

# *Applicant/Violator System Office System Advisory Memorandum*



**SAM # 3    DATE: February 1, 2013**

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## **Subject: AML CONTRACTOR ELIGIBILITY**

OSM's regulations at 30 CFR 874.16 and 30 CFR 875.20 require that, in order to receive Abandoned Mine Land (AML) program funds, every successful bidder on an AML contract must be eligible under 30 CFR 773.12, 773.13, and 773.14 at the time of contract award to receive a permit or a provisionally-issued permit to conduct surface coal mining operations. This SAM presents OSM's regulations and policies that implement the requirements. This SAM replaces previous SAM # 3, "AML Contractor Eligibility" dated July 15, 2008.

OSM requires all successful bidders on Federal AML contracts to be evaluated for permit eligibility or provisional permit eligibility. The AVS Office is responsible for evaluating successful bidders on Federal AML contracts as well as entering and maintaining information in the AVS for the successful bidders. Staff responsible for making state AML contracting decisions may ask the AVS Office to evaluate their successful AML contract bidders as well as enter and maintain information supplied by the successful bidders. Alternatively, they may choose to enter and maintain information supplied by the successful bidders into the AVS and evaluate the eligibility of their successful bidders themselves.<sup>1</sup> Regardless of who enters and maintains the information in the AVS and performs the evaluation, the information must meet the same standards that are required for applicants and operators. These requirements are found at 30 CFR 778.11 or the State counterpart to this requirement.

The regulatory requirements at 30 CFR 874.16 and 30 CFR 875.20 ensure persons in violation of SMCRA or who are otherwise permit ineligible are prevented from benefitting from public AML funds. OSM believes that persons with unabated or uncorrected violations that would prevent them from obtaining a permit should not be allowed to benefit under Title IV of SMCRA. Federal and State-administered non-emergency grants as well as AML emergency contracts are subject to these requirements.

The AVS Office has devised an AML Contractor Information Form, OMB #1029-0119. It is for Federal use and for States that request AML contractor evaluations from OSM. Successful bidders must complete the form, including a certification as to the status of information for them already in the AVS. The three choices for certification are: (1) the

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<sup>1</sup> If staff members responsible for making state AML contracting decisions wish to enter and maintain information supplied by successful bidders in the AVS and perform their own eligibility checks, they must first contact the AVS Office to get a login id and receive training on the process.

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information currently in the AVS is accurate, complete, and up-to-date; (2) the information currently in the AVS is partially accurate or complete; and (3) there is currently no information in the AVS for the successful bidder. Incomplete or missing information must be supplied for entry into the AVS. Blank AML Contractor Information Forms with instructions for completing the form may be obtained from the AVS Office or retrieved from our website at <http://www.arcc.osmre.gov/Divisions/AVSO/AVSO.shtm>.

Questions regarding AML contractor eligibility should be directed to the AML Contracts Coordinator in the AVS Office at 1.800.643.9748 or your Federal or State Contracting Officer.

**Signed:** Debra J. Feheley

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