## **CITY OF WASILLA RESOLUTION SERIAL NO. 08-14**

## A RESOLUTION OF THE WASILLA CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENTS WITH THE STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR THE GARDEN TERRACE WATER MAIN EXTENSION PHASE 2.

WHEREAS, the State of Alaska Department of Environmental Conservation (ADEC) has FY09 funding available in the amount of \$1,336,000 for the Garden Terrace Water Main Extension Phase 2 that will add to the FY07 ADEC Grant for this project in the amount of \$1,025,000, totaling \$2,361,000, and

WHEREAS, the United States Environmental Protection Agency (EPA) has FY09 funding available in the amount of \$867,300 for the Garden Terrace Water Main Extension Phase 2 that will add to the FY06 EPA Grant for this project in the amount of \$919,543, totaling \$1,786,843, and

WHEREAS, the project is ready to bid subject to the execution of grant agreements with these agencies.

NOW THEREFORE BE IT RESOLVED by the Wasilla City Council authorizes the Mayor to execute FY09 grant agreements with the State of Alaska Department of Environmental Conservation in the amount of \$1,336,000 and United States Environmental Protection Agency in the amount of \$867,300 for the Garden Terrace Water Main Extension Phase 2.

ADOPTED by the Wasilla City Council on April 28, 2008.

DIANNE M. KELLER. Ma

ATTEST:

[SEAL]

**KRISTIE SMITHERS. MMC City Clerk** 

City of Wasilla Page 1 of 1

Resolution Serial No. 08-14



## CITY OF WASILLA LEGISLATION STAFF REPORT

## **RE: RESOLUTION SERIAL NO. 08-1**4

A RESOLUTION OF THE WASILLA CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENTS WITH THE STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR THE GARDEN TERRACE WATER MAIN EXTENSION PHASE 2.

Agenda of: April 28, 2008 **Originator: Public Works Director**  Date: April 16, 2008

Route to:	Department	Signature/Date
	Police Chief	
	Youth Court, Dispatch, Code Compliance	
	Culture and Recreation Services Director Library, Museum, Sports Complex	9
X	Public Works & Recreation Facility Maintenance Director	A1608
X	Finance, Risk Management & MIS Director Purchasing	Chill Dean
Х	Deputy Administrator Planning, Economic Development, Human Resources	monou for
X	City Clerk	-pomite /

REVIEWED BY MAYOR DIANNE M. KELLER: Manne M. Keller 4/17/08

FISCAL IMPACT: Ves or no

ADEC Increase \$1,336.000 EPA Increase \$867.300 Account number/name: To be assigned when funds are appropriated

Attachments: ADEC Grant Offer and EPA Grant Offer

**SUMMARY STATEMENT:** Alaska Department of Environmental Conservation (ADEC) has grant funds available in the amount of \$1,336,000 in FY09 for the Garden Terrace Water Main Extension Phase 2. This will result in an amendment of the 2005 ADEC Grant for this project. United States Environmental Protection Agency (EPA) has FY09 grant funds available in the amount of \$867,300 for this project. This will result in a new EPA grant adding to the previous EPA Grant funds (\$919,543). Phase 1 of this project was completed last year. Phase 2 is ready to bid and it will complete the link to the City's distribution system providing a new water source to residents in the area and for the South Palmer Elementary School scheduled to open in 2009.

**RECOMMENDED ACTION:** To adopt Resolution Serial No. 08-14 that authorizes the Mayor to execute grant agreements for the Garden Terrace Water Main Extension Project Phase 2.



## DEPT. OF ENVIRONMENTAL CONSERVATION

## **DIVISION OF WATER**

CERTIFIED MAIL NO. 7004 1160 0007 3656 3933

FRANK H. MURKOWSKI, GOVERNOR

410 Willoughby Ave., Ste 303 Juneau, AK 99801-1795 PHONE: (907) 465-5180 FAX: (907) 465-5177 http://www.state.ak.us/dec

July 20, 2005

RECEIVED

JUL 2 5 2005

Honorable Dianne Keller, Mayor City of Wasilla 290 E. Herning Avenue Wasilla, AK 99654

CITY OF WASILLA, ALASKA

Dear Mayor Keller:

Grant Offer: Garden Terrace Water Main Extension, Phase 2 (#90519)

In accordance with AS 46.03.030, the Department of Environmental Conservation (Department) is pleased to offer the City of Wasilla (Grantee) a grant of State funds not to exceed \$1,025,000. This grant will finance construction of approximately 6,600 feet of ductile iron pipe and related appurtenances to serve the Garden Terrace Subdivision with City water. The present source of water for the subdivision is inadequate in quality and quantity.

Estimated eligible costs for this project are \$2,109,543. The total grant for this project is limited to 50 percent of eligible costs pursuant to AS 46.03.030(e).

This offer is expressly conditioned upon the terms and limitations contained herein, in 2 AAC 45.010 (enclosed), in 18 AAC 73.010 (enclosed), and is based upon estimated eligible project costs as itemized below:

	Total Estimated Eligible Project Costs
1. Administrative Expenses	\$5,000
2. Design	125,000
3. Construction Engineering and Management	187,500
4. Construction	1,792,043
5. Total Estimated Eligible Costs	2,109,543
6. State Grant	\$1,025,000

Adjustment of expenditures within the budgeted cost items is allowed, however, if actual project costs exceed the total estimated eligible costs, a revised grant application must be submitted before additional funding can be committed. If actual project costs are less than the estimated costs, the grant will be reduced to the extent necessary to comply with the percentage limitation set forth in this offer. Grant payments will be made when expenses have been incurred and documentation has been provided to the Department along with the payment request form, unless a payment schedule is established as a special condition of this grant. Payments will normally be made monthly, but no more frequently than twice per month. All requests for payment must be submitted on the enclosed Request for Payment form.

