WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County Contract No.

	Facilities		
Originating Department:	Click here to enter text,		
Division/Program: (i.e. Dept. Division and Program)	Daniel Goger, Project Manager		
Contract or Grant Administrator:	Unity Care Northwest		
Contractor's / Agency Name:			
Is this a New Contract?If not, is this an Amendment oYes ☑No □If Amendment or Renewal, (r Renewal to an Existing Contract? Yes Ves No Per WCC 3.08.100 (a)) Original Contract #:		
Does contract require Council Approval? Yes X No Already approved? Council Approved Date: 5/9/2023	If No, include WCC: (Exclusions see: Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)		
Is this a grant agreement? Yes 🗌 No 🛛 If yes, grantor agency con	tract number(s): CFDA#:		
Is this contract grant funded? Yes No If yes, Whatcom County g	grant contract number(s):		
Is this contract the result of a RFP or Bid process? Yes 🗌 No 🛛 If yes, RFP and Bid number(s):	Contract Cost Center:		
Is this agreement excluded from E-Verify? No 🗌 Y	es 🔀 If no, include Attachment D Contractor Declaration form.		
amount and any prior amendments): \$40,000 \$ 1. Exc This Amendment Amount: 2. Concept \$ 2. Concept Total Amended Amount: 3. Bid \$ 4. Equ \$ 5. Concept \$ 6. Concept	Contract for Commercial off the shelf items (COTS). Work related subcontract less than \$25,000. Public Works - Local Agency/Federally Funded FHWA. approval required for; all property leases, contracts or bid awards exceeding , and professional service contract amendments that have an increase greater 0,000 or 10% of contract amount, whichever is greater, except when : ercising an option contained in a contract previously approved by the council. Intract is for design, construction, r-o-w acquisition, prof. services, or other ital costs approved by council in a capital budget appropriation ordinance. or award is for supplies. hipment is included in Exhibit "B" of the Budget Ordinance itat costs and/or technical support and hardware maintenance of ctronic systems and/or technical support and software maintenance from the eloper of proprietary software currently used by Whatcom County.		
Summary of Scope: This agreement outlines the collaborat	ive efforts the Parties agree to for the term of the tenant's occupancy.		
*			
Term of Contract: Ongoing	Expiration Date: End of Tenant's Occupancy		
Contract Routing: 1. Prepared by: Daniel Goger/Rob N			
2. Attorney signoff: Christopher.Quin			
3. AS Finance reviewed: Bbennett	Date: Date:		
 IT reviewed (if IT related): Contractor signed: 	Date: 7/10/23		
6. Submitted to Exec.:	Date:		
7. Council approved (if necessary):	Date:		
8. Executive signed:	Date: 710 23		
9. Original to Council:	Date:		

FACILITY IMPROVEMENT COLLABORATION AGREEMENT

This agreement concerning improvements to the facility located at 1500 State Street, Bellingham, Washington (the "Agreement") is made and entered into between Whatcom County, Washington (the "County") and Unity Care Northwest ("Unity Care") (each a "Party" and collectively the "Parties"), effective the data of last signature below (the "Effective Date").

RECITALS

WHEREAS, the County and Unity Care desire to coordinate their provision of services, to include health care and related services provided by Unity Care, at 1500 State Street, Bellingham, Washington, a facility owned by Whatcom County (the "Facility");

WHEREAS, to provide coordinated services, the County and Unity Care desire to work in close collaboration for the improvement and shared use of the Facility;

WHEREAS, Whatcom County has agreed to lease certain space within the Facility to Unity Care at a rate of \$1.00 per year for a ten-year lease term;

WHEREAS, Unity Care submitted an application for Congressional Directed Spending ("CDS") capital improvement funding in support of this collaborative endeavor, which application was favorably endorsed and led to a CDS award of capital funding from the Health Resources and Services Administration ("HRSA") (the "CDS Award");

WHEREAS, the Parties acknowledge that CDS Award funding from HRSA is subject to certain terms and conditions impacting the improvement work and the improved Facility; and

WHEREAS, the Parties acknowledge that for purposes of this Agreement the County is neither a subrecipient of the CDS award nor a contractor of Unity Care for purposes of the CDS award; and

WHEREAS, the Parties are entering into this Agreement to facilitate compliance with the CDS Award terms and conditions to the extent each is responsible pursuant to the terms of this Agreement or as individually obligated under the terms and conditions of the CDS award, throughout the term of Unity Care's occupancy of the Facility.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained and intending to be legally bound hereby, the County and Unity Care agree as follows:

1. Compliance with HRSA Requirements.

1.1 <u>Notice of Award and Related Guidance</u>. As may be applicable, the Parties agree to comply with: (i) the terms and conditions set forth in the attached CDS Award notice of award ("NOA") (**Appendix A**), (ii) HRSA guidance set forth in the "Project Guidance" document (**Appendix B**), and (iii) other HRSA CDS Program guidance promulgated to interpret and

implement the terms and conditions of the NOA. HRSA CDS Program guidance is currently available at: <u>https://www.hrsa.gov/grants/manage-your-grant/training/community-project-funding-congressionally-directed</u>.

1.2 <u>Scope of Compliance</u>. Certain HRSA requirements are set forth in further detail below to facilitate cooperation and compliance by the Parties. The Parties agree to cooperate in good faith regarding with all HRSA requirements, as agreed in Paragraph 1.1, regardless of whether such requirements are set forth in greater detail below.

2. Construction Contracting, Coordination and Contributions.

2.1 <u>Scope of Facility Improvement Project</u>. The Parties acknowledge that the full cost of improvement of the Facility is expected to be approximately \$11,369,600.00, and that no less than \$2 million of that cost is attributable to the work by Faber Construction Corporation ("Construction Contractor") on the space to be leased by Unity Care.

2.2 <u>Contract Funding and Execution</u>. The County agrees to cooperate in good faith with Unity Care to make Unity Care a signatory to, the contract with Construction Contractor for improvement of the Facility (the "Construction Contract") for the limited purpose of obligating Unity Care to pay of up to \$2 million dollars of Facility construction costs attributable to the Facility space to be leased by Unity Care, subject to compliance with the requirements described in Section 1 (Compliance with HRSA Requirements).

2.2.1 <u>Direct and Allocated Expenses</u>. The Parties will cooperate in good faith with each other and in negotiation and management of the Construction Contract to ensure that the Construction Contractor bills Unity Care (up to the maximum \$2 million amount set forth above) only for (i) costs of work attributable to the health care space to be occupied by Unity Care, and (ii) a portion of certain overall Facility costs based upon the proportional share of total Facility square footage represented by the health care space to be occupied by Unity Care.

2.2.2 Unavailability of CDS Award Funding. In the event that all or part of the CDS Award is unavailable to fund the Facility improvements pursuant to the terms of this Agreement, Unity Care shall be responsible for reimbursing the County for all Facility improvement expenses incurred in reliance upon CDS Award availability. The reimbursement requirements of this provision shall not exceed \$2 million. Notwithstanding the foregoing, Unity Care shall not be responsible for any such reimbursement if the CDS Award is unavailable due to the County terminating this Agreement or failing to comply with its obligations (including, but not limited to, recognition of the federal interest created by the funding and use of compliant procurement procedures) under this Agreement.

2.3 <u>Health Care Space</u>. The County agrees to incorporate Unity Care's preferred design features into the health care space to be leased by Unity Care. Unity Care understands and agrees that the design of the health care space must and will be consistent, both for purposes of functionality and overall aesthetics, with design features and styles for the remainder of the Facility. The Parties will collaborate in good faith regarding such design considerations.

2.4 <u>Construction Contract Participation Limited to Health Care Space</u>. The Parties acknowledge that, although the Construction Contract is a single contract, Unity Care's financial contribution is proportionally limited to amounts needed for improvement of the health care space to be leased by Unity Care. Unity Care shall have no financial obligation with respect to work or cost not attributable to the health care space. Except as may otherwise be provided for in this Agreement, the County hereby agrees to indemnify and hold harmless Unity Care from any and all claims by the Construction Contractor or third parties pertaining to Construction Contract work for space other than the health care space. The Parties further agree that the County shall maintain sole authority and responsibility for all Construction project decisions and administration including those decisions and administration specifically related to construction of the health care space to be leased by Unity Care.

Compliance with Federal Procurement Standards and Environmental Review 2.5 Requirements. The County acknowledges that Unity Care's expenditure of CDS Award funds is subject to compliance with (i) the environmental review requirements referenced in Appendix A and (ii) the federal procurement standards set forth within 45 C.F.R. Part 75. The County hereby affirms that it is familiar with such requirements and that its project design, management, and contracting processes in furtherance of work funded through the CDS Award shall be compliant with federal environmental review and procurement requirements. The Parties will cooperate in good faith regarding the completion of environmental review-related information (including the Environmental Information and Documentation (EID) Checklist and State Historic Preservation Office (SHPO) letter) to HRSA. The County agrees to indemnify Unity Care for any costs disallowed by HRSA for failure to comply with such requirements. The County agrees to cooperate in good faith with Unity Care to provide HRSA all information that it requires on such matters to verify compliance and further project accomplishment. Unity Care agrees to cooperate in good faith with the County to expeditiously submit information to HRSA and coordinate with HRSA to avoid unnecessary project delays. Unity Care agrees to indemnify the County for any costs disallowed by HRSA resulting from Unity Care's failure to comply with any grant requirements imposed upon Unity Care as the CDS Award recipient.

