



Financial Assistance Award

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

Award Number	382-08
Award Title	Anaktuvuk Pass Bridge Design
Performance Period	March 1, 2008 to March 31, 2009
Authorizing Resolution	FY 07 Work Plan - Transportation
Recipient Organization & Address:	
Dave Hodges, CIPM Division Public Works Department North Slope Borough 3000 C Street, Suite N 201 Anchorage, Alaska 99503 Phone: (907) 561-6605 Fax: (907) 561-0112 Recipient DUNS # 07-924-8290 TIN # 92-0042378	

Authority 112 Stat 1854	CFDA Number 90.100
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Denali Commission Finance Officer Certification

JRP

Cost Share Distribution Table

Accounting Code	Denali Commission	Other Contributors	Total
FHWA Section 1960 Roads	\$147,431		\$147,431
North Slope Borough		\$125,000	\$125,000
Total	\$147,431	\$125,000	\$272,431

This Financial Assistance Award approved by the Federal Co-Chair of the Denali Commission is issued in duplicate and constitutes an obligation of federal funding. By signing these documents, the Recipient agrees to comply with the Award provisions indicated below and attached. Upon acceptance by the Recipient, a signed Award document shall be returned to the Federal Co-Chair of the Denali Commission and the Recipient shall retain the other 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>)
- Denali Commission and Federal Highway Administration Memorandum of Agreement July 2006
- Denali Commission and Federal Transit Administration Memorandum of Agreement September 2006
- SAFETEA-LU Section 1960, 1934, or 5309 as applicable.

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>)
- 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (OMB Circular A-110) (http://www.access.gpo.gov/nara/cfr/waisidx_05/2cfr215_05.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 <i>George J. Canelos</i>	Typed Name and Title George J. Canelos, Federal Co-Chair	Date 3-18-08
Signature of Authorized Official - North Slope Borough <i>Edward S. Itta</i> Rev: 1/2008	Typed Name and Title Edward S. Itta, Mayor	Date 4/3/08

ASSURANCES - NON-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 (0348-0040), Washington, DC 20503.

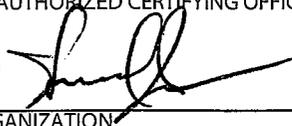
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

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 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 cost) 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 award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of a personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. 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).
6. Will comply with all Federal statutes relating to nondiscrimination. 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.
7. 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 or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with 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.

9. 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.
10. Will comply, if applicable, 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.
11. 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).
12. 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.
13. 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.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. 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.
17. 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."
18. 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
Edward S. Itta		Mayor
APPLICANT ORGANIZATION		DATE SUBMITTED
North Slope Borough	Award 382-08	4.3.08

***Award Conditions to the Financial Assistance Award
Between the Denali Commission and North Slope Borough
For Anaktuvuk Pass Bridge Design
Award No. 382-08
March 2008***

1. Scope of Work

Denali Commission is providing \$147,431 in FHWA Section 1960 SAFTEA-LU funds for the subject project. The North Slope Borough is providing \$125,000 (including required match) for the \$272,431 project. The Community of Anaktuvuk Pass has identified the critical need for a replacement bridge over Contact Creek. Denali Commission funding along with North Slope Borough funds will provide for complete design services including: surveying/mapping, geotechnical engineering, hydrologic study, utilities coordination, cost estimating, environmental documentation, and permits for the project. Denali Commission funds and match funds will be managed by the North Slope Borough.

The existing bridge is the only road connection between the village center (school, fire department, power plant, airport, post office, public works services) and the primary residential area (including the health clinic). Movement of vehicles and pedestrians across Contact Creek is routinely slowed due to the narrow one lane existing bridge. Traffic on the bridge has increased dramatically since the bridge was constructed in the early 1980's. Increased population, higher levels of vehicle ownership, as well as more and larger heavy equipment required for road maintenance and solid waste removal have all contributed to increased bridge traffic. Due to the age, high use, and initial quality issues of the existing bridge, the maintenance effort required to keep the bridge functional is increasing annually. The proposed new bridge will be designed and constructed to minimize long-term maintenance and operation costs, and provide safe, efficient, two way traffic.

