



**ROOM A | 130 6TH STREET WEST  
COLUMBIA FALLS, MT 59912**

**PHONE (406) 892-4391  
FAX (406) 892-4413**

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**CITY COUNCIL REGULAR MEETING  
AGENDA  
MONDAY, APRIL 19, 2021  
COUNCIL CHAMBERS CITY HALL**

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**FINANCE COMMITTEE – 6:30 P.M**

(Barnhart, Lovering, Piper)

NOTE: Regular Council Meeting will be held in the Council Chambers as well as by virtual meeting to provide social distancing for public health and safety. Council requests attendees wear masks for the health and safety of the public and the City employees and officials. Contact City Clerk Barb Staland no later than 6 pm on the day of the meeting to register for ZOOM meeting access information; phone (406) 892-4391 or email: [staalandb@cityofcolumbiafalls.com](mailto:staalandb@cityofcolumbiafalls.com)

**REGULAR MEETING – 7:00 P.M.**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**CONSENT AGENDA:**

1. Approval of Claims - April 19, 2021 - \$171,707.68
2. Approval of Special Payroll - April 6, 2021 - \$5,601.81
3. Approval of Payroll Claims - April 16, 2021 - \$113,854.49
4. Approval of April 5, 2021 Regular City Council Meeting Minutes
5. Approval of EDA Grant Financial Assistance Award, \$633,146, and Authorize City Manager to Execute Award Documents

**APPOINTMENTS:**

6. Appoint Probationary Volunteer Firefighters - Chris Hanley and Jade Thomas

**SPECIAL PRESENTATION - FALLEN OFFICERS BY DETECTIVE DENHAM**

## **VISITORS/PUBLIC COMMENT (Items not on agenda)**

Presentation - CFAC

## **ORDINANCES / RESOLUTIONS:**

- [7.](#) Resolution No. 1845 - A Resolution of the City Council of the City of Columbia Falls, Montana, Approving Elected Officials Participation in the Employee Benefits Program
- [8.](#) Resolution No. 1846 - A Resolution of the City Council of the City of Columbia Falls, Montana Amending Fund and Budget Line-Item Appropriations for the Fiscal Year Ending June 30, 2021 to Account for CARES Act Funds
- [9.](#) Resolution No. 1847 - A Resolution of the City Council of the City of Columbia Falls, Montana, Declaring a Blighted Area Exists within the City of Columbia Falls, Montana and that the Redevelopment of that Area is Necessary in the Interest of Public Health, Safety, or Welfare of the Residents of Columbia Falls

## **REPORTS / BUSINESS FROM MAYOR & COUNCIL**

### **CITY MANAGER REPORT**

### **CITY ATTORNEY REPORT**

### **MISCELLANEOUS**

- [10.](#) Financial Activity Report - March 2021
- [11.](#) Police Activity Report - March 2021
- [12.](#) Correspondence

## **ADJOURN**

Next Scheduled Meetings:

City Council – Regular Meeting, **May 3, 2021** – 7:00 PM

Planning Board – May 11, 2021 - 6:30 PM

04/16/21  
11:31:27

CITY OF COLUMBIA FALLS  
Claim Approval List  
For the Accounting Period: 4/21

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\* ... Over spent expenditure

| Claim/ | Check      | Vendor #/Name/<br>Invoice #/Inv Date/Description                                                                           | Document \$/<br>Line \$ | Disc \$ | PO # | Fund Org Acct | Object Proj | Cash<br>Account |
|--------|------------|----------------------------------------------------------------------------------------------------------------------------|-------------------------|---------|------|---------------|-------------|-----------------|
| 41680  |            | 1700 BRECK LAW OFFICE, PC                                                                                                  | 14,465.78               |         |      |               |             |                 |
|        | 040221     | 04/02/21 LGL-FEES FOR MAY 2021                                                                                             | 1,370.59                |         |      | 1000 411100   | 350         | 101000          |
|        | 040221     | 04/02/21 CITY CRT PROS-FEES FOR MAY 21                                                                                     | 3,502.76                |         |      | 1000 410365   | 350         | 101000          |
|        | 040221     | 04/02/21 WTR-FEES FOR MAY 2021                                                                                             | 548.23                  |         |      | 5210 430500   | 350         | 101000          |
|        | 040221     | 04/02/21 SWR-FEES FOR MAY 2021                                                                                             | 548.23                  |         |      | 5310 430600   | 350         | 101000          |
|        | 040221     | 04/02/21 PLNG/ZONING FEES MAY 2021                                                                                         | 274.12                  |         |      | 1000 411000   | 350         | 101000          |
|        | 040221     | 04/02/21 PD-FEES FOR MAY 2021                                                                                              | 110.81*                 |         |      | 1000 420100   | 399         | 101000          |
|        | 040221     | 04/02/21 WTR-FEES FOR MAY 2021                                                                                             | 24.62                   |         |      | 5210 430500   | 357         | 101000          |
|        | 040221     | 04/02/21 SWR-FEES FOR MAY 2021                                                                                             | 36.94                   |         |      | 5310 430600   | 357         | 101000          |
|        | 040221     | 04/02/21 STRS-FEES FOR MAY 2021                                                                                            | 49.24                   |         |      | 2500 430200   | 399         | 101000          |
|        | 040221     | 04/02/21 LGL-FEES FOR MAY 2021                                                                                             | 147.74                  |         |      | 1000 411100   | 350         | 101000          |
|        | 07-15      | 0401 04/01/21 M.C. v. B.O.A MARCH 2021 B                                                                                   | 7,852.50                |         |      | 1000 411100   | 351         | 101000          |
|        |            | Total for Vendor:                                                                                                          | 14,465.78               |         |      |               |             |                 |
| 41691  |            | 999999 CASEY MASTERS                                                                                                       | 2,580.00                |         |      |               |             |                 |
|        |            | Red Bridge Zoning AM/Major Subdivisions Planning & Zoning Fees Refund-Incomplete Applications never moved forward per A.V. |                         |         |      |               |             |                 |
|        | 040721     | 04/07/21 P/Z REFUND CK#1212 /CK#1000                                                                                       | 2,580.00*               |         |      | 1000 411000   | 390         | 101000          |
|        |            | Total for Vendor:                                                                                                          | 2,580.00                |         |      |               |             |                 |
| 41690  | E          | 2852 CHARTER COMMUNICATIONS                                                                                                | 114.98                  |         |      |               |             |                 |
|        | 0137874033 | 03/31/21 PD-03/31/21 TO 04/30/21 IN                                                                                        | 114.98                  |         |      | 1000 420100   | 355         | 101000          |
|        |            | Total for Vendor:                                                                                                          | 114.98                  |         |      |               |             |                 |
| 41708  |            | 1145 CITY OF WHITEFISH BUILDING                                                                                            | 30,278.30               |         |      |               |             |                 |
|        |            | Permits issued for March 2021                                                                                              |                         |         |      |               |             |                 |
|        | 041421     | 04/14/21 BUILDING PERMITS 03/21                                                                                            | 29,322.80               |         |      | 2394 420500   | 398         | 101000          |
|        | 041421     | 04/14/21 ELECTRICAL PERMITS 03/21                                                                                          | 351.00                  |         |      | 2394 420500   | 398         | 101000          |
|        | 041421     | 04/14/21 MECHANICAL PERMITS 03/21                                                                                          | 578.50                  |         |      | 2394 420500   | 398         | 101000          |
|        | 041421     | 04/14/21 PLUMBING PERMITS 03/21                                                                                            | 26.00                   |         |      | 2394 420500   | 398         | 101000          |
|        |            | Total for Vendor:                                                                                                          | 30,278.30               |         |      |               |             |                 |
| 41704  |            | 255 COLUMBIA FALLS CHAMBER OF                                                                                              | 175.00                  |         |      |               |             |                 |
|        | 2140       | 04/01/21 2021 CHAMBER MEMBER DUES                                                                                          | 175.00                  |         |      | 1000 410100   | 335         | 101000          |
|        |            | Total for Vendor:                                                                                                          | 175.00                  |         |      |               |             |                 |

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CITY OF COLUMBIA FALLS  
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| Claim/ | Check     | Vendor #/Name/                                               | Document \$/ | Disc \$ |        |      |     |        |        |      | Cash    |
|--------|-----------|--------------------------------------------------------------|--------------|---------|--------|------|-----|--------|--------|------|---------|
|        |           | Invoice #/Inv Date/Description                               | Line \$      |         | PO #   | Fund | Org | Acct   | Object | Proj | Account |
| 41702  |           | 2943 CORE & MAIN LP                                          | 3,276.27     |         |        |      |     |        |        |      |         |
|        | N965238   | 04/01/21 WTR-HYD VLV, BX KIT, CURB BX,                       | 3,106.27     |         |        | 5210 |     | 430500 | 230    |      | 101000  |
|        | N913051   | 04/01/21 PRKS-1 EA 160 PVC WFR CHK VAL                       | 170.00       |         |        | 1000 |     | 460400 | 240    |      | 101000  |
|        |           | Total for Vendor:                                            | 3,276.27     |         |        |      |     |        |        |      |         |
| 41679  |           | 3026 DAILY INTER LAKE                                        | 165.98       |         |        |      |     |        |        |      |         |
|        |           | STATEMENT ENDING 03.31.21                                    |              |         |        |      |     |        |        |      |         |
|        |           | OVERLAY/REPAIR 6TH AVE WEST FROM 9TH ST WEST TO 13TH ST WEST |              |         |        |      |     |        |        |      |         |
|        | I00444848 | 03/21/21 27625 OVERLAY REPAIR LGL AD                         | 165.98       |         |        | 1000 |     | 410500 | 331    |      | 101000  |
|        |           | Total for Vendor:                                            | 165.98       |         |        |      |     |        |        |      |         |
| 41692  |           | 2918 EQUIPMENT CONNECTION, LLC                               | 160.00       |         |        |      |     |        |        |      |         |
|        | 033121    | 03/31/21 STRTS-205/75R15 TIRE/WHL 550 5                      | 160.00       |         |        | 2500 |     | 430200 | 232    |      | 101000  |
|        |           | Total for Vendor:                                            | 160.00       |         |        |      |     |        |        |      |         |
| 41684  | E         | 1879 EVERGREEN WASTE CONNECTIONS                             | 677.85       |         |        |      |     |        |        |      |         |
|        | 040121    | 04/01/21 FAC-03/01/21 TO 03/31/21                            | 74.33        |         |        | 1000 |     | 411200 | 340    |      | 101000  |
|        | 040121    | 04/01/21 STRS-03/01/21 TO 03/31/21                           | 184.30       |         |        | 2500 |     | 430200 | 340    |      | 101000  |
|        | 040121    | 04/01/21 WTR-03/01/21 TO 03/31/21                            | 74.33        |         |        | 5210 |     | 430500 | 340    |      | 101000  |
|        | 040121    | 04/01/21 SWR-03/01/21 TO 03/31/21                            | 61.90        |         |        | 5310 |     | 430600 | 340    |      | 101000  |
|        | 040121    | 04/01/21 PRKS-03/01/21 TO 03/31/21                           | 49.55        |         |        | 1000 |     | 460400 | 340    |      | 101000  |
|        | 040121    | 04/01/21 COUNCIL-03/01/21 TO 03/31/21                        | 233.44*      |         |        | 1000 |     | 410100 | 399    |      | 101000  |
|        |           | Total for Vendor:                                            | 677.85       |         |        |      |     |        |        |      |         |
| 41672  |           | 438 FERGUSON WATERWORKS                                      | 4,279.83     |         |        |      |     |        |        |      |         |
|        | 0776591   | 04/05/21 WTR-10 EA M520MF1 TC PIT W/ID                       | 1,707.50     |         | MTR PI | 5210 |     | 430500 | 230    |      | 101000  |
|        | 0775795   | 04/01/21 WTR- 15 EA M510M F1 NOPIT W-I                       | 2,504.85     |         |        | 5210 |     | 430500 | 230    |      | 101000  |
|        | 0776969   | 04/13/21 SWR-6 EA 1/16 150# RNG GSKT                         | 25.92        |         |        | 5310 |     | 430600 | 220    |      | 101000  |
|        | 0777611   | 04/14/21 WTR-1 EA LF 1 1/2 BRZ 600# TH                       | 41.56        |         |        | 5310 |     | 430600 | 240    |      | 101000  |
|        |           | Total for Vendor:                                            | 4,279.83     |         |        |      |     |        |        |      |         |
| 41683  |           | 1892 FLATHEAD COUNTY                                         | 225.00       |         |        |      |     |        |        |      |         |
|        | 5310      | 04/05/21 CERT OWNER LIST-LAMBERSON J&L                       | 75.00*       |         |        | 1000 |     | 411000 | 390    |      | 101000  |
|        | 5309      | 04/05/21 CERT OWNER LIST-WASLEWSKI S.                        | 75.00*       |         |        | 1000 |     | 411000 | 390    |      | 101000  |
|        | 5314      | 04/06/21 CERT OWNER LIST-DECARLO J.                          | 75.00*       |         |        | 1000 |     | 411000 | 390    |      | 101000  |
|        |           | Total for Vendor:                                            | 225.00       |         |        |      |     |        |        |      |         |

