

SUBJECT: Accept, appropriate and approve the scope of work and budget for up to Two (2) culvert replacements as part of the Fish Passage Improvement 2025 Project, Project Number 30114.

AGENDA OF: October 6, 2020

Assembly Action:

*Adopted without objection
11-17-20 (BAM)*

MANAGER RECOMMENDATION: Present to the Assembly for consideration.

APPROVED BY GEORGE HAYS, ACTING BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator	HM	
	Public Works Director	<i>TDL</i>	<i>15 Sep 2020</i>
	Finance Director	<i>CF</i>	
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>mm 9/28/20</i>	<i>(BAM)</i>

ATTACHMENT (S): Fiscal Note: YES X NO

Ordinance Serial No. 20-091 (02 pp)

Resolution Serial No. 20-094 (02 pp)

Grant Cooperative Agreement (08 pp)

SUMMARY STATEMENT: The Matanuska-Susitna Borough was notified by the United States Fish and Wildlife Service that a grant project was approved in the amount of \$189,076 to replace up to two (2) fish barrier culverts with fish-friendly culverts. The funds under this agreement are to be used to design, permit, bid and construct identified fish barrier culverts according to the following list: 1)Hidden Hills Road at Caswell Creek 2)Phillips Drive at Cloudy Lake.

The grant requires the Matanuska-Susitna Borough provide a match in the amount of \$189,076. Match funds are available from the fiscal year 2020 capital projects budget for the purpose of matching United States Fish and Wildlife Service and State of Alaska grants for fish passage projects (Project 30114-1800-1811).

The Matanuska-Susitna Borough is a member of the Mat-Su Basin Salmon Conservation Partnership which is one of four nationally recognized fish partnerships by the National Fish Habitat Action Plan Board through the U.S. Fish and Wildlife Service. The

partnership has created a strategic plan which list obstructions to fish passage as one of the major threats to salmon health in the Mat-Su basin, and the projects identified in this legislation are two of these projects. Through this partnership, the U.S. Fish and Wildlife Service works collaboratively to survey, identify, fund, and remove barriers to fish passage, thus keeping our salmon population healthy and viable.

RECOMMENDATION OF ADMINISTRATION: Accept, appropriate and approve the scope of work and budget for up to two (2) culvert replacements as part of the Fish Passage Improvements 2025 Project, Project number 30114.

MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE

Agenda Date: October 6, 2020

SUBJECT: Accept, appropriate and approve the scope of work and budget for up to Two (2) culvert replacements as part of the Fish Passage Improvement 2025 Project, Project Number 30114.

ORIGINATOR: Dept. of Public Works, Operations & Maintenance

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="radio"/> YES <input type="radio"/> NO
AMOUNT REQUESTED <u>378,152 (\$189,076 Grant / \$189,076 match)</u>	FUNDING SOURCE <u>Grant/Cap. Projects Budget</u>
FROM ACCOUNT #410.000.000 4XX.XXX (match)	PROJECT # 30114 -1800-1811
TO ACCOUNT: <u>410.000.000 3XX.XXX</u>	PROJECT #30114
VERIFIED BY: <u>[Signature]</u>	CERTIFIED BY:
DATE: <u>9/16/2020</u>	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)						
OPERATING	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL	<u>378.2</u>					
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REVENUE						
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FUNDING: (Thousands of Dollars)						
General Grant Funds						
State/Federal Funds	<u>189.1</u>					
Other	<u>189.1</u>					
TOTAL	<u>378.2</u>					

POSITIONS:						
Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____
 DEPARTMENT: _____ DATE: _____
 APPROVED BY: [Signature] DATE: 9/16/2020

1. DATE ISSUED MM/DD/YYYY 09/02/2020		1a. SUPERSEDES AWARD NOTICE dated except that any additions or restrictions previously imposed remain in effect unless specifically rescinded	
2. CFDA NO. 15.608 - Fish and Wildlife Management Assistance			
3. ASSISTANCE TYPE Cooperative Agreement			
4. GRANT NO. F20AC11777-00 Formerly		5. TYPE OF AWARD Other	
4a. FAIN F20AC11777		5a. ACTION TYPE New	
6. PROJECT PERIOD MM/DD/YYYY From 10/01/2020 Through 09/30/2025		MM/DD/YYYY 09/30/2025	
7. BUDGET PERIOD MM/DD/YYYY From 10/01/2020 Through 09/30/2025		MM/DD/YYYY 09/30/2025	
8. TITLE OF PROJECT (OR PROGRAM) Mat-Su Borough Fish Passage 2025			