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.

2. Milestones

The following milestones are identified as the major steps to be completed as part of the project. "Planned" dates for the first milestone are included here. As part of each progress report, recipients shall update the progress toward meeting these milestones (see section 7, Reporting).

Milestone	Planned		Actual		Units	Total Cost At Completion
	Start Date	End Date	Start Date	End Date		
Project Design	03/01/2008	12/31/2008			0	\$0.00
Project Close-out	01/01/2009	03/31/2009			0	\$0.00

3. Award Performance Period

The Award performance period is March 1, 2008 through March 31, 2009. This is the period during which Award 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. Direct costs associated with the Anaktuvuk Pass Bridge Design are allowed under this document. Indirect costs associated with the North Slope Borough management of Denali Commission funds are allowed up to 4.88% for 2008 and approved by Denali Commission for Title 23 funds under this Award. 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, OMB A-102, applies to this Award. Please refer to the Administrative Circular for specific details on revisions to this Award. The Administrative Circular requires that North Slope Borough 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 by electronic transfer in response to a "Request for Advance or Reimbursement", Standard Form 270 (SF 270) submitted by the North Slope Borough. Requests for advances or reimbursements may be made at the end of each quarter and should be submitted no later than 30 days after the end of the federal quarter. The SF-270 must be submitted to the Denali Commission via fax, e-mail (finance@denali.gov) or mail order for payment to be processed. The form is available on the OMB website: http://www.whitehouse.gov/OMB/grants/grants_forms.html. Payments should be made in accordance with OMB A-102. Please contact the Denali Commission's Finance Manager at (907)-271-1414 for further information about submitting the form. **No interest will be accrued on these funds.**

7. Reporting

Two forms of project reporting are required under this Award, listed below. The North Slope Borough 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 March 1, 2008 through March 31, 2008, 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. Updated 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. For minor repair and renovation projects or other non-construction projects, pictures should be provided of before and after, or photos that are representative of the funded activity, to the extent possible. 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. **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 as designated by OMB. Information can be found on the following web-site:
<http://harvester.census.gov/sac/>

8. Project/Award Close-Out

The project close-out report 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 project 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 non-construction projects, the Award recipient shall include an acknowledgement of the Government's support for the project(s) developed under this Award. The format for acknowledgement of the Government's support for non-construction awards will vary with each award and must be agreed upon between the Award recipient and the Denali Commission Project Manager. Costs associated with this requirement shall be paid out of the project funding received by the Award recipient from the Denali Commission.

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). 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. Program Manager, Financial Manager & Other Contact Information

Denali Commission	North Slope Borough
Mr. Mike McKinnon Transportation Program Manager 510 L Street, Suite 410 Anchorage, AK 99501 Phone: 907-586-1986 Fax: 907-271-1415 E-mail: mgmckinnon@gci.net	Mr. Dave Hodges Program Manager CIPM Division Public Works Department 3000 C Street, Suite N 201 Anchorage, AK 99403 Phone: 907-561-6605 Fax: 907- 562-0112 Email: dave.hodges@north-slope.org
Ms. Betty Sorensen Grants Administrator 510 L Street, Suite 410 Anchorage, AK 99501 Phone: 907-271-3415 Fax: 907-271-1415 E-mail: bsorensen@denali.gov	Ms. Jan Ames Grants Division P.O. Box 69 Barrow, AK 99723 Phone: 907-852-4228 Fax: 907- 852-4145 Email: jan.ames@north-slope.org

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DENALI COMMISSION
AND
THE FEDERAL HIGHWAY ADMINISTRATION
RELATING TO
THE DENALI ACCESS SYSTEM PROGRAM
AUTHORIZED IN SAFETEA-LU (PL 109-59)**

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to implement the requirements of Section 309 of the Denali Commission Act of 1998 ("Act") (Pub. L. No. 105-277, Division C, Title III, 112 Stat. 2681-637, as amended [codified at 42 U.S.C. 3121 note]) by Section 1960 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users ("SAFETEA-LU") (Pub.L. No. 109-59, 119 Stat. 1144).

