

## SPECIAL CONDITIONS

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### ATTACHMENTS

SPC -AK20250001 Davis-Bacon Wage Rates for Alaska Heavy Construction  
 Pamphlet No. 600 Issue 50 Minimum Rates of Pay for Laborers and Mechanics  
 Debarment Certification Form (EPA Form 5700-49)  
 SRF EEO Acknowledgment Form  
 Disadvantaged Business Enterprise Compliance Statement  
 Disadvantaged Business Enterprise (DBE) Program Good Faith Effort and Participation Form

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## **SPECIAL CONDITIONS**

### **SPC-1 CONFLICT WITH GENERAL CONDITIONS AND SUPPLEMENTARY GENERAL CONDITIONS**

The Special Conditions supplement the General Conditions and the Supplementary General Conditions. Where conflicts exist between the Special Conditions and the General or Supplementary Conditions, the Special Conditions prevail.

### **SPC-2 CHARACTER OF WORKMEN, EQUIPMENT AND METHODS**

- A. All workers shall have sufficient skill and experience to properly perform the work assigned to them. Workers engaged in special work or skilled work shall have sufficient experience in such work, and in the operation of the equipment required, to perform all work properly and satisfactorily.
  - 1. Any person employed by the Contractor or by any subcontractor who, in the opinion of the Owner, does not perform his work in a proper and skillful manner or is intemperate or disorderly, shall, at the written request of the Owner, be removed forthwith by the Contractor or Subcontractor employing such person, and shall not be employed again in any portion of the project without approval from the Owner.
  - 2. Should the Contractor fail to remove such person or persons as required above, or fail to furnish suitable and sufficient personnel for proper execution of the work, the Owner may suspend work by written notice until such orders are complied with.
- B. All equipment shall be appropriately sized and in such mechanical condition as to meet the requirements of the work and to produce a satisfactory quality of work.
- C. When the methods and equipment to be used by the Contractor in accomplishing the work are not prescribed in the contract, the Contractor is free to use any methods or equipment that he demonstrates to the satisfaction of the Owner will accomplish the contract work in conformity with the requirements of the contract, except as provided above.

### **SPC-3 DRUG ABUSE POLICY**

The Contractor shall comply with requirements for testing for the presence of alcohol and controlled substances in accordance with any federal, state, or local laws, as applicable.

### **SPC-4 LABORERS' AND MECHANICS' MINIMUM RATES OF PAY**

The Contractor and subcontractors shall comply with Davis-Bacon Act, as amended (40 U.S.C. 3141-3148) and as supplemented by Department of Labor regulations (29 CFR Part 5. "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction", the Contract Work Hours and Safety Standards Act (40 U.S.C 3701-3708) and AS 36.05.010.

Since this project is funded in part by EPA, it is subject to:

- Contract Provisions for Davis-Bacon and Related Acts located here:  
<https://www.epa.gov/grants/contract-provisions-davis-bacon-and-related-acts>
- DBRA Requirements for EPA Subrecipients located here:  
<https://www.epa.gov/grants/dbra-requirements-epa-subrecipients>

Contractors are required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. The Contractor and all subcontractors shall pay the higher of the appropriate wage rates published by the Alaska Department of Labor and the U.S. Department of Labor, for each individual job classification. In addition, contractors must be required to pay wages not less than once a week and submit certified payroll records per the DOL form WH-347. A copy of the latest Davis-Bacon Wage Rates for Alaska, AK20250001 and Minimum Rates of Pay for Labors and Mechanics, Pamphlet No. 600 are attached.

Contractors shall comply with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States").

#### SPC-5 LAND CLEARING TIMING

Clearing and grubbing shall be completed prior to May 1, to the fullest extent possible, in order to comply with U.S. Fish and Wildlife Service timing recommendations for land disturbance and vegetation clearing.

#### SPC-6 WORK WITHIN STATE OF ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES (ADOT&PF) RIGHTS OF WAY

The Owner has submitted utility permit applications to the ADOT&PF for all work within the ADOT&PF right of way. The Contractor will be required to comply with the conditions of this permit when working within ADOT&PF right of way, or the construction documents, whichever is more stringent.

