

☒ GRANT ☐ COOPERATIVE AGREEMENT

FINANCIAL ASSISTANCE AWARD

AWARD PERIOD

August 8, 2013 to May 8, 2017

RECIPIENT NAME

City of Dubuque

AWARD NUMBER

05-79-05290

STREET ADDRESS

50 W. 13th Street

FEDERAL SHARE OF COST

\$ 1,227,138.00

CITY, STATE, ZIP CODE

Dubuque, Dubuque, IA, 52001-4864

RECIPIENT SHARE OF COST

\$ 8,999,012.00

AUTHORITY

Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121 et seq.)

TOTAL ESTIMATED COST

\$ 10,226,150.00

CFDA NO. AND PROJECT TITLE

11.307, Economic Adjustment Assistance, Disaster Relief, Bee Branch Disaster Resiliency Project

BUREAU	FUND	FCFY	PROJECT-TASK	ORGANIZATION	OBJECT CLASS
20	40	13	0	5	41-10-00-00

This Award approved by the Grants Officer is issued in triplicate and constitutes an obligation of Federal funding. By signing the three documents, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, two signed Award documents shall be returned to the Grants Officer and the third document shall be retained by the Recipient. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally terminate this Award.

- ☐ Department of Commerce Financial Assistance Standard Terms and Conditions (January 2013)
- ☒ Special Award Conditions
- ☒ Line Item Budget
- ☐ 15 CFR Part 14, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations
- ☒ 15 CFR Part 24, Uniform Administrative Requirements for Grants and Agreements to State and Local Governments
- ☐ OMB Circular A-21, Cost Principles for Educational institutions
- ☒ OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments
- ☐ OMB Circular A-122, Cost Principles for Nonprofit Organizations
- ☐ 48 CFR Part 31, Contract Cost Principles and Procedures
- ☒ OMB Circular A-133, Audits of States, Local Governments, and Nonprofit Organizations
- ☒ Other(s): Economic Development Administration Standard Terms & Conditions for Construction Projects

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER

TITLE

DATE

Robert E. Olson

Regional Director

8/7/13

TYPED NAME AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

TITLE

DATE

Roy Buol

Mayor

8/19/13

**U.S. DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION**

**Special Award Conditions of Financial Assistance Award for
Public Works and Economic Development Assistance under Section 201 of the
Economic Development Administration Reauthorization Act of 2004 (P.L. 108-373)**

TITLE: Bee Branch Disaster Resiliency Project

RECIPIENT: City of Dubuque
50 W. 13th Street
Dubuque, IA 52001-4864

AWARD NUMBER: 05-79-05290

GRANTS OFFICER: Robert E. Olson, Regional Director
U.S. Department of Commerce
Economic Development Administration
410 17th Street, Suite 250
Denver, Colorado 80202

FEDERAL PROGRAM OFFICER: Robert E. Olson, Regional Director
U.S. Department of Commerce
Economic Development Administration
410 17th Street, Suite 250
Denver, Colorado 80202

TOTAL AUTHORIZED BUDGET:	
Federal Cash Contribution	\$1,227,138
Recipient Contribution	<u>\$8,999,012</u>
Total Authorized Budget	\$10,226,150

I. LINE ITEM BUDGET – See Attachment No. 1 *Line Item Budget*

II. ADDITIONAL CONDITIONS

This award supports the work described in the Recipient's Economic Adjustment Assistance, Disaster Relief grant application, dated August 15, 2012. The application, including any attachments, project descriptions, and subsequently submitted documentation, are hereby incorporated into this award by reference.

III. PROJECT SCOPE: The main project components are related to the construction of a new creek and associated floodplain. They include the work associated with the excavation of a channel, the construction of a creek and floodplain, and the relocation of utilities and streets. The new 20' depth floodplain will be 100 - 130 ft. wide and will extend approximately 2,000 lin. ft. The creek will be lined with 42-inch long by 24-inch

high and 24-inch wide cut limestone blocks and cobble stone. The project will include the relocation of storm sewer, watermain and sanitary sewer lines. The work also includes improvements to facilitate the restoration of 7 streets, including new concrete pavement, sidewalk, storm sewer, inlets, manholes, and traffic signs and signal improvements. The project will also include vegetation of the floodplain.

- 1. PROJECT DEVELOPMENT TIME SCHEDULE:** The Recipient agrees to the following Project development time schedule:

Return of the Affirmed Financial Assistance Award.....30 days

Start of Construction By.....August 8, 2014

Completion of Construction By.....February 8, 2017

Authorized Grant End DateMay 8, 2017

Project Closeout – All Project closeout documents, including final financial information and any required program reports, shall be submitted to the Government not more than 90 days after the date the Recipient accepts the completed Project from the contractor(s).

