



Industry Day
February 8, 2023

Agenda

- Housekeeping
- Culture of Caring Moment
- Introductions
- Introductions of Local Vendors
- Project Background
- Project Overview
- Completed Work
- Bidding
- Remaining Work
- Build America Buy America
- Questions



Housekeeping

- Restrooms
- Water / Coffee
- In Case of Fire
- Cell Phones
- Questions



Culture of Caring



Hand Safety

“...The most common cause of hand injuries in the workplace today is human error...The Bureau of Labor Statistics reports that over 183,400 hand-related injuries occurred on the job in 2011. A whopping 70% of those victims were not wearing protective gloves. The other 30% were wearing gloves, but the gloves were either ill-fitting or the wrong type for the job. Failing to use gloves, and ones that are job appropriate and the right size, is like asking for an accident to happen.

The most common types of hand injuries are bruises, pinches, lacerations, abrasions, strains, amputations, dislocations, Carpel Tunnel Syndrome, and Raynaud’s Disease. The non-dominant hand is the most vulnerable to injury.

[Hand Safety and Injury Prevention - HSI](#)

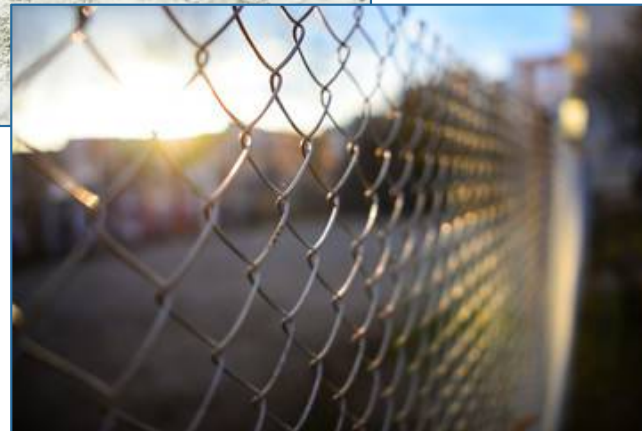
Introductions

- **ENMWUA Board Members:** Chair Morris & Vice Chair Jackson
- **ENMWUA Administrator:** Orlando Ortega
- **ENMWUA Team:** Haleigh Marez, Nora Navarrete, Jacquelyn Bowens
- **Jacobs Team:** Jim Honea, Wendy Christofferson, Robert Martin, Antonio Esposito, Liv Haugen, Greg Baisch
- **USBR:** John Irizarry
- **NMED:** Judy Kahl
- **Local Vendors**

Local Vendors

The ENMWUA Invites Local Vendors to Present What Your Company Can Offer During the Construction of the ENMRWS Projects:

- Hardware
- Lumber
- Welding
- Concrete
- Electrical
- Plumbing Supplies
- Pipe Supply
- Seeding
- Extended Stay Housing Options
- Fencing

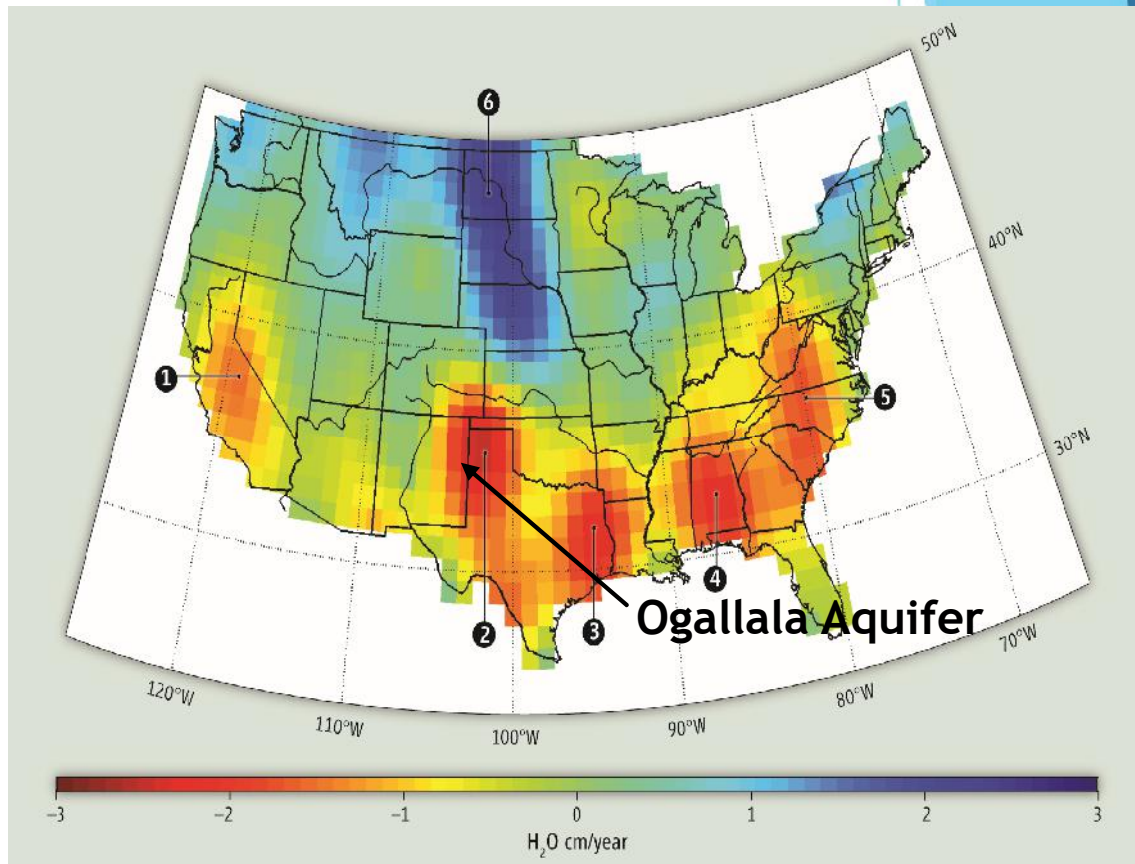




Project Background

Project Background - Need

- Ogallala Aquifer is rapidly declining from 0.5 foot to 5.8 feet each year.
- The aquifer is a finite resource.
- Historical approach of regularly increasing the number of wells cannot continue indefinitely.

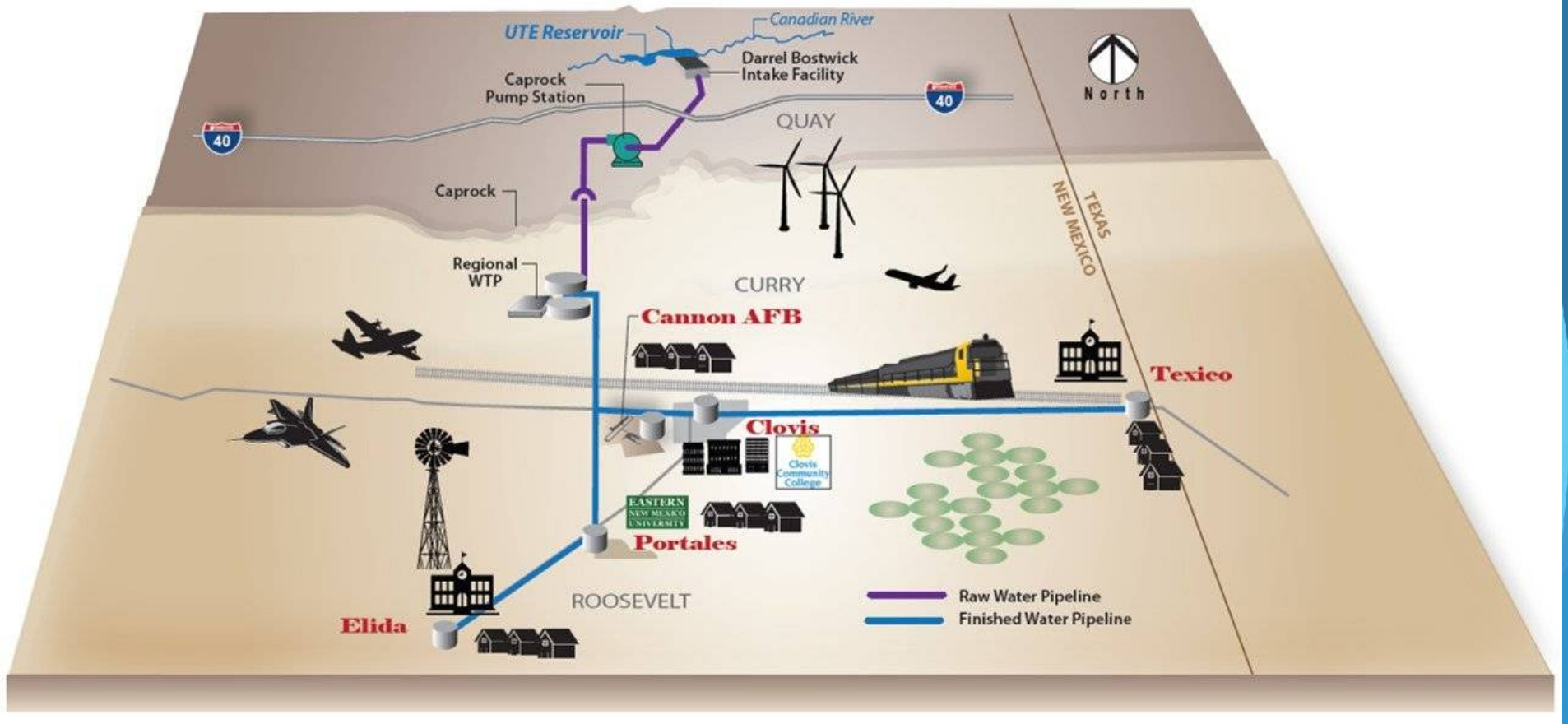


Project Background

- Ute Reservoir
 - Located in Logan, New Mexico
 - Constructed in 1963
- Preliminary Engineering Report Completed in 2006
- Schematic Design Completed in 2009

