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Nossaman: EPA Updates WIFIA Program Requirements

The U.S. Environmental Protection Agency (EPA) has updated the federal requirements for the Water Infrastructure Finance and Innovation Act (WIFIA) Program through more than a dozen changes to the [WIFIA Borrower Guide to Federal Requirements](#) (Borrower Guide) and the WIFIA Specification Package and Bid Contract Language (Bid Contract Language). While some changes are minor, others will likely have major impacts on project owners and developers.

Guidance for Collaborative Delivery Projects

The EPA added a new section, “Collaborative Delivery Projects,” to the Borrower Guide, which focuses on WIFIA compliance for alternative delivery projects such as design-build, progressive design-build, construction manager at risk, and construction manager/general contractor. The new section makes clear that, for alternative delivery projects, it is the responsibility of the WIFIA borrower, not the project delivery firm, to ensure proper communication regarding compliance with WIFIA Program requirements to the entities developing the project and to define the roles and responsibilities between those entities for compliance documentation and reviews.

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By Kyle Howe on 08.20.2025

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