

ARPA Lead Service Line Inventory Review Checklist

NOTE: This checklist is for the ARPA project manager and applicant to ensure that all state and federal requirements are included in the applicant’s lead service line inventory (LSLI) contract.

This checklist contains the requirements that must be followed when an ARPA LSLI grant recipient is drafting their LSLI contract. The end of this checklist contains a number of forms. These forms need to be completed by the LSLI contractor and returned to the Department project manager.

This checklist is designed to work hand in hand with a separate document, The ARPA LSLI Drop-in Document. This document is designed to be inserted directly into the draft contract. It includes all pertinent contract language and forms that the grant recipient must include in the contract itself.

Project Name _____

ARPA Project No. _____

Reviewer _____

Date _____

ARPA REQUIREMENTS TO BE INCLUDED IN ALL LSLI CONTRACTS

_____ (A) **Equal Employment Opportunity – 41 CFR 60-4; E.O. 11246**

The The ARPA LSLI Drop-in Document includes the “Standard Federal Equal Employment Opportunity Construction Contract Specifications”. Page 4 of this form includes a table with an empty box under “Goals for minority participation for each trade”.

The ARPA funding recipient must insert the percentage for this goal in the table. The percentage goals are specific to the county where the project is located and can be found on page 5 of the form.

_____ (B) **Protest Provisions – 2 CFR 200.318(k)**

The ARPA funding recipient must maintain adopted and established protest provisions. The provisions will contain the filing and resolution procedures for protests. The applicant shall, in all instances, disclose information regarding the protest to the Missouri Department of Natural Resources.

_____ (C) **Provisions to Terminate - 2 CFR 200 Appendix II(B)**

For contracts exceeding \$10,000, the contract must include provisions for the ARPA funding recipient to terminate the contract for cause and for convenience, including the manner by which the termination will be effected and the basis for settlement.

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_____ (D) **Definite Completion Time**

The contract documents shall include a provision for the maximum calendar or workdays allowed for completion of the project.

The ARPA funding recipient shall expend all awarded ARPA funds prior to December 31, 2026.

current list (Circular 570 as amended) and be authorized to transact business in Missouri.”

_____ (E) **Clean Water Act (CWA) § 404 Permitting & § 401 Water Quality Certification (WQC)**

Prior to performing any work in a waterway or wetland, contact the appropriate U.S. Army Corps of Engineers (USACE) district to determine if a CWA Section 404 federal permit is required. USACE permits require a CWA Section 401 WQC from the Missouri Department of Natural Resources (the Department) to ensure that the federally authorized projects will comply with the Missouri Clean Water Law. Some permits receive a programmatic WQC that is provided by the USACE upon issuance of their permit, but some permits require an individual WQC and coordination with the Department. The USACE will direct applicants to the Department if an individual WQC is required.

There may be special conditions, including sediment sampling requirements for projects on certain impaired waters that require early coordination with the Department. Applicants should contact the Department for projects on a waterway designated as impaired for a sediment-related impairment, aquatic habitat alteration, channelization, or an unknown impairment by the Department in the most current 305(b) Integrated Water Quality Report.

More information can be found at <https://dnr.mo.gov/water/business-industry-other-entities/permitscertification-engineering-fees/section-401-water-quality>.

Questions regarding the state’s role in 404 permitting, the state’s 401 WQC process, or early coordination on impaired waters can be sent by email to wpsc401cert@dnr.mo.gov or you may contact Billy Hackett by phone at 573-522-1131.

_____ (F) **ARPA Required Documents PDF**

The ARPA funding applicant must include in the specifications “The ARPA LSLI Drop-in Document” PDF as provided. NO changes to this document are allowed except for entering the federal minority participation goal percentage on page 8.

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ITEMS THAT MUST BE EXCLUDED FROM ALL LSLI CONTRACTS

_____ (G) **Experience Clause Restriction – 2 CFR 200.319(b)(2)**

The contract shall not include a restrictive experience clause for equipment or material suppliers except as noted in 2 CFR 200.319(b) where the use of experience clauses is restricted to cases where adequate justification can be made. When experience clauses are used, they will be limited to reasonable periods of time. It is also recommended that submission of a bond or cash deposit be permitted instead of a specified experience period, which will guarantee replacement in the event of failure. The period of time for which a guarantee bond or cash deposit is required should not exceed the experience period specified.

_____ (H) **Restrictive Specifications – 2 CFR 200.319(b)(6)**

No proprietary, exclusionary or discriminatory requirements other than those based upon performance are allowable. ARPA funding applicants must state clearly in the specification the salient requirements of the named brand which must be met by offerers and that other brands may be accepted. Please ensure the specifications reflect that other brands may be accepted and the process for obtaining that acceptance.