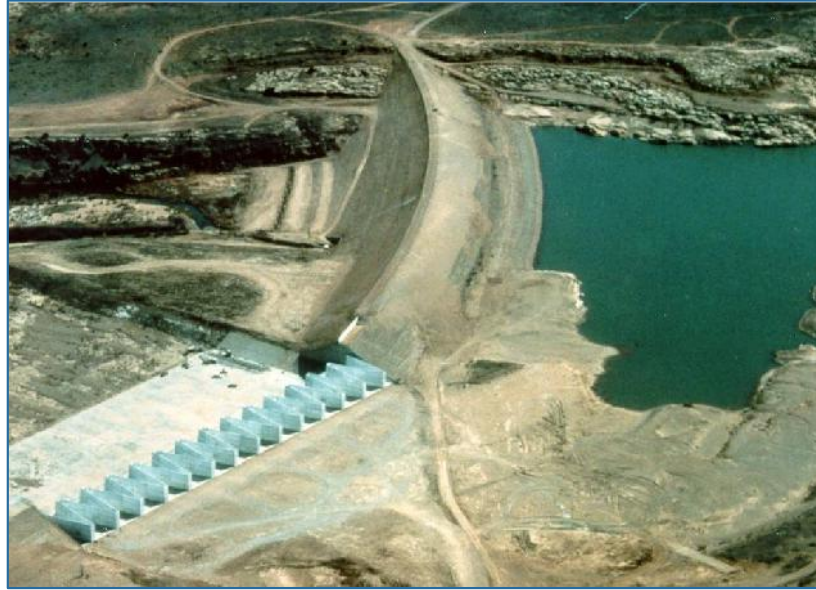


Project Background



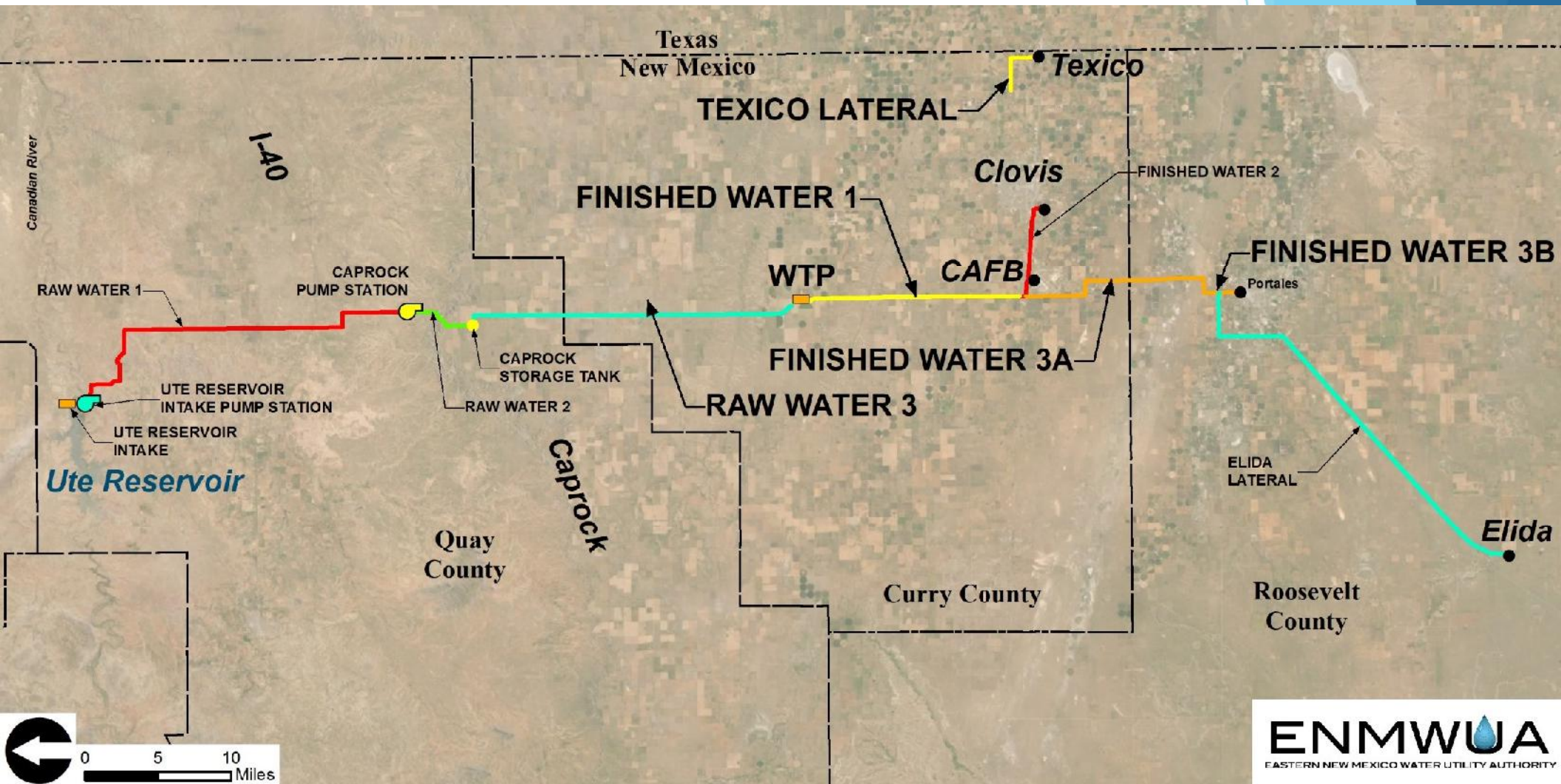
Project Background - Project Funding

- Funding Plan
 - Local: 10%
 - State: 15%
 - Federal: 75%
- Recent Funding News
 - On November 15, 2021, the President of the United States signed into law the Infrastructure Investment and Jobs Act. The infrastructure bill has earmarked \$1 billion toward completing the federally authorized Rural Water Projects under the United States Bureau of Reclamation. The ENMWUA is among the recipients to receive funding in the range of \$400 million of the \$1 billion to complete construction of the ENMRWS “Ute Pipeline Project”.
 - State of New Mexico has committed to meeting their 15% obligation
 - Local communities securing loans to meet their 10% obligation



Project Overview

Project Overview



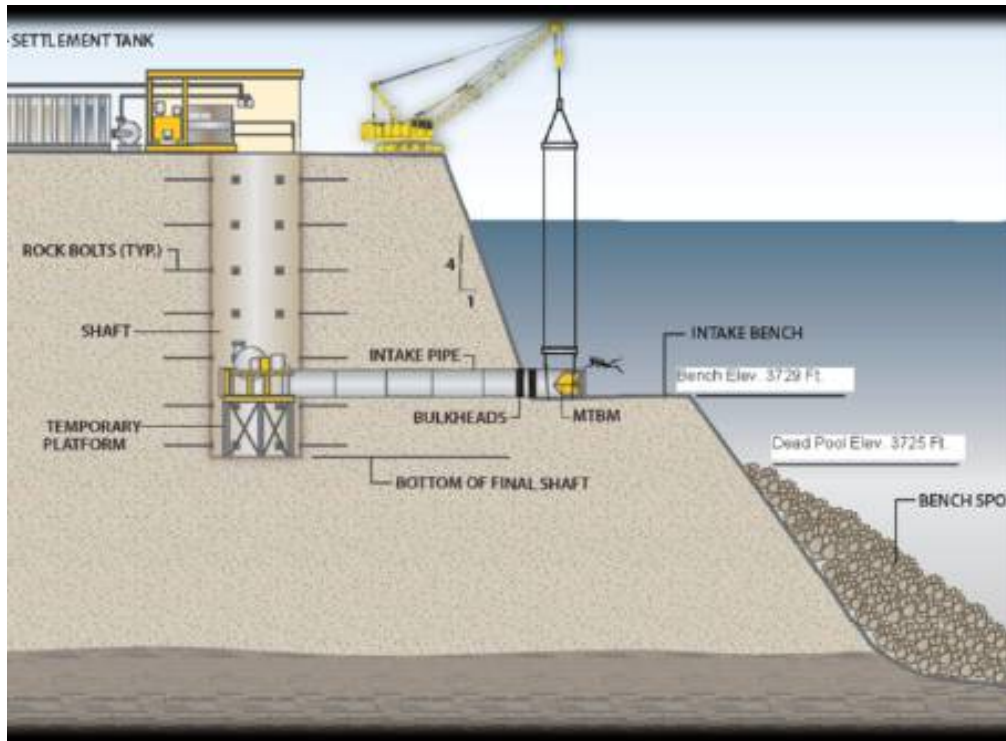
Project Overview

- ▶ Major Components of ENMRWS Project:
 - 130 miles of water conveyance pipelines (ranging from 6” Diameter to 42” Diameter)
 - Raw Water Intake Structure at Ute Reservoir
 - 28-MGD Raw Water Intake Pump Station
 - 28-MGD Raw Water Caprock Booster Pump Station
 - 1-MG Raw Water Caprock Storage Tank
 - 28-MGD Water Treatment Plant
 - 50-GPM Finished Water Elida Booster Pump Station