The Recipient shall pursue diligently the development of the Project so as to ensure completion of the Project and submission of closeout documents within this time schedule. Moreover, the Recipient shall notify the Government in writing of any event which could delay substantially the achievement of the Project within the prescribed time limits. The Recipient further acknowledges that failure to meet the development time schedule may result in the Government's taking action to terminate the Award in accordance with the regulations set forth at 15 CFR 14.62 or 15 CFR 24.43, as applicable (codified by 53 Federal Register 8048, 8087 March 11, 1988).

- 2. GOALS FOR WOMEN AND MINORITIES IN CONSTRUCTION:** Department of Labor regulations set forth in 41 CFR 60-4 establish goals and timetables for participation of minorities and women in the construction industry. These regulations apply to all Federally assisted construction contracts in excess of \$10,000. The Recipient shall comply with these regulations and shall obtain compliance with 41 CFR 60-4 from contractors and subcontractors employed in the completion of the Project by including such notices, clauses and provisions in the Solicitations for Offers or Bids as required by 41 CFR 60-4.

The goal for the participation of women in each new project area shall be as follows:

From April 1, 1981, until further notice: 6.9 percent.

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

Goals for minority participation shall be as prescribed by Appendix B-80, *Federal Register*, Volume 45, No. 194, October 3, 1980, or subsequent publications. The Recipient shall include the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" (or cause them to be included, if appropriate) in all federally assisted contracts and subcontracts. The goals and timetables for minority and female participation may not be less than those published pursuant to 41 CFR 60-4.6.

3. **RECIPIENT AFFIRMATION OF AWARD:** This Financial Assistance Award, subject to the other Special Conditions and the Standard Terms and Conditions, shall constitute an obligation to make such Award. If the Recipient fails to affirm its intention to use the Award in accordance with the terms and conditions of this Financial Assistance Award, it will be terminated without further cause. By signing and returning two of the original Award documents, within thirty (30) days of receipt, the Recipient affirms that it intends to use the Award in accordance with the terms and conditions as above-referenced.
4. **LOCAL SHARE:** In affirming this Award, the Recipient certifies that the non-federal share of Project costs is committed and is available as needed for the Project, that the non-federal share is from sources which allow for the use of its funding as non-federal match for the EDA Project, and that the non-federal share will not affect ownership of, or title to, the project facilities. The Recipient further acknowledges that, prior to award of any construction contracts, it will be required to provide the Regional Office with evidence satisfactory to the Government that all funds necessary to complete the Project are available.
5. **DISCLOSURE OF FEDERAL PARTICIPATION:** No amount of this award shall be used to finance the acquisition of goods or services (including construction services) for the project unless the Recipient agrees to:
 - a. specify in any announcement of the awarding of the contract for the procurement of the goods or services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and
 - b. express the amount announced pursuant to paragraph (a) as a percentage of the total cost of the planned acquisition.

The foregoing requirements shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than \$500,000.

6. **REPORTING REQUIREMENTS:** A project report is due ninety (90) days after project completion. EDA will close the award on the basis of the final project report. EDA may, however, revise the eligible project costs based upon the audit report, if required under the Standard Terms and Conditions.
7. **REPORTING UNLIQUIDATED OBLIGATIONS:** All Recipients of an EDA grant award of more than \$100,000, whose Award has not been fully disbursed are required to

submit a Standard Form Federal Financial Report 425 (SF-425) to EDA semi-annually to report on the status of unreimbursed obligations. This report will provide information on the amount of allowable project expenses that have been incurred, but not claimed for reimbursement by the Recipient as of the end of the reporting period.

The Recipient shall submit a SF-425, *Federal Financial Report (FFR)* (OMB Control No. 0348-0061) on a semi-annual basis for the periods ending March 31 and September 30, or any portion thereof until the final grant payment is made by EDA. Reports are due no later than 30 days following the end of each reporting period. *See also Standard Terms and Conditions for Construction Projects, Section B, Paragraph 1.* Form SF-425 and instructions for completing the form are available at http://www.whitehouse.gov/omb/grants_forms.

