



## Federal Requirements Table for Clean Water SRF Projects—Equivalency

This table lists federal requirements that must be addressed by Sponsors with a Clean Water (CW) SRF equivalency project. For more information, see Guide to SRF Requirements—Equivalency\*. *Project permitting, bidding and the loan application process also have specific procedures and requirements.*

\*SRF Guidance Information - [des.sc.gov/SRFguidance](https://des.sc.gov/SRFguidance).

\*\*SRF and SRF-related EPA Forms - [des.sc.gov/SRFforms](https://des.sc.gov/SRFforms).

| Requirement  | When to Address   | Where to Find More Information  | Sponsor Action   | DES Action   |
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| ✓ <b>Utility Sustainability Assessment (UtSA)</b>            | <ul style="list-style-type: none"> <li>As soon as decision is made to apply to SRF, but must be before loan closing</li> </ul>  | <ul style="list-style-type: none"> <li>DES 0574** - Utility Sustainability Assessment (UtSA)</li> </ul> | <ul style="list-style-type: none"> <li>Sponsor completes and submits DES 0574 and supporting documentation.</li> <li>Sponsors who have received a satisfactory score within three years of starting a project, may be exempt from submitting a UtSA.</li> </ul>                  | <ul style="list-style-type: none"> <li>DES financial staff reviews UtSA and assigns a score.</li> <li>Sponsors who do not meet the minimum score are asked to address deficiencies and resubmit unless the project is expected to correct a deficiency that will improve the score.</li> </ul>   |
| ✓ <b>Architectural and Engineering (A&amp;E) Procurement</b> | <ul style="list-style-type: none"> <li>Whenever procuring architecture or engineering services (<i>that will be paid for through the SRF loan</i>) unless using a CMAR process when construction costs &gt; 50% of total project costs</li> </ul> | <ul style="list-style-type: none"> <li>Guide to Federal Requirements—Equivalency*</li> </ul>            | <ul style="list-style-type: none"> <li>When the loan includes expenses for architectural or engineering services those services must be competitively procured.</li> <li>Sponsor completes and submits DES 4087** with PER, but no later than the first draw request.</li> </ul> | <ul style="list-style-type: none"> <li>DES Project Manager (PM) receives form and places in project file.</li> </ul>   |
| ✓ <b>Environmental Review</b>                                | <ul style="list-style-type: none"> <li>During project planning (PER)</li> </ul>   | <ul style="list-style-type: none"> <li>Guide to PERs for Clean Water SRF*</li> </ul>                    | <ul style="list-style-type: none"> <li>Sponsor/Consultant includes relevant environmental information (including any known impacts) in the PER.</li> </ul>   | <ul style="list-style-type: none"> <li>DES PM reviews project information and determines what level of environmental review is required. For many projects DES will request comments from resource agencies.</li> <li>DES PM will issue environmental decision (e.g., Categorical Exclusion, Finding of No Significant Impact).</li> </ul> |
| ✓ <b>Cost &amp; Effectiveness (C&amp;E)</b>                  | <ul style="list-style-type: none"> <li>As part of preparing the Preliminary Engineering Report (PER)</li> </ul>   | <ul style="list-style-type: none"> <li>CWSRF Cost and Effectiveness Analysis Guide*</li> </ul>          | <ul style="list-style-type: none"> <li>Sponsor/Consultant includes alternatives analysis for cost and effectiveness, including water and energy conservation, in the PER submitted to DES.</li> </ul>  | <ul style="list-style-type: none"> <li>DES PM reviews C&amp;E analysis in PER to determine if the analysis is valid for the project.</li> </ul>  |

