

City of Carson City  
Agenda Report

Item # 8-3A

Date Submitted: July 23, 2010

Agenda Date Requested: August 5, 2010  
Time Requested: Consent Agenda

To: Mayor and Supervisors

From: Public Works Department

**Subject Title:** Action to adopt Resolution No. \_\_\_\_\_ a resolution approving and authorizing the Public Works Director to sign an Assistance Agreement with the United States Environmental Protection Agency, whereby Carson City will receive \$91,850.00 in grant funding. (Ken Arnold)

**Staff Summary:** Adoption of the Resolution approving this Assistance Agreement will provide \$91,850.00 in federal funding for Phase 1 of the Marlette/Hobart System Improvement Project. The City's portion of Phase 1 is \$75,150.00 or 45% of the \$167,000.00 total Phase 1 cost.

**Type of Action Requested:** (check one)  
 Resolution  Ordinance  
 Formal Action/Motion  Other (Status Report)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Recommended Board Action:** I move to adopt Resolution No. \_\_\_\_\_ a resolution approving and authorizing the Public Works Director to sign an Assistance Agreement with the United States Environmental Protection Agency whereby Carson City will receive \$91,850.00 in grant funding, whereby Carson City will receive \$91,850.00 in grant funding.

**Explanation of Recommended Board Action:** The purpose of this portion of the Marlette/Hobart System Improvement Project (Project) is to enhance reliability and provide sustainable water supply for Carson City by maximizing delivery and hydraulic capacity of the raw water sources in the Marlette/Hobart drinking water conveyance system. The City will replace a damaged pipeline from Sawmill Canyon to the Tanks and complete investigations of other needed system improvements. Activities in Phase 1 include completing an environmental study (NEPA) for the pipeline replacement, evaluating flow meters and control valve condition/operation, evaluating augmentation of storage at Marlette Lake, and assessment of outlet control valves at Marlette Lake.

This EPA funding for Phase 1 is only a portion of the total funding set aside for this project by the USEPA. In February of this year Carson City received "Confirmation of the 2010 EPA Appropriation to Carson City" in the amount of \$339,000.00, which is 55% of the total maximum Project cost of \$616,364.00. The total Project cost may potentially be reduced as a result of the initial environmental study, investigations and evaluations performed under Phase 1. However, in general, Phase 2 activities include a potential, formal environmental assessment; a scope of work, budget and schedule for all of the system components evaluated in Phase 1; and a Marlette Lake Water Management Plan. If there are funds available after the completion of planned Phase 2 activities, additional planning and preliminary work on the Marlette/Hobart delivery

system will be completed through task orders.

**Fiscal Impact:** \$91,850.00 from EPA and \$75,150.00 from Water Fund.

**Funding Source:** Water Fund

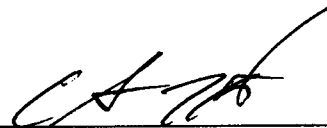
**Explanation of Impact:** EPA funding reduces City's cost by 55%.

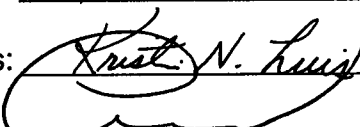
**Alternatives:** Do Not Approve

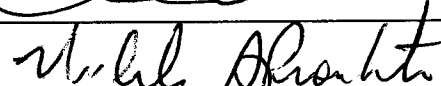
**Supporting Material:**

- 1. Resolution (Exhibit A)
- 2. Assistance Agreement (Exhibit B)
- 3. Project Map

Prepared By: Ken Arnold, Deputy Public Works Director

Reviewed By:  Andrew Burnham Date: 7-27-10

Concurrences:  Date: 7/27/10

 Date: 7/27/10

Date: 7/27/10

**Board Action Taken:**

Motion: \_\_\_\_\_ 1) \_\_\_\_\_ Aye/Nay

2) \_\_\_\_\_ \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION ADOPTING AND APPROVING AN ASSISTANCE AGREEMENT FOR THE MARLETTE/HOBART WATER SYSTEM BETWEEN CARSON CITY AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY, WHEREBY CARSON CITY RECEIVES GRANT FUNDING**

