

EXHIBIT D REQUIREMENTS OF THE FEDERAL GRANT

In accordance with the EPA grant award from which this contract is partially funded, the Contractor is responsible for meeting the applicable requirements of the EPA General Terms and Conditions found at <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-2-2017-or-later>, regarding this procurement contract and all subcontracts awarded by the Contractor.

1. DISADVANTAGED BUSINESS ENTERPRISE (DBE) COMPETITION REQUIREMENTS

The Contractor agrees to ensure that disadvantaged business enterprises have the maximum opportunity to participate in the performance of this contract and any subcontracts for supplies, equipment, construction, or services that may be let. In this regard, the Contractor shall take all necessary and reasonable steps to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform services relating to this contract.

The following affirmative steps for utilizing DBEs are required:

- a. Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBE's on solicitation lists and soliciting them whenever they are potential sources.
- b. Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- c. Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBE's in the competitive process.
- d. Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- e. Use the services and assistance of the Small Business Administration (SBA) and the Minority Business Development Agency of the Department of Commerce.
- f. If the Contractor awards subcontracts, the Contractor is required to take steps outlined above (a. – e.).

The Contractor shall also maintain records documenting compliance with the six good faith efforts.

The Contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or other legally available remedies.

The Contractor shall pay all subcontractors for satisfactory performance no more than 30 days from the Contractor's receipt of payment from the Department.

The Contractor shall notify the Department in writing prior to any termination of DBE subcontractor for convenience.

If a DBE subcontractor fails to complete work for the Contractor for any reason, the Contractor shall employ the six good faith efforts if soliciting a replacement subcontractor.

2. DBE PROGRAM CERTIFICATION INFORMATION

The Department wishes to encourage uncertified DBE's to seek certification. For more information refer to <https://www.epa.gov/resources-small-businesses/getting-epa-dbe-certified>.

3. DEBARMENT AND SUSPENSION (EXECUTIVE ORDERS 12549 AND 12689)

The Contractor shall ensure that subcontract awards are not made to parties listed on the government-wide exclusions in the System for Award Management (SAM), "Debarment and Suspension", at: <http://www.sam.gov>. SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

4. RESTRICTION ON LOBBYING APPLICABLE ONLY FOR PROPOSALS AND CONTRACT AWARDS EXCEEDING \$100,000

In accordance with 40 CFR Part 34 and the EPA General Terms and Conditions, the Contractor shall submit certification of compliance with the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) to the Department. The Contractor must certify, and if applicable, must require its subcontractors to certify, that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. The Contractor must also disclose, and must require its subcontractors to disclose, any lobbying with non-Federal funds that takes place in connection with obtaining the award of this contract.

5. PROCUREMENT OF RECOVERED MATERIALS

Consistent with Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962) and 2 CFR 200.322, the Contractor is required to procure: certain items designated in EPA guidelines, as identified in 40 CFR Part 247, that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; and solid waste management services in a manner that maximizes energy and resource recovery; and to establish an affirmative procurement program for procurement of recovered materials as identified in the EPA guidelines. Pursuant to 40 CFR 247.2(d), the contractor may decide not to procure such items if they are not reasonably available in a reasonable period of time; fail to meet reasonable performance standards; or are only available at an unreasonable price.

6. CLEAN AIR AND CLEAN WATER ACT

The Contractor is required to comply with all applicable standards, orders or regulations issued pursuant to the CAA (42 U.S.C. 7401-767q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387).

7. REPORTING REQUIREMENTS

- a. A procurement summary detailing purchases from Minority/Women Business Enterprises (MBE/WBE) shall be submitted annually by the Contractor on Exhibit D, Form A. The information in the report should cover the period ending September 30th and must be submitted within fourteen (14) calendar days of the end of the preceding period.

This report should be submitted to:

Louisiana Department of Environmental Quality
Financial Services Division
Attn: Contracts
P.O. Box 4303
Baton Rouge, LA 70821-4303

Failure to submit this report for the reporting period(s) listed above will result in payment being withheld.

- b. The Contractor must provide its Data Universal Numbering System (DUNS) number by completing Exhibit D, Form B, Transparency Act Reporting Information Form. This form must be provided to the Department within 30 days upon receipt of a fully executed mandatory work agreement.

This form should be submitted to:

Louisiana Department of Environmental Quality
Financial Services Division
Attn: Contracts
P.O. Box 4303
Baton Rouge, LA 70821-4303

Failure to submit this form will result in payment being withheld.

- c. The Contractor must certify, and if applicable, must require its subcontractors to certify, that it has not used and will not use any federal funds as described in the EPA form, Certification Regarding Lobbying, by completing Exhibit D, Form C. **This form must be provided to the Department within 30 days upon receipt of a fully executed mandatory work agreement. Forms completed by subcontractors must be provided to the Department upon execution of the Contractor's subcontract.**

This form should be submitted to:

Louisiana Department of Environmental Quality
Financial Services Division
Attn: Contracts
P.O. Box 4303
Baton Rouge, LA 70821-4303

Failure to submit this form will result in payment being withheld.

- d.** The Contractor must report, and if applicable, must require its subcontractors to report, any non-federally funded lobbying activities in connection with this federally-funded Contract by completing Exhibit D, Form D, Disclosure of Lobbying Activities. **This form must be provided to the Department within 30 days upon receipt of a fully executed contract. Forms completed by subcontractors must be provided to the Department upon execution of the Contractor's subcontract.**

This form should be submitted to:

Louisiana Department of Environmental Quality
Financial Services Division
Attn: Contracts
P.O. Box 4303
Baton Rouge, LA 70821-4303

Failure to submit this form will result in payment being withheld.