

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Draft, Subject to Change

Meeting Date: November 22, 2016 Consent [X] Regular []
Public Hearing []

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: **A)** Acceptance of an XP grant agreement with the United States Environmental Protection Agency (EPA) in the amount of \$485,000 for the construction of PW-11 in the Glades Region; **B)** an Easement Agreement with the Palm Beach County School District (School District) for the easement areas and license area necessary to construct and maintain PW-11 at the West Technical Education Center (West Tech) site in the amount of \$19,246 and **C)** a Budget Amendment of \$485,000 in the Water Utilities Department Capital Improvement Fund (Fund 4011) to recognize the \$485,000 grant revenue from the agreement and transfer \$485,000 in expenditures to the grant budget expense line from Water Utilities budget expense line.

Summary: The Water Utilities Department (WUD) has identified the need for the construction of an additional public water supply well (PW-11) in the Western Region of the WUD service area (Project) to provide additional efficiency in the operation of Water Treatment Plant (WTP) 11. A grant in the amount of \$485,000 is available through EPA for the construction of infrastructure that benefits and improves WTP 11 pursuant to funds that were Congressionally appropriated in 2009. The acceptance of the XP Grant agreement will provide for the application of the available monies to the construction of PW-11. The budget period from the grant began on March 1, 2016 and will end on April 1, 2018. The estimated overall cost for the construction of PW-11 is \$1,806,182 and the Project will be procured in the near future to conform with EPA requirements upon acceptance of the grant funds. WUD anticipates completion of the project within the current fiscal year.

WUD determined that the most effective placement of PW-11 is in a location on the West Tech site that was dedicated to the Palm Beach County School District by the State of Florida. Construction and maintenance of PW-11 requires the execution of the Easement Agreement to provide for several easement areas and a license area, as well as the modification of the dedication of state lands to the School District. Exhibit A to the Easement Agreement provides for a permanent easement for the construction and maintenance of the raw water well PW-11. Exhibit B provides for a permanent easement for the construction and maintenance of the pipeline required to connect PW-11 to WTP 11. Exhibit C provides for a buffer easement for the protection of PW-11 after construction. Exhibit D provides for a temporary construction easement for the storage and utilization of areas for construction of the well and associated water main. Exhibit E provides for a permanent easement for an access road off the School District property to the well location for maintenance purposes. Exhibit F provides for a license area for routine operations access through the School District site. WUD has agreed to pay \$19,246 to the School District in consideration for the easement areas. The School Board approved a modification of the dedication of state lands to the School District to allow for utilization of the site for public water supply purposes as well as the Easement Agreement at its meeting on September 20, 2016. (WUD Project No. 15-058) District 6 (MJ)

Background and Justification:

