# Financial Assistance Award

**DENALI COMMISSION**
**510 "L" Street, Suite 410**
**Anchorage, Alaska 99501**
**(907) 271-1414 (phone)**
**(907) 271-1415 (fax)**
**www.denali.gov**

| | |
|---|---|
| **Project Number** | 0079-DC-2002-130 |
| **Project Title** | Washeteria Construction<br>City of Emmonak |
| **Performance Period** | August 1, 2002 through September 30, 2004 |

**Recipient Name & Address**

City of Emmonak
PO Box 9
Emmonak, AK 99581
Contact: Martin B. Moore, City Manager

| **Authority** | **CFDA Number** |
|---|---|
| 112 Stat 1854 | 90.100 |

**Denali Commission Finance Officer Certification** MM for CEE

**Cost Share Distribution Table**

| Accounting Code | Denali Commission | Other Contributors | Total |
|---|---|---|---|
| | $1,000,000 | | $1,000,000 |
| Local Cash/In-kind | | $103,863 | $103,863 |
| | | | $0 |
| | | | $0 |
| **Total** | **$1,000,000** | **$103,863** | **$1,103,863** |

This Financial Assistance Award approved by the Federal Co-Chair of the Denali Commission is issued in triplicate and constitutes an obligation of federal funding. By signing the three documents, the Recipient agrees to comply with the Award provisions indicated below and attached. Upon acceptance by the Recipient, two signed Award documents shall be returned to the Federal Co-Chair of the Denali Commission and the Recipient shall retain the third document. If not signed and returned without modification by the Recipient within 30 days of receipt, the Federal Co-Chair may unilaterally terminate this Award.

- ☒ Special Award Conditions and Attachments
- ☐ Line Item Budget
- ☒ OMB Circular A-133, Audits of States, Local Governments and Indian Tribal Governments (www.whitehouse.gov/OMB/circulars/a133/a133.html)

**Administrative Requirements (check one)**

- ☒ 15 CFR 24, Uniform Admin Requirements for Grants/Cooperative Agreements to State and Local Governments (www.access.gpo.gov/nara/cfr/waisidx_99/15cfr24_99.html)
- ☐ 15 CFR, Part 14, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations (www.access.gpo.gov/nara/cfr/waisidx_99/15cfr14_99.html)

**Cost Principles (check one)**

- ☒ OMB Circular A-87, Cost Principles for State and Local Governments and Indian Tribal Governments (www.whitehouse.gov/OMB/circulars/a087/a087-all.html)
- ☐ OMB Circular A-122, Cost Principles for Nonprofit Organizations (www.whitehouse.gov/OMB/circulars/a122/a122.html)
- ☐ OMB Circular A-21, Cost Principles for Educational Institutions (www.whitehouse.gov/OMB/circulars/a021/a021.html)
- ☐ 48 CFR 31.2, Contracts with Commercial Organizations

| Signature of Authorized Official - Denali Commission | Typed Name and Title | Date |
|---|---|---|
| Jeff Staser | Jeffrey B. Staser, Federal Co-Chair | 8/14/02 |
| **Signature of Authorized Official – City of Emmonak** | **Typed Name and Title** | **Date** |
| Mark B Moore | Martin B. Moore, City Manager | 9-10-2 |
| **Signature of Authorized Official – City of Emmonak** | **Typed Name and Title** | **Date** |
| Billy A. Charles | Billy A. Charles, Mayor | 9-12-02 |

Rev: 01/02

OMB Approval No. 0348-0042

# ASSURANCES - CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property aquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.

4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.

5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.

6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.

14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | TITLE |
|---|---|
| Robert D. Charles | City Clerk |
| APPLICANT ORGANIZATION | DATE SUBMITTED |
| City of Emmonak | 9-12-02 |

**AWARD CONDITIONS TO THE FINANCIAL ASSISTANCE AWARD BETWEEN THE DENALI COMMISSION AND CITY OF EMMONAK FOR EMMONAK WASHETERIA**
**August 2002**
**PROJECT NO. 0079-DC-2002-I30**

## 1. *Scope of Work*

The scope of work supported by this financial assistance award includes construction of the washeteria building in the City of Emmonak. The total amount of funding provided through the Denali Commission for this project shall not exceed $1,000,000.

