



**Environmental
Facilities Corporation**

Bird Island WWTP Primary Treatment Upgrades NYS CWSRF Funding Requirements (C9-6602-30-00)

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Buffalo Sewer Authority | February 21, 2024

Overview



- ✓ About EFC
- ✓ DBE Compliance
- ✓ AIS & BABA
- ✓ Other Requirements
- ✓ Document Collection & Site Visits
- ✓ Q&A Session



About EFC

About EFC

We Fund New York State Water Infrastructure

Clean Water State Revolving Fund

Low-cost capital
for sewer and
wastewater
treatment
projects.

Drinking Water State Revolving Fund

Low-cost
capital for
drinking water
projects.

State Water Grants

Ease the cost
burden of
capital
infrastructure
costs.

Federal Bipartisan Infrastructure Law Funding

Administered
Through the
State Revolving
Funds.

Grant Programs

BSA SRF No. 6602-30-00
Bird Island WWTP Primary
Treatment Upgrades
Funding Received

Engineering
Planning
Grant

EPG

Water
Infrastructure
Improvement

WIIA

Intermunicipal
Grants

IMG

Green
Innovation
Grant Program

GIGP

State Revolving
Fund Grants

SRF


Bipartisan
Infrastructure
Grants

BIL

Mandatory Terms & Conditions

- ✓ EFC Equivalency Project T&Cs apply
- ✓ Contracts paid for with EFC funds must include T&Cs
 - Includes Subcontractor Agreements
- ✓ Guidance packets available



**Environmental
Facilities Corporation**

KATHY HOCHUL
Governor
MAUREEN A. COLEMAN
President and CEO

**Mandatory State Revolving Fund
Equivalency Project
Terms and Conditions**

For Equivalency Projects Funded with NYS Clean Water State
Revolving Fund or Drinking Water State Revolving Fund

Identify Contract Type prior to Advertisement for Bid:

☐ Construction

☐ Treatment Works and Drinking Water Projects☐ Non-Treatment Works

☐ Non-Construction

Effective October 1, 2022

New York State Environmental Facilities Corporation
625 Broadway, Albany, NY 12207-2997
P: (518) 402-6924
www.efc.ny.gov

Equivalency Program Requirements

- ✓ Disadvantaged Business Enterprise (DBE)
- ✓ Equal Employment Opportunity (EEO)
- ✓ American Iron & Steel (AIS)
- ✓ Build America, Buy America (BABA)
- ✓ Davis Bacon Federal Prevailing Wage
- ✓ Suspension & Debarment
- ✓ Restrictions on Lobbying
- ✓ Prohibition on Telecommunications
- ✓ BIL Construction Sign

Type of Contract	A/E Procurement Section 1	DBE Section 2	EEO ¹ Section 2	Title VII Section 2	BABA & AIS Section 3	Davis Bacon Section 4	FAAR ² Section 2	Suspension & Debarment Section 5	Restrictions on Lobbying Section 6	Prohibition on Telecommunications Section 7
Construction: Treatment Works & Drinking Water Projects										
All		X	X	X	X			X		X
If greater than:										
\$2,000		X	X	X	X	X		X		X
\$10,000		X	X	X	X	X	X	X		X
\$100,000		X	X	X	X	X	X	X	X	X
Construction: Non-Treatment Works										
All		X	X	X				X		X
If greater than:										
\$10,000		X	X	X			X	X		X
\$100,000		X	X	X			X	X	X	X
Non-Construction Provider										
All	X ³	X	X		X					X
If greater than:										
\$25,000		X	X		X					X
\$100,000		X	X		X				X	X



Disadvantaged Business Enterprise (DBE) Compliance

DBE Program Overview



- ✓ **DBE Participation goal of 20%**
 - Construction contracts exceeding \$100,000
 - Service contracts exceeding \$25,000
- ✓ **Goal is based on the total contract value, not grant award**
- ✓ **Goal can be met through:**
 - Adequate demonstration of good-faith efforts
- ✓ **DBE certified vendors can be searched for on the NYS Unified Certification Program site using NAICS or NYSDOT certifications.**

DBEs in New York State: <https://nysucp.newnycontracts.com>

Role of the Prime Contractor



Project MBO: Charles Riley, Buffalo Sewer Authority

Additional Contact: Rosaleen Nogle, Buffalo Sewer Authority

- ✓ Understand and Incorporate Mandatory Terms and Conditions
- ✓ Conduct Good Faith Efforts toward DBE goals
- ✓ Provide MBO with Utilization Plan or Waiver Request Form
 - MBO is designated and employed by Recipient as a Minority Business Officer or Compliance Officer responsible for DBE reporting and compliance
 - Prior to contract execution
 - Work closely with MBO on any compliance issues
 - Copies of subcontracts to MBO