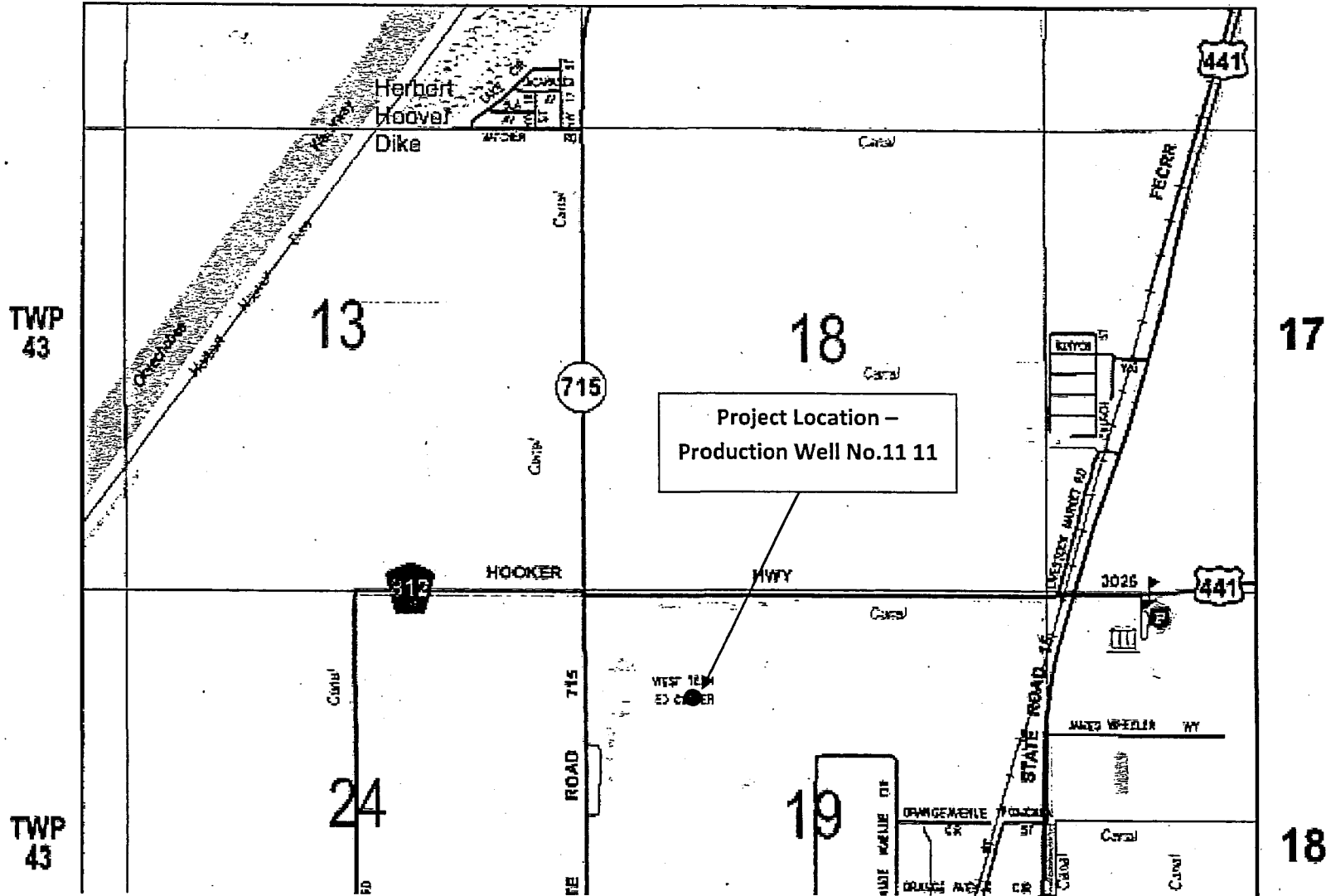
In order to provide additional operational efficiency of the wellfield providing raw water supply to WTP 11, WUD is undertaking the construction of PW-11 in the Glades Region. WUD identified \$485,000 in previously appropriated grant funds available through the EPA for utilization for projects that benefit and improve WTP 11 that can be utilized for the construction of PW-11. An Easement Agreement with the School District is necessary to locate the well on the School District site. The School District and Division of State Lands are additionally approving a modification of the Dedication of State Lands that dedicated the site to the School District to allow for utilization of the site for public water supply purposes.

Attachments:

1. Location Map
2. Two (2) Original EPA XP Grant Agreements
3. Modification of Dedication
4. Three (3) Original Easement Agreements with Attachments
5. Budget Amendment Form

Recommended By: Jim Stalos Department Director 11-1-16 Date

Approved By: _____ Deputy County Administrator Date



WUD 15-058 WTP11 Production Well No.11

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement	GRANT NUMBER (FAIN): 00D38715 MODIFICATION NUMBER: 0 PROGRAM CODE: XP	DATE OF AWARD 06/09/2016
		TYPE OF ACTION New	MAILING DATE 06/16/2016
		PAYMENT METHOD: Reimbursement	ACH# 40836
RECIPIENT TYPE: County	Send Payment Request to: Stacey Bouma, Water Protection Division, 404 562-9392		
RECIPIENT: Palm Beach Co. Government 301 N. Olive Ave. West Palm Beach, FL 33401 EIN: 59-6000785	PAYEE: Palm Beach County Government 301 N. Olive Ave. West Palm Beach, FL 33401		
PROJECT MANAGER Maurice Tobon 8100 Forest Hill Blvd West Palm Beach, FL 33413 E-Mail: mtobon@pbcwater.com Phone: 561-493-6000	EPA PROJECT OFFICER Thomas Cooney 61 Forsyth Street Atlanta, GA 30303-8960 E-Mail: cooney.thomas@epa.gov Phone: 404-562-9881	EPA GRANT SPECIALIST Sharonita Johnson Grants and Audit Management Section E-Mail: johnson.sharonita@epa.gov Phone: 404-562-8311	
PROJECT TITLE AND DESCRIPTION Congressionally Mandated Projects This action approves an award in the amount of \$485,000 to the Palm Beach County Government, Water Utilities Department, Lake Region Water Treatment Plant. The project includes the installation of one new supply well, including submersible well pump with motor, column pipe, wellhead facilities, above ground and buried raw water piping, electrical power feed with variable frequency drive, instrumentation, concrete pad, and above ground site facilities for one new Upper Floridian aquifer production well-11. Production well -11 will provide an additional raw water supply to the Lake Region Water Treatment Plant. The proposed project is located in the Everglades Watershed, Hydrologic Unit Code 03090202. A Categorical Exclusion was issued for this project on March 23, 2016.			
BUDGET PERIOD 03/01/2016 - 04/01/2018	PROJECT PERIOD 03/01/2016 - 04/01/2018	TOTAL BUDGET PERIOD COST \$1,806,182.00	TOTAL PROJECT PERIOD COST \$1,806,182.00
NOTICE OF AWARD			
Based on your Application dated 07/27/2015 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$485,000. EPA agrees to cost-share 27.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$485,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS 61 Forsyth Street Atlanta, GA 30303-8960		ORGANIZATION / ADDRESS U.S. EPA, Region 4 Water Protection Division 61 Forsyth Street Atlanta, GA 30303-8960	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official Keva R. Lloyd - Grants Management Officer			DATE 06/09/2016