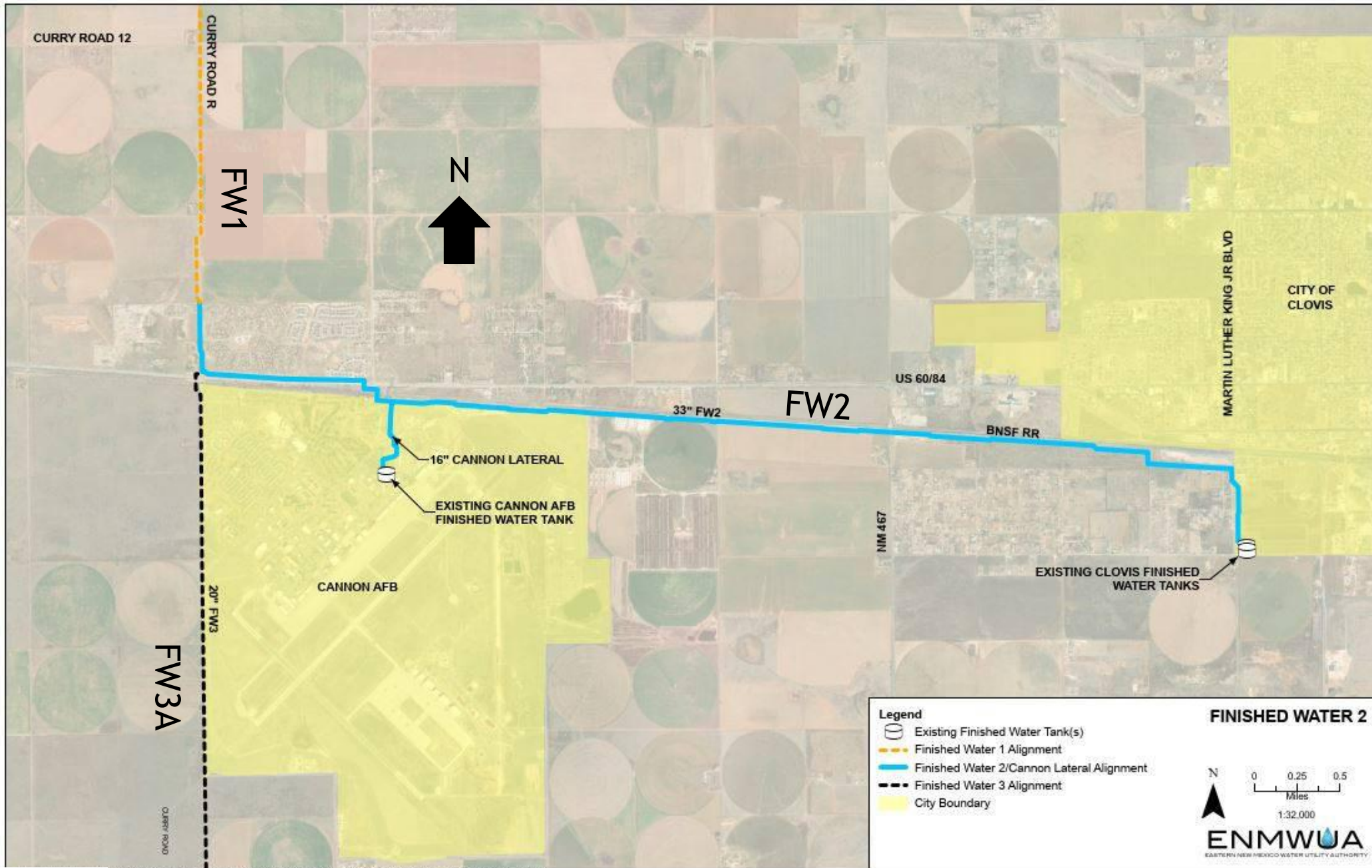


Completed Work

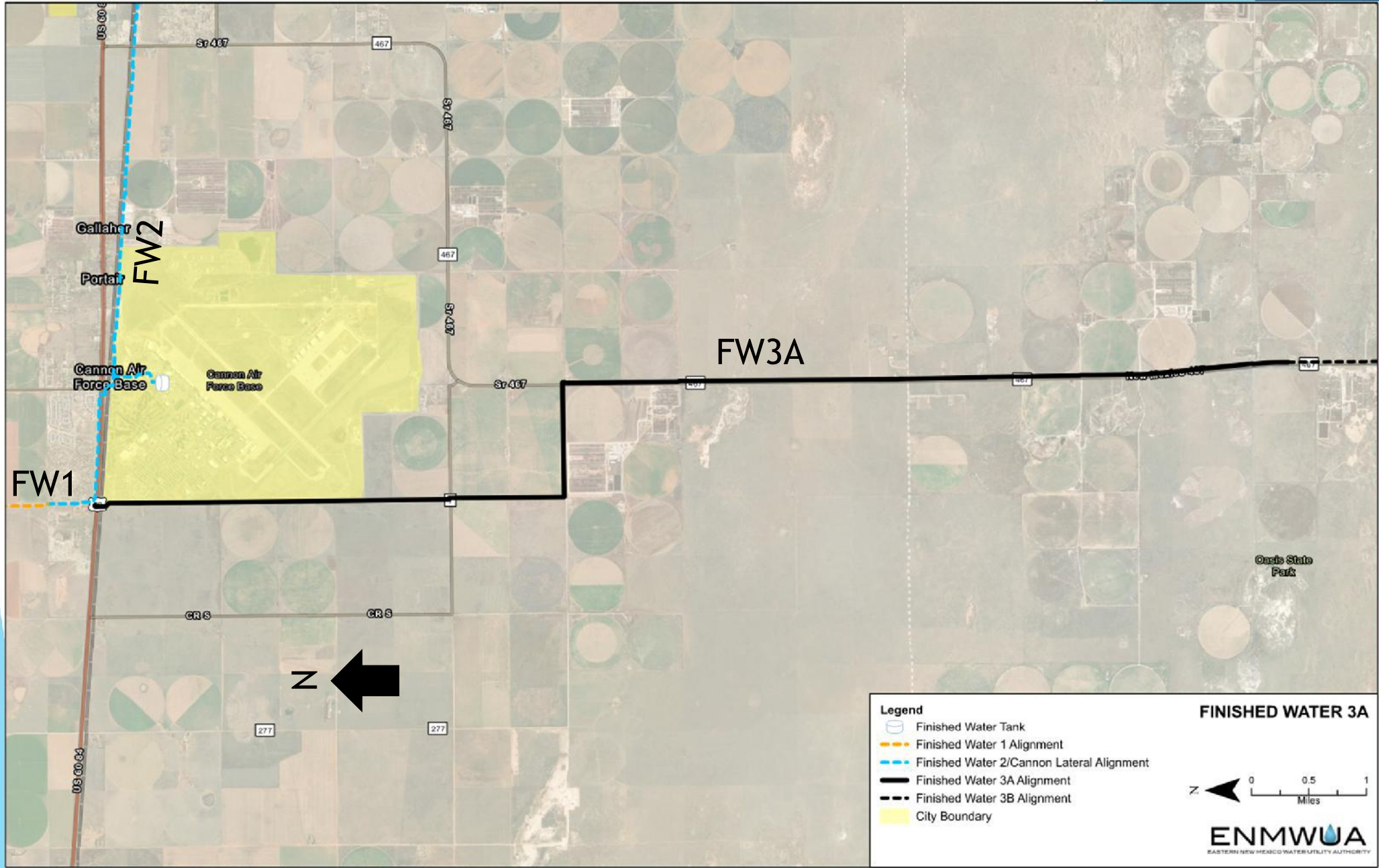
Completed Work - Ute Reservoir Intake



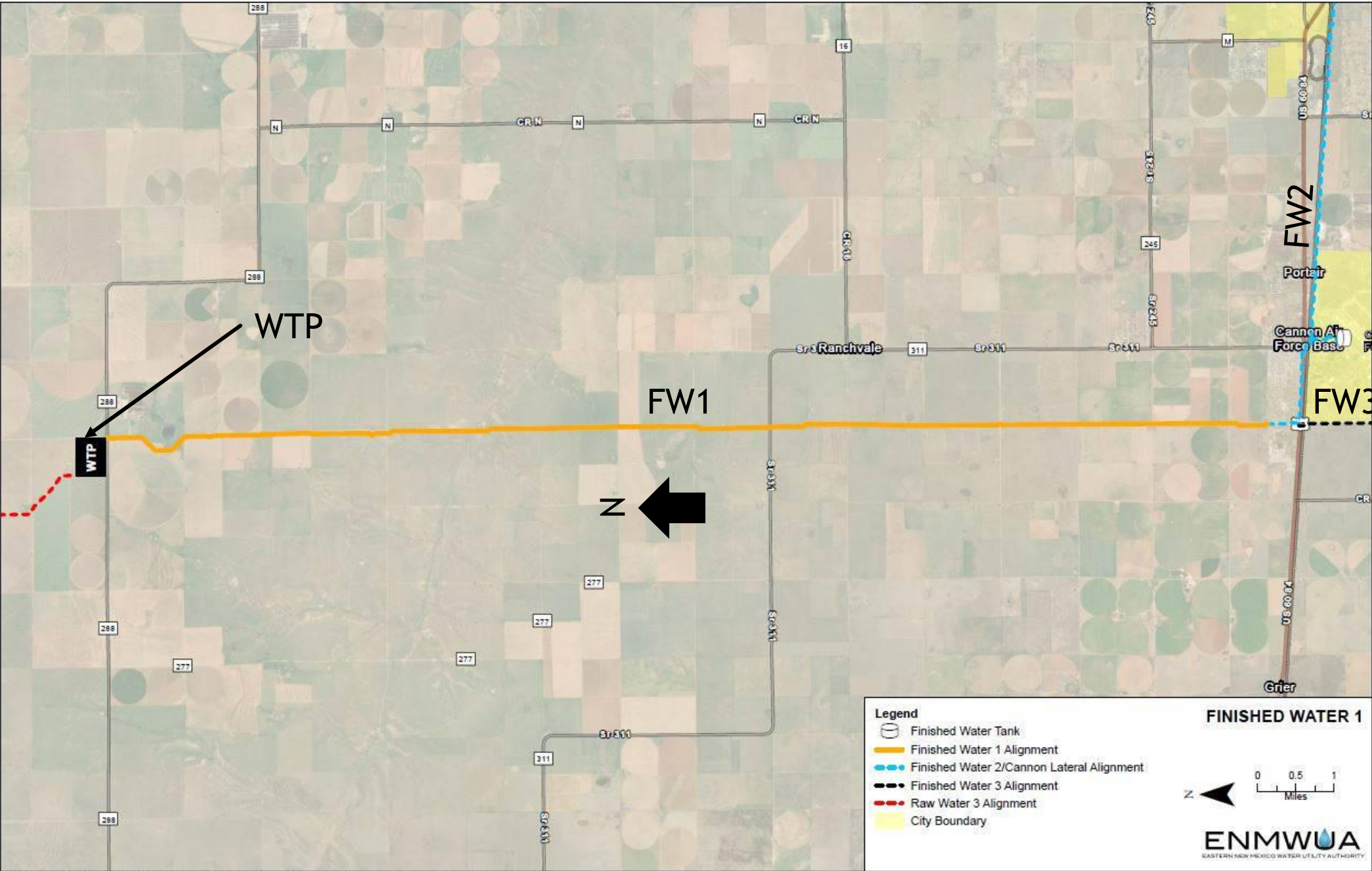
Completed Work - FW2/Cannon Lateral



Completed Work - FW3A



In Construction - FW1



- Legend**
- Finished Water Tank
 - Finished Water 1 Alignment
 - Finished Water 2/Cannon Lateral Alignment
 - Finished Water 3 Alignment
 - Raw Water 3 Alignment
 - City Boundary

FINISHED WATER 1

0 0.5 1 Miles

ENMWUA
EASTERN NEW MEXICO WATER UTILITY AUTHORITY

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Bidding

Bidding

- In order to perform public work in the State of New Mexico, Contractors are required to hold State of New Mexico Contractor's License(s) of the classes required to perform the specified Work.
- Contractors and Subcontractors must be registered with the New Mexico Department of Workforce Solutions.
- Contractors bidding on the Projects will be required to obtain and submit a Unique Entity Identifier for the federal government. (D-U-N-S® Number)
- Bids are advertised on: [New Mexico Bids, State Government Contracts & RFPs | BidNet Direct](#)



Bidding

- All projects are paid for by public funds.
 - Minimum Davis-Bacon prevailing wage rates or New Mexico Department of Workforce Solutions wage rates are applicable. The higher of the two rates must be paid.
- Funding Agencies:
 - New Mexico Environment Department - Construction Programs Bureau
 - United States Bureau of Reclamation
- The construction contracts specifically provides for a payment within 45 days after submission of an undisputed request for payment.
- General Conditions EJCDC C-700

Bidding - Approach on Past Phases

- Invitation to Bid
 - Standard Unit Price Bid Form
 - Opened Publicly
 - Based on Price - But Lowest bidder must still meet minimum qualifications as specified.

- Request for Proposal
 - Two Parts - Qualifications and Price
 - Not publicly read or opened to public inspection until after the Contract is signed
 - Score for qualifications and price are combined to select Contractor



Bidding

- Qualifications
 - Expectation is that who is proposed is who is performs
 - Experience Matters
 - Read and understated the specifications prior to bidding/proposing
- Pre-Qualifications
 - Under consideration by ENMWUA
- Pre-Bid Meetings
 - Mandatory

Bidding

▶ Contracting Strategies

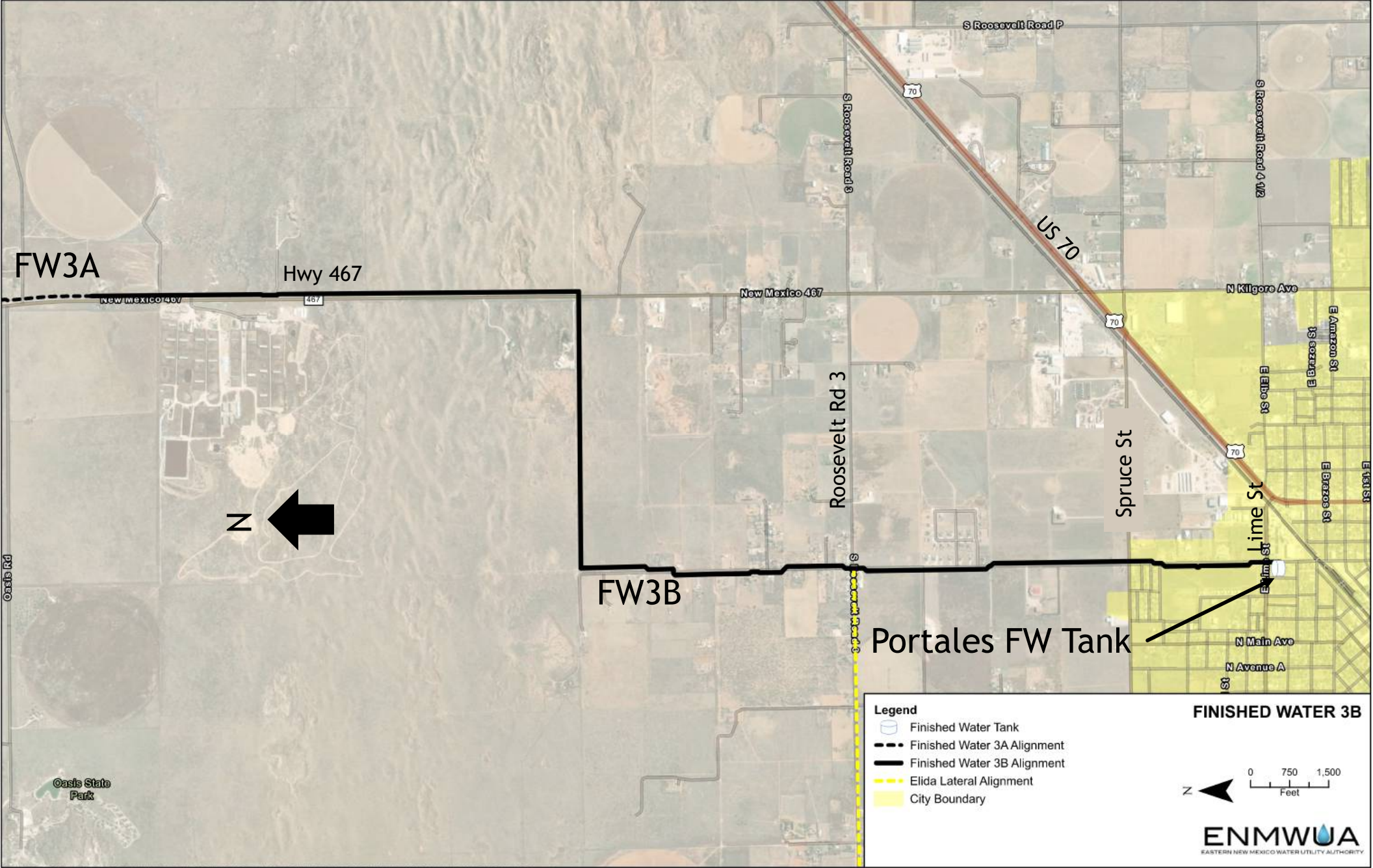
- Traditional Design / Bid / Build
- Design Build
 - “...A design and build project delivery system may be authorized when the state purchasing agent or a central purchasing office makes a determination in writing that it is appropriate and in the best interest of the state or local public body to use the system on a specific project...” ([NM Stat § 13-1-119.1 \(2019\)](#))
- Construction Manager at Risk
 - Only in Educational Facilities (Educational Facility Construction Manager At Risk Act)