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|        |         | Invoice #/Inv Date/Description      | Line \$      |         | PO # | Fund | Org | Acct   | Object | Proj | Account |
| 41693  |         | 22 FLATHEAD COUNTY CLERK & RECORDER | 28.00        |         |      |      |     |        |        |      |         |
|        |         | Doc#202100007882 K.H.               |              |         |      |      |     |        |        |      |         |
|        |         | Doc# 202100007883 L.B.              |              |         |      |      |     |        |        |      |         |
|        | 1001444 | 03/09/21 PROP RESOLUTION HOOKER K   | 14.00*       |         |      | 1000 |     | 411000 | 390    |      | 101000  |
|        | 1001444 | 03/09/21 PROP RESOLUTION BJORK L    | 14.00*       |         |      | 1000 |     | 411000 | 390    |      | 101000  |
|        |         | Total for Vendor:                   | 28.00        |         |      |      |     |        |        |      |         |
| 41713  |         | 2569 FLATHEAD COUNTY OES - FECC     | 33,767.25    |         |      |      |     |        |        |      |         |
|        |         | FECC SERVICES                       |              |         |      |      |     |        |        |      |         |
|        |         | 01JAN-31MAR 2021                    |              |         |      |      |     |        |        |      |         |
|        | 1581    | 04/14/21 3RD QRT 911 SERVICES       | 33,767.25    |         |      | 1000 |     | 420160 | 399    |      | 101000  |
|        |         | Total for Vendor:                   | 33,767.25    |         |      |      |     |        |        |      |         |
| 41678  |         | 663 FLATHEAD COUNTY SOLID WASTE     | 3,107.17     |         |      |      |     |        |        |      |         |
|        |         | Statement Ending 03/31/21           |              |         |      |      |     |        |        |      |         |
|        | 1023501 | 03/02/21 SWR-SLUDGE                 | 196.24       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        | 1023594 | 03/02/21 SWR-SLUDGE                 | 182.57       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        | 1024038 | 03/04/21 SWR-SLUDGE                 | 178.54       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        | 1024088 | 03/04/21 SWR-SLUDGE                 | 207.72       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        | 1024987 | 03/09/21 SWR-SLUDGE                 | 198.10       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        | 1025024 | 03/09/21 SWR-SLUDGE                 | 177.30       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        | 1025439 | 03/11/21 SWR-SLUDGE                 | 182.88       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        | 1025518 | 03/11/21 SWR-SLUDGE                 | 108.99       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        | 1026599 | 03/16/21 SWR-SLUDGE                 | 186.30       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        | 1026739 | 03/16/21 SWR-SLUDGE                 | 188.16       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        | 1027333 | 03/18/21 SWR-SLUDGE                 | 169.53       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        | 1028376 | 03/23/21 SWR-SLUDGE                 | 198.10       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        | 1028471 | 03/23/21 SWR-SLUDGE                 | 181.95       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        | 1028874 | 03/25/21 SWR-SLUDGE                 | 185.68       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        | 1028960 | 03/25/21 SWR-SLUDGE                 | 176.99       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        | 1030096 | 03/30/21 SWR-SLUDGE                 | 199.03       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        | 1030218 | 03/30/21 SWR-SLUDGE                 | 189.09       |         |      | 5310 |     | 430600 | 395    |      | 101000  |
|        |         | Total for Vendor:                   | 3,107.17     |         |      |      |     |        |        |      |         |

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|--------|--------|----------------------------------------------------------------------------------------------------------------|-------------------------|---------|------|---------------|-------------|-----------------|
| 41686  |        | 24 FLATHEAD COUNTY TREASURER<br>Columbia Falls City Court of Record #400<br>No Driver's License Reinstatements | 1,028.00                |         |      |               |             |                 |
|        | 040121 | 04/01/21 TECH SURCHAGE MAR 2021                                                                                | 474.00                  |         |      | 1000 212201   |             | 101000          |
|        | 040121 | 04/01/21 LAW ENFORCE ACA/CRIMINAL CONVI                                                                        | 554.00                  |         |      | 1000 212201   |             | 101000          |
|        |        | Total for Vendor:                                                                                              | 1,028.00                |         |      |               |             |                 |
| 41715  |        | 21 FLATHEAD ELECTRIC COOP INC                                                                                  | 13,885.75               |         |      |               |             |                 |
|        | 033121 | 03/31/21 FAC-02/25 TO 03/25 ELECTRIC                                                                           | 334.82                  |         |      | 1000 411200   | 341         | 101000          |
|        | 033121 | 03/31/21 PD-02/25 TO 03/25 ELECTRIC                                                                            | 47.16                   |         |      | 1000 420100   | 341         | 101000          |
|        | 033121 | 03/31/21 FD-02/25 TO 03/25 ELECTRIC                                                                            | 293.98                  |         |      | 1000 420400   | 341         | 101000          |
|        | 033121 | 03/31/21 PRKS-02/25 TO 03/25 ELECTRIC                                                                          | 402.79                  |         |      | 1000 460400   | 341         | 101000          |
|        | 033121 | 03/31/21 POOL-02/25 TO 03/25 ELECTRIC                                                                          | 78.06                   |         |      | 1000 460445   | 341         | 101000          |
|        | 033121 | 03/31/21 LIGHTING-02/25 TO 03/25 ELECTR                                                                        | 2,577.37                |         |      | 2400 430200   | 341         | 101000          |
|        | 033121 | 03/31/21 STRS-02/25 TO 03/25 ELECTRIC                                                                          | 164.69                  |         |      | 2500 430200   | 341         | 101000          |
|        | 033121 | 03/31/21 WTR-02/25 TO 03/25 ELECTRIC                                                                           | 3,768.26                |         |      | 5210 430500   | 341         | 101000          |
|        | 033121 | 03/31/21 SWR-02/25 TO 03/25 ELECTRIC                                                                           | 6,218.62                |         |      | 5310 430600   | 341         | 101000          |
|        |        | Total for Vendor:                                                                                              | 13,885.75               |         |      |               |             |                 |
| 41703  |        | 3034 GRONDAHL RECREATION INC.                                                                                  | 24,439.00               |         |      |               |             |                 |
|        | 21C306 | 03/31/21 PRKS-1 EA PLAY STRUCTURE, GAGA                                                                        | 24,439.00               |         |      | 4010 460400   | 930         | 101000          |
|        |        | Total for Vendor:                                                                                              | 24,439.00               |         |      |               |             |                 |
| 41697  |        | 3122 GUNTHER, LINKOLN                                                                                          | 14.09                   |         |      |               |             |                 |
|        | 040121 | 04/07/21 FIN-WIRELESS Doorbell Reimburs                                                                        | 14.09                   |         |      | 1000 410500   | 210         | 101000          |
|        |        | Total for Vendor:                                                                                              | 14.09                   |         |      |               |             |                 |
| 41717  |        | 2806 HANSON'S HARDWARE                                                                                         | 134.13                  |         |      |               |             |                 |
|        | 597449 | 03/29/21 SWR- 2 TURBO BLADES                                                                                   | 83.98                   |         |      | 5310 430600   | 240         | 101000          |
|        | 597460 | 03/30/21 STRS-DISH SOAP, AIR FRESHNER                                                                          | 6.77                    |         |      | 2500 430200   | 220         | 101000          |
|        | 597350 | 03/15/21 WTR- COUPLING                                                                                         | 1.49                    |         |      | 5210 430500   | 220         | 101000          |
|        | 597351 | 03/15/21 WTR-COUPLING AND NIPPLE                                                                               | 4.27                    |         |      | 5210 430500   | 220         | 101000          |
|        | 597378 | 03/18/21 WTR-COUPLING                                                                                          | 5.49                    |         |      | 5210 430500   | 220         | 101000          |
|        | 597380 | 03/18/21 WTR-PVC PIPE                                                                                          | 22.99                   |         |      | 5210 430500   | 220         | 101000          |
|        | 597517 | 04/06/21 FD-MISC SCREWS                                                                                        | 1.15*                   |         |      | 1000 420400   | 232         | 101000          |
|        | 597376 | 03/18/21 WTR-4X2 PVC COUPLING                                                                                  | 7.99                    |         |      | 5210 430500   | 220         | 101000          |
|        |        | Total for Vendor:                                                                                              | 134.13                  |         |      |               |             |                 |

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|-----------------------------------------------------------------------------------|-----------|----------------------------------------|--------------|---------|------|------|-----|--------|--------|------|---------|
|                                                                                   |           | Invoice #/Inv Date/Description         | Line \$      |         | PO # | Fund | Org | Acct   | Object | Proj | Account |
| 41689                                                                             |           | 2849 J2 BUSINESS PRODUCTS              | 831.24       |         |      |      |     |        |        |      |         |
| Statement Ending 03/31/21                                                         |           |                                        |              |         |      |      |     |        |        |      |         |
|                                                                                   | 864596-0  | 04/01/21 FAC-TOWELS,LINERS, TISSUE PA  | 363.42       |         |      | 1000 |     | 411200 | 224    |      | 101000  |
|                                                                                   | 864836-0  | 04/05/21 FIN-MED BINDER. ENV MOISTNR   | 1.27         |         |      | 1000 |     | 410500 | 210    |      | 101000  |
|                                                                                   | 864836-0  | 04/05/21 WTR-MED BINDER. ENV MOISTNR   | 1.27         |         |      | 5210 |     | 430500 | 210    |      | 101000  |
|                                                                                   | 864836-0  | 04/05/21 SWR-MED BINDER. ENV MOISTNR   | 1.27         |         |      | 5310 |     | 430600 | 210    |      | 101000  |
|                                                                                   | 864836-0  | 04/05/21 PLNG-MED BINDER. ENV MOISTNR  | 1.27*        |         |      | 1000 |     | 411000 | 210    |      | 101000  |
|                                                                                   | 864500-1  | 04/02/21 CRTS-POST IT NOTES 12PK       | 8.68         |         |      | 1000 |     | 410360 | 210    |      | 101000  |
|                                                                                   | 864500-0  | 04/02/21 CRTS-LCD WIPES,POST ITS,FOLD  | 74.89        |         |      | 1000 |     | 410360 | 210    |      | 101000  |
|                                                                                   | 865017-0  | 04/08/21 CRTS-2 EA M254 BLK TONERS CA  | 153.84       |         |      | 1000 |     | 410360 | 210    |      | 101000  |
|                                                                                   | 865040-0  | 04/08/21 CRTS-1 EA M254 CYN TONER CAR  | 73.04        |         |      | 1000 |     | 410360 | 210    |      | 101000  |
|                                                                                   | 865040-1  | 04/12/21 CRTS- 1 EA M254 MG, 1 EA M25  | 146.08       |         |      | 1000 |     | 410360 | 210    |      | 101000  |
|                                                                                   | 865552-0  | 04/09/21 PD- MESSAGE PHONE BOOK        | 6.21         |         |      | 1000 |     | 420100 | 210    |      | 101000  |
|                                                                                   |           | Total for Vendor:                      | 831.24       |         |      |      |     |        |        |      |         |
| 41682                                                                             |           | 3004 JIFFY LUBE                        | 49.47        |         |      |      |     |        |        |      |         |
|                                                                                   | 29155795  | 04/05/21 PD-13 FORD TRK UTILITY OIL CH | 49.47*       |         |      | 1000 |     | 420100 | 361    |      | 101000  |
|                                                                                   |           | Total for Vendor:                      | 49.47        |         |      |      |     |        |        |      |         |
| 41714                                                                             |           | 2590 L.N. CURTIS & SONS                | 2,060.00     |         |      |      |     |        |        |      |         |
|                                                                                   | INV478829 | 04/07/21 FD-FLOW TSTS/FIRMWARE UPDAT   | 2,060.00*    |         |      | 1000 |     | 420400 | 394    |      | 101000  |
|                                                                                   |           | Total for Vendor:                      | 2,060.00     |         |      |      |     |        |        |      |         |
| 41705                                                                             |           | 262 LHC, INC.                          | 1,601.67     |         |      |      |     |        |        |      |         |
| Well #3 payment #7                                                                |           |                                        |              |         |      |      |     |        |        |      |         |
|                                                                                   | A97132    | 03/31/21 Well #3 Payment #7            | 1,617.85     |         |      | 5210 |     | 430500 | 930    |      | 101000  |
|                                                                                   | A97132    | 03/31/21 1% Withholding                | -16.18       |         |      | 5210 |     | 430500 | 930    |      | 101000  |
|                                                                                   |           | Total for Vendor:                      | 1,601.67     |         |      |      |     |        |        |      |         |
| 41694                                                                             |           | 631 MONTANA DEPT. OF ENVIRONMENTAL     | 490.00       |         |      |      |     |        |        |      |         |
| Sewer testing for Jon & Dale. Water distribution and treatment testing for Dan R. |           |                                        |              |         |      |      |     |        |        |      |         |
|                                                                                   | 5J2100160 | 03/17/21 WTR-WWTR TEST FEE ROSE D.     | 210.00       |         |      | 5210 |     | 430500 | 380    |      | 101000  |
|                                                                                   | 5J2100157 | 03/17/21 SWR-WWTR TEST FEE PALIGA J.   | 140.00       |         |      | 5310 |     | 430600 | 380    |      | 101000  |
|                                                                                   | 5J2100177 | 04/12/21 SWR-WWTR TEST FEE SANDSON D   | 140.00       |         |      | 5310 |     | 430600 | 380    |      | 101000  |
|                                                                                   |           | Total for Vendor:                      | 490.00       |         |      |      |     |        |        |      |         |