**WHEREAS**, any two or more public agencies may enter into cooperative agreements for the performance of any governmental function pursuant to NRS 277.080 to 277.180, inclusive; and

**WHEREAS**, NRS 277.110 provides that every such agreement must be by formal resolution or ordinance of the governing body of each public agency included and must be spread at large upon the minutes, or attached in full thereto as an exhibit, of each governing body; and

**WHEREAS**, the parties to this Assistance Agreement for the Marlette/Hobart Water System, Carson City and the U.S. Environmental Protection Agency, desire to adopt and approve such agreement as required by NRS 277.110. A copy of the agreement is attached to this Resolution as Exhibit "A;" and

**WHEREAS**, both parties to this Assistance Agreement for the Marlette/Hobart Water System, Carson City and the U.S. Environmental Protection Agency, are public agencies as defined by NRS 277.100; and

**NOW, THEREFORE, BE IT RESOLVED** that the terms and conditions of this Assistance Agreement for the Marlette/Hobart Water System between Carson City and the U.S. Environmental Protection Agency are hereby adopted and approved; and

**BE IT FURTHER RESOLVED** that this Assistance Agreement for the Marlette/Hobart Water System between Carson City and the U.S. Environmental Protection Agency, shall be spread at large upon the minutes or attached in full thereto as an exhibit, and that a copy of this Resolution shall be sent to the U.S. Environmental Protection Agency.

Upon motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing Resolution was passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2010 by the following vote:

AYES: \_\_\_\_\_ NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

2010 EPA Assistance Agreement, continued;

Resolution No. \_\_\_\_\_

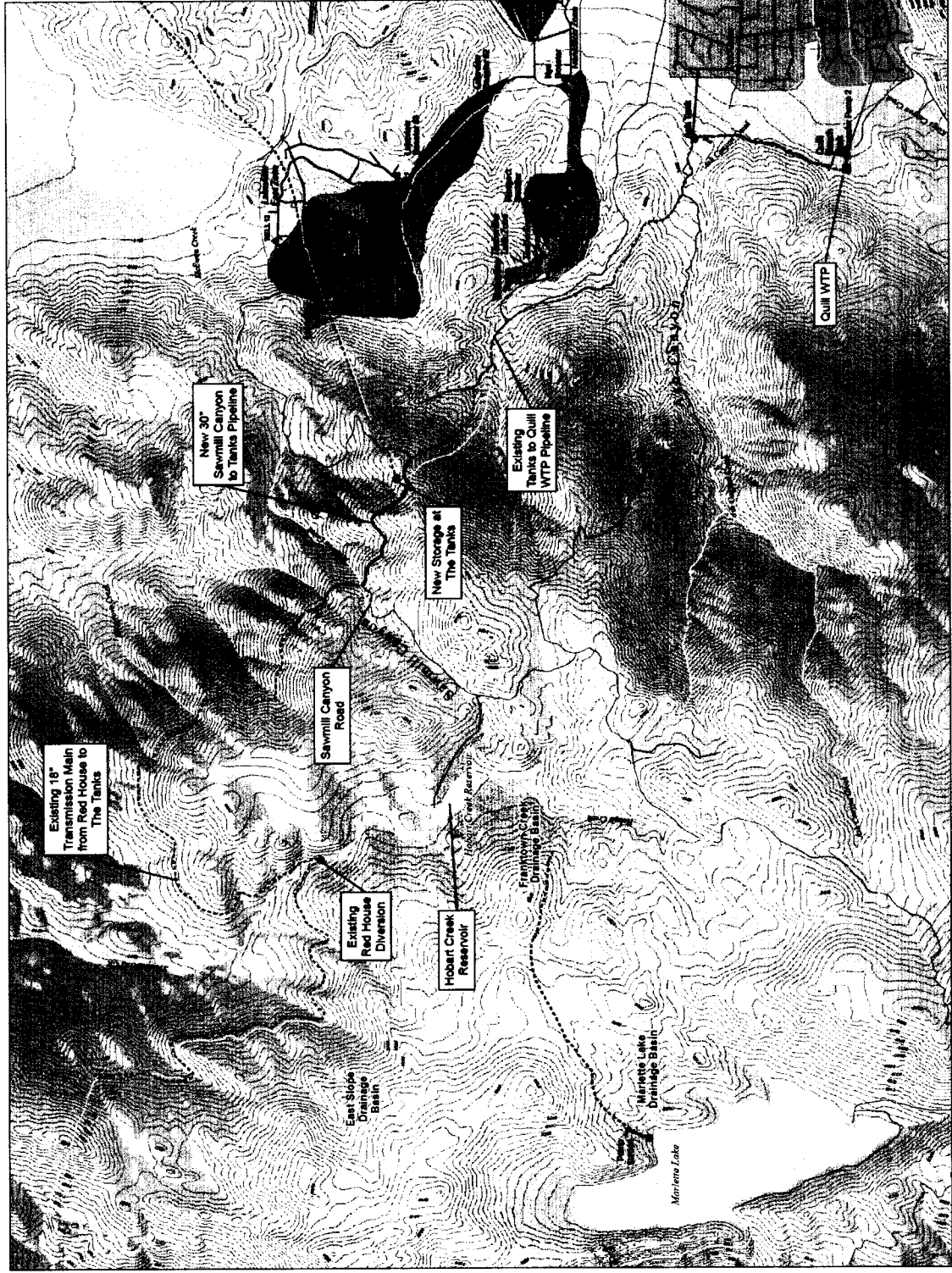
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Robert L. Crowell, Mayor  
Carson City, Nevada