The City of Emmonak is responsible for the use of this funding on the construction of the washeteria facility consistent with the scope of work presented in the City of Emmonak submission to The Denali Commission's Request for Proposals for Washeteria Improvements or New Construction and additional information provided to the Commission on June 26, 2002 and further revised information provided to the Commission on August 7, 2002 by the City of Emmonak. The design of the facility includes provisions for clothes washers, clothes dryers, restrooms, shower and bath facilities. The approved design specifically does not include a sauna, hot tub or whirlpool. Mechanical equipment and utilities improvements are those necessary to support operation of the washeteria. Any substantial variance from that proposal requires pre-approval from The Denali Commission. The City of Emmonak is also responsible to first apply to this project the funds from all other funding sources identified and proposed in the submission.

All Commission funding is intended for use for the scope of work identified in the Award document only. In the event there is a balance of funding after the full scope of work is completed, then the Commission will determine how the excess funds will be allocated. The final decision on how excess funds are used is a Commission decision, and may include withdrawing excess funds for reallocation to other Commission projects.

## 2. *Award Performance Period*

The Award performance period is August 1, 2002 through August 30, 2004. This is the period during which Award recipients can incur obligations or costs against this Award.

## 3. *Direct and Indirect Costs*

The cost principles of OMB Circular A-122 are applicable to this Award. Please refer to the cost principles regulations for specific details on other allowable charges under this Award.

## 4. *Budget and Program Revisions*

The Administrative Circular 15 CFR 14 applies to this Award. Please refer to the Administrative Circular for specific details on revisions to this Award. The Administrative Circular requires that City of Emmonak will inform the Commission in

writing (e-mail, letter, or report) at the earliest possible date of any unanticipated project cost overrun, project schedule delays, or changes in the project scope or changed site conditions.

## 5. *Reporting*

Four forms of project reporting are required under this Award, listed below. The first quarterly reporting period is July 1 through September 31, 2002. Unless otherwise indicated, reports are due within 30 days of the end of the reporting period.

The Commission reserves the right, at a future date, to direct the City of Emmonak to provide the progress reports in electronic format for posting on the Commission web page.

a. Quarterly project reporting shall include both a narrative and financial summary. The narrative summary shall include a summary of the project status and accomplishments to date, and address the following questions: is the project on schedule, is the project on budget, and what actions are planned to address any project problems. The project financial status report shall show the following:

   i. The total project budget
   ii. The project schedule with milestone dates for design and construction
   iii. The total amount of Denali Commission funds committed to the project
   iv. The total project expenditures as of the end of the most recent quarter
   v. The total expenditure of Denali Commission funds for the project as of the end of the most recent quarter
   vi. The percentage of expenditures to the total budget; and
   vii. A project performance analysis on project line items, as defined by City of Emmonak, showing budget costs compared to actual expenditures and obligation to date versus work performed to date (for each line item).

b. A final Financial Status Report (Standard Form 269 – www.whitehouse.gov/OMB/grants/index.html#forms) shall be submitted to the Commission Project Officer within 90 days after the end of the Award Performance Period. If the Award Performance Period is longer than one year, or if the Agreement is revised to extend the Award Performance Period beyond one year, the recipient must submit a completed Standard Form 269 annually within 90 days after the end of each anniversary of the Award date.

c. A Labor Type, Residence, and Wage Report shall be submitted to the Commission project officer at a minimum of two times annually. At a minimum, these two reports must be submitted on or near August 1st and December 1st each year to correspond with the Alaska construction season. A Labor Type, Residence, and Wage Report must included the following information by construction project for any person employed on the construction of that project: position, place of primary residence, first check date, last check date, rate of pay

**DENALI COMMISSION**
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August 14, 2002

Mayor Billy A Charles
City of Emmonak
PO Box 9
Emmonak, AK 99581

Dear Mayor Charles:

RE: Financial Assistance Award - Project No. 0079-DC-2002-130 – City of Emmonak Washeteria

Enclosed are three copies of the Financial Assistance Award documents. These documents define the respective roles and responsibilities of the Denali Commission and the City of Emmonak in carrying out the construction of the Emmonak Washeteria.

If the conditions of the Award, as presented in these documents, are acceptable to you and your City Manager, Mr. Martin M. Moore, please sign all three original Financial Assistance Award documents and all three Form 424(d) Assurances. Return two of the signed Award documents and two of the signed Form 424(d). Please retain the third copy for your records.

The Denali Commission commends your leadership in developing the City of Emmonak and looks forward to the successful construction of the Washeteria in your community.

You may call me at the numbers provided above, or call Mr. Krag Johnsen from my staff at 271-1413, if you have any questions.