By accepting this grant offer, the Grantee agrees to comply with the procedures and requirements contained in the Construction Grants Regulations (18 AAC 73 appended), as well as the grant conditions.

## **GENERAL GRANT CONDITIONS**

- 1. <u>Plan Approval</u>: The Grantee agrees to obtain plan and specification approval from the Department in accordance with 18 AAC 73.020 prior to issuing a Notice to Proceed with Construction to a contractor.
- 2. Contract Award and Contractor Bonding Requirements:
  - a. The Grantee agrees to bid construction contracts exceeding \$50,000. Adequate time (not less than 30 days) shall be allowed between the date of formal advertisement and the date the bids must be submitted.
  - b. The Grantee agrees to submit procedures for award of construction contracts of less than \$50,000 to the Department for prior approval when means other than the competitive bidding process are proposed.
  - c. The Grantee must require the contractor to furnish performance and payment bonds in accordance with AS 36.25.010.
  - d. If local or federal ordinances or regulations also apply to the contract award or contractor bonding requirements for this project, the most stringent requirements shall apply.
  - e. The Grantee agrees to provide the Department with a summary of itemized bid tabulations, a copy of the Notice to Proceed, and a copy of the construction contract.
- 3. <u>Change Orders</u>: The Grantee agrees that all project change orders will be submitted to the Department for approval in accordance with 18 AAC 73.020(e)

- 4. <u>Project Completion</u>: The Grantee agrees to provide sufficient local funding to match State and federal grant assistance and to ensure the completion of a properly functioning project in accordance with 18 AAC 73.020(j).
- 5. <u>Operation and Maintenance</u>: The Grantee agrees to operate and maintain the completed project.
- <u>Titles and Easements</u>: the Grantee agrees to obtain all titles and easements necessary to provide clear title or authority to construct and maintain the proposed project.
- 7. <u>Eligibility</u>: The Grantee acknowledges that disbursement of progress payments by the State does not constitute acceptance of any item as an eligible project cost until all project costs are audited and determined to be eligible. Ineligible project costs must be included in the final audit report.
- 8. <u>Inspection</u>: The Grantee agrees to allow, at any reasonable time, Department inspection of all project work and audit of related records and data for which this grant is offered.
- 9. <u>Records</u>: The Grantee agrees to maintain project accounts and records which verify the grant eligibility of project expenditures. These accounts and records shall be kept apart from non-grant eligible local records and from those records maintained for the purpose of other State or federal grant programs involved in the project.
- 10. <u>Progress Reports</u>: The Grantee agrees to submit periodic progress reports on the proposed project with each payment request.
- 11. <u>Subcontracts</u>: The Grantee agrees to submit project subcontracts over \$10,000 and all changes to these subcontracts for Department approval.
- 12. <u>Americans with Disabilities Act</u>: The Grantee must certify that projects and services provided under this grant are made available to the general public in compliance with the Americans with Disabilities Act of 1990.
- 13. <u>Discrimination</u>: The Grantee agrees to administer this grant in a non-discriminatory manner. No person shall be discriminated against based on race, religion, color, national origin, gender or disability.
- 14. <u>Damages</u>: The Grantee shall hold and save the Department, its officers, agents, and employees harmless from liability of any kind, including costs and expenses, for or on account of any and all suits or damages of any nature, sustained by any person or persons or property, by virtue of performance of the grantee, or any person or entity acting in place of or for the Grantee for this project.

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15. <u>Grant Cancellation</u>: The Grantee acknowledges the right of the Department to rescind this grant and seek recovery of payments already made if the Grantee has provided incorrect or misleading information to the Department or if a grant condition contained herein or in 18 AAC 73 is violated. This grant offer may be terminated at any time it is in the best interest of the State to do so.

## SPECIAL GRANT CONDITIONS

None

Please carefully review this grant offer, the related grant conditions, and the enclosed regulations. If satisfactory, sign and return the original, along with a formal resolution accepting the grant enacted by the Wasilla City Council.

In the resolution the Grantee must agree to accept responsibility to operate and maintain the proposed water utility improvements and agree to the terms and conditions of this grant offer.

Acceptance of the grant is required within six months to prevent revocation of the offer. No progress payments can be made until this grant offer is signed by the Grantee and returned to the Department. Nothing in this offer, whether or not accepted, may be deemed to constitute a contractual obligation on the part of the Department until a resolution of acceptance has been received.

The Department is pleased to offer this assistance to the people of Wasilla.

Sincerely,

Dense Math

for Lynn J. Tomich Kent Acting Director

Enclosures: 2 AAC 45.010 18 AAC 73.010 Construction Grant Project Eligibility Request for Payment

cc: Senator Lyda Green Senator Charles Huggins Representative Vic Kohring Representative Bill Stoltze Mike Phillips, MGL

Honorable Dianne Keller, M., or City of Wasilla Grant Offer #90519

Accepted on behalf of the City of Wasilla by:

Typed Name Keller Mayor Typed Name Title

7/26/05

anne M. Keller

Signature



## GRANT APPLICATION

The attached application is to be completed by communities who have received funding through the legislature, and are eligible to apply for a State of Alaska, Department of Environmental Conservation (ADEC) Municipal Matching Grant. This grant can be used to assist with planning, design, and construction costs related to: water quality enhancement; water supply, treatment and distribution; wastewater collection, treatment, or discharge; solid waste processing, and disposal or resource recovery projects.