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CITY OF COLUMBIA FALLS  
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\* ... Over spent expenditure

| Claim/ | Check                                                        | Vendor #/Name/<br>Invoice #/Inv Date/Description | Document \$/<br>Line \$ | Disc \$ | PO #   | Fund Org Acct | Object Proj | Cash<br>Account |
|--------|--------------------------------------------------------------|--------------------------------------------------|-------------------------|---------|--------|---------------|-------------|-----------------|
| 41706  |                                                              | 707 MONTANA DEPT. OF REVENUE                     | 16.18                   |         |        |               |             |                 |
|        | Well #3 payment #7 for LHC                                   |                                                  |                         |         |        |               |             |                 |
|        |                                                              | A97132 03/31/21 LHC 1% W/H Well 3 Pmnt 7         | 16.18                   |         |        | 5210 430500   | 930         | 101000          |
|        |                                                              | Total for Vendor:                                | 16.18                   |         |        |               |             |                 |
| 41675  |                                                              | 43 MONTANA ENVIRONMENTAL LABORATORY              | 400.00                  |         |        |               |             |                 |
|        | STATEMENT ENDING 03/30/21                                    |                                                  |                         |         |        |               |             |                 |
|        |                                                              | 2101955 03/02/21 WTR-COLIFORM                    | 120.00                  |         |        | 5210 430500   | 394         | 101000          |
|        |                                                              | 2101777 03/02/21 SWR-NITRATE+NITRITE, TKN        | 60.00                   |         |        | 5310 430600   | 394         | 101000          |
|        |                                                              | 2102059 03/10/21 SWR-AMMONIA, TKN, NITRATE+NIT   | 85.00                   |         |        | 5310 430600   | 394         | 101000          |
|        |                                                              | 2102060 03/12/21 SWR-ALUMINUM, DISSOLVED         | 15.00                   |         |        | 5310 430600   | 394         | 101000          |
|        |                                                              | 2102323 03/16/21 SWR-NITRATE+NITRITE, TKN        | 60.00                   |         |        | 5310 430600   | 394         | 101000          |
|        |                                                              | 2102562 03/23/21 SWR-NITRATE+NITRITE, TKN        | 60.00                   |         |        | 5310 430600   | 394         | 101000          |
|        |                                                              | Total for Vendor:                                | 400.00                  |         |        |               |             |                 |
| 41712  |                                                              | 103 MONTANA LAW ENFORCEMENT ACADEMY              | 1,500.00                |         |        |               |             |                 |
|        |                                                              | 20465 04/13/21 01/05 TO 03/30 SMITH, V. LODGN    | 1,500.00                |         |        | 1000 420100   | 380         | 101000          |
|        |                                                              | Total for Vendor:                                | 1,500.00                |         |        |               |             |                 |
| 41707  |                                                              | 722 MORRISON-MAIERLE, INC.                       | 22,453.67               |         |        |               |             |                 |
|        | Well #3 Professional engineering services through 04/02/2021 |                                                  |                         |         |        |               |             |                 |
|        |                                                              | 210429 04/02/21 WTR-Well #3 PRO SRVS             | 22,453.67               |         |        | 5210 430500   | 931         | 101000          |
|        |                                                              | Total for Vendor:                                | 22,453.67               |         |        |               |             |                 |
| 41699  |                                                              | 52 NAPA AUTO PARTS                               | 15.49                   |         |        |               |             |                 |
|        |                                                              | 9598109 04/08/21 FD- DIESEL EXHAUST FLUID 2.5    | 15.49                   |         |        | 1000 420400   | 231         | 101000          |
|        |                                                              | 9585024 03/29/21 SWR-1 ARMR BLK TRK BED COATIN   | -15.99                  |         |        | 5310 430600   | 232         | 101000          |
|        |                                                              | 9584686 03/29/21 SWR-1 ARMR BLK TRK BED COATIN   | 15.99                   |         |        | 5310 430600   | 232         | 101000          |
|        |                                                              | Total for Vendor:                                | 15.49                   |         |        |               |             |                 |
| 41673  |                                                              | 132 NORMONT EQUIPMENT COMPANY                    | 158.76                  |         |        |               |             |                 |
|        |                                                              | 24687 04/01/21 STRS-2 EA DIGGING BAR 6FT 17LB    | 158.76                  |         | STREET | 2500 430200   | 212         | 101000          |
|        |                                                              | Total for Vendor:                                | 158.76                  |         |        |               |             |                 |

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\* ... Over spent expenditure

| Claim/     | Check      | Vendor #/Name/<br>Invoice #/Inv Date/Description                | Document \$/<br>Line \$ | Disc \$ | PO # | Fund Org Acct | Object Proj | Cash<br>Account |
|------------|------------|-----------------------------------------------------------------|-------------------------|---------|------|---------------|-------------|-----------------|
| 41676      |            | 2168 NORTH CENTRAL LABORATORIES                                 | 144.41                  |         |      |               |             |                 |
|            | 452367     | 03/25/21 SWR-BUFFER SOL, DEIONIZED WTR                          | 144.41                  |         |      | 5310 430600   | 222         | 101000          |
|            |            | Total for Vendor:                                               | 144.41                  |         |      |               |             |                 |
| 41671      |            | 2002 NORTHWEST PARTS & EQUIPMENT &<br>Statement Ending 03/31/21 | 419.25                  |         |      |               |             |                 |
|            | C291271    | 03/15/21 SWR-1 EA PRESS WASHER HOSE 3/                          | 109.25                  |         |      | 5310 430600   | 232         | 101000          |
|            | C718761-01 | 03/31/21 STRS-1 EA CASE 621F HITCH                              | 310.00                  |         |      | 2500 430200   | 232         | 101000          |
|            |            | Total for Vendor:                                               | 419.25                  |         |      |               |             |                 |
| 41674      |            | 2816 O'REILLY AUTO PARTS<br>STATEMENT ENDING 03/28/21           | 61.20                   |         |      |               |             |                 |
|            | 4774-34712 | 04/04/21 PD-GLASS CLENR, ASSRTD GEL                             | 30.44                   |         |      | 1000 420100   | 232         | 101000          |
|            | 4774-34714 | 04/04/21 PD-2 EA WIPER BLADES                                   | 30.76                   |         |      | 1000 420100   | 232         | 101000          |
|            |            | Total for Vendor:                                               | 61.20                   |         |      |               |             |                 |
| 41716      |            | 1823 POLLARD WATER<br>SERIAL# OF NEW UNITS<br>S/N-396614        | 1,231.50                |         |      |               |             |                 |
| S/N-396615 |            |                                                                 |                         |         |      |               |             |                 |
|            | 0188836    | 04/08/21 WTR- MAGNETIC LOCATOR                                  | 307.88                  |         |      | 5210 430500   | 212         | 101000          |
|            | 0188836    | 04/08/21 SWR-MAGNETIC LOCATOR                                   | 307.87                  |         |      | 5310 430600   | 212         | 101000          |
|            | 0188836    | 04/08/21 STRS-MAGNETIC LOCATOR                                  | 615.75                  |         |      | 2500 430200   | 212         | 101000          |
|            |            | Total for Vendor:                                               | 1,231.50                |         |      |               |             |                 |
| 41700      | E          | 3008 REPUBLIC SERVICES                                          | 134.89                  |         |      |               |             |                 |
|            | 0872-00022 | 03/31/21 PRKS-03/01 TO 03/31 TALBOT                             | 94.50                   |         |      | 1000 460400   | 399         | 101000          |
|            | 0872-00022 | 03/31/21 PRKS-03/19 TO 03/31 MARANT                             | 40.39                   |         |      | 1000 460400   | 399         | 101000          |
|            |            | Total for Vendor:                                               | 134.89                  |         |      |               |             |                 |
| 41710      |            | 2755 SHERWIN-WILLIAMS CO                                        | 25.73                   |         |      |               |             |                 |
|            | 1738-4     | 04/05/21 SWR-3 EA XL COVERALLS ALL PURP                         | 25.73                   |         |      | 5310 430600   | 226         | 101000          |
|            |            | Total for Vendor:                                               | 25.73                   |         |      |               |             |                 |

