



State and Tribal Assistance Grants Plan and Specification Checklist

Project Name: _____

Grant No.: _____ Reviewer: _____ Date: _____

GRANT CONDITION REQUIREMENTS (may vary - check grant conditions.)

- ____(a) Eligibility Contract is part of the scope of the project as per the grant award agreement.
- ____(b) Environmental Review The environmental review requirements of NEPA have been completed for this project with the issuance of a Categorical Exclusion, A Finding of No Significant Impact, or and Environmental Impact Statement.
- ____(c) Anti-Lobbying Act Language required by grant condition is included in specifications.
- ____(d) Debarment & Suspension/Excluded Parties Required language is included in specs.
- ____(e) DBE EPA spec insert included in specifications, or goals and affirmative steps for grants awarded prior to May 28, 2008.
- ____(f) Prompt Payment Grantee will make prompt payment to contractors retaining only justifiable amounts

PROCUREMENT STANDARDS

- ____(g) Contract awards will be made to responsible contractors possessing the ability to perform successfully considering integrity, compliance with public policy, record of past performance, and financial and technical resources. [31.36(b)(8)]
- ____(h) Time and material contracts will not be used unless no other kind of contract is suitable and the proposed contract includes a ceiling price. [31.36(b)(10)]
- ____(i) Specs should advise contractors that the grantee will be responsible for settling all issues including source evaluation, protests, disputes, and claims. [31.36(b)(11)]
- ____(j) Specs should advise contractor to exhaust all administrative remedies with the grantee before protesting to the EPA, which will only review protests based on violation of Federal law or regulation or for failure of grantee to review a protest under their protest procedures. [31.36(b)(12)]

COMPETITION

- ___ (k) Full and open competition should not be restricted by placing unreasonable requirements on firms to qualify to do business or by requiring unnecessary experience and excessive bonding. [31.36(c)(1)(i) & (ii)]
- ___ (l) Full and open competition should not be restricted by specifying only a brand name instead of allowing “an equal” product. [31.36(c)(1)(vi)]
- ___ (m) The use of statutorily or administratively imposed in-State or local geographical preferences is prohibited except where applicable Federal statutes expressly mandate or encourage geographic preference. [31.36(c)(2)]
- ___ (n) Specifications shall incorporate a clear and accurate description of the technical requirements for materials, products, and services to be provided. Minimum essential characteristics and standards should be used. Detailed requirements which unduly limit competition should not be used. [31.36(c)(3)]
- NA (o) Buy American requirements do not apply to special infrastructure grant projects. The grantee should be advised if this requirement is included. [31.36(c)(5)]

REQUIREMENTS FOR SEALED BID PROCUREMENT

- ___ (p) A firm-fixed-price contract, either lump sum or unit price, will be used. [31.36(d)(2)]
- ___ (q) Award of contract will be made to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The basis of award must be specified if bid alternates are included. [31.36(d)(2)]
- ___ (r) Invitation for bids will be publicly advertised providing sufficient time to attract an adequate number of bidders. If less than 30 days is proposed, grantee should provide a justification which demonstrates adequate competition will be obtained. [31.36(d)(2)(ii)(A)]
- ___ (s) Any or all bids may be rejected for a sound documented reason. [31.36(d)(2)(ii)(E)]
- ___ (t) Noncompetitive procurement from a sole source may be used when (1) the item is available only from a single source, (2) public exigency or emergency requires quick action, (3) the awarding agency authorizes noncompetitive proposals, or (4) after solicitation, competition is determined inadequate. [31.36(d)(4)]

BONDING REQUIREMENTS

- ___ (u) A 5% bid guarantee is required. A firm commitment such as bid bond, certified check or other negotiable instrument will be provided. [31.36(h)(1)]
- ___ (v) A 100% performance bond is required to secure the fulfillment of the contractor's obligations. [31.36(h)(2)]

____ (w) A 100% payment bond is required for payment for all labor and material. [31.36(h)(3)]

CONTRACT PROVISIONS

____ (x) Administrative, contractual or legal remedies shall be provided for when contractors violate or breach contract terms, with sanctions and penalties as appropriate. [31.36(i)(1)]

____ (y) Provisions to terminate for cause and for convenience shall be provided including the manner it will be effected and the basis for settlement. [31.36(i)(2)]

____ (z) Compliance with Executive Order 11246 (Equal Employment Opportunity) shall be required. The Advertisement for Bids and the Notice to Contractors shall cite this requirement and list the goals for minorities and women on the contractor's workforce, and the specifications shall include the two Department of Labor inserts. [31.36(i)(3)]

NA (aa) The Copeland "Anti-Kickback" Act only applies to contracts subject to Davis-Bacon Act wage rates. This grant is not subject to Federal wage rates. [31.36(i)(4)]

NA (bb) Davis-Bacon Act Federal wage rates are not required by the special infrastructure grant funding legislation. Advise the grantee if included. [31.36(i)(5)]

____ (cc) Contractor will comply with Sections 103 & 107 of the Contract Work Hours and Safety Standards Act as directed in Dept. of Labor regulations at 29 CFR Part 5. [31.36(i)(6)]

____ (dd) Access to pertinent contract records is provided to the grantee, EPA, US Comptroller General, or any duly authorized representatives for the purpose of making audit, examination, excerpts, and transcriptions. [31.36(i)(10)]

____ (ee) Contractor is required to retain contract records for 3 years after final payment is made and all other pending matters are closed. [31.36(i)(11)]

____ (ff) Contractor will comply with Clean Air Act Section 306, Clean Water Act Section 508, Executive Order 11738, and EPA regulations at 40 CFR 15, which prohibits dealing with entities in noncompliance with the cited acts. [31.36(i)(12)]

____ (gg) Contractor will comply with the energy efficiency requirements in the state energy conservation plan issued as required by the Energy Policy and Conservation Act. (P.L. 94-163) [31.36(i)(13)]

____ (hh) EPA and authorized representatives will be provided access to construction site. [31.40(e)]

____ (ii) Specs should provide for steps to be taken if historical or archaeological artifacts are uncovered during construction. [44 CFR 800.11]