



Financial Assistance Award

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

Award Number	200-05
Award Title	Emmonak Washeteria Repair & Renovation
Performance Period	Sept. 1, 2005 through Dec. 31, 2006
Authorizing Resolution	04-03

Authority
112 Stat 1854

CFDA Number
90.100

Recipient Organization & Address
 Alaska Department of Environmental Conservation
 410 Willoughby, Suite 303 MS 1800
 Juneau, AK 99801-1795
 Phone: (907) 465-5289
 Fax: (907) 465-5097

Denali Commission Finance Officer Certification

JRP

Recipient DUNS # 80-938-6857 TIN # 92-6001185

Cost Share Distribution Table

Accounting Code	Denali Commission	Other Contributors	Total
Previous Years - Washeteria	\$242,000	\$0	\$242,000
Total	\$242,000	\$0	\$242,000

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 Non-Profit Organizations
<http://www.whitehouse.gov/omb/circulars/a133/a133.html>

Administrative Requirements (check one)

- OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments
<http://www.whitehouse.gov/omb/circulars/a102/a102.html>
- OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations
<http://www.whitehouse.gov/omb/circulars/a110/a110.html>

Cost Principles (check one)

- OMB Circular A-87, Cost Principles for State, Local 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
<http://www.whitehouse.gov/omb/circulars/a021/a021.html>
- 48 CFR 31.2, Contracts with Commercial Organizations

Signature of Authorized Official - Denali Commission

Jeff Staser

Typed Name and Title
Jeffrey B. Staser, Federal Co-Chair

Date
8/31/05

Signature of Authorized Official
Alaska Department of Environmental Conservation

Joanna McDowell

Typed Name and Title
Kurt Fredriksson, Commissioner
(by Joanna McDowell)

Date
8/31/05

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.

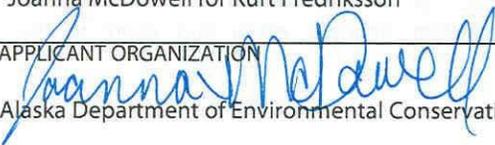
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET.
SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

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 acquired 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	
Joanna McDowell for Kurt Fredriksson		Commissioner	
APPLICANT ORGANIZATION		DATE SUBMITTED	
 Alaska Department of Environmental Conservation		8/31/05	

*Award Conditions to the Financial Assistance Award
Between the Denali Commission and Alaska Department of
Environmental Conservation
For Emmonak Washeteria Repair & Renovation
Award No. 200-05
August 2005*

1. SCOPE OF WORK

The Emmonak Washeteria (Award 0079 for FY '02), 2,688 square feet in area, has major building defects based on post-construction engineering reports. The most severe problems relate to the mechanical and electrical systems. Additional problems concern the pile foundation system. Most of the damage inside the building is located in the southeast corner. The cause appears to be related to vertical loads associated with the water and sewer pipes and the walls adjacent to the utility enclosure. Seasonal frost action is the cause of the uplift. As a result of this and the mechanical and electrical problems, the washeteria should not be occupied or opened until the deficiencies are corrected.

The amount of this Award is \$242,000. The intent is to make the facility code-compliant and operational.

Alaska Department of Environmental Conservation (ADEC)-Village Safe Water Program (VSW) will procure engineering design and construction management services and oversee the needed repairs to make the facility safe and operational. The scope of work is as follows:

Foundation Modifications:

- Hire superintendent and local force account construction crew to complete modifications to reduce uplift loads on the foundation, which is to 1) lower the grade below the utility enclosure, 2) disconnect the water and sewer service pipes and 3) remove the parking fill and loose rocks from around the pile supports and cross bracing along the north, east and west sides of the building);
- ADEC VSW will not proceed beyond the above scope items until the existing ASCG, Inc./City of Emmonak Construction Management Agreement (August 9, 2002) can undergo legal review. The Commission will review the file and legal recommendations at the October 2005 quarterly meeting and issue further direction to VSW.

Remedial Design:

- Procure and negotiate engineering design contracts;
- Prepare mechanical and electrical engineering drawings and specifications and cost estimates to correct the code violations and operational deficiencies; and
- Prepare engineering drawings to modify the water and sewer service connection.

Building Modifications:

- Procure a qualified construction contractor to re-level the building;
- Procure mechanical and electrical contractors with qualified administrators and tradesmen to perform the work to correct the deficiencies;
- Hire superintendent and local force account construction crew to repair the interior cracks;
- Amend the electrical and mechanical design engineers' contracts to supervise and inspect the work, prepare operation and maintenance manuals and as-builts of the electrical and mechanical systems; and
- Commission the facility and complete the closeout process.

Based on current estimates, the cost of the project is \$242,000. All Commission funding is intended for use for the scope of work identified in the Award document only. Any balance of funds remaining after the full scope of work has been completed will be returned to the Denali Commission.

A standard cooperative agreement will be executed between ADEC VSW and the City of Emmonak to facilitate this new Scope of Work.

2. Milestones

The following milestones are to be completed as part of the project. As part of each progress report, recipients shall update the progress of each milestone (see section 7, Reporting).

Foundation Modification work will begin on or before September 15, 2005 and will be completed on or before December 31, 2005. After completion and before releveling the building, the building will sit idle for the 2005-2006 winter to determine if there is additional pile movement.

Pending review of the Emmonak washeteria project file (0079, Emmonak Washeteria Construction), Remedial Design work will begin after the October 2005 Quarterly meeting and will be completed on or before July 1, 2006.

