

SECTION 00850 - FUNDING AGENCY REQUIREMENTS

ARTICLE 1 GENERAL

1.01 This project is funded in part by one or more federal and/or state agencies. As such, the provisions those funding programs are applicable to this project and each Contractor will be required to comply in all aspects to the provisions set forth.

ARTICLE 2 SPECIFIC AGENCY REQUIREMENTS

2.01 Ohio Environmental Protection Agency

A. This project is being funded in part through the Water Supply Revolving Loan Account (WSRLA) and/or the Water Pollution Control Loan Fund (WPCLF) administered by the Ohio Environmental Protection Agency. Contractor must comply with the various requirements of this agency as listed herein.

1. Violating Facilities: The Contractor agrees to comply with all applicable standards, orders or requirements under Section 306 of the Clean Air Act, 42 USC 1857 (h), Section 508 of the Clean Water Act, 33 USC 1368, Executive Order 11738, and EPA regulations, 40 CFR Part 32, which prohibits the use under non-exempt Federal contracts, grants, or loans of facilities included on the EPA List of Violating Facilities.

2. Small Business Utilization in Rural Areas (SBRA): This procurement is subject to the EPA policy of encouraging the participation of small business in rural areas (SBRA's). Contractor shall comply with the provisions set forth in U.S. Environmental Protection Agency Rural Area Business Enterprise Development Plan.

3. Contract Change Orders: Contract Change Orders for this project require coordination with, and approval by, the Ohio Environmental Protection Agency. Refer to Section 00941 for additional information and instructions.

4. Disadvantaged Business Enterprises (DBE) Utilization Policies: In compliance with the provisions of the requirements associated with the OEPA Disadvantaged Business Enterprises (DBE) Utilization Policy, the Contractor, shall:

- a. pay its Subcontractor(s) for satisfactory performance no more than 30 days from the Contractor's receipt of payment from the Owner.
- b. notify the Owner in writing prior to the termination of any Disadvantaged Business Enterprise Subcontractor for the convenience of the Contractor.
- c. employ documented good faith efforts as outlined herein to solicit a replacement Subcontractor for any DBE Subcontractor who fails to complete to complete work under their subcontract for any reason. Good faith efforts include:
 - 1) Ensure Disadvantaged Business Enterprises (DBE's) are made aware of contracting opportunities to the fullest extent practicable through

- outreach and recruitment activities; including DBE's on solicitation lists and soliciting them whenever they are potential sources.
- 2) Make information on forthcoming opportunities available to DBE's and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBE's in the competitive process. This includes, whenever possible, posting solicitation for bids 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 be subcontracted with DBE's. This will include dividing total requirements when economically feasible into smaller tasks or quantities to permit participation by DBE's in the competitive process.
 - 4) Encourage subcontracting with a consortium of DBE's 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.
- d. employ documented good faith efforts as outlined above in identifying Subcontractors to participate in this project even if the Contractor has achieved its fair share objectives.
 - e. Provide **Form 6100-2 - DBE Subcontractor Actual Participation Form** to all of its Disadvantaged Business Enterprise subcontractors. This form gives the DBE subcontractor the opportunity to describe the work the DBE received from the Bidder, the actual amount the DBE was paid and any other concerns the DBE might have. After the work has been completed, DBE subcontractors shall submit the completed Form 6100-2 directly to the Region 5 DBE Coordinator listed below.

Adrianne M. Callahan, Region 5 MBE/WBE Coordinator
USEPA, Acquisition and Assistance Branch
77 West Jackson Boulevard (MC-10J)
Chicago, IL 60604

During construction, provide the data necessary for the Owner to report MBE/WBE accomplishments on **Form 5700-52A** annually (within 15 days after each October 1st).

5. Anti-discrimination Clause: The Contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of the contract. The Contractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the Contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies.

END OF SECTION