Date: August 7, 2012

Alaska Native Tribal Health Consortium
Division of Environmental Health and Engineering
1901 Bragaw Street, Suite 200
Anchorage, Alaska 99508-3440

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The individuals below were sent a copy of this document:

Gene Peltola, President/CEO, YKHC
Environmental Health Director, YKHC
Betty Sorenson, Denali Commission, Anchorage
Nancy Merriman, Denali Commission, Anchorage
Daniel H. Williams, DEHE, Anchorage
Matthew Dixon, DEHE, Anchorage
Susan Lundren, DEHE, Anchorage
Sherry Lestenkof, DEHE, Anchorage
Heather Dongoski, DEHE, Anchorage

cc: Program Services, DEHE, Anchorage

For additional information, please contact:

Christina Anderson
1-800-560-8637, extension 4061

LR: 09/19/07

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 Yukon-Kuskokwim Health Corporation
Project No. AN 12-GN8
July 2012

COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
YUKON-KUSKOKWIM HEALTH CORPORATION

PROJECT NO. AN 12-GN8

To complete this project, the ANTHC and the Yukon-Kuskokwim Health Corporation mutually agree to the terms and conditions contained in this Agreement.

PREPARED BY: 7/31/12
Date

Daniel H. Williams, P.E.
Health Facilities Manager
DEHE, ANTHC

RECOMMENDED BY: 7-16-12
Date

Matthew Dixon, P.E.
Vice President of Operations
DEHE, ANTHC

RECOMMENDED BY: 7/17/2012
Date

Roald Helgesen
Chief Executive Officer
ANTHC

APPROVED BY: 8/2/12
Date

Gene Peltola,
President/CEO
YKHC, Alaska

COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
YUKON-KUSKOKWIM HEALTH CORPORATION

PROJECT NO. AN 12-GN8

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COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
YUKON-KUSKOKWIM HEALTH CORPORATION

PROJECT NO. AN 12-GN8

DATE OF AGREEMENT:
July 2012

A. INTRODUCTION

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

Yukon Kuskokwim Health Corporation	=	YKHC
Native Village of Napakiak	=	Tribe
Alaska Native Tribal Health Consortium	=	ANTHC
Division of Environmental Health and Engineering	=	DEHE
Denali Commission	=	Commission

The mission of ANTHC, DEHE is to create safe and healthy communities through shared decision making with the people it serves. Through Public Laws 86-121, 93-638, and 105-83, the ANTHC has assumed from the IHS the management of the sanitation facilities construction program.

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 August 18, 2010. This MOU defines the roles and responsibilities of each party.
- Denali Commission Financial Assistance Award Project No. 1176-B, dated January 31, 2012.

B. SCOPE OF PROJECT

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

C. PROJECT COST

C 1. Cost Estimate Table

Job Type	Scope of Work	Qty	Units	Unit Cost	Extended Cost	Funding Amount	
						288 Am.6	1176-B
M-CL	Clinic Construction - YKHC-managed	1	LS	$699,902	$699,902	$634,460	$65,442
				Total	**$699,902**	**$634,460**	**$65,442**

"Support services direct charges" includes project-related expenses e.g. salaries and travel. The cost estimate table includes funding that is included in DEHE's financial system.

C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
Denali Commission	Federal	287 Am.3 (YKHC)	$ 693,607
Denali Commission	Federal	1007 Auth.B (YKHC)	$ 354,029
Denali Commission	Federal	288 Am.6 (ANTHC)	$ 634,460
Denali Commission	Federal	1176 Auth.B (ANTHC)	$ 65,442

Matching Funds	Fiscal Year	Description	Amount
YKHC	2012	Match	$ 436,884
TOTAL PROJECT FUNDING			$ 2,184,422

The Commission stipulates that each project include a matching contribution. For this project, the Commission's award constitutes approximately 80% of the funding and the matching contribution constitutes a minimum of 20% of the funding. Therefore, this CPA identifies a match from YKHC in the amount of $436,884. This funding will be added by YKHC to the Commission project cost amount of $1,747,538, bringing the total project cost amount to $2,184,422.

