

Date: January 22, 2010

Alaska Native Tribal Health Consortium
Division of Environmental Health and Engineering
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Document Type: **Cooperative Project Agreement**
Project No.: **AN 09-GL6**
Project Location: **McGrath, Alaska**
Execution Date: **January 15, 2010**

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cc: Program Services, DEHE, Anchorage

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LR: 09/19/07



Division of Environmental Health and Engineering

Cooperative Project Agreement

**C
P
A**

A Health Facility Improvement Project Between:
The Alaska Native Tribal Health Consortium and
The Southcentral Foundation in the
City of McGrath, Alaska
Project No. AN 09-GL6
October 2009

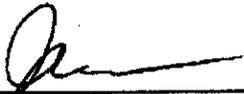
**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
SOUTHCENTRAL FOUNDATION IN
THE CITY OF MCGRATH, ALASKA**

PROJECT NO. AN 09-GL6

To complete this project, the ANTHC and the Southcentral Foundation mutually agree to the terms and conditions contained in this Agreement.

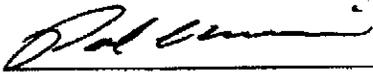
PREPARED BY:

10/26/09
Date


M. Ted Dickerson, AIA
Project Manager
DEHE, ANTHC

RECOMMENDED BY:

12/6/09
Date


Paul C. Morrison, P.E.
Health Facilities Manager
DEHE, ANTHC

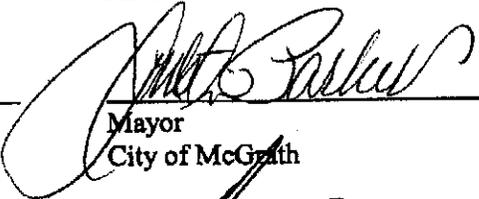
APPROVED BY:

1/8/10
Date


Don Kashevaroff
Chief Executive Officer
ANTHC

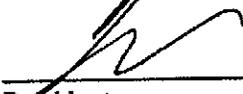
APPROVED BY:

1/15/10
Date


Mayor
City of McGrath

APPROVED BY:

12/3/09
Date


President
Southcentral Foundation

**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
SOUTHCENTRAL FOUNDATION IN
THE CITY OF MCGRATH, ALASKA**

PROJECT NO. AN 09-GL6

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**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
SOUTHCENTRAL FOUNDATION IN
THE CITY OF MCGRATH, ALASKA**

PROJECT NO. AN 09-GL6

DATE OF AGREEMENT:

October 2009

A. INTRODUCTION

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

McGrath Native Village Council	=	Tribe
City of McGrath	=	City
Southcentral Foundation	=	SCF
Health Resources and Services Administration	=	HRSA
Alaska Native Tribal Health Consortium	=	ANTHC
Division of Environmental Health and Engineering	=	DEHE
Denali Commission	=	Commission

The ANTHC, DEHE, role is to provide lasting solutions to promote healthy communities.

This CPA contains information about the project scope of work, funding, costs, and administration, and is being performed under the provisions of the following agreements:

- Memorandum of Understanding between the Denali Commission and the Alaska Native Tribal Health Consortium for Alaska Health, Sanitation, and Other Related Infrastructure, dated April 2008. This MOU defines the roles and responsibilities of each party.
- Denali Commission Financial Assistance Award 397-08-K, dated June 2009.

B. SCOPE OF PROJECT

This project will construct a new health clinic in the City of McGrath, Alaska. The scope of this project includes site preparation, materials and equipment, construction, and labor.