3. <u>Federal Interest</u>. The County hereby acknowledges that the use of CDS Award funding for improvements to the Facility will create a federal interest in the Facility. The County agrees that, if required by HRSA, it will file a notice of federal interest ("NOFI") with respect to the Facility. HRSA requirements call for the NOFI to be filed before funds may be drawn and potentially prior to project commencement. If, for any reason, CDS Award funds are not used in furtherance of this project, Unity Care will promptly cooperate in good faith with the County and HRSA to have the NOFI removed.

4. <u>Lease Agreement and Order of Precedence</u>. The Parties will cooperate in good faith to ensure that the lease terms between the County and Unity Care are consistent with HRSA requirements for improvements to leased property with CDS Award funds. The Parties hereby agree that the terms set forth in this Agreement shall supersede any inconsistent terms (if any) in the lease agreement.

5. <u>Term</u>. This Agreement shall begin on the Effective Date and continue until the end of Unity Care's occupancy of the facility under the above-described lease between the County and Unity Care, unless sooner terminated in accordance with Section 6 (Termination) below.

6. <u>Termination</u>. Either Party may terminate this Agreement by providing 30 days' written notice to the other Party through the signatory listed below (or such signatory's successor, if applicable). The effect of such termination and continuing obligations shall be as follows:

6.1 <u>If Terminated by the County</u>. Except as otherwise provided in this Agreement, if the County terminates this Agreement after any CDS Award funding has been used to pay amounts due on the Construction Contract or related expenses, the County will promptly reimburse Unity Care such amounts. If the County terminates this Agreement after a federal interest has been created in the Facility or underlying land, the County shall promptly cooperate in good faith with Unity Care and HRSA to seek release of the federal interest. The County shall be responsible for, and shall pay to HRSA (through Unity Care or otherwise), such amount as is required by federal regulations to obtain release of the federal interest.

6.2 <u>If Terminated by Unity Care</u>. If Unity Care terminates this Agreement after any federal interest has been created in the Facility or underlying land, Unity Care shall promptly cooperate in good faith with the County and HRSA to seek release of the federal interest. Unity Care shall be responsible for, and shall pay to HRSA, such amount as is required by federal regulations to obtain release of the federal interest.

6.3 <u>If Expires Naturally at the End of Unity Care's Occupancy</u>. Upon the natural expiration of this Agreement upon Unity Care's end of occupancy of the Facility after the tenyear lease term, Unity Care shall have no obligation with respect to any federal interest in the property. The Parties will cooperate in good faith with HRSA regarding administration any remaining federal interest that may exist in the Facility, to include transfer of primary responsibility for management of any remaining federal interest to the County.

6.4 <u>Effect of Early Termination on Lease</u>. Termination of this Agreement by either Party prior to the expiration of the above-described lease between the County and Unity Care will have no effect on the lease agreement. However, in the event that this Agreement is terminated prior to its natural expiration and such termination frustrates the economic purpose of the lease, the Parties agree to confer in good faith regarding mutually acceptable revisions to the lease or its separate termination.

7. <u>Ongoing Cooperation and Information Sharing</u>. The Parties agree to cooperate in good faith regarding any obligations to the federal government pertaining to the Facility throughout the term of the Agreement. Such cooperation shall include reasonable and prompt sharing of information related to the CDS Award, the Construction Contract, and the Facility.

8. <u>Governing Law</u>. This Agreement is entered into in the State of Washington and shall be interpreted, enforced, and governed by Washington law. To the extent that the rights and obligations set forth herein pertain to requirements applicable to CDS Award funds, they shall be construed in a manner consistent with federal regulations, Department of Health and Human

Services' ("HHS") policy guidance, and HHS Departmental Appeals Board precedent on such matters.

9. Entire Agreement. This Agreement sets forth the Parties' complete and final agreement. This Agreement may not be altered or amended except by a written instrument executed by both Parties.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives.

Approved as to form:

Christopher Quinn per email 07/05/2023 **Prosecuting Attorney** Date

Approved:

Accepted for Whatcom County:

DocuSigned by: Satpal Singh Sidhu Satpal Singh Sidhu, Whatcom County Executive 7/10/2023 By: Date

Approved: Accepted for Unity Care Northwest:

ocuSigned by:

Bv

7/10/2023

Date

Jodi Joya Todi Joyce, CEO Unity Care Northwest

APPENDIX A

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Department of Health and Human Services Health Resources and Services Administration

Notice of Award FAIN# CE146553 Federal Award Date: 08/08/2022

Recipient Information	Federal Award Information		
1. Recipient Name	11. Award Number		
Unity Care Northwest	1 CE1HS46553-01-00		
1616 Cornwall Ave STE 205			
Bellingham, WA 98225-4642	12. Unique Federal Award Identification Number (FAIN)		
2. Congressional District of Recipient	CE146553		
02	13. Statutory Authority		
3. Payment System Identifier (ID)	Consolidated Appropriations Act, 2022, (PL 117-103)		
1912168190A1	14. Federal Award Project Title		
A Participation Alexandre (PIAI)	Community Project Funding/Congressionally Directed Spending - Constru	uction	
4. Employer Identification Number (EIN) 912168190			
915109190	15. Assistance Listing Number		
5. Data Universal Numbering System (DUNS)	93.493		
147768738	16. Assistance Listing Program Title		
6. Recipient's Unique Entity Identifier	Congressional Directives		
PFYXQLW32WJ6	17. Award Action Type		
7. Project Director or Principal Investigator	New		
Chris Kobdish	INEW		
Project Director	18. Is the Award R&D?		
chris.kobdish@ucnw.org	No		
(360)788-2624			
8. Authorized Official	Summary Federal Award Financial Infor	mation	
Chris Kobdish	19. Budget Period Start Date 08/01/2022 - End Date 07/31/2025		
Director of Planning & Development	20. Total Amount of Federal Funds Obligated by this Action	\$2,000,000.00	
chris.kobdish@ucnw.org	20. Total Amount of Federal Funds Obligated by this Action	\$2,000,000.00	
(360)788-2624	20a. Direct Cost Amount		
	20b. Indirect Cost Amount		
Federal Agency Information	21, Authorized Carryover	\$0.00	
9. Awarding Agency Contact Information	22. Offset	\$0.00	
Ernsley P Charles Grants Management Specialist			
Office of Federal Assistance Management (OFAM)	23. Total Amount of Federal Funds Obligated this budget period	\$2,000,000.00	
Division of Grants Management Office (DGMO)	24. Total Approved Cost Sharing or Matching, where applicable	\$0.00	
ECharles@hrsa.gov	25. Total Federal and Non-Federal Approved this Budget Period	\$2,000,000.00	
(301) 443-8329	26. Project Period Start Date 08/01/2022 - End Date 07/31/2025		
10. Program Official Contact Information			
Crystal Bush	27. Total Amount of the Federal Award including Approved	\$2,000,000.00	
Engineer	Cost Sharing or Matching this Project Period		
Healthcare Systems Bureau (HSB)			
cbush@hrsa.gov	28. Authorized Treatment of Program Income		

Addition

29. Grants Management Officer – Signature William Davis on 08/08/2022

30. Remarks

(000) 000-0000

HRSA Health Resources & Services Administration

Healthcare Systems Bureau (HSB)

Notice of Award Award Number: 1 CE1HS46553-01-00

Federal Award Date: 08/08/2022

31. APPROVED BUDGET: (Excludes Direct Assistance) [X] Grant Funds Only		33. RECOMMENDED FUT (Subject to the availability	URE SUPPORT: of funds and satisfactory progress of	f project)
[] Total project costs including grant funds and all other financia	l participation	YEAR	TOTAL COSTS	
a. Salaries and Wages:	\$0.00		Not applicable	
b. Fringe Benefits:	\$0.00	34. APPROVED DIRECT AS	SISTANCE BUDGET: (In lieu of cash)	
c. Total Personnel Costs:	\$0.00	a. Amount of Direct Assis	tance	\$0.00
d Consultant Costs:	\$0.00	b. Less Unawarded Balan	ce of Current Year's Funds	\$0.00
e. Equipment:	\$0.00		ward(s) This Budget Period	\$0.00
f. Supplies:	\$0.00	d. AMOUNT OF DIRECT A		\$0.00
g. Travel:	\$0.00	35. FORMER GRANT NUM	IBER	
h. Construction/Alteration and Renovation:	\$0.00	36. OBJECT CLASS		
i. Other:	\$0.00	41.11		
j. Consortium/Contractual Costs:	\$0.00	37. BHCMIS#		_
k Trainee Related Expenses:	\$0.00	, I		
I. Trainee Stipends:	\$0.00			
m. Trainee Tuition and Fees:	\$0.00			
n. Trainee Travel:	\$0.00			
o. TOTAL DIRECT COSTS:	\$2,000,000.00			
p. INDIRECT COSTS (Rate: % of S&W/TADC):	\$0.00			
q. TOTAL APPROVED BUDGET:	\$2,000,000.00			
i. Less Non-Federal Share:	\$0.00			
ii. Federal Share:	\$2,000,000.00			
32. AWARD COMPUTATION FOR FINANCIAL ASSISTANCE:				
a. Authorized Financial Assistance This Period	\$2,000,000.00			
b. Less Unobligated Balance from Prior Budget Periods				
i. Additional Authority	\$0.00			
ii. Offset	\$0.00			
c. Unawarded Balance of Current Year's Funds	\$0.00			
d. Less Cumulative Prior Award(s) This Budget Period	\$0.00			
e. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION	\$2,000,000.00			

