

Date: August 29, 2011

Alaska Native Tribal Health Consortium  
Division of Environmental Health and Engineering  
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## Document Distribution

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Project No.: AN 11-GM6  
Project Location: Willow, Alaska  
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Division of Environmental Health and Engineering

# Cooperative Project Agreement

CPA

A Health Facility Improvement Project Between:  
The Alaska Native Tribal Health Consortium and  
The Sunshine Community Health Center in Willow,  
Alaska

Project No. AN 11-GM6

August 2011

From:

08/29/2011 10:11

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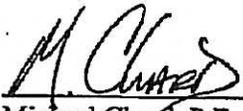
**COOPERATIVE PROJECT AGREEMENT  
HEALTH FACILITY IMPROVEMENT PROJECT  
SUNSHINE COMMUNITY HEALTH CENTER IN WILLOW, ALASKA**

**PROJECT NO. AN 11-GM6**

To complete this project, the ANTHC and the Sunshine Community Health Center in Willow mutually agree to the terms and conditions contained in this Agreement.

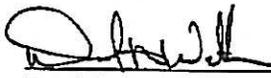
PREPARED BY:

14 Aug 11  
Date

  
Michael Chard, P.E.  
Project Manager  
DEHE, ANTHC

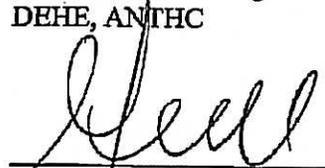
RECOMMENDED BY:

11/2/11  
Date

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

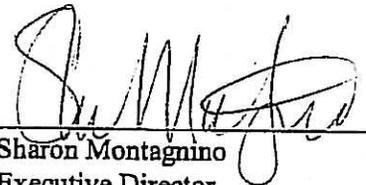
APPROVED BY:

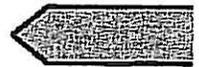
8/16/11  
Date

  
Garvin Federenko  
Acting Chief Executive Officer  
ANTHC

APPROVED BY:

8/29/11  
Date

  
Sharon Montagnino  
Executive Director  
Sunshine Community Health Center



From:

08/29/2011 10:12

#730 P.004/014

**COOPERATIVE PROJECT AGREEMENT  
HEALTH FACILITY IMPROVEMENT PROJECT  
SUNSHINE COMMUNITY HEALTH CENTER IN WILLOW, ALASKA**

**PROJECT NO. AN 11-GM6**

To complete this project, the ANTHC and the Sunshine Community Health Center in Willow mutually agree to the terms and conditions contained in this Agreement.

PREPARED BY:

14 Aug 11  
Date

M. Chard  
Michael Chard, P.E.  
Project Manager  
DEHE, ANTHC

RECOMMENDED BY:

16 Aug 11  
Date

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

APPROVED BY:

8/16/11  
Date

G. Federenko  
Garvin Federenko  
Acting Chief Executive Officer  
ANTHC

APPROVED BY:

8/29/11  
Date

S. Montagnino  
Sharon Montagnino  
Executive Director  
Sunshine Community Health Center



**COOPERATIVE PROJECT AGREEMENT  
HEALTH FACILITY IMPROVEMENT PROJECT  
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**COOPERATIVE PROJECT AGREEMENT  
HEALTH FACILITY IMPROVEMENT PROJECT  
SUNSHINE COMMUNITY HEALTH CENTER IN WILLOW, ALASKA**

**PROJECT NO. AN 11-GM6**

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DATE OF AGREEMENT:  
August 2011

**A. INTRODUCTION**

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

Sunshine Community Health Center in Willow	=	SCHC
City of Willow	=	City
Alaska Native Tribal Health Consortium	=	ANTHC
Division of Environmental Health and Engineering	=	DEHE
Denali Commission	=	Commission
Health Resources and Services Administration	=	HRSA
US Department of Agriculture	=	USDA
Mat-Su Health Foundation	=	MSHF

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 September 2010. This MOU defines the roles and responsibilities of each party.
- Denali Commission Financial Assistance Award Project No. 220, Amendment 7, dated April 2011.
- Denali Commission Financial Assistance 01314, Project Authorization No. A, dated April 2011.

**B. SCOPE OF PROJECT**

This project will construct a new health clinic for the SCHC in Willow, Alaska. The scope of this project includes 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 Source
						Commission
M-CL	Clinic construction	1	LS	\$615,000	\$615,000	\$615,000
<b>Total</b>					<b>\$615,000</b>	<b>\$615,000</b>

This table only includes funding run through DEHE's books. Matching funds are detailed below.