Good Faith Efforts (GFE)

- ✓ **Schedule of Values for each contract:**
 - Identifies tasks that may be subcontracted, including values of each task or material listed
- ✓ **DBE Search for each task that can be subcontracted:**
 - Utilize DBE directory and use commodity codes (see EFC website for helpful video)
- ✓ **Solicitation Log**
 - <https://efc.ny.gov/mwbe-forms>
- ✓ **Contractor must provide GFE for change orders over \$25k**
- ✓ **Brief letter of explanation if waiver requested**



Solicitation Log Template with Examples

Company Name	MBE or WBE	Work Type (Required on each line)	Location	Contact 1 - Date	Contact 1 - Type	Result	Contact 2 - Date	Contact 2 - Type	Result	Overall Result/Reason Chosen or Not/Comments
ABC	MBE	Doors and Windows	Rochester	12-Apr	Email	Went thru, No response	14-Apr	Phone	Left VM	No response
XYZ	MBE	Doors and Windows	Syracuse	12-Apr	Email	Went thru, May bid	21-Apr	Phone	Spoke with Kathy.	Declined to bid.
123	MBE	Doors and Windows	Albany	12-Apr	Email	Went thru, No response	14-Apr	Phone	Spoke with Bob.	Don't offer the items.
Tough guy	MWBE	masonry	Liverpool	12-Apr	Email	Undeliverable	12-Apr	Fax	Went thru, No response	No response
Quality	WBE	masonry	Plattsburgh	12-Apr	Email	Went thru, will respond	16-Apr	Phone	Left VM	Received quote, too high
GENERAL	WBE	masonry	Plattsburgh	12-Apr	Email	Responded low bidder	x	x		See quote comparison



Environmental
Facilities Corporation

New York State Environmental Facilities Corporation
Minority & Women Owned Business Enterprise (MWBE) Waiver Request Form

Instructions for Contractors & Service Providers:

Contractors and Service Providers must complete Sections 2, 3, and 4. **Submit the completed, signed (electronic signature box checked and dated) form to the Recipient's Minority Business Officer (MBO).** Incomplete forms will be found deficient.

See the EFC [Mandatory Terms and Conditions](#) or consult the MBO for further guidance.

Instructions for MBO:

The MBO must complete Section 1. **Email the completed, signed (electronic signature box checked and dated) form to your EFC Program Compliance Specialist.** The subject heading of the email to the EFC Program Compliance Specialist should follow the format "Waiver Request, Project Number, Contractor." EFC will review and email an acceptance or denial to the MBO.

If a partial MWBE waiver is requested, an [MWBE Utilization Plan](#) must also be submitted for the amount of proposed MWBE participation.

SECTION 1: MUNICIPAL INFORMATION			
Recipient/Municipality:		County:	
Project No.:	GIGP No.:	Contract ID:	Registration No. (NYC only):
Minority Business Officer (MBO):		Email:	Phone #:
Address of MBO:			
Signature of MBO: <input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and belief.			Date:

SECTION 2: PRIME CONTRACTOR / SERVICE PROVIDER INFORMATION			
Firm Name:		Contract Type: <input type="checkbox"/> Construction <input type="checkbox"/> Other Services	
Prime Firm is Certified as: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> N/A <input type="checkbox"/> Other:			
Address:		Phone #:	Fed. Employer ID #:
Contact Information of Firm Representative Authorized to Discuss Waiver Request:			
Name:		Title:	Phone #:
Description of Work:		Email:	
Award Date:	Start Date:	Completion Date:	EFC MWBE GOAL Total
Total Contract Amount: \$			Total: % \$
MWBE Eligible Contract Amount: \$			
(MWBE Goals are applied to this amount and includes all change orders, amendments, & waivers)			

SECTION 3: TYPE OF MWBE WAIVER REQUESTED	
1. <input type="checkbox"/> Full Waiver (No MWBE participation)	
2. <input type="checkbox"/> Partial Waiver (Less than the MWBE goals; indicate below the proposed MWBE participation)	
PROPOSED MWBE Participation	
Total:	% \$
3. <input type="checkbox"/> Specialty Equipment/Services Exclusion (Must be of SIGNIFICANT cost – attach list of cost and type of equipment and supporting documentation outlined below)	

