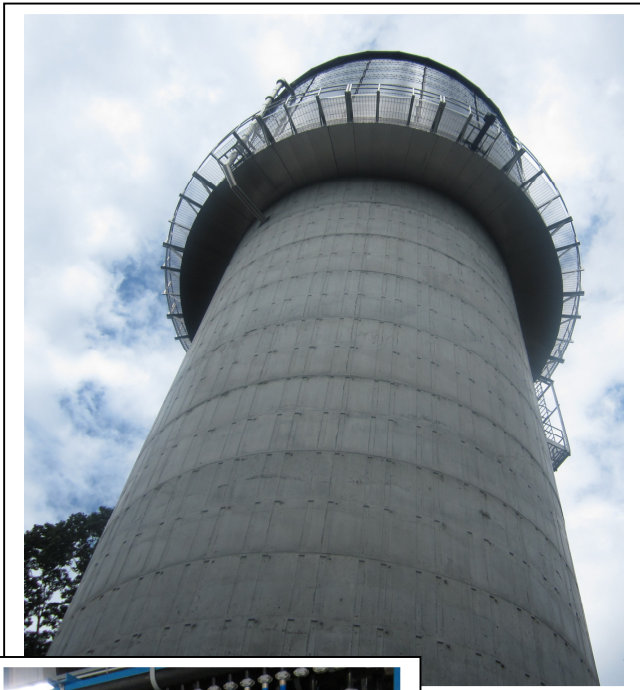


# 2019 BORROWER'S HANDBOOK



## Kentucky

### Drinking Water and Clean Water

### State Revolving Fund

KENTUCKY DRINKING WATER AND CLEAN WATER STATE REVOLVING FUND

# Borrower's Handbook

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Kentucky Division of Water  
300 Sower Blvd, 3<sup>rd</sup> Floor  
Frankfort, KY 40601  
(502) 564-3410

Kentucky Infrastructure Authority  
100 Airport Road, 3<sup>rd</sup> Floor  
Frankfort, KY 40601  
(502) 573-0260

Revised August 2019

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**PAGE NO.**

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No Attachments

## Note!

All forms and attachments are available at the Division of Water's [SRF Forms Library](#) webpage and KIA's [Financial Assistance Forms](#) webpage.

If you have problems accessing these websites or need forms or attachments emailed to you, contact Anshu Singh at the Division of Water at (606) 929-5285 or [Anshu.Singh@ky.gov](mailto:Anshu.Singh@ky.gov).

# Introduction to the State Revolving Fund



## Overview of Kentucky’s Drinking Water and Clean Water State Revolving Funds (DWSRF & CWSRF)

The State Revolving Fund (SRF) is a national program by which the Environmental Protection Agency provides funding to states to further the goals of the Safe Drinking Water Act and the Clean Water Act. Kentucky’s SRF program is jointly administered by the Kentucky Infrastructure Authority (KIA) and the Division of Water (DOW). The DWSRF and CWSRF provide low interest loans to communities for drinking water and clean water infrastructure projects.

### Types of Assistance Available

- Low-interest, fixed-rate loans with 20-year terms (term of loan may be less depending on useful life of project being financed)
- 30-year terms, and 40-year terms for drinking water project only, may be available for those borrowers that qualify as disadvantaged
- Planning and Design (P&D) loan at 2.5% with 5-year term; can be rolled into construction loan

### Interest Rates

Below-market interest rates will be offered to borrowers based on the following criteria:

2.50%	Systems with a Median Household Income (MHI) above the Commonwealth’s MHI
1.50%	<ol style="list-style-type: none"> <li>1. Systems with a MHI between 80 and 100 percent of the Commonwealth’s MHI</li> <li>2. Project will achieve compliance with an order or judgment addressing environmental noncompliance</li> <li>3. Project meets the definition of regionalization per 200 KAR 17:050 for clean water or 200 KAR 17:070 for drinking water</li> </ol>
0.50%	Systems with a MHI below 80 percent of the Commonwealth’s MHI

Loan subsidies in the form of principal forgiveness will be offered to borrowers based on a system’s MHI as outlined in the current Intended Use Plan. Please contact the KIA if you have questions regarding principal forgiveness eligibility. Principal forgiveness will show up as a credit on the loan amortization schedule after the final draw request has been made and upon receipt of all closeout documentation.

### WHO IS ELIGIBLE?

An eligible borrower must be a public water or wastewater system that is also a governmental agency:

- Municipal corporations
- Cities
- Agencies
- Commissions
- Authorities

## Loan Servicing Fees

An administration fee is charged to recover the administrative expenses incurred over the life of the loan. The fee is calculated on the current outstanding balance of the loan and will be charged as a part of each semi-annual loan payment. The fee is 0.25 percent for drinking water projects and 0.20 percent for clean water projects.

A Replacement Reserve requirement is built into all loan approvals and equals 5 percent of the loan amount, funded over 20 years and held for the life of the loan. This is an annual amount the system is responsible for and required to set aside to cover the cost of any repairs needed to the project being financed over the life of the loan.

## General SRF Loan Requirements

- Participants must design, permit, bid and close financings by a schedule provided by the SRF loan program
- All projects must undergo an environmental review
- Federal Davis-Bacon Wage Rates (prevailing wage laws) apply
- Disadvantaged Business Enterprise (DBE) rules apply
- American Iron and Steel rules apply
- Monthly progress reports are required
- Annual audit submissions are required throughout the life of the loan



### American Iron and Steel

The Consolidated Appropriations Act of 2014 (Public Law 113-76) includes an “American Iron and Steel (AIS)” requirement that requires Drinking Water State Revolving Fund and Clean Water State Revolving Fund assistance recipients to use iron and steel products that are produced in the United States for projects for the construction, alteration, maintenance, or repair of a public water system or treatment works. Additional information can be found at the following webpage:

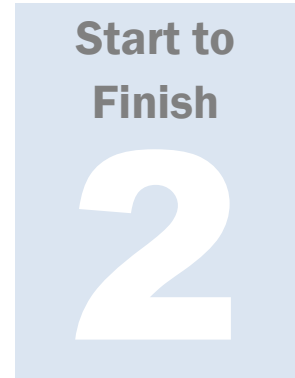
[EPA’s SRF American Iron and Steel Requirement](#)

## Loan Re-payment

- Interest and principal payments are due twice a year- June and December
- Interest payments on the outstanding principal amount commences within six months of first disbursement of funds
- Repayment of principal commences within one year of the initiation of operation of the project



## Start to Finish Overview



## Start to Finish

### Applying for an SRF Loan:

- The SRF Call for Projects runs annually from October through December. During this time, interested SRF borrowers must provide their Area Development District (ADD) Planner with a list of projects that need SRF funding. The ADD Planner creates an electronic Project Profile that will be scored and ranked by the DOW and included in the Project Priority List.
- The DOW creates an initial Project Priority List, finalized by the KIA, to include in the annual Intended Use Plan (IUP), which is released the following spring.
- After the IUP is released, high ranking projects on the Project Priority List are invited to submit a loan application for their projects to the KIA.
- KIA reviews the loan application and financial information and conducts a credit analysis to ensure the applicant can afford the loan.
- Borrowers are invited to attend an “Introductory Meeting” with KIA and DOW staff to go over the next steps in the loan process and create a timetable of events. In an effort to accommodate borrowers, this meeting is now being scheduled the same day the project is taken before the KIA Board for approval, if possible.
- Projects are taken before the KIA board for approval throughout the year.
- Once the KIA Board approves the project loan, it is presented to the Kentucky Capital Projects and Bond Oversight Legislative Committee (CPBOC) for approval.

#### **We've gone green!**

Projects are submitted electronically into the WRIS. In fact, most documents throughout the loan process can be submitted via email. No hard copies necessary!

### Fulfilling SRF Loan Requirements:

- Upon approval from the KIA Board, a Conditional Commitment Letter is issued by the KIA that commits funds to the approved project for a period of 12 months and requires such items as having plans and specifications approved, conducting an environmental review, and bidding the project.

Recommended milestones are as follows:

Within 45-days of Submitting Loan Application	Engineering services need to be procured
Within 6 months of the Conditional Commitment Letter issued by KIA	Plans and specifications and Environmental documents need to be submitted to DOW
Within 9 months of the Conditional Commitment Letter issued by KIA	Borrower needs to advertise for bids
Within 12 months of the Conditional Commitment Letter issued by KIA	<ul style="list-style-type: none"> <li>• Borrower must award contracts</li> <li>• Assistance Agreement Executed</li> </ul>

- Within 14 days of the bid opening, the borrower must submit an Authority to Award (ATA) package to the DOW.
- The DOW approves the ATA package, initiates Assistance Agreement and a Preconstruction Conference is held with the borrower and contractor.
- Borrower submits executed construction contracts to the DOW.
- Borrower submits monthly pay requests with invoices and monthly progress reports to KIA and DOW via the email [kia.srfloans@ky.gov](mailto:kia.srfloans@ky.gov) by the 5<sup>th</sup> of each month to be disbursed within the same month. While some tasks can run concurrently, no money can be disbursed until the Assistance Agreement is executed between the KIA and the borrower.

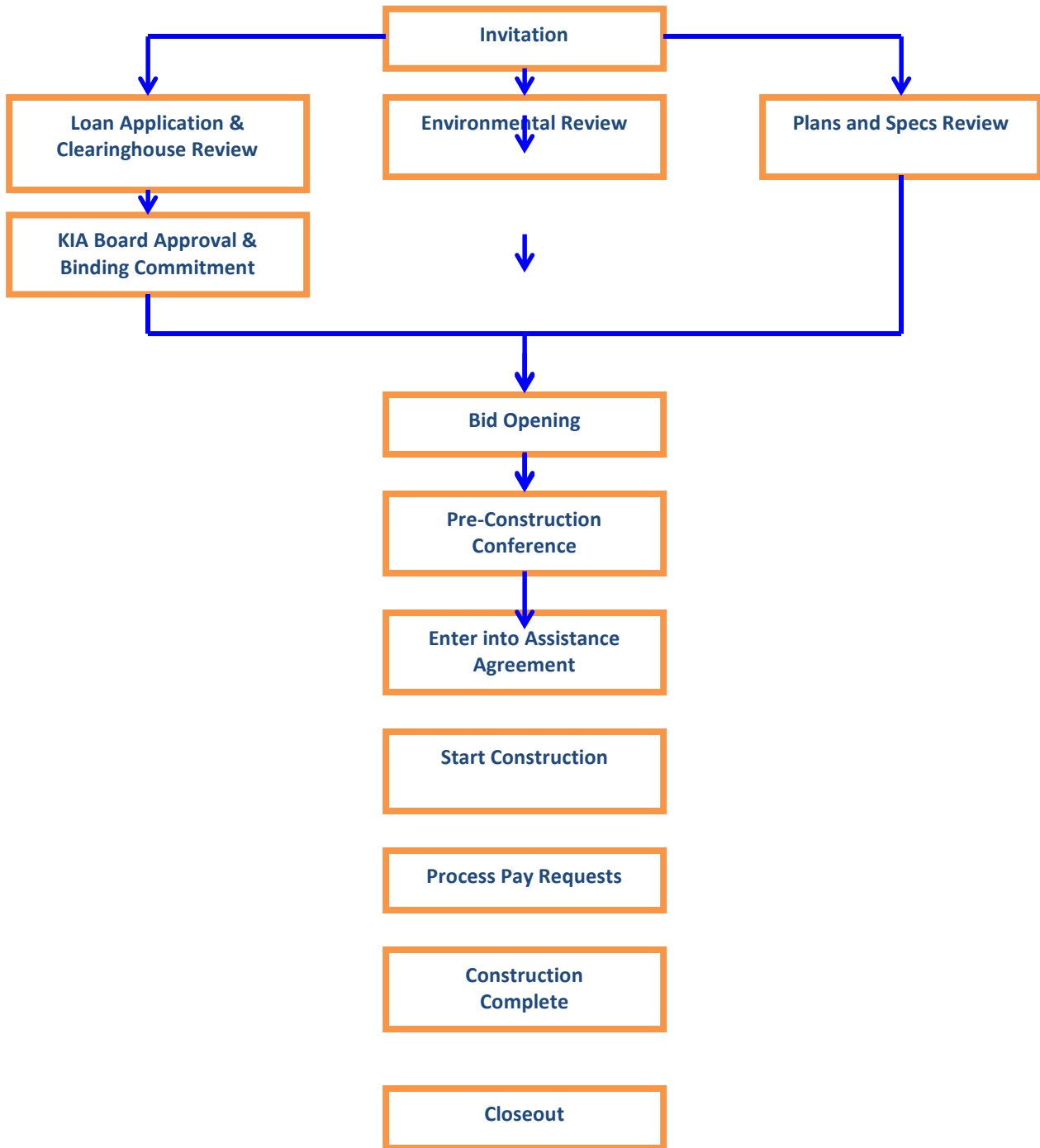
**Note!** Any modifications made to the project contract without prior approval from DOW may not be reimbursed with SRF funds.

- Borrower submits any modifications to the contract to DOW for approval. This includes technical changes, monetary changes, and time changes. Change orders will be issued a Technical Approval until all SRF requirements are met.
- Construction begins.
- During the course of construction, DOW will conduct interim inspections.

**Project Closeout:**

- All closeout items (see Section 7 for complete list of closeout items) must be submitted to the KIA in order to close the loan.
- After the final inspection by DOW, KIA is prompted to close out the loan. An “Exhibit F” to the Assistance Agreement and amortization schedule are prepared by the KIA and sent to the loan recipient. The Exhibit F must be signed and returned to KIA. These documents complete the borrowing cycle by establishing the final loan balance and when repayments will be made.

## SRF Project Flowchart



# **Environmental Review Guidelines**

Environmental  
Review

## 3

## Environmental Review Guidelines for SRF Projects

*Contact:*      *Anshu Singh, KY Division of Water*  
[Anshu.Singh@ky.gov](mailto:Anshu.Singh@ky.gov), (606) 929-5285

*Russell Neal, KY Division of Water*  
[Russell.Neal@ky.gov](mailto:Russell.Neal@ky.gov), (502) 782-7026

*Lori Dials, KY Division of Water*  
[Lori.Dials@ky.gov](mailto:Lori.Dials@ky.gov), (502) 782-6937

The SRF follows a National Environmental Policy Act (NEPA)-like process. The Water Infrastructure Branch environmental reviewer reviews all SRF projects to assure compliance with Kentucky's State Environmental Review Process (SERP) and other environmental laws and regulations, such as the Endangered Species Act, Farmland Protection Policy Act, etc.