Under changes to Alaska Statute (A.S.) 46.03.030, construction projects funded through appropriations made by the legislature after July 1, 1994 can receive grants varying from 50% to 85% of eligible project costs. Funding up to 85% of eligible costs will be allowed for communities with less than 1,000 persons. For 1,001 to 5,000 persons, 70% funding is possible, with 50% grants for communities over 5,000 persons. In addition, after July 1, 1994 the local match required for this program can include federal funds, but disallows the use of Department of Administrative A.S. 37.06 monies as match to ADEC Municipal Matching Grants.

To apply for an ADEC Municipal Matching Grant, please complete the attached application form and submit it to either:

Alaska Department of Environmental Conservation Facility Construction & Operation Municipal Grants & Loans 555 Cordova Street Anchorage, AK 99501-2617 (907) 269-7502

or

Alaska Department of Environmental Conservation Facility Construction & Operation Municipal Grants & Loans 410 Willoughby Avenue, Suite 105 Juneau, AK 99801-1795 (907) 465-5180

All the established program procedures and eligibility conditions are detailed in both Alaska Statute 46.03.030 and under Construction Grants Regulation 18 AAC 73. For further information please write or call the office located nearest to you.

Upon receipt of a completed application form, the Department will review the application and determine project eligibility or request additional information. If the Department certifies the project as grant eligible, and funding is available, a formal grant offer will be extended to a community for signature and formal acceptance.



## SCHEDULE OF ATTACHMENTS

The following "ATTACHMENTS" shall be included as part of the completed grant application, when required or as applicable, to fully describe the project:

- A. A brief narrative statement describing the project, discussing the need for the facility and the benefits to be received. This narrative should discuss the location and scope of the project, the number of people and lots benefiting, the existence and/or condition of present water and sewerage services, the adequacy of existing water supplies and sewage treatment facilities to handle increased demand and, if the project consists of service line extensions, whether this is an existing or future need, and any other data pertinent to the project.
- B. A set of engineering plans and specifications, if they are prepared at the time the grant application is submitted. If plans are not completed, provide the estimated date of submission and a plot plan showing the location of the proposed project. If the plans and specifications have been previously approved by the Department, please provide a copy of the approval letter.
- C. Copies of grant applications or notices of grant awards from other state or federal agencies participating in project funding.
- D. For waterbody enhancement or protection projects, a program plan needs to be completed which describes the project to be funded; why the project is needed; how the project will enhance or protect the waterbody or waterbodies involved; how the project will be accomplished; an estimate of the costs for the project, along with a projection of future costs caused by or related to the project; and the specific results expected from the project.
- E. If work is to be done on a force account basis, all labor positions and equipment rates must be submitted for approval. Department provided "Force Account Approval" forms, and a listing of equipment descriptions and rates should be completed.
- F. A copy of the applicant's contract with the engineering firm designing or supervising construction of the project.
- G. An itemized construction cost estimate.
- H. A list describing and providing justification for any new equipment to be purchased.
- I. An itemized list of any other costs.

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GRANT APPLICATION FORM

## **GENERAL INFORMATION**

Name of Community	City of Wasilla
Address	290 E. Herning Ave
Wasilla, Alaska 99654	
a second seco	
Contact Name Archie Gide	dings Title Public Works Director Telephone (907)373-9018
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## **PROJECT INFORMATION**

Project Name Garden Terrace Water Main Extension Phase II Location Wasilla
Application Type: Initial X Revised
Project Type: Water X Sewer Solid Waste Water Quality Enhancement
Number of Lots 50 and Persons 125 benefiting from this Project.
Estimate Construction Period: Start_July 1, 2008 Finish October 31, 2008

**Description of Project**. Garden Terrace Community Water System is owned and operated by the Matanuska-Susitna Borough. The groundwater wells for this water system do not have sufficient water quality and quantity to adequately serve the 50 homes on this system. The system has fire hydrants that cannot be used due to the lack of water volume. The users have been asked to conserve water due to low well production. The water needs to be treated to meet the lead and copper rule. This project will provide a new water source for Garden Terrace Subdivision that will improve water quality and have the capacity to initiate service to the fire hydrants in the subdivision. This will be accomplished by extending the City of Wasilla municipal water system approximately 6,600 feet with 12-inch ductile iron pipe, tieing into the existing Garden Terrace distribution system. This project includes a new main line through the subdivision. Pressure Reducing Valve Buildings were completed in 2007 at each end of the project to control water pressure down gradient of the Richmond Hills Booster Station.