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| ✓ <b>Fiscal Sustainability Plan (FSP)</b>   | <ul style="list-style-type: none"> <li>• Before loan is signed (if existing FSP) OR prior to request for final disbursement (if have to develop a FSP)</li> </ul> | <ul style="list-style-type: none"> <li>• Guide to Federal Requirements—Equivalency*</li> </ul> | <ul style="list-style-type: none"> <li>• Certify that a fiscal sustainability plan (FSP) exists that covers the project components and satisfies asset inventory, evaluation of asset condition, and evaluation of water &amp; energy conservation including a plan for maintenance, repair and/or replacement of assets, with funding considerations addressed.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Develop an FSP and certify that it covers the constructed components before the final request for reimbursement.</li> </ul> | <ul style="list-style-type: none"> <li>• DES PM reviews FSP to determine if it fulfills FSP requirements.</li> </ul>  |
| ✓ <b>Civil Rights (Non-Discrimination)</b>  | <ul style="list-style-type: none"> <li>• Prior to loan closing</li> </ul>   | <ul style="list-style-type: none"> <li>• Guide to Federal Requirements—Equivalency*</li> </ul> | <ul style="list-style-type: none"> <li>• Review EPA Form 4700-4** and self-assess non-discrimination practices.</li> </ul>   | <ul style="list-style-type: none"> <li>• NA</li> </ul>  |
| ✓ <b>Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URLAP)</b> | <ul style="list-style-type: none"> <li>• Prior to land acquisition</li> </ul>   | <ul style="list-style-type: none"> <li>• Guide to Federal Requirements—Equivalency*</li> </ul> | <ul style="list-style-type: none"> <li>• Acquire land required for the project in compliance with URLAP (e.g., appraisal, fair value paid, and relocation assistance if required).</li> <li>• Certify compliance on DES 3594**. (Form 3594 is required even when land was obtained prior to the project.)</li> </ul>   | <ul style="list-style-type: none"> <li>• DES PM reviews URLAP certification.</li> <li>• If new land acquisition was required, DES PM reviews appraisal and documentation of transaction, and determines eligibility of land acquisition.</li> </ul> |
| ✓ <b>Disadvantaged Business Enterprise</b>  | <ul style="list-style-type: none"> <li>• During bidding and/or during construction when procuring subcontractors</li> </ul>                                       | <ul style="list-style-type: none"> <li>• Guide to Federal Requirements—Equivalency*</li> </ul> | <ul style="list-style-type: none"> <li>• Advertise where minorities have access.</li> <li>• Include DBE language in all prime contracts and subcontracts when required (see CW &amp; DW SRF Permit Guidance – Appendix A*).</li> <li>• Prime must follow and submit documentation of “Six Good Faith Efforts” anytime a subcontractor is hired or replaced.</li> <li>• Submit required forms: EPA Forms 6100-3, 6100-4, 5700-52a**.</li> </ul>   | <ul style="list-style-type: none"> <li>• DES PM reviews DBE recruitment documentation and approves/disapproves awarding of subcontracts.</li> </ul>   |
| ✓ <b>Equal Employment Opportunity</b>   | <ul style="list-style-type: none"> <li>• During bidding and during construction</li> </ul>  | <ul style="list-style-type: none"> <li>• Guide to Federal Requirements—Equivalency*</li> </ul> | <ul style="list-style-type: none"> <li>• Include EEO requirements as found in CW &amp; DW SRF Permit Guidance – Appendix A* if prime contract and any subcontracts &gt;\$10,000.</li> <li>• Require prime and subs over \$10K to submit relevant forms (e.g., DES 2323, 3592, 3591-prime only**), and EEO documentation.</li> </ul>  | <ul style="list-style-type: none"> <li>• DES PM reviews and determines acceptability of EEO documentation as part of bid package approval process.</li> </ul>   |
| ✓ <b>Parties Excluded from Federal Procurement and Non-Procurement Programs</b>                   | <ul style="list-style-type: none"> <li>• Prior to bidding, during bidding and during construction</li> </ul>  | <ul style="list-style-type: none"> <li>• Guide to Federal Requirements—Equivalency*</li> </ul> | <ul style="list-style-type: none"> <li>• Sponsor, prime contractor and any subcontractors whose contract is &gt;\$25,000 must certify ability to do business with government on DES 3590**.</li> </ul>   | <ul style="list-style-type: none"> <li>• DES PM reviews and verifies accuracy of certification using a Federal database – for primes and subcontractors this is part of the bid package approval process.</li> </ul>                                |