ATTEST:

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Alan Glover, Clerk  
Carson City, Nevada



**Figure 1: Marlette Hobart Water System Overview**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

Assistance Agreement or Amendment

Enclosed is a signed Assistance Agreement or Amendment from the U.S. Environmental Protection Agency Region 9. Please review the entire document, including the terms and conditions, which set forth your legal responsibilities to EPA. For further information concerning administrative requirements, please refer to the Code of Federal Regulations and OMB Cost Circulars.

Within 21 days of receipt, please sign and date the FIRST page of the Agreement and send a scanned version of the first page to: [GrantsRegion9@epa.gov](mailto:GrantsRegion9@epa.gov). If you do not have access to a scanner, make a copy for your own records and mail the FIRST page to the following address:

U.S. EPA, Region 9  
Grants Management Office, MTS-7  
75 Hawthorne Street  
San Francisco, CA 94105

As another option, you may fax the FIRST page to (415) 947-3556 with a cover page addressed to: Grants Management Office, MTS-7


We suggest that you make additional copies for your Project Manager, Finance/Fiscal Officer and any other personnel in your organization requiring information about the award.

If you or your staff have any questions of a programmatic nature, please contact your EPA Project Officer. Questions relating to administrative or fiscal matters should be directed to your EPA Grants Specialist. Both contacts are shown on page 1 of the award. You may also access our Region 9 website for additional information to help you manage your grant at:

<http://www.epa.gov/Region9/funding>

For information regarding payments and financial reports, please refer to the following website for the Las Vegas Finance Center:

<http://www.epa.gov/ocfo/finservices/payinfo.htm>

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Grant Agreement</b>	<b>ASSISTANCE ID NO.</b>			<b>DATE OF AWARD</b> 06/29/2010	
		<b>PRG</b>	<b>DOC ID</b>	<b>AMEND#</b>		
		<b>XP - 00T41001 - 0</b>			<b>MAILING DATE</b> 07/06/2010	
		<b>TYPE OF ACTION</b> New			<b>PAYMENT METHOD:</b> Reimbursement	
<b>RECIPIENT TYPE:</b> Municipal		<b>Send Payment Request to:</b> Las Vegas Finance Center, Fax (702) 798-2423				
<b>RECIPIENT:</b>		<b>PAYEE:</b>				
City of Carson City - Public Works 3505 Butti Way Carson City, NV 89701 EIN: 88-6000189		City of Carson City 3505 Butti Way Carson City, NV 89701				
<b>PROJECT MANAGER</b>		<b>EPA PROJECT OFFICER</b>		<b>EPA GRANT SPECIALIST</b>		
Ken Arnold 3505 Butti Way Carson City, NV 89701 E-Mail: karnold@ci.carson-city.nv.us Phone: 775-887-2355x7357		Stephanie Wilson 75 Hawthorne Street, WTR-10 San Francisco, CA 94105 E-Mail: Wilson.Stephania@epa.gov Phone: 775-885-6190		Elizabeth Armour Grants Management Office, MTS-7 E-Mail: Armour.Elizabeth@epa.gov Phone: 415-947-4264		
<b>PROJECT TITLE AND DESCRIPTION</b>						
WATER INFRASTRUCTURE - Marlette-Hobart Systems Improvements Project						
<p>The purpose of this project is to enhance reliability and provide sustainable water supply for Carson City and Storey County, Nevada by maximizing delivery and hydraulic capacity of the State's raw water sources in the Marlette Hobart drinking water conveyance system. The City will replace a damaged pipeline from Saw Mill Canyon to the Tanks in the Marlette system and complete investigations of other needed system improvements. Phased activities for this partial funding include completing NEPA for the pipeline replacement, evaluating flow meters and control valve condition/operation, evaluating augmentation of storage at Marlette Lake, and assessment of outlet control valves at Marlette.</p> <p>This assistance agreement provides partial federal funding in the amount of \$91,850. Total project and budget cost is \$167,000. See Terms and Conditions.</p>						
<b>BUDGET PERIOD</b> 07/01/2010 - 11/15/2011	<b>PROJECT PERIOD</b> 07/01/2010 - 11/15/2011	<b>TOTAL BUDGET PERIOD COST</b> \$167,000.00	<b>TOTAL PROJECT PERIOD COST</b> \$167,000.00			
<b>NOTICE OF AWARD</b>						
<p>Based on your application dated 04/26/2010, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$91,850. EPA agrees to cost-share 55.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$91,850. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.</p>						
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>			<b>AWARD APPROVAL OFFICE</b>			
<b>ORGANIZATION / ADDRESS</b>			<b>ORGANIZATION / ADDRESS</b>			
U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105			U.S. EPA, Region 9 Water Division, WTR-1 75 Hawthorne Street San Francisco, CA 94105			
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>						
<b>SIGNATURE OF AWARD OFFICIAL</b> Digital signature applied by EPA Award Official		<b>TYPED NAME AND TITLE</b> Carolyn Truong, Grants Management Officer			<b>DATE</b> 06/29/2010	
<b>AFFIRMATION OF AWARD</b>						
<b>BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION</b>						
<b>SIGNATURE</b>		<b>TYPED NAME AND TITLE</b> Andrew Bumham, Carson City Public Works Director			<b>DATE</b>	

# EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 91,850	\$ 91,850
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 75,150	\$ 75,150
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 167,000	\$ 167,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.202 - Congressionally Mandated Projects	Public Law 111-88 Department of Interior Environment and Related Agencies Appropriations Act 2010	40 CFR PART 31

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	1009W0E036	10	E4	09L0QNS	201B51E	4192			91,850
									91,850



## Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$0
2. Fringe Benefits	\$0
3. Travel	\$0
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$167,000
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$167,000
10. Indirect Costs: % Base <u>See Term and Condition</u>	\$0
11. Total (Share: Recipient <u>45.00</u> % Federal <u>55.00</u> %.)	\$167,000
12. Total Approved Assistance Amount	\$91,850
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$91,850
15. Total EPA Amount Awarded To Date	\$91,850

### Administrative Conditions

1. An interim Federal Financial Report (FFR), Standard Form 425, covering the period from "project/budget period start date" to June 30 of each calendar year shall be submitted to the U.S. EPA Las Vegas Finance Center, PO Box 98515, Las Vegas, NV 89193-8515, no later than September 30 of the same calendar year.