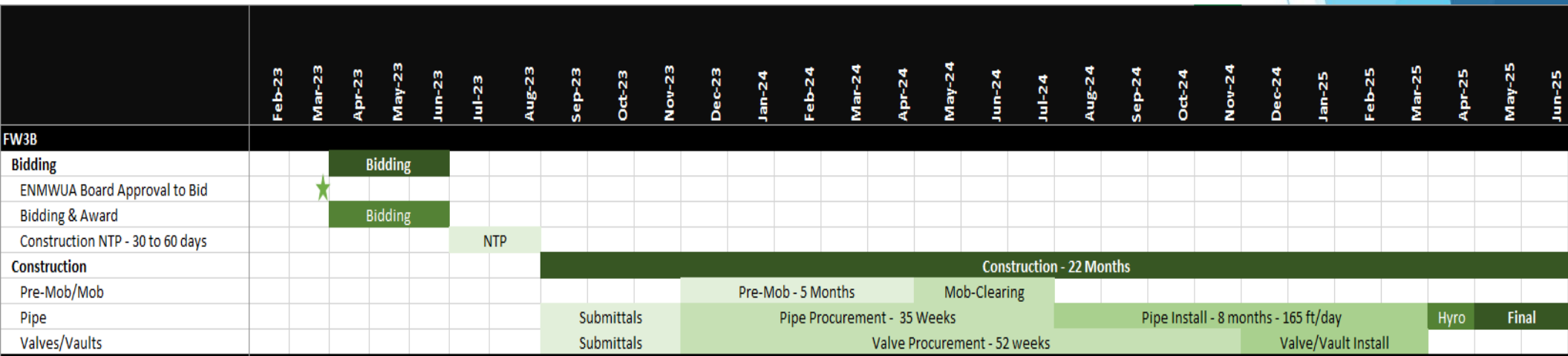


Remaining Work

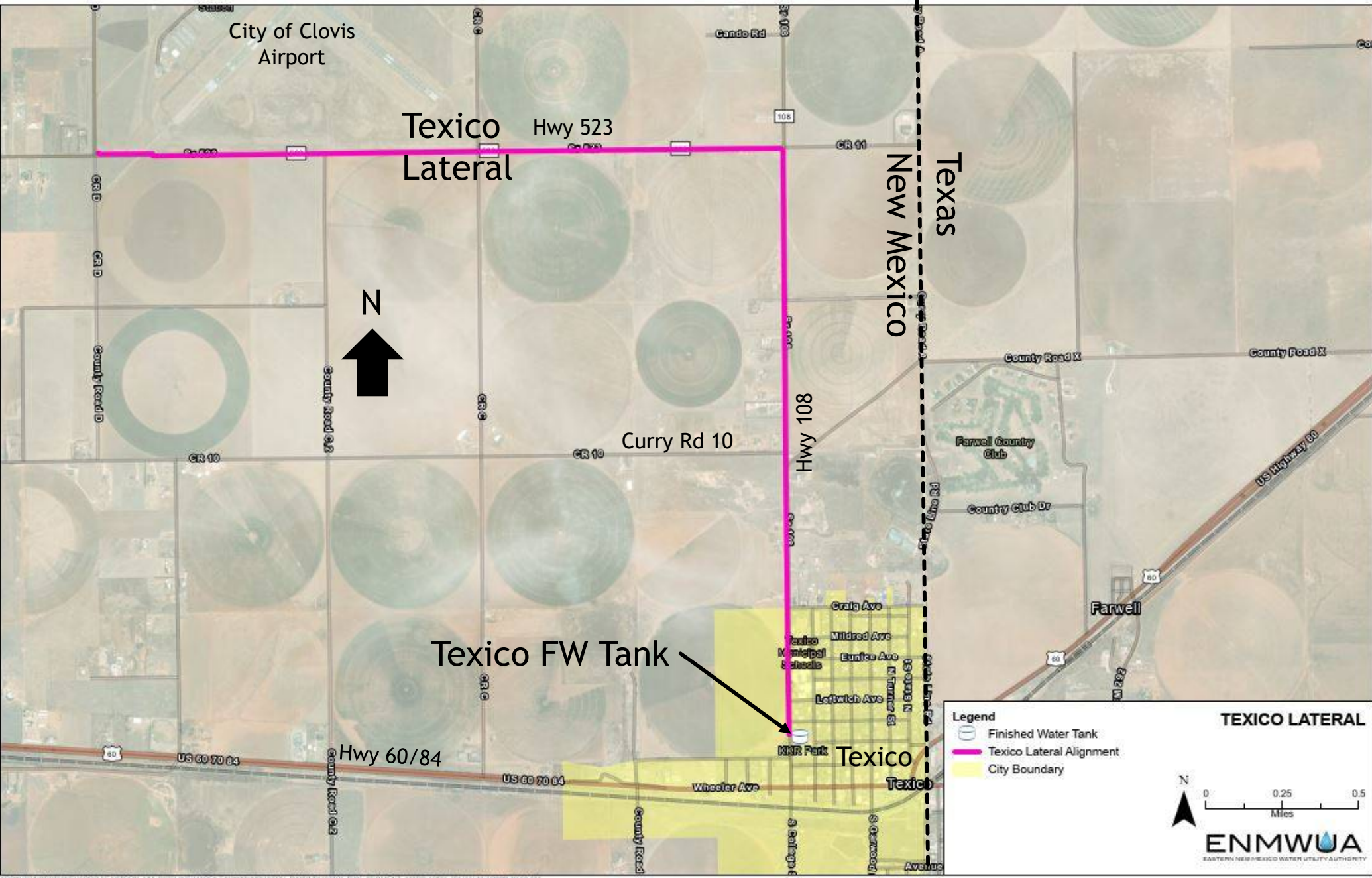
Remaining Work - FW3B



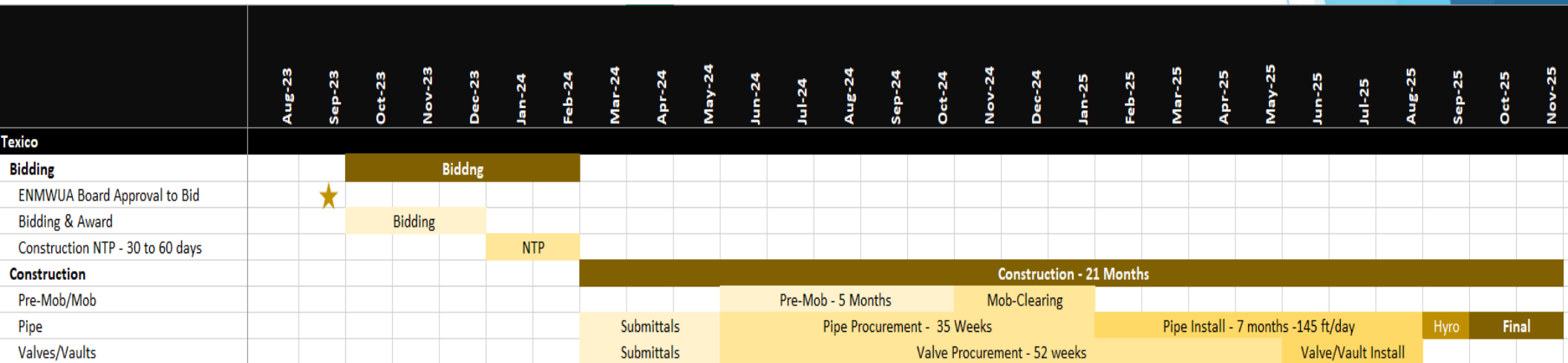
Remaining Work - FW3B Schedule



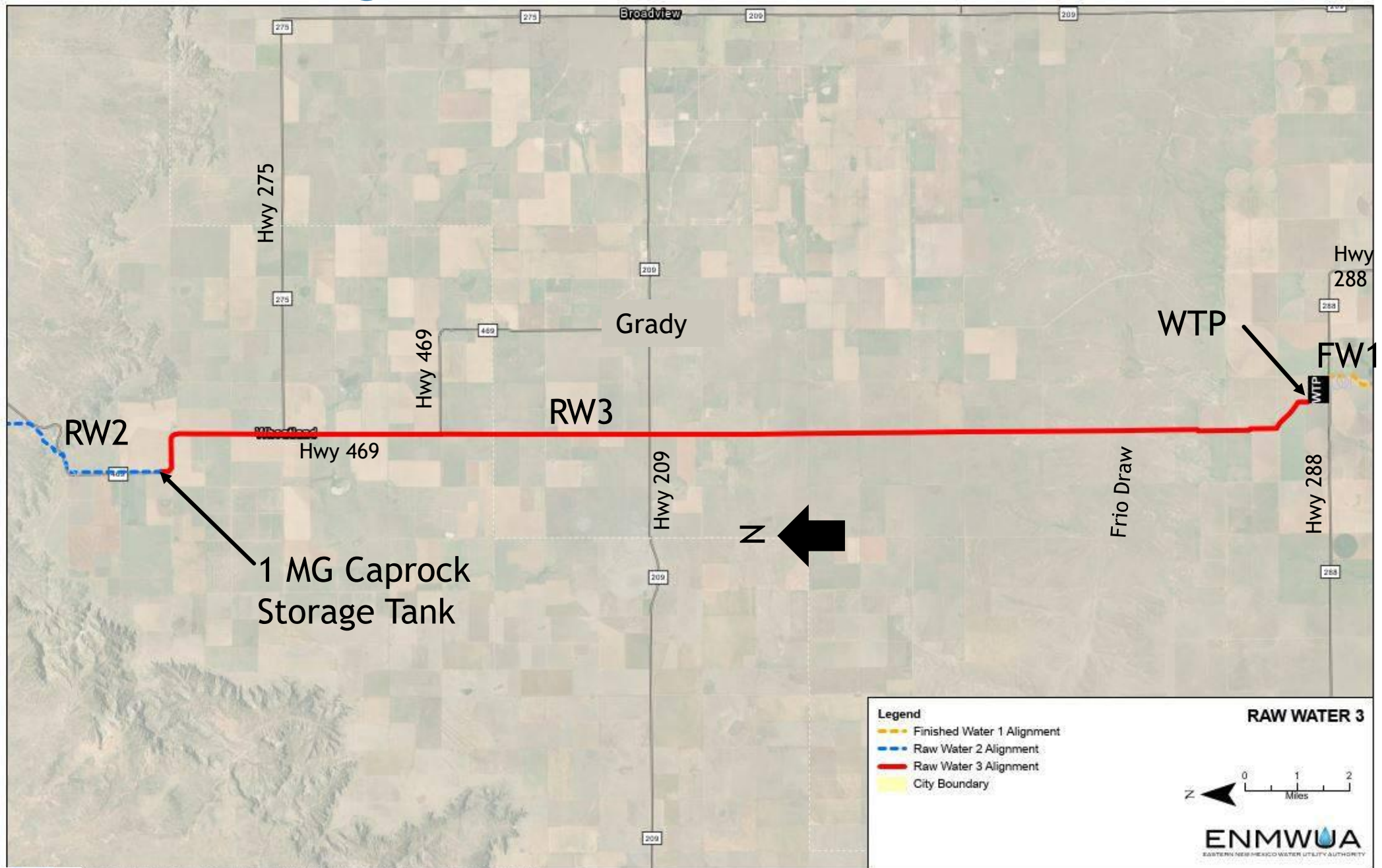
Remaining Work - Texico Lateral



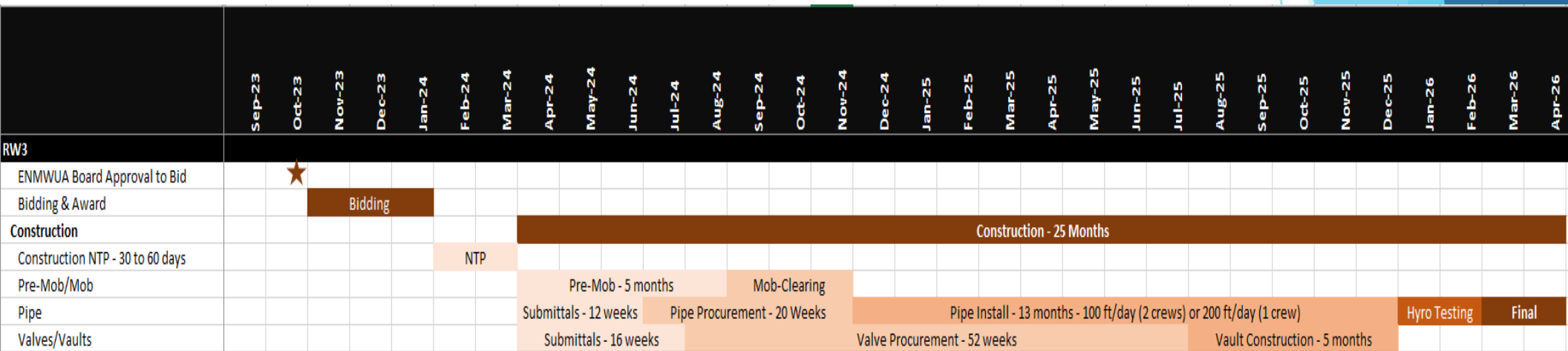