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| <p>✓ <b>Build America, Buy America (BABA)</b></p>  | <ul style="list-style-type: none"> <li>• Prior to bidding, during bidding, and during construction</li> </ul>                    | <ul style="list-style-type: none"> <li>• Guide to Federal Requirements—Equivalency*</li> </ul>   | <ul style="list-style-type: none"> <li>• Sponsor/Consultant must specify American made iron, steel, manufactured products and construction materials in project specs.</li> <li>• Work with DES to obtain a waiver if unable to source an item domestically.</li> <li>• Collect manufacturer's certifications.</li> <li>• Track all de minimis items as needed.</li> <li>• Certify on DES 4359 and 4360**, as applicable.</li> </ul>  | <ul style="list-style-type: none"> <li>• DES PM reviews bid documents for compliance with requirement to specify American made iron, steel, manufactured products and construction materials.</li> <li>• DES SRF staff may perform onsite inspection during construction to review manufacturer certifications and inspect materials for compliance.</li> <li>• DES PM applies to EPA for waivers with Sponsor assistance (if required).</li> </ul> |
| <p>✓ <b>American Iron and Steel (AIS)</b><br/><i>(only applies if BABA waiver has been approved)</i></p> | <ul style="list-style-type: none"> <li>• Prior to bidding, during bidding, and during construction</li> </ul>                    | <ul style="list-style-type: none"> <li>• Guide to Federal Requirements—Equivalency*</li> </ul>   | <ul style="list-style-type: none"> <li>• Sponsor/Consultant must specify American made iron &amp; steel products in project specs.</li> <li>• Work with DES to obtain a waiver if unable to source an item domestically.</li> <li>• Collect manufacturer's certifications.</li> <li>• If necessary, track all de minimis items and keep the value to &lt; 5% of construction costs.</li> <li>• Certify on DES 2556 and 0962** as applicable.</li> </ul>   | <ul style="list-style-type: none"> <li>• DES PM reviews bid documents for compliance with requirement to specify American made iron and steel.</li> <li>• DES SRF staff may perform onsite inspection during construction to review manufacturer certifications and inspect materials for compliance.</li> <li>• DES SRF staff applies to EPA for waivers with Sponsor assistance (if required).</li> </ul>   |
| <p>✓ <b>Davis Bacon (DB) and Related Acts</b></p>  | <ul style="list-style-type: none"> <li>• Prior to bidding, during bidding, and during construction</li> </ul>                    | <ul style="list-style-type: none"> <li>• Guide to Federal Requirements—Equivalency*</li> </ul>   | <ul style="list-style-type: none"> <li>• Sponsor/Consultant include required contract conditions (CW &amp; DW SRF Permit Guidance – Appendix A) and correct DB wage determination (WD) in bid documents and final contract.</li> <li>• Require selected prime to post DB WD onsite and include DB language &amp; WD in any/all subcontracts.</li> <li>• Receive for review and retention, weekly certified payrolls from all contractors and subs – all must comply with DB requirements.</li> <li>• Perform one set of employee interviews.</li> <li>• Certify DB compliance on DES 2557**.</li> </ul> | <ul style="list-style-type: none"> <li>• DES PM checks for correct WD in bid documents.</li> <li>• DES SRF assists with obtaining a wage for positions that are not found on the WD.</li> <li>• DES SRF staff may perform onsite review of DB compliance, including checking for required postings, certified payrolls, and documentation of interviews.</li> </ul>   |
| <p>✓ <b>Signage</b></p>  | <ul style="list-style-type: none"> <li>• Prior to and including construction start</li> </ul>                                    | <ul style="list-style-type: none"> <li>• Signage Guide—Base Equivalency*</li> <li>• Signage Guide—Bipartisan Infrastructure Law Projects*</li> </ul> | <ul style="list-style-type: none"> <li>• Create/disseminate a “sign” that meets EPA requirements.</li> </ul>  | <ul style="list-style-type: none"> <li>• DES PM reviews “sign” and determines that Sponsor has created and made public a sign that fulfills the EPA requirements.</li> </ul>  |
| <p>✓ <b>FFATA</b></p>  | <ul style="list-style-type: none"> <li>• DES addresses this requirement after loan closing</li> </ul>                            | <ul style="list-style-type: none"> <li>• fsrs.gov (DES responsible for reporting FFATA data.)</li> </ul>   | <ul style="list-style-type: none"> <li>• Have an active DUNS number and provide to DES when requested.</li> </ul>   | <ul style="list-style-type: none"> <li>• DES PM obtains required information from sponsor and submits to DES Finance Office for reporting to FSRS.gov.</li> </ul>   |
| <p>✓ <b>Single Audit Act</b></p>   | <ul style="list-style-type: none"> <li>• Annually when &gt;\$750,000 in Federal funds expended in a given fiscal year</li> </ul> | <ul style="list-style-type: none"> <li>• 2 CFR 200 (Subpart F: Audits)</li> </ul>  | <ul style="list-style-type: none"> <li>• Obtain an annual audit in accordance with the Uniform Guidance Subpart F.</li> </ul>   | <ul style="list-style-type: none"> <li>• RIA-OLG requests, reviews, and files Single Audit for equivalency projects.</li> </ul>   |