38. THIS AWARD IS BASED ON THE APPLICATION APPROVED BY HRSA FOR THE PROJECT NAMED IN ITEM 14. FEDERAL AWARD PROJECT TITLE AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE AS:

a. The program authorizing statue and program regulation cited in this Notice of Award; b. Conditions on activities and expenditures of funds in certain other applicable statutory requirements, such as those included in appropriations restrictions applicable to HRSA funds; c. 45 CFR Part 75; d. National Policy Requirements and all other requirements described in the HHS Grants Policy Statement; e. Federal Award Performance Goals; and f. The Terms and Conditions cited in this Notice of Award. In the event there are conflicting or otherwise inconsistent policies applicable to the award, the above order of precedence shall prevail. Recipients indicate acceptance of the award, and terms and conditions by obtaining funds from the payment system.

39. ACCOUNTING CLASSIFICATION CODES

FY-CAN	CFDA	DOCUMENT NUMBER	AMT. FIN. ASST.	AMT. DIR. ASST.	SUB PROGRAM CODE	SUB ACCOUNT CODE
22 - 370CONS	93.493	22CE1HS46553	\$2,000,000.00	\$0.00	N/A	22CE1HS46553

HRSA Electronic Handbooks (EHBs) Registration Requirements

The Project Director of the grant (listed on this NoA) and the Authorizing Official of the grantee organization are required to register (if not already registered) within HRSA's Electronic Handbooks (EHBs). Registration within HRSA EHBs is required only once for each user for each organization they represent. To complete the registration quickly and efficiently we recommend that you note the 10-digit grant number from box 4b of this NoA. After you have completed the initial registration steps (i.e., created an individual account and associated it with the correct grantee organization record), be sure to add this grant to your portfolio. This registration in HRSA EHBs is required for submission of noncompeting continuation applications. In addition, you can also use HRSA EHBs to perform other activities such as updating addresses, updating email addresses and submitting certain deliverables electronically. Visit

https://grants3.hrsa.gov/2010/WebEPSExternal/Interface/common/accesscontrol/login.aspx to use the system. Additional help is available online and/or from the HRSA Call Center at 877-Go4-HRSA/877-464-4772.

Terms and Conditions

Failure to comply with the remarks, terms, conditions, or reporting requirements may result in a draw down restriction being placed on your Payment Management System account or denial of future funding.

Grant Specific Condition(s)

1. Due Date: Within 120 Days of Budget Start Date

The award recipient must consult with the HRSA Project Officer and environmental reviewer to determine if other environmental compliance reviews are required for the proposed project. Additional information will be provided within 120 days of the Project Period Start Date to identify the extent of the information that will be needed for this specific project. This information may include an Environmental Assessment (EA) under NEPA, consultation under Section 106 of the National Historic Preservation Act with the State Historic Preservation Officer (SHPO) / Tribal Historic Preservation Officer (THPO) (and any other consulting parties if identified), a hazardous materials survey, Coastal Zone Consistency Determination, Floodplain Management, Environmental Justice, etc. The documentation must be completed and submitted to HRSA for review and approval. This condition must be approved and lifted from the Notice of Award prior to initiating any physical site preparation, demolition, alteration and renovation, or construction related to the project. Funds may only be drawn down for preconstruction activities, such as the purchase of moveable equipment, completion of architectural and engineering plans, licensing and permitting requirements, State Historic Preservation Office/Tribal Historic Preservation Office consultation, and preparation of the EA or related testing and surveys.

2. Due Date: Within 60 Days of Budget Start Date

Property Documentation is Required. Within 60 days of Project Period Start Date, the award recipient must submit documentation (deeds, titles, local land records, etc.) describing ownership of the property.

3. Due Date: Within 60 Days of Budget Start Date

Within 60 days of Project Period Start Date, the award recipient must submit into HRSA's Electronic Handbook a revised SF-424C budget page, revised budget justification and revised equipment list, in accordance with the application guidance.

4. Due Date: Within 60 Days of Budget Start Date

Within 60 days of the Project Period Start Date, the award recipient must submit schematic drawings including floor plan(s) and, if applicable to the project, a site plan that provide clear and complete information on the project into HRSA's Electronic Handbook to support the requested funding amount for this project. Floor plans/site plans must be drawn to scale including proposed exam rooms, waiting area, etc. Documents must include rough dimensions for major project components. Drawings should clearly identify the project components that are being proposed, as well as distinguishing improved space from unaffected space. Contact the assigned Project Officer for additional information.

5. Due Date: Within 120 Days of Budget Start Date

The award recipient must record a Notice of Federal Interest (NFI) in the appropriate official records of the jurisdiction in which the property is located. A notarized and recorded copy of the NFI must be submitted into HRSA's Electronic Handbook.

Grant Specific Term(s)

- 1. 45 CFR Part 75 applies to all federal funds associated with the award. Part 75 has been effective since December 26, 2014. All references to prior OMB Circulars for the administrative and audit requirements and the cost principles that govern Federal monies associated with this award are superseded by the Uniform Guidance 2 CFR Part 200 as codified by HHS at 45 CFR Part 75.
- 2. As required by the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282), as amended by section 6202 of Public Law 110–252, recipients must report information for each subaward of \$30,000 or more in Federal funds and executive total compensation, as outlined in Appendix A to 2 CFR Part 170. You are required to submit this information to the FFATA Subaward Reporting System (FSRS) at https://www.fsrs.gov/ by the end of the month following the month in which you awarded any subaward. The FFATA reporting requirements

from these requirements. For more information, visit: https://www.hrsa.gov/grants/ffata.html.

- 3. All post-award requests, such as significant budget revisions or a change in scope, must be submitted as a Prior Approval action via the Electronic Handbooks (EHBs) and approved by HRSA prior to implementation. Grantees under "Expanded Authority," as noted in the Remarks section of the Notice of Award, have different prior approval requirements. See "Prior-Approval Requirements" in the DHHS Grants Policy Statement: http://www.hrsa.gov/grants/hhsgrantspolicy.pdf
- 4. The funds for this award are in a sub-account in the Payment Management System (PMS). This type of account allows recipients to specifically identify the individual grant for which they are drawing funds and will assist HRSA in monitoring the award. Access to the PMS account number is provided to individuals at the organization who have permissions established within PMS. The PMS sub-account code can be found on the HRSA specific section of the NoA (Accounting Classification Codes). Both the PMS account number and sub-account code are needed when requesting grant funds. Please note that for new and competing continuation awards issued after 10/1/2020, the sub-account code will be the document number.

You may use your existing PMS username and password to check your organizations' account access. If you do not have access, complete a PMS Access Form (PMS/FFR Form) found at: https://pmsapp.psc.gov/pms/app/userrequest. If you have any questions about accessing PMS, contact the PMS Liaison Accountant as identified at: http://pms.psc.gov/find.pms_liaison_accountant.html

http://pms.psc.gov/find-pms-liaison-accountant.html

- 5. If a Notice of Federal Interest (NFI) is required, HRSA's Federal interest is subordinate to all pre-existing mortgages or obligations recorded against the property. HRSA's Federal interest is also subordinate to loans and obligations identified in the application as sources of financing for the project. Future modifications and new mortgages and obligations will require prior approval.
- 6. Funds in this award may be restricted until all program- and grant-specific conditions of the award have been met and lifted from the Notice of Award. The only exceptions to this restriction on drawdown may be to limited pre-construction activities related to meeting one of these conditions, such as expenses for completing architectural and engineering plans, meeting licensing and permitting requirements, historic preservation consultation with the State Historic Preservation Office/Tribal Historic Preservation Office, and/or preparing the Environmental Assessment.