C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
<u>Commission</u>	<u>Federal 2006</u>	<u>220-07</u>	<u>\$ 303,592</u>
<u>Commission</u>	<u>Federal 2010</u>	<u>01314-A</u>	<u>\$ 311,408</u>
<u>HRSA</u>	<u>Federal 2011</u>	<u>Matching funds</u>	<u>\$ 235,000</u>
<u>USDA</u>	<u>Federal 2011</u>	<u>Matching funds</u>	<u>\$ 500,000</u>
<u>MSHF</u>	<u>Federal 2011</u>	<u>Matching funds</u>	<u>\$ 500,000</u>
<u>SCHC</u>	<u>Federal 2011</u>	<u>Matching funds</u>	<u>\$ 642,424</u>
<u>City</u>	<u>N/A</u>	<u>Land donation</u>	<u>\$ 150,000</u>
<u>City</u>	<u>N/A</u>	<u>Land Improvements</u>	<u>\$ 98,000</u>
<b>TOTAL PROJECT FUNDING</b>			<b><u>\$ 2,740,424</u></b>

The Commission stipulates that each project include a matching contribution. For this project, the Commission's award constitutes approximately 22.5% of the funding and the matching contribution constitutes a minimum of 77.5% of the funding. Therefore, this CPA identifies a match from the HRSA, USDA, MSHF, SCHC, and City in the combined amount of \$2,125,424. This funding will be added to the Commission project cost amount of \$615,000, bringing the total project cost amount to \$2,740,424.

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

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

The SCHC 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 SCHC has 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 SCHC shall provide notice to ANTHC within 10 days of discovery. If the Commission (or any other funding source) does not increase the funding authorization for the project, the SCHC 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, Project No. 220 Amendment 7, dated April 2011 and the Commission's Project Authorization PA-01314-A, dated April 2011 the following project management methodology option has been selected by the SCHC:

The SCHC shall assume responsibility for the Construction Management of the project with oversight and intermittent technical assistance by ANTHC. The local participant shall retain the services of a professional project manager, engineer, and/or contractor for the services defined in the CPA. Project design is 100% complete. Project Construction shall be through a Village Construction Contract.

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 SCHC will assume ownership and responsibility for all operation and maintenance of 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 Cook Inlet Tribal Council and treat it as a consulting party.

The Cook Inlet Tribal Council 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 Tribal Name (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 Cook Inlet Tribal Council 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 Cook Inlet Tribal Council 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 SCHC.

- Section 1, "Provisions for All Cooperative Project Agreements"
- Section 3, "Provisions for Local Participant Management of Force Account Labor and Local Procurement of Force Account Management"
- 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](http://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](http://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](http://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](http://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](http://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 23, 2011  
FROM: *CV* ANTHC Environmental Staff  
SUBJECT: Health Clinic - Willow, Alaska  
Environmental Consideration  
Project No. AN 11-GM6  
TO: IHS NEPA Determination

Federal funding for this project requires an environmental review in accordance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). The Alaska Native Tribal Health Consortium (ANTHC) uses the Indian Health Service (IHS) environmental review procedures as outlined in the Environmental Review Manual, issued in January 2007. Current IHS policy (Federal Register, Vol. 58, No. 3, January 6, 1993, pp. 569-572) allows for categorical exclusion of actions and construction activity that do not have a significant impact on the environment.

The scope of work for Project AN 11-GM6 is to construct the Sunshine Community Health Center in Willow, Alaska.

The Health Resources and Services Administration (HRSA) of the Department of Health and Human Services (HHS) issued a finding of no significant impact (FONSI) from further environmental review for the clinic project funded under Project No. AN 11-GM6 on January 20, 2010. The environmental impacts reviewed are within the scope of that Environmental Assessment and FONSI and consistent with current regulations. No additional environmental review is necessary at this time.



Denali Commission  
510 L Street, Suite 410  
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July 19, 2011

Steve Weaver  
Division of Environmental Health & Engineering  
Alaska Native Tribal Health Consortium  
1901 Bragaw Street, Suite 200  
Anchorage AK 99508

RE: Sunshine Community Health Center Construction – Willow, Alaska  
NEPA Environmental Review – Project AN 11-GM6

Dear Mr. Weaver:

This letter is written by the Denali Commission (Commission) to indicate to the Alaska Native Tribal Health Consortium (ANTHC) that the Commission concurs with the recommendation of ANTHC regarding the environmental review of the construction of the proposed Sunshine Community Health Center (AN 11-GM6) in the community of Willow, Alaska. The Commission assents that this project be categorically excluded from further National Environmental Policy Act (NEPA) review.

The Commission is in receipt of the ANTHC Environmental Review Memorandum for the aforementioned community project and has included the document in the community's project record.

Please contact Ms. Nancy Merriman of my staff at [nmerriman@denali.gov](mailto:nmerriman@denali.gov) or at 271-1779 if you have any questions regarding this determination.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel Neimeyer".

Joel Neimeyer  
Federal Co-Chair

File Chronological  
Willow Project File – AN 11-GM6