

LOUISIANA DEPARTMENT OF HEALTH • OFFICE OF PUBLIC HEALTH

It is not uncommon for Drinking Water Revolving Loan Fund (DWRLF) projects to be amended (significantly altered or added to) after an Environmental Determination has been made and the System Improvement Plan (SIP) has been accepted. Amendments may be made for a variety of reasons, such as discovering that additional work is needed that was not foreseen when the original SIP was prepared or simply to use any remaining funds after the original project has been completed under budget.

This Guidance Document provides a description of the process used to add additional projects or significantly alter existing previously accepted projects. It includes detailed guidance information concerning the preparation of the SIP Amendment, but includes only minimal guidance information on other potentially necessary submittals (i.e. Environmental Determination, Plans and Specifications, Executed Contract Documents, etc.) for which other DWRLF Guidance Documents have been prepared and should be referenced.

Amendment to the SIP and Environmental Determination: If the SIP needs to be amended after it has been approved, a separate document (“SIP Amendment No. , Insert Month and Year”) must be prepared containing the amended information. The amended information should not be provided in the existing SIP because that may cause confusion as to whether the amended information was approved as part of the original SIP or at some later date. The SIP Amendment must include the following:

1. A **Revised Project Description** that specifically points out and describes the original project and then specifically points out and includes a DETAILED description of the project(s) being added.
2. **Alternatives** - New alternatives should not need to be provided as the ones provided in the original SIP should suffice. However, the No Action Alternative will need to be revised to cover the effects of not completing the added project(s) - with the exception being the addition of procurement only contracts.
3. A **Compliance Evaluation** of the added project(s). For procurement only projects, a description must be provided of how the procured equipment will eventually be used to address potential or real compliance issues. Under federal law, the DWRLF program may provide assistance only for projects necessary for (a) Compliance with national primary drinking water regulations, for (b) Correction of health standards that have been exceeded, or for (c) Maintaining compliance with existing regulations.
4. An **Economic Evaluation** of the added project(s) that includes:
 - a. One-Time Costs,
 - b. Recurring Costs,
 - c. Ineligible Costs/Alternate Funding Sources (if any),
 - d. Financing Costs,
 - e. Useful Life/Replacement Components through the 20-Year Planning Period , and
 - f. Cost to Users/Economic Impact.
5. An **Environmental Effects Evaluation** is required of the added project(s) except for projects that qualify as CATEXs. When an Environmental Effects Evaluation is required it must include direct, indirect, and cumulative environmental effects.

Please note **the SIP Amendment must have the stamp and seal of a LA Professional Engineer** (LAC Title 51, Part 113 ‘Engineer’s Report’).

Once the SIP Amendment is received, reviewed, and acceptable, an environmental determination will be prepared and issued by DWRLF, along with a SIP Amendment Acceptance Letter. In the case of adding procurement only projects, no environmental determination will be required since there is no environmental impact from these. Most often though, the environmental determination will be in the form of a Statement of Findings (SOF), which states the added or significantly altered project(s) in the SIP Amendment is in agreement with the existing environmental determination for the original project (Categorical Exclusion (CATEX) or Finding of No Significant Impact (FONSI)). If the added or significantly altered project(s) does not meet the requirements of the original project’s environmental determination, then additional information may be needed that allows DWRLF to prepare and issue the appropriate environmental determination (see DWRLF’s SIP with Environmental Impacts Guidance Document). In this case, the DWRLF Project Engineer will request additional information in order to prepare the required environmental documents.

Project Plans and Specifications/Contract Documents: As with any construction contract, Plans will be required for submittal, review, and issuance of a permit (or added to the existing project permit if the OPH District/Regional Engineer allows) for any amended project that requires a construction permit in accordance with the LA State Sanitary Code. Even if the amended project does not require the submittal of plans for a construction permit (i.e. procurement only contract, SCADA system installation, etc.), the project will still require that Project Specifications/Contract Documents be put together and submitted for approval regarding DWRLF Program requirements (see DWRLF’s P&S Guidance Document). The Project Specifications/Contract Documents must include the following:

1. Disadvantaged Business Enterprise (DBE) Guidance Document,
2. DBE Forms 1 - 7
3. Required Verbatim Clauses/Statements,
4. Required Forms (5700-49, RF-211, and RF-212),
5. Others as needed (*i.e.* New Groundwater Source Requirements)

AND IF CONSTRUCTION IS INVOLVED:

6. Davis-Bacon Wage Determination
7. Davis Bacon Act text derived from CFR Title 29 (LABOR), Part 5, Subpart A, Sec. 5.5,
8. Davis-Bacon Contract/Grant Language (*depends on which grant the funds originate from*), and
9. Davis Bacon and Related Acts Payroll Certification.
10. American Iron and Steel (AIS) Required Certifications and Documents

NOTE: Davis-Bacon Act requirements for all projects that involve construction: If laborers/mechanics are involved in the construction, then Davis-Bacon applies and a copy of the Final Wage Determination to be used must be provided with the executed contract documents along with the 10-Day Call Form verifying its appropriateness (10-days beforehand based on the Executed Contract Date if the project is not bid out). If no laborers and/or mechanics will be utilized and the Contractor is exempt from Davis-Bacon (and related acts), then the Contractor must provide a letter specifically stating for this project that no laborers or mechanics will be used during construction of the proposed project. Also, if no laborers and/or

mechanics will be utilized then the Davis Bacon documents listed above are not required to be included in the Project Specifications/Contract Documents.

Executed Bid/Contract Documents: The selected Contractor will then need to complete and submit the required Executed Contract Documents in order to be ‘Authorized to Receive Payment’ (see DWRLF’s Bid and Executed Contract Documents Guidance). The Executed Bid/Contract Documents include:

1. DBE Forms 1 – 7 (regarding subcontractors and/or project supplies/components),
2. Certificate of Non-segregated Facilities (RF-212),
3. Certificate of Equal Opportunity Clause (RF-211),
4. EPA Form 5700-49 Certificate referring to Debarment,
5. Insurance Certificate (Not Required for Procurement Only),
6. Payment Bond (Not Required for Procurement Only), and
7. Performance Bond (Not Required for Procurement Only).

If State Public Bid Law applies, then the Consultant Engineer needs to follow the requirements and submit the Advertisement for Bid with EEO Clause included along with an affidavit of its publication, as well as a tabulation of bidders and all of the other required bidding documentation (Bid Forms, Award Recommendation Letter, etc.).

In the case where State Public Bid Law does NOT apply, then a description of how the project was ‘advertised’ needs to be provided. Basically, just a description of how the system went about obtaining a quote(s) and include the dates, who contacted, how contacted, and a tabulation of quotes. Additionally, in this case, the Engineer needs to provide an Award Recommendation to the system that they utilize the selected Contractor and why (lowest quote, etc.).

For Construction Contracts only, the Consultant Engineer needs to provide the Executed Contract, Proof of Filing of the Contract with the parish, and Notice to Proceed in order to be issued the DWRLF Authorization to Receive Payment letter for the Contractor.

For Procurement Only Contracts, the Consultant Engineer only needs to provide a copy of the Purchase Order, which serves as the Executed Contract and Notice to Proceed, in order to be issued the DWRLF Authorization to Receive Payment letter for the Contractor.