NOTICE OF AWARD



AUTHORIZATION (Legislation/Regulations)

Fish and Wildlife Coordination Act of 1958, 16 U.S.C. 661-666; Fish and Wildlife Act of 1956, as amended, 16 U.S.C. 742a-742i; Sikes Act of

9a. GRANTEE NAME AND ADDRESS Matanuska-Susitna Borough 350 E DAHLIA AVE PALMER, AK 99645-6411		9b. GRANTEE PROJECT DIRECTOR Alex Senta 350 E DAHLIA AVE PALMER, AK 99645-6411 Phone: 907-861-7763	
10a. GRANTEE AUTHORIZING OFFICIAL Alex Senta 350 E DAHLIA AVE PALMER, AK 99645-6411 Phone: 907-861-7763		10b. FEDERAL PROJECT OFFICER HEATHER HANSON 1849 C ST NW WASHINGTON, DC 20240 Phone: 9072711630	

ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance)				12. AWARD COMPUTATION																			
I Financial Assistance from the Federal Awarding Agency Only				a. Amount of Federal Financial Assistance (from item 11m) \$ 189,076.00																			
II Total project costs including grant funds and all other financial participation II				b. Less Unobligated Balance From Prior Budget Periods \$ 0.00																			
a. Salaries and WageS \$ 189,076.00				c. Less Cumulative Prior Award(s) This Budget Period \$ 0.00																			
b. Fringe Benefits \$ 0.00				d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION \$ 189,076.00																			
c. Total Personnel Costs \$ 189,076.00				13. Total Federal Funds Awarded to Date for Project Period \$ 189,076.00																			
d. Equipment \$ 0.00				14. RECOMMENDED FUTURE SUPPORT (Subject to the availability of funds and satisfactory progress of the project):																			
e. Supplies \$ 0.00				<table border="1"> <thead> <tr> <th>YEAR</th> <th>TOTAL DIRECT COSTS</th> <th>YEAR</th> <th>TOTAL DIRECT COSTS</th> </tr> </thead> <tbody> <tr> <td>a. 2</td> <td>\$</td> <td>d. 5</td> <td>\$</td> </tr> <tr> <td>b. 3</td> <td>\$</td> <td>e. 6</td> <td>\$</td> </tr> <tr> <td>c. 4</td> <td>\$</td> <td>f. 7</td> <td>\$</td> </tr> </tbody> </table>				YEAR	TOTAL DIRECT COSTS	YEAR	TOTAL DIRECT COSTS	a. 2	\$	d. 5	\$	b. 3	\$	e. 6	\$	c. 4	\$	f. 7	\$
YEAR	TOTAL DIRECT COSTS	YEAR	TOTAL DIRECT COSTS																				
a. 2	\$	d. 5	\$																				
b. 3	\$	e. 6	\$																				
c. 4	\$	f. 7	\$																				
f. Travel \$ 0.00				15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES:																			
g. Construction \$ 0.00				a. DEDUCTION																			
h. Other \$ 0.00				b. ADDITIONAL COSTS																			
i. Contractual \$ 0.00				c. MATCHING																			
j. TOTAL DIRECT COSTS \$ 189,076.00				d. OTHER RESEARCH (Add / Deduct Option)																			
k. INDIRECT COSTS \$ 0.00				e. OTHER (See REMARKS)																			
l. TOTAL APPROVED BUDGET \$ 189,076.00				16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARDING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:																			
m. Federal Share \$ 189,076.00				a. The grant program legislation																			
n. Non-Federal Share \$ 0.00				b. The grant program regulations.																			
				c. This award notice including terms and conditions, if any, noted below under REMARKS.																			
				d. Federal administrative requirements, cost principles and audit requirements applicable to this grant.																			
				In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.																			

