

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ACCEPTING AND APPROPRIATING \$7,590,192 IN DISASTER SUPPLEMENT FUNDS FROM THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION FOR THE INSTALLATION OF PILE SLEEVES ON THE DEEP DRAFT DOCK AND A ROLL ON-ROLL OFF CARGO RAMP AT PORT MACKENZIE.

AGENDA OF: August 17, 2021

ASSEMBLY ACTION:

Adopted without objection 9-7-21
BJ

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED *for* **BY MICHAEL BROWN, BOROUGH MANAGER:** *George Ed. Brown*

Route To:	Department/Individual	Initials	Remarks
	Originator:Therese Dolan	Therese M. Dolan	Digitally signed by Therese M. Dolan Date: 2021.08.04 10:27:58 -08'00'
	Public Works Director	Terry Dolan	Digitally signed by Terry Dolan Date: 2021.08.04 10:23:32 -08'00'
	Finance Director	<i>OK</i>	
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>JAM 8/9/21</i>	<i>BJ</i>

ATTACHMENT (S) : Fiscal Note: YES X NO
 Grant Agreement and Conditions (10 pp)
 Ordinance Serial No. 21-088 (2 pp)
 Resolution Serial No. 21-088 (2 pp)

SUMMARY STATEMENT:

In May of 2020, the Borough applied for a Disaster Supplement Grant from the U.S. Economic Development Agency (EDA) in the amount of \$7,590,192 to design, construct and install pile sleeves on the deep draft dock. These sleeves will prolong the life of the piles and protect them from further corrosion and abrasion. The grant also includes funding for a roll on - roll off ramp for the deep draft dock. This ramp will provide alternate cargo handling options which improves disaster resiliency and potentially

generates future revenue. The EDA requires a 20% match in the amount of \$1,897,548 which the Assembly approved in the FY21 capital budget. These matching funds were extended until FY25, by the Assembly, on August 3, 2021 to ensure availability through the completion of the project. Total cost for this project is \$9,487,740.

<u>Project No. 70012, Fund 450</u>	<u>Budget</u>
EDA Disaster Supplement Grant	\$7,590,192
MSB Matching Funds (20%)	<u>\$1,897,548</u>
	\$9,487,740

Announcement of the grant award to the MSB was made on July 29, 2021. The purpose of this legislation is to accept and appropriate the award of \$7,590,192 in Disaster Supplement funds.

RECOMMENDATION OF ADMINISTRATION: The Borough Manager recommends accepting and appropriating \$7,590,192 in Disaster Supplement funds for Project No.70012.

MATANUSKA-SUSITNA BOROUGH

FISCAL NOTE

Agenda Date: August 17, 2021

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ACCEPTING AND APPROPRIATING \$7,590,192 IN DISASTER SUPPLEMENT FUNDS FROM THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION FOR THE INSTALLATION OF PILE SLEEVES ON THE DEEP DRAFT DOCK AND A ROLL ON-ROLL OFF CARGO RAMP AT PORT MACKENZIE.

ORIGINATOR: Therese Dolan, Port Operations Manager

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <u>YES</u> NO
AMOUNT REQUESTED <u>\$9,487,740</u>	FUNDING SOURCE <u>Grant</u>
FROM ACCOUNT #	PROJECT Piles Sleeves and Ro-Ro Ramp
TO ACCOUNT: <u>450.000.000 3xx.xx x</u>	PROJECT # 70012
VERIFIED BY: <u>[Signature]</u>	CERTIFIED BY:
DATE: <u>8/4/21</u>	DATE:

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL			<u>9,487.7</u>			
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REVENUE						
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FUNDING:

(Thousands of Dollars)

General Fund			<u>1,897.5</u>			
State/Federal Funds			<u>7,590.2</u>			
Other						
TOTAL			<u>9,487.7</u>			

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____
 DEPARTMENT: Chapman DATE: 8/5/2021
 APPROVED BY: [Signature] DATE: 8/5/2021

I AM INVOKING RECONSIDERATION FOR
OR 21-088 AND ACCOMPANYING ATTACHMENTS
TO ALLOW TIME TO PRESENT ADDITIONAL
DATA TO THE ASSEMBLY, WHICH WILL HOPEFULLY
BRING THEM TO THEIR SENSES,

George McFie
8 September 2021

SPECIFIC AWARD CONDITIONS
U.S. DEPARTMENT OF COMMERCE
Economic Development Administration (EDA)