ASSISTANCE	AMOUNT
Estimated Total Project Costs <u>4,811,543</u>	_ADEC Participation in Costs <u>50 %</u>
Amount of Grant Funds requested from ADEC \$ _	2,361,000
1	

Please identify all source(s) of funding that the Grantee will use for project costs. If other state grants are to be used as a match, please attach a copy of the grant (DOA etc.)\_\_\_\_\_

EPA STAG Grants \$867,300 and \$919,543

City Funds \$152,000 and \$120,000

State of Alaska DCCED \$316,700 and MSB \$75,000

STATE OF ALASKA ADEC MUNICIPAL MATCHING GRANTS GRANT APPLICATION FORM

## **PROJECT CERTIFICATION**

The applicant, through it's authorized representative, certifies to the best of its knowledge and belief that the data contained in this application is true and correct, and that all titles and easements necessary to provide clear title or authority to construct and maintain the proposed project shall be obtained. Failure to comply with this certification will be cause for the Department to withhold a grant award or withdraw a grant offer that may have been extended.

Archie Giddings,	Public Works Director	3-19-08
Typed Name	Title	Date
Signature		



## PROJECT COST SUMMARY

COST CLASSIFICATION	TOTAL ESTIMATED PROJECT COSTS	REQUIRED ATTACHMENT
ELIGIBLE COSTS:		A, B, D or G
1. Administrative Expenses <sup>1</sup>	5,500	-
2. Planning Reports and Feasibility Studies		E or F
3. Waterbody Enhancement or Protection		D, E or F
4. Engineering Design Fees <sup>2</sup>	125,000	E or F
5. Construction Engineering & Management <sup>2</sup>	314,500	E or F
6. Construction <sup>2</sup>	4,326,543	E or G
7. Equipment		Н
8. Other Costs <sup>3</sup> City Inspector	10,000	Ι
9. Project Contingencies		-
10. SUBTOTAL (Lines 1-9)	4,781,543	
11. Amount of Line 10 provided by applicant	272,000	
12. Amount of existing ADEC Grant or ADWF Loan	1,025,000	
13. Amount of Line 10 currently requested from ADEC	1,336,000	
INELIGIBLE COSTS:		
14. Land & Easement Acquisition Costs	30,000	
15. Interest and Finance Charges	0	
16. Grant Application & Other Ineligible Costs	0	
17. SUBTOTAL (Lines 14-16)	30,000	
19. TOTAL PROJECT COSTS (Lines 10 plus 17)	4,811,543	

1. Eligibility of expenses is limited to direct costs incurred as a result of the project such as telephone charges, photocopying costs, and advertising expenses.

2. Requests for approval of force account rates must be supported by "FA Approval Forms" and must follow procedures established in 18 AAC 73.010 (g) (2).

3. The cost of land when used as an integral part of a treatment process, such as spray irrigation and solid waste landfill sites, may be considered grant eligible.



## FORCE ACCOUNT APPROVAL FORM

This form presents force account expenses. You are under no obligation to claim all costs or to fill out the entire form. Sections A, B, G and H must be completed for each job classification. However, sections C, D, E and F are provided to assist you in computing your force account expenses and are not required. In addition, a list of equipment and charge rates for any city owned equipment which will be charged to the project will need to be submitted for eligibility consideration.

Job Classification: <u>City Inspector</u> Project Name <u>Garden Terrace Water Extension</u>

## A. Calculate Monthly Workhours

Working Hours Per Month =  $\frac{\text{average } 240 \text{ hours per month during construction season}}{(\text{work hours per week x } 52 \text{ weeks per year divided by months per year})}$ 

#### B. Calculate Hourly Pay Rate

Monthly Pay Rate Ranges from  $\frac{57,200.00 \text{ to } \$10,800.00}{10,800.00}$ Hourly Pay Rate Ranges from  $\frac{\$45.00 \text{ to } \$67.50 \text{ (w/overtime)}}{10,800.00}$ (monthly pay rate divided by working hours per month = Pay Rate Per Hour)

## C. Calculate Hourly Benefit Rate

Alaska Supplemental Benefit System (SBS)	6.130 %
Workers Compensation (W/C)	0.0093 %
Retirement Contribution (PERS)	0.0~%
Unemployment Insurance (ESC)	1.600%
Medicare	1.450%
Total Benefits Percentage	9.1893 %

Hourly Benefit Rate Ranges from  $\frac{4.14}{0.000}$  to  $\frac{6.20}{0.0000}$  (hourly pay rate x total benefits percentage = Hourly Benefit Rate )

## D. Calculate Hourly Insurance Rate: NOT APPLICABLE

Hourly Insurance Rate from \$\_\_\_\_\_\_ to \$\_\_\_\_\_ (total insurance benefits divided by working hours per month = Insurance Rate Per Hour)

## E. Calculate Hourly Leave Rate: NOT APPLICABLE TO THIS POSITION

Vacation Leave days per month ranges from days to days
Sick Leave days per month ranges from days to days
Leave Hours Per Month Ranges From hours to hours (vacation plus sick leave days per month x working hours per day = Leave Hours Per Month)
Leave Rate Per Hour Ranges from \$ to \$ hours (pay rate per hour x leave hours per month divided by working hours per month = Leave Rate Per Hour)

## F. Calculate Hourly Holiday Rate

Paid Holidays Per Year = 11 days

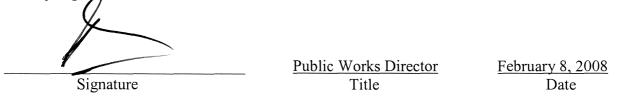
Holiday Rate Per Hour Ranges from \$45.00 to \$45.00 (paid holidays per year divided by 12 months divided by working hours per month x working hours per day x pay per hour = Holiday Rate Per Hour)