SECTION 4: SUPPORTING DOCUMENTATION	
Provide the following documentation as evidence of good faith efforts to meet the MWBE goals set forth and in support of the waiver application. Specialty Equipment Exclusion requests must be accompanied by the documentation requested in items 8 – 12, as listed below. Specialty Services Exclusion requests must be accompanied by the documentation requested in item 13, as listed below.	
1. A brief letter of explanation setting forth your basis for requesting a partial or total waiver and detailing the good faith efforts that were made.	
2. A scope of work that shows what subcontracting opportunities are in the contract. This could be an engineering proposal, schedule of values, or other similar documents.	
3. Screenshots of search results for each task (using commodity codes) from Empire State Development Corporation's (ESD) MWBE Directory of all certified MWBEs that were solicited for this contract. Each search should be saved as an individual file.	
4. A log of solicitation results in Excel format , consisting of the list of MWBE firms solicited for the contract and the outcome of the solicitations. The log should be broken out into separate areas for each task that is solicited (e.g., trucking, materials, electricians), including date, persons communicated with and outcome. The log should show that each MWBE firm was contacted twice by two different methods if first contact was unsuccessful (e.g., email and phone), and the final outcome of the solicitation.	
5. List of the general circulation, trade association, and MWBE oriented publications and dates of publication soliciting for certified MWBE participation as a subcontractor/supplier and copies of such solicitations.	
6. Description of the negotiations between the contractor and certified MWBEs for the purposes of complying with the MWBE goals of this contract.	
7. Any other information deemed relevant to the request.	
EFC and the MBO reserve the right to request additional information and/or documentation.	

Documentation for Requests for Specialty Equipment Exclusions:

- A letter of explanation containing information about the equipment, why the equipment is specialty and why no MWBE firms could be utilized to provide the equipment.
 - Copies of the appropriate pages of the technical specification related to the equipment showing the choices for manufacturers or other information that limits the choice of vendor.
 - Letter, email, or screenshot of website from the manufacturer listing their distributors in NYS and the locations.
 - Screenshots of ESD's MWBE Directory searches for the manufacturer and distributor showing that they are not found in the Directory.
 - An invoice or executed purchase order showing the value of the equipment.
- Documentation for Requests for Specialty Service Exclusions:**
- A letter of explanation containing information about the scope of work and why no MWBE firms could be subcontracted to provide that service.

SIGNATURE	
Electronic Signature of Contractor: <input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge. Name: (Please Type):	Date:

Required Forms from Contractor



- ✓ **DBE Utilization Plan and/or Waiver Request**
 - Contractor must submit UP or Waiver Request form to MBO
 - If a waiver is submitted, corresponding documentation must include scope of work/SOV, ESD searches, and solicitation log (good faith efforts to achieve goals)

- ✓ **Monthly Contractor Compliance Reports**
 - Contractor must submit monthly report to MBO reflecting payments to subcontractors (with proof of payment)

****Disbursement Holds - UP/Waiver approval and past due quarterly reports**

**NYS Environmental Facilities Corporation
Disadvantaged Business Enterprise (DBE) Utilization Plan**

SECTION 1: MUNICIPAL INFORMATION			
Recipient/Municipality:		County:	
Project No.:	Contract ID:	Registration No. (NYC only):	
Minority Business Officer:	Email:	Phone #:	
Address of MBO:			
Electronic Signature of MBO: <input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and belief.			Date:

SECTION 2: PRIME CONTRACTOR / SERVICE PROVIDER INFORMATION				
Firm Name:			Contract Type: <input type="checkbox"/> Construction <input type="checkbox"/> Other Services	
Is the Prime Firm certified as a DBE? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please include Prime information in Section 3.				
Address:		Phone #:	Fed. Employer ID #:	
Description of Work:			Email:	
Award Date:	Start Date:	Completion Date:	DBE Fair Share Objective	PROPOSED DBE Participation
Total Contract Amount: \$ DBE Eligible Contract Amount: \$ (DBE Fair Share Objectives are applied to this amount and includes all change orders, amendments, & specialty waivers)			Total: 20% \$	Total: % \$
If fair share objectives are not met, documentation must be attached: <input type="checkbox"/> No Participation <input type="checkbox"/> Short of the DBE Fair Share Objective				
<input type="checkbox"/> Specialty Equipment/Services: must be of SIGNIFICANT cost – attach list of cost and type of equipment and good faith effort documentation				