Program Specific Term(s)

- 1. Pursuant to existing law, and consistent with Executive Order 13535 (75 FR 15599), HRSA-funded health centers are prohibited from using Federal funds to provide abortion services (except in cases of rape or incest, or when the life of the woman would be endangered).
- This Notice of Award (NoA) is issued to inform your organization of the awarding of Community Project Funding/Congressionally Directed Spending (CPF/CDS): Construction Projects (HRSA-22-134) funding. This funding is authorized by the FY 2022 Consolidated Appropriations Act (P.L. 117-103) for projects that relate to the construction and renovation (including equipment) of health care and other facilities. This award cannot be transferred to another entity.
- 3. A prior approval request must be submitted to HRSA for review of any pre-award costs incurred up to 90 day prior to the Consolidated Appropriations Act P.L. 117-103 (before March 15, 2022).
- 4. An award recipient may acquire a variety of commercially available goods or services in connection with a grant-supported project or program. Award recipients may use their own procurement procedures that reflect applicable state and local laws and regulations, as long as those procedures conform to the following applicable U.S. Department of Health and Human Services (HHS) regulations: HHS regulations at 45 Code of Federal Regulations (CFR) 75 UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR HHS AWARDS. States must follow the requirements at Title 45 CFR 75. Generally, States must follow the requirements at 45 CFR 75.
- 5. All program income generated as a result of awarded funds must be used for approved project-related activities. Any program income earned by the recipient must be used under the addition/additive alternative. Additional requirements found at 45 CFR § 75.307.
- 6. Although this NoA approves funds for the project(s) identified in the submitted application, HRSA may take action to withdraw the approval and funds for the project(s) if subsequent events lead HRSA to conclude that a project as originally proposed is ineligible or cannot be completed. Subsequent events could include, but are not limited to, non-compliance with the implementation of the project (such as excessive drawdown, improper procurement, conflicts of interests, etc.), significant changes to the location or physical scope of the project without prior approval, or the identification of previously undocumented environmental or historic preservation issues that lead the HRSA to conclude that the proposed project cannot be carried out consistent with the eligibility and program requirements. If this occurs, please contact the assigned Project Officer to discuss.
- 7. The award recipient will submit a semi-annual Progress Report for the approved project(s) into the HRSA Electronic Handbook (EHB) every six months until the project is completed.

Standard Term(s)

 Your organization is required to have the necessary policies, procedures, and financial controls in place to ensure that your organization complies with all legal requirements and restrictions applicable to the receipt of federal funding, per HRSA Standard Terms (unless otherwise specified on your Notice of Award), and Legislative Mandates. The effectiveness of these policies, procedures, and controls is subject to audit.

Reporting Requirement(s)

1. Due Date: Annually (Budget Period) Beginning: Budget Start Date Ending: Budget End Date, due 90 days after end of reporting period.

The recipient must submit an annual Federal Financial Report (FFR). The report should reflect cumulative reporting within the project period of the document number. Effective October 1, 2020, all FFRs will be submitted through the Payment Management System (PMS). Technical questions regarding the FFR, including system access should be directed to the PMS Help Desk by submitting a ticket through the self-service web portal (PMS Self-Service Web Portal), or calling 877-614-5533.

The FFR will be due 90, 120, or 150 days after the budget period end date. Please refer to the chart below for the specific due date for your FFR.

- Budget Period ends August October: FFR due January 30
- Budget Period ends November January: FFR due April 30
- Budget Period ends February April: FFR due July 30
- Budget Period ends May July: FFR due October 30

2. Due Date: Within 90 Days of Project End Date

Within 90 days of project completion, the award recipient must submit into HRSA's Electronic Handbook a final report with the following items as applicable:

a. Photos of before, during, and after project completion - scan and upload photographs, with brief descriptions of the project prior to initiating work, during renovation/construction, and of the completed project. Include exterior shots (front, rear of building), major rooms and examples of grant funded major equipment items;

b. Certificate of substantial completion;

c. Certificate of occupancy;

d. Letter stating that the project was completed in accordance with previously certified documents and in accordance with all applicable federal statutes and regulations, as well as all applicable State codes, and local codes and ordinances.

Failure to comply with these reporting requirements will result in deferral or additional restrictions of future funding decisions.

Contacts

NoA Email Address(es):

Name	Role	Email
Chris Kobdish	Authorizing Official, Point of Contact	chris.kobdish@ucnw.org
Chris Kobdish	Program Director	chris.kobdish@ucnw.org

Note: NoA emailed to these address(es)

All submissions in response to conditions and reporting requirements (with the exception of the FFR) must be submitted via EHBs. Submissions for Federal Financial Reports (FFR) must be completed in the Payment Management System (https://pms.psc.gov/).

View NoA

NoA NoA Extension Terms & Conditions Award Email



Department of Health and Human Services Health Resources and Services Administration Notice of Award FAIN# CE146553 Federal Award Date: 08/23/2022

Recipient Information

1. Recipient Name Unity Care Northwest 1616 Cornwall Ave STE 205 Bellingham, WA 98225-4642

- 2. Congressional District of Recipient 02
- 3. Payment System Identifier (ID) 1912168190A1
- 4. Employer Identification Number (EIN) 912168190
- 5. Data Universal Numbering System (DUNS) 147768738
- 6. Recipient's Unique Entity Identifier PFYXQLW32WJ6
- 7. Project Director or Principal Investigator Chris Kobdish chris.kobdish@ucnw.org (360)788-2624
- Authorized Official Chris Kobdish Director of Planning & Development chris.kobdish@ucnw.org (360)788-2624

Federal Agency Information

9. Awarding Agency Contact Information Ernsley P Charles Grants Management Specialist Office of Federal Assistance Management (OFAM) Division of Grants Management Office (DGMO) ECharles@hrsa.gov (301) 443-8329

10. Program Official Contact Information Julia Bryan Healthcare Systems Bureau (HSB) jbryan@hrsa.gov (301) 443-6707

Federal Award Information

- 11. Award Number 6 CE1HS46553-01-01
- 12. Unique Federal Award Identification Number (FAIN) CE146553
- 13. Statutory Authority Consolidated Appropriations Act, 2022, (PL 117-103)
- 14. Federal Award Project Title Community Project Funding/Congressionally Directed Spending - Construction
- 15. Assistance Listing Number 93.493
- 16. Assistance Listing Program Title Congressional Directives
- 17. Award Action Type Administrative
- 18. Is the Award R&D?

Summary Federal Award Financial Information 19. Budget Period Start Date 08/01/2022 - End Date 07/31/2025 20. Total Amount of Federal Funds Obligated by this Action \$0.00 20a. Direct Cost Amount 20b. Indirect Cost Amount 21. Authorized Carryover \$0.00 22. Offset \$0.00 23. Total Amount of Federal Funds Obligated this budget period \$2,000,000.00 24. Total Approved Cost Sharing or Matching, where applicable \$0.00 25. Total Federal and Non-Federal Approved this Budget Period \$2,000,000.00 26. Project Period Start Date 08/01/2022 - End Date 07/31/2025 27. Total Amount of the Federal Award including Approved \$2,000,000.00 Cost Sharing or Matching this Project Period 28. Authorized Treatment of Program Income Addition

29. Grants Management Officer – Signature Ernsley Charles on 08/23/2022

30. Remarks

This Notice of Award is issued to remove one or more Grant Conditions. Refer to the Terms and Conditions for additional information.

Close Window

APPENDIX B

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U.S. Department of Health and Human Services



Health Resources & Services Administration

Office of Federal Assistance Management

Congressionally Directed Spending (CDS): Construction Projects

Project Guidance Number: HRSA-22-134

Assistance Listings (AL/CFDA) Number: 93.493

Project Guidance

Fiscal Year 2022

Application Due Date: June 6, 2022

Ensure your SAM.gov and Grants.gov registrations and passwords are current immediately! Registration in all systems may take up to 1 month to complete.

Issuance Date: March 31, 2022

Authority: FY 2022 Consolidated Appropriations Act (P.L. 117-103)

Note: This announcement is not open to the public.

508 COMPLIANCE DISCLAIMER

Note: Persons using assistive technology may not be able to fully access information in this file. For assistance, please email or call one of the HRSA staff listed in <u>Section VII.</u> <u>Agency Contacts</u>.

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I. Project Description

1. Purpose

This is a non-competitive announcement for Congressionally Directed Spending (CDS): Construction Projects that will be funded through the Health Resources and Services Administration's Office of Federal Assistance Management (OFAM). This document provides guidance for how to submit an application to receive CDS funding, general information about the projects including funding amounts and limitations, administrative and national policy requirements, and other important information.

Funding is limited to the named entities and for the purposes identified in the <u>Consolidated Appropriations Act, 2022</u> (P.L. 117-103).

Applications may be submitted for:

- Construction and Modernization projects with or without equipment
- "Design-Only" (planning portion of a construction project)
- o Equipment only
- o Other construction and renovation related activities

2. Background

HRSA's mission is to improve health outcomes and achieve health equity through access to quality services, a skilled health workforce, and innovative, high-value programs.

Congress appropriated funding in the FY 2022 Consolidated Appropriations Act (P.L. 117-103) for congressionally directed spending projects that relate to the construction and renovation (including equipment) of health care and other facilities.

All recipients of Congressionally Directed Spending (CDS) must submit an application in order for the funds to be officially awarded. Your application must contain the items listed in this Project Guidance. Additional information to assist you in completing the application documents can be found in the Appendix.

To further assist you, OFAM will be hosting a Technical Assistance Webinar. See <u>Section VIII</u> for details.

Incomplete applications may result in a delayed award until all necessary components are received.

Definitions

Congressionally Directed Spending – language in an authorization act or appropriations act that requires HRSA to make an award(s) to a named recipient(s) for a particular project or activity.

Construction - the erection of a building, structure or facility, including the installation of equipment, site preparation, landscaping, associated roads, parking, environmental mitigation and utilities, which provides space not previously available. It includes freestanding structures, additional wings or floors, enclosed courtyards or entryways, and any other means to provide usable space that did not previously exist (excluding temporary facilities)

Equipment – tangible personal property or moveable equipment are non-expendable equipment items, with a useful life of more than one year that can be readily shifted from place to place without requiring a change in the utilities or structural characteristics of the facility.

