

2023 Updates to EPA Region III Clean Water Act Contract Insert

II LABOR STANDARDS PROVISIONS FOR FEDERALLY ASSISTED CONSTRUCTION CONTRACTS (29 CFR Section 5.5 and 5.8)

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT – OVERTIME REQUIREMENT

(2) Violation for unpaid overtime; \$10 per day per employee increased to \$29 per employee day

III EQUAL OPPORTUNITY CLAUSE (41 CFR Section 60-1.4)

Federally assisted construction contracts.

(1) and (2) ‘sexual orientation’ and ‘gender identity’ added to the non-discrimination clause

(3) Reprisal for compensation disclosure forbidden.

IV AFFIRMATIVE ACTION REQUIREMENTS (41 CFR Section 60-4.3)

Removed

V AFFIRMATIVE ACTION PROGRAM

Removed

VI REQUIRED PROVISIONS OF 2 CFR Part 200, Appendix II

D. ‘Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.’ (clause added)

IX NEW RESTRICTIONS ON LOBBYING (40 CFR PART 34)

... cannot be used to influence any Member of Congress, officer or employee of Congress, an employee of a Member of Congress, a federal officer, or an employee in connection with the award, extension, or modification of a Federal grant. (added Member of Congress, officer or employee of Congress, an employee of a Member of Congress) + **Updated Certification Regarding Lobbying form**

X PROJECT SIGN

Requirement updated to referenced memo: https://www.epa.gov/sites/default/files/2016-07/documents/guidelines_for_enhancing_public_awareness_srf.pdf

“POLLUTION CONTROL PROJECT” phrase no longer required

XII ATTACHMENTS

2 CFR Part 200 Subpart D – Post Federal Award Requirements

§200.319 Competition

(a) All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and section 200.320.

(f) Noncompetitive procurements can only be awarded in accordance with section 200.320(c).

§200.320 Methods of procurement to be followed

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and subsection 200.317, 200.318, and 200.319 for any of the following methods of procurement

(a) ***Informal procurement methods.***

(1) *Micro-purchases* – (added): micro-purchases not subject to competition if the non-fed entity considers the quotes “reasonable based on research, experience, purchase history or other information and documents it files accordingly”

The micro threshold to be established by the non-federal entity may exceed the FAR up to \$50k in accordance with the non-federal entity's regulations.

(2) *Small purchases* – (added) applies to purchases between the micro and simplified threshold levels, as determined by the non-federal entity. “Price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.”

(b) ***Formal procurement methods***

(1) *Sealed bids.* (new section added and prior section edited)

(2) *Proposals.* (section edited)

§200.326 Bonding requirements (changed from §200.325)

5% bid bond required

Title 41 Part 60-1 - Obligations of Contractors and Subcontractors

§60-1.8 Segregated facilities. (minor edits, sexual orientation, gender identity added to clause)

§60-1.41 Solicitations or advertisements for employees. (sexual orientation, gender identity added)

§60-1.42 Notices to be posted. (sexual orientation, gender identity added)

(b) The requirements of paragraph (3) ... (clause deleted)