SECTION 3: DBE SUBCONTRACTOR INFORMATION			
This Submittal is: <input type="checkbox"/> The First/Original Utilization Plan <input type="checkbox"/> Revised Utilization Plan #:			
DBE Subcontractor Information		Contract Amount	For EFC Use:
Business Name:	Fed. Employer ID#:		
Address:	Phone #:		
Scope of Work:	Email:		
Certifying Entity: <input type="checkbox"/> DOT in State of _____; or <input type="checkbox"/> SBA	Start Date:		
<input type="checkbox"/> Other (indicate entity): _____	Completion Date:		
Full Contract Amount \$			
Business Name:			
Address:			
Scope of Work:			
Certifying Entity: <input type="checkbox"/> DOT in State of _____; or <input type="checkbox"/> SBA			
<input type="checkbox"/> Other (indicate entity): _____			
Full Contract Amount \$			

Monthly Contractor Compliance Report ("Monthly MWBE-SDVOB-DBE Report")

Instructions:

- Contractors are to complete the report in Word version and email to the Recipient's Minority Business Officer ("MBO") monthly.
- If you require additional pages, you may find them on [EFC's website](#).
- All** MWBE, SDVOB and/or DBE Subcontractors for this contract **MUST** be listed on the form regardless of whether they were paid this month.
- Please save Report as "MReport – (Project No). – (Municipality) – (Firm Name) – (Date)" and send the Word version of this document.
- Proofs of payment in the amounts shown below must be transmitted to the MBO with the report.

Municipality:		County:		Contract ID:		Month:	Year:	
Project No.:		GIGP/EPG No:		Registration No. (NYC only):				
Prime Contractor/Service Provider:				Award Date:		Start Date:		
Date all MWBE / SDVOB / DBE subs paid in full:								
Signature of Contractor: <input type="checkbox"/> I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and belief. Date:								
Last Month's Contract Amt: \$ Revised Contract Amt: \$ Change Order Amt: \$	MWBE Eligible Amt: \$ (Goals are applied to this amount and includes eligible change orders, amendments & waivers)		EFC MWBE Goals		Total Paid to Prime Total Paid this Month: \$ Total Paid to Date: \$			
			Total: %	Total Amt: \$				
	SDVOB Eligible Amount \$		EFC SDVOB Goals					
				SDVOB 6 %	SDVOB Amt: \$			
NYS Certified MWBE / SDVOB Contractor & Subcontractor		Please Specify Any Revisions this Month.		Subcontractor Total Amount		Payments this Month	Previous Payments	Total Payments Made to Date
				Original	Revised			
Name: Fed. Employer ID#: <u>Choose all that apply:</u> <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> DBE <input type="checkbox"/> SDVOB <input type="checkbox"/> DSDVBD Control #: <u>MWBE Only - Select Only One:</u> <input type="checkbox"/> Broker __% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A		<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED						
Name: Fed. Employer ID#: <u>Choose all that apply:</u> <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> DBE <input type="checkbox"/> SDVOB <input type="checkbox"/> DSDVBD Control #: <u>MWBE Only - Select Only One:</u> <input type="checkbox"/> Broker __% <input type="checkbox"/> Supplier <input type="checkbox"/> N/A		<input type="checkbox"/> Subcontractor is REMOVED <input type="checkbox"/> NEW Subcontractor <input type="checkbox"/> Subcontract Amt. INCREASED <input type="checkbox"/> Subcontract Amt. DECREASED						