Modernization – the alteration, repair, remodeling and/or renovation of a building (including the initial equipment thereof and improvements to the building's site) which, when completed, will render the building suitable for use by the project for which the grant is made. Construction is specifically excluded.

Project_costs – total allowable costs incurred under a federal award and all required cost sharing and voluntary committed cost sharing, including third-party contributions.

II. Award Information

1. Type of Application and Award

HRSA will provide funding in the form of a grant.

2. Summary of Funding

HRSA has provided each recipient an email containing information on the funding level and purpose. This is one-time funding and projects are for limited to a three- year period of performance.

HRSA will award CDS as new grant awards pursuant to a Congressional Directive authorized and appropriated in the FY 2022 Consolidated Appropriations Act (P.L. 117-103). Under <u>45 C.F.R. § 75.302</u>, you must document use of CDS funds separately and distinctly from other federal awards.

III. Eligibility Information

1. Eligible Applicants

Eligible entities are those organizations identified by Congress to receive specific amounts of funding for specific construction-related projects under the FY 2022 Consolidated Appropriations Act (P.L. 117-103).

2. Cost Sharing/Matching

Cost sharing/matching is not required.

IV. Application and Submission Information

1. Application Package

You (the applicant organization/agency) should follow the instructions in HRSA's SF-424 Application Guide, available online, except where instructed in this Project Guidance to do otherwise. The <u>SF-424 Application Guide</u> is for preparing and submitting applications through Grants.gov to HRSA using the SF-424 Workspace Application Package.

HRSA *requires* you to apply electronically. You can apply through <u>Grants.gov</u> using the SF-424 workspace application package associated with this Project Guidance following the directions provided at <u>Grants.gov</u>: HOW TO APPLY FOR GRANTS.

2. Content and Form of Application Submission

Applicants notified to apply for funding under the CDS: Construction Project HRSA-22-134, must review Section 4 of HRSA's SF-424 Application Guide which provides general instructions for the budget, budget narrative, etc. Additionally, you must submit the project-specific information below. A SF-424C "Budget Information for Construction Program" form is required. This form is in the application package in Grants.gov.

Application Page Limitation

The suggested page range for your application is 16-30 pages, which may vary, depending on your project.

Instructions for Submitting Project Abstract and Narrative

You must submit your application consistent with the following Project Abstract and Project Narrative format.

i. Project Abstract

Submit your project abstract using the Project Abstract Summary Form 2.0. This form is in the application package in Grants.gov. For information required in the Project Abstract Summary Form, see Section 4.1.ix of HRSA's <u>SF-424 Application Guide</u>.

ii. Project Narrative (suggested page range: 3 - 7 pages)

The project narrative provides a comprehensive description of all aspects of the proposed project.

Use the following section headers for the construction project narrative:

- PROJECT DESCRIPTION -- Provide a detailed description for the project:
 - Physical location. Indicate if the property is leased or owned.
 - Describe the specific scope of activities and how it aligns with what the CDS funding was provided for, as applicable, such as:
 - Purchases of equipment items.
 - Creation of a new stand-alone structure or expansion of an existing structure to increase the total square footage.
 - Improvement and/or reconfiguration of the interior arrangements of an existing facility.
 - Installation of permanently affixed equipment.
 - Modifications and/or repairs to the building exterior (including windows).
 - Heating, ventilation, and air-conditioning (HVAC) modifications (including the installation of climate control and duct work).
 - Electrical upgrades and/or plumbing work.
 - Identify the project activities in terms of dimensions, square footage, and clinical and non-clinical area(s) to be impacted.
 - Identify the project activities in terms of dimensions, square footage, and clinical and non-clinical area(s) to be impacted.
 - Describe the proposed method of construction such as design/build, construction management at risk, by the applicant's own forces, or whether a third- party construction manager will be used.
- TIMELINE

Describe the activities or steps required to complete the project. Use a timeline that includes each of the following activities and identifies responsible staff:

- Planning
- o Design
- o Obtaining required permits and/or variances
- o Meeting Federal environmental and historic preservation requirements
- Solicitation of bids and awarding of contracts
- Alteration/renovation or construction period
- Expected project completion date

EQUIPMENT LIST (AS APPLICABLE)

If you propose to use CDS funds for equipment, complete an Equipment List (consistent with your Budget Narrative). Include all moveable equipment that has a useful life of more than one year and including information technology systems. Moveable equipment can be readily shifted from place to place without requiring a change in the utilities or structural characteristics of the space. Any equipment purchased with CDS funds must be procured, maintained, tracked, and disposed of in accordance with <u>45 CFR part 75</u>.

Include the following fields for each item:

- **Item Description** Provide a description of each item.
- Unit Price Provide the price of each item.
- **Quantity** Provide the number of each item to be purchased.
- Total Price Calculate total price. This should match your Budget.

The selection of equipment should be based on a preference for recycled content, non-hazardous substances, non-ozone depleting substances, energy and water efficiency, and consideration of final disposal (disposed in a manner that is safe, protective of the environment, and compliant with all applicable regulations), unless there are conflicting health, safety, and performance considerations. You are strongly encouraged to employ the standards established by either the Electronic Product Environmental Assessment Tool (EPEAT) or ENERGY STAR®, where practicable, in the procurement of equipment. Following these standards will mitigate the negative effects on human health and the environment. Additional information for these standards can be found at http://www.epeat.net and http://www.energystar.gov.

iii. Budget

Complete the SF-424C for the proposed project. See the Form Instructions on Grants.Gov version 2.0 for the SF-424C at <u>SF-424 Family | GRANTS.GOV</u>. See HRSA's <u>SF-424 Application Guide</u> and <u>Appendix B</u> for an inventory of allowable and unallowable costs for construction projects.

iv. Budget Narrative (suggested page range 1 - 3 pages)

The budget justification narrative must describe all line-items on budget form SF-424C (including subawards) proposed for this project for the three-year period of performance.

If your proposal includes hiring new personnel, awarding contracts, or making subawards, then you must take into account the processes and time needed to put these parts of your plan in place.

Unallowable costs are outlined in <u>Appendix B</u>: Allowable and Unallowable Costs for Construction Projects.

Under <u>45 C.F.R. § 75.302</u>, you must document use of CDS funds separately and distinctly from other federal awards.

Format the budget narrative to have all columns fit on an 8.5 x 11 page when printed.

v. Attachments (suggested page range: 12 - 20 pages)

Provide the following items in the order specified below to complete the content of the application. You must upload attachments into the application.

Attachment 1: Budget Justification - Required for all projects

Provide a budget justification that provides a concise cost estimate, showing quantities, unit prices, and total cost for each line item/costs classification in the budget breakout of allowable and unallowable costs for each line item. Specifically, please present this information in a chart or table format and with the following categories: description, quantities, unit costs (allowable and unallowable) and total costs (allowable and unallowable).

Attachment 2: Environmental Information Document (EID Checklist) - Required for Modernization (Alteration/Renovation) and/or Construction activities

Provide a completed EID Checklist for the project.

Attachment 3: Floor Plans/Schematic Drawings/Site Plan – *Required for Modernization* (Alteration/Renovation) and/or Construction activities

Provide a floor plan drawn to scale for the proposed project. Documents must include rough dimensions and room labels for major project components. Drawings should clearly identify the proposed project components, as well as distinguishing improved space from unaffected space.

Where the project or a related component of the work will require activities outside of a building, provide a site plan for the proposed project showing the general layout and location of the existing site conditions. The plan should clearly diagram the location of the project and indicate the uses and structures proposed for the parcel of land. As applicable, include locations and details on any proposed work or connected activity. Where a project includes only interior renovation of an existing facility, provide a site plan or key plan showing the space(s) to be renovated and the functional relationship within the building. Documents should label major project components and include rough dimensions.

Attachment 4: Property Information – *Required for Modernization* (Alteration/Renovation) and/or Construction activities

Provide a copy of the title, deed, or lease for the project.

Applicants proposing a project on a leased property must provide a Landlord Letter of Consent (see the Leasehold Improvements section in <u>VI. Award</u> <u>Administration Information</u> for additional information on the expectations associated with lease agreements).

3. Unique Entity Identifier (UEI) and System for Award Management (SAM)

The UEI, a "new, non-proprietary identifier" assigned by the System for Award Management (<u>SAM.gov</u>), will replace the *Data Universal Numbering System (DUNS) number.

Effective April 4, 2022:

- You can register in SAM.gov and you will be assigned your UEI (SAM) within SAM.gov.
- You will no longer use UEI (DUNS) and that number will not be maintained in any Integrated Award Environment (IAE) systems (SAM.gov, CPARS, FAPIIS, eSRS, FSRS, FPDS-NG). For more details, visit the following webpages: <u>Planned UEI</u> <u>Updates in Grant Application Forms</u> and <u>General Service Administration's UEI</u> <u>Update</u>.