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 485,000	\$ 485,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 1,321,182	\$ 1,321,182
State Contribution	\$	\$ 0	\$ 0
Local Contribution	\$	\$ 0	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 1,806,182	\$ 1,806,182

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.202 - Congressionally Mandated Projects	FY 2009 Omnibus Appropriations Act (PL 111-8)	2 CFR 200 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	1604VX6050	15	E5C	04V0HKS	201B51	4183			485,000
									485,000

Approved Budget	
Program Element Classification (Construction)	Approved Allowable Budget Period Cost
1. Administration Expense	\$0
2. Preliminary Expense	\$0
3. Land Structure, Right Of Way	\$0
4. Architectural Engineering Basic Fees	\$0
5. Other Architectural Engineering Fees	\$0
6. Project Inspection Fees	\$0
7. Land Development	\$0
8. Relocation Expenses	\$0
9. Relocation Payments to Individuals & Bus.	\$0
10. Demolition and Removal	\$0
11. Construction and Project Improvement	\$1,806,182
12. Equipment	\$0
13. Miscellaneous	\$0
14. Total (Lines 1 thru 13)	\$1,806,182
15. Estimate Income	\$0
16. Net Project Amount (Line 14 minus 15)	\$1,806,182
17. Less: Ineligible Exclusions	\$0
18. Add: Contingencies	\$0
19. Total (Share: Recip 73.00% Fed 27.00%)	\$1,806,182
20. TOTAL APPROVED ASSISTANCE AMOUNT	\$485,000

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$0
2. Fringe Benefits	\$0
3. Travel	\$0
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$0
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$0
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>0.00</u> % Federal <u>0.00</u> %.)	\$0
12. Total Approved Assistance Amount	\$
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$485,000
15. Total EPA Amount Awarded To Date	\$485,000

Administrative Conditions

1. GENERAL TERMS AND CONDITIONS

The recipient agrees to comply with the current EPA general terms and conditions available at:

<https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-march-29-2016-or-later>.

These terms and conditions are in addition to the assurances and certifications made as part of the award and the terms, conditions or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: <http://www.epa.gov/grants/grant-terms-and-conditions>

The applicable terms and conditions below are in addition to the general terms and conditions noted above:

2. ANNUAL FFR (INTERIM) PURSUANT TO 2 CFR 200.327

Pursuant to 2 CFR 200.327, EPA recipients shall submit an interim annual Federal Financial Report (FFR, SF-425) to EPA no later than 90 calendar days following the anniversary of the award date. The form is available on the internet at: <http://www2.epa.gov/financial/forms>.

The following reporting period end dates shall be used for interim annual reports: 3/31, 6/30, 9/30, or 12/31.

At the end of the project, the recipient must submit a final FFR to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at: <http://www2.epa.gov/financial/forms>. All FFRs must be submitted to the Las Vegas Finance Center (LVFC) via email LVFC-grants@epa.gov or fax at 702-798-2423.

3. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES

GENERAL COMPLIANCE, 40 CFR, Part 33

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33.