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| Claim/ | Check   | Vendor #/Name/                           | Document \$/ | Disc \$ |      |      |     |        |        | Cash         |
|--------|---------|------------------------------------------|--------------|---------|------|------|-----|--------|--------|--------------|
|        |         | Invoice #/Inv Date/Description           | Line \$      |         | PO # | Fund | Org | Acct   | Object | Proj Account |
| 41711  |         | 2890 SPOKANE HOUSE OF HOSE, INC          | 29.22        |         |      |      |     |        |        |              |
|        | 868973  | 04/13/21 SWR-1 EA POLY BALL VALVE        | 29.22        |         |      | 5310 |     | 430600 | 220    | 101000       |
|        |         | Total for Vendor:                        | 29.22        |         |      |      |     |        |        |              |
| 41709  |         | 3123 SUREFIRE SEPTIC                     | 620.00       |         |      |      |     |        |        |              |
|        |         | 3 HOURS OF LABOR                         |              |         |      |      |     |        |        |              |
|        |         | RIVERS EDGE PARK                         |              |         |      |      |     |        |        |              |
|        |         | CLEAR BLOCKAGE IN FORCE MAIN AROUND 230' |              |         |      |      |     |        |        |              |
|        | 2790    | 04/14/21 SWR-JET LINE 230' CLEAR MAIN    | 620.00       |         |      | 5310 |     | 430600 | 360    | 101000       |
|        |         | Total for Vendor:                        | 620.00       |         |      |      |     |        |        |              |
| 41688  |         | 2699 THE MAIL ROOM, INC                  | 488.36       |         |      |      |     |        |        |              |
|        | D104324 | 03/29/21 FIN-03/08/21 TO 03/26/21 MAIL   | 27.14        |         |      | 1000 |     | 410500 | 310    | 101000       |
|        | D104324 | 03/29/21 WTR-03/08/21 TO 03/26/21 MAIL   | 98.87        |         |      | 5210 |     | 430500 | 310    | 101000       |
|        | D104324 | 03/29/21 SWR-03/08/21 TO 03/26/21 MAIL   | 98.86        |         |      | 5310 |     | 430600 | 310    | 101000       |
|        | D104324 | 03/29/21 PLNG-03/08/21 TO 03/26/21 MAI   | 6.63         |         |      | 1000 |     | 411000 | 310    | 101000       |
|        | D104324 | 03/29/21 PD-03/08/21 TO 03/26/21 MAIL    | 17.26        |         |      | 1000 |     | 420100 | 310    | 101000       |
|        | D104324 | 03/29/21 CRTS-03/08/21 TO 03/26/21 MAI   | 70.41        |         |      | 1000 |     | 410360 | 310    | 101000       |
|        | D104485 | 04/12/21 PD-03/29 TO 04/09/21 MAIL       | 11.05        |         |      | 1000 |     | 420100 | 310    | 101000       |
|        | D104485 | 04/12/21 FIN-03/29 TO 04/09/21 MAIL      | 12.87        |         |      | 1000 |     | 410500 | 310    | 101000       |
|        | D104485 | 04/12/21 WTR-03/29 TO 04/09/21 MAIL      | 18.49        |         |      | 5210 |     | 430500 | 310    | 101000       |
|        | D104485 | 04/12/21 SWR-03/29 TO 04/09/21 MAIL      | 18.49        |         |      | 5310 |     | 430600 | 310    | 101000       |
|        | D104485 | 04/12/21 CRTS- 03/29 TO 04/09/21 MAIL    | 72.91        |         |      | 1000 |     | 410360 | 310    | 101000       |
|        | D104485 | 04/12/21 PLNG-03/29 TO 04/09/21 MAIL     | 35.38        |         |      | 1000 |     | 411000 | 310    | 101000       |
|        |         | Total for Vendor:                        | 488.36       |         |      |      |     |        |        |              |
| 41695  |         | 3016 TRANSUNION RISK AND ALTERNATIVE     | 106.00       |         |      |      |     |        |        |              |
|        |         | MARCH 21 Billing                         |              |         |      |      |     |        |        |              |
|        | 1090832 | 04 04/01/21 PD-03/01 TO 03/31/21         | 106.00       |         |      | 1000 |     | 420100 | 335    | 101000       |
|        |         | Total for Vendor:                        | 106.00       |         |      |      |     |        |        |              |
| 41701  |         | 523 USA BLUE BOOK                        | 764.42       |         |      |      |     |        |        |              |
|        | 556311  | 03/29/21 SWR-2 EA INTELICAL PH ELECTRI   | 604.00       |         |      | 5310 |     | 430600 | 222    | 101000       |
|        | 556311  | 03/29/21 SWR-1 EA REPLACEMENT CAP        | 143.00       |         |      | 5310 |     | 430600 | 212    | 101000       |
|        | 556311  | 03/29/21 SWR- FREIGHT                    | 17.42        |         |      | 5310 |     | 430600 | 212    | 101000       |
|        |         | Total for Vendor:                        | 764.42       |         |      |      |     |        |        |              |

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CITY OF COLUMBIA FALLS  
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| Claim/ | Check | Vendor #/Name/<br>Invoice #/Inv Date/Description                                                                             | Document \$/<br>Line \$ | Disc \$    | PO # | Fund Org Acct              | Object Proj | Cash<br>Account  |
|--------|-------|------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------|------|----------------------------|-------------|------------------|
| 41681  |       | 3063 UTILITIES UNDERGROUND LOCATION<br>MONTH OF SERVICE MARCH 2021<br>40 UDIGS                                               | 62.80                   |            |      |                            |             |                  |
|        |       | 1035066 03/31/21 WTR-MAR 21 UDIGS                                                                                            | 20.93                   |            |      | 5210 430500                | 318         | 101000           |
|        |       | 1035066 03/31/21 SWR-MAR 21 UDIGS                                                                                            | 20.93                   |            |      | 5310 430600                | 318         | 101000           |
|        |       | 1035066 03/31/21 STRS-MAR 21 UDIGS                                                                                           | 20.94                   |            |      | 2500 430200                | 318         | 101000           |
|        |       | Total for Vendor:                                                                                                            | 62.80                   |            |      |                            |             |                  |
| 41687  |       | 1134 VICTIM-WITNESS ADVOCATE PROGRAM<br>040121 04/01/21 CRTS-MARCH 2021                                                      | 658.00<br>658.00        |            |      | 2917 410360                | 356         | 101000           |
|        |       | Total for Vendor:                                                                                                            | 658.00                  |            |      |                            |             |                  |
| 41698  |       | 84 WESTERN BUILDING CENTER<br>4647406 04/08/21 FD-1 EA MAGLIGHT FLASHLIGHT<br>4647439 04/09/21 FIN-RZR BLDE, VELCRO, SCRAPER | 38.66<br>29.99<br>8.67  |            |      | 1000 420400<br>1000 410500 | 212<br>210  | 101000<br>101000 |
|        |       | Total for Vendor:                                                                                                            | 38.66                   |            |      |                            |             |                  |
| 41685  | E     | 2733 WEX Fleet Universal<br>STATEMENT ENDING 03/31/21                                                                        | 4,544.38                |            |      |                            |             |                  |
|        |       | 033121 03/31/21 PD-02/26/21 TO 03/31/21 GAS CA                                                                               | 1,967.09                |            |      | 1000 420100                | 231         | 101000           |
|        |       | 033121 03/31/21 PD-02/26/21 TO 03/31/21 GAS CA                                                                               | 271.82                  |            |      | 1000 420100                | 380         | 101000           |
|        |       | 033121 03/31/21 FD-02/26/21 TO 03/31/21 GAS CA                                                                               | 495.49                  |            |      | 1000 420400                | 231         | 101000           |
|        |       | 033121 03/31/21 WTR-02/26/21 TO 03/31/21 GAS C                                                                               | 320.58                  |            |      | 5210 430500                | 231         | 101000           |
|        |       | 033121 03/31/21 SWR-02/26/21 TO 03/31/21 GAS C                                                                               | 571.10                  |            |      | 5310 430600                | 231         | 101000           |
|        |       | 033121 03/31/21 STRS-02/26/21 TO 03/31/21 GAS                                                                                | 918.30                  |            |      | 2500 430200                | 231         | 101000           |
|        |       | Total for Vendor:                                                                                                            | 4,544.38                |            |      |                            |             |                  |
|        |       | # of Claims 45                                                                                                               | Total:                  | 171,707.68 |      |                            |             |                  |
|        |       | Total Electronic Claims                                                                                                      |                         | 5,472.10   |      |                            |             |                  |
|        |       | Total Non-Electronic Claims                                                                                                  |                         | 166235.58  |      |                            |             |                  |

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CITY OF COLUMBIA FALLS  
Fund Summary for Claims  
For the Accounting Period: 4/21

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| Fund/Account                                  | Amount       |
|-----------------------------------------------|--------------|
| 1000 GENERAL FUND                             |              |
| 101000 CASH/CASH EQUIVALENTS                  | \$60,824.56  |
| 2394 BUILDING CODE ENFORCEMENT FUND           |              |
| 101000 CASH/CASH EQUIVALENTS                  | \$30,278.30  |
| 2400 SPECIAL LIGHTING DISTRICT FUND           |              |
| 101000 CASH/CASH EQUIVALENTS                  | \$2,577.37   |
| 2500 SPECIAL STREET MAINTENANCE DISTRICT FUND |              |
| 101000 CASH/CASH EQUIVALENTS                  | \$2,588.75   |
| 2917 CRIME VICTIMS ASSISTANCE FUND            |              |
| 101000 CASH/CASH EQUIVALENTS                  | \$658.00     |
| 4010 CAPITAL PROJECTS FUND - Parks            |              |
| 101000 CASH/CASH EQUIVALENTS                  | \$24,439.00  |
| 5210 WATER ENTERPRISE FUND                    |              |
| 101000 CASH/CASH EQUIVALENTS                  | \$36,945.83  |
| 5310 SEWER ENTERPRISE FUND                    |              |
| 101000 CASH/CASH EQUIVALENTS                  | \$13,395.87  |
| Total:                                        | \$171,707.68 |

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CITY OF COLUMBIA FALLS  
Claim Approval Signature Page  
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Council Meeting Date: 04/19/2021

Claims Submitted to Council: \$ 171,707.68

Claims Denied/Withheld by Council Finance Committee: \$ \_\_\_\_\_ Claim #'s: \_\_\_\_\_

Prepared By: Shawn Bates, Finance Director

Shawn Bates

Approved by Susan M. Nicosia, City Manager

Susan Nicosia

City Council to Approve by motion on consent agenda

The following claims are significant:

Morrison-Maierle Inc.-\$22,453.67 Well #3 Engineering services (Fund 5210)  
Grondahl Recreation Inc.-\$24,439 Hoerner Park playground equipment (Fund 4010)

The remaining claims are routine. Please let me know if you have any questions.  
Shawn

04/07/21  
07:25:17

CITY OF COLUMBIA FALLS  
Payroll Summary For Payrolls from 04/06/21 to 04/06/21

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Report ID: P130

Total for Payroll Checks

|                                                             | Employee | Employer | Amount   |
|-------------------------------------------------------------|----------|----------|----------|
| SICK HOURS (Sick Time)                                      | 3.71     |          | 37.10    |
| VACA HOURS (Vacation Time Used)                             | 104.30   |          | 4,014.51 |
| GROSS PAY                                                   | 4,051.61 | 0.00     |          |
| NET PAY                                                     | 2,942.83 | 0.00     |          |
| NET PAY (CHECKS)                                            | 33.26    |          |          |
| NET PAY (DIRECT DEPOSIT)                                    | 2,909.57 |          |          |
| FIT                                                         | 292.68   | 0.00     |          |
| MEDICARE                                                    | 58.75    | 58.75    |          |
| P.E.R.S.                                                    | 317.15   | 352.07   |          |
| SIT                                                         | 189.00   | 0.00     |          |
| SOCIAL SECURITY                                             | 251.20   | 251.20   |          |
| UNEMPL. INSUR.                                              | 0.00     | 18.24    |          |
| VEBA                                                        | 0.00     | 1,557.40 |          |
| WORKERS' COMP                                               | 0.00     | 81.03    |          |
| GLACIER BANK/CF                                             | 2,909.57 | 0.00     |          |
| FIT/SIT BASE                                                | 3,734.46 | 0.00     |          |
| MEDICARE BASE                                               | 4,051.61 | 0.00     |          |
| PERS BASE                                                   | 4,014.51 | 0.00     |          |
| SOC SEC BASE                                                | 4,051.61 | 0.00     |          |
| UN BASE                                                     | 4,051.61 | 0.00     |          |
| WC BASE                                                     | 4,051.61 | 0.00     |          |
| Total                                                       |          | 2,318.69 |          |
| Total Payroll Expense (Gross Pay + Employer Contributions): |          | 6,370.30 |          |

4/6/21  
Resignation  
Payroll  
\$5,601.81  
Barb Stealand

Check Summary

|                            |            |
|----------------------------|------------|
| Payroll Checks Prev. Out.  | \$2,947.52 |
| Payroll Checks Issued      | \$1,590.66 |
| Payroll Checks Redeemed    | \$355.80   |
| Payroll Checks Outstanding | \$4,182.38 |
| Electronic Checks          | \$4,011.15 |

| Deductions Accrued | Carried Forward<br>From Previous Month | Deduction<br>Checks Issued | Difference | Liab Account |
|--------------------|----------------------------------------|----------------------------|------------|--------------|
| Social Security    | 502.40                                 | 502.40                     |            | 212260       |
| Medicare           | 117.50                                 | 117.50                     |            | 212260       |
| P.E.R.S.           | 669.22                                 | 669.22                     | 1338.44    | 212270       |
| Unempl. Insur.     | 18.24                                  | 312.04                     | 330.28     | 212210       |
| Workers' Comp.     | 81.03                                  | 2124.18                    | 2205.21    | 212220       |
| FIT                | 292.68                                 | 292.68                     |            | 212260       |
| SIT                | 189.00                                 | 189.00                     |            | 212260       |
| HEALTHINS/PRE      | 0.00                                   | 18198.01                   | 18198.01   | 212400       |
| VEBA               | 1557.40                                | 1557.40                    |            | 212286       |
| UNUM LIFE INS.     | 0.00                                   | 113.86                     | 113.86     | 212400       |
| Total Ded.         | 3427.47                                | 21417.31                   | 2658.98    | 22185.80     |

\*\*\*\* Carried Forward column only correct if report run for current period.

