Technical Assistance for Brownfield Communities (TAB)

This Webinar is brought to you by the New Jersey Institute of Technology - Technical Assistance for Brownfields (TAB) Program

NJIT TAB is a USEPA funded technical assistance program intended to serve as an independent resource to communities and nonprofits pursuing the cleanup and reclamation of brownfields. For more information on NJIT TAB please contact us via our TAB hotline @ (973) 642-4165, email @ tab@njit.edu, or visit our website @ http://www.njit.edu/tab/
This webinar and its associated materials will be made available at the NJIT TAB website @ http://www.njit.edu/tab/
OVERVIEW OF PRESENTATION

- Additional ARRA Reporting Requirements
- Procurement with ARRA
  - General Procurement Requirements
  - Suggested Elements to Contain in Solicitations
  - Davis Bacon Requirements
  - Buy American Requirements
- Mandatory Timeframes
  - Period of Performance
  - Significant Progress
- Audits
ADDITONAL ARRA REPORTING REQUIREMENTS

- ARRA 1512 Reporting on FederalReporting.gov
- Vendor Reporting Requirements
- Sub-recipient Reporting Requirements
- EPA’s ARRA 1512 Reporting training is available at: http://www.epa.gov/brownfields/pubs/acres/arra_1512_trainingpresentation.ppt
PROCUREMENT: General Procurement Requirements

- 40 CFR 31.36(d)(2)

- Large purchase (over $100,000)
  - Open competitive bid
  - Evaluate technical qualifications, then review prices (submitted separately)

- Small purchases (under $100,000)
  - Need minimum of three price quotes
  - Can’t preclude someone from submitting a quote
  - Can develop a pre-qualified list
PROCUREMENT: Elements to Contain in Solicitations

- Vendor ARRA Invoices-hours worked by new or maintained employees to get at jobs created
- Vendor ARRA reporting info: zip code for corporate headquarters, DUNS number, etc.
- Davis Bacon Provisions
- Davis Bacon Wage Rates
- Buy American Provisions (ARRA only)
PROCUREMENT: Elements to Contain in Solicitations

- Sufficient Progress Considerations (ARRA only)
- Insurance: EPA listed as additional insured
- EPA has right of termination of contract
- Federal Funds Disbarment Certification
- Federal DBE Goals
- Include copy of Cooperative Agreement T & Cs
- Have Region PO and others review solicitation
PROCUREMENT: Davis Bacon Requirements

- Pertain predominantly to contracting for remediation, not professional services (engineering, investigation, etc.)

- Department of Labor DBA regulations: 29 CFR parts 1, 3 and 5

- In place to ensure that workers paid with federal funds are compensated in a fair and timely manner

- Applies to all construction, alteration and repair work performed with grant funds
PROCUREMENT: Davis Bacon Requirements

- Grantee must obtain prevailing wage determination for the locality where the work will be performed [www.wdol.gov]

- Wage rates must be included in solicitations for cleanup work—even in RLF subgrantee and borrower solicitations

- Contracts should contain language requiring that local prevailing wage rates used are those that are effective as of the date of contract execution

- DOL Employee Fair Compensation notice must be posted at work site

- Contractor submits wage package to grantee on weekly basis

- Grantee ensures contractor compliance: interviews/site visits and review payroll records.
PROCUREMENT: Buy American Requirements

- Kick in if grant funds are being used for construction, alteration, maintenance or repair of a public building or public work: mostly likely scenarios are constructing a cap for a public building or construction of alternate public water supply lines.

- Regulations require the use of American made iron, steel and/or manufactured goods for public work projects.

- If American made iron, steel and/or manufactured goods are being used or if the work being funded by the grant is not for a public building / work, then no worries!

- If there is a non-American iron, steel and/or manufactured goods being used for a public work project-CONTACT EPA during the solicitation process!! A federal waiver of the Buy American provisions may be required.
PROCUREMENT: Buy American Requirements

- Buy American decision tree can be found at:

  www.epa.gov/ogd/forms/Buy_America_Process_and_Definitions.pdf
MANDATORY TIME FRAMES

- Depends on grant type
- Co-Operative Agreement Deadline
- Sufficient Progress
MANDATORY TIME FRAMES - Assessment

- Performance Period is three years

- Sufficient Progress Requirements
  - 35% of grant drawdown
  - Coalition grants: MOA, community outreach, solicitation for services and properties prioritized
MANDATORY TIME FRAMES - Cleanup

- Performance Period is three years
- Sufficient Progress Requirements
  - Community Involvement Plans
  - Remediation Plan
  - Intuitional Control Development
  - Procurement Timeframes
MANDATORY TIME FRAMES – RLF

- Performance Period is five years

- Sufficient Progress Requirements
  - One loan and/or subgrant made within two years
AUDITS

- 1512 Reporting
- Desk Review
COMMON SENSE

☐ Pay attention to requirements up front and include in initial solicitations rather than try to collect data after contract has been issued.

☐ Layout a timeframe now that includes all the steps needed to achieve the sufficient progress milestones!

☐ Work with your EPA Project Officer-They are there to help!
FOR MORE INFORMATION

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