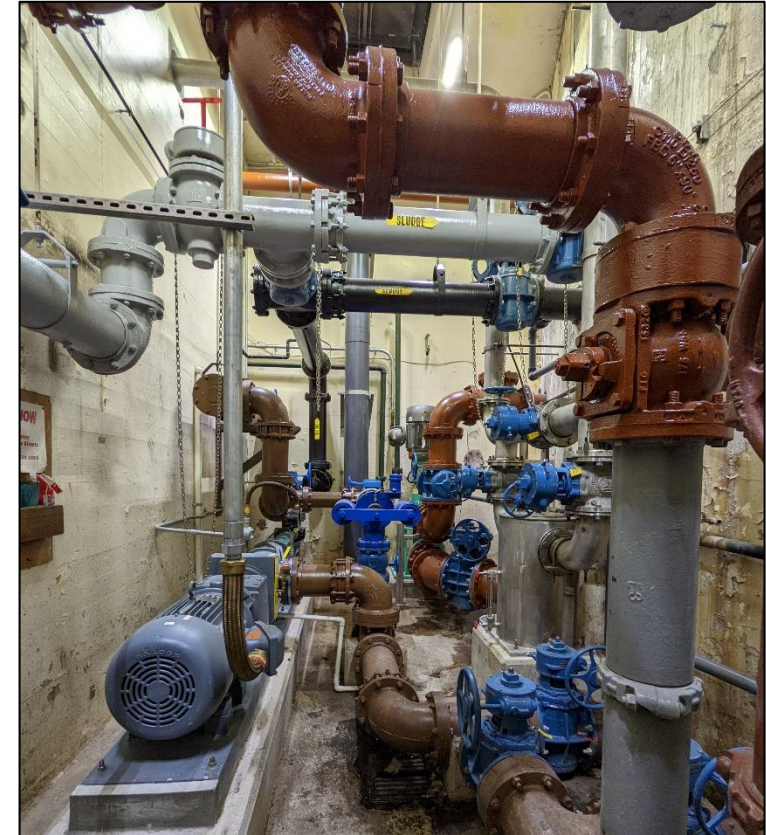


AIS & BABA

American Iron and Steel



- ✓ Applies to all permanently installed materials/products made primarily of iron and steel
- ✓ Does not apply to materials that are made of less than 50% iron or steel, measured by cost
- ✓ Cannot split out non-AIS materials from project if compliance cannot be met
- ✓ Entire project must comply with AIS, even if only \$1 is being funded by SRF
- ✓ More info on EPA's website for AIS



American Iron and Steel



✓ Common materials that must comply

- Pipe and fittings
- Valves
- Ductwork
- Rebar
- Structural steel
- Manhole frame and covers
- Precast concrete
- Meter boxes
- Railing and ladders
- Supports and hangers
- Tanks
- Hydrants

✓ Examples of materials that do not need to comply

- Pumps
- Motors
- Drives
- SCADA equipment
- Conduit
- Clarifier mechanisms
- Sluice gates
- Lighting

American Iron and Steel

- ✓ **Must provide Recipient an AIS Certification from either the manufacturer or supplier**
- ✓ **Certification must include:**
 - **Project Name**
 - **Location in the US where the item was melted, made, or manufactured**
 - **Specific iron/steel item covered by certificate**
 - **Certification is signed and dated**
 - **Reference to AIS compliance**
 - References not specific to SRF AIS compliance such as Buy American, NYSDOT program, etc, are not equivalent or acceptable

1. The following information is provided as a manufacturer's sample letter of **step** certification for AIS compliance. Documentation must be provided on company letterhead.

Date

Company Name

Company Address

City, State Zip

Subject: American Iron and Steel Step Certification for Project (XXXXXXXXXX)

I, (company representative), certify that the (melting, bending, coating, galvanizing, cutting, etc.) process for (manufacturing or fabricating) the following products and/or materials shipped or provided for the subject project is in full compliance with the American Iron and Steel requirement as mandated in EPA's State Revolving Fund Programs.

Item, Products and/or Materials:

1. Xxx

2. Xxx

3. Xxx

Such process took place at the following location: _____

If any of the above compliance statements change while providing material to this project we will immediately notify the prime contractor and the engineer.

[Signed by company representative]

AIS Waivers

- ✓ Discuss with EFC prior to installation if having issues finding AIS-compliant products
 - EPA can do product research
 - Do not install non-compliant products prior to approval of waiver
- ✓ Waiver requests must be submitted by municipality to EFC
- ✓ Types of Waivers:
 - Availability Wavier
 - Cost Waiver
 - De Minimis Waiver – National

The screenshot shows the EPA website's page for the American Iron and Steel Requirement (AIS) Waiver Request Process. The header includes the EPA logo, navigation links for Environmental Topics, Laws & Regulations, Report a Violation, and About EPA, along with a search bar. The main heading is 'American Iron and Steel Requirement - Waiver Request Process'. Below this, a paragraph explains that local entities receiving CWSRF or DWSRF assistance must use American-made iron and steel products, and a waiver can be requested if they cannot. To the right, a green box titled 'AIS Topics' contains links to 'AIS Overview and Guidance', 'Waiver Requests Received by EPA', 'Approved National Waivers', 'Approved Project Waivers', 'Draft National Waivers', 'Withdrawn or Denied Waivers', and 'Waiver Request Process'. The 'How to Request a Waiver' section lists four general steps: 1. Community prepares and submits the request to the State SRF (including project specifications); 2. State SRF reviews and submits the request to EPA (with email addresses cwsrfwaiver@epa.gov and dwsrfwaiver@epa.gov); 3. EPA posts the request for 15 days of public comment; 4. EPA provides a response. A link to the 'Implementation memorandum' and a 'Waiver Request Checklist for Assistance Recipients' are also provided.