C. PROJECT COST

C 1. Cost Estimate Table

Job Typ	Scope of Work	Qty	Units	Unit Cost*	Extended Cost	Funding Sources				
						Commission	SCF	MTNT (land)	HRSA	Community
M-CL	Clinic Construction	1	LS	\$ 3,761,543	\$ 4,966,303	\$ 3,761,543	\$ 857,011	\$ 55,000	\$ 286,400	\$ 6,349
M-CB	Construction Direct Charges	1	LS	\$ 288,611	\$ 288,611	\$ 288,611	\$ -	\$ -		\$ -
Total					\$ 5,254,914	\$ 4,050,154	\$ 857,011	\$ 55,000	\$ 286,400	\$ 6,349

* ANTHC support services charges pay for ANTHC's project management services

C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
<u>Denali Commission</u>	<u>Federal 2008</u>	<u>397-08-K</u>	<u>\$ 4,050,154</u>
<u>Community</u>	<u>N/A</u>	<u>Match</u>	<u>\$ 6,349</u>
<u>SCF</u>	<u>N/A</u>	<u>Match</u>	<u>\$ 857,011</u>
<u>HRSA</u>	<u>N/A</u>	<u>Match</u>	<u>\$ 286,400</u>
<u>MTNT, Inc</u>	<u>N/A</u>	<u>Land</u>	<u>\$ 55,000</u>
TOTAL PROJECT FUNDING			<u>\$ 5,254,914</u>

The Commission stipulates that each project include a matching contribution. For this project, the Commission's award constitutes approximately 80% of the funding and the matching contribution constitutes a minimum of 20% of the funding. Therefore, this CPA identifies a matching contribution from the SCF in the amount of \$857,011, a matching contribution from HRSA funds in the amount of \$286,400, MNT, Inc land estimated at \$55,000 and the Community, in the amount of \$6,349. This funding will be added to the Commission project cost amount of \$4,050,154, bringing the total project cost amount to \$5,254,914.

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

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

D. PROJECT ADMINISTRATION

In conformance with the Commission's Financial Assistance Award, 397-08-K, dated June 2009, the following project management methodology option has been selected by the City and SCF:

The Construction Management shall be accomplished by ANTHC or its Contractor. ANTHC shall take responsibility for all project oversight, technical assistance, and management of the construction process. Project Construction shall be through an ANTHC Construction Contract.

This Agreement shall take effect upon signature by all parties and remain in effect until the expiration of the "Performance Period" specified within the Commission's Financial Assistance Award or subsequent Project Authorizations.

E. SUSTAINED OPERATIONS CONSIDERATIONS

The City and SCF will assume ownership and responsibility for all operation and maintenance of facilities constructed under this project.

F. NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS

The National Historic Preservation Act (NHPA) provides for cultural resources identification and protection through avoidance or mitigation to avoid unnecessary disturbance of reported or known human burials. The NHPA also requires Tribes to be consulting parties if archeological discoveries are made during construction.

The Native American Graves Protection and Repatriation Act (NAGPRA) contains stipulations regarding the appropriate treatment and disposition of human burials, funerary, and associated items discovered on Federal lands or Indian Allotments. NAGPRA recognizes the inherent rights and claims of the Native people but often is inapplicable to ANTHC projects. For this reason, as a policy ANTHC recognizes the inherent rights and claims of the tribal entity when human remains and associated items are uncovered through construction projects.

Therefore, if construction for this project results in the discovery of ancient cultural items (e.g., human burials, associated items, and/or archaeological artifacts), ANTHC will ensure that the McGrath Native Village Council will be a consulting party. In addition, the following responsibilities are assumed by the project participant in order to comply with the NHPA, NAGPRA, and ANTHC policy recognizing inherent rights and claims:

- Identifying any known or reported archaeological site, artifact, or ancient human remains to avoid unnecessary damage to sensitive resources.
- Delaying construction in the vicinity of a discovery until procedures in conformance with 36 CFR 800 are complete.
- Determining appropriate mitigation measures and performing all mitigation in conformance with 36 CFR 800.
- Ensuring an archaeologist, retained or employed by any party to facilitate construction operations, will view and document any and all cultural items discovered during excavation if an adverse effect determination has been made.
- Ensuring that if removal of ancient human remains is necessary, the archaeologist will remove the entire body and that unless the McGrath Native Village Council requests further study of the remains, tests upon or photographs of any ancient human remains will not occur unless specific, separate Agreements have been made with the McGrath Native Village Council.
- Contacting the Village Public Safety Officer if a modern human burial is discovered to determine if a criminal act can be identified. If the burial is from an archaeological context, the burial will be treated as archaeological remains and need not be treated as a scene of crime.
- Acknowledging that the McGrath Native Village Council assumes full responsibility for any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the McGrath Native Village Council reserves the inherent right to determine the appropriate disposition of any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the inherent claims or rights of the McGrath Native Village Council are not diminished by the fact that the land is under ownership by another party.
- Ensuring that if a discovery is made on Federal lands, Indian Allotment lands, or lands not yet conveyed to the Village or Regional Corporation, parties to facility construction operations shall comply with the NAGPRA if appropriate.

