



Division of Shellfish Safety and Waterborne Hazards

Clean Vessel Act Application

To be considered for funds allocated to Virginia under the Clean Vessel Act, complete this form and mail it to:

Charles David Layman II
Division of Shellfish Safety and Waterborne Hazards
109 Governor Street, Fifth Floor
Richmond, Virginia 23219

Marina Name

County / City

Owner's Name

Owner's Phone

Owner's Mailing Address

Owner's Email Address and Website

Operator's Name

Operator's Phone

Circle the appropriate response:

1. Do you wish to receive funds from the Clean Vessel Act for your facility?

Yes **No**

2. Do you wish to install, upgrade, or repair a sewage pump-out system?

Install **Upgrade** **Repair**

3. Do you wish to install, upgrade, or repair a sewage dump station?

Install **Upgrade** **Repair**

Signature

Procedures to Use the Clean Vessel Act (CVA) Funds Allocated to Virginia

Step I

The marina owner/applicant will apply for funding under the CVA to install a boat sewage dump station by completing and submitting the form on page 1.

Step II

The applicant will submit a plan for the pump-out and/or dump station they wish to install to the VDH Marina Program. The plan will be accompanied by a signed agreement to meet the stipulations placed on the marina receiving CVA funds from the U.S. Fish and Wildlife Service. Applicants will ensure all Build America, Buy America Act (BABA) requirements below are followed with approved certificates or Waivers as necessary.

Step III

VDH Marina Program will approve, request revisions or disapprove the plan as submitted and will notify the applicant of action taken.

Step IV

After notification of plan approval, the applicant will obtain three bids, if possible, providing itemized cost estimates and time schedules for installation of this equipment.

Step V

The applicant will review the bids and upon mutual agreement with VDH staff, decide which bid is most responsive and can be accepted.

Step VI

The marina owner/applicant will obtain the required permits, engage the contractor who submitted the selected bid and authorize installation of the pump-out and/or dump station as called for in the plan approved by VDH. Any modification to the approved plan will require prior approval from VDH. For significant modifications, the applicant may be required to submit a new or revised plan for VDH approval.

Step VII

After the installation is completed, the applicant will notify VDH to schedule an inspection to determine that the pump-out and/or dump station has been installed in accordance with the approved plan. A site inspection will be made by the VDH Marina Program or the local health department.

Step VIII

VDH will notify the applicant of the final approval or disapproval of the pump-out and/or dump station.

Step IX

Once the marina owner has been notified of the final approval, the owner shall pay for the work that has been done in full and obtain a paid receipt.

Step X

The owner of the marina shall present the paid receipt to VDH for processing. The commonwealth will reimburse the owner of the marina for 75% of the total cost of the pump-out and/or dump station within 60 days of the time a proper receipt is received. At this time, it is anticipated that the marina owner will receive the reimbursement within 30 days from the time that the proper receipt is received by VDH.

Buy America Provision for Infrastructure: Required Use of American Iron, Steel, Manufactured Products, and Construction Materials.

As required by Section 70914 of the Infrastructure Investment and Jobs Act (Pub. L. 117-58), on or after May 14, 2022, none of the funds under a federal award that are part of a Federal financial assistance program for infrastructure will be obligated for a project unless all the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless a waiver has been issued.

Does this apply to all Service-administered FA awards?

- Yes. But only if the award includes infrastructure projects in the scope of work.
- BABA preference applies to *“an entire infrastructure project”*, even if it is funded by both Federal and non-Federal funds.

How does this impact Service FA awards that include infrastructure projects?

- Beginning May 14, 2022 with a waiver in effect until January 12, 2023
 - All new awards, amendments that add funds to existing awards, and renewal awards will be subject to BABA requirements.
 - Construction, alteration, maintenance, or repair.
 - Currently no funding threshold limitations.

Define “Infrastructure”

-means, at a minimum, the structures, facilities, and equipment for, in the United States,

- roads, highways, 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 & systems;
- utilities;
- broadband infrastructure;
- facilities that generate, transport, and distribute energy; and
- buildings and real property

Examples of projects that may be Infrastructure.

- Boat ramps
- Fishing piers / platforms
- Shooting ranges / platforms
- Office buildings, education centers
- Water control structures for hunting/wildlife viewing
- Propagation facilities / Fish hatcheries
- Docks
- Dams
- Marine pump-out stations (affixed)
- Floating restrooms
- Public restrooms
- Parking areas
- Roads

What types of Costs are subject to BABA?

Domestic procurement preferences applies to:

- Iron and steel, including the entire manufacturing processes.
- Manufactured products – cost of domestically mined, produced, or manufactured components must be greater than 55% of all components.
- Construction materials, including the manufacturing processes thereof.

Does not apply to:

- Tools, equipment, and supplies brought to construction site and removed upon completion of the infrastructure project.
- Equipment and furnishings used at the site of the completed infrastructure project that are not an integral part of the structure or permanently affixed to.

Federal agencies may waive BABA requirements when:

- **Three Waiver Categories:**
 - **Public Interest Waiver:** Applying domestic procurement preference inconsistent with public interest.
 - **Nonavailability Waiver:** Covered products are not produced domestically in sufficient or reasonable quantities or satisfactory quality.
 - **Unreasonable Cost Waiver:** Use of domestic products will increase the overall project cost in excess of 25%.

Waiver Submission

Email such requests to whqfasupport@fws.gov w/ subject line “Buy America Waiver Request”.

1. Type of waiver requested
2. Recipient name and UEI
3. Awarding bureau
4. Program Assistance Listing and Name
5. Award title
6. FAIN
7. Federal award amount
8. Total infrastructure cost, to the extent known
9. Infrastructure description and location, to the extent known
10. List of items for which the waiver is requested
11. Certification statement of good faith effort to solicit bids for domestic products
12. Statement of market research
13. Impact if waiver is denied.