04/15/21  
10:49:33

CITY OF COLUMBIA FALLS  
Payroll Summary For Payrolls from 04/16/21 to 04/16/21

Page: 1 of 3  
Report ID: P130

Total for Payroll Checks  
-----

|                                         | Employee  | Employer  | Amount    |
|-----------------------------------------|-----------|-----------|-----------|
|                                         | -----     | -----     | -----     |
| . ADDL HOURS (Additional)               | 0.00      |           | 291.02    |
| COMA HOURS (Comp Time Accumulated)      | 3.75      |           |           |
| COMP HOURS (Comp Time Used)             | 11.50     |           | 252.71    |
| OVER HOURS (Overtime)                   | 37.00     |           | 1,473.42  |
| REG HOURS (Regular Time)                | 2,148.25  |           | 58,529.17 |
| REG1 HOURS (Additional to regular)      | 68.50     |           | 1,217.93  |
| SFTO HOURS (Shift Sup/FTO - \$1.5/hour) | 70.50     |           | 105.75    |
| SHFN HOURS (Shift B)                    | 336.00    |           | 336.00    |
| SICK HOURS (Sick Time)                  | 25.25     |           | 530.81    |
| VACA HOURS (Vacation Time Used)         | 54.50     |           | 1,483.08  |
| VOLN HOURS (Not in use)                 | 26.00     |           | 1,300.00  |
| GROSS PAY                               | 64,219.89 | 0.00      |           |
| NET PAY                                 | 42,406.04 | 0.00      |           |
| NET PAY (CHECKS)                        | 330.80    |           |           |
| NET PAY (DIRECT DEPOSIT)                | 42,075.24 |           |           |
| AFLAC-POSTTAX                           | 64.48     | 0.00      |           |
| AFLAC-PRETAX                            | 111.99    | 0.00      |           |
| CHILD SUPPORT                           | 88.61     | 0.00      |           |
| CHILD SUPPORT P                         | 413.07    | 0.00      |           |
| CITY OF COLUMBI                         | 25.00     | 0.00      |           |
| FIT                                     | 5,011.94  | 0.00      |           |
| FLEX ALLEGIANCE                         | 1,039.63  | 35.00     |           |
| FLEX DEP CARE                           | 208.33    | 2.50      |           |
| FOP                                     | 320.00    | 0.00      |           |
| . HEALTHINS/PRE                         | 2,644.93  | 15,542.37 |           |
| MEDICARE                                | 895.73    | 895.73    |           |
| MT ST FIRE ASSO                         | 29.13     | 0.00      |           |
| NATIONWIDE/CITY                         | 0.00      | 1,561.83  |           |
| NATIONWIDE/EMP                          | 360.62    | 0.00      |           |
| P.E.R.S.                                | 2,920.26  | 3,241.89  |           |
| PERS/FURS                               | 311.70    | 418.32    |           |
| PERS/POLICE                             | 1,941.05  | 3,107.80  |           |
| SIT                                     | 2,656.00  | 0.00      |           |
| SOCIAL SECURITY                         | 2,252.56  | 2,252.56  |           |
| TEAMSTERS DUES                          | 266.50    | 0.00      |           |
| UNEMPL. INSUR.                          | 0.00      | 281.78    |           |
| UNUM LIFE INS.                          | 113.86    | 0.00      |           |
| WA CHILD SUPPOR                         | 138.46    | 0.00      |           |
| WORKERS' COMP                           | 0.00      | 2,075.17  |           |
| CHARLES SCHWAB                          | 1,407.91  | 0.00      |           |
| FIRST INTERSTAT                         | 4,105.96  | 0.00      |           |
| FREEDOM BANK                            | 1,137.62  | 0.00      |           |
| GLACIER BANK KA                         | 4,813.79  | 0.00      |           |
| GLACIER BANK/CF                         | 11,234.34 | 0.00      |           |
| GLACIER BANK/WF                         | 1,549.09  | 0.00      |           |
| PARKSIDE CR U                           | 7,554.15  | 0.00      |           |
| THREE RIVERS                            | 998.49    | 0.00      |           |
| USAA FEDERAL                            | 1,082.28  | 0.00      |           |

4-16-21  
Payroll  
\$113,854.49  
Baud Staaland

04/15/21  
10:49:33

CITY OF COLUMBIA FALLS  
Payroll Summary For Payrolls from 04/16/21 to 04/16/21

Page: 2 of 3  
Report ID: P130

|                 |           |      |
|-----------------|-----------|------|
| USBANK.         | 1,426.47  | 0.00 |
| VALLEY BANK KAL | 100.00    | 0.00 |
| VERIDIAN CREDIT | 325.00    | 0.00 |
| WELLS FARGO     | 1,200.87  | 0.00 |
| WELLS FARGO GA  | 1,251.18  | 0.00 |
| WFISH CR UNION  | 3,888.09  | 0.00 |
| FIT/SIT BASE    | 54,889.71 | 0.00 |
| MEDICARE BASE   | 61,776.84 | 0.00 |
| PERS BASE       | 61,445.71 | 0.00 |
| SOC SEC BASE    | 36,331.63 | 0.00 |
| UN BASE         | 62,619.89 | 0.00 |
| WC BASE         | 65,028.75 | 0.00 |

Total 29,414.95  
Total Payroll Expense (Gross Pay + Employer Contributions): 93,634.84  
\*\*\* PAYROLL REGISTER + VOLUNTEER PAYROLL REGISTER = PAYROLL SUMMARY \*\*\*

Check Summary

|                            |             |
|----------------------------|-------------|
| Payroll Checks Prev. Out.  | \$4,538.18  |
| Payroll Checks Issued      | \$43,599.03 |
| Payroll Checks Redeemed    | \$2,947.52  |
| Payroll Checks Outstanding | \$45,189.69 |
| Electronic Checks          | \$70,255.46 |

| Deductions Accrued | Carried Forward<br>From Previous Month | Deduction<br>Checks Issued | Difference | Liab Account |
|--------------------|----------------------------------------|----------------------------|------------|--------------|
| Social Security    | 4505.12                                | 4505.12                    |            | 212260       |
| Medicare           | 1791.46                                | 1791.46                    |            | 212260       |
| P.E.R.S.           | 6162.15                                | 669.22                     |            | 212270       |
| Unempl. Insur.     | 281.78                                 | 593.82                     | 875.60     | 212210       |
| Workers' Comp      | 2075.17                                | 4199.35                    | 6274.52    | 212220       |
| FIT                | 5011.94                                | 5011.94                    |            | 212260       |
| SIT                | 2656.00                                | 2656.00                    |            | 212260       |
| AFLAC-PRETAX       | 111.99                                 | 223.98                     |            | 212230       |
| NATIONWIDE/EMP     | 360.62                                 | 360.62                     |            | 212280       |
| Teamsters dues     | 266.50                                 | 533.00                     |            | 212310       |
| PERS/Police        | 5048.85                                | 5048.85                    |            | 212240       |
| NATIONWIDE/CITY    | 1561.83                                | 1561.83                    |            | 212280       |
| AFLAC-POSTTAX      | 64.48                                  | 128.96                     |            | 212230       |
| PERS/FURS          | 730.02                                 | 730.02                     |            | 212275       |
| MT ST FIRE ASSO    | 29.13                                  | 29.13                      |            | 212315       |
| HEALTHINS/PRE      | 18187.30                               | 39537.85                   | -3152.54   | 212400       |
| CITY OF COLUMBI    | 25.00                                  | 25.00                      |            | 212450       |
| UNUM LIFE INS.     | 113.86                                 | 227.72                     |            | 212400       |
| FLEX ALLEGIANCE    | 1074.63                                | 1074.63                    |            | 212285       |
| CHILD SUPPORT      | 88.61                                  | 88.61                      |            | 212330       |
| CHILD SUPPORT P    | 413.07                                 | 413.07                     |            | 212330       |
| WA CHILD SUPPOR    | 138.46                                 | 138.46                     |            | 212330       |
| FOP                | 320.00                                 | 320.00                     |            | 212335       |
| FLEX DEP CARE      | 210.83                                 | 210.83                     |            | 212285       |
| Total Ded.         | 51228.80                               | 24217.23                   | 71448.45   | 3997.58      |

\*\*\*\* Carried Forward column only correct if report run for current period.

**CITY OF COLUMBIA FALLS  
CITY COUNCIL REGULAR MEETING MINUTES  
HELD APRIL 05, 2021**

Mayor Barnhart called the meeting to order at 7:00 p.m.

**ROLL CALL:** Councilor Darin Fisher, Councilor Doug Karper, Councilor Paula Robinson, Councilor Jenny Lovering, Councilor John Piper, Councilor Mike Shepard and Mayor Barnhart.

Also present: City Manager Nicosia, City Clerk Staaland, City Attorney Breck and Police Chief Peters.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA:**

Councilor Robinson motioned to approve the agenda, seconded by Councilor and the motion carried. (Public Hearing for Hull Zone Change and Ordinance pulled at the request of the applicant earlier in the day).

**CONSENT AGENDA:**

Motion made by Councilor Lovering, seconded by Councilor Karper, with council voting as follows.

Ayes: Mayor Barnhart, Councilor Fisher, Councilor Karper, Councilor Robinson, Councilor Lovering, Councilor Piper and Councilor Shepard.

Approval of Claims - April 5, 2021 - \$87,852.07

Approval of Payroll Claims - March 19, 2021 - \$119,865.52

Approval of March 2021 Payroll Quarterlies - \$15,199.64

Approval of Payroll Claims - April 2, 2021 - \$73,698.45

Approval of March 15, 2021 Regular City Council Meeting Minutes

Approval of NW MT Drug Task Force MOU FY 2021 - 2022 and authorize City Manager and Police Chief to execute.

Approval of TA Grant Proposal - Morrison Maierle - \$6,400 and authorize City Manager to execute.

**VISITORS/PUBLIC COMMENT (Items not on agenda)**

Shirley Folkwein resides at 285 Shooting Star Dr. Mrs. Folkwein wanted to take the opportunity to introduce the Council to The Upper Flathead Neighborhood Association. The property owners east and south of Columbia Falls have formed the association, which is a nonprofit corporation. The goal of The Upper Flathead Neighborhood Association is to become involved in land use planning in the area.

**PUBLIC HEARINGS:**

Public Hearing - HB 473 Bridge and Road Safety Accountability Program Funds

City Manager Nicosia said this is an annual event as the City is required to adopt a resolution after March 1<sup>st</sup> each year in order to spend or reserve the funds. This year's appropriation is \$111,893.96, there is a required 5% matching amount of \$5,594.70 for total funds of \$117,488.66 for FY 20-21, the amount we currently have budgeted in Fund 2821 BaRSAA Special Gas Tax is \$113,991.00 so we have total funds available of \$231,479.66. The bid award for 6<sup>th</sup> Ave. W. was \$191,433. leaving us with 40,046.66 for chip sealing projects. Staff recommends using \$77,442 of this year's BaRSAA allocation for the 6<sup>th</sup> Ave. W. project and \$40,046.66 for chip sealing.

With no public comment, Mayor Barnhart opened and closed the Public Hearing at 7:05 p.m.

**Public Hearing - CARES Act Funding Budget Amendments**

City Manager Nicosia said the City received Cares Act Funds in the amount of \$432,259.63 above the budgeted amount due to the manner that the State of Montana distributed the funds. Nicosia noted that \$65,461.71 received offset direct expenses, such as scanning as-built plans so they are available on line (\$25,682.10), moving Finance/Admin. Black Mountain Software to the Cloud for remote access (\$3,345), replacing large scale plotter/scanner (\$16,304.83), and purchasing personal protective equipment city-wide. Nicosia met with each department to allocate the remaining funds, \$369,971. The recommendation from staff is as follows: Replace the compressor in the Fire Dept. which will be shared cost between the city and rural departments, the city share would be \$10,539, PD replacement vehicle \$61,000 plus \$9,000 vehicle equipment costs, Quiet Zone Study \$30,000, Tax Increment Expansion \$20,000, Hoerner Park Completion \$57,000, Columbus Park fountain/picnic shelter \$20,000 and Public Works streets vehicle replacement \$76,000. The current recommended budget amendment would allocate \$283,600, which would leave \$86,371 for capital or other needs that the Council can consider during the 21-22 FY budget.