CONSTRUCTION PROJECTS: Public Works and Economic Adjustment Assistance Programs
under Sections 201 and 209 of the Public Works and Economic Development Act, as amended,
42 U.S.C. §§ 3141 and 3149

Public Works and Economic Adjustment Assistance Programs

Project Title: Port Mackenzie Pile Sleeves & Ro/Ro Cargo Ramp	
Recipient Name: Matanuska-Susitna Borough	Project Number: 07-79-07638

1. **AUTHORIZED SCOPE OF WORK:** This EDA Award supports the work described in the approved final scope of work, which is incorporated by reference into this Award, as the *Authorized Scope of Work*. All work on this project must be consistent with the *Authorized Scope of Work*, unless the Grants Officer has authorized a modification of the scope of work in writing through an amendment memorialized by a fully executed *Amendment to Financial Assistance Award* (Form CD-451).

The *Authorized Scope of Work* for this project includes:

Repair existing corrosion on piles supporting the Port Mackenzie Deep Draft Dock. This will be achieved by welding a two-part steel sleeve over the existing piles. These sleeves will consist of two 30-foot long, 1-inch thick steel plates rolled to match the pile curve and protect them from the tidal zone. 64 sleeves will be installed providing coverage for all piles on the dock, trestle and dolphins. The project also includes construction and installation of an offload ramp for use in load and offload of roll-on/roll-off (RO-RO) vessels. The RO-RO ramp will be permanently installed and will require structural upgrades to the dock. Partial removal of the existing conveyor system located adjacent to the access trestle is also anticipated.

2. The Recipient Contact's name, title, address, and telephone number are:

Therese Dolan Matanuska-Susitna Borough Phone: (907) 861-7799 Email: therese.dolan@matsugov.us	Port Operations Manager 350 E Dahlia Ave Palmer, AK 99645
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3. The Grants Officer is authorized to award, amend, suspend, and terminate financial assistance awards. The Grants Officer is:

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Maiea Sellers Acting Regional Director Phone: (206) 300-7466 Email: msellers@eda.gov	Economic Development Administration Seattle Regional Office 915 Second Avenue, Room 1890 Seattle, Washington 98174-1012
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4. The Federal Program Officer (Area Director) oversees the programmatic aspects of this Award. The Federal Program Officer is:

Kerstin Millius Area Director Phone: (206) 220-7700 Email: kmillius@eda.gov	Economic Development Administration Seattle Regional Office 915 Second Avenue, Room 1890 Seattle, Washington 98174-1012
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5. The EDA Project Officer is responsible for day-to-day administration and liaison with the Recipient and receives all reports and payment requests. The Project Officer is:

Tobey Clarkin Civil Engineer Phone: (206) 220-7694 Email: tclarkin@eda.gov	Economic Development Administration Seattle Regional Office 915 Second Avenue, Room 1890 Seattle, Washington 98174-1012
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6. **CONTACT CHANGES:** Changes to the contact information above may be made in writing by the EDA Project Officer without an amendment on Form CD-451.

7. **ADDITIONAL INCLUDED DOCUMENTS:** In addition to the regulations, documents, or authorities incorporated by reference on the *Financial Assistance Award* (Form CD-450), the following additional documents are hereby incorporated by reference into this Award:

- The Recipient's application, including any attachments, project descriptions, schedules, and subsequently submitted supplemental documentation.

Should there be a discrepancy among these documents, the Specific Award Conditions (this document), including any attachments, shall control.

8. **PROJECT DEVELOPMENT TIME SCHEDULE:** The Recipient agrees to the following Project Development Time Schedule:

Return of Executed Financial Assistance Award30 calendar days after receipt of
Form CD-450/CD-451
Start of Construction 14 Months from the Date of Award
Construction Completed 38 Months from the Date of Award
Authorized Award End Date 60 Months from the Date of Award
Submission of Final Financial Report (Form SF-425) ...No later than 120 calendar days from
the Award End Date

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Project Closeout – All project closeout documents, including final financial reports (Form SF 425 or any successor form) and any required program reports, shall be submitted to EDA not more than 120 calendar days after the date the Recipient accepts the completed project from the contractor(s).

The Recipient shall diligently pursue the development of the project so as to ensure completion within this time schedule and shall promptly notify EDA in writing of any event that could substantially delay meeting any of the prescribed time limits for the project as set forth above. The Recipient further acknowledges that failure to meet the development time schedule may result in EDA taking action to terminate the Award in accordance with the regulations set forth at 2 CFR §§ 200.339–200.343, as applicable.