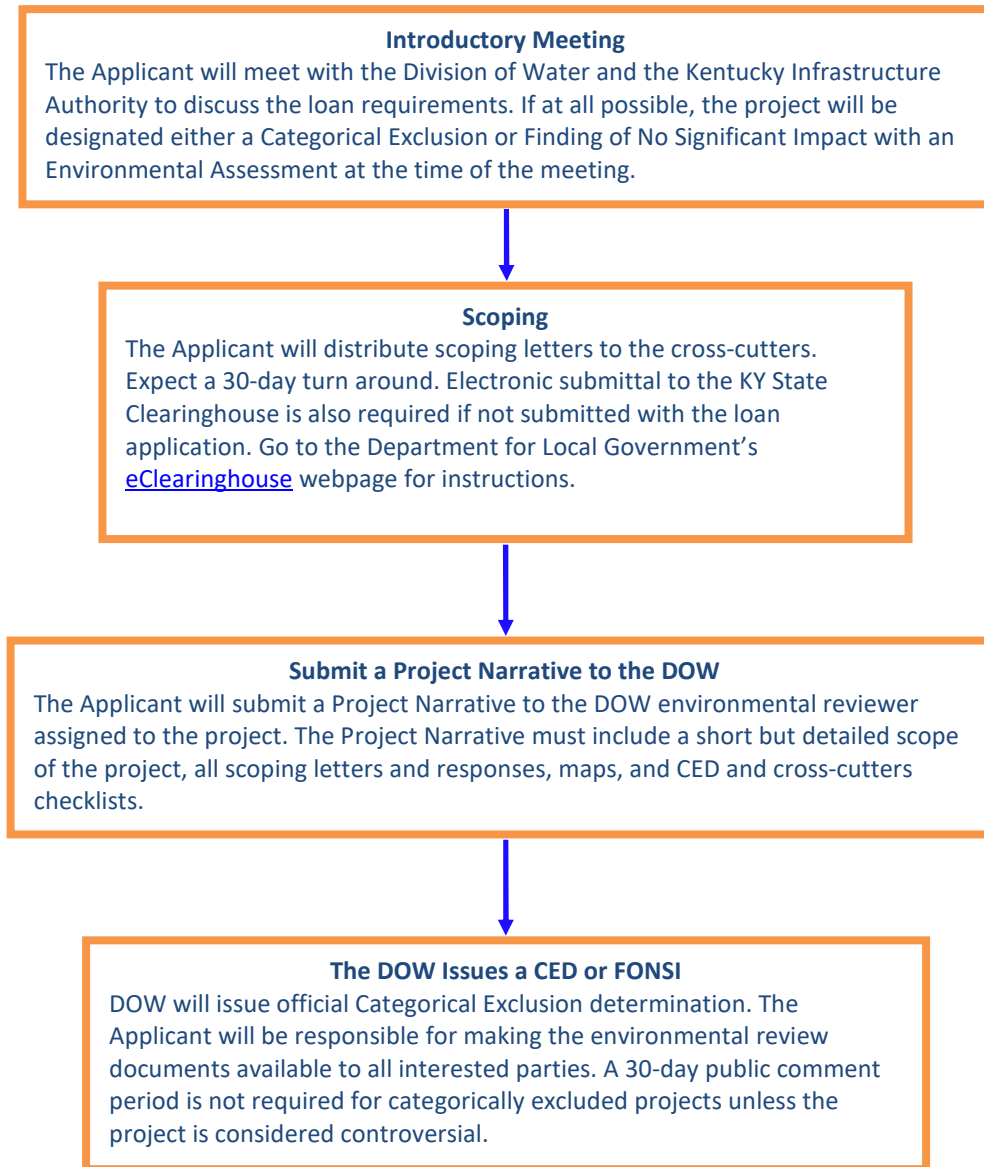
### Note!

The majority of SRF projects will be eligible for a Categorical Exclusion (CE) determination. Therefore, this section will primarily address the CE. If your project is not eligible for a CE, **STOP**. Contact Anshu Singh, Russell Neal, or Lori Dials at the Division of Water for Environmental Assessment guidance.

Categorical Exclusions (CEs) are identified categories of actions which do not have a significant effect on the quality of the environment. The Division of Water determines eligibility for a CE. A list of criteria for a CE is attached. For all projects not eligible for a Categorical Exclusion, an Environmental Information Document (EID) must be completed. An EID describes and evaluates the environmental impacts of the feasible alternatives, including the 'No Action' alternative.

Prior to the preparation of a CE or an EID, the applicant must obtain concurrence for the proposed project from the cross-cutter agencies including: the Kentucky Heritage Council, the US Fish and Wildlife Service, the Natural Resources Conservation Service, and the US Army Corps of Engineers (wetlands, Section 404 permits, dredge and fill, structures placed in navigable waterways.) The cross-cutters checklist (Attachment 3-2) will need to be submitted with the EID.

## Environmental Review Flowchart



### Examples of Criteria for Determining Categorical Exclusions

Eligibility for a CE will be determined by the DOW during the Introductory Meeting with the borrower.

1. Minor rehabilitation of existing facilities including:
  - a) Equipment rehabilitation at existing treatment plants, pumping, or storage facilities (pumping or storage facilities applicable to drinking water (DW) projects only).
  - b) Replacement of existing water or sewer lines constructed:
    - (1) within areas where streets have been established in easements and rights-of-ways, where underground utilities have been installed, where building sites have been excavated, or where such lands have otherwise been disturbed from a natural condition,
    - (2) within the existing system service areas intended to serve existing customers, or
    - (3) within the existing service resulting in no change in existing land use and only modest growth (less than 10% for DW projects, less than 30% for Clean Water (CW) projects).
2. Functional replacement of equipment including equipment replacement or modification at existing treatment plants, pumping, or storage facilities with no significant change in capacity (less than 30% for CW projects).
3. Ancillary facilities adjacent or appurtenant to existing facilities including new water or sewer lines constructed
  - (a) within areas where streets have been established in easements and rights-of-ways, where underground utilities have been installed, where building sites have been excavated, or where such lands have otherwise been disturbed from a natural condition,
  - (b) within ½ mile of the existing distribution or collection system and storage facilities (storage facilities applies to DW projects only),
  - (c) for the purpose of system reliability, or
  - (d) primarily for existing residential or commercial users.
4. Land acquisition that will be an integral part of the treatment process or are necessary for construction.

### Examples of Criteria for excluding from a CE:

1. The action is known or expected to have a significant effect on the quality of the human environment, either individually, cumulatively over time, or in conjunction with other federal, state, local, tribal, or private actions.
2. The action is known or expected to directly or indirectly affect:
  - (a) cultural resource areas such as archaeological and historic sites,
  - (b) endangered or threatened species and their critical habitats,
  - (c) environmentally important natural resource areas such as floodplains, wetlands, important farmlands, or aquifer recharge zones.
3. The action is known or expected not to be cost-effective.
4. The action is known or expected to cause significant public controversy.



5. The average daily design capacity of an existing regional facility is proposed to be expanded by more than 30% (CW projects only).
6. The equivalent population served by an existing regional sewage collection system is proposed to be expanded by more than 30% of the existing population served (CW projects only).
7. Project involves new or relocated discharges to surface or ground water (CW projects only).
8. Project results in substantial increases in the volume of discharge or the loadings of pollutant to the receiving water (CW projects only).
9. If the borrower enters into a Memorandum of Agreement (MOA) with a cross-cutter agency or agencies a full Environmental Assessment, complete with a public meeting and 30-day public comment period will be required.

## Categorical Exclusion Project Narrative Guidelines

In order for the Division of Water Environmental Reviewer to prepare the official Categorical Exclusion Determination, a brief Project Narrative document must be submitted, outlining the details of the proposed project. The Project Narrative must include the following:

- A brief but detailed scope of the project
- Total project cost and a list of the funding sources
- Need for the project
- Maps
- All scoping letters and associated responses
- Categorical Exclusion Determination (CED) Checklist

### Has the scope of work changed?

Remember - the scope of work must be the same in the Project Profile, Loan Application, and this Project Narrative. Any changes along the way must be updated in all three areas and associated mapping.

A 30-day public comment is not needed for a Categorical Exclusion qualified project unless the project is considered controversial or has an increased amount of public interest. The DOW may decide a public meeting should be held in the best interest of the public. The requirements for a public meeting and public notice are the same as if the project requires an EID.

### Important Note!

If the borrower enters into a Memorandum of Agreement (MOA) with a cross-cutter agency or agencies a full Environmental Assessment, complete with a public meeting and 30-day public comment period will be required.

## Environmental Information Document Guidelines

For all projects that are not eligible for a CE, each applicant must complete an Environmental Information Document (EID) as outlined in the SERP. A suggested outline with descriptions is included in this document. An EID describes and evaluates the environmental impacts of the feasible alternatives, including the 'No Action' alternative. The scope of the EID should be commensurate with the size and significance of the proposed project.

Prior to the preparation of the EID, the applicant should obtain concurrence for the proposed project from the cross-cutters: Kentucky Heritage Council (KHC), US Fish and Wildlife Service (USFWS), US Army Corps of Engineers (USACE), Natural Resource Conservation Service (NRCS), and Kentucky State Clearinghouse.

The EID checklist is included as Attachment 3.4 and below is the list of topics included:

- Proposed Project Description
- Proposed Project Cost and Funding Plan
- Existing Environment of Project Area
- Proposed Project Need
- Existing Wastewater/Drinking Water System
- Alternative Analysis Including the "No Action"
- Environmental Consequences and Mitigation
- Public Participation

Once the EID is received, DOW reviews the EID and makes a determination as to the environmental effects of the proposed project. If the project is found to have no significant effect, then the DOW documents their findings with the preparation of an Environmental Assessment (EA) and prepares a Finding of No Significant Impact (FONSI). The FONSI is then placed on the DOW website for a 30-day public comment period. Completion of the 30-day comment period without significant adverse opposition will complete the environmental review process and an approval will be issued. If the project is found to have significant effects, the applicant will be required to participate in the preparation of an Environmental Impact Statement (EIS).

Public participation should be included in the project planning process culminating in a public meeting or hearing that presents the proposed project to the public and includes discussion of both environmental and financial impacts. A newspaper tear sheet and affidavit, meeting minutes, and a list of interested parties in attendance should be submitted as record of the meeting. A template of the public meeting notice is provided as Attachment 3.5.

The Project Narrative and the EID should be submitted to Municipal Planning Section, Water Infrastructure Branch of the Division of Water, 300 Sower Boulevard, 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601, (502) 564-3410, or electronically through the eForm submittal process at the following webpage: [Kentucky One Stop Business Portal](#). Please contact Russell Neal or Lori Dials for questions concerning the submittal process.

## Cross-Cutters General Contact Information

*The following agencies must be provided with an accurate description of the proposed project along with a map, and given the opportunity to provide comments and recommendations, in order to comply with the associated federal Acts. This is a mandatory component of the environmental review process.*

### Kentucky State Clearinghouse

The e-Clearinghouse review will encompass comments from environmental authorities over the following policies and Acts:

- Archaeological and Historic Preservation Act of 1974 (PL 86-523, as amended)
- Clean Air Act (PL 84-159, as amended)
- Floodplain Management, Executive Order 11988, as amended by 12148
- National Historic Preservation Act of 1966 (PL 89-665, as amended)
- Wild and Scenic Rivers Act (PL 90-542, as amended)
- State Wild Rivers and Outstanding Resource Waters
- State Water Withdrawal Permits
- Kentucky Pollutant Discharge Elimination System
- KY Fish and Wildlife (NOT the same as U.S. Fish and Wildlife Service)
- Department of Transportation

Go to the Department for Local Government’s [eClearinghouse](#) webpage for instructions on how to submit a project to the Clearinghouse or contact:

Ms. Lee Nalley, Administrative Specialist  
 100 Airport Road, 3<sup>rd</sup> Floor  
 Frankfort, KY 40601; (502) 892-3462

### Kentucky Heritage Council/State Historic Preservation Office

- National Historic Preservation Act of 1966 (PL 89-665, as amended)

Go to the [Site Protection Program](#) webpage to download the instructions and forms for the Section 106 Review and Compliance submittal or contact:

Mr. Nick Laracuente, Site Protection Program Manager  
 The Barstow House  
 410 High Street  
 Frankfort KY 40601; (502) 892-3614

<b>COMMENTS REQUIRED FROM:</b>
• Clearinghouse
• USFWS
• NRCS
• USACE
• KHC/SHPO

### **U.S. Fish and Wildlife Service (USFWS)**

- Endangered Species Act (PL 93-205, as amended)
- Fish and Wildlife Coordination Act (PL 85-624, as amended)

Kentucky has a field office located in Frankfort. Send requests for comments to:

Mr. Virgil Lee Andrews, Jr., Field Office Supervisor  
U.S. Department of the Interior, Fish and Wildlife Service  
J.C. Watts Federal Building  
330 West Broadway, Suite 265  
Frankfort, KY 40601; (502) 695-0468

Go to the [U.S. Fish and Wildlife Service](#) webpage, click on “Offices” for information on regional office locations, contacts, etc. For projects near Kentucky’s borders with other states, the USFWS field offices for the adjoining state must also be contacted. Projects as far as 10 miles from the border could be considered “near” due to species such as the Indiana bat.

### **U.S. Natural Resources Conservation Service (NRCS)**

- Farmland Protection Policy Act (PL 97-98)

For district office addresses, go to their [Service Center Locator](#) webpage. Click on the appropriate state and county for contact information.

### **U.S. Corps of Engineers (USACE)**

The Division of Water, Water Quality Section, must be solicited for comments for projects that will affect a “jurisdictional body of water”, including wetlands. The USACE may be contacted simultaneously. In the case of stream crossings, comments are not necessary if directional boring practices are used.

### **Kentucky Division of Water**

If your project involves one or more of the following activities, you may need more than one permit from the Kentucky DOW:

- Building in a floodplain
- Road culvert in a stream
- Streambank stabilization
- Stream cleanout
- Utility line crossing a stream
- An acre or more construction site

KPDES Storm Water Permit required if the project will disturb one acre or more of land, or is part of a larger common plan of development or sale that will ultimately disturb one acre or more of land. This permit requires the creation of an erosion control plan. Go to the [Wastewater Discharge Permits](#) webpage or contact:

Amy Van Horne, [Amy.VanHorne@ky.gov](mailto:Amy.VanHorne@ky.gov) or (502) 782-7118)

Stream Construction Permit required if the project involves filling in the floodplain. Go to the [Floodplain Permits](#) webpage or contact:

*Contact: Ron Dutta, [Ramendra.Dutta@ky.gov](mailto:Ramendra.Dutta@ky.gov) or (502) 782-6941*

Stream Construction Permit and Water Quality Certification required if project involves work **IN** a stream, such as bank stabilization, road culverts, utility line crossings, and stream alteration. Go to the [401 Water Quality Certification](#) webpage or contact:

*Contact: Beth Harrod, [beth.harrod@ky.gov](mailto:beth.harrod@ky.gov) or (502) 782-6700*

## SAMPLE: CROSS-CUTTER SCOPING LETTER

[DATE]

Mr. Virgil Lee Andrews, Jr., Field Office Supervisor  
U.S. Department of the Interior  
Fish and Wildlife Service  
J.C. Watts Federal Building  
330 West Broadway, Suite 265  
Frankfort, KY 40601

RE: [PROJECT TITLE]

Dear Mr. Andrews:

As part of the environmental review requirements pursuant to the State Environmental Review Process for the Kentucky Division of Water, [DRINKING WATER OR CLEAN WATER] State Revolving Fund, low-interest loan program, please review and comment on the proposed project. The [APPLICANT'S NAME] is planning to [BRIEF PROJECT DESCRIPTION]. The attached map shows the location of the proposed project.

Please advise of any present concerns your office may have related to possible effects of the abovementioned project on threatened or endangered species or critical wildlife habitat. We would appreciate a response within 30 days, if possible. If you need any further information or wish to discuss the project, please contact me at [PHONE NUMBER AND/OR EMAIL ADDRESS].

Sincerely,

[SIGNATURE]

Enclosure: Map


### Categorical Exclusion Determination Checklist Water and Wastewater State Revolving Fund

water  
wastewater

Applicant Name  **Is this a water or wastewater project?**

Project Name

Loan Number

WRIS Number WX  

Categorical Exclusions (CE) are identified categories of actions which do not individually, cumulatively over time, or in conjunction with other Federal, State, local or private actions have a significant effect on the quality of the human environment. Projects eligible for a CE are usually minor and/or involve existing infrastructure.