With no public comment Mayor Barnhart opened and closed the Public Hearing at 7:17 p.m.

**NEW BUSINESS:**

**Authorize Declaration of Surplus Property - 2000 Bauer Compressor**

City Manager Nicosia said the compressor is twenty years old and does not meet the current needs of our Fire Department but there may be another Fire Department that is interested in it. Mayor Barnhart asked why we are getting rid of the 4 - 4500 lb. cylinders. Nicosia said the new compressor comes with 4 - 6000 psi cylinders. Councilor Fisher motioned to authorize declaration of surplus property – 2000 Bauer Compressor, seconded by Councilor Lovering and the motion carried.

**Award Bid - Hoerner Park Tennis Courts - Schlegel Enterprises - \$127,999.40**

City Manager Nicosia said we received 7 very competitive bids for the project and staff recommends accepting the apparent low bid of \$127,999.40 from Schlegel Enterprises. Nicosia also noted that the project came in less than the Public Works Director's estimate.

Councilor Karper made motion to award the bid to Schlegel Enterprises in the amount of \$127,999.40, seconded by Councilor Shepard. Mayor Barnhart asked if it would be possible to put in the additional two courts that the High School would like with the funds we saved from our estimated cost. Nicosia said there is not enough savings in the bid award to add two additional courts. Nicosia noted that the City also needs to fund the fencing, irrigation and playground equipment. Ayes: Karper, Lovering, Piper, Robinson, Shepard, Fisher and Barnhart.

**Proclamation - June 26, 2021 Lemonade Day**

Mayor Barnhart read the Lemonade Day Proclamation and Proclaimed June 26, 2021 as Lemonade Day as requested by the Glacier Country Boys and Girls Club in Columbia Falls.

**ORDINANCES / RESOLUTIONS:**

Resolution # 1844 - A Resolution of the City Council of the City of Columbia Falls, Montana Requesting Distribution of Local Government Road Construction and Maintenance Match Program Funds and Amending the Appropriate 2021 FY Budgets

Councilor Shepard made motion to approve Resolution #1844 as discussed during the public hearing, seconded by Councilor Robinson with Council voting as follows. Ayes: Lovering, Piper, Robinson, Shepard, Fisher, Karper and Barnhart.

**REPORTS / BUSINESS FROM MAYOR & COUNCIL**

Councilor Lovering said citizens have inquired about building of steps and buildings along the river bank and asked City Manager to contact City Planner Mulcahy to check for compliance.

Councilor Shepard asked Chief Peters what was going on with the Emergency Services Center dispatcher short fall. Chief Peters said there have been recent resignations, as well as dispatchers who didn't make it through training or not passing background checks during the hiring process. The Center is down approximately 12 employees.

Karper said there is a Tree Board meeting tomorrow. Can we get the email reminder of the meeting?

Mayor Barnhart said his mother passed away last week, noting that she was a resident at the Vets' home and there is a funeral service this Wednesday. Mayor Barnhart announced that he will run for re-election as he enjoys working with the current Council.

**CITY MANAGER REPORT**

City Manager Nicosia reported that the City's health insurance premiums will not increase for FY 21-22, but we are looking at a 5% increase in Property Liability and Work Comp.

Columbia Falls was selected by the U of M to participate in a pilot project to evaluate the community's outdoor recreational opportunities, referred to as CORR (Columbia Falls Community Outdoor Recreation Realization). The UM will put together a group of stakeholders with local organizations and community members to evaluate the recreational opportunities. The UM has partnered this pilot project after the Wildland Planning project completed years ago. Nicosia noted that if a councilmember would like to participate as a stakeholder in the group please let her know. Nicosia noted this will be an excellent project and a great benefit to the City and the greater Columbia Falls community.

Flathead County was awarded a GIS grant and the State agency came back and said if the County adds Columbia Falls to the project they would increase the grant amount. They will add 78 points control points for the City of Columbia Falls. Nicosia noted that the City will have to provide \$2,000 in matching funds which is an extremely good value.

**CITY ATTORNEY REPORT**

Deputy City Attorney Stephanie Breck reported on the Cahill BOA appeal, noting that the attorney's office has provided all requested documents to the District Court. The District Court could decide the appeal based on the filed documents but also has the discretion to schedule a hearing. The attorney's office is waiting to hear what the District Court decides and will keep Council posted.

**MISCELLANEOUS**

Correspondence

**ADJOURN**

Councilor Lovering motioned to adjourn at 7:43 p.m., seconded by Councilor Piper and the motion carried.

---

Mayor

---

City Clerk



United States Department of Commerce  
Economic Development Administration  
Denver Regional Office  
1244 Speer Boulevard, Suite 431  
Denver, Colorado 80204

April 12, 2021

In reply refer to:  
Investment No.: 05-01-06105

Susan Marie Nicosia  
City Manager  
130 6th Street West  
Columbia Falls, MT 59912-3615

Dear Ms. Nicosia,

The Department of Commerce's Economic Development Administration (EDA) has approved your application for a \$633,146 EDA investment for the 12th Avenue West Roadway and Utilities Improvement Project.

The signed Financial Assistance Award is enclosed. Your agreement to the terms and conditions of the award should be indicated by the signature of your principal official on the signed Financial Assistance Award. The executed copy should be returned to Kristian Blessington, [kblessington@eda.gov](mailto:kblessington@eda.gov). If not signed and returned within 30 days of receipt, EDA may declare the Award null and void. Please do not make any commitments in reliance on this award until you have carefully reviewed and accepted the terms and conditions. Any commitments entered into prior to obtaining the approval of EDA in accordance with its regulations and requirements will be at your own risk.

EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. EDA implements this mission by making strategic investments in the nation's most economically distressed communities that encourage private sector collaboration and creation of higher-skill, higher-wage jobs. EDA investments are results driven, embracing the principles of technological innovation, entrepreneurship and regional development.

EDA shares your expectations regarding the impact of this investment and looks forward to working with you to meet the economic development needs of your community.

Sincerely,

A handwritten signature in black ink that reads "Angela B. Martinez". The signature is fluid and cursive.

Angela B. Martinez  
Regional Director  
Denver Regional Office

Cc: Kirk Keysor, Economic Development Administration



☒ GRANT ☐ COOPERATIVE AGREEMENT

## FINANCIAL ASSISTANCE AWARD

FEDERAL AWARD ID NUMBER

05-01-06105 URI:116746

RECIPIENT NAME

City of Columbia Falls

PERIOD OF PERFORMANCE

April 8, 2021-October 8, 2025

STREET ADDRESS

130 6th Street West

FEDERAL SHARE OF COST

\$ \$633,146

CITY, STATE, ZIP CODE

Columbia Falls, MT 59912-3615

RECIPIENT SHARE OF COST

\$ \$633,146

AUTHORITY

Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 11)

TOTAL ESTIMATED COST

\$ \$1,266,292

CFDA NO. AND NAME

11.300, Public Works

PROJECT TITLE

12th Avenue West Roadway and Utilities Improvement Project

This Award Document (Form CD-450) signed by the Grants Officer constitutes an obligation of Federal funding. By signing this Form CD-450, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, the Form CD-450 must be signed by an authorized representative of the Recipient and returned to the Grants Officer. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Award offer and de-obligate the funds.

☐ DEPARTMENT OF COMMERCE FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS☐ R & D AWARD☐ FEDERAL-WIDE RESEARCH TERMS AND CONDITIONS, AS ADOPTED BY THE DEPT. OF COMMERCE☒ SPECIFIC AWARD CONDITIONS☒ LINE ITEM BUDGET☒ 2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS, AS ADOPTED PURSUANT TO 2 CFR § 1327.101☐ 48 CFR PART 31, CONTRACT COST PRINCIPLES AND PROCEDURES☐ MULTI-YEAR AWARD. PLEASE SEE THE MULTI-YEAR SPECIFIC AWARD CONDITION.☒ OTHER(S): EDA Standard Terms and Conditions for Construction Projects (Effective March 22, 2021)

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER

Angela Martinez, Regional Director

ANGELA MARTINEZ

Digitally signed by ANGELA MARTINEZ

DATE

04/08/21

PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

Susan Marie Nicosia, City Manager

DATE



**U.S. DEPARTMENT OF COMMERCE  
ECONOMIC DEVELOPMENT ADMINISTRATION  
STANDARD TERMS AND CONDITIONS FOR CONSTRUCTION PROJECTS**

Title II of the Public Works and Economic Development Act of 1965

Public Works and Economic Development Facilities  
and  
Economic Adjustment Assistance Construction Components



March 22, 2021

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## PART I: GENERAL PROVISIONS

### A. Construction Award Purpose

This financial assistance award (the Award), executed by the Economic Development Administration (EDA) and the recipient (Recipient or non-Federal entity), is awarded for the purpose of carrying out the design, engineering, or construction of certain physical infrastructure as specifically set forth in the Award's scope of work.

### B. Authorities

#### 1. In General

Recipient must administer this Award in conformance with the terms of the Award, including any properly executed amendment thereto, the EDA-approved budget and scope of work, these EDA Standard Terms and Conditions for Construction Projects (EDA Construction STCs) and the Department of Commerce (DOC) Financial Assistance Standard Terms and Conditions (DOC Standard Terms and Conditions), as well as any specific award conditions; relevant policies issued by EDA; applicable Federal statutes, regulations, and Executive Orders; and the provisions of the Office of Management and Budget (OMB) *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* codified at 2 CFR part 200 (OMB Uniform Guidance).

#### 2. PWEDA

The Public Works and Economic Development program is authorized under section 201 and the Economic Adjustment Assistance program is authorized under section 209 of PWEDA (42 U.S.C. §§ 3141 and 3149, respectively).

#### 3. EDA Regulations

The regulations implementing PWEDA are contained in chapter III of title 13 of the Code of Federal Regulations (CFR), and apply in full to this Award. The regulations specific to EDA construction projects can be found at 13 CFR parts 305 and 314, and subpart A to part 307.

#### 4. Conflicts Among Authorities

Any inconsistency or conflict among the authorities governing the Recipient's administration of this Award will be resolved in the following order of precedence: Federal laws and regulations (including the OMB Uniform Guidance), applicable notices published in the *Federal Register*, Executive Orders, OMB circulars, these EDA Construction STCs, specific award conditions, and any written policy guidance issued by EDA. However, a specific award condition may amend or take precedence over a provision of these EDA Construction STCs on a case-by-case basis, when warranted by the specific circumstances of the Award. In the event of a conflict between Parts I or II of these EDA Construction STCs and Part III, which incorporates the DOC Standard Terms and Conditions, Parts I and II will control.

### C. Updates to Authorities

#### 1. Updates to Regulations and Requirements

The DOC, EDA, or OMB may issue changes from time to time to the regulations and other policies and requirements that apply to this Award. Such changes may upon occasion increase

administrative or programmatic flexibility in administering this Award in a manner that is mutually beneficial to EDA and the Recipient. In addition, if required by law, these changes may impose new requirements. The implementation of any such regulatory, administrative, or programmatic change in administering this Award requires EDA's prior written approval.

## **2. Applicability to the Award**

These EDA Construction STCs apply to the Award as of the Federal award date, as defined at 2 CFR § 200.1, or, if attached to the Award by amendment, as of the effective date of such amendment.

## **D. Variances**

EDA's policy is to administer all awards uniformly; however, there may be special circumstances that warrant a variance. To accommodate these circumstances and to encourage innovative and creative ways to address economic development problems, EDA will consider requests for variances to the procedures set out in these EDA Construction STCs if they do not conflict with applicable Federal statutory and regulatory requirements, are consistent with the goals of EDA's programs, and make sound economic and financial sense. Any approved variance will be implemented through a specific award condition incorporated under the Award.

## **E. Recipient as Trustee**

The Recipient holds grant funds and any property acquired or improved with EDA assistance in trust for the public purposes of an Award. The Recipient's obligation to the Federal Government continues for the estimated useful life of the Project, as determined by EDA, during which EDA retains an undivided equitable reversionary interest (the Federal Interest) in property acquired or improved, in whole or in part, with EDA investment assistance. *See* 13 CFR § 314.2 ("Federal Interest").

If EDA determines that the Recipient fails or has failed to meet this obligation, EDA may exercise any rights or remedies with respect to its Federal Interest in the Project. However, EDA's forbearance in exercising any right or remedy in connection with the Federal Interest does not constitute a waiver thereof.