**The initial interim FFR is due September 30, 2011.** The final FFR covering the entire project period shall be submitted within 90 days after the end of the project period according to the recipient's respective Code of Federal Regulations Part 30.52(a)(1)(iv) and 30.71(a), or Part 31.23(b) and 31.41(b) (as applicable). The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

2. In accordance with OMB Circular A-133, which implements the Single Audit Act, the recipient hereby agrees to obtain a single audit from an independent auditor if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days after receiving the report from the auditor, the recipient shall submit a copy of the SF-SAC and a Single Audit Report Package. For fiscal periods 2002 to 2007 recipients are to submit hardcopy to the following address:

Federal Audit Clearinghouse  
1201 East 10<sup>th</sup> Street  
Jeffersonville, IN 47132

For fiscal periods 2008 and beyond the recipient MUST submit a copy of the SF-SAC and a Single Audit Report Package, using the Federal Audit Clearinghouse's Internet Data Entry System. Complete information on how to accomplish the 2008 and beyond Single Audit Submissions you will need to visit the Federal Audit Clearinghouse Web site: <http://harvester.census.gov/fac/>.

3. The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements as set forth in 40 CFR Part 33. The EPA DBE rule can be accessed at <http://www.epa.gov/osbp>. In addition, the recipient agrees to make good faith efforts whenever procuring construction, equipment, services and supplies under an EPA assistance agreement, and to ensure that sub-recipients, loan recipients, and prime contractors also comply with 40 CFR Section 33.301. Records documenting compliance with the six good faith efforts shall be retained.

The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the Nevada Department of Conservation and Natural Resources as follows:

	MBE	WBE
Construction	12%	10%
Equipment	11%	23%
Services	7%	25%

Supplies

13%

28%

By signing this financial assistance agreement, the recipient is accepting the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as Nevada Department of Conservation and Natural Resources).

Pursuant to 40 CFR Section 33.404, the recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is not accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study to Joe Ochab, MTS-1, the Regional MBE/WBE Coordinator, within 120 days of acceptance of the financial assistance award. EPA will respond to the proposed fair share objectives/goals within 30 days of receiving the submission. If proposed fair share objectives/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objectives/goals are submitted.

A recipient of a Continuing Environmental Program Grant or other annual grant agrees to create and maintain a bidders list. A recipient of an EPA financial assistance agreement to capitalize a revolving loan fund also agrees to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Refer to 40 CFR Section 33.501 (b) and (c) for specific requirements and exemptions.

4. The recipient agrees to complete and submit to the Grants Management Office, MTS-7, a MBE/WBE Utilization Report (EPA Form 5700-52A), within 30 days after the end of the semi-annual reporting period; i.e., by April 30 and October 30 of each calendar year. Negative reports are required. Recipients of financial assistance agreements that capitalize revolving loan programs agree to require entities receiving identified loans to submit their MBE/WBE participation reports on a semiannual basis to the financial assistance agreement recipient, rather than to EPA. Only procurements with certified MBE/WBEs are counted towards a recipient's MBE/WBE accomplishments. A final MBE/WBE report must be submitted within 90 days after the end of the project period. Your grant cannot be officially closed without all MBE/WBE reports. EPA Form 5700-52A may be obtained from the EPA Office of Small Business Program's Home Page on the internet at [www.epa.gov/osbp](http://www.epa.gov/osbp).

5. When procuring services, equipment, and/or supplies under this assistance agreement, the recipient will follow the same policies and procedures it uses for procurements from its non-Federal funds. The recipient will follow their own procurement policies and procedures provided that the policies and procedures conform with EPA regulations 40 CFR Part 31.36 or 30.44 (as applicable) which state that all procurement transactions will be conducted in a manner providing full and open

competition.

6. Payment to consultants. Per 40 CFR Part 31.36(j), EPA's participation in the salary rate (excluding overhead and travel) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule, to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills and if the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. As of January 1, 2010, the rate is \$596 per day and \$74.50 per hour. This rate does not include overhead or travel costs and the recipient may pay these in accordance with its normal travel practices.

Subagreements with firms or individuals for services which are awarded using the procurement requirements in 40 CFR Parts 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR Part 31.36(j)(2) or Part 30.27(b).