9. PROJECT REPORTING AND FINANCIAL DISBURSEMENTS INSTRUCTIONS:

A. AWARD DISBURSEMENTS: Reimbursement basis only. EDA will make disbursements under this Award on a reimbursement basis only, based on actual costs incurred, after all preconditions set forth in these Specific Award Conditions have been met.

The “*Outlay Report and Request for Reimbursement*” (Form SF-271 or any successor form) is used to request a disbursement, which shall be approved in writing by the Project Officer.

Please note that prior to the initial disbursement, the Recipient must complete the attached Form SF-3881 (or any successor form) “*ACH Vendor/Miscellaneous Payment Enrollment Form*” and submit it to NOAA’s Accounting Office by FAX at (301) 528-3675. (*FAX is required to secure confidentiality of sensitive information.*) The form must be completed by the respective parties (EDA, Recipient Bank, and Recipient) at the start of each new award.

B. REPORTS:

- a. *Project Progress Reports*: The Recipient shall submit project progress reports to the Project Officer on a quarterly basis for the periods ending **December 31, March 31, June 30, and September 30**, or any portion thereof, until the final disbursement is made by EDA. Reports should be submitted using the approved EDA template, which will be provided by the Project Officer and discussed during the project kick-off meeting. Reports are due no later than 1 month following the end of the quarterly period.
- b. *Financial Reports*: The Recipient shall submit a “*Federal Financial Report*” (Form SF-425 or any successor form) on a semi-annual basis for the periods ending **March 31 and September 30**, or any portion thereof, for the entire period of performance. Form SF-425 and instructions for completing this form are available at:
<https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html>.

Reports are due no later than 1 month following the end of the semi-annual period.

A final Form SF-425 must be submitted no more than 120 calendar days after the expiration date of the Award (*i.e.*, the Award End Date specified on the Form CD-450 or a subsequently executed Form CD-451). Final Financial Reports should follow the guidance outlined in the instructions for submitting mid-term financial reports, but should ensure that

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all fields accurately reflect the total outlays for the entire period of performance and that all matching funds and program income (if applicable) are fully reported. Determination of the final grant rate and final balances owed to the government will be determined based on the information on the final Form SF-425, so it is imperative that it be submitted in a timely and accurate manner.

- 10. ALLOWABLE COSTS AND AUTHORIZED BUDGET:** Total allowable costs will be determined after the final financial documents are submitted in accordance with the applicable authorities specified on the *Financial Assistance Award* (Form CD-450), including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR part 200 (Uniform Guidance).

Except as otherwise expressly provided for within these Specific Award Conditions, the Federal share of the allowable costs shall be based on the Investment Rate for the Award, as established on the Form CD-450 or any subsequent amendment (Form CD-451). In the event of an underrun in total allowable costs for this project, the Federal share of allowable costs shall be determined by the Investment Rate. The Federal share of total allowable costs shall not exceed the dollar amount specified on the original Award or any subsequent amendments.

Line Item Budget:

- A. Under the terms of the Award, the total approved authorized budget is:

Federal Share (EDA Amount)	\$7,590,192
Non-Federal Matching Share	\$1,897,548
Total Project Cost	\$9,487,740

- B. Under the terms of this Award, the total approved line item budget is:

COST CLASSIFICATION	Proposed	Approved
Administrative and legal expenses	\$82,000	\$82,000
Land, structures, rights-of-way, etc.		
Relocation expenses and payments		
Architectural and engineering fees	\$223,800	\$233,800
Other architectural and engineering fees		
Project inspection fees	\$688,640	\$688,640
Site work		
Demolition and removal		
Construction	\$7,334,000	\$7,344,000
Equipment		
Contingencies	\$1,159,300	\$1,159,300
Total Project Cost	\$9,487,740	\$9,487,740

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11. MATCHING SHARE: The Recipient agrees to provide the Recipient's non-Federal Matching Share contribution for eligible project expenses in proportion to the Federal share requested for such project expenses (see 13 CFR § 300.3). By accepting the Award, the Recipient also certifies that the Matching Share of the project costs is committed to the project, is not encumbered in any way that would prevent its use for the project, and will be available as needed for the project. Should the project be expected to extend beyond June 30, 2023, recipient will provide documentation satisfactory to EDA that the matching funds are still available on or before June 1, 2023, unless extended in writing by EDA.