Remaining Work - Texico Schedule



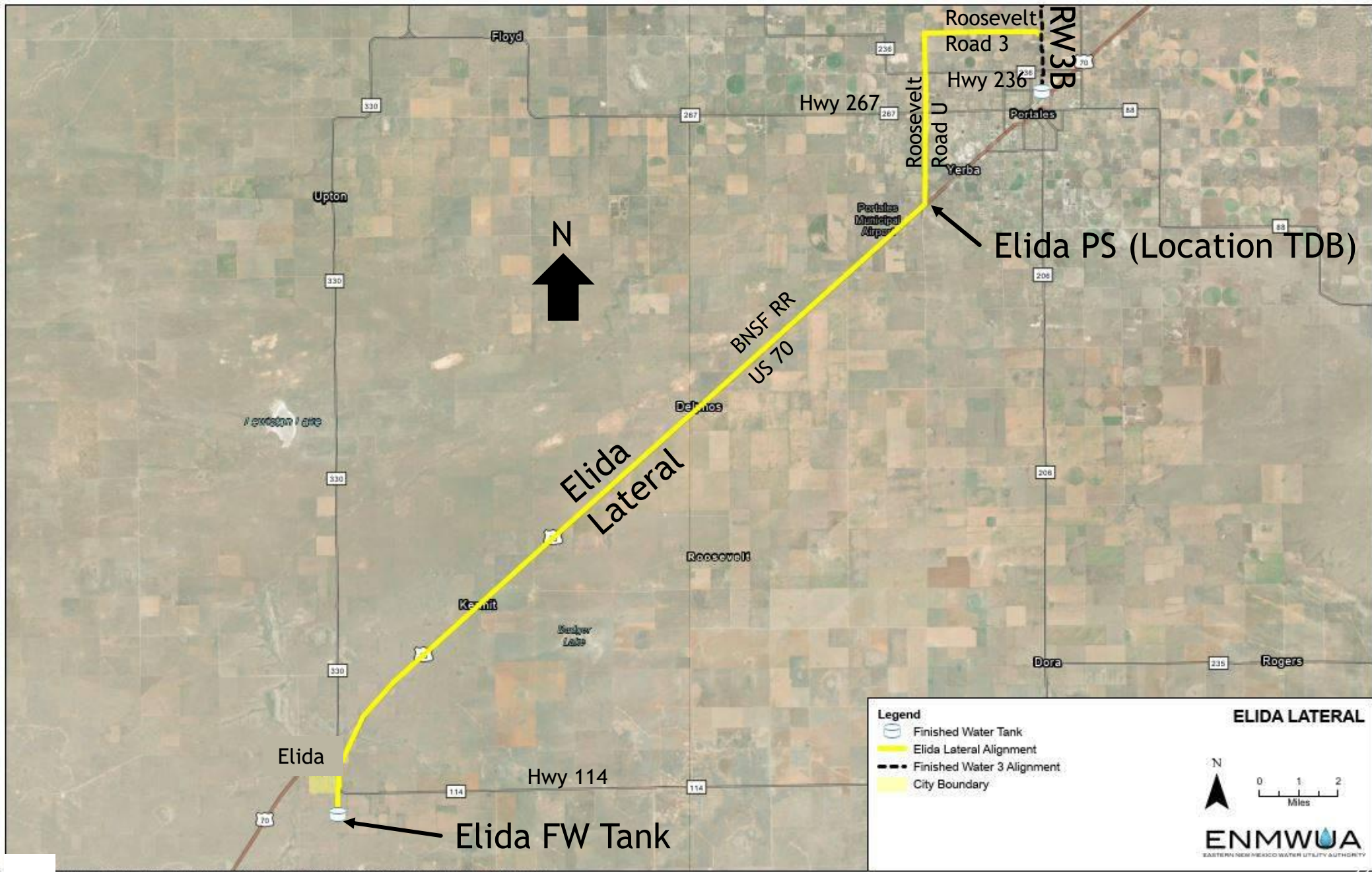
Remaining Work - RW3



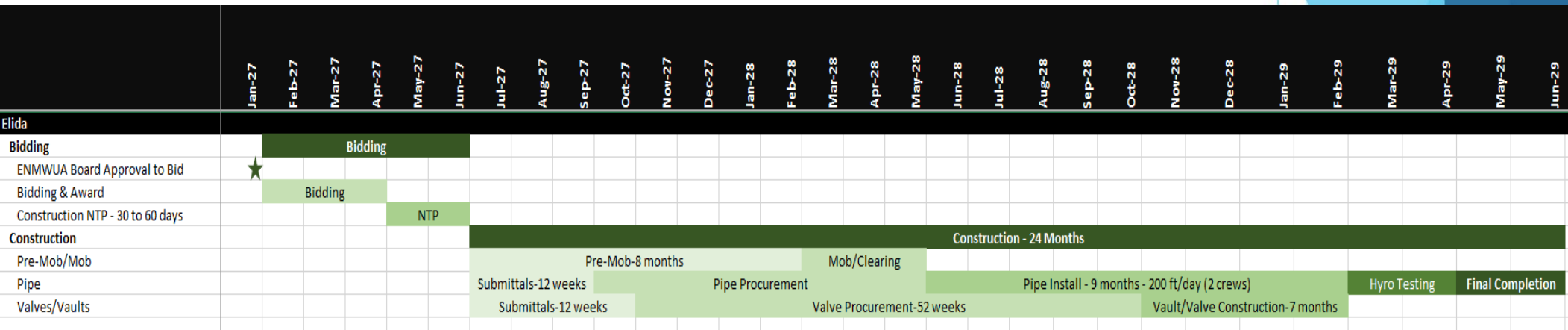
Remaining Work - RW3 Schedule



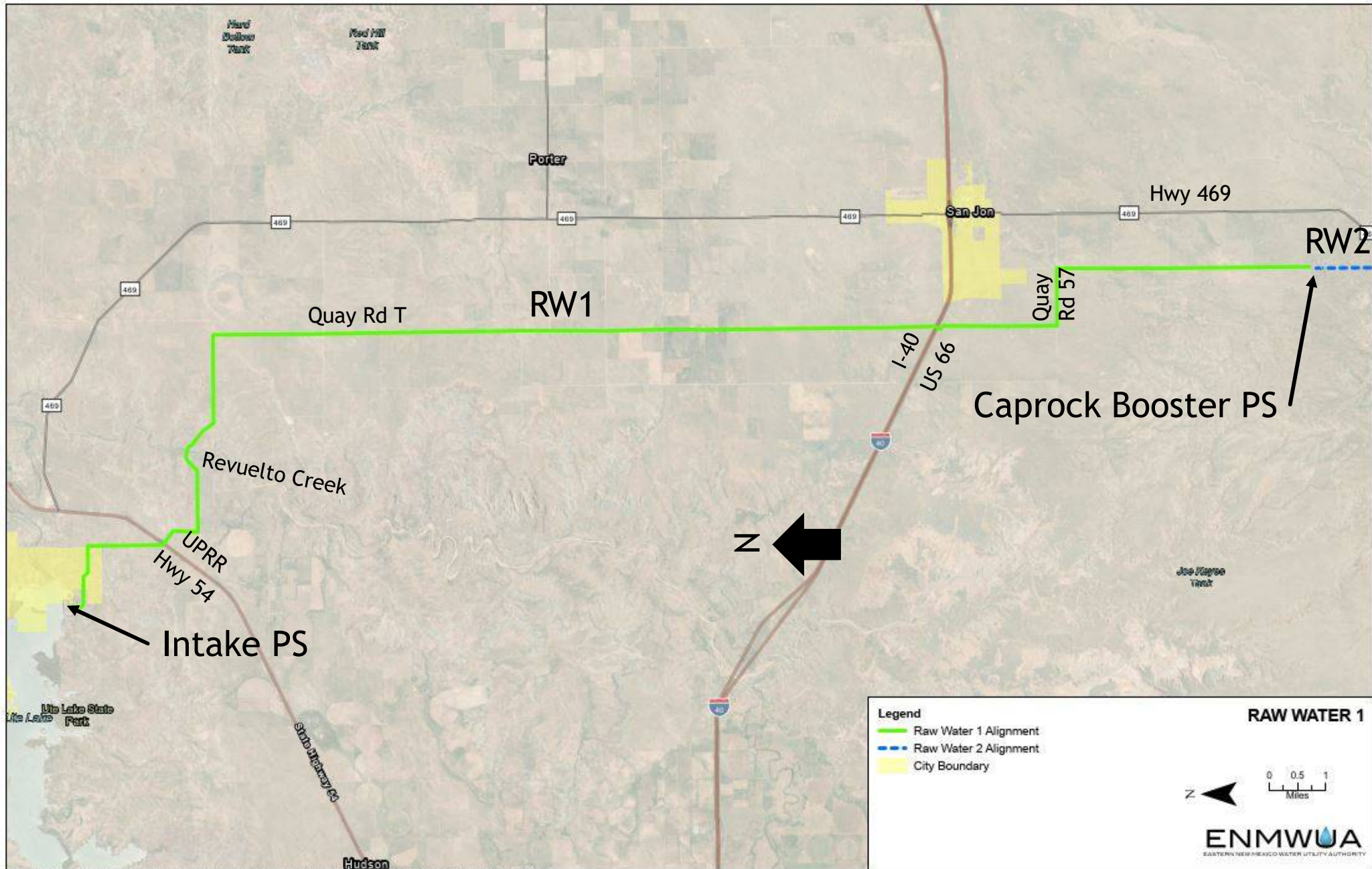
Remaining Work - Elida Lateral



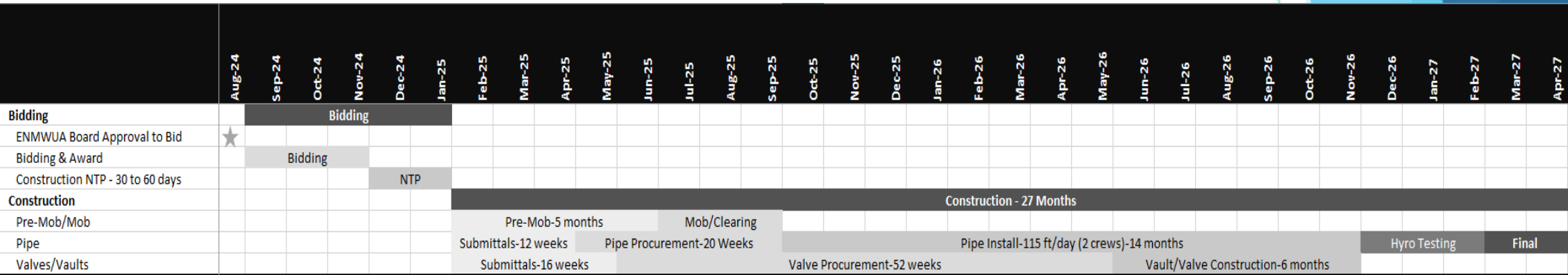
Remaining Work - Elida Lateral Schedule