MBE/WBE REPORTING, 40 CFR, Part 33, Subpart E

MBE/WBE reporting is required in annual reports. Reporting is required for assistance agreements where there are funds budgeted for procuring construction, equipment, services and supplies, including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the "Other" category that exceed the threshold amount of \$150,000, including amendments and/or modifications.

Based on EPA's review of the planned budget, this award meets the conditions above and is subject to the Disadvantaged Business Enterprise (DBE) Program reporting requirements. However, if recipient believes this award does not meet these conditions, it must provide the DBE Coordinator with a justification and budget detail within 21 days of the award date clearly demonstrating that, based on the planned budget, this award is not subject to the DBE reporting requirements.

The recipient agrees to complete and submit a "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" report (EPA Form 5700-52A) on an annual basis. All procurement actions are reportable, not just that portion which exceeds \$150,000.

When completing the annual report, recipients are instructed to check the box titled "annual" in section 1B of the form. For the final report, recipients are instructed to check the box indicated for the "last report" of the project in section 1B of the form. Annual reports are due by October 30th of each year. Final reports are due by October 30th or 90 days after the end of the project period, whichever comes first.

The reporting requirement is based on total procurements. Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

MBE/WBE reports should be sent to:
R4epagrantsmbewbereporting@epa.gov
cc: johnson.sharonita@epa.gov
Attn: Sharonita Johnson

The current EPA Form 5700-52A can be found at the EPA Office of Small Business Program's Home Page at http://www.epa.gov/osbp/dbe_reporting.htm

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502; however, the other requirements outlined in 40 CFR Part 33 remain in effect, including the Good Faith Effort requirements as described in 40 CFR Part 33 Subpart C, and Fair Share Objectives negotiation as described in 40 CFR Part 33 Subpart D and explained below.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE participation in procurement under the financial assistance agreements.

In accordance with 40 CFR, Section 33.411 some recipients may be exempt from the fair share objectives requirements as described in 40 CFR, Part 33, Subpart D. Recipients should work with their DBE coordinator, if they think their organization may qualify for an exemption.

Accepting the Fair Share Objectives/Goals of Another Recipient

The dollar amount of this assistance agreement, or the total dollar amount of all of the recipient's financial assistance agreements in the current federal fiscal year from EPA is \$250,000, or more. The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the **FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION** as follows:

MBE: CONSTRUCTION 9%; SUPPLIES 9%; SERVICES 9%; EQUIPMENT 9%

WBE: CONSTRUCTION 3%; SUPPLIES 3%; SERVICES 3%; EQUIPMENT 3%

By signing this financial assistance agreement, the recipient is accepting the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as the **FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION** .

Negotiating Fair Share Objectives/Goals, 40 CFR, Section 33.404

The recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is **not** accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

(a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include 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 minimum of 30 calendar days before the bid or proposal closing date.

(c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

(d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

4. PROCUREMENT FOR CONSTRUCTION

The cost of construction contracts procured in compliance with the General Procurement Standards (see 2 CFR 200.318 through 200.326) are allowable costs for reimbursement with grant funds. No grant funds may be used to reimburse the federal share of any construction contract(s) found to be in noncompliance with the grant procurement regulations. (Note: all project expenditures are deemed to include both the federal and nonfederal shares).

The recipient agrees to conduct all procurement for construction in compliance with 2 CFR 200.318 through 200.326 and include the "EPA Supplemental General Conditions for Federally Assisted Construction Contracts" (enclosed) including Minority Business Enterprise and Women's Business Enterprise Goals in any bidding documents. The recipient also agrees to submit to EPA for pre-award and/or post award review procurement documents including, but not limited to: invitations for bids, independent cost estimates, bid documents, disadvantaged business enterprise documentation, etc.

No payments may be made under this grant until EPA has reviewed the construction procurement documents for compliance with the procurement regulations.

5. PROCUREMENT FOR ENGINEERING AND OTHER PROFESSIONAL SERVICES

The costs of professional engineering and any other professional services contracts procured in compliance with the General Procurement Standards (see 2 CFR 200.318 through 200.326) are allowable costs for reimbursement with grant funds. No grant funds may be used to reimburse the federal share of any engineering or other professional services contract(s) found to be in noncompliance with the grant procurement regulations. (Note: all project expenditures are deemed to include both the federal and nonfederal shares).