12. REFUND CHECKS, INTEREST, OR UNUSED FUNDS: Treasury has given EDA two options for having payments deposited to EDA's account:

- A. The first is the pay.gov website. This option allows the payee to pay EDA through the internet. The payee will have the option to make a one-time payment or to set up an account to make regular payments.
- B. The second is paper check conversion. All checks must include on their face the name of the DOC agency funding the Award, the award number, and a description of no more than two words identifying the reason for the check. A copy of the check should be provided to the EDA Project Officer. This option allows the payee to send a check to NOAA's Accounting Office, which processes EDA's accounting functions, at the following address:

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Finance Office, AOD, EDA Grants
20020 Century Boulevard
Germantown, MD 20874

The accounting staff will scan the checks in to an encrypted file and transfer the file to the Federal Reserve Bank, where the funds will be deposited in EDA's account. While this process will not be an issue with most payees, there are occasionally issues for entities remitting funds to EDA via check. If you are remitting funds to EDA via check, please make note of the following:

- If a check is sent to EDA, it will be converted into an electronic funds transfer by copying the check and using the account information to electronically debit your account for the amount of the check. The debit from your account will usually occur within 24 hours and will appear on your regular account statement.
- EDA will not return your original check; the original will be destroyed and a copy will be maintained in our office. If the Electronic Funds Transfer (EFT) cannot be processed for technical reasons, the copy will be processed in place of the original check. If the EFT cannot be completed because of insufficient funds, EDA will charge you a one-time fee of \$25.00, which will be collected by EFT.

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- 13. CONSTRUCTION COMPLETION:** In keeping with prudent grants management policy, EDA construction projects must be completed within five years of the date the Form CD-450 is signed by the Recipient accepting the Award. If construction is not completed by that date and the Grants Officer determines, after consultation with the Recipient, that construction to completion cannot reasonably be expected to be completed promptly and expeditiously, the grant may be terminated. Extensions beyond the five-year period of performance are exceedingly rare and can only be authorized by the Assistant Secretary. Nothing in this paragraph is intended to alter the Project Development Time Schedule set out above.
- 14. RECORDED STATEMENT OF FEDERAL SHARE:** Prior to initial disbursement, to better memorialize and protect the Federal Share in real property acquired or improved, in whole or in part, with the funds made available under this Award, the Recipient agrees that it shall execute and cause to be recorded a statement of EDA's interest, usually in the form of a first priority mortgage or deed of trust. When permitted by EDA due to a Recipient's legal restriction against recording a mortgage (or deed of trust), a covenant declaring EDA's interest in said real property or in rare cases a statement of interest may be used. EDA shall advise whether the mortgage, covenant or statement of interest will be used. The mortgage, covenant or statement will be duly recorded with the appropriate office for the jurisdiction where the real property is situated. The mortgage, covenant or statement shall be in a form and substance satisfactory to EDA. Upon request by EDA, Recipient shall furnish an opinion by counsel for the Recipient that the mortgage, covenant or statement is a valid and enforceable agreement according to its terms, and has been duly recorded in the appropriate office for that applicable jurisdiction. EDA may waive this requirement in writing where, in the sole judgment of EDA, the EDA investment forms only a small part of a larger project.
- The Recipient further agrees that:
- A. Except as provided in 13 CFR 314.3, whenever, during the expected useful life of the project, any property acquired or improved in whole or in part with grant assistance is disposed of, or no longer used for the authorized purpose of the project, the Government must be compensated by the Recipient for the Federal share of the value of the property; provided that for equipment and supplies, the standards in 2 CFR part 200 or any supplements or successors thereto, as applicable, shall apply.
 - B. If property is disposed of or encumbered without EDA approval, EDA may assert its interest in the property to recover the Federal share of the value of the property for the Government. EDA may pursue its rights under both paragraphs (a) and (b) of this section to recover the Federal share, plus costs and interest.
 - C. The Federal share of the value of the property is that percentage of the current fair market value of the property attributed to the EDA participation in the project (after deducting actual and reasonable selling and fix-up expenses, if any, incurred to put the property into condition for sale). The Federal share excludes that value of the property attributable to acquisition or improvements before or after EDA's participation in the project and not included in project costs.
 - D. The lien, covenant or other statement of EDA's interest must remain in effect throughout the useful life of the project which is determined to be 15 years.

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E. Should the project be expected to extend beyond June 30, 2023, recipient will provide documentation satisfactory to EDA that the matching funds are still available on or before June 1, 2023, unless extended in writing by EDA.