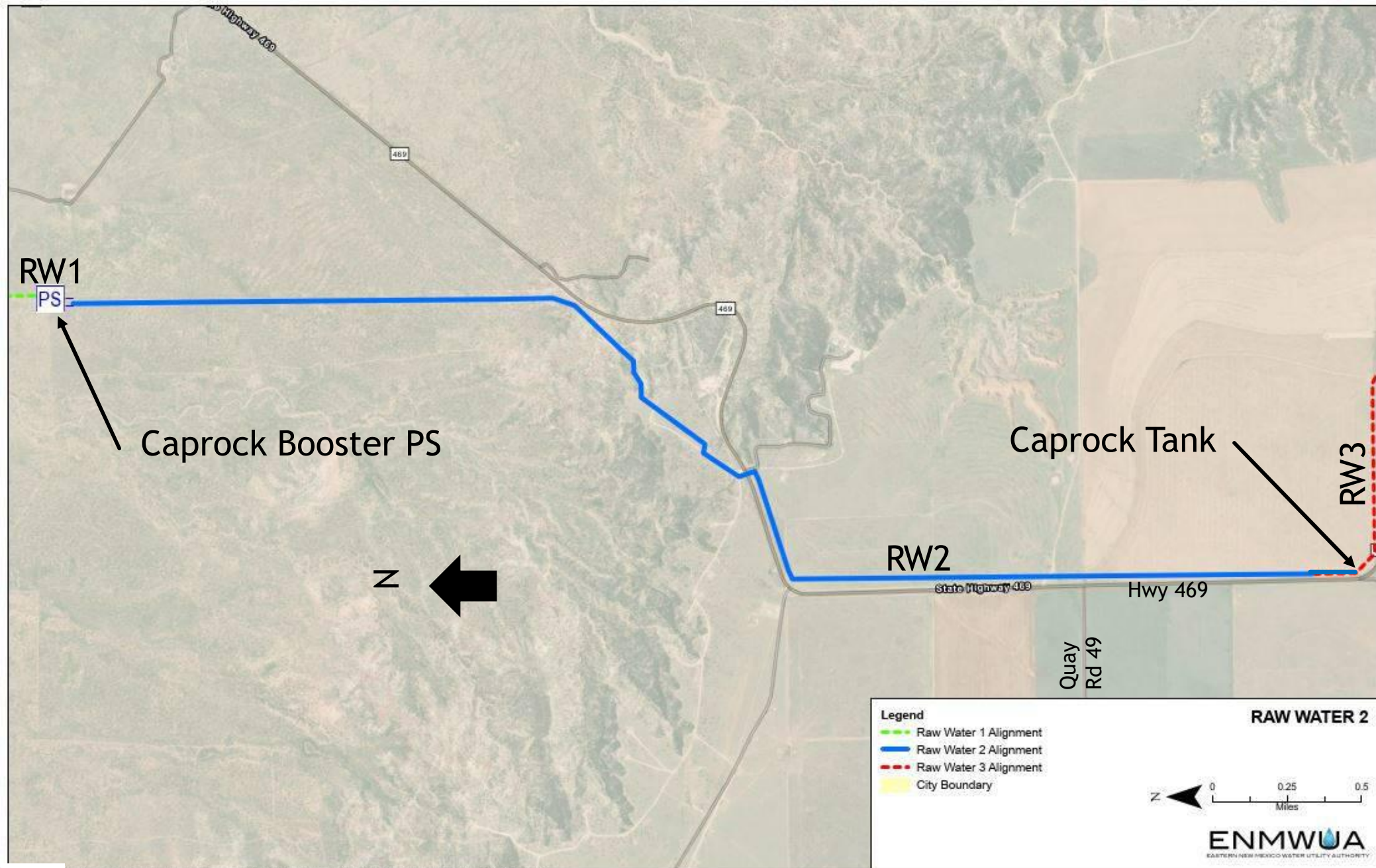
Remaining Work - RW1



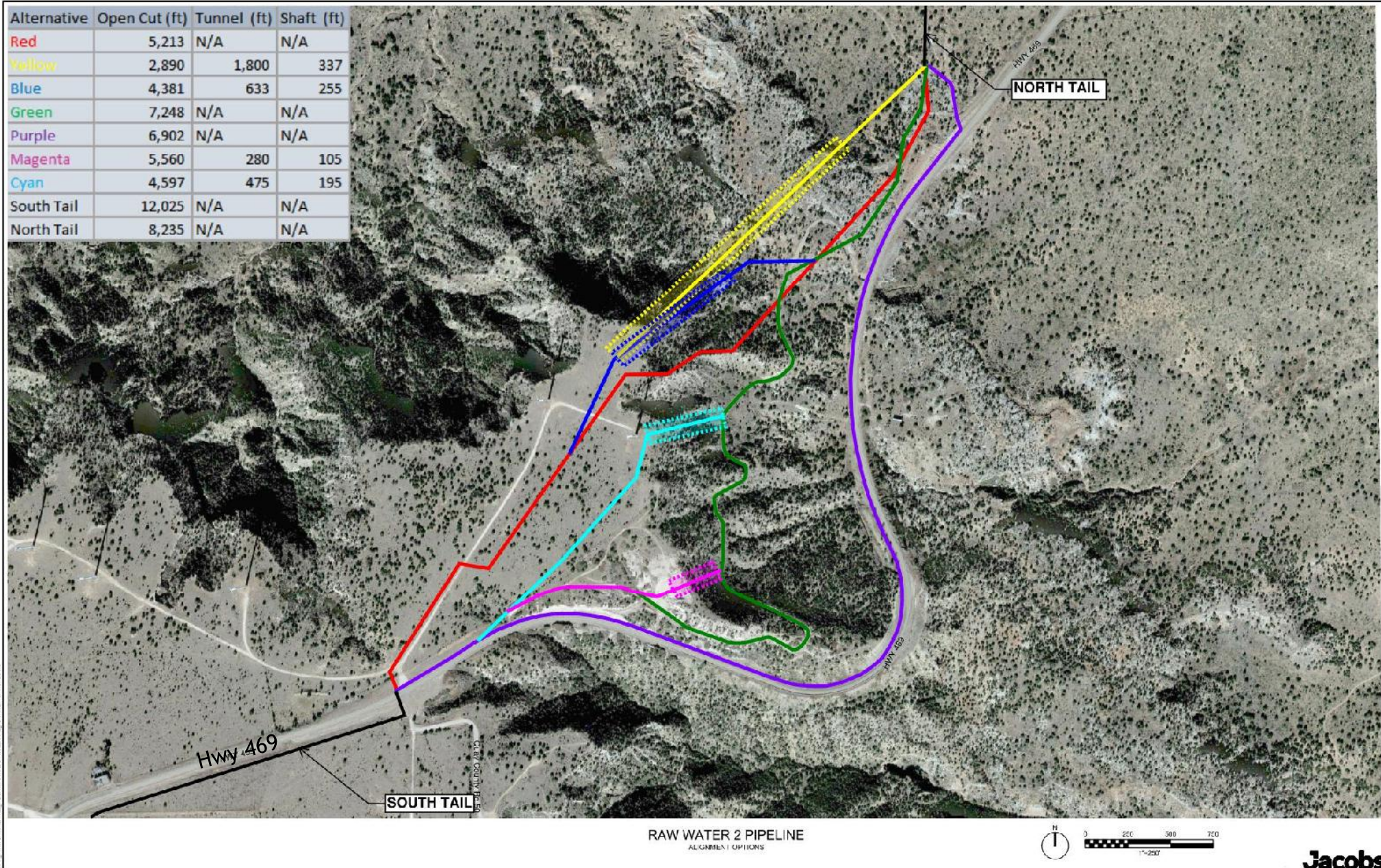
Remaining Work - RW1 Schedule



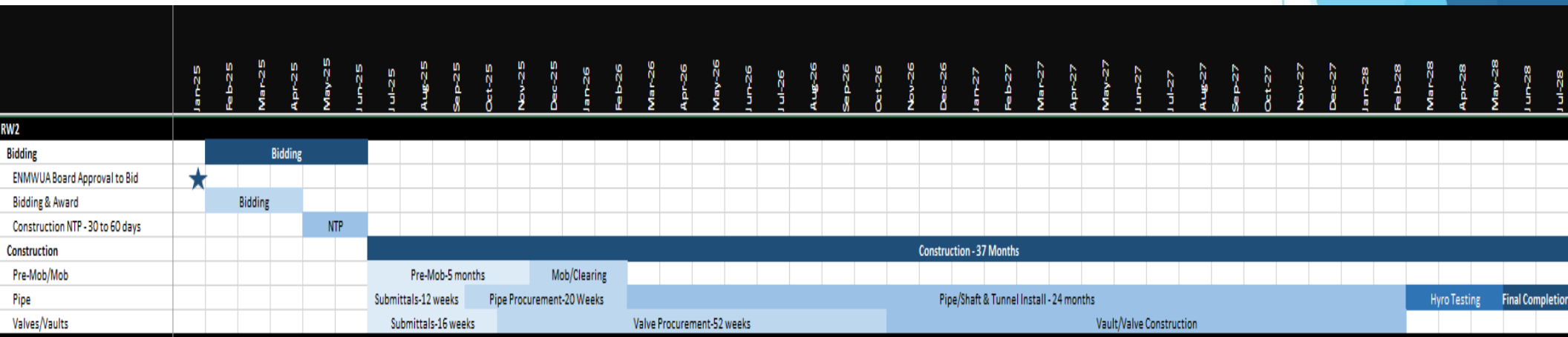
Remaining Work - RW2



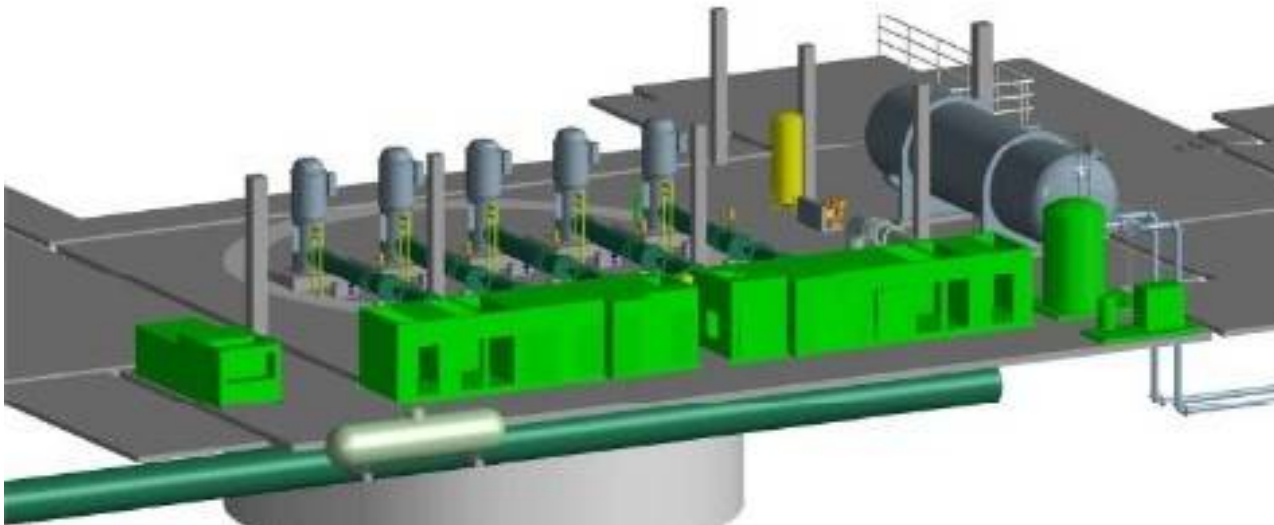
Remaining Work - RW2 Alternatives