GENERAL WASTEWATER CE CATEGORIES	GENERAL DRINKING WATER CE CATEGORIES
<p><input type="checkbox"/> <b>Project is for a minor upgrade or expansion of system capacity.</b> &lt;30% increase in capacity</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Minor extensions of sanitary sewers or force mains within ±½ mile of the existing system to serve existing development</li> <li><input type="checkbox"/> Stormwater detention pond</li> <li><input type="checkbox"/> Retention pond cleaning &amp; dredging</li> <li><input type="checkbox"/> Minor storage increase</li> <li><input type="checkbox"/> Culvert upgrades</li> <li><input type="checkbox"/> Other</li> </ul>	<p><input type="checkbox"/> <b>Project is for functional replacement or modification of existing equipment.</b> &lt;10% increase in capacity</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Project is for rehabilitation of existing facilities.</b></li> <li><input type="checkbox"/> <b>Project is for replacement of existing water lines.</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Within easements and rights-of-way</li> <li><input type="checkbox"/> Within service area to existing customers</li> <li><input type="checkbox"/> Within service area &amp; no change to land use</li> <li><input type="checkbox"/> Other</li> </ul> </li> </ul>
<p><input type="checkbox"/> <b>Project is for rehabilitation of existing facilities.</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> I/I correction</li> <li><input type="checkbox"/> Equipment rehab. or replacement</li> <li><input type="checkbox"/> Stormwater culvert rehab. or repair</li> <li><input type="checkbox"/> Rip-rap or other flow disipation structure renewal</li> <li><input type="checkbox"/> Storm sewer to grass swale conversion</li> <li><input type="checkbox"/> Other</li> </ul>	<p><b>Project is for ancillary facilities adjacent to or on the same property as existing facilities.</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Within easements and rights-of-way</li> <li><input type="checkbox"/> Within ±½ mile of existing distribution system</li> <li><input type="checkbox"/> For system reliability</li> <li><input type="checkbox"/> For existing residential or commercial users</li> <li><input type="checkbox"/> Other</li> </ul>
<p><input type="checkbox"/> <b>Project is for new minor ancillary facilities adjacent to or on the same property as existing</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> New facilities/equipment for sludge handling</li> <li><input type="checkbox"/> New facilities/equipment for odor control</li> <li><input type="checkbox"/> New facilities/equipment for screening</li> <li><input type="checkbox"/> New facilities/equipment for flow equalization</li> <li><input type="checkbox"/> New facilities/equipment for disinfection</li> <li><input type="checkbox"/> New facilities/equipment for laboratory</li> <li><input type="checkbox"/> Sedimentation basins for stormwater</li> <li><input type="checkbox"/> Infiltration trenches for stormwater</li> <li><input type="checkbox"/> Detention pond for stormwater</li> <li><input type="checkbox"/> Oil or grit separators for stormwater</li> <li><input type="checkbox"/> Other</li> </ul>	<p><b>Project is for new minor ancillary facilities adjacent to or on the same property as existing</b></p> <p><input type="checkbox"/> <b>Project is for land acquisition for source water protection.</b></p>
<p><input type="checkbox"/> <b>Project is only for replacement of existing onsite systems with new onsite systems in unsewered communities.</b></p>	

Place an "X" in all boxes that apply.

Place an "X" in all boxes that apply.

DO ANY OF THE FOLLOWING FACTORS APPLY?	DO ANY OF THE FOLLOWING FACTORS APPLY?
<input type="checkbox"/> New or relocated discharges to surface or groundwater.	<input type="checkbox"/> The project will, or is expected to, have a significant adverse effect on:
<input type="checkbox"/> Substantial increases in volume or loadings to the receiving stream.	<input type="checkbox"/> Quality of the human environment, individually or cumulatively.
<input type="checkbox"/> Serving an increase in population >30% of the existing population.	<input type="checkbox"/> Any community including minority, low-income, and Federally-recognized Indian tribe.
<input type="checkbox"/> Conflicts with State or regional growth plan or strategy.	<input type="checkbox"/> Federally listed threatened or endangered species.
<input type="checkbox"/> Relates to upgrading or extending infrastructure for the purposes of future development.	<input type="checkbox"/> National natural landmarks.
<input type="checkbox"/> The project will, or is expected to, have a significant adverse effect on:	<input type="checkbox"/> Nationally significant historic, architectural, prehistoric, archaeological, or cultural sites.
<input type="checkbox"/> Quality of the human environment, individually or cumulatively.	<input type="checkbox"/> Property listed on the National Register of Historic Places.
<input type="checkbox"/> Any community including minority, low-income, and Federally-recognized Indian tribe.	<input type="checkbox"/> Wetlands.
<input type="checkbox"/> Federally listed threatened or endangered species.	<input type="checkbox"/> Floodplains.
<input type="checkbox"/> National natural landmarks.	<input type="checkbox"/> Significant agricultural lands.
<input type="checkbox"/> Nationally significant historic, architectural, prehistoric, archaeological, or cultural sites.	<input type="checkbox"/> Aquifer recharge zones.
<input type="checkbox"/> Property listed on the National Register of Historic Places.	<input type="checkbox"/> Coastal zones.
<input type="checkbox"/> Wetlands.	<input type="checkbox"/> Barrier islands.
<input type="checkbox"/> Floodplains.	<input type="checkbox"/> Wild and Scenic Rivers.
<input type="checkbox"/> Significant agricultural lands.	<input type="checkbox"/> Significant fish and/or wildlife habitats.
<input type="checkbox"/> Aquifer recharge zones.	<input type="checkbox"/> Air Quality.
<input type="checkbox"/> Coastal zones.	<input type="checkbox"/> Land use.
<input type="checkbox"/> Barrier islands.	<input type="checkbox"/> Growth or distribution of population.
<input type="checkbox"/> Wild and Scenic Rivers.	<input type="checkbox"/> The project will, or is expected to, cause significant public controversy.
<input type="checkbox"/> Significant fish and/or wildlife habitats.	<input type="checkbox"/> The project will, or is expected to, be associated with financial assistance for a project known to have significant environmental impacts.
<input type="checkbox"/> Air Quality.	<input type="checkbox"/> The project will, or is expected to, conflict with Federal, State, or local government environmental resource protection or land use
<input type="checkbox"/> Land use.	
<input type="checkbox"/> Growth or distribution of population.	
<input type="checkbox"/> The project will, or is expected to, cause significant public controversy.	
<input type="checkbox"/> The project will, or is expected to, be associated with financial assistance for a project known to have significant environmental impacts.	
<input type="checkbox"/> The project will, or is expected to, conflict with Federal, State, or local government environmental resource protection or land use	
<b>WHICH GENERAL CATEGORY APPLIES?</b>	<b>WHICH GENERAL CATEGORY APPLIES?</b>
Description <input style="width: 600px; height: 20px;" type="text"/>	Description <input style="width: 600px; height: 20px;" type="text"/>

Place an "X" in all boxes that apply.

Place an "X" in all boxes that apply.



# Statutory Cross-Cutters Checklist

Federal Laws and Authorities listed at 40 CFR 6.3

Project Name \_\_\_\_\_

SRF No. \_\_\_\_\_

Area of Statutory or Regulatory Compliance	Not Applicable to this Project	Consultation Required*	Review Required*	Permits Required*	Determination of Consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Provide compliance documentation (attach additional material if needed)
Historic Properties							
Floodplain Management							
Wetlands Protection							
Interbasin Water Transfer							
Water Quality – Aquifers							
Endangered Species							
Wild and Scenic Rivers							
Air Quality							
Farmlands Protection							
Environmental Justice							

**Statutory Cross-Cutters Checklist (continued)**

Project Name \_\_\_\_\_ SRF No. \_\_\_\_\_

Summary of Findings and Conclusions:

Project Modifications and Alternatives Considered:

Additional Studies Performed (Attach Study or Summary):

Mitigation Measures Needed:

Prepared By: \_\_\_\_\_ Title: \_\_\_\_\_

Project \_\_\_\_\_

Components of an Environmental Information Document		Page
Proposed Project	Project description including major components	
	Owner	
	Location and area description	
	Affected utilities	
	Population/customers	
	Map (topographic) illustrating location and affected utilities	
Costs	Project cost	
	Funding source(s) and amounts	
	User rates based on 4,000 gal/month	
Existing Environment	Description of surface waters and their quality is needed in every case with specific reference to any wild and scenic rivers and any impaired surface waters in the project area, watershed name and hydrologic unit code. Identify any public health problems related to poor water quality	
	Existing and potential groundwater quality problems	
	Special or sensitive environmental areas such as wetlands, floodplains, or drinking water sources	
	Threatened or endangered species as set forth in Endangered Species Act, Pub. L 93-205, as amended	
	Suitability of soils and topography for on-site sewage disposal systems that might be affected by the introduction of potable water service	
	Local ambient air quality	
	Important farmlands, as set forth in the Farmland Protection Policy Act (7 U.S.C. §§ 4201 to 4209)	
	Cultural resource areas, as set forth in the National Historic Preservation Act (16 U.S.C. §§ 470 to 470x-6) and the Archeological and Historic Preservation Act (16 U.S.C. §§ 469)	
	Environmental justice concerns, as set forth in Executive Order 12898. Briefly describe any minority and/or low-income populations which exist within the overall planning area or which may otherwise be impacted by the projects. If these areas would be affected by an alternative under consideration, more detail should be provided	
	Special or sensitive environmental areas such as wetlands; areas of recognized scenic or recreational value; floodplains; and parkland or other public lands	

Components of an Environmental Information Document		Page
Existing Water System	This section should include a description of the existing treatment and distribution system, water demand (average and peak), surface water sources including intake locations and permitted and actual withdrawal, groundwater sources, location of wells and well fields, water storage, raw water characteristics, residual and backwash disposal and the service area. This section should also include a general description of the wastewater collection and treatment system for the planning area. Describe existing collection, transport, treatment and sludge facilities. The service area(s) of these facilities should be described briefly and shown on an attached figure. Include the condition of the facilities, especially as it affects alternative selection.	
Existing Wastewater System	<p>A general description of the existing wastewater collection and treatment system. The service areas of these systems should be described briefly and shown on attached maps. The description shall include the existing facilities' physical condition, hydraulic and organic design capacities, characteristics of wastewater, ability to meet permit limits, method of sludge handling and disposal, existing flows including average and peak flows, operation and maintenance problems, current compliance status and applicable permit limits, and permit number. A discussion of inflow and infiltration problems and their impact on water quality and public health. A description of any type of state or federal enforcement actions that may exist against any WWTP owned or operated by the applicant within the project area.</p> <p>Where septic tanks are prevalent in all or part of the service planning area, their performance should be described. Explain any problems and provide details about the location and severity of the problems in relation to the proposed project. Also include existing system performance for all facilities.</p>	
Need for Proposed Project	The need for the project and its importance to social and economic development in the area should be presented; emphasizing existing public health or water quality problems (problems typically include water quality violations or problems, documented public health hazards, existing facility overload, insufficient capacity for projected demand, failing groundwater wells, and insufficient pressure). Other special situations may justify proposed facilities and should be included.	
	Include the planning period for the project. The planning period should justify the capacity of the system with its projected population. Population projections should be based on U.S. Census projections or some recognized source of demographic data.	

Components of an Environmental Information Document		Page
Alternative Analysis	All alternatives analyzed should be described. The development of alternatives should include the no-action alternative, optimum utilization of existing facilities including flow reduction and water conservation, and new construction alternatives. An explanation should be given for rejecting or selecting alternatives. The explanation should include cost comparisons, including present worth or equivalent annual cost comparisons; reliability of the alternatives; complexity of the alternatives; significant environmental effects; and legal or institutional constraints. Identify which reasonable alternative was selected and state the reasons why this alternative was chosen.	
	No Action	
	Alternatives	
	Selected Alternative	
Environmental Consequences and Mitigation	This section should describe and document the environmental effects of the selected alternative. Address the direct, indirect, and cumulative impacts for each aspect. This section should also describe anticipated impacts on the environment and measures proposed to mitigate those adverse impacts. Discuss any recommendations from the crosscutting agencies that implement environmental laws and include agency approval letters in an appendix to the EID. All correspondence, including attachments submitted to and from the crosscutting agencies concerning the proposed project, must be submitted as part of the EID. The documentation must include evidence that the agencies generating the comments are satisfied with the applicant's responses and/or commitment to mitigation measures.	
	Kentucky Clearinghouse	
	US Fish and Wildlife Service	
	US Corps of Engineers	
	Natural Resources Conservation Service	
	Kentucky Department for Fish and Wildlife	

Components of an Environmental Information Document		Page
Public Participation	<p><b>Public Notice:</b> All public notices shall contain the following information:</p> <ul style="list-style-type: none"> <li>• The name and address of the applicant and the entity that drafted the EID</li> <li>• A brief description of the proposed project and the area the project will serve</li> <li>• The name, address, and telephone number of persons from whom interested parties may obtain information</li> <li>• A brief description of how the public may comment</li> <li>• The date, time, and place of the meeting</li> <li>• A brief description of the nature and purpose of the meeting</li> </ul>	
	<p><b>Public Comment:</b> The public shall be given an opportunity to comment on the EID and the period for comment shall remain open for thirty (30) days from the date of the first publication of the notice of the public meeting or until the termination of the meeting, whichever is later.</p> <ul style="list-style-type: none"> <li>• The public may request longer comment periods, which may be granted by the applicant at its discretion.</li> <li>• Any person may submit comments or oral statements and data to the applicant, who may set reasonable limits upon the time, allotted for oral statements and may require that statements be submitted in writing.</li> </ul> <p>All persons who believe that any condition of the EID is inappropriate, inaccurate, incomplete, or otherwise not in the best interest of the public and the environment, shall raise all reasonably ascertainable issues and submit all reasonably available arguments and factual background supporting their position, including all supporting materials to the applicant by the close of the public comment period.</p>	
	<p><b>Public Meeting:</b> The public meeting shall include the following discussions:</p> <ul style="list-style-type: none"> <li>• Scope of the project</li> <li>• Project cost</li> <li>• Alternatives that were considered during planning</li> <li>• Estimated user charges</li> <li>• Estimated hook-up fees</li> <li>• Any required mitigation</li> </ul> <p>The applicant shall submit as part of the EID a copy of the advertisement for the public meeting, a copy of the minutes of the meeting, and any written comments and responses. In addition, the EID shall include a list of all sources consulted for information and/or concurrence. The Kentucky State eClearinghouse shall be one of the entities consulted.</p>	

## SAMPLE: PUBLIC MEETING NOTICE TEMPLATE

(Application Review and Environmental Concerns)

The [APPLICANT'S NAME] has applied to the Kentucky Infrastructure Authority for a low interest loan from the [DRINKING WATER OR CLEAN WATER] State Revolving Fund, funded in part by a grant to Kentucky from the US Environmental Protection Agency (USEPA). The project is as follows: [BRIEF PROJECT DESCRIPTION].

The [APPLICANT'S NAME] will hold a public meeting on [DAY OF WEEK, MONTH, DAY, YEAR] at [TIME] at the [LOCATION]. **The purpose of this meeting is to allow the public to review and comment on the proposed activities, potential impacts, and project alternatives.** Any relevant documents will be on file at [APPLICANT'S ADDRESS] for citizen's review during regular business hours.

### Note!

This is only a suggested format; adjust font and spacing as needed to minimize printing costs.

# Plans and Specifications Guidelines



## Plans & Specs Review

# 4

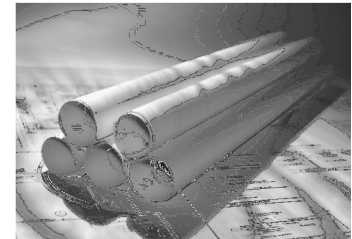
## Technical Plans and Specifications Review

**Contact:** Terry Humphries, KY Division of Water  
[Terry.Humphries@ky.gov](mailto:Terry.Humphries@ky.gov), (502) 782-6983

This section will cover the plans and specifications requirements for a SRF funded project.