15. GOALS FOR WOMEN AND MINORITIES IN CONSTRUCTION: Department of Labor regulations set forth at 41 CFR part 60-4 establish goals and timetables for the participation of minorities and women in the construction industry. Those regulations apply to all federally assisted construction contracts in excess of \$10,000. The Recipient shall comply with those regulations and shall obtain compliance with 41 CFR part 60-4 from contractors and subcontractors employed on the project by including such notices, clauses, and provisions in the Solicitations for Offers or Bids as required by 41 CFR part 60-4. The goal for the participation of women in each trade area shall be as follows: from April 1, 1981 until further notice: 6.9 percent.

All changes to this goal, as published in the Federal Register in accordance with the Office of Federal Contract Compliance Programs regulations at 41 CFR § 60-4.6, or any successor regulations, shall hereafter be incorporated by reference into these Specific Award Conditions.

Goals for minority participation shall be as prescribed by Appendix B-80 of the *Federal Register* notice published October 3, 1980 at 45 FR 65984-65991, or any subsequently published amendments. The Recipient shall include the "*Standard Federal Equal Employment Opportunity Construction Contract Specifications*" (or cause them to be included, if appropriate) in all Federally-assisted contracts and subcontracts. The goals and timetables for minority and female participation may not be less than those published pursuant to 41 CFR § 60-4.6.

16. PROCUREMENT: The Recipient agrees that all procurement transactions shall be in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR §§ 200.317–200.327 and the EDA regulations contained in 13 CFR Chapter III, especially 13 CFR part 305 and 13 CFR § 302.17 ("Conflicts of Interest").

17. EVIDENCE OF GOOD TITLE: Prior to initial disbursement of funds by EDA, the Recipient shall provide an opinion of counsel, satisfactory to EDA, that the Recipient has acquired good and marketable title to land, free of all encumbrances, to all real property necessary for completion of the project, as well as any necessary rights-of-way, easements, State or local government permits, or long-term lease interests necessary for the completion of the project, in accordance with 13 CFR part 314.

18. NONRELOCATION: By accepting this Award of financial assistance, the Recipient attests that the EDA-funded project will not be used to induce the relocation or the movement of existing jobs from one Region to another Region by a primary beneficiary of the Award (see 13 CFR § 300.3). In the event that EDA determines that its assistance was used for such purposes, EDA reserves the right to pursue all rights and remedies, including suspension of disbursements, termination of the Award for convenience or cause, and disallowance of any costs attributable, directly or indirectly, to the relocation.

For purposes of ensuring that EDA assistance will not be used for relocation purposes, each applicant must inform EDA of all employers that constitute primary beneficiaries of the project.

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EDA considers an employer to be a “primary beneficiary” if the applicant estimates that such employer will create or save 100 or more permanent jobs as a result of the investment assistance and specifically names the employer in its application to EDA. In smaller communities, EDA may consider a primary beneficiary to be an employer of 50 or more permanent jobs so identified.

- 19. PERFORMANCE MEASURES:** The Recipient agrees to report on program performance measures and program outcomes in such a form and at such intervals as may be prescribed by EDA in compliance with the Government Performance and Results Act (GPRA) of 1993, and the Government Performance and Results Modernization Act of 2010.

At this time, all Awards for construction assistance require Recipients to report actual job creation/retention and private investment leverage at three (3), six (6), and nine (9) years after an EDA investment. The Recipient must retain sufficient documentation so that they can submit these required reports. Failure to submit these reports may adversely impact the ability of the Recipient to secure future funding from EDA.

Performance measures and reporting requirements that apply to program activities funded by this investment will be provided in a separate GPRA information collection document. EDA staff will contact the Recipient in writing within a reasonable period prior to the time of submission of the reports with information on how this data should be submitted. The Recipient must ensure adequate and sufficient records are kept to support the methodology for computing initial job creation/retention and private investment estimates and all subsequent actual performance data, and must make this information available at EDA’s request, including in the event of an audit or performance site visit.

- 20. REAL PROPERTY REPORTING:** Consistent with 2 CFR § 200.330 (“Reporting on real property”), the Recipient must submit reports (using Form SF-429 “Real Property Status Report” or any successor form). The initial SF-429 form must be returned to the EDA Project Officer no later than December 31 of the year of the initial disbursement of Federal funds. Because EDA’s interest in this real property extends at least 15 years, successive reports will be required by December 31 every two years thereafter during the established useful life of the property, rather than on an annual basis. At its sole discretion, EDA reserves the right to require more or less frequent real property reporting for the duration of the useful life of real property in which it retains an interest under this project.