Sincerely,

Jeff Staser
Federal Co-Chair

Enclosures

per hour, payroll earnings from inception of project to date. Personal or confidential information such as Social Security numbers, names of individuals, or other information that would identify an individual should not be included in this report.

d. Photographic documentation shall be provided to the Commission at the beginning of the project and at project completion. Photo documentation shall include a minimum of five "before" pictures showing the situation before the start of construction, 10 "during" (provided at project completion) showing work proceeding on the project, and 5 "after" to show the finished project. Photos shall be provided as photo quality, 3x5 prints with a negative for each picture, and/or print quality electronic photos (digital images). A short description of the activity and names of those in the photos shall also be provided.

### *Payments*

Payments under this Award will be made through the U.S. Department of Treasury's Automated Standard Application for Payment (ASAP) system. The ASAP system is the Commission's mechanism for requesting and delivering Federal funds to Award recipients. Village Safe Water must be registered with the ASAP program in order to make draw downs. Contact the Commission's Project Manager or Finance Manager for further information about registering with the ASAP program. Payments will be made in accordance with 15 CFR 14. **No interest will be accrued on these funds.**

## *6. Award Close Out*

a. The Award closeout must be completed within 90 days of the end of the Award performance period or within 90 days of the completion of the project, whichever is earlier. The project closeout process out includes the submission of both a final narrative report and financial status report. Recipient organizations must also request any remaining funds for expenditures under this Award during this 90-day period. Please refer to the Commission guidance for project closeout for additional details on the requirements. This is available by contacting the Commission office or the Project Manager.

b. Acknowledgement of support: For all construction projects, the Award recipient shall include an acknowledgement of the Government's support of any project developed under this Award. The Award recipient shall display a sign that:

   i. Has the Denali Commission logo displayed on the upper right-hand quadrant;
   ii. States the following: "This project was financed by the Denali Commission and its partners (*list the name of the funding partners*)";
   iii. Shows the logo of each partner in the lower right-hand quadrant.

The cost of this sign shall be paid out of the project funding received by the Award recipient from the Denali Commission. Final approval of signage material and placement of the sign must be obtained from the Commission Project Officer.

## *7. Public Policy Laws and Assurances*

Award recipients are required to comply with the public policy laws and assurances on Standard Forms SF 424b (non-construction projects) or SF 424d (construction projects). This Form must also be signed by a certifying official of the organization. Some of the laws are highlighted below for your reference.

To the maximum extent practicable, considering applicable laws, Funding Recipients shall accomplish the project contemplated by the Award using local Alaska firms and labor.

No portion of this Award may be used for lobbying or propaganda purposes as prohibited by 18 U.S.C. Section 1913 or Section 607(a) of Public Law 96-74.

Project level environmental reviews in accordance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) are required for each project undertaken with Denali Commission funds.

## *8. Project Officers & Contact Information*

| Denali Commission | Community | Project Partner(s) |
|---|---|---|
| Al Ewing<br>510 "L" Street, Suite 410<br>Anchorage, AK 99501<br>(phone) (907) 271-1426<br>(fax) (907) 271-1415<br>e-mail aewing@denali.gov | Martin B Moore<br>City Manager<br>City of Emmonak<br>PO Box 9<br>Emmonak, AK 99581<br>Voice: (907) 949-1227<br>Fax: (907) 949-1926 | Project Engineer<br>Nicole McCullough<br>ASCG, Inc.<br>301 Arctic Slope Avenue<br>Anchorage, AK 99518<br>Phone: (907) 267-6237<br>Fax: (907) 267-6396<br>nmccullough@ascg.com<br><br>Project Accountant<br>Joe Newhouse<br>Newhouse and Vogler<br>237 Fireweed Lane, Suite 200<br>Anchorage, AK 99503<br>Phone: (907) 258-7555 |

## *9. Other Grant related conditions:*

A separate project account will be established by the City of Emmonak for this project. This account will be separate from the City of Emmonak General Ledger and will account for all purchase orders, materials, and labor payments. The firm of Newhouse and Vogler will manage this account. The City of Emmonak will approve and sign all payments.

The consulting firm, Arctic Slope Consulting Group (ASCG), will be contracted by the City of Emmonak to provide construction management services, design services and purchasing

of a liner for the Emmonak Washeteria. A detailed description of ASCG roles and responsibilities can be found in the attached "Consultant Agreement" provided to the Commission by the City of Emmonak.

Acceptance of funding from The Denali Commission commits the City of Emmonak to the operation of the washeteria consistent with the principles of economic sustainability, as demonstrated in its approved business plan. The essence of the business plan is that income from and/or subsidy to the washeteria is sufficient to keep the washeteria in operation and to apply appropriate resources to both the immediate and long-term needs for insurance, maintenance and equipment replacement. Independent insurance coverage (not self-insurance) must be adequate to guarantee replacement of facilities and equipment in the event of damage or loss from fire or other hazards.