You must register with SAM and continue to maintain active SAM registration with current information at all times during which you have an active federal award or an application or plan under consideration by an agency (unless you are an individual or federal agency that is exempted from those requirements under 2 CFR § 25.110(b) or (c), or you have an exception approved by the agency under 2 CFR § 25.110(d)). For your SAM.gov registration, you must submit a notarized letter appointing the authorized Entity Administrator.

HRSA will not make an award until you have complied with all applicable SAM requirements.

If you have already completed Grants.gov registration for HRSA or another federal agency, confirm that the registration is still active and that the Authorized Organization Representative (AOR) has been approved.

*Currently, the Grants.gov registration process requires information in three separate systems:

- Dun and Bradstreet (<u>https://www.dnb.com/duns-number.html</u>) (through April 3, 2022)
- System for Award Management (SAM) (<u>https://sam.gov/content/home | SAM.gov</u> <u>Knowledge Base</u>)
- Grants.gov (<u>https://www.grants.gov/</u>)

For more details, see Section 3.1 of HRSA's SF-424 Application Guide.

4. Submission Dates and Times

Application Due Date

The due date for applications under this NOFO is June 6, 2022 at 4:59 p.m. ET.

If you do not meet the deadline, your funding may be delayed. Sufficient time is needed for HRSA to process applications and award funds.

Applicants that wish to request an extension to the due date should contact the CDS Program at CDSProgram@hrsa.gov.

5. Intergovernmental Review

Congressionally directed spending projects are not subject to the provisions of Executive Order 12372, as implemented by 45 CFR part 100.

See Section 4.1 ii of HRSA's SF-424 Application Guide for additional information.

6. Funding Restrictions

Funds under this announcement must be used for the purposes outlined by Congress. Additional restrictions may be applicable in the Awards section.

The General Provisions in Division H of the FY 2022 Consolidated Appropriations Act (P.L. 117-103) apply to this announcement.

Grant funds for construction or modernization cannot be provided to a federal institution or foreign organization (including domestic grants with a foreign component), unless specifically made eligible by the governing statute.

You are required to have the necessary policies, procedures, and financial controls in place to ensure that your organization complies with all legal requirements and restrictions applicable to the receipt of federal funding including statutory restrictions on specific uses of funding. It is imperative that applicants review and adhere to the list of statutory restrictions on the use of funds detailed in Section 4.1 of HRSA's <u>SF-424</u> <u>Application Guide</u>.

HRSA recipients and sub-recipients must follow the requirements at 2 CFR § 200.216 regarding prohibition on certain telecommunications and video surveillance services or equipment. For details, see the <u>HRSA Grants Policy Bulletin Number: 2021-01E</u>.

Applicants may not request more or less than the designated amount of one-time funding identified in the FY 2022 Consolidated Appropriations Act (P.L. 117-103).

V. Application Review Information

1. Review

HRSA will review each application for completeness and eligibility, all required documents, and compliance with the requirements outlined in this Project Guidance.

2. Assessment of Risk

HRSA is required to review and consider any information about your organization that is in the <u>Federal Awardee Performance and Integrity Information System (FAPIIS)</u>. You may review and comment on any information about your organization that a federal awarding agency previously entered.

HRSA may apply special conditions of award to applicants with management or financial instability that directly relates to the organization's ability to implement statutory, regulatory, or other requirements (<u>45 CFR § 75.205</u>).

VI. Award Administration Information

1. Award Notices

HRSA will release the Notices of Award (NOAs) on or around the start date of June 6, 2022. See Section 5.4 of HRSA's <u>SF-424 Application Guide</u> for additional information.

2. Administrative and National Policy Requirements

Applicants notified to apply for funding under HRSA-22-134 will refer to Section 2.1 of HRSA's <u>SF-424 Application Guide</u>.

In accepting the award, you agree that the award and any activities thereunder are subject to:

- all provisions of 45 CFR part 75, currently in effect or implemented during the period of the award; and
- other federal regulations and HHS policies in effect at the time of the award or implemented during the period of award.

Requirements of Subawards

The terms and conditions in the NOA apply directly to the recipient of HRSA funds. The recipient is accountable for the performance of the project, program, or activity; the appropriate expenditure of funds under the award by all parties; and all other obligations of the recipient, as cited in the NOA. In general, the requirements that apply to the recipient, including public policy requirements, also apply to subrecipients under awards, and it is the recipient's responsibility to monitor the compliance of all funded subrecipients. See <u>45 CFR § 75.101 Applicability</u> for more details.

Applicants notified to apply for funding under HRSA-22-134 will refer to <u>Appendix A</u>: National and Administrative Policy Requirements for pertinent requirements.

3. Reporting

Applicants notified to apply for funding under HRSA-22-134 must comply with Section 6 of HRSA's <u>SF-424 Application Guide</u> and the following reporting and review activities:

- 1. **Progress Report(s)**. You must submit a progress report to HRSA on a semiannual basis. The progress report will include the following, as applicable:
 - a. Project completion status (percent complete)
 - b. Actual versus projected budget information
 - c. Construction Schedule
 - d. Earned Value Management
 - e. Project Implementation Certification (separate submission)
- 2. Final Reporting Requirements. You must submit a final report for the awarded project within 90 days of the completion of the period of performance. The report will include the following items as applicable:
 - a. Photos of the completed project, including "before" photos
 - b. Certificate of substantial completion

- c. Certificate of occupancy
- d. Letter stating that the project was completed in accordance with previously certified contract documents and in accordance with all applicable federal statutes and regulations.
- **3.** Federal Financial Report. The Federal Financial Report (SF-425) is required within 90 days of the end of each year of the reporting period. The report is an accounting of expenditures for the specified year and should reflect cumulative reporting within the project period of the document number. All FFRs will be submitted through the Payment Management System (PMS).
- 4. Submit the SF-428 Tangible Personal Property Report. Due within 90 days of the period of performance end date. Tangible personal property means property of any kind, except real property, that has physical existence. It includes equipment and supplies. It does not include copyrights, patents, or securities.
- **5.** Ad Hoc Submissions: Throughout the period of performance, HRSA may determine that a project requires additional information for each awarded project to be submitted beyond the standard deliverables. This information may include, but is not limited to, the following:
 - a. Purchase orders
 - b. Contract documentation
 - c. Project implementation photos
- If applicable, Integrity and Performance Reporting. The NOA will contain a provision for integrity and performance reporting in <u>FAPIIS</u>, as required in <u>45</u> <u>CFR part 75 Appendix XII</u>.

OMB revisions to Guidance for Grants and Agreements termination provisions located at <u>2 CFR § 200.340 - Termination</u> apply to all federal awards. No additional termination provisions apply unless otherwise noted.

VII. AGENCY CONTACTS

You may request additional information and/or technical assistance regarding business, administrative, or fiscal issues related to this NOFO by contacting:

Hazel N. Booker Grants Management Specialist Division of Grants Management Operations, DGMO Health Resources and Services Administration 5600 Fishers Lane, Mailstop 10SWH03 Rockville, MD 20857 Telephone: (301) 443-4236 Email: <u>CDSProgram@hrsa.gov</u>

You may request additional information regarding the overall program issues and/or technical assistance related to this NOFO by contacting:

HRSA-22-134

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Julia Bryan Office of Special Activities Office of Federal Assistance Management, OFAM Health Resources and Services Administration 5600 Fishers Lane, Room 10W-35 Rockville, MD 20857 Telephone: (301) 443-6707 Email: <u>CDSProgram@hrsa.gov</u>

You may need assistance when working online to submit your application forms electronically. Always obtain a case number when calling for support. For assistance with submitting the application in Grants.gov, contact Grants.gov 24 hours a day, 7 days a week, excluding federal holidays at:

Grants.gov Contact Center Telephone: 1-800-518-4726 (International callers dial 606-545-5035) Email: <u>support@grants.gov</u> <u>Self-Service Knowledge Base</u>

VIII. OTHER INFORMATION

Technical Assistance

HRSA has scheduled the following technical assistance:

Webinar

Day and Date: Thursday, April 7, 2022 Time: 1 – 2 p.m. ET

Weblink: https://hrsa-gov.zoomgov.com/j/1616892934?pwd=K1VWc21JM0IRQ28xVkdGREhJYlpNZz09

Attendees without computer access or computer audio can use the dial-in information below Call-In Number: 1-833-568-8864 Meeting ID: 161 689 2934 Passcode: 06043205

HRSA will record the webinar. Please contact <u>CDSProgram@hrsa.gov</u> for playback information.

Appendix A: National and Administrative Policy Requirements

See Section 2.1 of HRSA's SF-424 Application Guide.

When you receive a NOA, in accepting the award, you agree that the award and any activities thereunder are subject to all provisions of 45 CFR part 75, currently in effect or implemented during the period of the award, other regulations such as 2 CFR part 200 and agency policies in effect at the time of the award or implemented during the period of the award, and applicable statutory provisions.

