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Alaska Native Tribal Health Consortium
Division of Environmental Health and Engineering
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Division of Environmental Health and Engineering

Cooperative Project Agreement

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A Health Facility Improvement Project Between:
The Alaska Native Tribal Health Consortium and
The KIHCF and KIB, Alaska
Project No. AN 07-GK1
May 2008

**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
KODIAK, ALASKA**

PROJECT NO. AN 07-GK1

To complete this project, the ANTHC, the KIHCF and KIB mutually agree to the terms and conditions contained in this Agreement.

PREPARED AND
RECOMMENDED BY:

5/22/08

Date



Paul C. Morrison, P.E.
Health Facilities Manager
DEHE, ANTHC

APPROVED BY:

5/22/08
Date



Matthew Dixon, P.E.
Director of Operations
DEHE, ANTHC

APPROVED BY:

6/3/08

Date



Jimmy Ng
Executive Director
Kodiak Island Health Care

**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
KODIAK, ALASKA**

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**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
KODIAK, ALASKA**

PROJECT NO. AN 07-GK1

DATE OF AGREEMENT:
May 2008

A. INTRODUCTION

Throughout this Cooperative Project Agreement (CPA) the following entities are referred to as follows:

Kodiak Island Health Care Foundation	=	KIHCF
Kodiak Island Borough	=	KIB
Alaska Native Tribal Health Consortium	=	ANTHC
Denali Commission	=	Commission

The ANTHC, DEHE, role is to provide lasting solutions to promote healthy communities.

This CPA contains information about the project scope of work, funding, costs, and administration, and is being performed under the provisions of the following agreements:

- Memorandum of Understanding between the Denali Commission and the Alaska Native Tribal Health Consortium for Alaska Health, Sanitation, and Other Related Infrastructure, dated May 2007. This MOU defines the roles and responsibilities of each party.
- This Agreement defines the roles and responsibilities of each party.
- Denali Commission Financial Assistance Award Project No. 288-07, Amendment 2, dated September 2007.

B. SCOPE OF PROJECT

This project will construct a new health clinic in the city of Kodiak, Alaska. The scope of this project includes design and planning, professional cost estimation, site preparation, materials and equipment, construction, and labor.

C. PROJECT COST

Total project construction cost is \$3,977,347.00, of which \$1,802,347 is awarded by the Denali Commission. The remaining \$2,175,000 shall be awarded by matching funds.

C 1. Cost Estimate Table

Job Type	Scope of Work	Qty	Units	Unit Cost*	Funding Source
					Denali FY07
M-CL	Clinic construction	1	LS	\$1,802,347	\$1,802,347
Total					\$1,802,347

C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
<u>Denali Commission</u>	<u>Federal 2007</u>	<u>NA</u>	<u>\$1,802,347</u>
Matching funds			
<u>Rasmuson Fdtn</u>	<u>NA</u>	<u>NA</u>	<u>\$ 750,000</u>
<u>Murdoch Trust</u>	<u>NA</u>	<u>NA</u>	<u>\$ 250,000</u>
<u>KIB</u>	<u>NA</u>	<u>NA</u>	<u>\$ 125,000</u>
<u>KIHCF capital</u>	<u>NA</u>	<u>NA</u>	<u>\$ 30,000</u>
<u>USDA Grant/Loan</u>	<u>NA</u>	<u>NA</u>	<u>\$1,000,000</u>
<u>Providence Kodiak</u>	<u>NA</u>	<u>NA</u>	<u>\$ 20,000</u>
<u>Island Medical Center</u>			
<u>TOTAL PROJECT FUNDING</u>			<u>\$3,977,347</u>

Construction funding is based on an estimated total project cost of \$3,977,347.

The Commission stipulates that each project include an in-kind cost share contribution. For this project, the Commission Sub-Award constitutes approximately 50% of the funding and the cost share contribution constitutes a minimum of 50% of the funding. Therefore, this CPA identifies an in-kind contribution from the matching funds in the amount of \$2,425,000. This funding will be added to the Commission project cost amount of \$1,802,347, bringing the total project cost amount to \$3,977,347.

Commission funding for this health facility improvement project has been made available to the ANTHC through a separate Financial Assistance Award (FAA), or amendment or addendum to an FAA, between the Commission and the ANTHC.

It is understood that funding transfers will be made to the ANTHC incrementally. Project activities should not proceed until funding for each increment of work is available to the ANTHC. By signing this Agreement, the KIHCF and KIB assure that funding from other contributing agencies, if applicable, shall be made available to the project. If in-kind or other funding sources are unavailable, transfers to the KIHCF and KIB will be curtailed.