United States Environmental Protection Agency

Search EPA.gov

Environmental Topics ▾ Laws & Regulations ▾ Report a Violation ▾ About EPA ▾

Related Topics: [Clean Water State Revolving Fund](#) CONTACT US

American Iron and Steel Requirement - Waiver Request Process

Each local entity that receives CWSRF and/or DWSRF water infrastructure financial assistance is required to use American made iron and steel products in the construction of its project. However, if the recipient can justify a claim made under one of the categories below, a waiver may be granted. Until a waiver is granted by EPA, the AIS requirement must be adhered to as described in the Act.

How to Request a Waiver

General Steps:

1. Community prepares the waiver request and submits it to the State SRF. **The request should include project specifications for the product.**
2. State SRF reviews and submits the request to EPA.
 - CWSRF waiver requests can be submitted to cwsrfwaiver@epa.gov.
 - DWSRF waiver requests can be submitted to dwsrfwaiver@epa.gov.
3. EPA posts the waiver request for public comment for 15 days (see the [Waiver Requests Received by EPA](#) tab).
4. EPA provides a response and posts it on the website.

- EPA's [implementation memorandum](#) on AIS requirements includes specific instructions for communities interested in applying for a waiver.
- View the [AIS Waiver Request Checklist for Assistance Recipients](#) for details on what should be included in a waiver request.

AIS Topics

- [AIS Overview and Guidance](#)
- [Waiver Requests Received by EPA](#)
- [Approved National Waivers](#)
- [Approved Project Waivers](#)
- [Draft National Waivers](#)
- [Withdrawn or Denied Waivers](#)
- [Waiver Request Process](#)

AIS Waivers

- ✓ **A request for waiver must be on municipal letter head and contain the following:**
 - **A description of the foreign and domestic iron, steel, and/or manufactured good**
 - **Unit of measure**
 - **Quantity**
 - **Cost**
 - **Time of delivery or availability**
 - **Location of the project**
 - **Name and address of the proposed Supplier**
 - **A detailed justification for use of foreign iron or steel products, including potential impact to the overall project schedule**

AIS De Minimis Waiver

- ✓ **Permits the use of iron and steel products when they occur in de minimis incidental components of SRF projects**
- ✓ **Must meet the following:**
 - Funds used for the identified components cumulatively comprise no more than 5% of the total cost of the materials used in a project; and
 - The cost of an individual item does not exceed 1% of the total cost of the materials used in the project
- ✓ **Items covered by the waiver:**
 - Essential, but incidental to the construction;
 - Incorporated into the physical structure of the project
 - Often low-cost and bought in bulk

AIS De Minimis Waiver

✓ Examples of acceptable de minimis items:

- Washers
- Screws
- Nuts
- Bolts
- Fasteners
- Miscellaneous wire
- Corner bead
- Ancillary tubing

✓ Examples of items that are not considered de minimis:

- Process fitting
- Tees
- Elbows
- Flanges
- Brackets
- Valves
- Sewer or water pipes
- Treatment or storage tanks
- Large structural support systems

✓ To use waiver, Contractor should prepare a record in a spreadsheet that tracks cost of all materials incorporated into the project and show calculation to confirm 5% and 1% thresholds

Build America, Buy America (BABA)

- ✓ BSA received a BABA waiver letter from EFC and this requirement does not apply
- ✓ EPA issued a waiver for projects where planning started before May 14, 2022
- ✓ Must still comply with AIS requirement
- ✓ BABA expands AIS to include manufactured products
 - All of the iron, steel, manufactured products, and construction materials used in the project must be produced in the United States.





Other Requirements

Davis Bacon Wages

- ✓ Workers must be paid Local, State or Federal Prevailing Wage Rates, whichever are higher
- ✓ Wage schedule set by the contract
- ✓ Must be posted on site
- ✓ Remains in place for the duration of construction
- ✓ Must conduct wage interviews

EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT

FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

PREVAILING WAGES	You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.
OVERTIME	You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.
ENFORCEMENT	Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal projects. A contractor who falsifies certified wage kickbacks may be subject to civil or criminal penalties, including fines and/or imprisonment.

