

Water Infrastructure

FINANCING PROGRAMS

CLEAN WATER STATE REVOLVING FUND (CWSRF)
DRINKING WATER STATE REVOLVING FUND (DWSRF)

Build America, Buy America (BABA) Act Adjustment Period Waiver Certification Form for CWSRF and DWSRF loan financed projects.

Project Name: _____ SRF Loan Number: _____

Description of significant iron and/or steel, manufactured products, or construction materials (including quantities) likely subject to the waiver:

In conformance with the [September 2, 2022 Adjustment Period Waiver](#), the CWSRF or DWSRF loan recipient certifies that they meet one or more of the following criteria prior to May 14, 2022, and therefore qualifies under this waiver:

	Waiver Criteria	√	Date, Notes	WID √
1	<i>Submitted preliminary engineering report, or equivalent (to the state or to the assistance recipient)</i> Requirement: Submitted the administratively complete preliminary engineering report (PER) or equivalent. Administratively complete means the PER included all data, information, and analysis necessary so that DEC can complete its review, including clearly identifying the recommended project. In general, administratively complete means: • The 90% PER submittal that addresses all DEC comments regarding earlier PER submittals, or • The final stamped PER			
2	<i>Issued a Request for Proposal or execution of a contract for design or engineering services (regardless of funding source)</i> Requirement: Issued a Request for Qualifications (RFQ) or executed an engineering services (ESA) agreement for the design of the project. The RFQ or ESA must be specific to the design of the project and cannot include feasibility or preliminary engineering services.			
3	<i>Execution of an SRF assistance agreement – that includes design</i> Requirement: The SRF loan agreement that includes the design of the project has been signed by the SRF loan recipient. The loan agreement must be specific to the design of the project and cannot include feasibility or preliminary engineering services.			

(Last Updated 3/10/23)

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		√	Dates, Notes	WID √
4	<i>For project designed by assistance recipient, documentation of design initiation (such as completed preliminary engineering report)</i> Requirement: Documentation of when the final design of the project was initiated.			
5	<i>Solicitation of construction contract bids</i> Requirement: Documentation of when the construction contract(s) was advertised for bid.			
6	<i>Submitted plans and specifications (do not need to be complete) to state authority</i> Requirement: Submitted an administratively complete Basis of Final Design, held the 30% design review meeting, or received confirmation from the CWSRF Program that the final design reached 30% completion including submitting the required plans, specifications, and other documents requested by DEC.			
7	<i>Public referendum or public meeting held regarding proposed project</i> Requirement: Held a public referendum or public meeting regarding proposed project. The referendum or meeting must specifically address the recommended project.			
8	<i>Evidence of new bonds passed or other new funding backing secured for project</i> Requirement: The bonds or funding must be specific to the recommended project.			

If a project cannot provide any of the above evidentiary documentation but is significantly far enough along in planning or design that complying with BABA would be a detriment to the project proceeding, the project may still qualify for the waiver. DEC, on behalf of the CWSRF or DWSRF loan recipient, will request EPA's opinion regarding whether the project qualifies for the waiver.

() I request DEC contact EPA to obtain their opinion regarding a BABA waiver for this project A. (Attach documentation.)

Signed: _____
Authorized Representative

Date: _____

WID Concurrence

Signed: _____
WID Staff

Date: _____