REMARKS (Other Terms and Conditions Attached - ☒ Yes ☐ No)

GRANTS MANAGEMENT OFFICIAL:

Andrea Meyer, PROGRAM ANALYST
5275 LEESBURG PIKE
MS: WSFR
FALLS CHURCH, VA 22041
Phone: 703-851-0502

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17. VENDOR CODE 0070215415			18. DUNS 081482960			19. CONG. DIST. 00	
LINE#	FINANCIAL ACCT	AMT OF FIN ASST	START DATE	END DATE	TAS ACCT	PO LINE DESCRIPTION	
1	0051002867-00010	\$164,074.00	10/01/2020	07/30/2025	1611	MAT SU BOROUGH FISH PASSAGE	
2	0051002867-00020	\$25,002.00	10/01/2020	07/30/2025	1611	MAT SU BOROUGH FISH PASSAGE	

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Terms and Conditions

1. **U.S. Fish and Wildlife General Award Terms and Conditions** (see link <https://www.fws.gov/grants/atc.html>)
2. **Mandatory Disclosures**

Conflicts of interest: Per [2 CFR §1402.112](#), non-Federal entities and their employees must take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements. In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in [2 CFR §200.318](#) apply. Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with [2 CFR §200.112](#). Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Service Project Officer identified in their notice of award in writing of any conflicts of interest that may arise during the life of the award, including those that reported by subrecipients. The Service will examine each conflict of interest disclosure to determine whether a significant potential conflict exists and, if it does, work with the applicant or recipient to develop an appropriate resolution. Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies for noncompliance described in [2 CFR §200.338](#), including suspension or debarment (see also [2 CFR Part 180](#)).

Lobbying: The recipient must not use any federally appropriated funds (annually appropriated or continuing appropriations) or matching funds under a Federal award to pay any person for lobbying in connection with the award. Lobbying is influencing or attempting to influence an officer or employee of any U.S. agency, a Member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a Member of the U.S. Congress connection with the award. The recipient must complete and submit the [SF-LLL, "Disclosure of Lobbying Activities"](#) form to the Service Project Officer identified in their notice of award if the Federal share of their award is more than \$100,000 and the recipient has made or has agreed to make any payment using non-appropriated funds for lobbying in connection with the application or award. See [43 CFR, Subpart 18.100](#) for more information on when additional submission of this form is required.

Other Mandatory Disclosures: Recipients and subrecipients must disclose, in a timely manner, in writing to the Service Project Officer identified in their notice of award or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the term and condition outlined in [2 CFR 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters](#) are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies for noncompliance described in [2 CFR §200.338](#), including suspension or debarment.

SCOPE OF WORK

1. Project Description

The Service hereby incorporates the recipient's application submitted to and approved by the Service into these award terms and conditions.

Project Description:

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The Service hereby incorporates the recipient's project proposal narrative submitted to and approved by the Service into these award terms and conditions.

Funds under this cooperative agreement award are to be used to design and construct identified fish barrier culverts with fish-friendly culverts on at least one of the listed 28 culverts within the recipient's project proposal narrative. Options periods can be utilized to accomplish additional fish passage projects on the list or within the Matanuska-Susitna (Mat-Su) Borough as mutually agree upon between the Service project officer and the Mat-Su Borough project manager.

Under this award the Matanuska-Susitna Borough will:

- Task 1. Design, permit and develop bid documents for at least one identified culvert replacements site from higher to lower priority, unless unexpected issues such as timing, other priorities, or utility conflicts prevent action and the next project in priority is attempted. All investigations, right-of-way, permits and surveys are included in this task. The Hidden Hills Road at Caswell Creek site shall be designed under this project period. Phillips Drive at Cloudy Lake shall be permitted and bid under this project period.
- Task 2. Construct the project designed and bid for 2020 at Phillips Drive at Cloudy Lake. Construction includes all inspections, re-vegetation, and landscaping in compliance with all permit stipulations.
- Task 3. Provide at least one training opportunity for a Mat-Su Borough project manager and one for a Mat-Su Borough inspector to gain more experience in fish passage design and construction, as these trainings are made available locally.

Under this award, the Service will:

- Provide fish, habitat, hydrologic and bioengineering design expertise and assistance to the Mat-Su Borough for the duration of the project.
- Work collaboratively with the Mat-Su Borough to create at least two new crossings that will maximize fish passage and provide quality control on design drawings that will be acceptable to permitting agencies.
- Answer field questions as they arise during the construction process.