Accessible Design Requirements

The Architectural Barriers Act of 1968, as amended, the Federal Property Management Regulations 101-19.6 (41 CFR 101-19.6), and the Uniform Federal Accessibility Standards issued by the General Services Administration (41 CFR 101-19.6, Appendix C) set forth minimum design standards for making facilities designed, built, altered, or leased with federal funds accessible to, and usable by, the physically handicapped. In addition, the Americans with Disabilities Act, included accessibility standards, called the 2010 Standards for Accessible Design (2010 Standards), which establish minimum criteria for accessibility in design and construction. More information about the ADA and Architectural Barriers Act Accessibility Requirements are available online at <u>https://www.access-board.gov/guidelines-andstandards/buildings-and-sites</u>.

Procurement

You may acquire a variety of commercially available goods or services in connection with an award-supported project. You can use your own procurement procedures that reflect applicable state and local laws and regulations, as long as those procedures conform to the applicable U.S. Department of Health and Human Services (HHS) regulations, and the HHS Grants Policy Statement.

Force Account Labor

If you choose to use your in-house personnel for in-house design work and/or inhouse renovation work in lieu of selecting a private firm, you must obtain approval from HRSA prior to beginning the design phase. The total cost for in-house personnel plus the fee for the architect and engineer must not exceed the prevailing architectural and engineering fee costs (usually 5 to 15 percent of the construction bid cost).

Federal Interest

Real Property

The Federal Government retains a reversionary interest in real property constructed, acquired, or improved with federal funds. The federal interest is based on the total allowable project costs (federal), excluding movable equipment, as a percent of the value of the property after completion of the project. In addition:

- For Modernization (alteration/renovation) projects, federal interest exists for the useful life attributable to the alteration/renovation funded under this award. Alteration/renovation projects totaling an allowable project cost (federal and non-federal) of \$500,000 or greater (excluding moveable equipment) are required to file a Notice of Federal Interest (NFI) against the property title. The level of federal interest may decline with physical depreciation or replacement of the alteration/renovation made to the asset. The level of federal interest is calculated by a certified appraisal of the property at the time of project completion.
- For all construction projects, regardless of award amount, you are required to file an NFI.
- For equipment only projects, you are not required to file an NFI.

The NFI requires prior written approval in order for the property owner to mortgage, sell, transfer, or use the property for a purpose inconsistent with the award. A notarized NFI must be filed against the property deed prior to construction in the appropriate public records office of the jurisdiction in which the property is located and once filed, a copy must be provided to the appropriate HRSA Grants Management Specialist.

Leasehold Improvements

While leasehold improvements are allowed under this funding, please note:

- a) Lessors/Property Owners must provide a Landlord Letter of Consent in Attachment 6, and agree in writing to the following:
 - Permit the grantee to undertake the proposed alteration/renovation project,
 - Length of the lease must be appropriate to the scope of project, e.g., the length of the lease extends for a minimum of 5 years from the period of performance end date,
 - Acknowledge federal interest in the project, and file a Notice of federal Interest against the property title in the local jurisdiction before the project begins (as applicable), and
 - Agree to modify the lease with additional terms that indicate the continued rights of the recipient/Federal Government in the event that the lessor of record changes.
- b) HRSA will determine if the term of the lease is long enough for the full value of the award-supported improvements to benefit the award activity. HRSA will consider the purpose and duration of the award, expected life of the facility, and use of the facility for award-supported purposes.
- c) Lease agreement must provide the applicant reasonable control.¹

¹ "Reasonable control" is defined as the ability to implement the project and realize the benefits of the project without unnecessary demands, such as unreasonably restrictive access and limited control, at the site.

- d) Funds may not be used to pay lease costs.
- e) Funds for a leased property cannot address needs that are part of the terms of the lease (i.e., the responsibility of the lessor/property owner).
- f) If funds address improvements that impact terms of the lease (e.g., double paned windows), you must have written evidence of negotiated offset in the rent.

All other improvements that comply with the requirements of this Project Guidance are allowable.

For alteration/renovation projects proposed in leased facilities, you must provide evidence that the lease includes the following language, whether as a provision of a new lease or an amendment to an existing lease, agreed to by both the recipient (occupant) and lessor (owner):

- a) Recipient agrees not to sublease, assign, or otherwise transfer the leased property, or use the property for a non-award-related purpose(s) without the prior written approval from HRSA (at any time during the term of the lease, whether or not award support has ended);
- b) Lessor will inform HRSA of any default by the recipient under the lease;
- c) HRSA shall have 60 days from the date of receipt of the lessor's notice of default in which to attempt to eliminate the default, and that the lessor will delay exercising remedies until the end of the 60-day period;
- d) HRSA may intervene to ensure that the default is eliminated by the recipient or another recipient named by HRSA;
- e) Lessor shall accept payment of money or performance of any other obligation by the HRSA's designee, for the recipient, as if such payment of money or performance had been made by the recipient; and
- f) In the event that the recipient defaults, HRSA will terminate the award, or the recipient will vacate the leasehold before the end of the lease term. HRSA shall have the right to designate a replacement for the recipient for the balance of the lease term, subject to approval by the lessor, which will not be withheld except for good reason.

In addition, the lessor/property owner must agree to file a Notice of Federal Interest (NFI) against the property title in the local jurisdiction before the project begins (if the proposed net project cost, less movable equipment, is \$500,000 or greater).

Environmental Review

The National Environmental Policy Act of 1969 (NEPA), 42 U.SC 4321 (P.L. 91-190, Sec. 2, Jan. 1, 1970, 83 Stat., 852), including Public Disclosure, Section 102 of NEPA, and EO 11514, requires federal agencies to assess the environment impacts of major federal actions, including construction projects supported in whole or in part through federal contracts, grants, subsidies, loans, or other forms of funding assistance.

If after reviewing the project description and the EID, HRSA determines that the funded project may have a significant impact on the environment, HRSA will request that the awardee initiate and prepare an Environmental Assessment (EA). Based on the review of the draft EA, HRSA will determine if there is a Finding of No Significant Impact (FONSI) or additional review is required.

NEPA related reviews must be completed and conditions of award must be released prior to commencing work outside of purchasing moveable equipment, engaging architectural and engineering services, or acquiring necessary licenses, permits and other approvals for the project.

Cultural Resource and Historic Preservation (HP) Section 106 Reviews

The project will be reviewed under the terms of section 106 of the National Historic Preservation Act (NHPA). Under section 106, prior to the expenditure of funds, an assessment must be made of the potential effects of undertakings on historic properties (which include any prehistoric or historic district, site, building, structure, or object), that are eligible for listing or are listed on the National Register of Historic Places (NRHP).

For the purpose of this funding, the following activities constitute an undertaking under the NHPA:

- 1) All new construction and modernization projects (including demolition of existing buildings);
- 2) Alteration/renovation/repair projects where exterior changes to the building facade or surroundings (such as grading, fencing, or additional parking) may be made (including roof, windows and parking lots); and
- 3) Where interior renovations may be made to a building that is over 50 years old, or is historically, architecturally, or culturally significant.

Under section 106, prior commencing work outside of purchasing equipment, engaging architectural and engineering services, or acquiring necessary licenses, permits and other approvals for the project, an assessment must be made of the potential effects of undertakings on historic properties, and a notification/consultation must take place with all interested parties. Pursuant to the regulations at 36 CFR part 800, HRSA determines the project's effect on historic properties in consultation with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officers (THPO), representatives of the local government, and other affected Indian tribes and interested parties.

For projects that require section 106 review, funds may not be drawn down until HRSA receives documentation from the SHPO/THPO concurring whether the property:

- Is not historic, or
- Is historic, with the project causing no potential adverse effects, or
- Is historic and the project may cause adverse effects and provide a resolution to the adverse effects through a fully executed MOA finalized by all parties.

Section 106 and any related historic preservation reviews must be completed and conditions of award must be released prior to commencing work outside of purchasing moveable equipment, engaging architectural and engineering services, or acquiring necessary licenses, permits and other approvals for the project. Section 106 reviews are project specific; therefore, previous consultations for a particular site are not valid for the purposes of this project.

Equipment

You must provide, when applicable, a detailed equipment list for the proposed project that includes non-expendable items with a useful life of more than 1 year.

Following these standards below regarding equipment purchases will mitigate many of the negative effects on human health and the environment from the proliferation, rapid obsolescence, low recycling rate, high energy consumption, and potential to contain hazardous materials and increased liability from improper disposal are strongly encouraged, where practicable, to Electronic Product Environmental Assessment Tool (EPEAT) - Silver Rated products: <u>http://www.epeat.net</u>.

When EPEAT-registered products are not available, the following environmental features should be given priority:

- Energy Star features, (<u>https://www.energystar.gov/</u>)
- Computer Power Management Enable CPU's to go into power save mode after an appropriate time period (e.g., 15–60 minutes),
- Monitor Power Management Enable monitors to go into power save mode after an appropriate time period (e.g., 15–60 minutes),
- Establishment of a 4-year or higher replacement cycle (refresh Rate) for desktop computers and laptops,
- Establishment of default setting to double sided printing for printers and print driver software,
- Recycled content, reduced packaging,
- Reduced toxic constituents in the product and in the manufacturing process,
- Designed for recycle/reuse including upgradeability considerations,
- Vendor provided take-back service, and
- Vendor demonstration of corporate environmental responsibility.

Appendix B: Allowable and Unallowable Costs for Construction Projects

The chart below lists the allowable and unallowable project costs according to the cost classifications in the SF-424C. This chart also indicates the line items within in the SF-424C where you will enter the appropriate cost.

