

Informational Webinar Held on June 12, 2026

Question 1: Can an organization with no direct BABA experience respond to the RFP?

Answer: Yes

An organization with a strong background in environmental consulting, State Revolving Fund (SRF) program administration, Clean Water Act compliance, federal procurement, or grant management under 2 CFR Part 200 may be well-positioned to respond competitively.

The evaluation criteria assigns 40 points to Demonstrated Experience with BABA Act Compliance and 40 points to Approach to Certification of BABA Act Compliance. This means a well-structured, credible methodology can be equally as competitive as a direct BABA track record. Applicants without BABA-specific experience should clearly explain how their experience will enable them to successfully perform the Scope of Work.

Proposals from organizations with related but not BABA-specific experience should address the following:

- Identify similar federal compliance experience, under other federal programs.
- Describe what the firm's approach to rapidly developing proficiency in BABA-specific requirements would be.
- Demonstrate experience developing plain-language guidance materials for organizations with limited federal compliance experience.
- Highlight team qualifications including licensed engineers, grant compliance specialists, or professionals with relevant federal program experience who would contribute.
- Provide examples of projects that demonstrate the firm's capacity to learn, apply, and communicate complex regulatory requirements to non-technical audiences.

Question 2: What is the consultant's role under the "Certification of BABA Compliance" task?

Clarification: The Consultant Provides a Template — Not the Certification

The RFP's final task — Certification of BABA Compliance — may be read as requiring the consultant to certify compliance on behalf of subrecipients. This is not the intent. The consultant's deliverable under this task is a written certification template for each subrecipient to complete and submit upon project closeout.

The subrecipient — not the consultant — signs and submits the certification. Compliance responsibility remains with the subrecipient organization throughout the project.

Question 3: What is the consultant's liability exposure under this contract?

Clarification: Consultant Liability is Limited

The legal obligation to comply with the Build America, Buy America Act rests with the subrecipient organizations — not the consultant. Subrecipients are accountable to NEIWPCC and the U.S. EPA for BABA compliance.

The consultant's role is to provide general or project-specific guidance, which is not a substitute for hiring a consultant who assumes legal responsibility for certification or compliance. The consultant responsibilities include providing technical BABA guidance, delivering training, and developing templates/guidance documents. The consultant does not assume legal or regulatory responsibility for any individual project's compliance status.

**Question 4: What does “up to 5 subrecipients” mean in practice for the consultant?
Clarification: Project-Level Guidance Only — Not Compliance Responsibility**

The RFP states that NEIWPCC anticipates up to five subrecipient organizations may require project-specific assistance under this contract. This defines the scope of individualized support the consultant may be asked to provide — it does not transfer compliance responsibility to the consultant.

For each subrecipient project, the consultant’s role is to:

- Review project scopes, procurement plans, and engineering documents to assess BABA applicability.
- Provide compliance guidance tailored to the project.
- Assist with materials sourcing verification, waiver preparation where warranted, and construction-phase monitoring guidance.
- Supply compliance tools and templates to support the subrecipient’s documentation and reporting obligations.

In all cases, each subrecipient retains full legal responsibility for their project’s BABA compliance.

Informational Webinar Held on June 16, 2026

Question 5: Can you provide a summary of the purpose of this RFP and NEIWPCC’s role in administering the LCBP program?

Answer:

The Lake Champlain Basin Program (LCBP) is administered by the New England Interstate Water Pollution Control Commission (NEIWPCC), a regional interstate commission established by Congress in 1947 to help Northeastern states preserve and advance water quality. NEIWPCC serves as the primary program administrator for LCBP, managing the program’s personnel, finances, quality management program, and contracts on behalf of EPA and the partner states of New York, and Vermont where BABA is applicable.

Under the Infrastructure Investment and Jobs Act (IIJA), NEIWPCC awards subawards to local and nonprofit organizations for infrastructure projects — including culvert replacements and other small-scale construction work — that benefit the Lake Champlain Basin’s water quality and natural resources.

Many of the subrecipient organizations receiving IIJA-funded subawards are small nonprofits, conservation districts, and local agencies with limited experience navigating federal procurement requirements. These organizations are not regulatory bodies and have not previously been subject to domestic preference compliance obligations of this type.

This RFP was issued to secure a qualified consultant to fill that gap — developing plain-language templates, applicability checklists, procurement guides, and compliance tools that give subrecipients a clear, accessible path to meeting their BABA obligations. The goal is not to shift

compliance responsibility to the consultant, but to ensure that subrecipients have the guidance and resources they need to fulfill their own responsibilities with confidence.

Question 6: If a company has experience with BABA in other federally funded programs, but specifically for environmental programs, is it still worthwhile to submit a proposal?

Answer: Yes — applicants with related BABA federal compliance experience are encouraged to apply.

BABA requirements are largely consistent across federal programs, and the core compliance framework — domestic preference screening, procurement document review, materials sourcing verification, and waiver preparation — is fundamentally similar whether applied to EPA, DOT, HUD, or other federally funded programs. Firms with BABA experience in transportation, highway, or other infrastructure programs are encouraged to apply, as the statutory requirements and compliance components are consistent across program areas. Applicants should explain their approach and highlight transferable experience.

Question 7: Who is responsible for BABA compliance under this contract?

Answer:

BABA compliance responsibility operates at two levels:

- EPA Region 1 and NEIWPCCC are responsible for overall program compliance, oversight, and reporting under the IJJA-funded grant award. NEIWPCCC, as the primary recipient, is accountable to EPA for ensuring that subawards subject to BABA are administered in accordance with applicable requirements.
- Individual subrecipients are responsible for BABA compliance at the project level. Each subrecipient organization must ensure that their project's procurement, materials sourcing, and documentation meet BABA requirements, and must certify compliance at project closeout.

The consultant awarded under this RFP will provide technical guidance and tools to support subrecipient compliance — but does not assume legal or regulatory responsibility for any individual project's compliance status.

A NEIWPCCC engineer will work directly with the consultant to provide technical/project oversight. The NEIWPCCC engineer will help ensure that the consultant's guidance is technically sound, appropriate for the intended audience, and applied consistently so that subrecipients receive practical support while retaining responsibility for their own compliance.

Question 8: How many projects are currently subject to BABA requirements and what are the associated project costs?

Answer:

Based on the evaluation completed on May 28th, 18 projects are currently identified as subject to BABA compliance requirements. These projects range in total project cost from approximately \$250,000 to \$700,000, representing a combined total project cost of approximately \$7.6 million.

It is important to note that the \$7.6 million figure reflects total project costs — not construction costs alone. Total project scope may include planning, design, engineering, and construction

components. Please note, the EPA's Small Project General Applicability Waiver completely exempts federally funded infrastructure projects and subawards from BABA domestic sourcing requirements, provided the total assistance agreement or subaward value is less than \$250,000.

The number of projects subject to BABA may change as new subawards are made or project scopes are revised. The consultant will be expected to work with NEIWPCC to assess applicability on an ongoing basis during the contract period.