## G. Calculate Hourly Charge Rate

	Hourly Low Rate	Hourly High Rate (with overtime)
Pay Rate	\$ 45.00	\$ 67.50
Benefit Rate	\$ 4.14	\$ 6.20
Holiday Rate	\$ 45.00	\$ 45.00
Total:	\$ 49.14	\$ 73.70

## H. Certification

Based on the details shown above, we request approval of a low rate of \$49.14 per hour, and a high rate of \$73.70 per hour inclusive for all employees in this job classification engaged in force account work for the subject graph



XP - 96065701 - 0 Page 1

				ASSISTANCE ID NO		
UNUTED STATES	U.S. ENVIRG	PRG	DOC ID	AMEND#	DATE OF AWARD	
2 <b>1</b> 5	PROTECTIO	XP -	96065701	- 0	02/25/2008	
	FRUIECHU	N AGENCI	TYPE OF	ACTION		MAILING DATE
						03/03/2008
Grant Agreement		PAYMENT	METHOD:		ACH#	
AL PROTEC	TEC' Grant Agreement					X0156
RECIPIENT TYPE:			Send Pay	ment Request to:		
Municipal			Las Vegas	Finance Center		
			FAX # 7	02-798-2423		
RECIPIENT:			PAYEE:			
City of Wasilla			City of Wa	silla		
290 E Herning Avenue				ning Avenue		
Wasilla, AK 99654			Wasilla, A	K 99654		
EIN: 92-6010143			L			
PROJECT MANAGER		EPA PROJECT OFFICE	R	EPA G	RANT SPECIA	ALIST
Archie Giddings		Bill Gissel		Tony F	ournier	
290 E Herning Avenue		709 W. 9th Street, Room				Suite 900, OMP-145
Wasilla, AK 99654		Juneau, AK 99801-1795			, WA 98101	
E-Mail: agiddings@ci.v	vasilla.ak.us	E-Mail: Gissel.Bill@epa	i.gov		: Fournier Tor	
Phone: 907-373-9018		Phone: 907-586-7620		Phone	: 206-553-183	8
PROJECT TITLE AND D	DESCRIPTION					

Garden Terrace Water Main Extension, Phase II

The project will complete a portion of Phase II extending the City of Wasilla's municipal water system to the Garden Terrace subdivision. Phase I was completed in 2004 and a portion of Phase II has been completed using FY2004 STAG funding which included constructing two pressure reducing valve buildings along the route to control water pressure between three pressure zones. This project consists of installing the main line piping between two pressure control buildings.

BUDGET PERIOD	PROJECT PERIOD	TOTAL BUDGET PERIOD COST	TOTAL PROJECT PERIOD COST
07/01/2008 - 09/30/2009	07/01/2008 - 09/30/2009	\$2,672,000.00	\$2,672,000.00

## NOTICE OF AWARD

Based on your application dated 11/02/2007, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$867,300. EPA agrees to cost-share <u>32.00</u>% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$867,300. 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.

ISSUING OFFICE (GRANTS MANAGEMEN	T OFFICE)	AWARD APPROVAL OFFIC	E			
ORGANIZATION / ADDRESS		ORGANIZATION / ADDRESS				
EPA Region 10		U.S. EPA, Region 10				
Mail Code: OMP-145		Office of Water and Watersheds				
1200 Sixth Avenue, Suite 900		1200 Sixth Avenue, Suite 900				
Seattle, WA 98101		Seattle, WA 98101				
THE UNITED STATES	OF AMERICA BY THE	U.S. ENVIRONMENTAL PROTECTION AGENCY				
SIGNATURE OF AWARD OFFICIAL	TYPED NAME AND TITLE		DATE			
Digital signature applied by EPA Award Official			02/25	6/2008		
	Armina K. Nolan, Mar	nager - Grants Administration Unit				
A	FIRMATION O	F AWARD				
BY AND ON	BEHALF OF THE DES	IGNATED RECIPIENT ORGANIZATION				
SIGNATURE	TYPED NAME AND	TITLE	DATE			
	Dianne M. Keller, Ma	yor				

## **EPA Funding Information**

XP - 96065701 - 0 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 867,300	\$ 867,300
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$0
Other Federal Funds	\$	\$	\$0
Recipient Contribution	S	\$ 152,000	\$ 152,000
State Contribution	S	\$ 1,336,000	\$ 1,336,000
Local Contribution	\$	\$	\$0
Other Contribution	\$	\$ 316,700	\$ 316,700
Allowable Project Cost	\$0	\$ 2,672,000	\$ 2,672,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.202 - Congressionally Mandated Projects	Consolidated Appropriations Resolution 2003 (PL 108-7)	40 CFR PART 31

<b>Benerica in antique e reconstant a reconstant de la competition de la compe</b>				Fiscal					
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	0810MYG00 8	08			201B51E				867,300
									867,300

.

Table A - Object Class Category	Total Approved Allowable
(Non-construction)	Budget Period Cost
1. Personnel	\$10,500
2. Fringe Benefits	\$0
3. Travel	\$0
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$127,000
7. Construction	\$2,534,500
8. Other	\$0
9. Total Direct Charges	\$2,672,000
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient 68.00 % Federal 32.00 %.)	\$2,672,000
12. Total Approved Assistance Amount	\$867,300
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$867,300
15. Total EPA Amount Awarded To Date	\$867,300

#### 1. Payment Information - Infrastructure

#### Payment Enrollment Information

All recipients must be enrolled to receive funds electronically via the EPA-EFT Payment Process. This electronic funds transfer process was initiated by EPA in response to the Debt Collection Improvement Act of 1996, P.L. 104-134 that requires all federal payments be made via Direct Deposit/Electronic Funds Transfer(DD/EFT). By signing the assistance agreement you are agreeing to receive payment electronically.