8. **PERFORMANCE MEASURES:** The Recipient agrees to report on program performance measures and program outcomes in such form and at such intervals as may be prescribed by EDA in compliance with the Government Performance and Results Act of 1993. Performance measures and reporting requirements that presently apply to program activities funded by this grant will be provided in a separate GPRA information collection document. EDA will advise recipients in writing within a reasonable period prior to the time of submission of the reports in the event that there are any modifications in the performance measures.
9. **DELAYED PROGRESS:** If significant development of plans and specifications (as determined by EDA) has not begun within two (2) years of project approval, or by the date estimated in the grant application (or the expiration of any extension granted, in writing, by EDA), whichever is later, the EDA grant will be automatically suspended and may be terminated if EDA determines that the completion cannot be expected to proceed promptly and expeditiously.
10. **NONRELOCATION:** In signing this award of financial assistance, Recipient(s) attests that EDA funding is not intended by the Recipient to assist its efforts to induce the relocation of existing jobs that are located outside of its jurisdiction to within its jurisdiction in competition with other jurisdictions for those same jobs. In the event that EDA determines that its assistance was used for those purposes, EDA retains the right to pursue appropriate enforcement action in accord with the Standard Terms and Conditions of the Award, including suspension of disbursements and termination of the award for convenience or cause.
11. **NEW RESTRICTIONS ON LOBBYING:** This Award is subject to section 319 of Public Law 101-121, which added section 1352, regarding lobbying restrictions, to chapter 13 of title 31 of the United States Code. The new section is explained by the U.S. Department of Commerce in an "Interim Final Rule," 15 CFR Part 28 (55 FR 6736-6748, 2/26/90). The Recipient and sub-recipients are generally prohibited from using Federal funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with this Award.

The Recipient shall require each person who requests or receives from the Recipient a sub-grant, contract, or subcontract exceeding \$100,000 of Federal funds at any tier under this Award, to file a "Certification Regarding Lobbying."

- 12. PROGRESS REPORTS:** The Recipient shall submit progress reports to the Federal Program Officer on a quarterly basis for the periods ending March 31 and September 30, or any portion thereof until the final grant payment is made by EDA. Reports are due no later than 30 days following the end of each reporting period.
- 13. TITLE:** Prior to the initial disbursement of funds by EDA, the Recipient shall provide evidence, satisfactory to EDA, that the Recipient has acquired good and merchantable title, free from all mortgages or other foreclosable liens, to all land, rights of way and easements necessary for the completion of the project.
- 14. STATE HISTORIC PRESERVATION OFFICER:** If during construction of the project, historical and archeological resources, including burial grounds and artifacts, are discovered the Recipient shall immediately stop construction in the area, contact the State Historic Preservation Officer (SHPO) and EDA and follow the SHPO's instructions for preservation of the resources.
- 15. ENVIRONMENTAL PERMITS:** Prior to EDA's approval of bid documents, the Recipient shall provide documentation satisfactory to EDA that the permits listed below have been obtained or the bid documents include language requiring the contractor to obtain the permits prior to the start of construction. If the contractor obtains the permits, then prior to initial disbursement of any construction costs, the Recipient shall provide EDA with satisfactory documentation that the permits have been obtained.
 - Iowa NPDES Permit #2
- 16. CONTAMINATED MATERIALS:** During construction, it is possible that the Recipient will encounter contaminated soils. As such, the Recipient shall take the following measures:
 - a. Prior to EDA's approval of the bid documents, the Recipient shall provide documentation satisfactory to EDA showing that it has retained an environmental professional, or that the bid documents require the contractor to retain an environmental professional, to be on site to monitor excavations during construction so that materials requiring disposal in a licensed landfill can be identified, segregated and disposed of accordingly.
 - b. Prior to final disbursement, the Recipient shall provide evidence satisfactory to EDA that contaminated materials, if any, were disposed of properly.
 - c. The Recipient shall notify the EDA Regional Environmental Officer if and when any contaminated materials are uncovered during construction.

Form ED-508
(Rev. 7/07)

ATTACHMENT NO. 1

U.S. DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION

PUBLIC WORKS PROJECT COST CLASSIFICATIONS

City of Dubuque, Bee Branch Disaster Resiliency Project

EDA Award No.: 05-79-05290State: IowaCounty: Dubuque

<u>Cost Classification</u>	<u>Requested</u>	<u>Approved</u>
Administrative and legal expenses	\$ 20,000	\$ 20,000
Land, structures, rights-of-way, appraisals, etc.	0	0
Relocation expenses and payments	0	0
Architectural and engineering fees	0	0
Other architectural and engineering fees	0	0
Project inspection fees	0	0
Site work	0	0
Demolition and removal	0	0
Construction	10,206,150	10,206,150
Equipment	0	0
Contingencies	0	0
	<hr/>	<hr/>
TOTAL PROJECT COSTS	\$10,226,150	\$10,226,150