The KIHCF and KIB shall not be obligated to continue performance that requires an expenditure of more funds than awarded under this CPA plus funding from other sources as specified in the funding application to the Denali Commission. If the KIHCF and KIB have reason to believe that the total amount required for performance will be greater than the amount of this CPA plus any other funding source amounts so specified as initially available, the KIHCF and KIB shall provide notice to the ANTHC within ten (10) days of discovery. If the Commission (or any other funding source) does not increase the funding authorization for the project, the KIHCF and KIB may suspend performance until sufficient additional funds are awarded, or complete the project without additional funding assistance through this CPA.

D. PROJECT ADMINISTRATION

In conformance with the Commission's Financial Assistance Award No. 288-07, Amendment 2, dated Sept. 2007, the following Project Management Methodology option has been selected by the KIHCF and KIB:

The project design and construction will be managed by the KIHCF and KIB, which have met standards for a "Pass Through" organization approved by the ANTHC. The ANTHC will only maintain program oversight of the project. No technical assistance, project management, or environmental compliance will be provided by the ANTHC.

This Agreement shall take effect upon signature by all parties and remain in effect until the expiration of the "Performance Period" specified within the Commission's Financial Assistance Award, or subsequent Amendment(s) or Addendum(s).

E. SUSTAINED OPERATIONS CONSIDERATIONS

The KIHCF and KIB will assume ownership and responsibility for all operation and maintenance of facilities constructed under this project.

F. NATIONAL ENVIRONMENTAL POLICY ACT REQUIREMENTS

The National Environmental Policy Act (NEPA) is the basic national charter for protection of the environment. It establishes policy, sets goals, and provides means for carrying out the policy. The provisions are written to make sure that federal agencies act according to the letter and spirit of the Act. Federal agencies must comply with the procedures and achieve the goals of the Act.

For the purpose of this NEPA review, The Denali Commission recognizes USDA Rural Development's finding of no significant impact (FONSI) which was issued May 16, 2007 for construction of the Kodiak Island Health Care Facility.

G. NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS

The National Historic Preservation Act (NHPA) provides for cultural resources identification and protection through avoidance or mitigation to avoid unnecessary disturbance of reported or known human burials. The NHPA also requires Tribes to be consulting parties if archeological discoveries are made during construction.

The Native American Graves Protection and Repatriation Act (NAGPRA) contains stipulations regarding the appropriate treatment and disposition of human burials, funerary, and associated items discovered on Federal lands or Indian Allotments. NAGPRA recognizes the inherent rights and claims of the Native people but often is inapplicable to ANTHC projects. For this reason, as a policy the ANTHC recognizes the inherent rights and claims of the tribal entity when human remains and associated items are uncovered through construction projects.

Therefore, if construction for this project results in the discovery of ancient cultural items (i.e., human burials, associated items, and/or archaeological artifacts) the KIHCF and KIB will ensure that the Shoonaq' Tribe of Kodiak will be a consulting party. In addition, the following responsibilities are assumed by the project participant in order to comply with the NHPA, NAGPRA, and ANTHC policy recognizing inherent rights and claims:

- Identifying any known or reported archaeological site, artifact, or ancient human remains to avoid unnecessary damage to sensitive resources.
- Delaying construction in the vicinity of a discovery until procedures in conformance with 36 CFR 800 are complete.
- Determining appropriate mitigation measures and performing all mitigation in conformance with 36 CFR 800.
- Ensuring an archaeologist, retained or employed by any party to facilitate construction operations, will view and document any and all cultural items discovered during excavation if an adverse effect determination has been made.
- Ensuring that if removal of ancient human remains is necessary, the archaeologist will remove the entire body and that unless the Shoonaq' Tribe of Kodiak request further study of the remains, tests upon or photographs of any ancient human remains will not occur unless specific, separate Agreements have been made with the Shoonaq' Tribe of Kodiak.
- Contacting the Village Public Safety Officer if a modern human burial is discovered to determine if a criminal act can be identified. If the burial is from an archaeological context, the burial will be treated as archaeological remains and need not be treated as a scene of crime.
- Acknowledging that the Shoonaq' Tribe of Kodiak assume full responsibility for any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the Shoonaq' Tribe of Kodiak reserve the inherent right to determine the appropriate disposition of any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the inherent claims or rights of the Shoonaq' Tribe of Kodiak are not diminished by the fact that the land is under ownership by another party.
- Ensuring that if a discovery is made on Federal lands, Indian Allotment lands, or lands not yet conveyed to the Village or Regional Corporation, parties to facility construction operations shall comply with the NAGPRA if appropriate.
- Acknowledging that all other inherent rights and claims regarding any and all cultural items discovered on any lands other than private lands during excavation for or in support of facility construction not expressly covered in these responsibilities are reserved to the Shoonaq' Tribe of Kodiak alone.