# In order to receive payments electronically, the ACH Vendor/ Miscellaneous Payment Enrollment Form (SF3881) must be completed and faxed to Marge Pumphrey at (702) 798-2423.

After reviewing and processing the SF3881, the Las Vegas Finance Center (LVFC) will send you a letter assigning you an EFT Control Number, an EPA-EFT Recipient's Manual, and the necessary forms for requesting funds and reporting purposes.

If you need further assistance regarding enrollment, please contact Marge Pumphrey at (702) 798-2492 or by e-mail to: pumphrey.margaret@epa.gov.

# Any recipient currently using the Automated Standard Application for Payments (ASAP) system with another government agency should contact Marge Pumphrey at (702) 798-2492 or e-mail to: pumphrey.margaret@epa.gov.

Recipients must liquidate all obligations incurred within 90 calendar days of the project period end date. Therefore, recipients must submit the final request for payment, and refund to EPA any balance of unobligated cash advanced within 90 calendar days after the end of the project period.

#### **Requesting Reimbursement**

The recipient must obtain EPA Project Officer approval before the LVFC processes payments. This approval will be contingent on the recipient submitting appropriate documentation to the EPA Project Officer prior to requesting payment. The information the recipient is to submit to the EPA Project Officer includes Standard Form (SF) 270 and supporting documentation. For recipients using EFT, recipients must also provide EPA Form 190-F-04-001. The SF270 and EPA Form 190-F-04-001 can be found at http://www.epa.gov/ogd/forms/forms.htm.

#### 2. Cost Principles/Indirect Costs Not Included (All Organizations)

The cost principles of OMB Circular A-21, "Cost Principles for Educational Institutions," relocated to 2 CFR Part 220, OMB Circular A-87, "State, Local or Indian Tribal Governments," relocated to 2 CFR Part 225, or OMB Circular A-122, "Cost Principles for Non-Profit Organizations," relocated to 2 CFR Part 230, are applicable, as appropriate, to this award. Since there are no indirect costs included in the assistance budget, they are not allowable under this Assistance Agreement.

#### 3. Financial Status Report (FSR) and Federal Cash Transactions Reports

#### FINAL FSR

The Financial Status Report (FSR), Standard Form 269A (or Standard Form 269 if program income is generated), for this award is due to EPA no later than 90 days after the budget period expires.

For agreements with multiple budget activities, separate FSRs must be provided for each of the activities, sites, or budgets, as applicable.

#### FEDERAL CASH TRANSACTIONS REPORTS

The recipient will provide timely reporting of cash disbursements and balances through annual submission (within fifteen (15) working days following December 31 of any given calendar year) of a Federal Cash Transactions Report (SF-272).

# The Final FSR and Federal Cash Transactions Reports may be faxed to (702) 798-2423 or mailed to:

US Environmental Protection Agency Las Vegas Finance Center P.O. Box 98515 Las Vegas, NV 89193-8515

For additional information, please contact Marge Pumphrey at (702) 798-2492 or email: <u>Pumphrey.Margaret@epa.gov.</u>

EPA may take enforcement actions in accordance with 40 CFR 30.62 or 40 CFR 31.43 if the recipient does not comply with this term and condition.

#### 4. Audit Requirements

The recipient agrees to comply with the requirements of OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

#### 5. Hotel-Motel Fire Safety Act

Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a, the recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars 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

<u>http://www.usfa.dhs.gov/applications/hotel</u> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

#### 6. Recycled Paper

#### ALL APPLICANTS:

In accordance with EPA Order 1000.25 and Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*, the recipient agrees to use recycled paper 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. Please note that Section 901 of E.O. 13101, dated September 14, 1998, revoked E.O. 12873, *Federal Acquisition, Recycling, and Waste Prevention* in its entirety.

#### STATE AGENCIES AND POLITICAL SUBDIVISIONS:

Any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth in Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962). 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. RCRA Section 6002 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.

# STATE AND LOCAL INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND NON-PROFIT ORGANIZATIONS:

Pursuant to 40 CFR 30.16, State and local institutions of higher education, hospitals, and non-profit organizations that receive direct Federal funds shall give preference in their procurement programs funded with Federal funds to the purchase of recycled products pursuant to EPA's guidelines.

#### 7. Lobbying

#### ALL RECIPIENTS:

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.

#### PART 30 RECIPIENTS:

All contracts awarded by a recipient shall contain, when applicable, the anti-lobbying provision as stipulated in the Appendix at Title 40 CFR Part 30.

Pursuant to Section 18 of the Lobbying Disclosure Act, the recipient affirms that it is not a nonprofit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986; or that it is a nonprofit organization described in Section 501(c)(4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act.

#### 8. Lobbying and Litigation

#### ALL RECIPIENTS:

Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

Recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of Federal grant funds for litigation against the United States. Any Part 30 recipients shall abide by its respective OMB Circular (A-21 or A-122), which prohibits the use of Federal grant funds to participate in various forms of lobbying or other political activities.