- Acknowledging that all other inherent rights and claims regarding any and all cultural items discovered on any lands other than private lands during excavation for or in support of facility construction not expressly covered in these responsibilities are reserved to the McGrath Native Village Council alone.

G. AUTHORITY FOR APPROVAL

Upon signing this document, the ANTHC Chief Executive Officer delegates authority to sign all subsequent agreements related to this project to the Director of Operations, DEHE.

The following sections from the ANTHC, DEHE, Cooperative Project Agreement Provisions Manual for Health Facilities Projects (Orange Book), dated June 2003, are incorporated into this Agreement by reference. For the purposes of this Agreement, all references to "Local Participant" shall mean the City of McGrath.

- Section 1, "Provisions for All Cooperative Project Agreements"
- Section 2, "Provisions for ANTHC Management of Local Force Account Labor"
- Section 5, "Insurance and Indemnification Provisions for Force Account Labor Projects Managed by the ANTHC or the Local Participant"
- Section 6, "Assurances for All Construction Programs" (Standard Form 424D)

The following federal provisions apply to this project:

- 15 CFR 24, Uniform Admin Requirements for Grants/Cooperative Agreements to State and Local Governments
<www.access.gpo.gov/nara/cfr/waisidx_99/15cfr24_99.html>
(applies to local or tribal government)
- OMB Circular A-87, Cost Principles for State and Local Governments and Indian Tribal Governments <www.whitehouse.gov/OMB/circulars/a087/a087-all.html>
(applies to local or tribal government)
- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations <www.whitehouse.gov/OMB/circulars/a133/a133.html>
(applies to all Agreements)

- 15 CFR, Part 14, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations
<www.access.gpo.gov/nara/cfr/waisidx_99/15cfr14_99.html>
(applies to non-profits)
- OMB Circular A-122, Cost Principles for Nonprofit Organizations
<www.whitehouse.gov/OMB/circulars/a122/a122.html> (applies to non-profits)

APPENDIX

Denali Commission Environmental Review Concurrence



Denali Commission
510 L Street, Suite 410
Anchorage, AK 99501

907.271.1414 tel
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888.480.4321 toll free
www.denali.gov

December 10, 2009

Ms. Jennifer Wing
Permitting Specialist
Alaska Native Tribal Health Consortium
1901 Bragaw St., Suite 200
Anchorage, AK 99508-3440

Dear Ms. Wing:

RE: US Department of Health and Human Services, Health Resources and Services Administration, Environmental Assessment and Finding of No Significant Impact for the McGrath Subregional Health Clinic

This letter is written by the Denali Commission (Commission) to indicate to the Alaska Native Tribal Health Consortium (ANTHC) that the course of action outlined in the attached Finding of No Significant Impact (FONSI) prepared by the Health Resources and Services Administration (HRSA) is appropriate for the McGrath Subregional Clinic project. The Commission concurs with the recommendation to issue a FONSI for this project.

Some minor mitigation activities were identified by HRSA and by ANTHC. The Commission concurs with these measures.

Please contact Ms. Nancy Merriman of my staff, nmerriman@denali.gov, 907 / 271-1779, with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tessa L. D. Rinner", with a large, sweeping flourish extending to the right.

Tessa L. D. Rinner, MPA
Director of Programs

Attachments

CC: Paul Morrison, ANTHC

File: Chronological
Award file/397-08