7. To implement requirements of Section 106 of the Trafficking Victims Protection Act of 2000, as amended, the following provisions apply to this award:

a. We, as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity: (1) is determined to have violated an applicable prohibition in the Prohibition Statement below; or (2) has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in the Prohibition Statement below through conduct that is either: (a) associated with performance under this award; or (b) imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1532. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in the Prohibition Statement below.

b. Our right to terminate unilaterally that is described in paragraph a of this award term: (1) implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and (2) is in addition to all other remedies for noncompliance that are available to us under this award.

c. You must include the requirements of the Prohibition Statement below in any subaward you make to a private entity.

**Prohibition Statement** - You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award.

8. The cost principles of 2 CFR 225, 230, or 220 (formerly OMB Circular A-87, A-122, or A-21) are applicable to this award. Since there are no indirect costs included in the

assistance budget, they are not allowable under this Assistance Agreement.

9. The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

10. The recipient shall ensure that no grant funds awarded under this assistance agreement are used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. The recipient shall abide by its respective 2 CFR 220, 225, or 230 (formerly OMB Circular A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States or for lobbying or other political activities.

11. In accordance with the policies set forth in EPA Order 1000.25 and Executive Order 13423 (Strengthening Federal Environmental, Energy and Transportation Management dated January 24, 2007), the recipient shall use recycled paper and double sided printing for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

Any State agency or agency of a political subdivision of a State shall also comply with the requirements set forth in Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962), which requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247. Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more.

12. The recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel/> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

13. The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200 - 36.230. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at [http://www.access.gpo.gov/nara/cfr/waisidx\\_06/40cfr36\\_06.html](http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html).

14. The recipient shall fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)." The recipient is responsible for ensuring that any lower tier covered transaction as described in Subpart B of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. The recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. The recipient acknowledges that failing to disclose the information as required at 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipient may access the Excluded Parties List System at [www.epls.gov](http://www.epls.gov). This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

15. EPA's financial obligations to the recipient are limited by the amount of federal funding awarded to date as shown on line 15 in its EPA approved budget. If the recipient incurs costs in anticipation of receiving additional funds from EPA, it does so at its own risk.

16. Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

17. Congress has prohibited EPA from using its FY 2010 appropriations to provide funds to the Association of Community Organizations for Reform Now (ACORN) or any of its subsidiaries. None of the funds provided under this agreement may be used for subawards/subgrants or contracts to ACORN or its subsidiaries. Recipients should direct any questions about this prohibition to their EPA Grants Management Office.

### **Programmatic Conditions**

P1. The recipient agrees to submit to the EPA Project Office a short narrative describing the environmental and public health benefits of this project in the workplan. Additionally, within 90 day of the conclusion of the project, the recipient shall submit an assessment of how effective the project was in achieving the stated environmental and public health objectives.

P2. The recipient agrees to provide to EPA Region 9 locational data (i.e. latitude and longitude) for the EPA-funded infrastructure project in the first required (frequency is either quarterly, semi-annually or annually) progress report to EPA Project Officer.

P3. In accordance with 40 C.F.R. §31.40, the recipient agrees to submit quarterly performance reports that include brief information on each of the following areas: 1) a

comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement workplan for the period; 2) the reasons for slippage if established outputs/outcomes were not met; and 3) additional pertinent information, including, when appropriate, analysis and formation of cost overruns or high unit costs. Each report is due on the 30th day after the end of the quarter, i.e., January 30, April 30, July 30, October 30. Within 90 days of the end of the project period, the recipient must submit a final report documenting project activities over the entire project period and the recipient's achievements with respect to the project's purposes and objectives including measurable environmental results when possible.

In accordance with 40 C.F.R. § 31.40 (d), the recipient agrees to inform EPA as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.

P4. "Page 1 of your grant agreement (EPA Grant # 00T41001) specifies that you will be paid on a reimbursement basis. Effective July 1, 2008, you must send a copy of the payment request and supporting documentation (invoices, cancelled checks or internal spreadsheets for quantifying time/resources spent on funded project) to the EPA Project Officer. The EPA Project Officer will review the documentation to verify that the payments are for activities that are within the scope of work of the grant agreement and will notify the Las Vegas Finance Center of his/her determination. Disputes over ineligible costs, or inadequately documented costs may result in an offset of future payments."

END OF DOCUMENT