#### 9. Suspension and Debarment

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)." 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. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. 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 <u>www.epls.gov.</u> This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

#### 10. Drug-Free Workplace Certification for all EPA Recipients

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 <a href="http://www.access.gpo.gov/nara/cfr/waisidx\_06/40cfr36\_06.html">http://www.access.gpo.gov/nara/cfr/waisidx\_06/40cfr36\_06.html</a>.

#### 11. Management Fees

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.

#### 12. Reimbursement Limitation

If the recipient expends more than the amount of federal funding in its EPA approved budget in anticipation of receiving additional funds from EPA, it does so at its own risk. EPA is not legally obligated to reimburse the recipient for costs incurred in excess of the EPA approved budget.

#### 13. Small and Disadvantaged Business Utilization Requirements (Non-SRF Recipients)

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:

(a) The recipient accepts the applicable FY2007 Minority Business Enterprise (MBE)/Womens' Business Enterprise (WBE) "fair share" goals/objectives negotiated with EPA by the Alaska Department of Environmental Conservation as follows:

Supplies:	2.36% MBE	2.10% WBE
Services:	3.62% MBE	2.99% WBE
Equipment:	2.36% MBE	2.10% WBE
Construction:	4.92% MBE	2.38% WBE

(b) The recipient agrees to ensure, to the fullest extent possible, that at least the applicable "fair share" objectives of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women and Historically Black Colleges and Universities.

(c) The recipient agrees to include in its bid documents the applicable "fair share" objectives and require all of its prime contractors to include in their bid documents for subcontracts the negotiated "fair share" percentages.

(d) The recipient agrees to follow the six affirmative steps or positive efforts stated in 40 CFR 30.44(b), 40 CFR 31.36(e), or 40 CFR 35.6580, as appropriate, and retain records documenting compliance.

(e) The recipient agrees to submit an EPA form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" as follows:

For grants awarded under 40 CFR Part 35, Subpart A (refer to the Regulatory Authority box shown in the middle of Page 2 of the Assistance Agreement/Amendment), reports are due annually by October 30 of each year (covers the Federal Fiscal Year October 1 - September 30).

For Assistance Agreements/Amendments with institutions of higher education, hospitals and other non-profit organizations awarded under the Regulatory Authority of 40 CFR Part 30, reports are due annually by October 30 of each year (covers the Federal Fiscal Year October 1 - September 30).

Grants awarded under any other Regulatory Authority are due Quarterly. These reports are due beginning with the Federal Fiscal Year quarter the recipient receives the award and continuing until the project period ends. These reports must be submitted within 30 days of the end of the Federal Fiscal Quarter (due dates are January 30, April 30, July 30, and October 30).

All reports must be submitted to the EPA Region 10, Grants Administration Unit, 1200 Sixth Avenue, Suite 900, Mailcode: OMP-145, Seattle, WA 98101. For further information, please contact Greg Luchey at (206) 553-2967, email: Luchey.Greg@epa.gov.

(f) If race and/or gender neutral efforts prove inadequate to achieve a "fair share" objective, the recipient agrees to notify EPA in advance of any race and/or gender conscious action it plans to take to more closely achieve the "fair share" objective.

EPA may take corrective action under 40 CFR Parts 30, 31, and 35, as appropriate, if the recipient fails to comply with these term and conditions.

#### 14. Small Business in Rural Areas (SBRA)

If a contract is awarded under this assistance agreement, the recipient is also required to utilize the following affirmative steps:

- (a) Place SBRAs on solicitation lists.
- (b) Make sure that SBRAs are solicited whenever there are potential sources.

(c) Divide total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by SBRAs.

(d) Establish delivery schedules, where the requirements of work permit, which would encourage participation by SBRAs.

(e) Use the services of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce, as appropriate.

(f) Require the contractor to comply with the affirmative steps outlined above.

There is no formal reporting requirement for SBRAs at this time; it is recommended that the recipient keep records of SBRA participation.

#### 15. Payment to Consultants

EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2008, the limit is \$571.15 per day \$71.39 per hour. This rate does not include

transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices).

Subagreements with firms 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 provided 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 30.27(b) or 40 CFR 31.36(j), as applicable, for additional information.

**NOTE:** For future years' limits, the recipient may find the annual salary for Level IV of the Executive Schedule on the following Internet site: http://www.opm.gov/oca. Select "Salary and Wages", and select "Executive Schedule". The annual salary is divided by 2087 hours to determine the maximum hourly rate, which is then multiplied by 8 to determine the maximum daily rate.

#### 16. Earmark Assistance Agreement

EPA is fully funding this assistance agreement based on the terms of a congressional earmark. If future earmarks are not provided for this project and recipient, supplemental funding for this project is not guaranteed.

#### 17. Additional Recipient Contribution

The statutory requirement for recipient contribution is **45%** of total project costs. However, in accordance with the application signed **November 2**, **2007**, the recipient agrees to contribute an amount greater than the statutory requirement. Reduction to this amount must be negotiated with the EPA Project Officer.

#### 18. Executive Order 13202 Preservation of Open Competition

The assistance recipient agrees to comply with Executive Order 13202 (Feb. 22, 2001, 66 Fed. Reg. 11225 ) of February 17, 2001, entitled "Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects," as amended by Executive Order 13208 (April 11, 2001, 66 Fed. Reg. 18717) of April 6, 2001, entitled "Amendment to Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects."