- 21. WASTE, FRAUD AND ABUSE:** Consistent with 2 CFR part 200, Recipient personnel responsible for managing the Recipient’s finances and overseeing any contractors, sub-contractors or Subrecipients, will complete the training PowerPoint entitled “Compliance with EDA Disaster Assistance Program Requirements” and return the signed Certificate of Training Completion (page 38 of the training) to EDA along with the signed Form CD-450 within 30 days of receipt.

Further, Recipient will monitor Award activities for common fraud schemes, such as:

- false claims for materials and labor,
- bribes related to the acquisition of materials and labor,
- product substitution,

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- mismarking or mislabeling on products and materials, and
- time and materials overcharging.

Should Recipient detect any suspicious activity, Recipient will contact EDA staff listed above and the Office of Inspector General, as indicated at <https://www.oig.doc.gov/Pages/Contact-Us.aspx>, as soon as possible.

22. **FREEDOM OF INFORMATION ACT (FOIA):** EDA is responsible for meeting its Freedom of Information Act (FOIA) (5 U.S.C. § 552) responsibilities for its records. DOC regulations at 15 CFR part 4 set forth the requirements and procedures that EDA must follow in order to make the requested material, information, and records publicly available. Unless prohibited by law and to the extent required under the FOIA, contents of applications and other information submitted by applicants and recipients may be released in response to a FOIA request. The Recipient should be aware that EDA may make certain application information publicly available. Accordingly, the Recipient should notify EDA if it believes any Application information to be confidential.
23. **STAFFING CHANGES:** In the event of a change in the key professional staff positions related to project management, the Recipient shall provide the name of the individual selected to fill the position to the Project Officer and a copy of his or her resume within 30 business days of the selection.
24. **REQUIRED PRIOR EDA APPROVAL FOR SOLE SOURCE ACQUISITION:** The Recipient should compete all contracts in accordance with the procurement standards of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements (Uniform Guidance) as set out at 2 CFR part 200 and EDA Regulations. Acquisition through sole source requires prior EDA approval. To obtain this approval, provide EDA adequate documentation that sole source justifications can be made in accordance with the Uniform Guidance (see 2 CFR § 200.320(c)) at least 30 days prior to the proposed acquisition.
25. **ARCHITECT/ENGINEER AGREEMENT:** Prior to initial disbursement of funds by EDA, the Recipient must submit to EDA for approval, an Architect/Engineer Agreement that meets the requirements in the EDA's "Summary of EDA Construction Standards," as well as the competitive procurement standards of 2 CFR part 200 and EDA Regulations at 13 CFR Chapter III. The fee for basic Architect/Engineer Services will be a lump sum or an agreed maximum, and no part of the fees for other services will be based on a cost-plus-a-percentage-of-cost or a cost using a multiplier.
26. **PROJECT INSPECTION AGREEMENT:** Prior to initial disbursement of funds by EDA, the Recipient must submit to EDA for approval, a Project Inspection Agreement that meets the requirements in the EDA's "Summary of EDA Construction Standards," as well as the competitive procurement standards of 2 CFR part 200 and EDA Regulations in 13 CFR Chapter III. The fee for basic Project Inspection Services will be a lump sum or an agreed maximum, and no part of the fees for other services will be based on a cost-plus-percentage-of-cost or a cost using a multiplier.

- 27. PROTECTION OF SURFACE WATER RESOURCES:** The project shall employ best management practices (BMPs) during construction to prevent any runoff from entering nearby and adjacent wetlands and waterways.
- 28. U.S. ARMY CORPS OF ENGINEERS (USACE) PERMITTING:** Prior to solicitation of bids, the Recipient shall provide evidence satisfactory to the EDA that the Recipient has received the proper permit from USACE. Recipient shall follow all requirements contained within the permit.
- 29. FEDERALLY LISTED SPECIES:** The Recipient shall follow all mitigation measures outlined in the National Marine Fisheries Service (NMFS) Port MacKenzie Pile Sleeve Installation Letter of Concurrence, NMFS #AKRO-2021-00112, dated March 3, 2021, as clarified by emails from Sarah Pautzke and Greg Balogh dated March 4, 2021.
- 30. ALASKA SECTION 401 WATER QUALITY CERTIFICATION:** Prior to solicitation of bids, the Recipient shall provide evidence satisfactory to the EDA that the Recipient has received the proper Section 401 Water Quality Certification from the State of Alaska. Recipient shall follow all requirements contained within the permit.