



**Contractor's Agreement to Participate in the Lockwood Water & Sewer District
EPA Emerging Contaminants Reimbursement Grant Program**

The Emerging Contaminants (EC) Grant Program ("Program") permits the Lockwood Area/Yellowstone County Water and Sewer District ("LWSD") to provide Grant funding to Lockwood property owners for the purpose of connecting a property to the LWSD sewer system if the property meets certain criteria.

LWSD agrees to award Program Grant funds in the amount of up to \$5,000.00 per connection. Grant funds will be released upon satisfactory completion of the connection to the LWSD sewer system and proper abandonment of the existing septic system. Surface restoration costs beyond backfill are not eligible for reimbursement through the Grant funds. Grant funds will be released as follows: up to \$5,000.00 to the Contractor upon successful completion of the work and submission of required documentation.

The following list of documents must be submitted to LWSD for the Contractor to be eligible to participate in the Program.

1. State of Montana Certificate of Contractors Registration or Master Plumbers License
2. Certificate of Liability Insurance with LWSD and Morrison-Maierle, Inc. listed as additional insureds
3. Signed and completed Lockwood Water & Sewer District EPA Emerging Contaminants Reimbursement Grant Program Contractor's Agreement form
4. Debarment Certification

Once approved to participate in the Program, the Contractor agrees to comply with the following Program requirements to remain eligible to participate in the Program and for project reimbursement.

1. Ensure that all required fees have been paid and permits are issued.
2. Provide an installation schedule to LWSD and the property owner and schedule an inspection of the sewer service connection by LWSD.
3. Have the installation inspected by LWSD prior to backfilling.
4. Complete all items listed in the bid and construction contract with the property owner.
5. Purchase and use materials that comply with the Build America Buy America Act (BABAA).
6. Pay the higher of either the Federal Davis-Bacon Act or Montana Prevailing Wage Rates, effective at the time of construction.
7. Cooperate with LWSD staff or its authorized representative to verify that construction materials meet the requirements of BABAA.
8. Meet Montana WPCSRF Agency Supplemental Conditions (attached).
9. Submit certified payroll(s) to demonstrate compliance with the Federal Davis-Bacon Act or Montana Prevailing Wage rates.
10. Submit all required closeout documents.

After construction is completed, the Contractor will provide the following closeout documents to receive payment:

1. Final Invoice
2. IRS W-9 Form
3. BABAA Contractor Certification form acknowledging that program requirements have been met
4. BABAA Manufacturer Certification Form(s)
5. Wage Rate Certification Form
6. Septic System Abandonment Report Form
7. Certified Payroll(s)

The above closeout documents shall be submitted within 45 days of construction completion.

Grant funding payment not to exceed \$5,000.00 per connection to the Contractor will be processed after the connection is completed and the Contractor has submitted the required documents listed above. Contractor should allow approximately 45 days for LWSD to mail a check. Property owners are responsible for any costs exceeding the agreed-upon grant amount and for any work not eligible for grant reimbursement, including surface restoration. Contractor understands and agrees that the payment owed by the property owner to the Contractor will be reduced by the grant amount. LWSD and its Engineer are not parties to the contract between the property owner and the contractor.

Failure of the Contractor to meet the program requirements on an approved project will result in the loss of grant funding for that project and removal of eligibility to participate in the Program.

Contractor acknowledges that it has received a copy of the Installation and Connection of a Sewer Service under the EPA Emerging Contaminants (EC) Reimbursement Grant Program document and agrees to the terms and requirements of the Program for reimbursement Grant funding to be paid directly to the Contractor.

LWSD is not responsible for or liable for any project costs incurred by the Owner or Contractor due to Contractor's failure to meet Program requirements and the resulting loss of Grant funds or additional costs.

LWSD or its authorized representative will inspect the sewer service prior to backfill to verify that construction materials meet the requirements of BABAA and review certified payroll documents to ensure compliance with the Federal Davis-Bacon Act or Montana Prevailing Wage rates. LWSD and its Engineer are not a party to the contract between the property owner and the Contractor, and do not assume responsibility for the means, methods, techniques, quality, or performance of the sewer service as installed. LWSD (or representative) visits are only to perform labor interviews, confirm BABAA-compliant materials, and verify proper connection to the existing LWSD sewer service at the property line.

Contractor agrees that the only responsibility of LWSD under this Agreement is to distribute the Grant funds to the Contractor pursuant to the terms of the Agreement and that there will be no liability on the part of LWSD or LWSD's Engineer for any damage to persons or property arising out of the agreement between the property owner and the Contractor for the installation of the LWSD sewer connection or the proper abandonment of the existing septic system.

This Agreement contains the entire agreement and understanding of the parties. No representation,

whether written or oral, made prior to or contemporaneously with this Agreement, shall be considered a part of this Agreement unless in writing and included within it, or attached and incorporated by reference. This Agreement may only be changed or modified by a written agreement of the parties.

I hereby certify that I have read and agree to the terms and conditions of this Agreement set forth above.

BY: _____
Contractor Signature _____ Print _____ Date _____

ACKNOWLEDGED AND AGREED:
LOCKWOOD AREA YELLOWSTONE COUNTY WATER AND SEWER DISTRICT

BY: _____
Manager _____ Date _____