Project Performance Measurement:

The Project performance will be measured and evaluated by monitoring the Recipient's successful completion of project activities, objectives, and deliverables as outlined in the following scheduled tasks, which must be accomplished to achieve project success:

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Performance Goals/Tasks project activities, objectives, and deliverables	Anticipated Completion Date
Select consultants, conduct fieldwork and surveys	October 30, 2020
Draft designs, specifications and cost estimate completed	December 31, 2020
Final designs, specifications, cost estimate completed, permits obtained	March 31, 2021
Projects in-stream construction complete	August 15, 2021
Projects construction completed	September 30, 2021
Culverts that did not get done in 2021-	
Draft designs, specifications and cost estimate completed	November 30, 2021
Final designs, specifications, cost estimate completed, permits obtained	March 31, 2022
Projects in-stream construction complete	July 15, 2022
Projects construction completed	September 30, 2022
Culverts that did not get done in 2022-	
Draft designs, specifications and cost estimate completed	November 30, 2022
Final designs, specifications, cost estimate completed, permits obtained	March 31, 2023
Projects in-stream construction complete	July 15, 2023
Projects construction completed	September 30, 2022
Culverts that did not get done in 2023-	
Draft designs, specifications and cost estimate completed	November 30, 2023
Final designs, specifications, cost estimate completed, permits obtained	March 31, 2024
Projects in-stream construction complete	July 15, 2024
Projects construction completed	September 30, 2024
Culverts that did not get done in 2024-	

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Draft designs, specifications and cost estimate completed	November 30, 2024
Final designs, specifications, cost estimate completed, permits obtained	March 31, 2025
Projects in-stream construction complete	July 15, 2025
Projects construction completed	September 30, 2025

The Recipient's project officer must immediately communicate (via telephone, fax or email) any significant changes to (a) project objectives, (b) the above schedule, (c) approved budget, or (d) project personnel, and then document these changes (along with an explanation of why they occurred and suggestions on how to deal with them) in a Significant Development Report (SDR).

Other Reports or Deliverables:

Provide design documents for review including specifications, cost estimate, design drawings, hydrology, and hydraulic calculations during the design process. Provide bid documents including drawings, specifications, cost estimates, design reports, and bid sheets for culvert replacement projects.

Deliverable	Submission Instructions/Details	Deliverable Due Date
15 % Design	E-mail to heather_hanson@fws.gov or provide to Service Project Officer in Adobe™ PDF format.	During design
65% Design	E-mail to heather_hanson@fws.gov or provide to Service Project Officer in Adobe™ PDF format.	During design
100% Design	E-mail to heather_hanson@fws.gov or provide to Service Project Officer in Adobe™ PDF format. Drawings shall also be provided in Autocad™ format and technical specifications shall be provided in Microsoft Word™ format.	At design completion
Bid Documents	E-mail to heather_hanson@fws.gov or provide to Service Project Officer in Adobe™ PDF format.	Prior to start of construction

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PAYMENTS

1. Domestic Recipients Enrolled in Treasury's ASAP System

The recipient will request payments under this award in the [U.S. Treasury's Automated Standard Application for Payment \(ASAP\)](#) system. When requesting payment in ASAP, your Payment Requestor will be required to enter an Account ID. The number assigned to this award is the partial Account ID in ASAP. When entering the Account ID in ASAP, the Payment Requestor should enter the award number identified in the subject line on letter followed by a percent sign (%). Refer to the ASAP.gov Help menu for detailed instructions on requesting payments in ASAP.

REPORT

1. Interim Financial Reports

The recipient is required to submit interim financial reports on an annual basis directly in GrantSolutions. The recipient must follow the financial reporting period end dates and due dates provided in GrantSolutions. The interim reporting due dates are available by signing in to GrantSolutions and selecting the menu for Reports>Federal Financial Report. The GrantSolutions financial report data entry fields are the same as those on the SF-425, "[Federal Financial Report](#)" form. See also our instructional video on "[Completing the Federal Financial Report \(SF-425\)](#)".

2. Interim Performance Reports

The recipient is required to submit interim performance reports on an annual basis directly in GrantSolutions. The recipient must follow the performance reporting period end dates and due dates provided in GrantSolutions. The interim reporting due dates are available by signing in to GrantSolutions and selecting the menu for Reports>FPR.

3. Final Reports

The recipient must liquidate all obligations incurred under the award and submit a *final* financial report in GrantSolutions no later than 90 calendar days after the award period of performance end date. The GrantSolutions financial report data entry fields are the same as those on the SF-425, "[Federal Financial Report](#)" form. See also our instructional video on "[Completing the Federal Financial Report \(SF-425\)](#)".