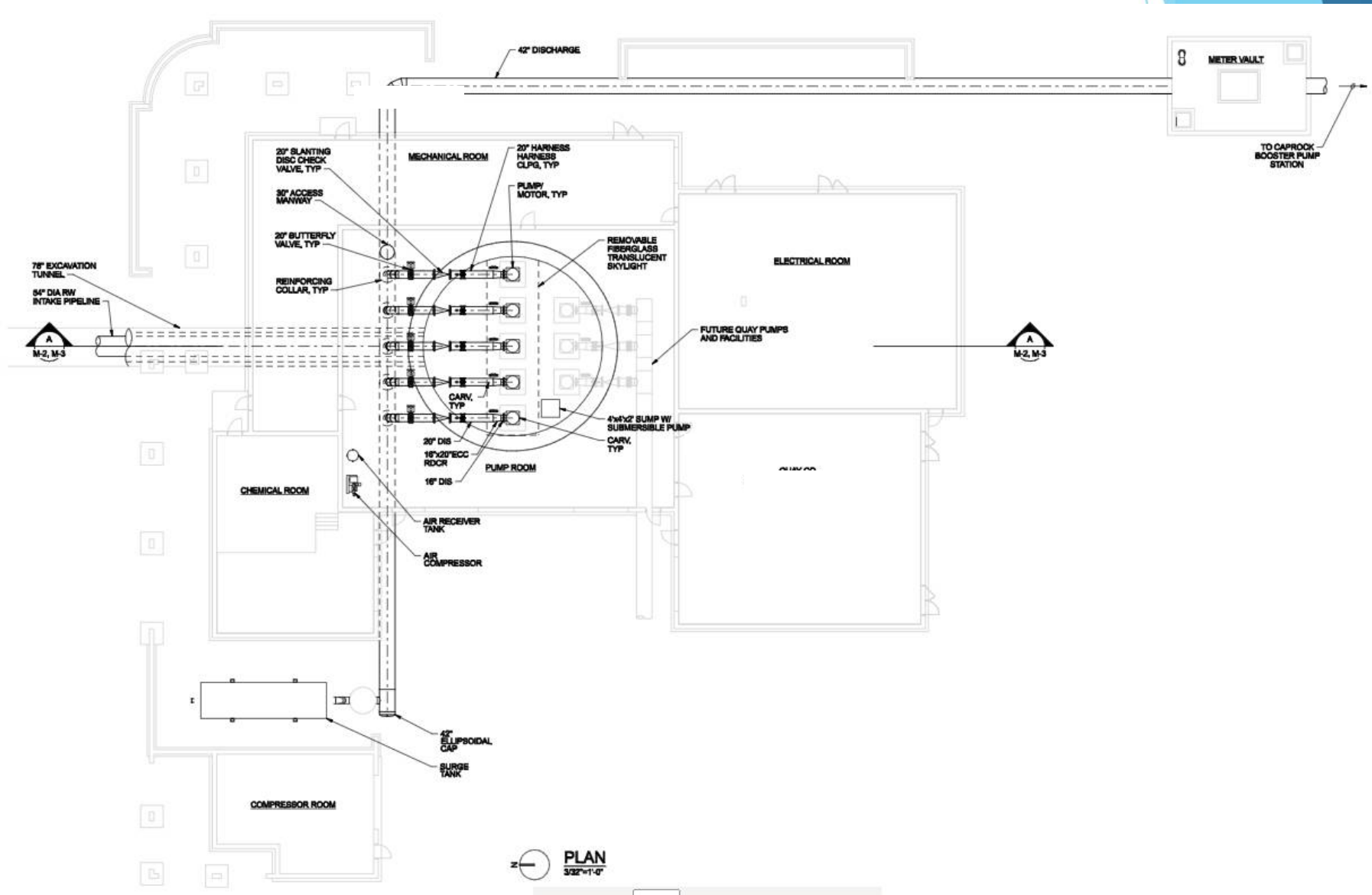
Remaining Work - RW2 Schedule



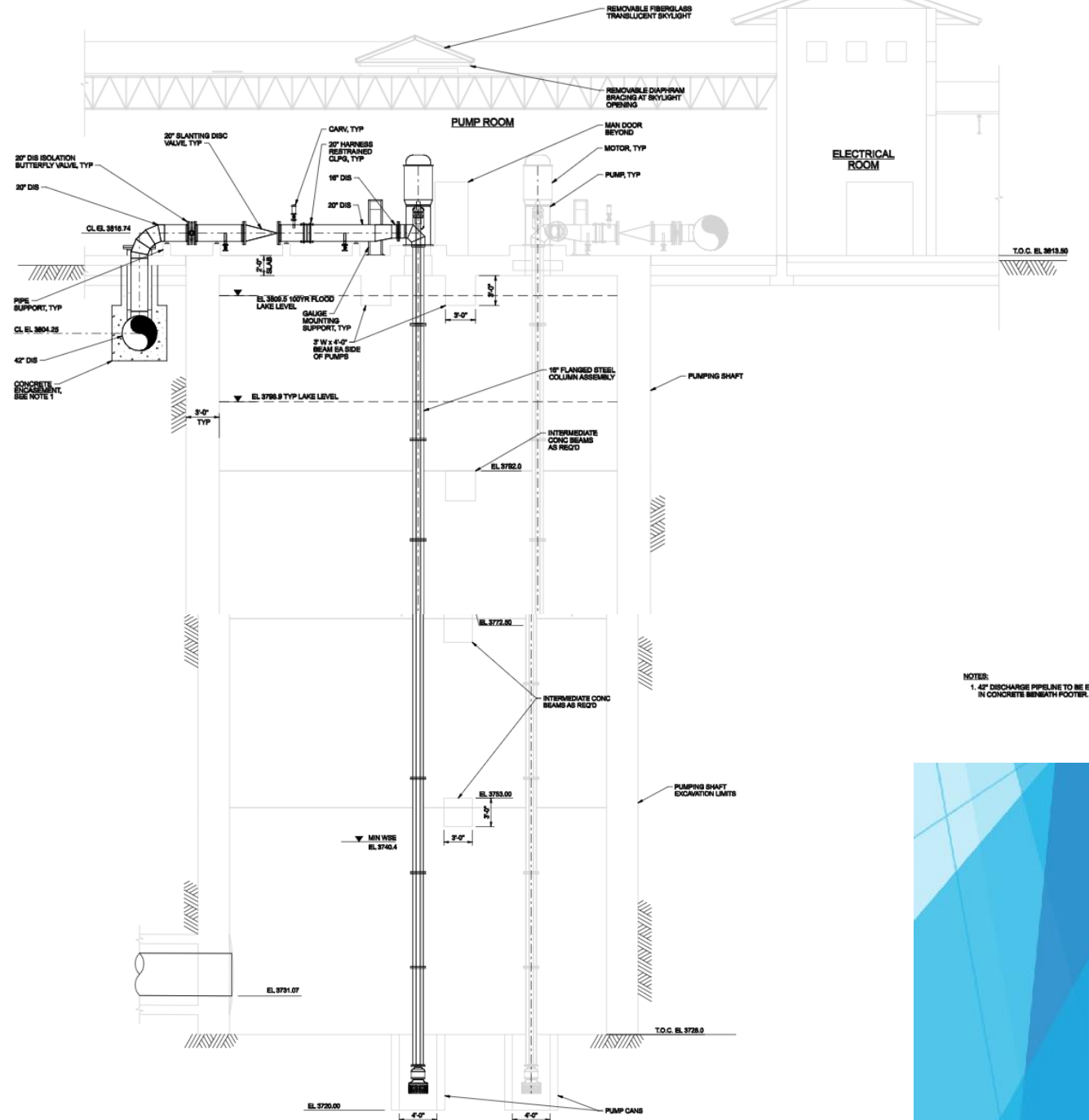
Remaining Work - Intake PS



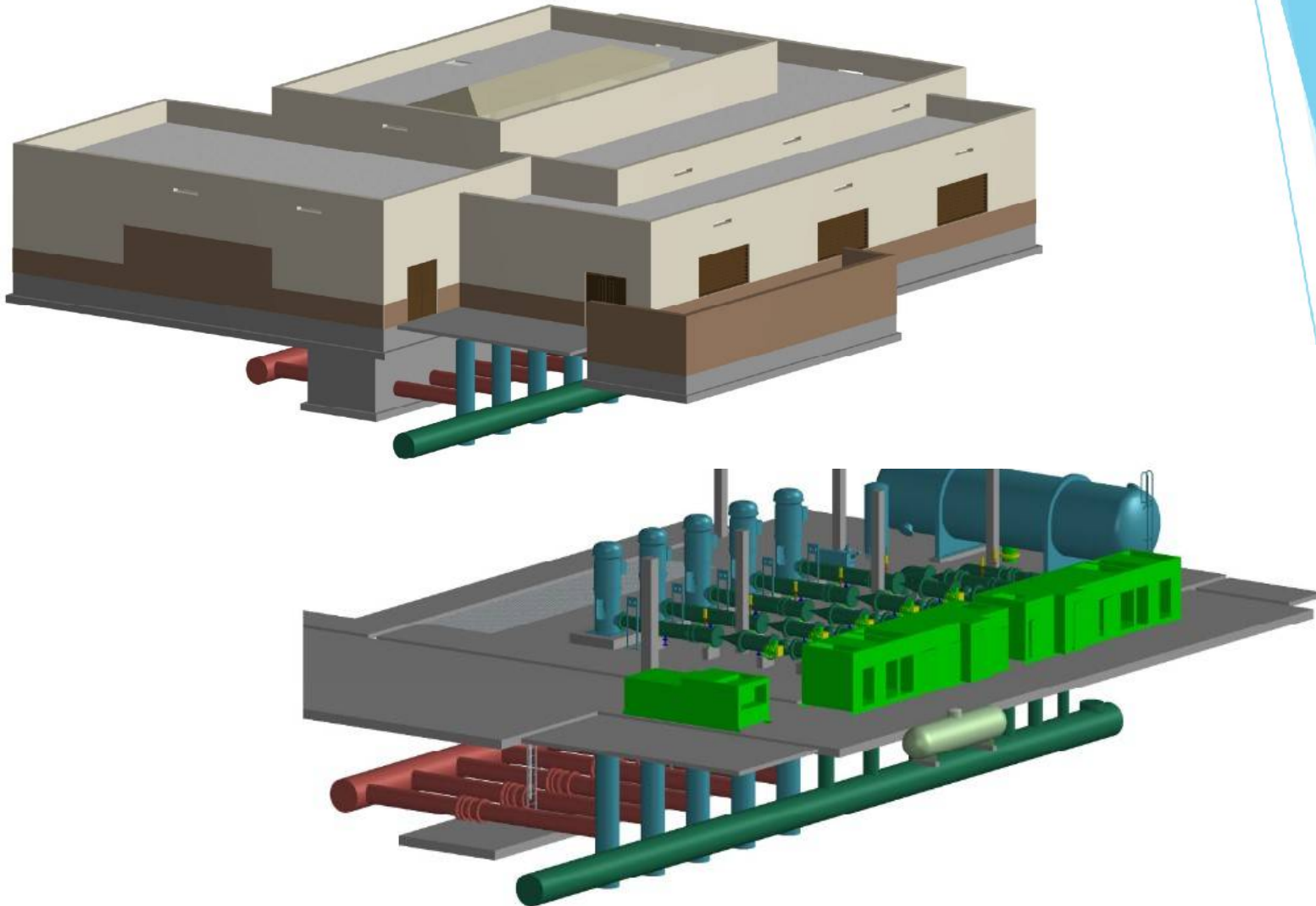
Remaining Work - Intake PS



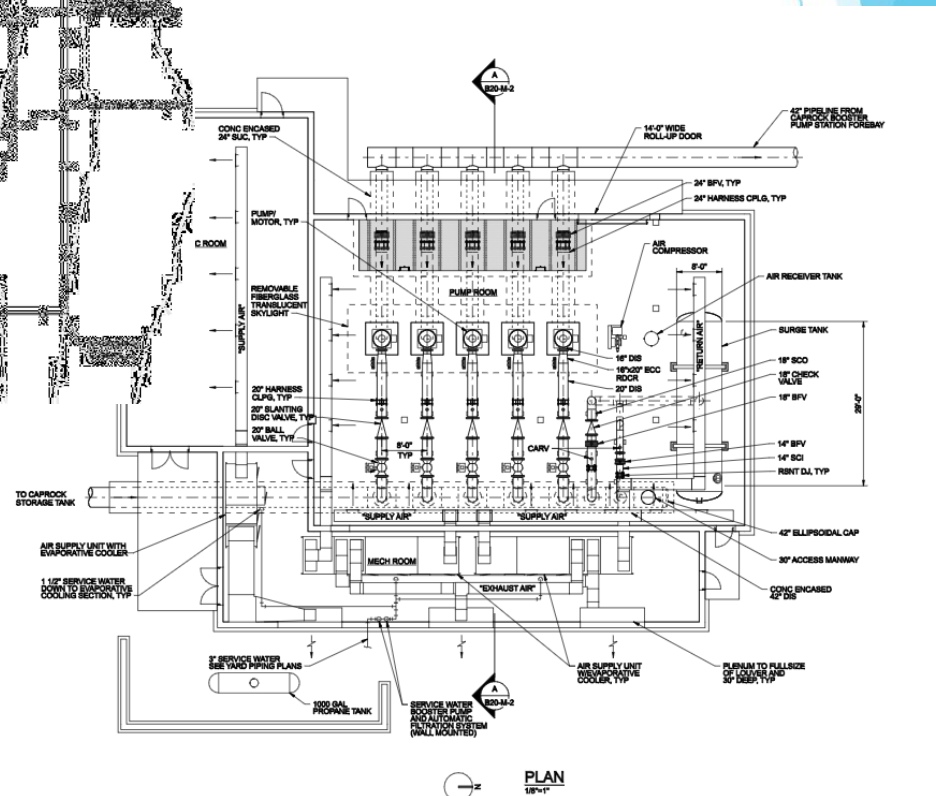
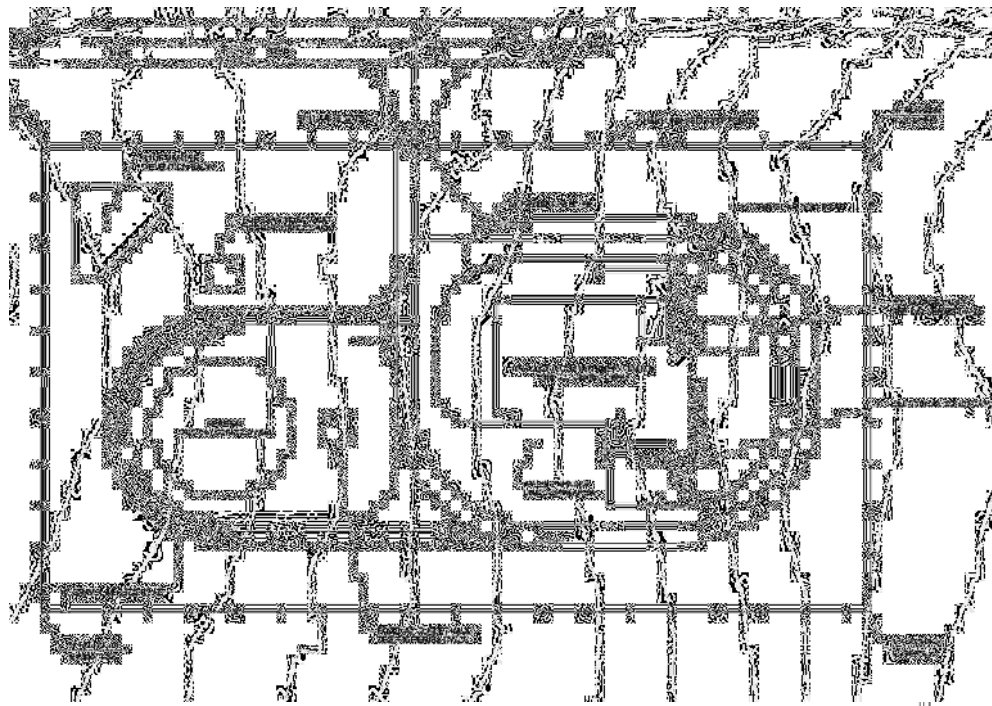
Remaining Work - Intake PS