1/19/2021 beta.SAM.gov | Search

"General Decision Number: NY20210013 01/01/2021
Superseded General Decision Number: NY20200013
State: New York
Construction Type: Building
County: Oneida County in New York.
BUILDING CONSTRUCTION PROJECTS (excluding single family homes and apartment up to and including 4 stories)

Note: Under Executive Order (EO) 13658, an hourly minimum wage of \$10.95 for calendar year 2021 applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least \$10.95 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2021. If this contract is covered by the EO and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must pay workers in that classification at least the wage rate determined through the conformance process set forth in 29 CFR 5.5(a)(1)(i)(I) (or the EO minimum wage rate, if it is higher than the conformed wage rate). The EO minimum wage rate will be adjusted annually. Please note that this EO applies to the above-mentioned types of contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but it does not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60). Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Modification Number	Publication Date
0	01/01/2021

BRN0002-005 07/01/2020
UTICA CHAPTER

	Rates	Fringes
BRICKLAYER		
BRICKLAYERS, STONE MASONS, CEMENT MASONS, PLASTERERS, POINTERS, CLEANERS & CAULKERS.....	\$ 36.07	19.35
Marble, Tile & Terrazzo Finisher.....	\$ 26.50	18.03
Marble, Tile & Terrazzo Workers.....	\$ 33.25	18.33

CARP0277-028 07/01/2019

	Rates	Fringes
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https://beta.sam.gov/wage-determination/NY20210013/01/01/2021/relevance&page=1&keywords=NY13&wd_public_state_filer_model=1/78 1/6

ment of Labor's Wage and Hour Division.

information:
SWAGE
1-877-889-5627
UR.DOL.GOV

Administration | Wage and Hour Division
WH 1321 (Revised April 2020)

Telecommunications Equipment Exclusion

- ✓ **Prohibition of certain telecommunication and video surveillance services or equipment**
- ✓ **Examples of common video and telecommunication equipment includes:**
 - Automatic meter reading (AMR) technology
 - Advanced meter infrastructure (AMI)
 - Instrumentation control systems
 - Security cameras
 - Other electronic security measures
- ✓ **Manufactures not eligible for SRF funding:**
 - Hytera Communications Corp
 - Hangzhou Hikvision Digital Technology Company
 - Dahua Technology Company
 - Or any subsidiary or affiliate of such entities

Other Requirements



Restrictions on Lobbying

- Contractor/Subcontractor will not expend appropriated federal funds to pay any person for influencing or attempting to influence an officer or employee of any agency
- Construction contracts over \$100k must sign EFC's Lobbying Certificate.
- Includes subcontractor agreements



Suspension & Debarment

- Contractor/Subcontractor cannot contract with any debarred or suspended party



Environmental
Facilities Corporation

New York State Environmental Facilities Corporation
CERTIFICATION REGARDING LOBBYING
FOR
CONTRACTS, GRANTS, LOANS, AND
COOPERATIVE AGREEMENTS
40 CFR Part 34

SRF Project No.: _____
Recipient: _____
Project Description: _____

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

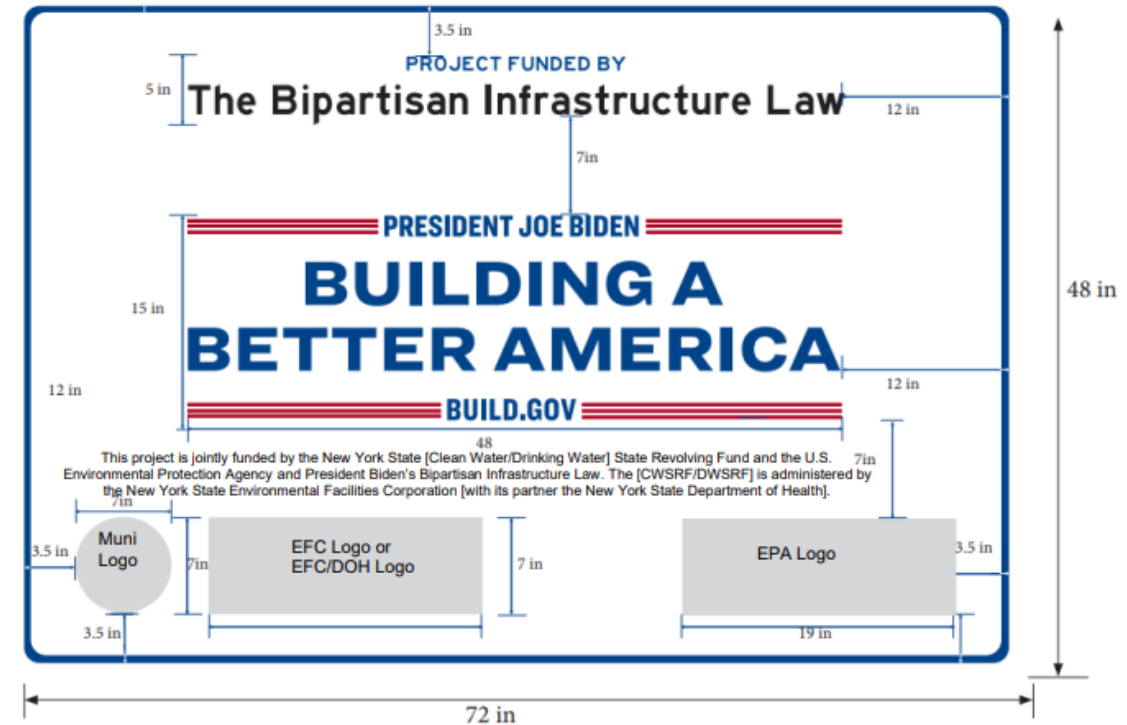
This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature: _____
Name: _____
Title: _____
Company Name: _____
Date: _____
Contract ID: _____

