

## **APPENDIX B – ADDITIONAL PROGRAM REQUIREMENTS**

### **COMPLIANCE WITH PREVAILING WAGE LAWS**

It is the responsibility of applicants/contractors to comply with State or Federal prevailing wage laws and ensure their subcontractors do the same. If the nature of the work performed, or services provided, under a contract resulting from this RFA meet the statutory definition of a "public works contract" in §18-2-401, MCA, and exceeds \$25,000, payment of prevailing wages is required. Work performed may fall under the wage determinations for Heavy Construction or Non-Construction as defined by the Commissioner of the Montana Department of Labor and Industry. Projects funded in whole or in part with federal funding require payment of the higher of the state or federal wage rate. Questions related to prevailing wage rates may be addressed directly to the following:

Compliance and Investigations Bureau  
1805 Prospect Avenue  
PO Box 201503  
Helena, MT 59620-1503  
(406) 444-6543  
[DLIERDWage@mt.gov](mailto:DLIERDWage@mt.gov)  
Website: <http://erd.dli.mt.gov/labor-standards/public-contracts-prevailing-wage-law>

Refer to Appendix G, Contract Section 9 for guidance to help you anticipate whether prevailing wage laws may apply to your project.

### **COMPLIANCE WITH THE BUILD AMERICA, BUY AMERICA ACT (BABA)**

DEQ anticipates most nonpoint source pollution reduction projects will not be subject to the federal Build America, Buy America Act (BABA); however, it's possible that some larger construction projects could be subject to BABA. This can be discussed during the draft application phase.

### **COMPLIANCE WITH THE FEDERAL ENDANGERED SPECIES ACT**

If your project is selected for funding, EPA will consult with the U.S. Fish and Wildlife Service (USFWS) to determine the potential for the project to impact threatened and endangered species. If USFWS identifies a potential for impact, they will provide recommendations for avoiding or minimizing the impact, and those recommendations will become required conditions within the grant contract.

### **INSURANCE**

Prior to signing a contract with DEQ, applicants will be required to demonstrate that they have adequate insurance to protect people and institutions involved in the project. Insurance requirements and limits may vary depending upon the level of risk associated with completing the project. Nonpoint Source and Wetland staff can assist applicants with insurance coverage questions during the draft application phase. During the final application phase, insurance questions must be submitted through the Q&A Board on eMACS.