## **F. Additional Funding**

EDA has no obligation to provide any additional funding in connection with the Award. Any change to the Award to increase funding or to extend the period of performance is at the discretion of EDA, subject to the availability of funds, via an amendment executed by the Grants Officer.

## **G. Definitions**

Capitalized terms and acronyms used but not otherwise defined in these EDA Construction STCs have the meaning ascribed to them at 13 CFR §§ 300.3, 302.20, 307.8, and 314.1, and subpart A to 2 CFR part 200.

## **H. Reaffirmation of Application and Award Acceptance**

By accepting this Award, the Recipient's authorized representative hereby reaffirms and states that:

1. All data in the Application were true and correct when the Application was submitted and remain

- true and correct as of the date of this Award;
2. The Application was, as of the date of submission and the date of this Award, duly authorized as required by local law by the governing body of the Recipient; and
  3. The Recipient has read, understood, and will comply with all terms of this Award, including the assurances and certifications submitted as part of the Application (including assurances submitted through the System for Award Management (SAM.gov)).

Acceptance of the Award is established by any action on the part of the Recipient indicating an intent to accept the Award, including by signing the Financial Assistance Award (Form CD-450) (either via a “wet” signature or electronically) or by requesting any disbursement of Award funds. “Application” means all forms, documentation, and any information submitted to EDA as part and in furtherance of a request for an Award and includes submissions made in response to any request by EDA after submission of the initial Application.

**PART II:  
SPECIAL REQUIREMENTS FOR EDA CONSTRUCTION PROJECTS**

**A. Financial Requirements**

**1. Financial Reports**

- a. During the period of performance, the Recipient must submit financial reports as follows, unless otherwise specified in a specific award condition.
  - i. *Reports on Award reimbursements.* In accordance with 2 CFR § 200.328 (“Financial reporting”), the Recipient must submit a “Federal Financial Report” (Form SF-425 or any successor form) on a semi-annual basis for the periods ending March 31 and September 30, or any portion thereof, unless otherwise specified in a specific award condition. Reports are due no later than 30 calendar days following the end of each reporting period, and instructions for completing and submitting Form SF-425 will be discussed during the Project kick-off meeting. Recipients may contact their EDA Project Officer with questions on how to complete or submit the report, if necessary, but they must submit reports on time and are encouraged to pose such questions sufficiently before the deadline to allow for complete, accurate, and timely submission of required reports.
  - ii. *Reports on Award advances.* While EDA generally does not advance funds, when the agency does so, the Recipient must submit Form SF-425 within 15 business days following the end of each quarter for an award where the Federal share of costs is under \$1 million. In accordance with 2 CFR § 200.328, because of increased risk and the need to ensure the appropriate use of Federal funds, where EDA advances funds under an award where the Federal share of costs is \$1 million or more the Recipient must submit Form SF-425 within 15 business days following the end of each month, or as otherwise specified in a specific award condition.
- b. The Recipient must submit a final Form SF-425 no later than 120 calendar days after the end date of the period of performance. *See also* Part II, section B.16.c “Final reporting deadline” of these EDA Construction STCs.
- c. Noncompliance with the financial reporting requirements may result in appropriate enforcement action under this Award, including but not limited to suspension of Award payments, disallowance of costs or termination of an award. A Recipient’s non-compliance with financial reporting requirements will also be taken into account in EDA’s consideration of any future applications for EDA financial assistance (*see* 2 CFR § 200.206(b)(2)(iii) and section A.06 (Unsatisfactory Performance or Non-Compliance with Award Provisions) of the DOC Standard Terms and Conditions, which are incorporated in Part III of these EDA Construction STCs).
- d. Financial reports should be submitted to the Project Officer in electronic format, unless otherwise specified in the specific award conditions.

**2. Disbursements**

- a. *Method of payment.* The Grants Officer determines the appropriate method of payment.

Unless otherwise specified in a specific award condition, the method of payment under this Award will be reimbursement. Payments will be made through electronic funds transfers directly to the Recipient's bank account and in accordance with the requirements of the Debt Collection Improvement Act of 1996 (31 U.S.C. § 3720B *et seq.*). The Award number must be included on all payment-related correspondence, information, and forms.

- b. *Disbursement requests.* The Recipient must use Form SF-271, "Outlay Report and Request for Reimbursement for Construction Programs," to request reimbursement under the Award. Substantiating invoices and/or vouchers also must be provided. Each request for the disbursement of funds must be made to the Project Officer. Form SF-271 can be downloaded from the Grants.gov post-award reporting forms website at <https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html>.
  - i. *Initial disbursement request.* For the initial disbursement only, the Recipient must complete and submit Form SF-3881, "ACH Vendor/Miscellaneous Payment Enrollment Form," along with Form SF-271, to the Project Officer.
  - ii. *Interim disbursement requests.* All requests for interim disbursement must be submitted using Form SF-271 and include substantiating invoices and/or vouchers.
  - iii. *Final disbursement request.* See Part II, section B.16 "Project Closeout Procedures" of these EDA Construction STCs.

### 3. Federal and Non-Federal Cost Sharing

- a. For purposes of this Award, the Federal share is the amount of EDA funds invested under the Award, while the non-Federal share, or "Matching Share," means non-EDA funds and any in-kind contributions that are approved by EDA and provided by the Recipient or by third parties as a condition of the Award.
- b. By accepting the Award, the Recipient certifies that the Matching Share of Project costs is committed to the Project, available as needed, and not conditioned or encumbered in any way that precludes its use consistent with the requirements of the Award. See 13 CFR § 301.5 ("Matching share requirements").
- c. In the case of an overrun at the construction bid opening, the Recipient may augment the Matching Share by an amount sufficient to cover the excess cost. The Recipient must furnish a letter to EDA identifying the source of the additional funds and confirming that all Matching Share meets the requirements of 13 CFR § 301.5. See 13 CFR § 305.10 ("Bid underrun and overrun").

### 4. Budget Revisions and Transfer of Funds

- a. *Approved budget plan; notification of deviations.* The EDA-approved budget set forth in the specific award conditions or otherwise incorporated under the Award is the budget plan for the Project. The Recipient must notify EDA of deviations from the budget in accordance with 2 CFR § 200.308 ("Revision of budget and program plans"). If prior written approval is not required under 2 CFR § 200.308, the Recipient may request the Grants Officer's review of

and guidance on proposed revisions to the budget.

- b. *Requesting budget revisions.* Requests for budget revisions to the EDA-approved budget must be submitted through the Project Officer to the Grants Officer, who will make the final determination on such requests and notify the Recipient in writing.
- c. *Budget revisions that require an amendment.* In accordance with 2 CFR § 200.308(f) and (h), an amendment executed by the Grants Officer are required for budget revisions when:
  - i. The revision results from changes in the scope or the objective of the Project;
  - ii. The need arises for additional EDA funds to complete the Project;
  - iii. The Federal share exceeds the simplified acquisition threshold (currently set at \$250,000) and the cumulative amount of transfers among direct cost categories exceeds or is expected to exceed 10 percent of the total budget as last approved by EDA; and
  - iv. A revision is desired that involves specific costs for which prior written approval requirements may be imposed consistent with applicable cost principles listed in subpart E of 2 CFR part 200 (“Cost Principles”).
- d. *Prior approval for transfers between construction and non-construction items.* When an Award supports both construction and non-construction work, the Recipient must obtain prior written approval from the Grants Officer before making any fund or budget transfer from non-construction to construction or vice versa. *See* 2 CFR § 200.308(h)(5).
- e. *Project underrun amounts.* Underrun amounts will be transferred to the contingencies line item. Contingency funds are to be used to address situations resulting from unknown conditions and changes required for the fulfillment of authorized activities under this Award. EDA may approve the use of underrun funds to increase the Federal share of the Project or further improve the Project, as long as EDA determines that the use is consistent with the original purpose of the Award. *See* 13 CFR § 308.1 (“Use of funds in projects constructed under projected cost”).
- f. *Additional EDA funding in case of Project overrun amounts.* In accepting this Award, the Recipient agrees to fund any overrun amounts from non-Federal sources, or if the Recipient is unable or unwilling to do so, to request termination of the Award. Additional EDA assistance for the Project is at the discretion of EDA and may not be approved.

##### **5. Indirect Costs and Facilities and Administrative Costs**

- a. Indirect costs, or facilities and administrative (F&A) costs for educational institutions, are generally not applicable under this Award. *See* the definition of “indirect (facilities and administrative) (F&A) costs” at 2 CFR § 200.1.
- b. When indirect costs are applicable, they will not be allowable charges against the Award unless approved under the Award and specifically included as a line item in the Award’s approved budget. *See* section B.06 of the DOC Standard Terms and Conditions (“Indirect or Facilities and Administrative Costs”), which are incorporated into these EDA Construction STCs in Part III.

## 6. Incurring Costs Prior to Award

Project activities, including the procurement of good and services, which may include construction activities, carried out prior to EDA's approval of this Award are done at the sole risk of the Recipient and at the risk of not being reimbursed by EDA. Such activity may result in the rejection of the Application, the disallowance of costs, or other adverse consequences as a result of noncompliance with EDA or Federal requirements, including but not limited to procurement requirements, civil rights requirements, Federal labor standards, or environmental and historic preservation requirements. The Grants Officer must authorize pre-award costs and activities in writing, and such costs must also be allowable under relevant Federal cost principles and the specific Award terms and be included in the EDA-approved budget. Pre-award costs not included in the authorized budget are not allowable and will not be reimbursed. *See* 13 CFR § 302.8 ("Pre-approval Investment Assistance costs").

## 7. Program Income

For Projects that generate revenue (*e.g.*, rent for buildings or real property constructed or improved with EDA funds, rent or fees charged for use of equipment purchased with EDA funds, fees charged by the Recipient or a third party in connection with Project operations, etc.), the Recipient agrees, for the estimated useful life of the EDA-assisted facility or equipment, to use income generated from the facility or equipment, in the following order of priority unless modified by a specific award condition:

- a. Administration, operation, maintenance, and repair of Project facilities in a manner consistent with good property management practice and in accordance with established building codes. This includes, where applicable, repayment of indebtedness resulting from any EDA-approved encumbrance (*e.g.*, approved mortgage) on the EDA-assisted facility. In the case of equipment, administration, operation, maintenance, and repair of the equipment, or the facility in which the equipment is located as required to maintain and operate the equipment, for the equipment's estimated useful life.
  - b. Economic development activities that are authorized for support by EDA, provided such activities meet the economic development purposes of PWEDA and are located within the designated Project region.
  - c. Any program income in excess of paragraphs a. and b. of this section that is generated during the period of performance must be deducted from total allowable Project costs in accordance with 2 CFR § 200.307(e)(1). *See also* 2 CFR § 200.307 ("Program income").
8. **Information on Recipient integrity.** The Recipient agrees to provide EDA with information and documentation necessary for EDA to conduct due diligence to ensure the financial integrity and responsibility of the Recipient and key individuals associated with the Recipient in the management or administration of this Award.

## B. Programmatic Requirements

### 1. Project Progress and Performance Reporting

- a. Project progress reports must be submitted in accordance with the procedures set out in 2 CFR § 200.329 ("Monitoring and reporting program performance"), as applicable, and as

indicated below. Failure to submit required reports in a complete, accurate, and timely manner may result in the withholding of payments under this Award; deferral of processing of new awards, amendments, or supplemental funding; or other appropriate enforcement action. *See* 13 CFR § 302.18 (“Post-approval requirements”) and section A.06 (Unsatisfactory Performance or Non-Compliance with Award Provisions) of the DOC Standard Terms and Conditions, which are incorporated in Part III of these EDA Construction STCs.

- b. Unless otherwise specified in a specific award condition, the Project progress report must contain the following information for each Project program, function, or activity:
  - i. A comparison of planned and actual accomplishments according to the timetable or list of Project objectives in this Award;
  - ii. An explanation of any delays or failures to meet the Project timetable or Project goals; and
  - iii. Any other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

Project progress reports must be submitted for each calendar quarter to the Project Officer. Each Project progress report must be submitted in accordance with the deadlines outlined in the specific award conditions, or, when not otherwise specified, Project progress reports will be due on a quarterly basis not later than January 31, April 30, July 31, and October 31 for the immediately previous quarter. The final Project progress report must be submitted to EDA no later than 120 calendar days after the end date of the period of performance. *See* Part II, section B.16.c “Project Closeout Procedures” of these EDA Construction STCs for more information on Project Closeout.

