



Architectural / Engineering Procurement Compliance Form (for Clean Water Equivalency Projects)



SRF Project Number _____

Project Name _____

Project Sponsor _____

Section 602(b)(14) of the Federal Water Pollution Control Act (FWPCA) requires that:

a contract to be carried out using funds directly made available by a capitalization grant under this title for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services shall be negotiated in the same manner as a contract for architectural and engineering services is negotiated under chapter 11 of title 40, United States Code, or an equivalent State qualifications-based requirement (as determined by the Governor of the State).

It has been determined that South Carolina procurement requirements for Architectural/ Engineering (A/E) contracts satisfy the federal requirements under chapter 11 of title 40, United States Code.

A public **announcement of the solicitation or "Request for Qualifications"** is required pursuant to S.C. Code Ann. §11-35-3023. The remaining federal requirements—**discussion with at least three firms, selection of three most highly qualified firms, and contract negotiation with the most highly qualified firm**—are required pursuant to S.C. Code Ann. §11-35-3220.

Statement of Compliance with Architectural & Engineering Procurement:

To the best of my knowledge, the procurement of architectural and/or engineering contracts for the project indicated above are consistent with A/E procurement requirements as described above.

Signature of Project Sponsor's Representative

Printed Name and Title of Project Sponsor's Representative

Submit by email to SCDES project manager or by mail to:
State Revolving Fund Division, SCDES, 2600 Bull Street, Columbia, SC 29201

INSTRUCTIONS – DES 4087

PURPOSE: The *Architectural / Engineering Procurement Compliance* form is used to document that a Clean Water State Revolving Fund (CWSRF) Project Sponsor has complied with the actions required by Section 602(b)(14) of the Federal Water Pollution Control Act (FWPCA).

GENERAL INFORMATION: Pursuant to Section 602(b)(14) of the FWPCA, CWSRF Project Sponsors receiving SRF funds “directly made available by” a capitalization grant (i.e., equivalency projects) must follow either federal procurement procedures or an equivalent State qualifications-based procurement process for new solicitations, significant contractual amendments, and contract renewals for architectural and/or engineering (A/E) services procured on or after October 1, 2014.

APPLICABILITY: When a CWSRF project has been designated by SCDES as receiving funds “directly made available by” a capitalization grant (i.e., equivalency projects) compliance with the A/E procurement requirement is required when the cost of any architectural or engineering services will be paid for by the SRF loan. Alternately, when the expenses for architectural and engineering services for an equivalency project will not be paid for using SRF funds the *Architectural / Engineering Procurement Compliance* form will not need to be submitted. Also, projects that follow a Construction Manager At-Risk (CMAR) process do not require A/E procurement compliance so long as construction costs are greater than 50% of total project costs.

INSTRUCTIONS: The Project Sponsor’s Representative enters the project information and signs the Certification when A/E services are to be included for reimbursement from the SRF loan.

A prospective loan recipient (Sponsor) should return the signed form with the preliminary engineering report but not later than the first SRF draw (disbursement) request.

SCDES REVIEW AND FILING: The SRF Division will use this form to document compliance with Section 602(b)(14) of the FWPCA by an SRF project. The form will be kept in the procurement file for the named project and will be retained for 3 years following the final SRF disbursement to the Project Sponsor – per SCDES Retention Schedule 15795.