The recipient agrees to conduct all procurement for engineering and other professional services in compliance with 2 CFR 200.318 through 200.326. The recipient also agrees to submit to EPA for pre-award and/or post-award review procurement documents including, but not limited to: selection procedures, requests for qualifications and/or proposals, evaluation methodology and results, memorandum of review or negotiation, cost analyses, proposed contract documents, etc.

No payments may be made under this grant until EPA has received and reviewed the procurement documents for compliance with the procurement regulations.

6. PROVISIONS

The provisions of the memorandum titled "Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2009 Appropriations Act" dated July 27, 2009, is incorporated herein by reference.

Programmatic Conditions

1. The grantee agrees to follow procedures contained online at:
<http://www.epa.gov/grants/special-appropriation-act-projects>
2. The grantee shall follow the procurement requirements under 2 CFR 200.317 through 200.326 when procuring construction contracts including: assuring full and open competition; procuring by federally approved methods; performing a cost/price analysis; and ensuring contracts include MBE/WBE requirements, bonding requirements, compliance with federal, state and local laws, inclusion of 2 CFR 200.326 contract provisions, and subcontractor requirements.
3. The grantee agrees to obtain EPA Project Officer review and concurrence of plans and specifications for all construction contracts prior to the advertisement for bids.
4. The grantee shall notify the EPA Project Officer of any contract awards made as part of this grant and provide a copy to EPA if so requested.
5. In consultation with the EPA Project Officer, the grantee shall conduct a pre-construction conference for each construction contract awarded as part of this grant.
6. The grantee will assure the EPA that all land, easements, and rights-of-way necessary for the construction of the project have been obtained prior to initiating construction.
7. The grantee will obtain all necessary state and local permits, including a permit to construct from the appropriate state agency, coverage under the State's NPDES general permit for construction activities, and/or a Corps of Engineers Section 404 permit (if applicable), prior to initiating construction.
8. The grantee shall submit to the EPA Project Officer a semi-annual progress report beginning with the award of this grant and a final report pursuant to 2 CFR 200.328. These reports will consist of updated progress toward work objectives, problems encountered, actions taken to resolve problems and discussion of remaining tasks. This report may be as brief as one page, or for a grant for construction, an invoice of work performed during that time period, so long as all the requested information is provided. The items listed below should be addressed, as appropriate:

Semi-Annual Progress Report Outline
for
Special Appropriations Grants

Grant Number. _____

Grantee Name: _____

Project Name: _____

Grantee's Authorized Representative: _____

- a. What work was accomplished for this reporting quarter?
- b. What problems, if any, were encountered?
- c. If a problem was encountered, what action was taken to correct it?
- d. Is the project work on schedule?
 - (a) This reporting period?
 - (b) For the project?
- e. If the project is not on schedule, what is proposed for a revised schedule?
- f. Does the new schedule require a time extension?
- g. Is there a change in the Grantee's Authorized Representative or any of the key contacts?

9. The EPA, and its delegated representatives, shall have access to the project work site and project records at all times.

10. The grantee must get the approval of EPA to use of [grant funds to purchase land and/or easements] or [land as match] under this grant project. The grantee agrees to provide EPA a copy of the appraisal obtained in accordance with procedures established under 49 CFR § 24.103 and provide documentation of the required deed restriction (see condition no. 12).

11. The purchased land parcel(s) or land parcel(s) used as match will require the following deed restriction:

The [County/City] of [name and state], [purchased this land with federal funds/used this land as match] under a grant from the U.S. Environmental Protection Agency (EPA), grant no. _____. The [County/City] may only use this land, delineated on the attached boundary survey, as a [project description, e.g., storm water retention project], as described in EPA grant no. _____. The [County/City] will be responsible for maintaining this deed restriction in perpetuity. In the event the [County/City] of [name and state], wishes to change the use of the land from the identified grant purpose, the [County/City] must contact the EPA, Region 4, and request written instructions for disposition pursuant to applicable EPA grant regulations.

12. The grantee shall comply with the requirements of 49 CFR § Part 24, Uniform

Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs, when acquiring land and/or permanent easements as part of this grant.

13. The grantee agrees to comply with 2 CFR 200.311, which addresses the use and disposal of real property acquired under a federal grant.

14. The grantee has to obtain EPA approval for pre-award costs occurring on or after October 1st in the year of the appropriations related to land acquisition costs including surveys, appraisals, options, associated administrative work, etc. for the project covered by this grant. The grantee agrees to submit copies of invoices, appraisals, etc. to EPA for review and approval of these pre-award costs.