**The following items are to be submitted to the DOW, Engineering Section:**

- Plans and Specifications (2 copies)
- Completed Construction Application
- Letter of Acceptance from the utility
- Engineering calculations
- Customer list with addresses of new customers (DW projects only)
- Completed SRF Plans & Specifications Checklist
- Cost & Effectiveness Analysis Self Certification (CWSRF Only)
- Fiscal Sustainability Plan Self Certification (CWSRF Only)
- Clear site certificates (need prior to start of construction)
- Floodplain release (if applicable)
- United States Army Corps of Engineers permit (if applicable)



### Which Construction Application Should You Use?

The DOW has five construction applications for projects:

1. Construction Application for Drinking Water Distribution (Form DW-1)
2. Construction Application for Drinking Water Treatment (Form DW-2)
3. Construction Application for Small Groundwater and Semi-Public Systems (Form DW-3)
4. Construction Application for Wastewater Collection (Form S-1)
5. Construction Application for Wastewater Treatment (Form W-1)

### Important!

Be sure to use the appropriate construction application when submitting your plans and specs to the DOW. **And don't forget to identify the project as SRF funded!**

**IMPORTANT**

- Don't use an old application
- Attach SRF Checklist
- Make sure project title on Construction Application matches title on Loan Application

All DOW permits, applications, SRF Checklist, and SRF Supplemental General Conditions are located on our website, on the [Permits and Certifications](#) webpage.

**Applications may be submitted electronically at the [Kentucky One Stop Business Portal](#) webpage using the “Water Infrastructure Branch Engineering Section Electronic Submittal” Form.**

**Note!**

- Provide detailed information pertaining to total number of contracts and their names to DOW Project Administrator.
- Until Final Environmental Clearance has been issued by the DOW, the borrower is not authorized to bid the project. A “Technical Approval” may be issued by the DOW in the interim. A “Bid Authorization Approval” will be issued by the DOW upon satisfactory review of the plans and specs, and complete environmental review. DOW may hold the technical approval to issue along with the “Bid Authorization Approval” depending on timing.
- DOW is NOT involved with “Fund B” and “Fund C” projects and will not require anything from DOW other than a technical approval (if applicable).

## Bid Advertisement

### Advertising for Bids

- Borrowers are expected to follow Kentucky Revised Statutes (KRS), Title VI Chapter 45A Kentucky Model Procurement Code for all SRF projects.
- The bid advertisement must run for no less than 7 days and no more than 21 days in the newspaper of largest circulation in the area that the project is being constructed.
- See sample bid advertisement (Attachment 4-2).

## DOW Engineering Staff Contacts

Terry Humphries, P.E., Supervisor  
(502) 782-6983  
[Terry.Humphries@ky.gov](mailto:Terry.Humphries@ky.gov)

Daniel Kulik, P.E.  
(502) 782-6998  
[Daniel.Kulik@ky.gov](mailto:Daniel.Kulik@ky.gov)

Michael Snyder  
(502) 782-1235  
[Michael.Snyder@ky.gov](mailto:Michael.Snyder@ky.gov)

Mark Rasche, P.E.  
(502) 782-6162  
[Mark.Rasche@ky.gov](mailto:Mark.Rasche@ky.gov)

Mohammad Mohiuddin  
(502) 782-7020  
[Mohammad.Mohiuddin@ky.gov](mailto:Mohammad.Mohiuddin@ky.gov)

Mollye Malone  
(502) 782-0148  
[Mollye.Malone@ky.gov](mailto:Mollye.Malone@ky.gov)

**KENTUCKY FEDERALLY ASSISTED  
DRINKING WATER AND CLEAN WATER STATE REVOLVING FUND  
PLANS AND SPECIFICATIONS REVIEW CHECKLIST**

Loan Recipient: \_\_\_\_\_

Loan No.: \_\_\_\_\_

Contract ID (Name and #): \_\_\_\_\_

Name: \_\_\_\_\_

Design Firm: \_\_\_\_\_

The information provided is accurate for the above referenced contract to the best of my knowledge and belief.

Design Engineer: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please submit three copies of the plans and specifications with the other required construction permit forms and documents to the Division of Water. All plans and specifications must be prepared, sealed, signed and dated by a Professional Engineer licensed to practice in the state of Kentucky.

**Note!**

When the project is advertised a copy of the advertisement must be submitted to the Division of Water immediately.

**Questions marked with (DOW) are to be completed by the Division of Water (DOW) Review Engineer.**

I have reviewed the information provided by the design engineer, verified the accuracy, and completed the **(DOW)** questions.

**(DOW)** Review Engineer: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Does the eligible portion include:**

*These questions are for ALL projects*

<u>Yes</u>	<u>No</u>	<u>N/A</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Demolition: Is it limited to that required for new construction?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replacement of existing utilities: Is no "betterment" proposed?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Paving: Is it limited to the trench width and cutbacks?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Standby generators: Has justification been provided?

*These questions are for CW Projects only*

<u>Yes</u>	<u>No</u>	<u>N/A</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Collector sewers: Is more than 50% of the expected flow from a community constructed prior to October 18, 1972?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property service lines: Are they limited to the "Tee or Wye" and the service line needed to reach the property line and owned by the utility?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sewer cleaning machines: Has justification been provided?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sewer line inspection television equipment: Has justification been provided?

**The following items are considered ineligible for SRF projects. Are any of these included in the specifications?**

*These questions are for ALL projects*

<u>Yes</u>	<u>No</u>	<u>N/A</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bonus payments?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Immediately available hand tools?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mowers, snow blowers, trimmers?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replacement of facilities previously funded by EPA or SRF, which are still within the useful life unless EPA or SRF has approved abandonment?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Redundant facilities (unless required by state or federal reliability requirements)?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Routine maintenance items (oil, grease, filters, etc.)?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Utility vehicles/golf carts?

List all SRF loan ineligible items in the project:

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**General**

*These questions are for ALL projects*

<u>Yes</u>	<u>No</u>	<u>N/A</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1a. Are permits to construct required from other Federal or State Agencies? If yes, indicate which Agencies.
<hr/>			
<hr/>			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1b. Have the required permits been issued? Provide the DOW with copies.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1c. Have the required permits been applied for?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. If the project includes work that will cumulatively disturb more than 200 linear feet of a blue line stream as shown on a USGS 7.5-min. topographic map, has an application for 401 Certification been submitted to the DOW Water Quality Section?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. If the project involves construction within a floodplain, including stream crossings, has an application for the appropriate permits been submitted to the DOW Floodplain Management Section?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. If the loan recipient has requested to buy equipment and be exempt from sales tax, are the specifications written to accommodate this?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Have all required easements been obtained? NOTE: Clear Site Certificate is required before construction starts.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. If this project is a result of a DOW enforcement action, have all mandated construction related activities been addressed in the scope of work for this project? Notify the Division of Enforcement.

*These questions are for DW Projects only*

<u>Yes</u>	<u>No</u>	<u>N/A</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Are electric motors and components above the 100-year flood elevation?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Are buildings protected from the 100-year flood and usable at the 25-year flood level?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Does this project eliminate any existing water treatment plants?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10a. If this proposed project includes a sludge lagoon system has the DOW Groundwater Section been contacted regarding the need for a Groundwater Protection Plan (GWPP)?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10b. Is a GWPP required? Provide copies of correspondence.

*These questions are for **CW** Projects only*

- | <u>Yes</u>               | <u>No</u>                | <u>N/A</u>               |  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 11. Does this design meet the 401 KAR 5:005, Section 13 reliability requirements?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 12. Has the design engineer provided demonstration of how the design meets the reliability requirements? This shall include calculations, which indicate that the permit limits can be met with the largest unit of each process out of service during times of anticipated cleaning and repair. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 13. Does this project eliminate any existing wastewater treatment plants?  |

*These questions are for the **DOW** Review Engineer to answer*

- | <u>Yes</u>               | <u>No</u>                | <u>N/A</u>               |  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 14. Does the DOW review engineer concur with the description of SRF ineligible items?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 15. Are the plans and specifications sealed, signed, and dated by a professional engineer?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 16a. Has the DOW written or issued an Environmental Statement (Environmental Impact Statement (EIS), Categorical Exclusion Document (CED), or a Finding of No Significant Impact (FONSI))? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 16b. Is the scope of the SRF project identified in the plans and specifications consistent with the Environmental Statement?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17. Has a site certificate been received?<br>NOTE: Clear Site Certificate is required before construction starts.  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 18. Does the WWTP discharge to a blue line stream or are easements provided to a blue line stream?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 19. Is the discharge from the WWTP within five miles upstream of a water plant intake?   |



**Clearinghouse Comments**

*These questions are for ALL projects*

<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>The Recipient has:</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1a. Obtained Kentucky Department of Transportation encroachment permits?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1b. Has applied for Kentucky Department of Transportation encroachment permits?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Has assigned a place in the Contract Documents for Wage Determinations for federal wage rates? NOTE: The U.S. Department of Labor must be contacted for Wage Determinations when the Advertising Date is known. Davis-Bacon Wage Determinations may have to be added by Addendum if they change while the project is advertised.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. If state labor laws apply, do specifications indicate overtime pay is required for work in excess of an 8-hour day?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. If sludge is to be disposed of in a landfill, has the landfill operator provided a letter of intent?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. If sludge is to be land-farmed, has Division of Waste Management approved the proposed site? (Note: Submit copy of approval letter.)

*This question is for CW Projects only*

<u>Yes</u>	<u>No</u>	<u>N/A</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. If land farming is proposed, does WWTP include a process to significantly reduce pathogens (PSRP)?

**Proposal**

*These questions are for ALL projects*

<u>Yes</u>	<u>No</u>	<u>N/A</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Have SRF eligible and ineligible items been separated?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. What is the time of completion? _____ days
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. If the contract allows for substitution of equipment, is the method for determining the low bidder clearly indicated?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Has a base bid and any alternatives been specified?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Are there any special conditions on evaluating lump sum contract? Please specify: _____
_____			

**Environmental Considerations**

*These questions are for CW Projects only*

- | <u>Yes</u>               | <u>No</u>                | <u>N/A</u>               |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. If the project includes a proposed WWTP, is it located within 200 feet of any present or future residence? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Have provisions been made to prevent by-passing during construction?                                       |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. If a construction permit is not necessary, has a reason been provided for not needing one?                 |

*These questions is for the DOW Review Engineer to answer*

- | <u>Yes</u>               | <u>No</u>                | <u>N/A</u>               |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. If bypass is proposed, have we coordinated with the DOW Regional Office or EPA Facilities Performance Branch, whichever is applicable?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. If the project includes an increase in WWTP capacity, modifications due to a change in effluent limits, or relocation of the discharge point have both a construction permit application and a KPDES permit application been submitted?<br>NOTE: KPDES permit must be submitted before a construction permit and Authorization to Bid is issued. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 6. Is the reason for not needing a construction permit justified by 401 KAR 5:005?  |

**Specifications and Contract Documents**

<u>Yes</u>	<u>No</u>	<u>N/A</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Have the specifications been prepared in accordance with Section 204 (a) (6) of P.L. 92-500? (Listing of one brand name followed by or equal).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Are bid schedules written to not lead bidders and suppliers to believe that there is only one brand permitted for bidding the project?

**NOTE:** (DOW) column on the left is for DOW Review Engineer verification. Design Engineer must list the sections and page numbers for all items. Not completing these items is a reason for this project to receive a Notice of Deficiency.

**Invitation to Bid or Advertisement**

<b>(DOW)</b>	Section	Page	
<input type="checkbox"/>	_____	_____	1. Time and place of Bid Opening.
<input type="checkbox"/>	_____	_____	2. Where plans and specs may be obtained.
<input type="checkbox"/>	_____	_____	3. Work to be performed.
<input type="checkbox"/>	_____	_____	4. A statement bidders must comply with Title VI of the Civil Rights Act of 1964, the Anti-Kickback Act, and the Contract Work Hours Standard Act.
<input type="checkbox"/>	_____	_____	5. A statement that bidders must comply with the President’s Executive Order No. 11246 as amended, which prohibits discrimination in employment regarding race, creed, color, sex or national origin.
<input type="checkbox"/>	_____	_____	6. This project will be in compliance with Executive Order 11246 (Equal Employment Opportunity) as amended.
<input type="checkbox"/>	_____	_____	7. A statement that the Contractor/Subcontractor will comply with 41 CFR 60-4, in regard to affirmative action, to insure equal opportunity to females and minorities and will apply the time tables and goals set forth in 41 CFR 60-4.
<input type="checkbox"/>	_____	_____	8. A statement that the bidder will make positive efforts to use small, minority, women owned and disadvantaged businesses.
<input type="checkbox"/>	_____	_____	9. A statement that this procurement will be subject to DOW Procurement Guidance including the Davis-Bacon Act.
<input type="checkbox"/>	_____	_____	10. A statement that the contract is being funded in part with a SRF loan.
<input type="checkbox"/>	_____	_____	11. A statement that the award will be made to the lowest, responsive, responsible bidder.

**Instructions to Bidders, General and Special Conditions**

(DOW)	Section	Page	
<input type="checkbox"/>	_____	_____	1. Bid Bond Requirements (5% for Contracts over \$100,000).
<input type="checkbox"/>	_____	_____	2. 100% Performance Bond and 100% Payment Bond for contracts over \$100,000. Single Payment and Performance Bonds may be used for contracts under \$100,000. Performance Bond must be valid for one year beyond date of acceptance of the completed project.
<input type="checkbox"/>	_____	_____	3. Method of Award (to the low responsive, responsible bidder unless all bids are rejected). Refer to 40 CFR 31.36(d). All bids shall not be rejected without proper justification.
<input type="checkbox"/>	_____	_____	4. Basis for determining responsiveness and responsibility of low bidder.
<input type="checkbox"/>	_____	_____	5. Contract Time: _____ days.
<input type="checkbox"/>	_____	_____	6. Liquidated Damages: _____ dollars per day.
<input type="checkbox"/>	_____	_____	7. Criteria that are used to evaluate proposed "equal" products.
<input type="checkbox"/>	_____	_____	8. Workmen's Compensation Insurance.
<input type="checkbox"/>	_____	_____	9. Public Liability Insurance.
<input type="checkbox"/>	_____	_____	10. Fire and extended coverage insurance (Builders Risk).
<input type="checkbox"/>	_____	_____	11. Reasonable care shall be taken during construction to avoid damage to vegetation. Ornamental shrubbery and tree branches shall be temporarily tied back, where appropriate, to minimize damage. Trees that receive damage to branches shall be trimmed of those branches to improve the appearance of the tree. Tree trunks receiving damage from equipment shall be treated with a tree dressing.
<input type="checkbox"/>	_____	_____	12. Compliance with OSHA (P.L. 91-596) and the Contract Work Hours and Safety Standards Act (P.L. 91-54).
<input type="checkbox"/>	_____	_____	13. A statement that change orders to the construction contract must comply with DOW Procurement Guidance for Construction and Equipment Contracts.
<input type="checkbox"/>	_____	_____	14. Does the contract require cost, pricing, and certification for change orders exceeding \$100,000 as required by DOW Procurement Guidance for Construction and Equipment Contracts?
<input type="checkbox"/>	_____	_____	15. Does the contract require that the contractor provide project construction and payment schedules?

(DOW)	Section	Page	
<input type="checkbox"/>	_____	_____	16. Compliance with Title VI of the Civil Rights Act of 1964, the Anti-Kickback Act and the contract Work Hours Standards Act
<input type="checkbox"/>	_____	_____	17. Provisions for timely periodic payments and for limiting retainage (40 CFR 31.36)
<input type="checkbox"/>	_____	_____	18. Provision to obtain a Section 404 permit from the Corps of Engineers, if applicable
<input type="checkbox"/>	_____	_____	19. A statement in regard to minimizing siltation and soil erosion during construction

*This question is for CW Projects only*

<input type="checkbox"/>	_____	_____	20. A statement that no wastewater by-passing will occur during construction unless a schedule has been approved by the State and/or by EPA/NEPA permit if required
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**American Iron and Steel Requirement (AIS)**

*These questions are for ALL projects*

<u>Yes</u>	<u>No</u>	<u>N/A</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Are any of the following included in the project? Please indicate which apply:
			<input type="checkbox"/> Lined or unlined pipes or fittings
			<input type="checkbox"/> Manhole Covers
			<input type="checkbox"/> Municipal Castings (defined in more detail on page 11)*
			<input type="checkbox"/> Hydrants
			<input type="checkbox"/> Tanks
			<input type="checkbox"/> Flanges
			<input type="checkbox"/> Pipe clamps and restraints
			<input type="checkbox"/> Valves (EPA considers only the significant iron and steel components of a covered valve or hydrant – the body, bonnet, shoe, stem, and wedge/disc/gate/ball – to be within the definition of “iron and steel products”)
			<input type="checkbox"/> Structural steel (defined in more detail on page 12) **
			<input type="checkbox"/> Reinforced precast concrete
			<input type="checkbox"/> Construction materials (defined in more on page 12) ***

Yes  No  N/A

2. Will the Iron and Steel components for the items above or for construction, alteration, maintenance or repair of a Public Water System or Treatment Works be manufactured in the United States? *The term "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.*

3. Are any waivers of the American Iron and Steel being requested? (Only EPA can issue waivers to authorize the use of a non-domestic item. If you answered item 1 yes and item 2 no, your project is NOT eligible for SRF funding. Please contact Terry Humphries at the DOW at (502) 782-6983.