Building Modifications will begin on or before July 1, 2006 and will be completed on or before October 15, 2006. This assumes that no additional frost heave with the pile foundation will occur and subsequently the building can be relevelled. If extreme frost heave occurs, the renovations may be re-evaluated by the Commission.

3. Award Performance Period

The Award performance period is September 1, 2005 through December 31, 2006. This is the period during which recipients can incur obligations or costs against this Award.

4. Direct and Indirect Costs

The cost principles of OMB Circular A-87 are applicable to this Award. VSW shall be reimbursed for actual direct and indirect labor and expenses for managing the project. Please refer to the cost principles regulations for specific details on other allowable charges under this Award.

5. Budget and Program Revisions

The Administrative Circular A-102 applies to this Award. Please refer to it for specific information regarding needed revisions. The Administrative Circular requires that ADEC VSW 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.

6. 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. ADEC VSW must be registered with the ASAP program in order to make draw downs. Please contact the Commission's Finance Manager at (907)-271-1414 for further information about registering with the ASAP program. Payments shall be made in accordance with A-110. **No interest will be accrued on these funds.**

7. Reporting

Three forms of project reporting are required under this Award, listed below. ADEC VSW shall submit reports using the Denali Commission's on-line Project Database System, available at www.denali.gov. If there are technical limitations which may prevent the recipient from meeting this requirement, please contact the Program Manager listed in this agreement.

- a. **Progress Reports** shall be submitted on a quarterly basis. The first reporting period is July 1, 2005 through September 30, 2005 and quarterly thereafter. Reports are due within 30 days of the end of the reporting period. Progress reports shall include the following:
 - i. Total project funding, including both Denali Commission funding and other project funding sources.
 - ii. The total project expenditures for the project as of the end of the reporting period, including both Denali Commission and Other funding sources.
 - iii. Update schedule and milestone information as identified in the Scope of Work
 - iv. Narrative 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.

- v. Photographic documentation of project progress shall be provided with the progress reports for active construction projects. The photo documentation shall include a minimum of three, dated photos per reporting period such that a complete record of the construction is maintained over time, from “before,” showing the situation before the start of construction, to “during” showing work proceeding on the project, and “after” to show the finished project. Photos shall be provided in a digital format as part of the on-line report. A short description of the activity and names of those in the photos shall also be provided.

- b. **Wage and Residency Reports** shall be submitted on an annual basis using the Denali Commission On-line Project Database. The reporting period is January 1st – December 31st of each year. Reports are due within 30 days of the end of the reporting period. The Wage and Residency Report shall include the following information by for each construction project
 - i. Total number of Local Residents employed during the year, and their total payroll earnings.
 - ii. Total number of Non-Local Alaska Residents employed during the year, and their total payroll earnings.
 - iii. Total number of Non-Alaska Residents employed during the year, and their total payroll earnings.

- c. **Federal Single Audits** shall be submitted annually, *when required*. In accordance with OMB Circular A-133, which requires [subpart 200] “Non-Federal entities that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of this part [subpart 205]. The determination of when an award is expended should be based on when the activity related to the award occurs.”

Recipients shall also submit single audits to the Federal Clearinghouse designated by OMB. Information can be found on the following web-site:

<http://harvester.census.gov/sac/>

8. Award Close-Out

The award close-out shall 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. Recipients must also draw down any remaining funds for expenditures incurred under this award during this 90-day period.

The Award Close-out report shall be submitted on-line through the Denali Commission’s on-line Project Database System, available at www.denali.gov. The project close out will require the recipient to submit the following information:

- a. Final data for each item listed in paragraph 7(a) “Progress Reports”

- b. Final project expenditures itemized by the following categories: planning & design; materials & equipment; freight; labor; project administration/overhead and other expenses.
- c. Acknowledgement of support: For all construction projects, the Award recipient shall display a sign that acknowledges the Government's support for the project developed under this Award. The Commission will provide an appropriate sign. The Award recipient must request an indoor and/or an outdoor sign from the Commission office. Pickup or delivery of the sign can be arranged at that time.

9. 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.

10. Non-Compliance with Award Conditions

Recipients not in compliance with the terms and conditions of this Financial Assistance Award will be notified by the Denali Commission. The Denali Commission will work with the recipient to identify the steps necessary to bring them back into compliance, and will establish an appropriate time frame for the corrections to be made. If the corrections have not been made by the deadline, the Denali Commission reserves the right to either suspend or unilaterally terminate the Financial Assistance Award for non-performance.

11. Contact Information

Denali Commission Cindy Roberts Washeteria Program Manager 510 L St., Ste. 410 Anchorage, AK 99501 Phone: 907 / 271-3018 Fax: 907 / 271-1415 E-mail: croberts@denali.gov	ADEC Village Safe Water Debra Addie, P.E. Project Manager 555 Cordova Street, 4 th Floor Anchorage, AK 99501-2617 Phone: 907 / 269-3085 Fax: 907 / 269-7509 E-mail: debra_addie@dec.state.ak.us
Joey Ausel Grants Manager & Analyst 510 L Street, Suite 410 Anchorage AK 99501 Phone: 907 / 271-1779 Fax: 907 / 271-1415 E-mail: jausel@denali.gov	Joanna McDowell Finance Officer 410 Willoughby, Ste. 303 MS 1800 Juneau, AK 99801-1795 Phone: 907/465-5289 Fax: 907/465-5097 E-mail: joanna_mcdowell@dec.state.ak.us