15. The grantee agrees to comply with the applicable Cross-Cutting Federal Laws and Authorities listed as an attachment to this grant award document.

16. The grantee will submit its reimbursement request (SF271) and appropriate invoices to EPA to obtain reimbursement.

17. The grantee is encouraged to utilize environmentally preferable practices in the course of procuring goods and services under this grant. "Environmentally preferable" is defined as products or services that have a lesser or reduced effect of human health and the environment. Consideration of environmentally preferable practices should be consistent with price, performance, availability, and safety conditions. Examples include:

- General construction: Adding ranking factors or contract language for construction contracts for the contractor to: adopt practices, reduce idling of construction equipment, use clean diesel fuels in construction equipment, install emissions retrofits equipment, repower construction equipment engines, etc. More information on environmentally preferable practices for construction projects can be found at: www.epa.gov/cleandiesel/sector-programs/construct-overview.htm, www.epa.gov/otaq/consumer.htm, and <http://www.epa.gov/cleandiesel/verification/verif-list.htm>.

- Construction of buildings: Adding ranking factors or contract language for the contractor to include green building techniques such as: designing for energy and water efficiency, using green building products, etc. More information on environmentally preferable practices for greener buildings can be found at: <http://www2.epa.gov/smart-growth/location-and-green-building> and <http://www.wbdg.org>

- Electronics equipment: Adding ranking factors or contract language for EnergyStar® features and EPEAT-registered electronics products when procuring electronics equipment. Also consider adding factors concerning buy-back or end-of-life programs that dispose of electronics in an environmentally safe manner. More information on preferable practices for electronics equipment can be found at:

<http://ww2.epeat.net/searchoptions.aspx>, <http://www.epa.gov/p2/pubs/pubs.htm>
(Document Title: WasteWise Update (Issue #14) - Electronics Reuse and Recycling, Document # 530N00007), and
<http://www.epa.gov/epawaste/conserves/materials/recycling/donate.htm>.

- A/E Services and Construction Services: Adding a ranking factor or contract language that gives preference to firms that have an environmental management system (EMS) in-place demonstrating their commitment to improving the environment through their place of work. More information on EMS can be found at: www.epa.gov/ems.

Grantees will report any environmentally preferable practices undertaken in the semi-annual progress reports. The information reported will be used to track EPA's progress in reducing our environmental impacts.

18. The grantee is encouraged to improve the environmental performance of their water and wastewater facilities by developing an environmental management system (EMS). More information specific to implementing an EMS for water, wastewater, and biosolids facilities can be found at: <http://www.epa.gov/ems/implement.html>.

19. The recipient is required to place a sign at construction sites supported under this award displaying the EPA logo in a manner that informs the public that the project is funded in part or wholly by the EPA. The sign must be placed in a visible location that can be directly linked to the work taking place and must be maintained in good condition throughout the construction period.

Recipients are required to comply with the sign specifications provided by the EPA Office of Public Affairs (OPA) available at:
http://www.epa.gov/ogd/tc/epa_logo_seal_specifications_for_infrastructure_grants.pdf.

If the EPA logo is displayed along with the logos of other participating entities, the EPA logo must not be displayed in a manner that implies that EPA itself is conducting the project. Instead, the EPA logo must be accompanied with a statement indicating that the recipient received financial assistance from EPA for the project. As provided in the sign specifications from OPA, the EPA logo is the preferred identifier for assistance agreement projects and use of the EPA seal requires prior approval from the EPA. To obtain the appropriate EPA logo or seal graphic file, the recipient should send a request directly to OPA and include the EPA Project Officer in the communication.

Instructions for contacting OPA is available at:
<http://www2.epa.gov/stylebook/using-epa-seal-and-logo>.

Consistent with section 6002 of RCRA, 42 U.S.C. 6962, and 2 CFR 200.322, recipients are encouraged to use recycled or recovered materials when procuring signs. Signage costs are considered an allowable cost under this assistance agreement provided that

the costs associated with signage are reasonable. Additionally, to increase public awareness of projects serving communities where English is not the predominant language, recipients are encouraged to translate the language on signs (excluding the EPA logo or seal) into the appropriate non-English language(s). The costs of such translation are allowable, provided the costs are reasonable.

20. Cybersecurity Grant Condition for Other Recipients Including Intertribal Consortia

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State or Tribal law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure. For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) no later than 90 days after the date of this award and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.331(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

21. Geospatial Data Standards

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at www.fgdc.gov.