4. Contracts must contain the following clause requiring compliance with the AIS requirements provided at the top of page 11. †  
Please indicate page number containing the AIS clause \_\_\_\_\_.

*†The Contractor acknowledges to and for the benefit of the \_\_\_\_\_ ("Purchaser") and the \_\_\_\_\_ (the "State") that it understands the goods and services under this Agreement are being funded with monies made available by the Clean Water State Revolving Fund and/or Drinking Water State Revolving Fund that have statutory requirements commonly known as "American Iron and Steel;" that requires all of the iron and steel products used in the project to be produced in the United States ("American Iron and Steel Requirement") including iron and steel products provided by the Contractor pursuant to this Agreement. The Contractor hereby represents and warrants to and for the benefit of the Purchaser and the State that (a) the Contractor has reviewed and understands the American Iron and Steel Requirement, (b) all of the iron and steel products used in the project will be and/or have been produced in the United States in a manner that complies with the American Iron and Steel Requirement, unless a waiver of the requirement is approved, and (c) the Contractor will provide any further verified information, certification or assurance of compliance with this paragraph, or information necessary to support a waiver of the American Iron and Steel Requirement, as may be requested by the Purchaser or the State. Notwithstanding any other provision of this Agreement, any failure to comply with this paragraph by the Contractor shall permit the Purchaser or State to recover as damages against the Contractor any loss, expense, or cost (including without limitation attorney's fees) incurred by the Purchaser or State resulting from any such failure (including without limitation any impairment or loss of funding, whether in whole or in part, from the State or any damages owed to the State by the Purchaser). While the Contractor has no direct contractual privity with the State, as a lender to the Purchaser for the funding of its project, the Purchaser and the Contractor agree that the State is a third-party beneficiary and neither this paragraph (nor any other provision of this Agreement necessary to give this paragraph force or effect) shall be amended or waived without the prior written consent of the State.*

**\*Municipal castings** are cast iron or steel infrastructure products that are melted and cast. They typically provide access, protection, or housing for components incorporated into utility owned drinking water, storm water, wastewater, and surface infrastructure. They are typically made of grey or ductile iron, or steel. Examples of municipal castings are: Access Hatches; Ballast Screen; Benches (Iron or Steel); Bollards; Cast Bases; Cast Iron Hinged Hatches, Square and Rectangular; Cast Iron Riser Rings; Catch Basin Inlet; Cleanout/Monument Boxes; Construction Covers and Frames; Curb and Corner Guards; Curb Openings; Detectable Warning Plates; Downspout Shoes (Boot, Inlet); Drainage Grates, Frames and Curb Inlets; Inlets; Junction Boxes; Lampposts; Manhole Covers, Rings and Frames, Risers; Meter Boxes; Service Boxes; Steel Hinged Hatches, Square and Rectangular; Steel Riser Rings; Trash receptacles; Tree Grates; Tree Guards; Trench Grates; Valve Boxes, Covers and Risers.

**\*\*Structural steel** is rolled flanged shapes, having at least one dimension of their cross-section three inches or greater, which are used in the construction of bridges, buildings, ships, railroad rolling stock, and for numerous other constructional purposes. Such shapes are designated as wide-flange shapes, standard I-beams, channels, angles, tees and zees. Other shapes include H-piles, sheet piling, tie plates, cross ties, and those for other special purposes.

**\*\*\*Construction materials** are those articles, materials, or supplies made primarily of iron and steel, that are permanently incorporated into the project, not including mechanical and/or electrical components, equipment and systems. Some of these products may overlap with what is also considered “structural steel”. This includes, but is not limited to, the following products: wire rod, bar, angles, concrete reinforcing bar, wire, wire cloth, wire rope and cables, tubing, framing, joists, trusses, fasteners (i.e., nuts and bolts), welding rods, decking, grating, railings, stairs, access ramps, fire escapes, ladders, wall panels, dome structures, roofing, ductwork, surface drains, cable hanging systems, manhole steps, fencing and fence tubing, guardrails, doors, and stationary screens.

*NOTE: Mechanical and electrical components, equipment and systems are not considered construction materials. Mechanical equipment is typically that which has motorized parts and/or is powered by a motor. Electrical equipment is typically any machine powered by electricity and includes components that are part of the electrical distribution system.*

**Fiscal Sustainability & Cost and Effectiveness (CWSRF Only)**

Loan recipients with CWSRF projects with a SRF application submitted on or after October 1, 2014 (Fiscal Sustainability) and/or October 1, 2015 (Cost Effectiveness) are required to develop a Fiscal Sustainability Plan and/or perform a Cost and Effectiveness Analysis for the proposed project. Guidance for these requirements can be found on EPA’s [Water Resources Reform and Development Act Guidance](#) webpage. To demonstrate compliance, the loan recipient is required to submit certification to the DOW that these requirements have been met which can be found at the Division of Water’s [SRF Forms Library](#) webpage.

- | <u>Yes</u>               | <u>No</u>                | <u>N/A</u>               |  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Was the CWSRF loan application submitted after October 1, 2015 (DOW is using the KIA Board date as the submittal date)?<br>If No, when? _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Has a Fiscal Sustainability Plan Self Certification been attached as required?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. Has a Cost & Effectiveness Self Certification been attached as required?  |

**Supplemental General Conditions**

Have the Supplemental General Conditions (August 2019) been included in the specifications?

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If not, has the required wording/information from the referenced attachments been included?

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*These questions are for the **DOW** Review Engineer to answer*

Yes      No      N/A

1. Have the technical specifications been written to assure the maximum competition?
  - a. No unjustified experience clause (over five years, excessive construction for a time period).
  - b. Use of brand name or equal in specifications.
  - c. If manufacturers are listed on the bid schedule, at least three manufacturers should be listed (may ask for manufacturer if manufacturer names are not listed on bid schedule).



**DOW Review Engineer, forward Pages 14, 15, 16, and 17  
and give to SRF & SPAP Section Project Administrator**

Note: The consultant must complete this section for each contract. If not applicable, complete where appropriate and explain.

**AREAS OF WORK – DISADVANTAGED BUSINESS ENTERPRISE**

Loan Recipient: \_\_\_\_\_ Loan No.: \_\_\_\_\_

Project Name: \_\_\_\_\_

Utility: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No: \_\_\_\_\_

Consultant: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Contract No./Type: \_\_\_\_\_ Estimated Bid Date: \_\_\_\_\_

This contract will include the following work:

**General Construction**

	<u>Check if Included</u>	<u>Estimated Cost</u>
Backhoe	<input type="checkbox"/>	\$ _____
Concrete Construction	<input type="checkbox"/>	\$ _____
Concrete Finishers	<input type="checkbox"/>	\$ _____
Demolition	<input type="checkbox"/>	\$ _____
Excavating	<input type="checkbox"/>	\$ _____

	<u>Check if Included</u>	<u>Estimated Cost</u>
General Construction	<input type="checkbox"/>	\$ _____
Material Haulers	<input type="checkbox"/>	\$ _____
Seeding	<input type="checkbox"/>	\$ _____
Sodding	<input type="checkbox"/>	\$ _____
Surveyors	<input type="checkbox"/>	\$ _____
Pipe Layers	<input type="checkbox"/>	\$ _____

**Building Construction**

	<u>Check if Included</u>	<u>Estimated Cost</u>
Drywall	<input type="checkbox"/>	\$ _____
Electrical Contractors	<input type="checkbox"/>	\$ _____
Flooring	<input type="checkbox"/>	\$ _____
HVAC	<input type="checkbox"/>	\$ _____
Insulation	<input type="checkbox"/>	\$ _____
Landscaping	<input type="checkbox"/>	\$ _____
Masonry	<input type="checkbox"/>	\$ _____
Painting Contractors	<input type="checkbox"/>	\$ _____
Plaster	<input type="checkbox"/>	\$ _____
Plumbing	<input type="checkbox"/>	\$ _____
Roofing	<input type="checkbox"/>	\$ _____
Sandblasting	<input type="checkbox"/>	\$ _____
Sprinkler System Installation	<input type="checkbox"/>	\$ _____
Wiring	<input type="checkbox"/>	\$ _____

**Roadway Construction**

	<u>Check if Included</u>	<u>Estimated Cost</u>
Asphalt Removal	<input type="checkbox"/>	\$ _____
Guardrail Work	<input type="checkbox"/>	\$ _____
Roadway and Right-of-Way Work	<input type="checkbox"/>	\$ _____

**Water Line Construction**

	<u>Check if Included</u>	<u>Estimated Cost</u>
Pipe Fabrication	<input type="checkbox"/>	\$ _____
PVC or D.I. Pipe Supplier	<input type="checkbox"/>	\$ _____
Water Line Work	<input type="checkbox"/>	\$ _____
Water Valve Supplier	<input type="checkbox"/>	\$ _____
Fire Hydrant Supplier	<input type="checkbox"/>	\$ _____

**Sewer Construction**

	<u>Check if Included</u>	<u>Estimated Cost</u>
Pipe Fabrication	<input type="checkbox"/>	\$ _____
PVC Sewer Pipe Supplier	<input type="checkbox"/>	\$ _____
Storm and Sewer Line Work	<input type="checkbox"/>	\$ _____

**Specialized Construction**

	<u>Check if Included</u>	<u>Estimated Cost</u>
Asbestos Removal	<input type="checkbox"/>	\$ _____
Installation of Alarm Systems	<input type="checkbox"/>	\$ _____
Safety Equipment Installation	<input type="checkbox"/>	\$ _____
Steel Erecting and Tying	<input type="checkbox"/>	\$ _____
Installation of Telemetry	<input type="checkbox"/>	\$ _____

**Supplier**

	<u>Check if Included</u>	<u>Estimated Cost</u>
Construction Equipment Sales	<input type="checkbox"/>	\$ _____
Glass Suppliers and Glazing	<input type="checkbox"/>	\$ _____
Industrial Chemical Suppliers	<input type="checkbox"/>	\$ _____
Industrial Equipment Suppliers	<input type="checkbox"/>	\$ _____
Manufacturer - canopies, aluminum windows, and aluminum handrails	<input type="checkbox"/>	\$ _____
Plumbing Suppliers	<input type="checkbox"/>	\$ _____

	<u>Check if Included</u>	<u>Estimated Cost</u>
Sheet Metal Manufacturer	<input type="checkbox"/>	\$ _____
Steel Fabrication	<input type="checkbox"/>	\$ _____
Steel Supplier	<input type="checkbox"/>	\$ _____
Trucking	<input type="checkbox"/>	\$ _____
Water Treatment Chemicals and Equipment	<input type="checkbox"/>	\$ _____
Window Replacements	<input type="checkbox"/>	\$ _____

Given the nature of the scope of work of this contract, is a DBE participation of 3 and 5 percent achievable?

Yes       No

DOW will send this checklist to the following agencies:

Kentucky Procurement Technical Assistance Center  
Kentucky Science & Technology Corporation  
PO Box 1049  
200 West Vine Street, Suite 420  
Lexington, Kentucky 40588-1049

Office for Civil Rights & Small Business Development  
Department of Transportation  
200 Mero Street  
Frankfort, Kentucky 40601

For Projects West of Elizabethtown:  
Minority Economic Development Initiative of Western Kentucky, Inc.  
1101A South Main Street  
Hopkinsville, Kentucky 42240

## BID ADVERTISEMENT CHECKLIST

When submitting contract documents for review, the Advertisement for Bids (with bid date and time left blank) shall be included. At a minimum, the Advertisement for Bids shall include:

- The Utility's (Owner's) name
- Project title
- Project location
- The place that bid will be received
- The date and time that bids will be opened and read aloud
- Description of the project
- Where the bidding documents can be examined
- Where the bidding documents can be obtained
- The cost of obtaining the documents, if applicable
- Bid security requirements
- Statement that the utility/borrower can reject any and all bids
- Length of time the bids must remain valid
- Statement that contract award will be made to the lowest, responsive, responsible bidder
- Construction time and liquidated damages, if applicable
- List of funding sources
- Statement that SRF requirements must be met by the bidder and all subcontractors
- Statement that the project and contractors must comply with Executive Order 11246
- Statement that the Contractors/Subcontractors shall comply with 41 CFR 60-4
- Statement that federal prevailing wage rates are to be paid
- Statement that small and Disadvantaged Business Enterprises are encouraged to bid on the project
- Statement that utility/borrower is an Equal Opportunity Employer

SRF projects shall be advertised in the newspaper of largest circulation in the county of the project. Projects shall be advertised at least seven (7) days before, but within twenty-one (21) days of, the bid opening. Bidders shall be given reasonable time to prepare and submit responsive and responsible bids.

## SAMPLE: ADVERTISEMENT FOR BIDS

[UTILITY NAME]  
[PROJECT NAME]  
[PROJECT LOCATION]

Separate sealed bids will be received for [PROJECT NAME] by the Owner, [UTILITY NAME], at [MAILING ADDRESS] until [BID TIME] on [BID DATE]. Bid will then be opened and read aloud at this location.

This project consists of [PROJECT DESCRIPTION].

Bidding documents for this project may be examined at:

- [LIST LOCATIONS WHERE PLANS ARE AVAILABLE FOR INSPECTION. INCLUDE NAME AND ADDRESS.]

Bidding documents may be obtained from:

- [LIST LOCATIONS WHERE THE PLANS CAN BE PURCHASED. INCLUDE NAME OF SOURCE, ADDRESS, PHONE NUMBER, AND COSTS (PLAN COSTS AND SHIPPING COSTS).]

All bidders shall submit with their bid an acceptable bid bond or a certified check in the amount of five percent (5%) of the bid, payable to the Owner.

The Owner reserves the right to waive any informalities or to reject any and all bids.

No bidder may withdraw their bid within [NUMBER OF DAYS] after the date of the bid opening.

The award of this project will be to the lowest, responsive, responsible bidder.

The Bidder awarded the contract shall complete this project within [NUMBER OF DAYS] calendar days. Liquidated damages will be assessed at [DOLLAR AMOUNT] per calendar day.

This project is funded with funds provided by the Kentucky [DRINKING WATER OR CLEAN WATER] State Revolving Fund (SRF) with federal funds provided by the Environmental Protection Agency. SRF requirements (including American Iron and Steel and Davis-Bacon) and provisions must be met by the Bidder and all subcontractors.

Bidders must comply with the President's Executive Order No. 11246 as amended, which prohibits the discrimination in employment regarding race, creed, color, sex or national origin. The project shall be in compliance with Executive Order 11246 as amended. All contractors/subcontractors shall comply with 41 CFR 60-4, in regard to affirmative action, to insure equal opportunity to females and minorities and will apply the time tables and goals set forth in 41 CFR 60-4.

[LIST OTHER FUNDING AGENCIES]

Small and Disadvantaged Business Enterprises are encouraged to bid on this project. [UTILITY NAME] is an Equal Opportunity Employer.