II. Authority

This agreement is entered into by the Federal Highway Administration (FHWA) and the Denali Commission (Commission) pursuant to SAFETEA-LU which redesignated and replaced Section 309 of the Act.

III. The Commission agrees to:

A. Provide SAFETEA-LU funds to capable agencies for the planning, design and construction of road and other surface transportation infrastructure in Alaska Native villages and rural communities.

B. Distribute SAFETEA-LU funds in accordance with Commission methodologies and procedures; consider recommendations by the Denali Access System Program Advisory Committee (a.k.a. Transportation Advisory Committee).

C. Comply with Title 23, U.S.C., Federal-aid program requirements, except as noted below. These requirements include, but are not limited to, metropolitan and statewide planning; procurement of engineering and design related service contracts; Title VI of the Civil Rights Act; prevailing wage rates; acquisition of right-of-way; right-of-way approvals; utility approvals; environmental approvals; design approvals; Plans, Specifications & Estimates (PS&E) approvals; concurrence in awards; and construction-related activities. ,

1. Exceptions to Title 23, U.S.C.:

a) Preference to Alaska Materials and Products – To construct a project under Section 309 of the Act, the Commission shall encourage, to the maximum extent practicable, the use of employees and businesses that are residents of Alaska.

- b) Design Standards – Each project carried out under Section 309 of the Act shall use technology and design standards determined by the Commission to be appropriate given the location and functionality of the project.
- c) For purposes of projects carried out under Section 309 of the Act, the Commission shall be designated as the lead agency for purposes of accepting Federal funds and for purposes of carrying out this project.
- d) The Commission may utilize their own Federal contracting requirements for the letting of contracts.

IV. The FHWA agrees to:

Allocate funding, authorized and made available, to the Commission under Section 309 of the Act to pay the costs of planning, designing, engineering, and constructing road and other surface transportation infrastructure identified for the Denali Access System Program.

V. Funding and Reporting

- A. The Commission may use funds made available for the Denali Access System Program to meet the non-Federal share of the cost of projects being developed under Title 23 U.S.C.;
- B. The Federal share of the cost of any project that is solely being administered by the Denali Commission shall be determined in accordance with Section 120 (b) of Title 23 U.S.C. The non-Federal share match for these funds must come from non-Federal sources, unless the source of Federal funds has specific legislative authority that allows the match to be other Federal funds; and
- C. Submit periodic reports to FHWA that summarize project development and construction activities. On a monthly basis, submit a year-to-date trial balance for all funds allocated by program and Treasury Symbol, no later than 5 working days from the end of the month, and an SF 133 by program no later than 15 calendar days from the end of the month. On a quarterly basis, submit a request for liquidating cash via SF 1151 (Nonexpenditure Transfer Authorization). Upon year-end closing (by the 8th working day following fiscal year-end), submit a breakout of obligations by program and object class, and a full-time equivalent (FTE) report. The fourth quarter report will include an annual program summary that includes number and types of projects, a final expenditure report and status of project completion.

VI. Point of Contact for the Commission and the FHWA:

For the Denali Commission:
Director of Finance and Administration
Denali Commission
510 L Street, Suite 410
Anchorage, AK 99501

907 271-1414 phone
907 271-1415 fax
888 480-4321 toll free

For the Federal Highway Administration:
Deputy Division Administrator
FHWA Alaska Division
P.O. Box 21648
Juneau, AK 99802

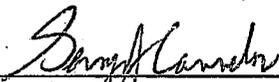
907 586-7418 phone
907 586-7420 fax

VII. SUMMARY

This agreement shall become effective on the date of the approving signatures.
Termination of this agreement or renegotiation of any part shall be by the mutual
concurrence of both parties.

APPROVED

By the Denali Commission



George J. Cannelos
Federal Co-Chair

17 July 06

Date

By the Federal Highway Administration:



J. Richard Capka
Administrator

6 JUL 06

Date