Costs associated with an equipment-only project type would only have costs associated with line item 1 (Administrative and legal expenses) and/or line item 10 (Equipment) only.

NOTE: In addition to those items indicated in the chart below, the following uses of award funds are *generally* <u>unallowable</u> and must be discussed with PO and GMS staff:

- 1) Operating costs (e.g., funding direct services, clinical full-time equivalents, costs for staff not directly related to the implementation of the proposed project within the project scope of work) rent, mortgage payments, refinanced credit facilities.
- 2) Costs related to Electronic Health Records (EHR) ongoing operations, and maintenance.
- 3) Pre-award construction (architectural and engineering) costs incurred prior to 90 days before the award date. Due to the complex issues involved with construction projects, you must seek prior approval for any costs to be incurred before the start date of your award. Costs incurred more than 90-days prior to the enactment of the Consolidated Appropriations Act (P.L. 117-103 (before March 15, 2022), are not eligible for reimbursement. To request prior approval to incur costs before the start date of the initial budget period, please submit a request to the grants management specialist assigned to your award as identified in this Project Guidance. Include the following information:
 - a. a breakdown of allowable and allocable pre-award costs incurred (use the budget format/cost categories included in the original application);
 - b. the time period during which the costs were incurred; and
 - c. a justification for your request.

The letter needs to be signed by an authorized official of the grantee institution. Approval is not guaranteed, and grantees incur pre-award costs at their own risk.

- 4) Creation of shell space for future use.
- 5) Costs for staff not directly related to the implementation of the proposed project;

The following chart lists sample allowable and unallowable project costs.² This list is not all-inclusive and supplements the applicable cost principles.

	ALLOWABLE	UNALLOWABLE
Line 1 - Administrative and legal expenses	 Salary of your staff and consultant fees that are directly related to the administration of the technical aspects of the proposed project. Administrative and legal expenses cannot exceed 10 percent of line 16c (total costs) Costs associated with the evaluation of the environmental and historic preservation effects of the proposed project, obtaining public input, producing the necessary studies, analysis, and resultant reports, as well as compliance with other environmental and historic preservation laws Costs of title insurance, physical-destruction insurance, builder's risk insurance and liability insurance [as applicable, this insurance may be required as a condition of award] Bid advertising 	 Salary of your staff and consultant fees that are not related to the administration of the technical aspects of the proposed project Bonus payments to construction contractors Costs of groundbreaking and dedication ceremonies and items such as plaques Fund-raising expenses Damage judgment suit Consultant fees not related to actual construction Costs related to other sources of project financing General operations and maintenance
Line 2 - Land, structures, right-of-way, appraisals, etc.	 Filing fees for recording the NFI 	 Land or the cost of purchasing a building (including title search, closing costs, etc.)
Line 3 - Relocation expenses and payments	 Relocation payments to be made to displaced persons, business concerns and nonprofit organizations for moving expenses and replacement housing Relocation advisory assistance and the net amounts for replacement (last resort) housing. This line is limited to approved applicants whose project involves the 	 The cost of permanently relocating the building The cost of moving existing furniture back into renovated or newly constructed spaces

² Refer to the cost principles embedded in 45 CFR part 75 at <u>http://www.ecfr.gov/cgi-bin/text-idx?node=pt45.1.75</u> for details on allowable costs.

	ALLOWABLE	UNALLOWABLE
	displacement of persons and businesses that must comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ((42 U.S.C. 4601 et seq.) 84 Stat.1894) and 49 CFR part 24	
	 Costs to lease a temporary space while the main space is being constructed or altered/renovated/repaired 	
Line 4 - Architectural and engineering fees	 Fees associated with architectural and engineering professional services including, but not limited to, preparation of bid documents and inspections during the project Associated expenses for preparation of specifications and reproduction of design documents 	 Architectural and engineering fees for work that is not within the scope of the approved project Elaborate or extravagant designs or projects that are above the known local costs for comparable buildings Costs of abandoned designs (designs that will not be used for the project)
Line 5 - Other architectural and engineering fees	 Other architectural and engineering services, such as surveys, tests, and borings Preliminary expenses associated with the approved award Sustainable design services, such as LEED, including commissioning Costs associated with the preparation of the Environmental Assessment and SHPO consultation Project/Construction management Fees 	 Costs of abandoned designs or (costs associated with a design that will not be used in the project) Costs for work not directly related to the project; Costs for preparing grant applications.
Line 6 - Project inspection fees	 Clerk-of-the-works, inspection fees, structural certification, etc., to be provided by architectural engineering firm or your staff 	 Fees not directly related with the requested project.
Line 7 - Site work	 Site clearance, grading, land improvement costs, including 	 Fees not directly related with the requested project

	ALLOWABLE	UNALLOWABLE
	reasonable costs for landscaping to stabilize the site, sidewalks, drives, and parking areas which are located on the site and are essential for the use and operation of the approved project	 Landscaping outside of vegetation needed for site stabilization and/or building permit requirements
	• Sanitary sewer, storm sewer, and portable water connections, providing that existing municipal utilities are located in streets, roads, and alleys contiguous to the site	
	 Sidewalks, drives, and parking areas which are located on the site and are essential for the use and operation of the approved project 	
	 Reasonable landscaping costs for seeding and sodding required for soil/slope stabilization and/or landscaping required by the building permit 	
	 Alterations at entrances and adjacent sidewalks as required for ADA compliance 	
	 Resurfacing of existing parking areas located onsite and deemed essential for the use and operation of an approved project 	
Line 8 - Demolition and removal	 Costs of demolition or removal of structures or improvements. Reduce the costs on this line by the amount of expected proceeds from the sale of salvage 	 Costs not directly related with the requested award Funds may not be used for demolition and removal of debris that will not result in a usable structure
		 Hazardous materials remediation/abatement

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	ALLOWABLE	UNALLOWABLE
Line 9 - Construction	 Costs of acquisition and installation of fixed equipment³ necessary for the functioning of the facility Costs of constructing new building(s) to be used for the program. This includes costs of materials and labor within the local range of comparable buildings Construction costs for modernization remodeling, and alteration of existing buildings, which will be used for the program Costs of connecting to existing central utility distribution systems contiguous to the site, such as steam and chilled water that service a campus from centrally located boiler and refrigeration plants. Prorated costs for new boilers and chillers to serve the proposed facility are acceptable Special features for seismic code requirements. Use nationally recognized codes adopted by authorities having jurisdiction; Costs of pollution-control equipment for the facility's boilers, incinerators, waste water treatment, etc., which may be required by local, state, or federal regulations. The facility must meet requirements of both current and future pollution abatement 	 Prorated cost of existing central utility plant and distribution systems, which serve the proposed facility Interior and exterior

 ³ Fixed equipment are items that requires modification of the facility for its satisfactory installation or removal and is included in the construction contract. Examples include: HVAC Units, duct work, generators, fume hoods, sinks, fixed shelving, built-in sterilizers, built-in refrigerators, and drinking fountains.

		UNALLOWABLE
	regulations as described in currently approved pollution plans	
	 Costs for remodeling and alteration of existing buildings which will be used for the program 	
	 Windows, HVAC, generators, and other building envelope items Installation of equipment items 	
Line 10 - Equipment	 Tangible personal property or moveable equipment are non- expendable equipment items, with a useful life of more than one year that can be readily shifted from place to place without requiring a change in the utilities or structural characteristics of the facility. Equipment that is pertinent to the project The cost to train individuals to operate the equipment, if included in the purchase contract Sales tax, federal excise taxes, and other taxes (unless the applicant is otherwise exempt or entitled to a state or Federal refund after payment) and shipping costs on equipment and other related expenses. Service contract costs if it is included in the purchase contract Software and site licenses 	 Donated equipment Luxury furniture Fixed equipment that is permanently attached to the building (it should be listed under line item 9) Equipment that does not meet the moveable equipment definition

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	ALLOWABLE	UNALLOWABLE
Line 11 - Miscellaneous	 Provide an itemized list for items that does not easily fit into the cost classifications above and cannot be categorized as directly related to the project. Such costs should generally be no more than 10 percent of line 16c (total cost) The cost of alternate bid work up to the amount of the original bid submitted 	 Additional expense resulting from the rejection of an alternate bid at the start of construction and later reinstating the bid at an increased cost due to escalation Costs or charges associated with routine maintenance, or operation of the facility Expendable office, medical, and laboratory supplies
Line 12 – SUBTOTAL	Enter the sum of Lines 1 through 11	
Line 13 - Contingencies	• The contingency of this program is limited to 5 percent of Lines 7c, 8c, and 9c. However, the contingency must be reduced to 2 percent of Lines 7c, 8c, and 9c after the contract is awarded. The contingency does not include moveable equipment costs	 Contingency costs above the allowable percentage.
Line 14 – SUBTOTAL	Enter the sum of Lines 12 and 13	
Line 15 – Project (program) income	Leave Blank / Not Applicable to this funding	
Line 16 – TOTAL PROJECT COSTS	Enter the amount in line 14	
Line 17	Enter the portion of this award that is allocated to the project (Note: round to the nearest whole dollar amount)	