# Procurement Procedures and Reporting



## Procurement Procedures and Reporting

Contact: *Buddy Griffin, KY Division of Water*  
[Buddy.Griffin@ky.gov](mailto:Buddy.Griffin@ky.gov), (502) 782-6958

*The following section will cover SRF bidding requirements, special provisions, such as Davis-Bacon requirements, procedures for submitting pay requests, and reporting. For most of these processes, you will work with an assigned Project Administrator at the Division of Water, who can assist you along the way.*

### Advertising for Bids

- Borrowers are expected to follow KRS, Title VI Chapter 45A Kentucky Model Procurement Code for all SRF projects.
- The bid advertisement must run for no less than 7 days and no more than 21 days in the newspaper of largest circulation in the area that the project is being constructed.
- See sample bid advertisement (Attachment 4.3).

### Note!

The borrower should NOT advertise for bids until the environmental review and plans and specifications have been completed and approved by the DOW. To do so without prior approval would be at the borrower's own risk.

### Awarding Bids

After the bid period has closed and bids opened, an Authority to Award (ATA) package must be submitted to the DOW Project Administrator. The following table provides a checklist of items required for DOW approval before bids can be awarded.



Check	Authority to Award Package
	<b>Project Review and Cost Summary:</b> <i>Signed by the authorizing representative (Attachment 5.1)</i>
	<b>As-Bid Budget</b> (Attachment 5.2)
	<b>Affidavit of Publication with Tear Sheet of Advertisement:</b> <i>Published in the daily paper of largest circulation</i>
	<b>Certified Bid Tabs:</b> <i>Must have engineer’s seal, number, and signature (if seal is not available, sign and number)</i>
	<b>Davis-Bacon Contract Award Information:</b> <i>Must be completed by the borrower for each prime contract of the project. (Attachment 5.7)</i>
	<b>Project Wage Rate Sheet:</b> <i>Must be completed for each prime contract of the project. (Attachment 5.8)</i>
	<b>Clear Site Certificates</b>
	<b>Disadvantaged Business Enterprise Participation Policy</b> (Attachment 5.4)
	<b>Documentation Concerning the Efforts to Obtain Subcontractors</b> <ul style="list-style-type: none"> <li>• <b>Bidder’s List Form:</b> <i>List all subcontractors/material suppliers that are being used, were solicited, bid on, or quoted for participation on the contract (Attachment 5.5)</i></li> <li>• <b>Proof of solicitation</b> <i>(copies of emails, certified letters, faxes, advertisements, list of calls made, etc.)</i></li> <li>• <b>Proof of Services Used</b> <i>(copies of emails, certified letters, etc. of use of the SBA or use of PTAC and KDOT)</i></li> </ul>
	<b>DBE Certification and Executed Subcontract or Letter of Intent:</b> <i>If a DBE subcontractor/material supplier is involved, a copy of their certification is needed (must meet EPA’s <a href="#">DBE Certification Process</a>)</i>

## Important!

### Davis-Bacon Language

*All laborers, operators, and mechanics employed on projects funded in whole or in part by the SRF are to be paid federal wages for any contracts or subcontracts equal to or greater than \$2,000. If a wage classification is to be used, it must be listed on the federal wage determination. Owner operators, force account labor, and apprentices/trainees are exempt, in most cases.*

Davis-Bacon (DB) language and appropriate federal wage determinations **must** be included in bid documents and contracts for construction with appropriate federal labor standards provisions. This requisite language is included in the most recent Supplemental General Conditions (on DOW’s website), and should be included when submitting plans and specifications to DOW for review and approval.

### How to Find the Correct Davis-Bacon Wage Determination

- Federal Wage Determinations should be retrieved online from the [General Services Administration](#) website.
- Modifications to Federal Wage Determinations published less than 10 days before bid opening may be disregarded if found there is not sufficient time to notify bidders, and a report is made to contract file.
- Federal Wage Determinations are locked-in at bid opening provided contract is awarded within 90 days.
- Must update Federal Wage Determination if contract award is more than 90 days after bid opening.
- Once a Davis-Bacon wage rate has been “locked,” it stays in effect for the duration of the project.

**Preconstruction Conference**

After the ATA has been approved by the DOW, the Project Administrator will notify the borrower to schedule a preconstruction conference, where contract documents will be signed and reporting requirements will be covered. The DOW Project Administrator will attend via conference call. A Preconstruction Conference Packet will be sent to the borrower and should be printed out before the meeting. The following documents must be submitted to the DOW Project Administrator before any payments can be issued.

Check	SRF Construction Documents	Submit to:
	"Preconstruction Meeting" Sign-In Sheet	DOW Project Administrator
	Signed "Preconstruction Meeting" Form	DOW Project Administrator
	Signed Contract Specifications: <i>Including Notice of Award, Executed Contract, Notice to Proceed, Bid Bond, Payment Bond, and Performance Bond</i>	DOW Project Administrator
	Design Life Certification on Engineer's Letterhead	DOW Project Administrator

**HELP!**

If you need help with Davis-Bacon quarterly reporting requirements, contact KIA at (502) 573-0260.

**Davis-Bacon Quarterly Reporting Requirements**

All the forms below are due to KIA no later than January 5<sup>th</sup>, April 5<sup>th</sup>, July 5<sup>th</sup>, and October 5<sup>th</sup> for the most recent quarter end. Reporting Forms can be submitted electronically to KIA via email or mailed to the following address: 100 Airport Road, 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601.



Check	Davis-Bacon Quarterly Wage Rate Reporting Requirements	Submit to:
	<b>Davis-Bacon Quarterly Compliance Certification - Borrower:</b> Submitted no later than the 5 <sup>th</sup> day of each calendar quarter. Copies of any contractor and subcontractor certifications received within the quarter should be included as well.	KIA
	<b>Davis-Bacon Quarterly Compliance - Contractor:</b> This form should be completed by the contractor and submitted to the KIA loan recipient.	KIA
	<b>Davis-Bacon Quarterly Compliance - Subcontractor:</b> This form should be completed by the subcontractor and submitted to the contractor with a copy to the KIA Loan Recipient.	KIA
	<b>Payroll Submission Form WH347:</b> The KIA Loan Recipient must receive certified weekly payroll records for all laborers/operators/mechanics for any contractor or subcontractor for all weeks of construction. It is recommended that payrolls be submitted by contractors and subcontractors weekly. KIA recommends using the WH-347 form for the payroll submission; however, other forms may be used so long as the certified payroll is in a format acceptable to the KIA Loan recipient and is accompanied by a Statement of Compliance. Forms can be found at the U.S. Department of Labor's <a href="#">Wage and Hour Division</a> webpage.	Loan Recipient  (first two weeks and last two weeks submit to DOW Project Admin)
	<b>Labor Interview Form (Optional):</b> <ul style="list-style-type: none"> <li>• Loan recipients will no longer be required to provide interview documentation. The following exceptions apply:                             <ul style="list-style-type: none"> <li>➤ Interviews are to be conducted if KIA finds that it is necessary or if there is suspected noncompliance by a loan recipient</li> <li>➤ Loan recipients may conduct interviews based on the assessment of the risks of noncompliance with DB</li> <li>➤ Loan recipients shall immediately conduct necessary interviews in response to an alleged violation of the prevailing wage requirements</li> </ul> </li> <li>• The Labor Interview form can be found at the U.S. General Services Administration's <a href="#">Forms Library</a> webpage.</li> <li>• Copies of labor interviews should be submitted to KIA along with the quarterly Borrower Compliance Certifications.</li> </ul>	KIA

**Tips for Payroll Receipt and Review**

- Payroll records should indicate that employees are paid weekly.
- If there are any apprentices or trainees on the project, ensure they are registered with a DOL-approved program (if applicable). In addition, ensure that the ratio of apprentices/trainees working on the project is consistent with the ratios prescribed in the DOL-approved program.
- Wage rates paid to contractor and subcontractor should be verified to ensure that the wage rates are at or above the applicable federal DB wage determination provided in the contract for the appropriate labor category.
- Verify that fringe contributions were made as designated. This could include payments in cash (on a weekly basis) or paid to a bona fide fringe benefit plan.
- Payrolls should be in file during entire period of contract. Even if no work was completed, the payrolls or additional documentation should be in file showing zero work was performed.
- If a contractor or subcontractor had a start/stop aspect to their contract, at the end of each payroll submission period, the payroll should be marked "FINAL".

*Example: If White Electric worked for 2 weeks in June 2009 and for 2 weeks in January 2010, it may not be necessary to have payrolls in between those dates. However, the final payroll*

*submission from June 2009 should be marked FINAL and there will be an additional FINAL payroll from the January 2010 work.*

- Payrolls should be spot checked for calculation errors.
- Ensure employees who worked more than one (1) job classification are paid at least the appropriate wages for each class and the time is reported under each classification.

**Tips for Labor Interviews (if applicable)**

- Interviews should be reviewed against payroll records received by the KIA Loan Recipient to ensure payroll is accurately reporting that employee for the proper classifications and wages paid.
- In addition, Labor Interviews should be signed by the employee as well as the Interviewer.
- Not all employees have to be interviewed; however, a sampling of contract employees for each contract should be interviewed.
- Owner-operators are exempt from reporting and DO NOT have to be interviewed. If someone was interviewed who is exempt from DB (i.e. owner-operator), make sure that is noted on the Interview form.
- If interviews are needed and employees are no longer available, then attempts should be made to obtain interviews with employees. These attempts may include (1) contacting the employees on a different job site, (2) telephone interviews, or (3) mailed interview forms provided with return envelope and required postage provided.

**Signage**

- Davis-Bacon wage poster (WH-1321) should be posted at the construction site in a prominent location, in all necessary languages, and protected from the weather. Form can be found at the Department of Labor's [Wage and Hour Division](#) webpage.
- The applicable Davis-Bacon Wage Determination(s) should be posted as well.
- Make sure you have pictures in the project files of the signage required showing the location and how the signage was protected from weather.

**Records Retention**

All project related files should be maintained by the KIA Loan Recipient for a minimum of three (3) years following the completion of the project's construction.

## PROJECT REVIEW AND COST SUMMARY

*This questionnaire/checklist is furnished as an administrative aid and is required for use in supplying information and documents, reporting minor changes, and project status. The information and documents should be submitted to DOW as soon as possible after bid opening.*

DRINKING WATER SRF

CLEAN WATER SRF

### SECTION 1.

1. Project Name \_\_\_\_\_ Project Number \_\_\_\_\_
2. Changes: Have there been any changes in the project since DOW's approval of the plans and specifications?
  - Yes  No Construction Drawings. If yes, submit revised drawings and addenda. **See Note\***
  - Yes  No Specifications. If yes, submit addenda. **See Note\***
  - Yes  No Site Changes. If so, new Clear Site Certificates are required prior to start of construction.
  - Yes  No Authorized Representative (Mayor, City Manager, etc.). If so, provide name and title.

**\*Note:** **Prior approval is required for changes in design, scope, type of treatment, size, capacity, time to complete the project, etc. Changes, which result in increase in the amount of a contract, must be procured in accordance with state and federal requirements, as applicable.**

### SECTION 2.

DATE BIDS OPENED: \_\_\_\_\_ DATE BIDS EXPIRE: \_\_\_\_\_

1. The following items should be submitted to DOW after bid opening:
  - a) Executed Project Review & Cost Summary Form (this form).
  - b) Revised (As-bid) Budget (form attached).
  - c) Original bid advertisement or copy of advertisement with affidavit of publication.
  - d) Certified Bid Tabulations with engineer's seal.
  - e) Davis-Bacon ATA Certification form (with Project Wage Rate Sheet HUD-4720 form).
  - f) Clear Site Certificates.
  - e) DBE Documentation (See Attachment No. 11 of the Supplemental General Conditions (SGC)):
    - (1) Disadvantaged Business Enterprise Participation Policy form from the successful low bidder with DBE certifications and executed subcontracts with DBEs or letters

of intent signed by both parties; and documentation on the level of effort taken to obtain DBEs including copies of correspondence with DBE contractors, requesting quotes and copies of any advertisements soliciting DBE contractors, copies of returned envelopes and certified mail receipts, telephone log, etc.

(2) Bidder's List Form from recipient and successful bidder.

2. The following items must be submitted to DOW at the Pre-construction Meeting:

- a) Executed Contract Specifications (once contract is signed).
- b) Notice of Award, Notice to Proceed, Bid Bond, Payment Bond, and Performance Bond (generally included in executed contract).
- c) Contractor's Debarment Certification (See Attachment No. 9 in the SGC).
- d) Contractor's Lobbying Certification (See Attachment No. 10 in the SGC).

3. A copy of the items identified in Section 2.1 and Section 2.2, above, and the following must be retained by the owner. This documentation is subject for review, by DOW, at the time of site inspection(s).

- a) Name and qualifications of the proposed resident inspector(s).
- b) Proposal of the successful bidder(s).
- c) EEO documentation required by Executive Order 11246 as amended. Items 1 through 11 (See Attachment No. 6 in the SGC), is required for all contracts over \$10,000 except supplier contracts. Supplier contracts require:
  - (1) Name, address, and telephone number.
  - (2) Materials to be supplied and dollar value.For contracts below \$10,000, the same information required for supplier contracts must be submitted.
- d) Engineer's letter to the loan recipient recommending award of the contract. Letter must include a description of work, dollar amount, and name of the low bidder. If award is recommended to be made to other than the low bidder, a justification indicating why the low bidder is not responsive or responsible.
- e) Contractor project construction schedule and payment schedule.
- f) Applicable wage rate determination letter.
- g) Tentative Award Resolution.

4. **Comments:** \_\_\_\_\_

*I hereby certify that all documentation outlined in Section 2.1, 2.2 and 2.3 will be retained in our project files and all documentation outlined in Section 2.1 has been submitted to DOW and all documentation outlined in Section 2.2 will be submitted to DOW after the Preconstruction meeting.*

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title

### SRF Project Cost Summary

**Project Title:** \_\_\_\_\_

**WRIS#:** \_\_\_\_\_

**Project Budget: Estimated**  enter date

**As Bid**  enter date

**Revised**  enter date

Cost Classification	SRF KIA Loan	Funding Source 1	Funding Source 2	Funding Source 3	Funding Source 4	Funding Source 5	Local Funds	Unfunded Costs	Total
1	Administrative Expenses								
2	Legal Expenses								
3	Land, Appraisals, Easements								
4	Relocation Expenses & Payments								
5	Planning								
6	Engineering Fees – Design								
7	Engineering Fees – Construction								
8	Engineering Fees – Inspection								
9	Engineering Fees – Other								
10	Construction								
11	Equipment								
12	Miscellaneous								
13	Contingencies								
	<b>Total</b>								

Funding Sources	Amount	Date Committed
1		
2		
3		
4		
5		
	<b>Total</b>	

Local Funding Sources	Amount	Date Committed
1		
2		
3		
	<b>Total</b>	

**Total Funding** \$ \_\_\_\_\_

Cost Categories	Funding Source	Total Cost
Treatment (DW)		
Transmission and Distribution (DW)		
Source (DW)		
Storage (DW)		
WWTP Secondary Portion (CW)		
WWTP Advanced Portion (CW)		
Inflow and Infiltration Correction (CW)		
Major Sewer Rehabilitation (CW)		
Collector Sewers (CW)		
Interceptor Sewers including Pump Station (CW)		
Combined Sewer Overflow Correction (CW)		
Purchase of Systems (DW and CW)		
Restructuring (DW and CW)		
Land Acquisition (DW and CW)		
<b>Total Costs</b>		



## DISADVANTAGED BUSINESS ENTERPRISE SUMMARY: State Revolving Fund Loan Program



### A SUMMARY OF THE EPA DBE RULE AND ITS IMPACT ON SRF LOAN PARTICIPANTS

The Environmental Protection Agency's (EPA) Disadvantaged Business Enterprise (DBE) rule became effective on May 27, 2008. This rule sets forth an EPA program that serves the compelling government interest of remedying past and current racial discrimination through agency-wide procurement objectives. It revises and replaces EPA's Minority and Women Business Enterprise (MBE/WBE) Program. Because the State Revolving Fund (SRF) Loan Program funding is provided by EPA, the DBE rule requirements apply to all SRF funded projects. It is designed to increase the participation of DBEs in procurements funded by EPA assistance agreements. The key substantive changes that the new EPA DBE rule makes to the MBE/WBE program involve the following: certification of minority and women owned businesses, the six good faith efforts, contract administration requirements, negotiation of fair share goals, recordkeeping and reporting requirements and new requirements for Tribal and insular area fair share negotiations.