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

It is understood that funding transfers will be made to ANTHC incrementally for the amounts identified in C 1 Cost Estimate Table. Project activities should not proceed until funding for each increment of work is available to ANTHC. By signing this Agreement, the YKHC is assuring that funding from other contributing agencies, if applicable, shall be made available to the project, per the Denali Commission's Project Authorization. If in-kind or other funding sources are unavailable, project activities may be curtailed.

D. PROJECT ADMINISTRATION

In conformance with the Commission's Financial Assistance Awards 288 Am 6 and 1176-B, dated January 31, 2012, the following project management methodology option has been selected by the Native Village of Napakiak:

The project design and construction will be managed by YKHC, which has met the requirements to assume the role of "Project Lead." ANTHC will only maintain program oversight of the project. No technical assistance or project management will be provided by 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 Project Authorizations.

E. SUSTAINED OPERATIONS CONSIDERATIONS

The Native Village of Napakiak will assume or retain ownership of and responsibility for all operation and maintenance of the improvements and facilities constructed under this project.

F. NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS

The National Historic Preservation Act (NHPA) provides for the identification and protection of cultural resources including avoiding unnecessary disturbance of reported or known human burials and for providing mitigation when appropriate. 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. Although NAGPRA often is inapplicable to ANTHC projects, ANTHC recognizes the inherent rights and claims of Tribes 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 ANTHC will notify the Native Village of Napakiak and treat it as a consulting party.

The Native Village of Napakiak will help ensure compliance with the NHPA, NAGPRA, and the ANTHC policy recognizing inherent rights and claims.

The Tribal Council will:

- Identify and help locate any known or reported archaeological site, artifact, or ancient human remains prior to the beginning of construction to avoid unnecessary damage to sensitive resources.

ANTHC will:

- Delay construction in the vicinity of a discovery until procedures in conformance with 36 CFR Part 800, Subpart B are complete.
- Identify and perform appropriate mitigation measures in conformance with Part 36 CFR 800, Subpart B.
- Ensure an archaeologist has an opportunity to view and document any and all cultural items discovered during excavation if an adverse effect determination has been made.
- Ensure that, if removal of ancient human remains is necessary, the archaeologist will remove the entire body and that there will be no further study, tests or photographs of the remains without the consent of the Native Village of Napakiak (which will be provided in a separate agreement).
- Contact the Village Public Safety Officer or State Troopers if a modern human burial is discovered and avoid any further disturbance of the scene until they have conducted any investigation that may be necessary. No police notification is needed for archaeological remains.
- Ensure the inherent and legally protected rights of the Native Village of Napakiak are respected, including their right to take possession of, control, and /or determine the appropriate disposition of any and all cultural items discovered during excavation on all but private lands.
- Acknowledge that the inherent claims or rights of the Native Village of Napakiak are not diminished by the fact that the land is under ownership by another party.

- Ensure that, if a discovery is made on Federal lands, Indian Allotment lands, or lands not yet conveyed to the Village or Regional Corporation, employees, contractors and subcontractors involved in construction operations shall comply with the NAGPRA if appropriate.

G. 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 Vice President of Operations, DEHE.

H. 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 Native Village of Napakiak.

- 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

Environmental Review Memorandum

ALASKA NATIVE TRIBAL HEALTH CONSORTIUM
Division of Environmental Health & Engineering
1901 Bragaw Street, Suite 200
Anchorage, Alaska 99508

MEMORANDUM

DATE: May 2012

FROM: CV ANTHC Environmental Staff

SUBJECT: Clinic Construction – Napakiak, Alaska
Environmental Consideration
CPA, Project No. AN 12-GN8

TO: NEPA Determination

Federal funding for this project requires an environmental review in accordance with the National Environmental Policy Act (NEPA).

The Denali Commission issued a NEPA Environmental Determination for Project No. AN 12-GN8 on May 1, 2012. The environmental impacts reviewed are within the scope of this document and consistent with current regulations. No additional environmental review is necessary at this time.

The ANTHC will revisit this environmental review if the scope of work changes.