The recipient must submit a *final* performance report no later than 90 calendar days after the award period of performance end date. Performance reports must contain: 1) a comparison of actual accomplishments with the goals and objectives of the award as detailed in the approved scope of work; 2) a description of reasons why established goals were not met, if appropriate; and 3) any other pertinent information relevant to the project results. Please include the Service award number on all reports.

The recipient must follow the final Federal Financial Report and the final Performance Report reporting period end dates and due dates provided in GrantSolutions. The final reporting due dates are available by signing in to GrantSolutions and selecting the menu for Reports>Federal Financial

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Report or Reports>FPR.

4. Reporting Due Date Extensions

Reporting due dates may be extended for an award upon request to the Service Project Officer identified in the notice of award. The request should be sent by selecting the award in GrantSolutions and selecting send message. The message must include the type of report to be extended, the requested revised due date, and a justification for the extension. The Service may approve an additional extension if justified by a catastrophe that significantly impairs the award Recipient's operations. The recipient must submit reporting due date extension requests through GrantSolutions to the Service Project Officer identified in their notice of award before the original due date. The Service Project Officer will respond to the recipient after approval or denial of the extension request.

5. Significant Developments Reports

See 2 CFR §200.328(d). Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, recipients are required to notify the Service in writing as soon as the recipient becomes aware of any problems, delays, or adverse conditions that will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of any corrective action(s) taken or contemplated, and any assistance needed to resolve the situation. The recipient should also notify the Service in writing of any favorable developments that enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

6. Post Award Requirements

1. Habitat Retention Period:

The habitat retention period is defined as the period during which the landowner must allow the habitat restored under this award to remain in place without interference. The habitat retention period is at least 10 years from the project period start date consistent with the terms of attached Partners for Fish and Wildlife Landowner Agreement.

AWARD CONDITIONS

1. Continuation Award Requirements

The Service will provide a specific level of support for this multi-year project on an incremental basis. The period of performance on this award reflects the full period of anticipated Service sponsorship. The Service will amend this award to add new increments of funding over time. Each project segment will be assigned a discrete budget period, during which only allowable costs resulting from obligations incurred during the specified budget period may be charged to this award. You must request and receive prior written approval to "roll over" an unobligated balance of funds from one budget period into the next one. The Service's obligation to provide incremental funding up to the total anticipated award amount is contingent on satisfactory performance and the availability of Federal funds. No legal liability on the part of the Service exists unless and until the Service obligates funds and notifies the recipient in writing that funds are available for the next increment of this award.

<u>Description of Action</u>	<u>USFWS</u>	<u>Recipient</u>
Award	\$189,076.00	\$189,076.00

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Award Total:	\$189,076.00	\$189,076.00
Unfunded Periods/Years: Subject to availability of funds and future government appropriations		
Period 1/Year 2: Oct 1, 2021 to September 30, 2025	\$300,000.00	\$300,000.00
Period 2/Year 3: Oct 1, 2022 to September 30, 2025	\$300,000.00	\$300,000.00
Period 3/Year 4: Oct 1, 2023 to September 30, 2025	\$300,000.00	\$300,000.00
Period 4/Year 5: Oct 1, 2024 to September 30, 2025	\$300,000.00	\$300,000.00
Anticipated Award Total:	\$1,389,076.00	\$1,389,076.00

2. Other Program- or Project-Specific Terms and Conditions

In the event any archaeological or historic materials are encountered during project activity, work in the immediate area must stop and the following actions taken:

1. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering;
2. Take reasonable steps to ensure the confidentiality of the discovery sites; and
3. Take reasonable steps to restrict access to the site of discovery.

The recipient must notify the concerned Tribes and all appropriate county, state, and federal agencies, including the State Historic Preservation Office. Agencies and the Tribe(s) will discuss the possible measures to remove or avoid cultural material, and will reach an agreement with the recipient regarding actions to be taken and disposition of material. If Human remains are uncovered, appropriate law enforcement agencies must be notified first, and the above steps followed. If remains are determined to be Native, consultation with the affected Tribe(s) will take place in order to mitigate the final disposition of said remains.

BUDGET AND PROGRAM REVISIONS**1. Budget and Program Plan Revisions**

The recipient must report to the Service Project Officer identified in their notice of award deviations from budget or project scope or objective, and request prior approvals for budget and program plan revisions per 2 CFR §200.308, unless otherwise specifically waived in this award.

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