\* Certification of DBEs: In order to be counted as a DBE under the EPA DBE rule DBEs must be certified by a federal agency (e.g., EPA, Small Business Administration, Department of Transportation) or by a State, locality, Indian Tribe, or independent private organization that meets the certification requirements of the new EPA DBE rule. In addition, individuals claiming economic disadvantaged status must have an initial and continued personal net worth of less than \$750,000.

**Q: Where can DBEs get certified in the State of Kentucky?**

A: DBEs can get certified with the Kentucky Transportation Cabinet (KTC). KTC's certification process meets the requirements of the EPA DBE rule. Please see KTC's [DBE Program Brochure](#). Please identify on the application that you are seeking certification under the EPA DBE rule. If you have any questions regarding the KTC website or certification process contact Melvin Bynes at (502) 782-4816.

**Q: If my firm is currently on the Kentucky Transportation Cabinet's list of certified DBEs do I need to get recertified?**

A: No, you do not need to get re-certified. KTC's certification process meets the requirements of the EPA DBE rule.

**Q: Are there entities that KTC cannot certify? If so, where can those entities go for certification under the EPA DBE rule?**

A: There are entities that KTC cannot certify. Those entities are: a) Disabled American-owned firms, b) non-profit organizations (private and voluntary organizations controlled by individuals who are socially and economically disadvantaged), and c) those entities who exceed the size standards that are specific to DOT certification process under 49 CFR Part 26. These entities should seek certification through EPA's DBE certification program. The entity may apply to EPA's [Office of Small Business Programs](#) (EPA OSBP) for certification as DBE. For questions regarding certification by EPA, please contact Denise Sirmons, EPA Office of Small Business



Programs, at 202-566-2075 or email [Benjamin\\_Sirmons.Denise@epa.gov](mailto:Benjamin_Sirmons.Denise@epa.gov). Direct general questions regarding the EPA DBE rule to Benita Jackson, Region 4 MBE/WBE Coordinator, at (404) 562-8227 or email [Jackson.Benita@epa.gov](mailto:Jackson.Benita@epa.gov).

**Q: Can I self-certify as an MBE/WBE through my attorney?**

A: No. Therefore, if you want to bid on SRF projects then you will need to get certified through KTC or the EPA in order to be counted as a DBE under the EPA DBE rule. Noncertified DBEs may be used by loan recipients for their procurement needs but those firms cannot be counted toward their DBE accomplishments. Under the EPA DBE rule entities can no longer self-certify.

**Q: How do I obtain certification as a DBE?**

A: Under the DBE program, in order to be counted as an MBE or WBE under an EPA financial assistance agreement, an entity will have to be certified as such. The EPA will require an DBE to first seek certification by a federal agency (such as the U.S. Small Business Administration, the U.S. Department of Transportation) or by a State, local, or independent private organization provided their criteria match those of the Small Business Act and SBA's applicable Business Development Program regulations. The EPA will only consider certifying firms that cannot get certified by one of these entities. An EPA DBE certification would only be accepted by the EPA.

**Q: Where can I find a list of DBEs who have been certified and meet the requirements under the EPA DBE rule?**

A: For DBEs certified by the Kentucky Transportation Cabinet, go to their [Certified DBE Directory](#). Those entities that were certified through EPA are posted on the EPA OSBP's [Small Business Vendor Profile System \(SBVPS\)](#).

**Q: Can individuals having a personal net worth of \$750,000 or more get certified as a DBE under the new EPA rule?**

A: No. An individual claiming economic disadvantaged status must have an initial and continued personal net worth of less than \$750,000.

**Q: How can I find out more information about certification and the EPA DBE rule in general?**

A: You are encouraged to read the information contained on EPA's [Disadvantaged Business Enterprise Program Resources](#) webpage.

\* Contract Administration: The EPA DBE rule adds additional contract administration requirements that are intended to protect DBE subcontractors. Some of the requirements include provisions intended to ensure that subcontractors receive prompt payment from prime contractors (30 day payment provision). Loan recipients must be notified of DBE subcontractor terminations and prime contractors are required to make good faith efforts if the prime contractor chooses to hire another subcontractor. The rule requires that 3 forms be filled out by the prime contractor and subcontractor if there are DBE subcontractors involved in procurement.

The loan recipient must ensure that each contract awarded contains the terms and conditions set forth below: "Term and Condition: The contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this 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."

Another requirement is that loan recipients are required to create and maintain a bidders list. The list must include all firms that bid or quote on prime contracts or subcontracts, including DBEs and non DBEs. The bidders list must be kept until the project period for the identified loan has ended. The project period is defined as the timeframe that the loan recipient receives SRF funding. The following information must be obtained from all prime and subcontractors: 1) entity's name with point of contact; 2) entity's mailing address, telephone number, and e-mail address; 3) the procurement on which the entity bid or quoted, and when; and 4) entity's status as an DBE or non-DBE.

**Q: What is the purpose of the bidders list? And, as a loan recipient must I maintain it? Do I need to also provide a copy to SRF?**

A: The purpose of the bidders list is to provide the loan recipient and SRF with a more accurate database of the universe of DBE and non DBE prime and subcontractors. The bidders list is intended to be a list of all firms that are participating, or attempting to participate, on EPA assisted contracts. The list must include all firms that bid on prime contracts, or bid or quote on subcontracts under EPA assisted projects, including both DBEs and non DBEs. As a loan recipient you must maintain the list. You will also provide SRF a copy of the bidders list when you submit your post-bid documentation to the Kentucky Division of Water's SRF & SPAP Section.

\* Reporting Requirements: Loan participants, who close loans after the signing of the 2009 EPA Capitalization Grant, will be required to submit their MBE/WBE participation reports on a [semiannual basis](#) to the [Kentucky Infrastructure Authority](#). All loan participants

who closed loans prior to the signing of the 2009 EPA Capitalization Grant will continue to report on a quarterly basis. Only certified MBE/WBE will be counted towards MBE/WBE participation.

**Q: What are the Six Good Faith Efforts?**

A: The good faith efforts are activities by an SRF loan recipient and its prime contractor to increase DBE awareness of procurement opportunities through race/gender neutral efforts. EPA combined the “Six Positive Efforts” (found at 40 CFR Part 31) with the “Six Affirmative Steps” (found at 40 CFR Part 30) and renamed them the six “good faith efforts” (found at 40 CFR Part 33). The substance of the efforts has not changed.

**The Six Good Faith Efforts as defined by the EPA are as follows:**

- (a) Ensure DBE construction firms or material suppliers are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. This includes placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a sufficient amount of time as to receive a competitive bid or proposal pool.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. This includes dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Establish delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women’s business enterprises.
- (e) Use the services and assistance of the Small Business Administration (SBA) or use the services of the Kentucky Procurement Technical Assistance Center (PTAC) and the Kentucky Department of Transportation (DOT).
- (f) If the prime contractor awards subcontracts, require the subcontractors to take the steps in paragraphs (a) through (e) of this section.

## DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION POLICY

**PROJECT NAME:** \_\_\_\_\_ **BID DATE:** \_\_\_\_\_

**1. Name, address and telephone number of contact person on all DBE matters:**

Prime Contractor's Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Total Contract Amount: \_\_\_\_\_

**2. Total dollar amount/percent of contract of MBE participation:** \_\_\_\_\_

**3. Total dollar amount/percent of contract of WBE participation:** \_\_\_\_\_

**4. Are certifications\* for each MBE/WBE/DBE subcontractor enclosed; if no, please explain:** \_\_\_\_\_  Yes  No

**5. Are MBE/WBE/DBE subcontracts or letters of intent signed by both parties enclosed; if no, please explain:** \_\_\_\_\_  Yes  No

**6. List of MBE Subcontractors:**

Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Type of Contract: \_\_\_\_\_

Work to be Done: \_\_\_\_\_

Amount: \_\_\_\_\_

**7. List of WBE Subcontractors:**

Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Type of Contract: \_\_\_\_\_

Work to be Done: \_\_\_\_\_

Amount: \_\_\_\_\_

Attach Additional Sheets, If Necessary

\*Self-certification: Self certification of MBE/WBE/DBE firms will NOT be accepted as a valid form of certification of MBE/WBE/DBE status.

**8. Information and documentation concerning efforts taken to comply with EPA’s “six good faith efforts”**

- (i). Ensure DBE construction firms or material suppliers are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities; including placing DBEs on solicitation lists and soliciting them whenever they are potential sources. A good source for a list of DBEs is the Kentucky Transportation’s [Certified DBE Directory](#) webpage.
  - The prime contractor certifies that a solicitation list of qualified DBE vendors was developed for current and future solicitations. *Submit a copy of the list as documentation.*
  
- (ii). Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process; including, whenever possible, posting solicitation for bids or proposals for a sufficient amount of time as to receive a competitive bid or proposal pool.
  - The prime contractor certifies that every opportunity was provided to a number of DBEs to encourage their participation in the competitive process and that an adequate amount of time was provided for response. Must do at least one of the below.
    - a. List each DBE construction firm or material supplier to which a solicitation was attempted. *Submit copies of letters, emails, faxes, telecommunication logs, certified mail receipts, returned envelopes, certified mail return receipts, etc. as documentation.*

Company name and phone number: \_\_\_\_\_

Area of work expertise: \_\_\_\_\_

Date of any follow-ups and person spoke to: \_\_\_\_\_
    - b. Advertisements, if applicable: List each publication in which an announcement or notification was placed. *Submit original advertisement or a copy of the advertisement with an affidavit of publication for each announcement as documentation.*

Name of publication: \_\_\_\_\_

Date(s) of advertisement: \_\_\_\_\_

Specific subcontract areas announced: \_\_\_\_\_
    - c. Other, if applicable: List each notification method in which an announcement or outreach was used; list serve, public meeting, etc. *Submit applicable information to document effort.*

Method of notification: \_\_\_\_\_

Date(s) of notification: \_\_\_\_\_
  
- (iii). Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs; including dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
  - The prime contractor certifies that the project was broken into its basic elements (i.e., dirt hauling, landscaping, painting, pipe installation, material supplies, etc.) and that a determination was made whether it’s economically feasible to bid the elements separately and that the analysis of this effort was documented with a short memo to the project file.

- (iv). Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women’s business enterprises.
  - The prime contractor certifies that they established delivery schedules which would allow DBEs to participate in the project and the effort was documented with a short memo to the project file.
  
- (v). Use the services and assistance of the Small Business Administration (SBA). The easiest way to utilize their services is to visit the [SBA](#) webpage and use the electronic tools available there or you may send the nearest SBA office a certified letter that generally describes the solicitation, the dates it will be open, the types of vendors you are seeking and applicable Standard Industrial Classification (SIC) or North American Industry Classification System (NAIC) codes if known. Or, you may use the services and assistance of the Kentucky Procurement Technical Assistance Center (PTAC) **and** the Kentucky Department of Transportation (KDOT). The easiest way to utilize the services of Kentucky PTAC and KDOT is to send an email to [kyptacinfo@kstc.com](mailto:kyptacinfo@kstc.com) and [Melvin.Bynes2@ky.gov](mailto:Melvin.Bynes2@ky.gov) and generally describe the solicitation, the dates it will be open, the types of vendors you are seeking and applicable SIC or NAIC codes if known.
  - The prime contractor certifies that the assistance of the SBA or PTAC **and** KDOT was utilized. *Submit pages printed off the SBA websites which evidence efforts to register a solicitation on the site or submit copies of the letter sent and certified mail receipt as documentation; or submit copies of emails sent to PTAC and DOT as documentation.*
  
- (vi). If a Prime contractor awards any subcontracts, require the subcontractor to take the steps in numbers (i) through (v) above.
  - The prime contractor certifies that subcontractors used for this project will be required to follow the steps of the “six good faith efforts” as listed above.

**9. Signature and date:**

To the best of my knowledge and belief, all “six good faith efforts” have been met and the information contained in this document is true and correct; the document has been duly authorized by the legal representative.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print name and title

\_\_\_\_\_  
Date



## U.S. EPA, Office of Grants and Debarment Tip Sheet for Registering with the System for Award Management (SAM)

### What is SAM?

- The General Service Administration office of the Integrated Award Environment has consolidated the government wide acquisition and award support systems into one new system- the System for Award Management (SAM). SAM, formerly Central Contractor Registration (CCR), is the primary database for the U.S. Federal Government to manage on potential business partners or federal financial assistance recipients. SAM is streamlining processes, eliminating the need to enter the same data multiple times, and consolidating hosting to make the process of doing business with the government more efficient.
- **Already registered?** If you have previously registered your organization in CCR all of your entity's information has been brought into SAM. To access your entity's registration you will need to migrate your legacy account. Step by step instructions on this process can be accessed at [Quick Start Guide for Updating an Entity Registration](#).
- **Need to register?** If an organization is not registered, it may register online at [Quick Start Guide for Contract Registrations](#). CCR has developed a user guide at [System for Award Management](#) to assist with the process. These publications include details on the information that will need to be gathered to complete the SAM registration process.

### When an organization registers with the SAM, it must provide:

- **DUNS number.** The Data Universal Numbering System (DUNS) Number is a unique nine-character identification number provided by D&B. Organizations may call D&B at 1-866-705-5711 or access the [Dun & Bradstreet](#) webpage if they do not have a DUNS Number.
- **U.S. Federal TIN.** The Tax Identification Number (TIN) is the nine-digit number which is either an Employer Identification Number (EIN) assigned by the Internal Revenue Service (IRS) or Social Security Number (SSN) assigned by the Social Security Administration (SSA). If an organization does not have a TIN/EIN, contact the IRS at 1-866-255-0654.
- **Commercial and Government Entity (CAGE) Code.** CAGE Code is a five-character alphanumeric identifies assigned to entities by the Defense Logistics Agency Commercial and Government Branch to identify a commercial or government entity. If you don't have a CAGE code it will automatically be assigned to your entity once you submit your entity's registration and the TIN validation has been returned.
- **Electronic Funds Transfer (EFT).** You must provide your bank's routing number, bank account number, and account type, i.e. checking or savings, to set up Electronic Funds Transfer.



## Davis-Bacon Contract Award Information

*Fill out one form for each contract awarded. This information is required for compliance of the Davis-Bacon provisions of the Drinking Water SRF or Clean Water SRF funded projects.*

**Complete and submit a copy of the Project Wage Rate Sheet (HUD-4720) with this form.**

Borrower Name:	
WX / SX Number:	
KIA Loan Number:	
Project Name:	
Bid Opening Date:	
<b>Federal Wage Decision #, modification #, and Effective Date used in contract:</b>	
Contract Award Date:	
Construction Start Date:	
Estimated Completion of Construction Date:	
Contract Amount:	
Contractor Name:	
Contractor Address:	
Subcontractor Name(s):	

### Questions regarding Davis-Bacon determination:

**Yes or No**

Do you certify that Davis-Bacon wages and provisions were included in your bid specifications?	
Do Contractor(s) and Subcontractor(s) agree to provide <b>weekly</b> payroll information with a Statement of Compliance to Borrower (WH-347 Form or other format acceptable to Borrower w/Statement of Compliance)?	
Does Borrower agree to conduct reviews of certified payroll information submitted by contractor(s) and subcontractor(s) to verify payment of appropriate wages and compliance with Davis-Bacon provisions?	
Does Borrower agree to conduct on-site interviews as a result of suspected noncompliance or in response to an alleged violation of the prevailing wage requirements and complete the Labor Standards Interview Sheet (SF 1445)?	

I certify the correct wage decision is being applied to the above noted project.