BIL Project Sign

- ✓ Projects receiving funds must post a physical sign at the project site during construction
- ✓ Project sign spec and schematic included in contract documents
- ✓ Erected within 21 days following the Notice to Proceed on the first contract
- ✓ Guidance available on EFC's website

<https://efc.ny.gov/construction-signs>





Document Collection & Site Visits

Document Collection

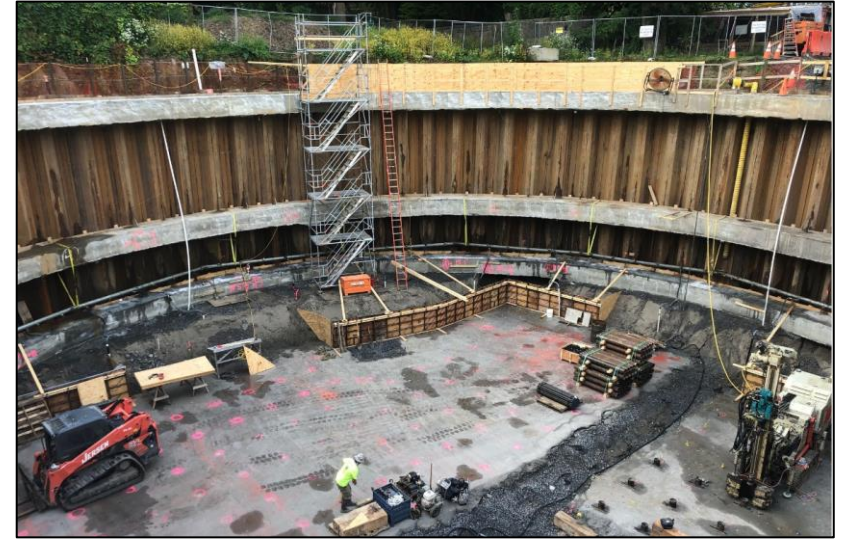
- ✓ EFC will request construction paperwork around 40% of construction completion
- ✓ Requested Documents from each prime contractor, as applicable:
 - Construction schedule
 - Change Orders
 - Subcontract agreements
 - Lobbying Certs (required for subcontracts >\$100k)
 - Certified payrolls
 - Monthly DBE Contractor Compliance Reports with proof of payment
 - ALS Certifications
- ✓ Non-responsiveness may lead to a hold being placed on disbursements.

EFC Recommendations & Best Practices

- ✓ Know your EFC T&Cs
- ✓ Include EFC's T&Cs in subcontract agreements
- ✓ Track American Iron and Steel (AIS) de minimis items
- ✓ Conduct periodic wage interviews
- ✓ Prepare Monthly DBE Contractor Compliance Reports
 - Should be used by MBO to summarize required Quarterly Reports submitted to EFC
- ✓ AIS Certifications must include the following information:
 - Project name
 - Location in the US where the item was made or manufactured
 - Specific iron/steel item covered by certificate
 - Certification is signed and dated
 - Reference to AIS compliance

Site Visits

- ✓ EFC conducts site visits on every project
- ✓ Construction progress
- ✓ Check postings
 - Davis-Bacon federal wages
 - Davis-Bacon poster
 - EEO poster
- ✓ AIS Spot Check
 - Identified non-AIS materials must be replaced
 - Payments by EFC to municipality are held until corrected



Thank you!

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