at michael.d.engelhardt@usace.army.mil. Please complete our customer survey online and provide us with feedback at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

//SIGNED//

Tyler J. Bintrim
Chief, North Branch
Regulatory Division

Enclosure

cc:
OH EPA
Soil and Conservation District

Compliance Certification Form

PERMIT NO: LRP-2021-390

NAME OF PERMITTEE: ABC Water & Stormwater District

DATE OF ISSUANCE: January 25, 2024

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Pittsburgh District
Regulatory Division, Room 2200
William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Please note that your permitted activity is subject to compliance inspection by a U.S. Army Corps of Engineers Representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee