

USDA- Rural Development Engineers' Training

Thursday, April 9, 2026

Jes Eckerlin

Syracuse University Environmental
Finance Center (SU-EFC)

efc.syr.edu

S Syracuse University
College of Engineering
& Computer Science

Environmental Finance Center



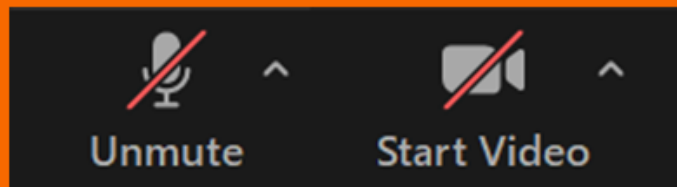
Zoom Logistics

Asking a Question

Audio/Webcam Settings

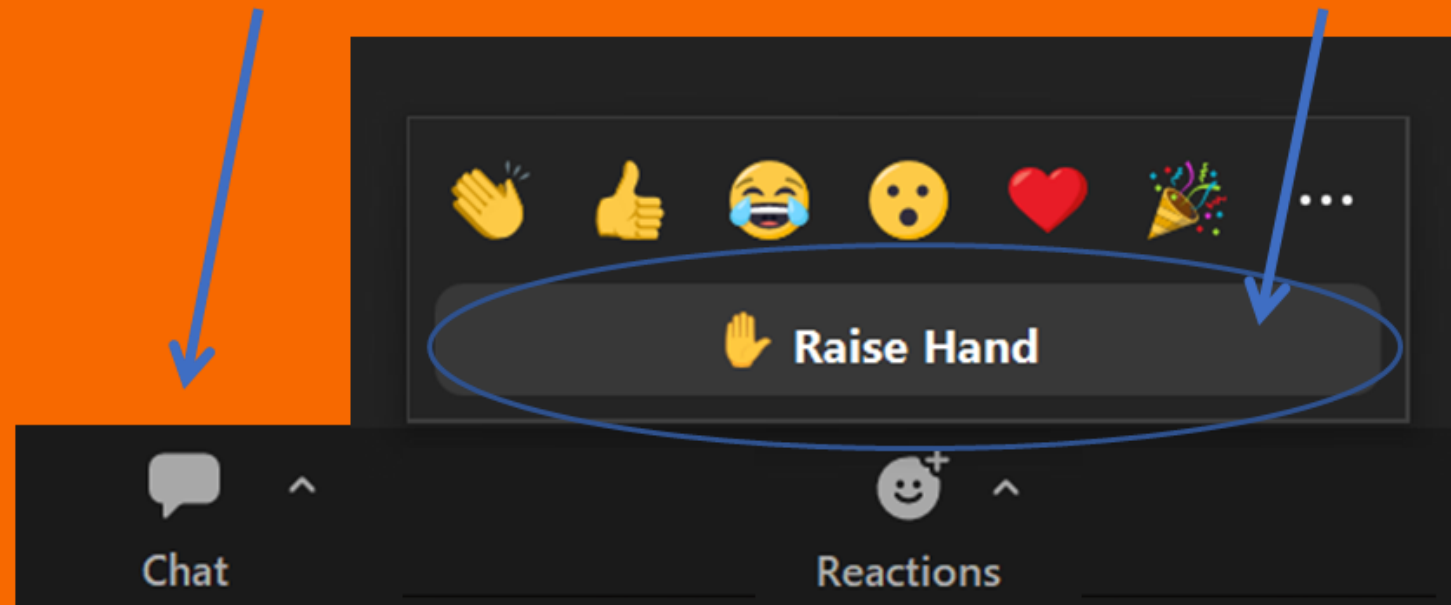
Mute, Unmute, select your audio source, or test audio settings.

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Type questions into the chat box any time throughout the session

If you would like to unmute to ask a question, please **raise your hand** under the **Reactions** tab.



Professional Development Hours

This session has been approved for Continuing Education Credits.

To receive PDH credits:

- You must attend the entire session (Sign in/out at registration)
- You must register and attend using your real name and unique email address - group viewing credit will not be acceptable
- Certificates will be sent via email within 30 days

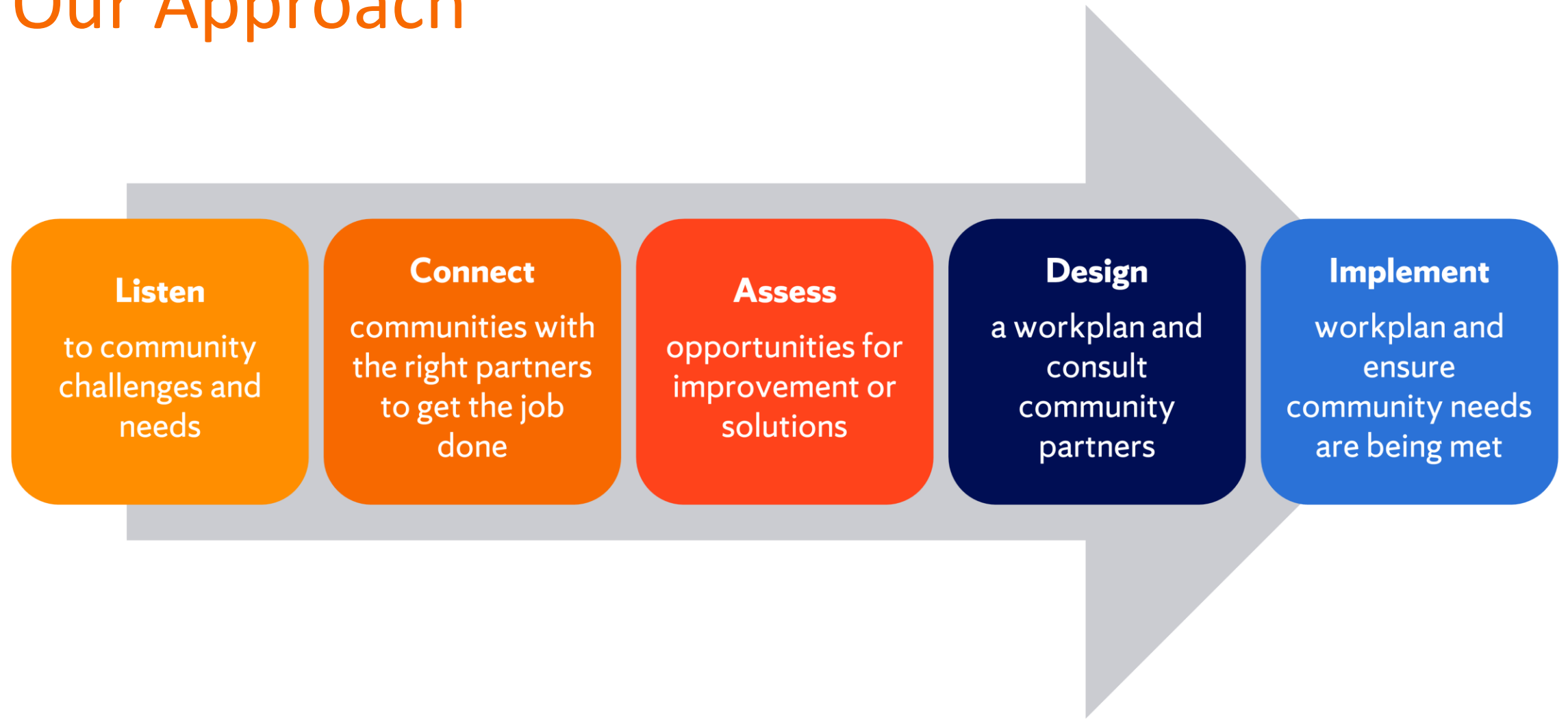
If you have questions or need assistance, please contact smallsystems@syr.edu.

Who We Are

The **Syracuse University Environmental Finance Center (SU-EFC)** enhances the managerial and financial capacity of regional and local governments, nonprofit organizations, and local residents to improve environmental infrastructure, services, and quality of life.

Founded in 1993, **SU-EFC** operates at the intersection of science, policy, and communications, guided by a strong commitment to equity and environmental justice. We build capacity by providing technical assistance and tools to help local leaders make informed decisions that support community resiliency.

Our Approach



Examples of Technical Assistance:

- Community Engagement
- Messaging and Outreach
- Needs Assessment, Planning Studies
- Training and Professional Development
- Project Planning and Development
- Funding and Finance

FREE ASSISTANCE

Tackle your water and climate resilience challenges

The **Syracuse University Environmental Finance Center** offers a full range of services available to communities in EPA Region 2. Our team of experts work hand-in-hand with elected officials, utility directors, and other community stakeholders to set priorities, develop projects, secure funding, and communicate with stakeholders at every step of the way.



ASSISTANCE AREAS

- *Community Engagement & Communication*
- *Climate Readiness*
- *Training & Professional Development*
- *Project Planning, Development, & Management*
- *Funding and Finance*

Tackle Your Water and Climate Challenges Head-On: Get Help From Our Team!

- Assistance is **free** for communities in EPA Region 2 (NY, NJ, PR)
- We use a **flexible approach** tailored to your community's goals
- Our team of providers have **expertise** across engineering, community engagement, funding & finance, and more!

Scan the QR code for more information
or visit: efc.syr.edu/assistance



Today's Training

USDA-RD Funding and Application Updates Discussion

Brenda Smith and Kimberly Wildman

Updates to USDA-RD Preliminary Engineering Reports (PER)

John Helgren and Jessica DiDomineck

Discussion of USDA-RD Environmental Regulations

Thomas Lacko

Updates to USDA RUS Bulletin 1780-26 Engineering Requirements, John Helgren and Jessica DiDomineck





Funding / Processing Updates

USDA Rural Development Engineers Training

April 9, 2026

FY2026 FUNDING UPDATES – WATER AND ENVIRONMENTAL PROGRAMS

WEP Direct Loan allocation -
\$29,115,000

WEP Direct Grant allocation -
\$5,823,000

WEP CDS/CPF Grants FY26 Approp. Bill
- \$3,350,000

NY Grant Allocation after CDS/CPF -
\$2,473,000

ECWAG Allocation (nationwide) -
\$14,000,000

PPG Allocation (nationwide) -
\$1,000,000 – max award \$60K

SEARCH Grant Allocation (nationwide)
\$2,000,000 – max award \$30,000

FY2026 FUNDING UPDATES – WATER AND ENVIRONMENTAL PROGRAMS

Rural Economic Area
Partnership (REAP) Zones:

REAP LOAN (ND/NY/VT) -
\$10,000,000

REAP GRANT (ND/NY/VT) -
\$7,055,307

REAP GRANT TRIBAL
(ND/NY/VT) - **\$6,000,000**
(ALLOCATED ND)

WEP MILESTONES – LETTER OF CONDITIONS

- District Formation / Comptroller Approval (Town Districts)
- 90% Drawings to Regulatory Agency & Funding Agency
- Project Bidding
- Start of Construction
- Final Completion

UPDATES – LETTER OF CONDITIONS

The applicant must certify that they have exhausted all other funding avenues and have no pending funding considerations from any other sources. Further, the applicant must certify that they do not intend to apply anywhere else for funding for this project. If, after obligation of Agency funds, other funding becomes available, the Agency reserves the right to deobligate any, and all funding for this project and to re-underwrite.

Overall Common Reasons for Returned Applications

SAM.gov issues (expired or mismatched registration)

Outdated or missing financial documents (AFR/ balance sheet)

Missing supporting documentation (award letters, evidence of public support)

Incorrect roles assigned in RD Apply

Overall Common Reasons for Returned Applications (CONT'D)

Inconsistencies between RD Apply entries and the PER.

Incomplete or outdated Project Costs, O&M, or SLA information.

RD Apply project costs do not include an itemized breakdown of soft costs and technical costs.

National Office FY26 Guidance

- Reserve Grant funds – user cost must be 1.75% of MHI or cannot submit for reserve funding.
- N/O looking at cost per 1000 gallons in addition to similar systems costs when allowing grant funds into project.
- Total sales / GPY x 1000

QUESTIONS



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RUS Bulletin 1780-2 Updates

EFC SU : USDA Rural Development Engineers Training

9 April 2026

Purpose of RUS Bulletin 1780-2 (9/4/2025 Edition)

- Guide for preparing Preliminary Engineering Reports (PER)
- Required for WWD (Water and Waste Disposal Programs) applications per 7 CFR 1780.37(d) and 7 CFR 1780.65(a)
- Use by applicants & engineers
- Newest edition (9/4/2025) includes 4 templates depending on applicants needs

UNITED STATES DEPARTMENT OF AGRICULTURE
Rural Utilities Service
BULLETIN 1780-2

SUBJECT: Preliminary Engineering Reports for the Water and Waste Disposal Program

TO: Rural Development State Directors, Community Program Directors, and State Engineers

EFFECTIVE DATE: Date of approval.

OFFICE OF PRIMARY INTEREST: Engineering Branch, Water and Environmental Programs

INSTRUCTIONS: This bulletin replaces existing RUS Bulletin 1780-2 (April 4, 2013).

AVAILABILITY: This bulletin and all the exhibits, as well as any Rural Development instruction or Rural Utilities Service bulletins, regulations, or forms referenced in this bulletin are available at any Rural Development State Office. The State Office staff is familiar with the use of the documents in their States and can answer specific questions on Agency requirements.

This bulletin is available on the Rural Utilities Service website at http://www.rurdev.usda.gov/RDU_Bulletins_Water_and_Environmental.html.

PURPOSE: This bulletin assists applicants and their consultants with instructions on how to prepare a Preliminary Engineering Report as part of an application for funding as required by 7 CFR 1780.37(d) and 7 CFR 1780.65(a).

MODIFICATIONS: Rural Development State Offices may modify this guidance when appropriate to comply with State statutes and regulations in accordance with the procedures outlined at Rural Development Instruction 2006-B (2006.55).

MICHELE BROOKS Digitally signed by MICHELE BROOKS
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MICHELE BROOKS
Assistant Administrator
Water and Environmental Programs

_____ Date

Preliminary Engineering Report (PER)

- Describes engineering need, alternatives, costs
- Health & Sanitary (H&S) documentation
- Must be sealed by PE licensed in NY



Preliminary Engineering Reports- Do's and Don'ts

Do:

- PER is clear and concise (10-50 pages typical) avoiding excessive appendices
- Costs match between PER & RD Apply application
- Scope is consistent between application documents (PER vs ER vs cost estimates)
- O&M and SLAs for entire system- not just project!
- Discuss materials and procurement –Open and Free requirements, BABA, Standardization, etc

Don't:

- Contingency over 10% and including inflation factors
- Calculate your own EDUs- please provide number and type of connections and estimated flow per day
- Leave out alternative analysis. Discuss if other options are technically infeasible, too costly, etc. Provide LCCA!
- Cost per connection assuming grant. Please provide using a loan only scenario

Alternatives Analysis

- Required for most projects
- Appendix A lists standard alternatives
- Exception: Streamlined PER

Below is a listing of common project types that utilize WWD funds. Next to each project type is a list of alternatives that could be considered for such projects. The suggested alternatives for consideration listed below do not include all possibilities, and some of these alternatives may require permanent access to private property. When more practical or technologically better alternatives are available, such alternatives should be included in the analysis.

| <u>Project or project component</u> | <u>Suggested alternatives for consideration¹</u> |
|-------------------------------------|---|
| New well | Connection to neighboring system, different well placement locations, expanding a current well, other water source, water reuse |
| New water storage tank | Elevated storage tanks, ground storage tanks |
| New water distribution system | Alternative system layouts (including alternative sources) |
| New wastewater collection system | Gravity, low pressure, vacuum, STEP systems |
| Collection system replacement | Component replacement, lining |
| New centralized system | Connection to neighboring system, cluster systems |
| New treatment system | Alternative treatment methods |
| Wastewater sludge dewatering | Sludge drying beds, dewatering boxes, filter press, screw press, centrifuge systems |
| Wastewater effluent disposal | Alternative disposal methods, sprayfields, rapid infiltration basins, surficial waters |

¹ Applicants will need to obtain the necessary permanent easements for access to assets installed on private property and will be required to operate and maintain those assets.

Short-Lived Assets

- Life < 15 years
 - Broken out as 0-5 years, 6-10 years, and 11-15 years
- Required for underwriting
- Used in O&M planning
- Must be for entire system- not just project!
 - Village vs Town District

| Short Lived Assets | | | |
|--------------------------------------|--------------|-------|----|
| Asset | | Years | |
| | | 5 | 10 |
| | | 15 | |
| Pumps (years depends on type) | \$ | \$ | \$ |
| Meters | | | |
| | Individual | \$ | |
| | Master | \$ | |
| Tank Painting | | | \$ |
| Control Valves | \$ | \$ | |
| Disinfection Equipment | \$ | \$ | |
| Computer Equipment/Software | \$ | | |
| Control Equipment | \$ | | |
| | Gauges | \$ | |
| | Transmitters | \$ | |
| | Sensors | \$ | |
| Repair Equipment | | | \$ |
| Lab Equipment | \$ | | |
| Tools | \$ | | |
| Emergency Generator Parts | | | \$ |
| Tank Cathodic Protection Replacement | | \$ | |
| Filter Media Replacement | | | \$ |

Appendix A: Example List of Short-Lived Asset Infrastructure

| Estimated Repair, Rehab, Replacement Expenses by Item within up to 20 Years from Installation) | |
|--|--|
| Drinking Water Utilities | Wastewater Utilities |
| Source Related Pumps Pump Controls Pump Motors Telemetry Intake/ Well screens Water Level Sensors Pressure Transducers | Treatment Related Pump Pump Controls Pump Motors Chemical feed pumps Membrane Filters Fibers Field & Process Instrumentation Equipment UV lamps Centrifuges Aeration blowers Aeration diffusers and nozzles Trickling filters, RBCs, etc. Belt presses & driers Sludge Collecting and Dewatering Equipment Level Sensors Pressure Transducers Pump Controls Back-up power generator Chemical Leak Detection Equipment Flow meters SCADA Systems |
| Treatment Related Chemical feed pumps Altitude Valves Valve Actuators Field & Process Instrumentation Equipment Granular filter media Air compressors & control units Pumps Pump Motors Pump Controls Water Level Sensors Pressure Transducers Sludge Collection & Dewatering UV Lamps Membranes Back-up power generators Chemical Leak Detection Equipment Flow meters SCADA Systems | Collection System Related Pump Pump Controls Pump Motors Trash racks/bar screens Sewer line rodding equipment Air compressors Vaults, lids, and access hatches Security devices and fencing Alarms & Telemetry Chemical Leak Detection Equipment |
| Distribution System Related Residential and Small Commercial Meters Meter boxes Hydrants & Blow offs Pressure reducing valves Cross connection control devices Altitude valves Alarms & Telemetry Vaults, lids, and access hatches Security devices and fencing Storage reservoir painting/patching | |

PER- Other considerations

- Cyber security
 - O&M budget must include cybersecurity line item
 - Encouraged to maintain contract
- Collaborative Delivery Methods
 - Design Build and CMAR allowed with approval- PER must reflect this method is desired
 - Must be able to confirm that it is cost effective and that the work can be completed in a timely manner with available labor
- Sole Sourcing Equipment
 - Not allowed unless approved
 - Must meet domestic preference requirements



PER Options

- Option 1: Interagency Template
- Option 2: WEP-Specific Template
- Option 3: Other report w/cross-reference
- Option 4: Streamlined PER

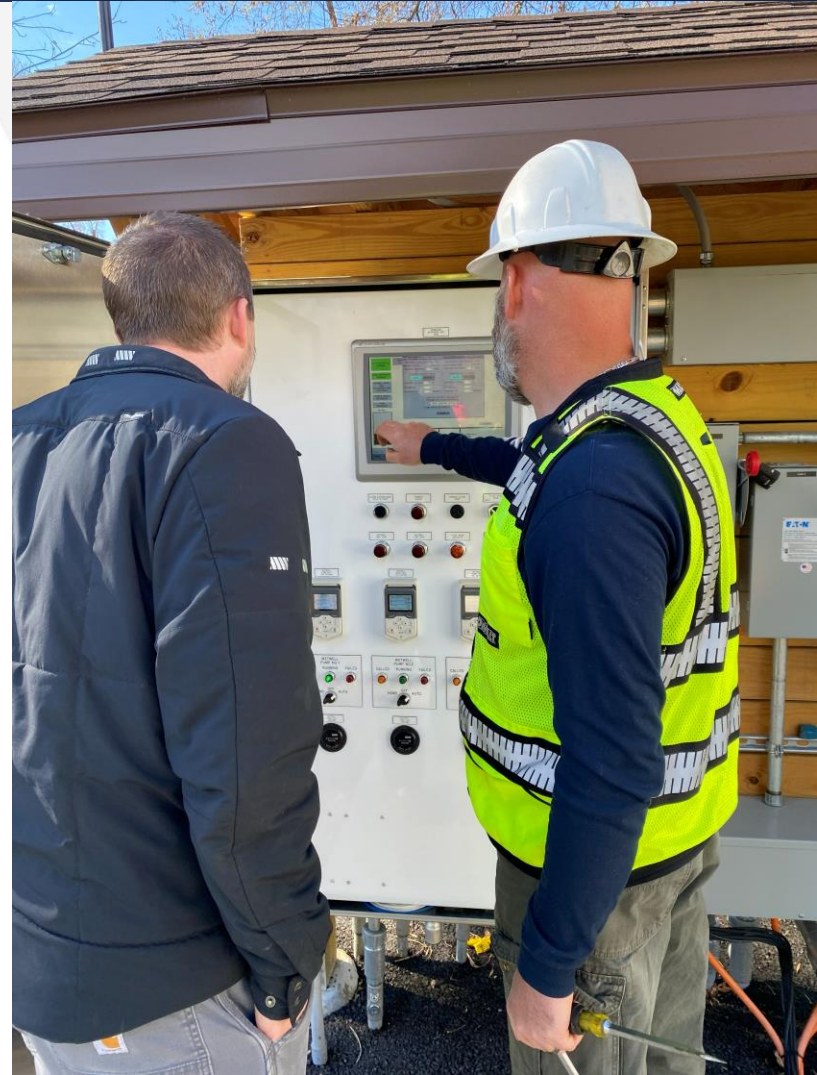
Option 1 – Interagency Template



- Used when multiple agencies involved
- Includes full outline in Exhibit 1 of Bulletin 1780-2 (9/4/2025)
- Supports alignment across agencies

Option 2- WEP- Specific Template

- Allowed for all WEP Projects
- May not meet other federal program needs
- Outline included in Exhibit 2 of Bulletin 1780-2
- Generally similar to interagency template but less info needed



Option 3 – Cross-Referenced Report

- Use existing Capital Improvement Plan (CIP), SRF Facility Plan or engineering report
- Must include all info required in Options 1 & 2
- Separate supplemental information may be provided and cross-referenced

Option 4 – Streamlined PER

APPENDIX B PROJECTS THAT MAY USE STREAMLINED PRELIMINARY ENGINEERING REPORT TEMPLATE

Below is a listing of systems, subsystems, or project types which usually do not have feasible alternatives. If a project consists predominately of these items, a Streamlined PER will be suitable for WEP funding consideration. However, if a repair project costs more than 50% of the cost of replacement, an alternatives analysis is required and the Streamlined PER cannot be used.

- Template available in Exhibit 3 of Bulletin 1780-2
 - Only for limited project types- simple projects where there are no technical alternatives to the proposed action
 - No alternatives analysis required
 - Appendix B gives allowed project list
- SCADA (new or replacement)
 - Meters (new or replacement)
 - Metering equipment
 - Replacement of pump(s)
 - Replacement of valve(s)
 - Replacement of Fire Hydrant(s)
 - Non-Treatment process equipment (HVAC air conditioner, etc)
 - Purchase of office equipment or laboratory equipment
 - Purchase of vehicles
 - Purchase of existing water rights
 - Building structural repairs
 - Minimal modifications or replacement in kind of non-treatment process related items
 - Modification/repairs to an existing water supply well (as long as it is not increasing the capacity)
 - In situ replacement of an existing well or tank if the capacity or storage is not being increased
 - Tank repaint and repairs
 - Replacement or rehabilitation of existing water distribution or transmission lines
 - Rehabilitation (including lining) of existing wastewater collection system (not including replacement of collection lines)
 - Expansion of less than 5 miles or a 75% increase (whichever is smaller) in a water distribution system or wastewater collection system.
 - Replacement of pump stations within general area of existing station
 - New utility service connections to individual users
 - Sludge removal from a lagoon
 - Rehabilitation of a lagoon / detention pond
 - Projects where the funding source clearly identifies the alternative to be built
 - Projects that do not have alternatives due to state regulatory authority mandates

PER Outline – Project Planning

- Location
- Environmental resources
- Population trends
- Community engagement



PER Outline – Existing Facilities

- Location map
- History
- Condition & capacity
- Compliance status



Need for Project

- Health & sanitary issues
- Aging infrastructure
- Reasonable growth
- Examples of H&S issues and acceptable documentation described in Appendix E of Bulletin 1780-2





Alternatives Considered

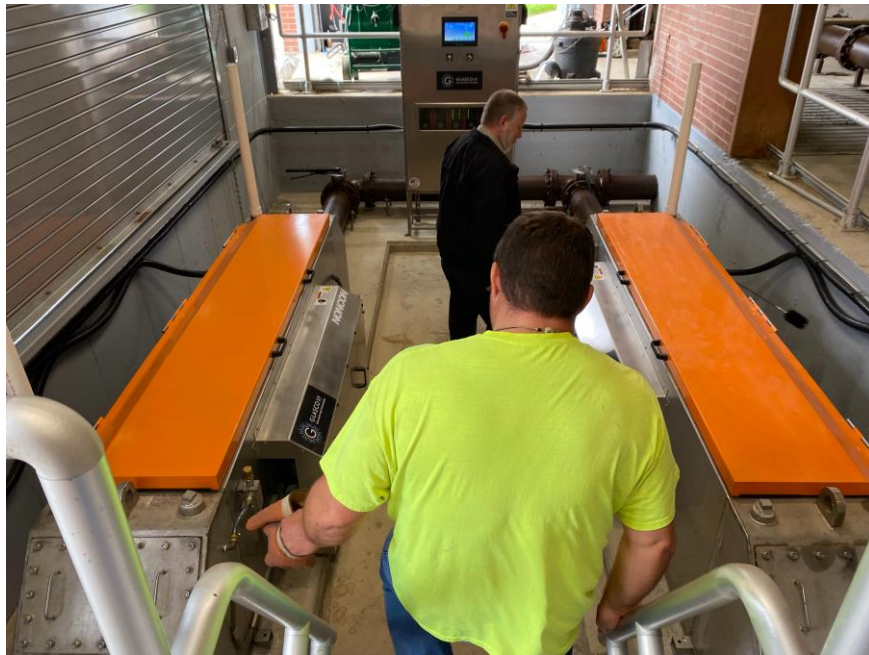
- Technical feasibility
- Environmental impacts
- Land requirements
- Construction challenges
- Cost estimates

Alternatives Analysis

- Life Cycle Cost Analysis (LCCA)
 - 20-year planning period typical
 - Real discount rate per OMB A-94
 - Compare capital + O&M + SLA + salvage
- Non-monetary Factors
 - Sustainability
 - Resilience
 - Environmental/Social Benefits

Recommended Alternative

- Describe full proposed project
- Provide maps & schematics
- Identify treatment, storage, collection



Project Schedule

- Permits
- Design
- Bid
- Construction
- Startup





Permit Requirements

- Construction
- Discharge
- Capacity
- Environmental compliance

Cost Estimate

- Construction
- Non-construction (legal, engineering, admin)
- Contingency (10%)
- Separate water/wastewater costs if both



Operating Budget

- O&M costs
- Debt service
- Reserves (SLA & debt service)



Funding Decision Data

- Rate schedules
- User tabulations
- Projected income
- O&M budgets
- Located in Appendix C of Bulletin 1780-2 (pages 34-38)

Other Capital Improvement Programs

The following suggested format may be used to provide any anticipated capital improvement projects expected within the foreseeable future.

| Future Capital Improvement Project | Description | Estimated Cost (if known) |
|------------------------------------|-------------|---------------------------|
| _____ Project | | \$ ____ |
| _____ Project | | \$ ____ |
| _____ Project | | \$ ____ |
| _____ Project | | \$ ____ |
| _____ Project | | \$ ____ |

| Type of User | Number of Users | Actual Usage last 12 months (gallons) | Projected Users | Projected Annual Usage (gallons) |
|------------------------|-----------------|---------------------------------------|-----------------|----------------------------------|
| Residential | | | | |
| Residential (Seasonal) | | | | |
| Commercial | | | | |
| Industrial | | | | |
| Governmental | | | | |

| | Current O&M based on Most Recent Audit (year) | Projected Amount (first typical year after construction) |
|---|---|--|
| Salaries | | |
| Benefits (Health Ins., Pension, & Etc.) | | |
| Accounting / Auditing | | |
| Legal | | |
| Utilities | | |
| Insurance | | |
| Misc. Office Expenses | | |

Questions?

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Environmental Review Updates Rural Development Programs EFC SU : USDA Rural Development Engineers Training 9 April 2026

Purpose of This Training

- Overview of recent federal policy updates
- Explain changes affecting environmental review procedures
- Clarify expectations for environmental consultants
- Identify common deficiencies

Environmental Review Updates Rural Development Programs

- Recent Federal Policy and Regulatory Changes
- Implications for Environmental Consultants

Environmental Review Framework

- National Environmental Policy Act (NEPA)
- Agency environmental procedures
- Applicable environmental laws
- Required agency consultations

Shift Toward Agency-Specific Procedures

- Increased reliance on agency procedures
- Environmental review implementation varies by agency
- Greater emphasis on program guidance and policies

Policy Updates Affecting Environmental Reviews

- Changes in flood risk evaluation
- Changes in Environmental Justice considerations
- Changes to intergovernmental review

Floodplain Considerations

- Identify floodplain location
- Evaluate potential impacts
- Follow floodplain management requirements

Environmental Justice

- Previously evaluated impacts on minority populations
- Previously evaluated impacts on low-income communities
- Formal Environmental Justice analysis no longer required for this program

Focus of Environmental Reviews

- Direct environmental impacts
- Site-specific environmental conditions
- Required agency consultations
- Compliance with environmental laws

Environmental Laws That Continue to Apply

- Endangered Species Act
- National Historic Preservation Act
- Clean Water Act
- Clean Air Act
- Farmland Protection Policy Act
- Floodplain management requirements
- Wetland protection requirements

Intergovernmental Review (SPOC States)

- Some states participate in the Single Point of Contact (SPOC) process
- SPOC process is part of Intergovernmental Review under Executive Order 12372
- Requirements vary by state
- Current interpretation for New York:

Key Takeaways

- Environmental review procedures are evolving
- Greater reliance on agency procedures
- Focus on project impacts
- Environmental laws and consultations still apply

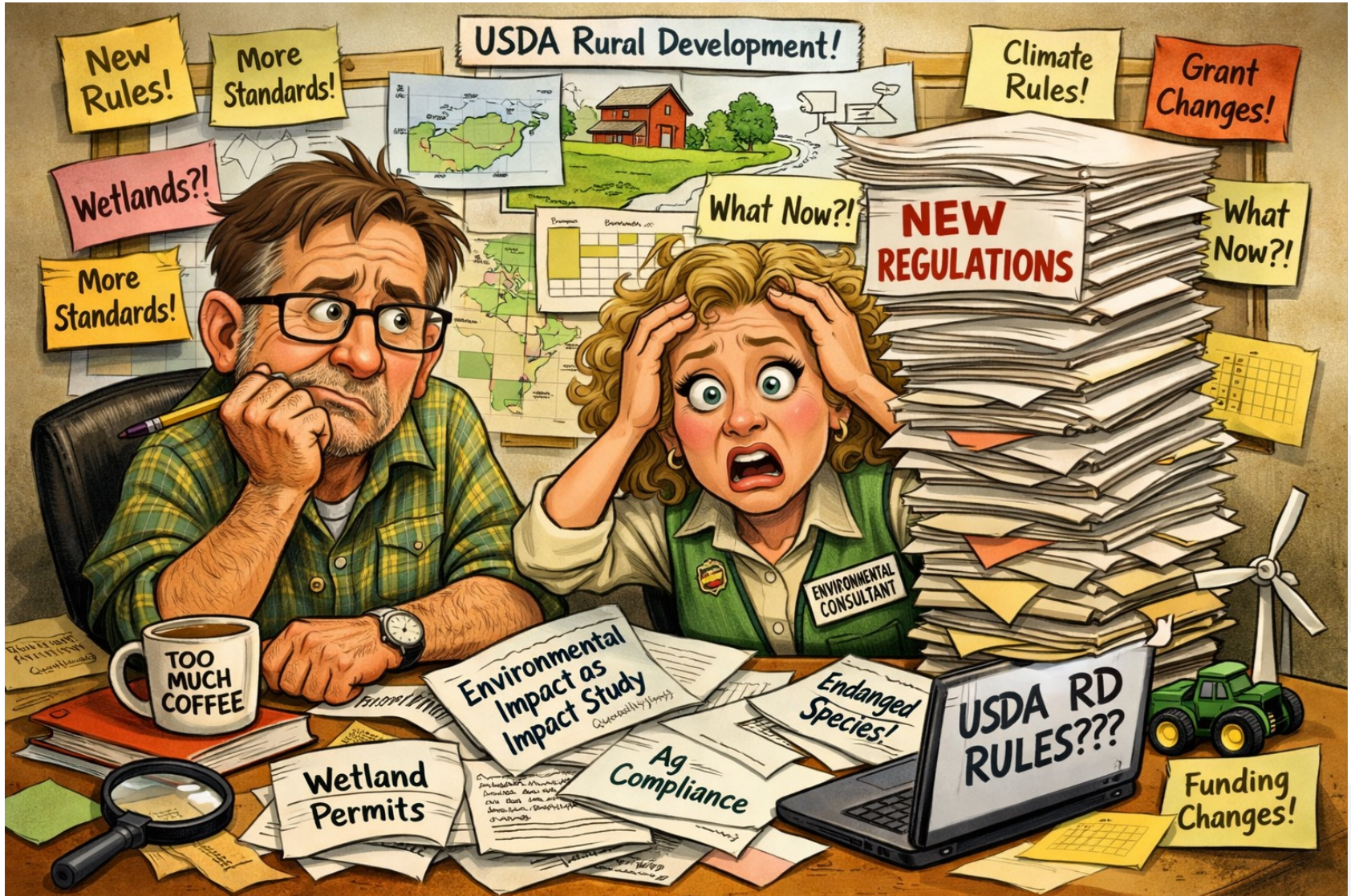
Common Mistakes in Environmental Reports

- Incomplete project descriptions
- Not all components included in the review
- Missing consultation documentation
- Lack of site-specific information
- Maps with no location
- Documentation not matching project scope
- SEQR is not an ER/EA

Additional discussion

- Section 106 use of National Programmatic Agreement (NPA)
- Sec 7 start early update late
- Changes in wetland regulations wetland delineations
- Grouping projects together

Questions



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RUS Bulletin 1780-26 Updates

EFC SU : USDA Rural Development Engineers Training

9 April 2026

Purpose of Today's Training

- Intent and use of Bulletin 1780-26 (2024)
- Guidance on assembling contract documents
- Clarify roles (Owner, Engineer, State Engineer)
- Review Domestic Preference (BABAA) requirements
- Review EJCDC C-Series and E-Series modifications for USDA RD projects

Acronyms

- USDA – United States Department of Agriculture
- RD – Rural Development (agency)
- RUS – Rural Utilities Services (division)
- WEP – Water and Environment Program
- WWD – Water & Waste Disposal Projects

RUS Bulletin 1780-26 (2024)

- https://www.rd.usda.gov/files/UWP_Bulletin_1780-26.pdf
- Use of EJCDC Contract Documents on USDA RD Water & Waste Disposal (WWD) Projects
 - Construction Contract Documents
 - Engineering Agreements

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SUBJECT: Guidance for the Use of Engineers Joint Contract Documents Committee (EJCDC) Bidding and Contract Documents on Water and Waste Disposal Projects with Rural Utilities Service Financial Assistance

TO: Rural Development State Directors, Water and Environmental Program Directors, Community Program Directors, and State Engineers

EFFECTIVE DATE: Date of approval

OFFICE OF PRIMARY INTEREST: Engineering Policy Branch, Water and Environmental Programs (WEP), under the Rural Utilities Service (RUS), a part of Rural Development (RD), an Agency within the United States Department of Agriculture (USDA)

INSTRUCTIONS: This Bulletin replaces RUS Bulletin 1780-26, Document ID: Rural Development-GD-2023-001 dated May 24, 2023, and preapproves the use of the 2020 edition of EJCDC E-500 instead of the 2014 edition. The EJCDC C-522, E-520 and E525 documents have also been preapproved for use under certain limited circumstances.

This Bulletin revokes the following RUS Bulletins:

- RUS Bulletin 1780-14, RUS Supplemental General Conditions, Document ID: RD-GD-1997-24, dated July 30, 1997.
- RUS Bulletin 1780-15, Construction Contract Documents, Document ID: RD-GD-1997-25, dated July 30, 1997.

AVAILABILITY: This Bulletin, as well as any instructions, regulations, or forms referenced in this Bulletin are available at USDA State Offices. The State Office staff is familiar with the use of the documents in their states and can answer specific questions on Agency requirements.

This Bulletin is available on the website: rd.usda.gov/publications/regulations-guidelines/bulletins/water-and-environmental.

PURPOSE: This Bulletin is to be used by RD staff in providing information and guidance to funding applicants/recipients (Owners) and professional consultants in the development of Bidding and Contract Documents that are legally sufficient, ensure appropriate services are provided at a reasonable fee, and expedite the achievement of the applicant’s goals. This Bulletin supports compliance with [7 CFR](#)

[part 1780](#), [2 CFR part 200](#) and the Build America, Buy America Act (BABAA) requirements under Title IX of the Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58, §§ 70901-70953.

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

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Assistant Administrator
Water and Environmental Programs

Date

Resources

- Bulletin 1780-26 (2024)
- 7 CFR 1780 and 2 CFR 200
- EJCDC Providers
- RD State Engineer

What Bulletin 1780-26 (2024) Is

- USDA RUS requirements/guidance for use of EJCDC documents
- Replaces 2023/4 version
- Pre-approves
 - 2018 C-Series for Construction Contract Documents
 - 2020 E-Series for Engineering Agreements

Who Uses This Bulletin

- Consulting Engineers
- Rural Development State Engineers
- Rural Development Staff
- Owners (WWD applicants)

Purpose of the Bulletin

- Provides required modifications to EJCDC documents.
- Assist in meeting 7 CFR 1780, 2 CFR 200, and Build America, Buy America Act (BABAA)
- Supports consistency across USDA WEP projects.
- Legal Consistency - When modified as described in this Bulletin, the EJCDC documents listed meet such requirements and do not require USDA General Counsel (OGC) approval.
- Minimize reviews of multiple, varied front end documents.

Alternative Documents

Allowed ... but must submit alternative contract documents and a written justification of the need for use. Such documents must be modified to meet all federal and state requirements and must be approved for each project by the RD State Engineer (State Engineer) and reviewed by the USDA Office of General Counsel (OGC). When modified as described in this Bulletin, the EJCDC documents listed above have been determined to meet such requirements and do not require OGC approval.

Time – months!

How the Bulletin Is Used

- Provides required edits to EJCDC C-Series (2018) documents.
- Provides additional forms for Construction Contract Documents
- Bulletin revisions may be direct edits, attachments, or EJCDC pre-edited files

Availability of EJCDC Documents

- Must be purchased from EJCDC/NSPE/ACEC/ASCE
- State Offices cannot distribute

EJCDC Documents

EJCDC® Releases 2024 Update to USDA Rural Utilities Service Preapproved Documents

PRESS RELEASES

< FOR IMMEDIATE RELEASE
June 25, 2024
Contact: Katie LaPotin, Executive/Marketing Director
Katie@ejcdc.org
(571) 396-5495

Engineers Joint Contract Documents Committee (EJCDC®) Releases 2024 Update to USDA Rural Utilities Service Preapproved Documents

Newly approved documents include 2020 Edition of EJCDC E-500 as well as EJCDC C-522, E-520, and E-525.

Alexandria, VA – Engineers Joint Contract Documents Committee (EJCDC®) is excited to announce several new updates to its collection of USDA Rural Utilities Services Preapproved Documents collection. These documents are currently available for purchase in [the online store at EJCDC.org](https://www.ejcdc.org/online-store).

Members of EJCDC's sponsoring organizations (the [American Council of Engineering Companies](#), the [National Society of Professional Engineers](#), and the [American Society of Civil Engineers – Construction Institute](#)) can also purchase these documents directly from those organizations starting today at a 50% discount.

The 2024 updates to the USDA Rural Utilities Service Preapproved Documents were all initially announced in the updated edition of [RUS Bulletin 1780-26](#), dated May 10, 2024.

They include:

- [RD-990 RD Preapproved Documents Full Set](#) New price of \$1,915 (increased from \$998).
- [2020 E-500 Standard Form of Agreement Between Owner & Engineer for Professional Services, RD Edition](#) Now \$238 (previously 2014 edition).
- [2018 C-522 Contract for Construction of a Small Project, RD Edition](#) Now \$158 (now preapproved for use under certain limited circumstances).
- [2020 E-520 Short Form of Agreement Between Owner & Engineer for Professional Services, RD Edition](#) Now \$238 (now preapproved for use under certain limited circumstances).
- [2020 E-525 Agreement Between Owner and Engineer for Study and Report Professional Services, RD Edition](#) Now \$178 (now preapproved for use under certain limited circumstances).

Additionally, customers who have purchased any of the following packages/documents after 6/1/2023 and provide proof of their purchase may receive a complimentary copy of the updated RD documents upon request.

- [RD-990 RD Preapproved Documents Full Set](#)
- [2014 E-500 Standard Form of Agreement Between Owner & Engineer for Professional Services, RD Edition](#)
- [2020 E-500 Standard Form of Agreement Between Owner & Engineer for Professional Services](#)
- [2018 C-522 Contract for Construction of a Small Project](#)
- [2020 E-520 Short Form of Agreement Between Owner & Engineer for Professional Services](#)
- [2020 E-525 Agreement Between Owner and Engineer for Study and Report Professional Services](#)

EJCDC Documents

EJCDC® C-111, Advertisement for Bids for Construction Contract.

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and American Society of Civil Engineers. All rights reserved.

Modified to include RD edits from RUS Bulletin 1780-26 (5/24/2023, with no changes resulting from 5/10/24 edition).

Page 1 of 4

EJCDC Revisions

- (1) The Engineer requests from EJCDC free, editable copies of the certain documents with WEP-required edits already included, upon proof of purchase of EJCDC documents.
- (2) The Engineer makes all the edits to the purchased EJCDC documents.
- (3) Attachments are inserted in the Bidding and Contract Documents at the appropriate location.

Revisions Beyond RUS Edits

- Edits to EJCDC standard language, whether to the changes per this Bulletin or by the Owner and its Engineer, are made using red bold type additions and red single-line strike-out deletions, showing all revisions.
- RD State Engineer reviews edit for acceptance.
 - Recommend call or email to discuss.
- May require State Engineer consultation with our National Office Engineering or OGC.
- Acceptance or revision need given in State Engineer review memo.

Owner Responsibilities

- Rural Development (RD) is one of the lenders or insurers of the permanent financing to defray costs of the project. Although RD is interested in the proper execution of the Contract, it is not a party to the Contract, nor can incur any responsibility or liability there under.
- Contractual Issues - The Owner is responsible for settling all contractual and administrative issues arising out of procurement as a condition of receiving funding assistance from RD. These include but are not limited to: protests; disputes; and claims. Matters concerning violations of laws are to be referred to the applicable local, state, or federal authority.

Overview of EJCDC Contract Families

- C-Series (Construction) 2018
- C-522 (Small Project)
- E-Series (Engineering) 2020–2022

Contract Documents Package Submission

- Submit to RD Specialist and State Engineer electronic only
- RD State Engineer provides review memo to Specialist for forwarding to Engineer and Owner
 - Acceptable for Bid with revisions
- RD Specialist Issues Clearance to Bid
- Engineer responds to SE review memo and provides Final As Bid Documents.
- Addenda require RD review & acceptance

ATTACHMENT B.1 – CONTRACT DOCUMENT CHECKLIST

Notes to User:

1. This attachment provides a checklist for Owner and Engineer to use to assemble the Bidding Documents for a RUS-funded project.
2. EJCDC documents are available from EJCDC, the National Society of Professional Engineers, the American Council of Engineering Companies, or the American Society of Civil Engineers.
3. RD offices cannot distribute EJCDC documents.
4. For questions and copies of RD documents please contact State Engineer.

| Contents | Form |
|---|--|
| Table of Contents | Prepared by Engineer |
| Advertisement for Bids for Construction Contract | EJCDC C-111 as modified by RUS Bulletin 1780-26 Attachment B.2 |
| Instructions to Bidders for Construction Contract | EJCDC C-200 as modified by RUS Bulletin 1780-26 Attachment B.3 |
| Bid Form for Construction Contract | EJCDC C-410 as modified by RUS Bulletin 1780-26 Attachment B.4 |
| Bid Bond (Penal Sum Form) | EJCDC C-430 |
| Qualifications Statement | EJCDC C-451 |
| Compliance Statement | Form RD 400-6 |
| Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions | Form AD 1048 – May be provided as a courtesy for the Contractor's use |
| Certification for Contracts, Grants & Loans | RD Instruction 1940-Q Exhibit A-1 |
| Notice of Award | EJCDC C-510 Note: Owner will obtain concurrence of State Engineer prior to issuing award. |
| Agreement between Owner and Contractor for Construction Contract (Stipulated Price) | EJCDC C-520 as modified by RUS Bulletin 1780-26 Attachment B.5 |
| Performance Bond | EJCDC C-610. Note: the bond will be at least 100% of the bid amount. |
| Payment Bond | EJCDC C-615. Note: the bond will be at least 100% of the bid amount. |
| Certificate of Owner's Attorney / Agency Concurrence | RUS Bulletin 1780-26 Attachment A.1 |
| Standard General Conditions of the Construction Contract | EJCDC C-700. Note: modifications to C-700 should be made in C-800, Supplementary Conditions. |
| Supplementary General Conditions of the Construction Contract | EJCDC C-800 as modified by RUS Bulletin 1780-26 Attachment B.6 |
| Special Conditions | May be added if desired by Engineer |
| State Wage Rates | State Wage Rates if required by State Law. |

C-Series Overview

- Advertisement (C-111)
- Instructions to Bidders (C-200)
- Bid Form (C-410)
- General Conditions (C-700)
- Supplementary Conditions (C-800)

Modifications: Advertisement (C-111)

- Add Domestic Preference language
- Add applicable waivers

Modifications: Instructions to Bidders (C-200)

- Add Domestic Preference - BABAA requirements (1.01.B)
- Delete certain EJCDC sections
- Require manufacturer certifications

Modifications: Bid Form (C-410)

- Add required certifications
- Delete Articles 4, 5, 6.02, 6.03
- Add Domestic Preference-BABAA compliance references
- Add:
- ~~G. If Bid amount exceeds \$10,000, signed Compliance Statement (RD 400-6). Refer to specific equal opportunity requirements set forth in the Supplementary Conditions of the Construction Contract (EJCDC C-800);~~
- ~~H. If Bid amount exceeds \$25,000, signed Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions (AD-1048);~~
- I. If Bid amount exceeds \$100,000, signed RD Instruction 1940-Q Exhibit A-1, Certification for Contracts, Grants, and Loans.”

Modifications: Agreement (C-520)

- Adjust contract times
- Add Substantial Completion language
- Replace article values
- Add Liquidated Damages.
 - Documentation of LQs
- Clarify Contract Price
 - Lump Sum vs. Unit Price

Modifications: Supplementary Conditions (C-800)

- Federal requirements (Article 19)
- Adds/Modifies Domestic Preference definitions and language
 - Updated domestic preference references (such as 2 CFR 184)
 - Updated the list of information required in a manufacturer certificate
 - Contactor now provides domestic preference certification at final payment, rather than substantial completion.
- Clarifies RD Change Order concurrence requirements
- Removes requirement that no more than 50% of contract can be subcontracted

Small Project Contract (C-522)

- New to RD use
- For informal procurement methods **only**
 - Micro Purchase - \$50,000 or less
 - Simplified Acquisition - \$350,000 or less
- Must comply with BABAA; but could be under Small Projects or De Minimis Waivers
- Requires Agency concurrence

Modifications to C-522

- Insert RUS language
- Add BABAA requirements
- Add federal requirements

Open and Free – Less than Normal Competition

- Confirm conformance to the USDA open and free competition requirements 7 CFR 1780.70 (b) and (d). RD policy to include the words “or equal” or “or approved equal”.
- Standardized Materials - Bid schedules and specifications may list only one material type or brand name of equipment if the USDA RD concurs in writing:
 - (1) that project requirements are unique;
 - (2) that selection of a given material or brand name product is necessary for interchangeability of parts or equipment in an existing system;
 - (3) that a process is only available from a single source and the need for the process was demonstrated in the Preliminary Engineering Report through either technical justification or a life cycle cost analysis;
 - (4) that only one type of material will meet technical requirements;
 - (5) that an equipment item required to meet technical requirements of the project is available from only one source; or
 - (6) that regulatory authorities require the use of a proprietary item in a permit.
- Engineer/Owner to request in writing (with standardization resolution).
- RD provides written concurrence or non-concurrence.
- Requests must be made for each USDA RD funded project.

Open and Free, cont.

- Pre-Selection of Equipment
- Should be in PER for approval by RD at time of Letter of Conditions or
- Request to RD with justification.
- Design vs Procurement
- If design, Contract Documents should clarify
- If procurement - use EJCDC P-Series, with RD edits
- RD reviews and approves.
- Assign to Construction Contract or
- Provide to Contractor

Other Code Requirements

For buildings/structures to house persons/equipment

- Building Codes – NYS Building Code
- ADA – confirm conformance with the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA).

Seismic Acknowledgement

- Written acknowledgment stating that seismic provisions pursuant to 7 CFR part 1792 will be used in the design of the structure/additions, includes above ground facilities to house equipment/persons.
 - Engineer or architect responsible for the Structure design: acknowledgement on the title page of the Drawings and include the identification and date of the model code or standard that is used in the seismic design of the structure.
 - Manufacturer/Builder responsible for the Structure design: statement shall identify the model code or standard identified that is used in the seismic design of the building(s) and shall be stamped/signed and dated by PE in NY. RD NY has a template that can be used.

Domestic Preference Requirements (BABAA)

Build America, Buy America Act (BABAA) – Requirements of Title IX of the Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58, §§ 70901- 70953-58 mandating domestic preference that all iron and steel, manufactured products, and construction materials are produced in the United States, in accordance with 2 CFR part 184

Applies to all federally funded infrastructure

1. Requires domestic iron/steel
2. Requires domestic manufactured products
3. Requires domestic construction materials

BABAA Definitions

- Primarily Iron or Steel - product made of greater than 50 percent iron or steel on a materials cost basis. Mfr. determines, but may need to justify.
- Manufactured Product – >55% component cost USA
- Construction Materials – all the other stuff
- Minor Components – used by Manufacturer

Domestic Preference Documentation

- Manufacturer Certifications
- Contractor Certification
- Engineer Certification
- De Minimis Worksheet – Contractor maintains if used

ATTACHMENT A.3 – SAMPLE LANGUAGE FOR CONTRACTOR’S CERTIFICATION OF COMPLIANCE

ATTACHMENT A.3 – SAMPLE LANGUAGE FOR CONTRACTOR’S CERTIFICATION OF COMPLIANCE

Notes to User:

1. *This attachment provides sample language that the Contractor can use to certify compliance with the Build America Buy America Act (BABAA) requirements. The language can be modified.*

Modification Example: If the project is subject to AIS, the BABAA reference should be replaced with language such as "American Iron and Steel (AIS) requirements mandated by Section 746 of Title VII of the Consolidated Appropriations Act of 2017 and subsequent annual appropriations for WWD programs."

2. *The certification should be on letterhead and should be signed and dated by an authorized company representative.*

3. *A certification is to be provided by Contractor to Engineer for delivery to the Owner and Agency prior to final payment.*

Project Name

Owner / Applicant

Contract Number

I hereby certify, that to the best of my knowledge and belief, all Iron and Steel products, Manufactured Products, and Construction Materials installed for this project by my company and by any and all subcontractors and Manufacturers my company has contracted with for this project comply with the Build America, Buy America Act (BABAA) requirements under Title IX of the Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58, §§ 70901-70953 or are the subject of a waiver approved by the Secretary of Agriculture or designee.

Name of Contractor Authorized Representative
Contractor Company Name
Contractor Address

Date

**ATTACHMENT A.4 – SAMPLE LANGUAGE FOR MANUFACTURER'S
CERTIFICATION OF COMPLIANCE**

Notes to User:

1. *This attachment provides sample language for the Manufacturer's Certification of Compliance with Domestic Preference requirements.*
2. *Contractor should ensure that Engineer has an approved Manufacturers' Certification prior to any domestic preference item being delivered to the project site.*
3. *The Manufacturer's Certification must be on letterhead and should indicate the specific item being certified, reference which domestic preference requirement is being certified, and be signed by an authorized company representative.*
4. *The Manufacturer's Certification may include multiple domestic preference requirements. It is important for the governing domestic preference requirement (whether AIS, BABAA or other) to be clearly included within the certification.*

Date:

Company Name:

Company
Address:

Subject: Domestic Preference Requirement Certification for {*Owner's Name and Project Name (City, State)*}, and Contract Number

I hereby certify that the following product(s) and / or material(s) shipped or provided for the subject project are in full compliance with the Build America, Buy America Act (BABAA) requirements under Title IX of the Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58, §§ 70901-70953.

[List common name of items, products and/or materials]

These products and/or materials were manufactured in [Provide location(s) of manufacturing]

[Include signature of authorized representative]

ATTACHMENT A.5 – ENGINEERS CERTIFICATIONS

Notes to User:

1. *This attachment provides sample language for the statements needed for the Engineer of Record's certification; it should be submitted with the bid package to the Agency for concurrence for authorization to bid by Agency.*
2. *This certification is not intended to be a warranty in any way but rather the designer's professional opinion that to the best of their knowledge the documents comply.*
3. *This certification does not need to be included in the contract documents.*
4. *The language can be modified.*

Modification Example: If the project is subject to AIS, the BABAA reference should be replaced with language such as "American Iron and Steel (AIS) requirements mandated by Section 746 of Title VII of the Consolidated Appropriations Act of 2017 and subsequent annual appropriations for WWD programs."

The final Drawings and Specifications, construction Contract Documents, Bidding Documents, procurement documents, and any other final design phase deliverables, comply with all applicable federal requirements including the Build America, Buy America Act (BABAA) requirements under Title IX of the Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58, §§ 70901-70953, or are the subject of a waiver approved by the Secretary of Agriculture or designee. This includes the following:

- The Engineers Joint Contract Documents Committee (EJCDC) documents have been used, and all acceptable revisions identified in this Bulletin have been made in accordance with the terms of the license agreement, which states in part that the Engineer "will plainly show all changes to the standard EJCDC text, using 'Track Changes' (redline/strikeout), highlighting, or other means of clearly indicating additions and deletions." Such other means may include attachments indicating changes (e.g. Supplementary Conditions modifying the General Conditions).
- Any building(s) designed for this Project will comply with the requirements of the Architectural Barriers Act (ABA) of 1968, the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, and any federal, state, or local accessibility standards.
- Any building(s) designed for this Project will comply with the Seismic Safety of Federally Assisted New Building Construction requirements of 7 CFR part 1792, and any federal, state, or local standards.
- All referenced Products and Construction Materials in the Drawings, Specifications, and Bidding Documents for the Project comply with BABAA.
- All referenced Products and Construction Materials to be referenced in the Addenda, executed Contracts, and Change Orders will comply with BABAA.

Engineer Name and Title
Engineering Company Name

Date

BABA

- Waivers: Small Projects, De Minimis
- Product Waiver request vs. Use of De Minimis
- Product Waivers – very difficult to obtain. Agency specific.
- USDA RD stance is use De Minimis first. Many steps, many agencies, a lot of time to get a Waiver!

De Minimis – Materials and products that represent a small portion of an infrastructure project, specifically no more than 5% of the project costs up to a maximum of \$1,000,000.

DE Minimis

- AIS vs. BABA

| AIS | BABA |
|---|---|
| Total De Minimis capped at 5% of total materials cost | Total De Minimis capped at lesser of 5% of total project cost or \$1M |
| Individual limit - 1% of total materials cost | Individual limit - 1% of total project cost |
| Applies to iron/steel products only | Applies to all BABA covered items |
| Only incidental products | Any type of product |

BABA vs. AIS

- USDA requirements vs. Co-Funding Agencies
- May need both Certs.
- If USDA AIS only project – modify EJCDC as noted

Engineer – Owner Agreements

EJCDC E-Series with RD Edits available. Have “Modified to include RD edits from RUS Bulletin 1780-26 (5/10/2024)” in footer

- Version 2020; was 2014
- E-500 (2020): Full service
 - Use of 2014 version no longer allowed

And New to RD use

- E-520 (2020): Short form
- E-525 (2022): Study/Report

RUS Edits to EJCDC E-500

Added Section 8(f) *Specific Considerations for E-500* to Bulletin 1780-26

- E-500 Exhibits A, B, C, E, G and J are required for WEP projects
- E-500 Exhibit D required if Engineer is providing RPR
- Only Lump Sum and Standard Hourly rates allowed
- EJCDC E-500 Exhibits rearranged for 2020

| 2014 E-500 | 2020 E-500 |
|---|---|
| Exhibit A – Engineer’s Services | Exhibit A – Engineer’s Services |
| Exhibit B – Owner’s Responsibilities | Section 2.04 |
| Exhibit C – Compensation Packets | Exhibit J – Compensation Packets |
| Exhibit D – Resident Project Representative | Exhibit D – Resident Project Representative |
| Exhibit E – Notice of Acceptability of Work | Exhibit E – Notice of Acceptability of Work (aka EJCDC C-626) |
| Exhibit F – Construction Cost Limit | Eliminated |
| Exhibit G - Insurance | Exhibit G - Insurance |
| Exhibit H – Dispute Resolution | Exhibit H – Dispute Resolution |
| Exhibit I – Limitations of Liability | Exhibit I – Limitations of Liability |
| Exhibit J – Special Provisions | Eliminated |
| Exhibit K - Amendment | Exhibit C – Amendment |
| New | Exhibit B – Deliverables Schedule |
| New | Exhibit F – Electronic Documents Protocol |

Modifications to E-500

- Domestic preference language streamlined / reduced. Most Domestic Preference Requirements in Article 1.01.D of E-500.
- Telecommunication prohibitions added in Article 1.01.E of E-500 .
- Agency concurrence - Engineer Agreement Certification has been removed. RD SE provide concurrence to RD Specialist via memo and attachment. Same attachment used for subsequent Amendment concurrence.
- Summary of Engineering fees is provided in EJCDC E-500 Section 2.05.

Modifications to E-520

Use if:

- Project cost is below the simplified acquisition threshold (\$350,000)
- RPR services are the only services to be provided
- The project scope fits within the Guidelines for Use of the E-520 document, and the State Engineer concurs with use of E-520 for the project.
 - Simplified form
 - Add BABAA responsibilities
 - Agency concurrence required

Modifications to E-525

- When professional services limited to Preliminary Engineering Report and/or Environmental documentation.
- WEP SEARCH and PPG grant.
- PER must include BABAA cost statement
- Environmental docs must meet RD requirements.
- Agency concurrence required

Design Build

- The 1780-26 Bulletin and required/associated EJCDC documents are for use in traditional design-bid-build projects.
- Collaborative Delivery Methods - Use of collaborative delivery methods requires approval of the Agency and the Agency's Office of General Counsel. If collaborative methods are desired (such as design build – stipulated price, CMAR, CMA) this needs to be approved via the PER for the RD Letter of Conditions.
- Future Bulletin may cover Design Build

RD Concurrence Award and Construction

Engineer/Owner provides documents to RD per

WEP Construction Checklist:

- Prior to Award Documents
- Contract Agreement Documents, with Certificate of Owner's Attorney and Agency Concurrence document (Attachment A.1)

RD State Engineer must concur:

- with the recommendation to award via email
- the executed Contract Agreement via Attorney-Agency form (Attachment A.1)

RD Specialist issues clearance:

- to Award
- scheduling a Preconstruction Meeting

RUS Bulletin 1780-26

ATTACHMENT A.1 – CERTIFICATE OF OWNER'S ATTORNEY AND AGENCY
CONCURRENCE

**ATTACHMENT A.1 – CERTIFICATE OF OWNER'S ATTORNEY AND AGENCY
CONCURRENCE**

Notes to User:

1. *This attachment consists of two certificates, on a single page, to be attached to the Contract and signed upon execution.*
2. *The first is a certificate to be signed by the Owner's attorney and the second is the concurrence to be signed by the State Engineer.*
3. *This page is to be inserted after the Agreement between Owner and Contractor for Construction Contract (Stipulated Price) (EJCDC C-520, 2018) in the Construction Contract Documents.*
4. *When the EJCDC C-522 Contract for Construction of a Small Project is used, attach this page to the C-522 document.*

CERTIFICATE OF OWNER'S ATTORNEY

PROJECT NAME:

CONTRACTOR NAME AND CONTRACT NUMBER:

I, the undersigned, _____, the duly authorized and acting legal representative of

_____, do hereby certify as follows: I have examined the attached Contract(s) and performance and payment bond(s) and the manner of execution thereof, and I am of the opinion that each of the aforesaid agreements is adequate and has been duly executed by the proper parties thereto acting through their duly authorized representatives; that said representatives have full power and authority to execute said agreements on behalf of the respective parties named thereon; and that the foregoing agreements constitute valid and legally binding obligations upon the parties executing the same in accordance with the terms, conditions, and provisions thereof.

Name

Date

RUS Bulletin 1780-26

ATTACHMENT A.1 – CERTIFICATE OF OWNER'S ATTORNEY AND AGENCY
CONCURRENCE

AGENCY CONCURRENCE

As lender or insurer of funds to defray the costs of this Contract, and without liability for any payments thereunder, the Agency hereby concurs in the form, content, and execution of this Agreement.

Agency Representative

Date

Name

Contract Documents – Dos & Don'ts

Dos:

- Use Only 2018 version of EJCDC docs with RD edits
- Submit Plans & Front End-Specs together
- Submit Contract Documents same time as DOH/DEC submission (unless less than 90%). Provide DOH/DEC Basis of Design Report (BOD) with RD submission
- Check Letter of Conditions for document needs.

Don'ts:

- Use 2013 version EJCDC Documents
- Use EJCDC with no RD edits or attachments
- Plans with Different Scope than approved in the Letter of Conditions
- Go to bid without RD Specialist clearance

Questions?

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Please
complete the
evaluation



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& Computer Science

Environmental Finance Center