Final signed permits are attached. Any permit requirements not conveyed during the bidding period will be included in the construction documents by change order.

Any work within ADOT&PF right of way must be covered by a lane closure permit, regardless of proximity to the roadway.

#### SPC-7 ADEC APPROVAL TO CONSTRUCT

The Engineer has received ADEC Drinking Water for Approval to Construct the CBY Airport Water Extension.

#### SPC-8 NONDISCRIMINATION

- A. By signing this agreement or accepting funds under this agreement, the recipient assures that it will 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 termination of this contract or other legally available remedies.

#### SPC-9 ENVIRONMENTAL STANDARDS

- A. By signing this agreement or accepting funds under this agreement, the recipient assures that it will:
  - 1. Comply with applicable provisions of the Clean Air Act (42 U.S.C. 7401, et. seq.) and Clean Water Act (33 U.S.C. 1251, et. seq.), as implemented by Executive Order 11738 [3 CFR, 1971- 1975 Comp., p. 799] and Environmental Protection Agency (EPA) rules at Subpart J of 40 CFR part 32

SPC-10 OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this agreement, or to any benefit arising from it, in accordance with 41 U.S.C. 22.

SPC-11 CONTRACTING WITH SMALL AND MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS

- A. The non-Federal entity must take all necessary affirmative steps to assure that small and minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- B. Affirmative steps must include:
  - 1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
  - 2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
  - 3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
  - 4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
  - 5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
  - 6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.
- C. Contractor must complete and sign the Disadvantage Business Enterprise Compliance Statement and the Disadvantage Business Enterprise (DBE) Program Good Faith Effort Participation Form.

SPC-12 DEBARMENT AND SUSPENSION

- A. (Executive Orders 12549 and 12689); A contract award (see 2 CFR 180.220) shall not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension."

SPC-13 BYRD ANTI-LOBBYING AMENDMENT

- A. Contractors that apply or bid for an award exceeding \$100,000 must file the required certification (31 U.S.C. 1352).

SPC-14 SIGNAGE

- A. Contractor is required to place a physical sign displaying the EPA logo at the construction site for this project in an easily visible location that can be directly linked to the work taking place. The sign must be maintained in good condition throughout the construction period. In cases where the construction site covers a large area (e.g., lead service line replacement or septic tank

repair/replacement projects), a sign should be placed in an easily visible location near where the work is being performed (e.g., entrance to the neighborhood, along a main road through town, etc.).

- B. Procuring Signs: Consistent with section 6002 of RCRA, 42 U.S.C. 6962, and 2 CFR 200.323, recipients are encouraged to use recycled or recovered materials when procuring signs.
- C. EPA Logo: The recipient will ensure that signage displays the EPA logo. The EPA logo must not be displayed in a manner that implies that EPA itself is conducting the project. Instead, the EPA logo must be accompanied with a statement indicating that the recipient received financial assistance from EPA for the project.
- D. The recipient will ensure compliance with the sign specifications provided by the EPA Office of Public Affairs (OPA) available at: <https://www.epa.gov/grants/epa-logo-seal-specifications-signage-produced-epa-assistance-agreement-recipients>. As provided in the sign specifications from OPA, the EPA logo is the preferred identifier for assistance agreement projects and use of the EPA seal requires prior approval from the EPA. To obtain the appropriate EPA logo or seal graphic file, the recipient should send a request directly to **Londa Scott-Forte (202-564-1504)** and **Jini Ryan (202-564-1075)**. Please explain in the message that the EPA logo is to be used on signage at a construction site funded with EPA assistance and copy the EPA Project Officer on the message.

#### SPC-15 EQUAL EMPLOYMENT OPPORTUNITY

By signing the agreement or accepting funds under the agreement, the recipient assures that it will comply with the requirements of 41 CFR 60-1.4(b).

#### SPC-16 GENERAL PERMIT FOR BALD EAGLE DISTURBANCE

The Construction Contractor is required to obtain a general permit for bald eagle disturbance via the automated online system and provide proof to the CBY prior to beginning ground disturbing activities. The following link. <https://www.fws.gov/program/eagle-management/eagle-incidental-disturbance-and-nest-take-permits>