## **Programmatic Conditions**

#### 1. INFRASTRUCTURE CONDITIONS:

#### **EPA Guidance Requirements**

This grant is subject to all requirements listed in the FY 2003 Guidance for Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2003 Consolidated Appropriations Act.

#### **Quarterly Performance Reports**

The recipient shall submit quarterly performance reports, which are due 30 calendar days after the end of each Federal fiscal quarter. (Federal fiscal quarters end the last day of March, June, September, and December.) Reports shall be submitted to the EPA Project Officer and may be provided electronically.

In accordance with 40 CFR Part 30.51(d) and 40 CFR Part 31.40, as appropriate, the recipient agrees to

submit performance reports that include brief information on each of the following areas:

(a) A comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period;

(b) The reasons for slippages if established outputs/outcomes were not met;

(c) Additional pertinent information, including when appropriate, analysis and information of cost overruns or high unit costs.

In addition to the periodic performance reports, the recipient shall immediately notify the EPA Project Officer of developments that have a significant impact on the award-supported activities. In accordance with 40 CFR Part 30.51(f) and 40 CFR Part 31.40(d), as appropriate, the recipient agrees to inform the EPA Project Officer 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. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

#### **Final Performance Report**

In addition to the periodic performance reports, the recipient shall submit a final performance report, which is due no later than 90 calendar days after the expiration or termination of the award. The report shall be submitted to the EPA Project Officer and may be provided electronically. The report shall generally contain the same information as in the periodic reports, but should cover the entire project period. After completion of the project, the EPA Project Officer may waive the requirement for a final performance report if the EPA Project Officer deems such a report is inappropriate or unnecessary.

#### END OF ASSISTANCE AGREEMENT XP-96065701-0

OMB Approval No. 0348-0044

(Construction Program) BUDGET INFORMATION - Non-Construction Programs

		SEC	TION A - F	UDGET SUM	MARY			Malana <sup>nun (</sup> 1997), kan di Kanada			
Grant Program Catalog of Federal Function Domestic Assistance		Estimated Unobligated Funds				New or Revised Budget					
or Activity (a)	(a) (b)		Noi	Non-Federal (d)		Federal (e)		on-Federal (†)	Total (g)		
Env. Protect. Consol. Grants	66.600	s NA	\$	NA	s 86	7,300	\$ 1,8	304,700	\$ 2,672,000	0.00	
2.										0.00	
3.										0.00	
4.										0.00	
5. Totals		\$ 0.00	\$	0.00	s 86	7,300 <sub>0.00</sub>	\$ 1,8	04,700 0.00	\$ 2,672,000	0.00	
		SECT	ION B - BU	DGET CATEO	GORIES	5					
6. Object Class Categories			ROGRAM, FU	INCTION OR ACTIVITY				Total			
		(1) 66.600 (2)				(3)			(5)		
a. Personnel City	Inspector	10,500							10,500	0.00	
b. Fringe Benefits										0.00	
c. Travel										0.00	
d. Equipment										0.00	
e. Supplies										0.00	
f. Contractual Eng.	Const. Mang.	127,000							127,000	0.00	
g. Construction		2,534,500							2,534,500	0.00	
h. Other										0.00	
i. Total Direct Charges	s (sum of 6a-6h)	2,672,000 0.00		0.00		0.00		0.00	2,672,000	0.00	
j. Indirect Charges										0.00	
k. TOTALS (sum of 6i	i and 6j)	\$ 2,672,000 0.00	\$	0.00	\$	0.00	S	0.00	\$ 2,672,000	0.00	
7. Program Income		s 0	\$		\$		\$		\$	0.00	

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	SECTION	C - NON-FEDER	RAL RE	SOURCES			
(a) Grant Program		(b) Applicant		(c) State	(d) Other Sources	(e) TOTALS	
8 Env. Protection Consolidated	Grants (66.600)	152,000		1,336,000	316,700	\$ 1,804,700	0.00
9.						\$	0.00
10.						S	0.00
11.						S	0.00
12. Total (SUM OF LINES 8-11)		152,000		1,336,000	316,700	s 1,804,700	0.00
	SECTION	D - FORECAST	ED CAS	SH NEEDS	**************************************		
13. Federal	Total for 1 <sup>st</sup> Year	1 <sup>st</sup> Quarter		2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	
lst quarter: 7/1/08 - 9/30/08	\$ 867,300 <sub>0.00</sub>	\$ 57.8,229		s 289,071	S	\$	
14. Non-Federal	1,804,700 0.00	1,203,193		601,507			
15. TOTAL (sum of lines 13 and 14)	\$ 2,672,000 0.00	s1,781,422	0.00	\$890,578 <sub>0.00</sub>	\$ 0.00	\$	0.00
SECTION E - F	BUDGET ESTIMATES OF	FEDERAL FUNE	SNEE	DED FOR BALAN	CE OF THE PROJECT	Γ	
(a) Grant Program				FUT UR E FU	NDING PERIODS (years	5)	
NA		(b) First (c) Se		(c) Second	(d) Third	(c) Fourth	
16.		\$		\$	\$	S	
17.			-				
18.							
19.							
20. TOTAL (sum of lines 16-19)		\$	0.00	\$ 0.00	\$ 0.00	\$	0.00
	SECTION F	- OTHER BUDGE	TINF	ORMATION			
21. Direct Charges: NONE		22.	Indirect	Charges: NONE			
23. Remarks: NONE							

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Standard Form 424A (Rev. 7-97) Page 2