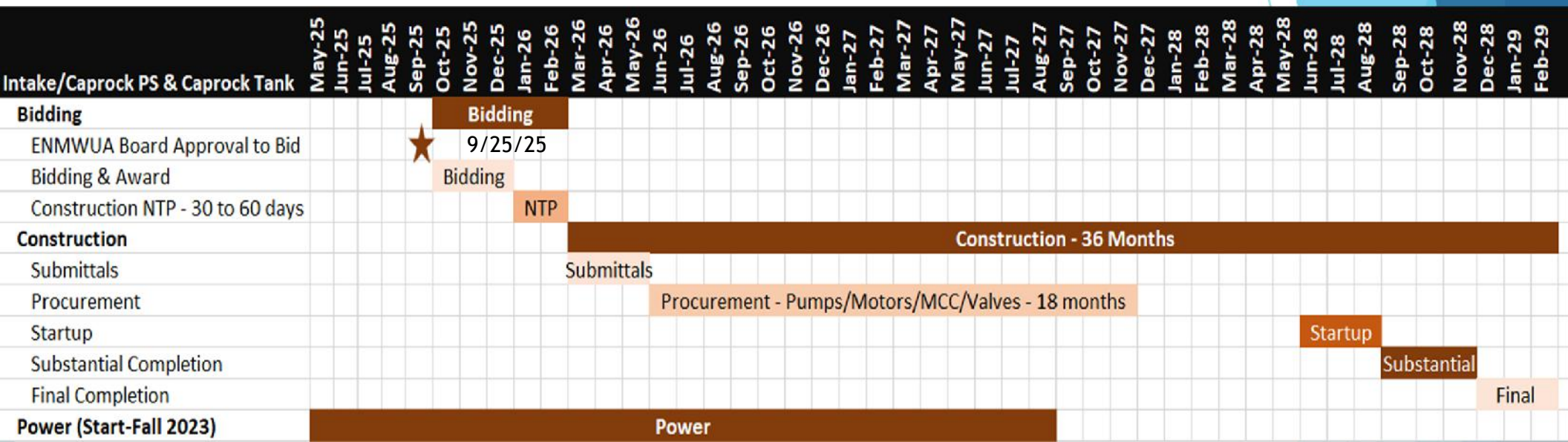
Remaining Work - Caprock Booster PS



Remaining Work - Caprock Booster PS



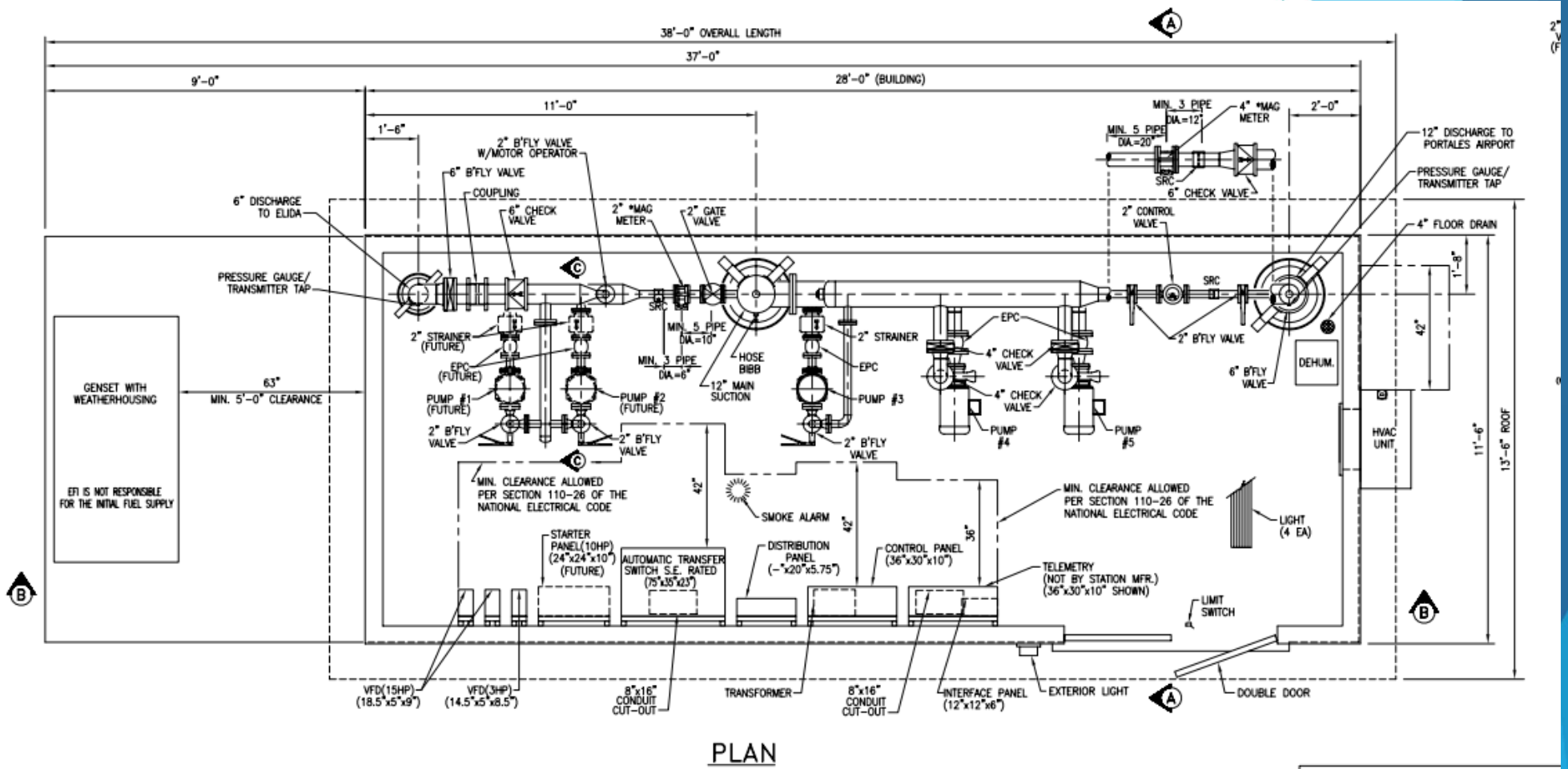
Remaining Work - Intake & Caprock Pump Station Schedule



Remaining Work - Elida Pump Station



Remaining Work - Elida Pump Station



• THE DESIGN IS BASED ON THE SPADING MODEL

Remaining Work - WTP



Remaining Work - WTP



Summary of Projects

ENMWUA - Remaining Work		
Package	Bid Date	Type
Finished Water 3B (FW3B)	March-23	5.4 Miles - 20" PVC or DIP
Texico Lateral	Summer/Fall-23	4.2 Miles - 8" PVC or DIP or HDPE
Raw Water 3 (RW3)	Fall-23	22.6 Miles - 42" Welded Steel Pipe
Raw Water 1 (RW1)	Summer-24	27.8 Miles - 42" Welded Steel Pipe
Raw Water 2 (RW2)	Early-25	5.8 Miles - 42" Welded Steel Pipe
Caprock Pump Station	Fall-25	28 MGD PS, 1MG Forebay & 1 MG Caprock Tank
Intake Pump Station	Fall-25	28 MGD PS
Water Treatment Plant	Spring-26	28 MGD PS
Elida Lateral	Fall-27	29.5 Miles - 6" PVC or DIP or HDPE
Elida Pump Station	Fall-27	60 GPM PS



Build America Buy America (BABA)



— BUREAU OF —
RECLAMATION

Buy America Requirements for Financial Assistance

Buy America Requirements for Awards Funding Infrastructure Projects

- ▶ Bipartisan Infrastructure Law Sec. 70914 set a Buy America (BA) preference for **ALL** financial assistance funding infrastructure projects as of 5/14/22
- ▶ Applies to new awards **and** funded amendments for infrastructure projects
- ▶ This is a domestic procurement requirement for iron & steel, manufactured products, and construction materials
- ▶ Purpose is to maximize the use of goods, products, and materials produced in the United States



Infrastructure Projects

- ▶ Infrastructure includes:
 - ▶ Alteration, maintenance, or repair of infrastructure
 - ▶ The Infrastructure Investment and Jobs Act (IIJA) definition of “infrastructure” encompasses public infrastructure projects. The term “infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; **water systems, including drinking water and wastewater systems;** electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Agencies should treat structures, facilities, and equipment that generate, transport, and distribute energy -including electric vehicle (EV) charging -as infrastructure.
- ▶ Applies to materials that are consumed, incorporated, or affixed permanently.



Infrastructure Exclusions

- ▶ Infrastructure is not:
 - ▶ Tools, supplies, etc. brought to site then removed (i.e. scaffolding)
 - ▶ Equipment and furnishings used at or within finished project
 - ▶ Projects that are privately owned and not open to the public (example: private home purchase, construction, or improvement)
 - ▶ Temporary structures, facilities, and equipment



Domestic Content Preferences

- ▶ All **iron and steel** used are produced in the U.S.
 - All manufacturing processes from initial melting through application of coatings
- ▶ All **manufactured products** are produced in the U.S.
 - The cost of the components that are mined, produced, or manufactured in the U.S. is greater than *55% of the total cost* of all components of the product
 - 55% applies unless another standard for determining minimum amount of domestic product content is established under applicable law or regulation
- ▶ All **construction materials** are manufactured in the U.S. (all processes)



Previous Domestic Content Requirements

- ▶ Buy America in BIL is different from prior U.S. production, manufacturing, and procurement regulations;
 - The Buy American Act - construction of federal facilities codified in FAR
 - Buy American provisions of the Recovery Act - Specific to **ARRA** funding
 - 2CFR Part 200.322 “Domestic Preferences” - “greatest extent practical”



When can the Buy America Domestic Sourcing Requirements be waived?

In accordance with Section 70914 (b), agencies may waive the Buy America domestic content procurement preference requirements if the agency finds that:

1. Applying the domestic content procurement preference would be inconsistent with the public interest (Public Interest Waiver);
2. Types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (Non-Availability Waiver); or
3. The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (Unreasonable Cost Waiver).



BOR Waiver Process

- ▶ Recipient (The ENMWUA Authority) notifies Grants Officer Technical Representative (GOTR) of compliance status with BA and states intent to request a waiver
- ▶ GOTR provides Recipient with waiver template and instructions (BOR- drafted)
- ▶ Recipient completes Waiver and supporting research, then submits to GOTR for review and concurrence.
- ▶ GOTR may work with the Financial Assistance office to ensure the Waiver package is complete and adheres to OMB guidance
- ▶ All final waiver submissions will be sent to the FA Policy office via the FA Review App once the packages have received GOTR / Program Office and Chief of the Grants or Contracting Office concurrence and signature.



BOR Waiver Process cont.

- ▶ Upon review and approval, FA Policy will route to the Office of Grants Management (PGM)
- ▶ PGM submits for public review period (15 days)
 - ▶ Public comments will be returned to the Region / Sponsoring program Office (SPO) and Recipient for response
- ▶ PGM submits to OMB - Made in America Office (MIAO) for review and approval
- ▶ If approved, PGM posts Approved Buy America Waivers
- ▶ PGM Buy America links:
 - ▶ ["Buy America" Domestic Sourcing Guidance and Waiver Process for DOI Financial Assistance Agreements | U.S. Department of the Interior](#)
 - ▶ [Proposed Buy America Waiver Requests, Available for Public Comment | U.S. Department of the Interior \(doi.gov\)](#)
 - ▶ [Approved Buy America Requests | U.S. Department of the Interior \(doi.gov\)](#)



Completing the BOR Waiver Request

[Optional] Template - All sections completed and verified by SPO

- ▶ Recipient Information
- ▶ Funding Amount Requested
- ▶ Project Title and Description- The waiver request justification should include a detailed justification for the use of goods, products, or materials mined, produced, or manufactured outside the United States



Completing the BOR Waiver Request (cont.)

Information that must be completed (as applicable) on your waiver request form.

1. Type of waiver requested (non-availability, unreasonable cost, or public interest).
2. Requesting entity and Unique Entity Identifier (UEI) submitting the request.
3. Department of Interior Bureau or Office who issued the award.
4. Federal financial assistance listing name and number (reference block 2 on DOI Notice of Award)
5. Financial assistance title of project (reference block 8 on DOI Notice of Award).
6. Federal Award Identification Number (FAIN).
7. Federal funding amount (reference block 11.m. on DO Notice of Award).
8. Total cost of Infrastructure expenditures (includes federal and non-federal funds to the extent known).
9. Infrastructure project description(s) and location(s) (to the extent known).
10. List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Buy America requirements. Include the name, cost, countries of origin (if known), and relevant [PSC\(link is external\)](#) or [NAICS](#) code for each.
11. A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.
12. A statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach) by the recipient, in an attempt to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.
13. Anticipated impact if no waiver is issued.



Adjustment Period Waiver FAQs cont.

- ▶ ***How do recipients handle sub-awards and sub-contracts?*** The Buy America domestic procurement term must be flowed down to any sub-grant agreements or sub-contracts. After 1/12/23, any purchases expended under the sub-award or sub-contract must be Buy America compliant, unless a project specific waiver is approved.
- ▶ ***If an organization puts in an order for supplies in November, but the supplies will not be on the job site until February, do those expenses need to be Buy America compliant?*** Any expenditure invoiced and fully expended (not just obligated) prior to 1/12/23 is not required to be Buy America compliant.



Clarification: Buy America vs Davis Bacon

- ▶ Buy America requirements apply to any award funding infrastructure after 5/14/22, regardless of the funding source.
- ▶ Davis Bacon requirements apply to any project funded by BIL:

Section 41101 of the Bipartisan Infrastructure Law requires that all laborers and mechanics employed by contractors or subcontractor in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under the Bipartisan Infrastructure Law (P.L. 117-58) shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code (commonly referred to as the Davis-Bacon Act).



Status of Waiver

You can check the status of the waiver by following these links

- ▶ [Approved DOI General Applicability Waivers](#)- Entities do not need to apply for a separate DOI Buy America Waiver for items that meet the criteria of an approved general applicability waivers, as long as the period of performance for the project begins prior to the expiration date of the general applicability waiver AND the non-domestic items are purchased prior to the expiration date of the general applicability waiver.
- ▶ [Waiver Requests Available for Public Comment](#)- waivers that are currently open for a 15 day public comment period.
- ▶ [Approved Buy America Waiver Requests](#) - waiver requests have been approved and are now final.



Additional Resources

- ▶ [DOI Buy America webpage](#), with approved waivers
- ▶ [Reclamation Buy America webpage](#)
- ▶ OMB Memo [M-22-11](#) "Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure"
- ▶ [Financial Assistance Policy Flash \(FAPF-18\)](#) "DOI Requirements for the Infrastructure Investment Jobs Act (IIJA), Initial Guidance Financial Assistance Award Term; Buy America Preference"
- ▶ DOI [Buy America Domestic Procurement Preference Term](#)





Questions

Thank You!

- If you have any additional questions, please feel free to contact:
- **Jacobs:**
 - Greg Baisch
 - Phone: (208) 871-9345
 - Email: greg.baisch@jacobs.com
- **ENMWUA:**
 - Orlando Ortega
 - Phone: (575) 935-4262
 - Email: oortega@enmwua.com