H. AUTHORITY FOR APPROVAL

Upon signing this document, the ANTHC Chief Executive Officer delegates authority to sign all subsequent agreements related to this project to the Director of Operations, DEHE.

I. PROVISIONS FOR PROJECT COMPLETION

The following sections from the ANTHC, DEHE, Cooperative Project Agreement Provisions Manual for Health Facilities Projects (Orange Book), dated June 2003, are incorporated into this Agreement by reference. For the purposes of this Agreement, all references to "Local Participant" shall mean the KIHCF and KIB.

- Section 1, "Provisions for All Cooperative Project Agreements"
- Section 4, "Provisions for Regional Health Organization Management of Force Account Labor for Pass Through Projects"
- Section 5, "Insurance and Indemnification Provisions for Force Account Labor Projects Managed by the ANTHC or the Local Participant"
- Section 6, "Assurances for All Construction Programs" (Standard Form 424D)

The following federal provisions apply to this project:

- 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>
(applies to local or tribal government)
- OMB Circular A-87, Cost Principles for State and Local Governments and Indian Tribal Governments <www.whitehouse.gov/OMB/circulars/a087/a087-all.html>
(applies to local or tribal government)
- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations <www.whitehouse.gov/OMB/circulars/a133/a133.html>
(applies to all Agreements)
- 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>
(applies to non-profits)
- OMB Circular A-122, Cost Principles for Nonprofit Organizations
<www.whitehouse.gov/OMB/circulars/a122/a122.html> (applies to non-profits)

APPENDIX

Final Environmental Review Memorandum
USDA Finding of No Significant Impact



ALASKA NATIVE TRIBAL HEALTH CONSORTIUM

Division of Environmental Health and Engineering

1901 Bragaw Street, Suite 200

Anchorage, Alaska 99508

MEMORANDUM

DATE: May 19, 2008

FROM: Riki Lebman, Environmental Coordinator 

SUBJECT: CPA Project No. AN 07-GK1 – Kodiak Community Health Center, Kodiak, Alaska
NEPA Environmental Consideration

FOR: THE RECORD

USDA, Rural Development received an application for financial assistance from the Kodiak Island Health Care Foundation. The proposed project consists of construction of a 6,356 square foot addition to the existing hospital and renovation of 839 square feet of the existing space.

An environmental assessment was prepared and reviewed by an USDA Rural Development official and a finding of no significant impact (FONSI) was issued May 16, 2007 by Merlaine Kruse, Director of Community Programs.



United States Department of Agriculture
Rural Development
Kenai USDA Service Center

SUBJECT: Finding of No Significant Environmental Impact and Necessary
Environmental Findings for Kodiak Island Health Care Foundation,
Kodiak Community Health Center, Kodiak, Alaska, 920146203

TO: Kodiak Island Health Care Foundation

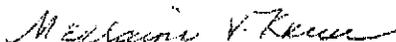
The USDA, Rural Development has received an application for financial assistance from the Kodiak Island Health Care Foundation. The proposed project consists of construction of a 6,356 square foot addition to the existing hospital and renovation of 839 square feet of the existing space.

As required by the National Environmental Policy Act, Rural Development has assessed the potential environmental effects of the proposed project and has determined that the proposal will not have a significant effect on the human environment and for which an Environmental Impact Statement will not be prepared. The basis of this determination is that there are no substantive adverse effects to wetlands, floodplains, threatened and endangered species, historic resources, or other environmental resources. In order to avoid or minimize any adverse environmental impacts, Rural Development will require the applicant to incorporate the following mitigation measures into the proposed project's design:

- In the event that cultural remains are discovered during construction, work must cease in the immediate area and federal regulations pertaining to emergency discovery situations must be followed. If this occurs, the State historic Preservation Office and appropriate native entities would need to be informed immediately.

The attached environmental assessment for the subject proposal has been prepared and reviewed by the appropriate USDA Rural Development official. After reviewing the assessment and the supporting materials attached to it, I find that the subject proposal will not significantly affect the quality of the human environment. Therefore, the preparation of an environmental impact statement is not necessary.

I also find that the assessment properly documents the proposal's status of compliance with the environmental laws and requirements listed therein.


MERLAINE KRUSE
Director, Community Programs

May 16, 2007

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