\_\_\_\_\_  
Signature of Authorized Official of Borrower

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title of Authorized Official

**PLEASE NOTE:** KIA will use a combination of funding (CWSRF/DWSRF funds and non-CWSRF/DWSRF funds) to finance projects. Federal Davis-Bacon prevailing wages apply to this project.

<b>Project Wage Rate Sheet</b>	U.S. Department of Housing and Urban Development Office of Labor Relations
--------------------------------	---

PROJECT NAME:	WAGE DECISION NUMBER/MODIFICATION NUMBER:
---------------	---

PROJECT NUMBER:	PROJECT COUNTY:
-----------------	-----------------

WORK CLASSIFICATION	BASIC HOURLY RATE (BHR)	FRINGE BENEFITS	TOTAL HOURLY WAGE RATE	LABORERS FRINGE BENEFITS:		\$
				GROUP #	BHR	TOTAL WAGE
			\$			\$
			\$			\$
			\$			\$
			\$			\$
			\$			\$
			\$	OPERATORS FRINGE BENEFITS:		\$
			\$	GROUP #	BHR	TOTAL WAGE
			\$			\$
			\$			\$
			\$			\$
			\$			\$
			\$	TRUCK DRIVERS FRINGE BENEFITS:		\$
			\$	GROUP #	BHR	TOTAL WAGE
			\$			\$
			\$			\$

**CONFORMED CLASSIFICATIONS**

WORK CLASSIFICATION	BASIC HOURLY RATE (BHR)	FRINGE BENEFITS	TOTAL HOURLY WAGE RATE	DATE OF DOW SUBMISSION TO DOL	DATE OF DOL APPROVAL
			\$		
			\$		
			\$		
			\$		

## Davis-Bacon Quarterly Compliance Certification

*This information is required for compliance of the Davis-Bacon provisions of the Clean Water SRF or Drinking Water SRF funded projects. This form should be submitted to KIA no later than the 5<sup>th</sup> day of each calendar quarter. Please submit all Davis-Bacon forms to [kia.srfloans@ky.gov](mailto:kia.srfloans@ky.gov).*

**Please Note:** Send Davis Bacon forms in a separate email from all draw requests.

Borrower Name:	
WX / SX Number:	
KIA Loan Number:	
Project Name:	
Number of prime contractors on-site for this reporting period:	
If more than one, please list:	
Number of subcontractors on-site for this reporting period:	
If more than one, please list:	
For Reporting Quarter Ending:	

**Questions regarding Davis-Bacon determination:**

**Yes or No**

Have quarterly compliance certifications been received from <b>all</b> contractors and subcontractors for the above period?	
Are all contracts and subcontracts in compliance with Davis-Bacon provisions?	
Have weekly certified payrolls been received for each contract and subcontract with a Statement of Compliance (WH-347 Form or other acceptable form accompanied by a Statement of Compliance)?	
Have reviews of weekly payroll information submitted by the contractors and subcontractors been reviewed to verify payment of appropriate wages and compliance?	
Have on-site interviews been conducted as a result of suspected noncompliance or in response to an alleged violation of the prevailing wage requirements?	
If so, please submit copies of the Labor Standard Interview Sheet (SF 1445) for interviews conducted within the quarter.	

I certify the correct wage decision is being applied to the above noted project.

\_\_\_\_\_  
Signature of Authorized Official of Borrower

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title of Authorized Official

- Attach copies of all contractor and subcontractor Davis-Bacon certifications received during the most recent quarter for KIA’s files – **DO NOT** include payroll reports.
- All supporting documentation must be retained at the borrower’s offices for a period of at least 3 years after the project completion date.

**PLEASE NOTE:** KIA will use a combination of funding (CWSRF/DWSRF funds and non-CWSRF/DWSRF funds) to finance projects. Federal Davis-Bacon prevailing wages apply to this project.

## Davis-Bacon Quarterly Compliance – Contractor

*Fill out one form for each contract awarded and submit to the SRF loan recipient. This information is required for compliance of the Davis-Bacon provisions of the Clean Water SRF or Drinking Water SRF funded projects. This form should be submitted to the SRF loan recipient no later than the 5<sup>th</sup> day of each calendar quarter. Please submit all Davis-Bacon forms to [kia.srfloans@ky.gov](mailto:kia.srfloans@ky.gov).*

**Please Note:** Send Davis-Bacon forms in a separate email from all draw requests.

Borrower Name:	
WX / SX Number:	
KIA Loan Number:	
Project Name:	
<b>Federal Wage Decision #, modification #, and Effective Date used in contract:</b>	
Contract Amount:	
Contractor Name:	
Contractor Address:	
Contract Actual Start / Anticipated End Date	
Active Work Dates on Site (Covered by this certificate)	
Certificate for Quarter Ending	

**Questions regarding Davis Bacon determination:**

**Yes or No**

Was the appropriate wage rate paid to all workers from the first day on which work was performed?	
Have all weekly payroll information reports with a Statement of Compliance been submitted to the Borrower (WH-347 Form or other acceptable form accompanied by a Statement of Compliance)?	
Is the appropriate signage and notification of federal wage rates posted at the construction site?	
Are all subcontracts in compliance?	

I certify the correct wage decision is being applied to the above noted project.

\_\_\_\_\_  
Signature of Authorized Official of Contractor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title of Authorized Official

- Every contractor (including every subcontractor) must keep a complete set of their own payrolls and other basic records such as time cards, tax records, and evidence of fringe benefit payments, for a Davis-Bacon project for at least 3 years after the project is complete.

**PLEASE NOTE:** KIA will use a combination of funding (CWSRF/DWSRF funds and non-CWSRF/DWSRF funds) to finance projects. Federal Davis-Bacon prevailing wages apply to this project.

## Davis-Bacon Quarterly Compliance – Subcontractor

Fill out one form for each contract awarded and submit to the Prime Contractor. This information is required for compliance of the Davis-Bacon provisions of the Clean Water SRF or Drinking Water SRF funded projects. This form should be submitted to the Prime Contractor no later than the 5<sup>th</sup> day of each calendar quarter. Please submit all Davis-Bacon forms to [kia.srfloans@ky.gov](mailto:kia.srfloans@ky.gov).

**Please Note:** Send Davis-Bacon forms in a separate email from all draw requests.

Borrower Name:	
WX / SX Number:	
KIA Loan Number:	
Project Name:	
Federal Wage Decision #, modification #, and Effective Date used in contract:	
Contract Amount:	
Prime Contractor Name:	
Prime Contractor Address:	
Subcontractor Name:	
Subcontractor Address:	
Subcontract Actual Start / Anticipated End Date	
Active Work Dates on Site (Covered by this certificate)	
Certificate for Quarter Ending	

### Questions regarding Davis Bacon determination:

Yes or No

Was the appropriate wage rate paid to all workers from the first day on which work was performed?	
Have all weekly payroll information reports with a Statement of Compliance been submitted to the Prime Contractor or the Borrower (WH-347 Form or other acceptable form accompanied by a Statement of Compliance)?	
Is the appropriate signage and notification of federal wage rates posted at the construction site?	

I certify the correct wage decision is being applied to the above noted project.

\_\_\_\_\_  
Signature of Authorized Official of Subcontractor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title of Authorized Official

- Every contractor (including every subcontractor) must keep a complete set of their own payrolls and other basic records such as time cards, tax records, and evidence of fringe benefit payments, for a Davis-Bacon project for at least 3 years after the project is complete.

**PLEASE NOTE:** KIA will use a combination of funding (CWSRF/DWSRF funds and non-CWSRF/DWSRF funds) to finance projects. Federal Davis-Bacon prevailing wages apply to this project.

## Division of Water SRF Project Managers

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## KY Infrastructure Authority SRF Regional Compliance Coordinators

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[Julie.Bickers@ky.gov](mailto:Julie.Bickers@ky.gov)

Sarah Parsley  
(502) 892-3177  
[Sarah.Parsley@ky.gov](mailto:Sarah.Parsley@ky.gov)

# **Pay Requests**

**Note!** PAY REQUESTS must be received by DOW and KIA by the 5<sup>th</sup> calendar day of the month via the email [kia.srfloans@ky.gov](mailto:kia.srfloans@ky.gov) or the payment request will not be processed until the following month.

## Pay Request

Contact: *Buddy Griffin, KY Division of Water*  
[Buddy.Griffin@ky.gov](mailto:Buddy.Griffin@ky.gov), (502) 782-6958

*Debbie Landrum, Kentucky Infrastructure Authority*  
[Debbie.Landrum@ky.gov](mailto:Debbie.Landrum@ky.gov), (502) 892-3454  
 (Lincoln Trail, KIPDA, Northern KY, and Bluegrass ADDs)

*Sarah Parsley, Kentucky Infrastructure Authority*  
[Sarah.Parsley@ky.gov](mailto:Sarah.Parsley@ky.gov), (502) 892-3177  
 (Buffalo Trace, Gateway, FIVCO, Big Sandy, KY River, and Cumberland Valley ADDs)

*Julie Bickers, Kentucky Infrastructure Authority*  
[Julie.Bickers@ky.gov](mailto:Julie.Bickers@ky.gov), (502) 892-3455  
 (Purchase, Pennyryle, Green River, Barren River, and Lake Cumberland ADDs)

The project is finally in the construction phase and it is time to pay the contractor.

The Assistance Agreement must be fully executed before any draws can be made. At that time you will be sent an electronic draw workbook for preparing draw requests. Requests are to be submitted to [kia.srfloans@ky.gov](mailto:kia.srfloans@ky.gov) along with DBE Utilization form(s), if applicable, and must be received by the 5<sup>th</sup> of each month to be disbursed within the same month (funds are normally in the borrowers account by the 18<sup>th</sup> of month). If a draw request is received after the 5<sup>th</sup>, it will be held until the following month. **NOTE:** Quarterly Davis-Bacon reports **MUST** be current in order to process any draw requests. If not, the draw will be held until the reports are submitted.

**Note!** KIA/DOW will no longer be accepting copies of pay requests to be mailed in or emailed to staff email addresses.





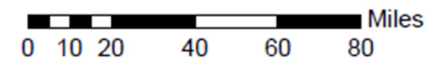
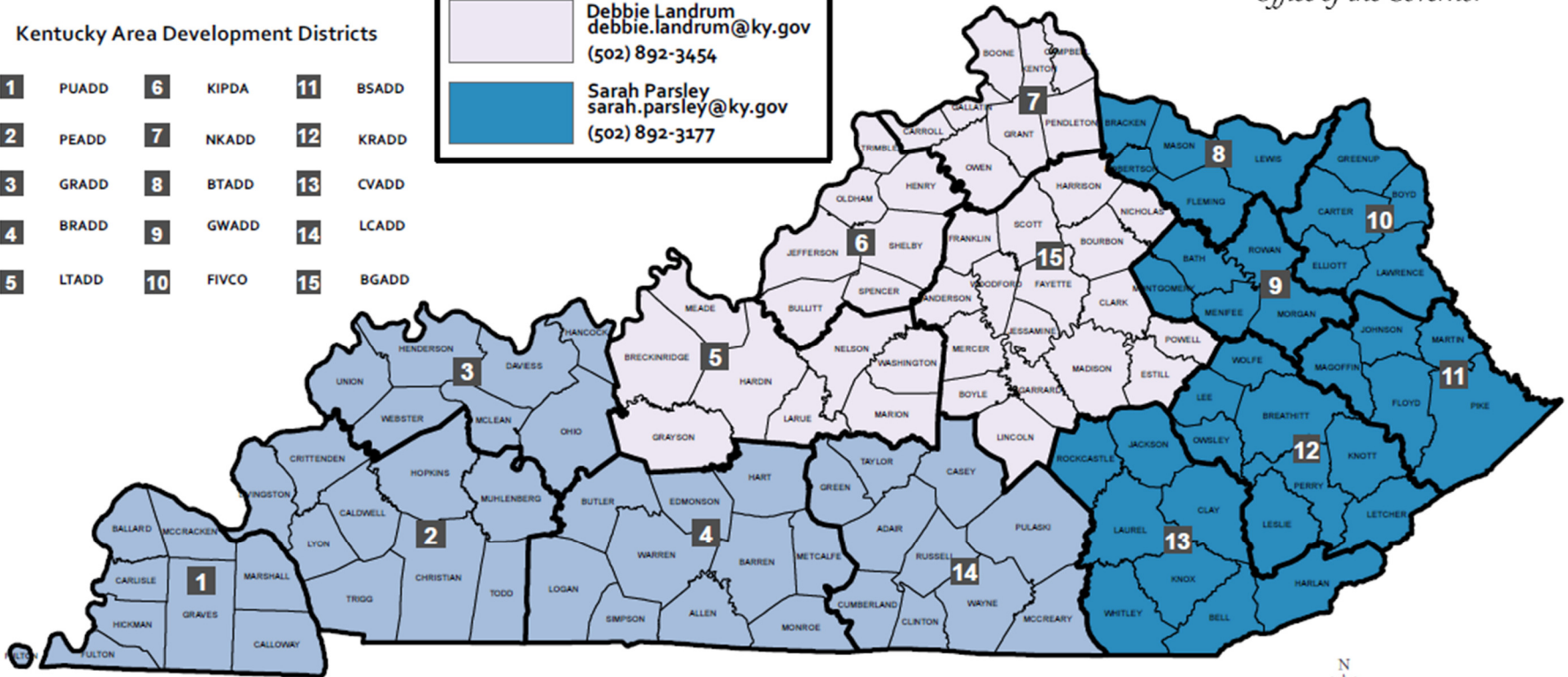
# Kentucky Infrastructure Authority Regional Contacts



	Julie Bickers julie.bickers@ky.gov (502) 892-3455
	Debbie Landrum debbie.landrum@ky.gov (502) 892-3454
	Sarah Parsley sarah.parsley@ky.gov (502) 892-3177

Kentucky Area Development Districts

- |                |                 |                 |
|----------------|-----------------|-----------------|
| <b>1</b> PUADD | <b>6</b> KIPDA  | <b>11</b> BSADD |
| <b>2</b> PEADD | <b>7</b> NKADD  | <b>12</b> KRADD |
| <b>3</b> GRADD | <b>8</b> BTADD  | <b>13</b> CVADD |
| <b>4</b> BRADD | <b>9</b> GWADD  | <b>14</b> LCADD |
| <b>5</b> LTADD | <b>10</b> FIVCO | <b>15</b> BGADD |



Data Sources                      Kentucky Geography Network @ <http://kygeonet.ky.gov>  
 County & State Boundaries      Energy and Environment Cabinet & Division of Geographic Information

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Prepared by:  
 Water Resource Information System  
 July, 2019

## Project Closeout

# Project Closeout

# 7

## Project Closeout

**Contact:** Kentucky Infrastructure Authority Regional Compliance Coordinator  
(See Attachment 6.1)

Upon notification of 80% completion by DOW, KIA will request submission of all the closeout items listed below to close out the loan.

**Please send the items below to the [KIA.SRFCloseout@ky.gov](mailto:KIA.SRFCloseout@ky.gov) email:**

- Initiation of Operation Letter (*the date of the initiation of operation signifies when the constructed items will be doing what they were designed to do*)
- Consulting engineer's Certification of Completion on letterhead
- Borrower's Certification of Completion on letterhead
- Release of Lien from Contractor(s)
- Record drawings (*must be stamped; digital .pdf preferred*)

**Please send the items below to [KIA.SRFLoans@ky.gov](mailto:KIA.SRFLoans@ky.gov) email:**

- Final Pay Request Form (*Exhibit B*) (*KIA will hold \$25,000 or 20% of the final draw, whichever is greater, until all closeout documents have been submitted and DOW has performed the final inspection*)
- Final adjusting change order(s), if applicable

### **Final Steps**

An "Exhibit F" and amortization schedule are prepared by the KIA and sent to the loan recipient. The Exhibit F must be signed and returned to KIA. These documents complete the borrowing cycle by establishing the final loan balance and when repayments will be made.