- c. The Recipient must submit quarterly Project progress reports to the EDA Project Officer electronically unless otherwise specified in the specific award conditions.

## 2. Time Extensions

- a. Unless otherwise authorized by a specific award condition, any extension of the period of performance can only be authorized by the Grants Officer in writing.
- b. The Recipient is responsible for implementing the Project in accordance with the development time schedule contained in this Award. As soon as the Recipient becomes aware that it may not be possible to meet the development time schedule, the Recipient must notify the Grants Officer. The Recipient’s notice to EDA must contain the following:
  - i. An explanation of the Recipient’s inability to complete work by the specified date (*e.g.*, a lengthy period of unusual weather delayed the contractor’s ability to excavate the site, major re-engineering required in order to obtain State or Federal approvals, unplanned environmental mitigation required);
  - ii. A statement describing any other contemplated changes to the Project;
  - iii. Documentation that demonstrates there is still a bona fide need for the Project; and
  - iv. A statement that no further delay is anticipated and that the Project can be completed within the revised time schedule.

EDA reserves the right to withhold disbursements while the Recipient is not in compliance with the time schedule and to suspend or terminate this Award if the Recipient fails to proceed with reasonable diligence to accomplish the Project as intended.

### 3. **Interim Reporting of Significant Project Developments**

The Recipient must promptly report any event that may have a significant impact upon the Project, including delays or adverse conditions that may materially affect the ability of the Recipient to attain Project objectives within established time periods or meet the development time schedule without waiting for the next quarterly progress report. The Recipient should report such events to the Project Officer in the most time-expedient way possible and then, if the initial report was not in writing, report the event to the Project Officer in writing. Such a report must include a statement of the event or issue, a statement of the course of action taken or contemplated to resolve the matter, and any Federal assistance needed to resolve the situation. If budget changes are required, the Recipient must submit a written budget revision request. *See* 2 CFR § 200.329(e) (“Monitoring and reporting program performance”) and Part II, section A.4. “Budget Revisions and Transfers of Funds” of these EDA Construction STCs.

### 4. **Programmatic Changes**

- a. In accordance with 2 CFR § 200.308 (“Revision of budget and program plans”), the Recipient must submit a written request for any proposed programmatic changes, including all changes to the scope of the Award, to the Project Officer. *See* Part II, section A.4 “Budget Revisions and Transfers of Funds” of these EDA Construction STCs for budget revisions that may require the prior written approval of EDA. In these cases, the Project Officer will forward the request to the Grants Officer, who makes the final decision on approving the request. In addition, the Recipient must request prior written approvals for certain items of cost in accordance with 2 CFR § 200.407 (“Prior written approval (prior approval)”).
- b. Any changes made to the Project without EDA’s approval are made at the Recipient’s own risk, and may result in disallowance of costs, suspension, termination, or other EDA action with respect to the Award. *See* 13 CFR § 302.7(b) (“Amendments and changes”).
- c. *Contract Change Orders.* After construction contracts for the Project have been executed, it may become necessary to alter them through a formal contract change order that must be issued by the Recipient and accepted by the contractor. All contract change orders must be reviewed by EDA, even if EDA is not participating in the cost of the change order or the contract price is to be reduced. Work on the Project may continue pending EDA review and approval of the change order, but all such work will be at the Recipient’s risk as to whether the cost of the work is eligible for EDA reimbursement. *See* 13 CFR § 305.13 (“Contract change orders”).

### 5. **Government Performance and Results Act**

In addition to quarterly Project progress reports, EDA may require the Recipient to report on Project performance beyond the end date of the period of performance for Government Performance and Results Act (GPRA) or other purposes. In no case will the Recipient be required to submit any GPRA report more than ten years after the date of Award closeout. Data used by the Recipient in preparing reports must be accurate and, whenever possible, from independent sources. *See* 13 CFR § 302.16 (“Accountability”).

## 6. **Beneficiary Compliance**

In the event a beneficiary of the Project fails to comply in any manner with certifications, assurances, or agreements that such beneficiary has entered into in accordance with EDA's requirements, the Recipient will reimburse EDA the Award amount or an amount to be determined by the EDA pursuant to 13 CFR §§ 314.4 ("Unauthorized use of property") and 314.5 ("Federal share"). When EDA determines that the failure of a beneficiary to comply with EDA requirements affects a portion of the property benefited by the Award, the Recipient will reimburse EDA proportionately.

## 7. **Hold Harmless**

To the maximum extent permitted by law, the Recipient agrees to indemnify and hold the United States harmless from and against all liabilities that the United States may incur due to the actions or omissions of the Recipient, including to the extent that such liabilities are incurred because of toxic or hazardous contamination or groundwater, surface water, soil, or other conditions caused by actions of the Recipient or any of its predecessors (other than the United States or its agents) on the property. *See* 13 CFR § 302.19 ("Indemnification").

## 8. **Prohibition on Use of Third Parties to Secure Award**

Unless otherwise specified in the application materials supporting this Award, the Recipient warrants that no person or selling agency has been employed or retained to solicit or secure this Award upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees, or bona fide established commercial or selling agencies maintained by the Recipient for the purpose of securing business. For breach or violation of this warranty, EDA has the right to terminate this Award for material noncompliance, or at its discretion, to deduct from the Award amount, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

## 9. **Payment of Attorneys' or Consultants' Fees**

No Award funds may be used, directly or indirectly, to reimburse attorneys' or consultants' fees incurred in connection with obtaining an award under PWEDA, such as, for example, preparing an application for EDA assistance. However, ordinary and reasonable attorneys' and consultants' fees incurred for meeting Award requirements (*e.g.*, conducting a title search or preparing plans and specifications) may be eligible Project costs and may be paid out of Award funds, provided such costs are otherwise eligible. *See* 13 CFR § 302.10 ("Attorneys' and consultants' fees, employment of expeditors, and post-employment restriction").

## 10. **Recipient's Duty to Refrain from Employing Certain Government Employees**

- a. Pursuant to section 606(2) of PWEDA (42 U.S.C. § 3216), for the two-year period beginning on the date EDA executes this Award, any Recipient that is a nonprofit organization, District Organization, or for-profit entity agrees that it will not employ, offer any office or employment to, or retain for professional services any person who:
  - i. On the date EDA executes this Award or within the one-year period ending on that date, served as an officer, attorney, agent, or employee of the Department, and
  - ii. Occupied a position or engaged in activities that the Assistant Secretary determines

involved discretion with respect to the funding of an Award.

- b. In addition to the types of Recipients noted in paragraph a. above, EDA may require another Eligible Applicant to execute an agreement to abide by the above-described post-employment restriction on a case-by-case basis—for example, when an institution of higher education implements activities under or related to the Award through a separate nonprofit organization or association.
- c. The two-year period and associated restrictions referenced above also will apply beginning on the date that EDA executes any cost amendment to this Award that provides additional funds to the Recipient.

*See also* 13 CFR § 302.10 (“Attorneys’ and consultants’ fees, employment of expeditors, and post-employment restriction”).

#### 11. Commencement of Construction

- a. *Delayed construction starts.* If significant construction (as determined by EDA) is not commenced within two years of the Award date or by the date estimated for start of construction in this Award (or the expiration of any extension granted in writing by EDA), whichever is later, this Award will be automatically suspended by a written notification issued by the Grants Officer and may be terminated if EDA determines, after consultation with the Recipient, that construction to completion cannot reasonably be expected to proceed promptly and expeditiously.
- b. *Early construction starts.* The Recipient must make a written request to EDA for early construction start permission (that is, after the date of Award, but before EDA gives formal approval for construction to commence). Costs incurred under a contract are only allowable after EDA determines that the award of the contract is in compliance with all terms and conditions of the Award. If construction commences prior to EDA’s determination, the Recipient proceeds at its own risk until EDA’s review and concurrence. *See* 13 CFR § 305.11 (“Contract awards; early construction start”).

#### 12. Project Sign and Use of EDA Logo

- a. *Project sign.* The Recipient is responsible for constructing, erecting, and maintaining in good condition throughout the construction period a sign (or signs) in a conspicuous place at the Project site indicating that the Federal Government is participating in the Project. EDA will provide specifications for the sign and may require more than one sign if site conditions so warrant. If the EDA-recommended sign specifications conflict with State or local law, the Recipient may modify such recommended specifications so as to comply with State or local law. *See* 13 CFR § 305.12 (“Project sign”).
- b. *Use of EDA logo.* With EDA’s prior written permission, the Recipient may use the EDA logo to publicize the Award as well as to amplify the impact of the Award. In such cases, the EDA logo may be displayed on Award-related materials that discuss or advertise the purpose or use of the Project (e.g. websites, social media, fliers, pamphlets, brochures). To seek permission to use the EDA logo, the Recipient must contact the EDA Project Officer and provide a written description of how the Recipient proposes to use the EDA logo. In general,

the EDA logo may be used either alone or next to Recipient's logo. The EDA logo may not be used to endorse a third party as interpreted at EDA's sole discretion. The Recipient must not use the EDA logo in a negative or defamatory manner, and the Recipient must not use the U.S. Department of Commerce (DOC) logo. EDA may rescind such permission at any time.

### 13. Efficient Administration of Project

The Recipient agrees to properly and efficiently administer, operate, and maintain the Project for its estimated useful life, as required by section 504 of PWEDA (42 U.S.C. § 3194). If EDA determines at any time during the estimated useful life of the facility that the Project is not being properly and efficiently administered, operated, and maintained, EDA may terminate this Award (if it is still active) and/or may take appropriate enforcement action to protect the Federal Interest in the Project, including requiring the Recipient to repay the Federal Share. *See* 13 CFR §§ 302.12 ("Project administration, operation and maintenance"), 302.18 ("Post-approval requirements"), and 314.2 ("Federal Interest") through 314.5 ("Federal Share").

### 14. Conflicts-of-Interest Rules

- a. An "Interested Party" is defined in 13 CFR § 300.3 ("Definitions") as "any officer, employee, or member of the board of directors or other governing board of the Recipient, including any other parties that advise, approve, recommend, or otherwise participate in the business decisions of the Recipient, such as agents, advisors, consultants, attorneys, accountants, or shareholders." An Interested Party includes the Interested Party's Immediate Family and other persons directly connected to the Interested Party by law or through a business organization. "Immediate Family" is defined in 13 CFR § 300.3 as "a person's spouse (or domestic partner or significant other), parents, grandparents, siblings, children and grandchildren, but does not include distant relatives, such as cousins, unless the distant relative lives in the same household as the person."
- b. The Recipient must disclose in writing any potential conflicts of interest to EDA or the pass-through entity as soon as practicable after the identification of such potential conflict. In addition, the Recipient must maintain written standards of conduct to establish safeguards to prohibit an Interested Party from using its position for a purpose that constitutes or presents the appearance of personal or organizational conflicts-of-interest or of personal gain in the administration of an award. *See* 13 CFR § 302.17(a) and (b) ("Conflicts of interest"), 2 CFR § 200.112 ("Conflict of interest"), as applicable, and assurances submitted as part of the Application, including assurances submitted through SAM.gov or via Form SF-424D ("Assurances – Construction Projects").
- c. An Interested Party must not receive any direct or indirect financial or personal benefit in connection with this Award or its use for payment or reimbursement of costs by or to the Recipient. A conflict of interest generally exists when an Interested Party participates in a matter that has a direct and predictable effect on the Interested Party's personal or financial interests. A conflict also may exist where there is an appearance that an Interested Party's objectivity in performing his or her responsibilities under the Project is impaired. For example, an appearance of impairment of objectivity may result from an organizational conflict where, because of other activities or relationships with other persons or entities, an Interested Party is unable to render impartial assistance, services or advice to the Recipient, a participant in the Project or to the Federal government. Additionally, a conflict of interest

may result from non-financial gain to an Interested Party, such as benefit to reputation or prestige in a professional field. *See* 13 CFR § 302.17(a) and (b).

- d. Section F.01.c of the DOC Standard Terms and Conditions, which are incorporated as Part III of these EDA Construction STCs, specifies procurement-related conflicts of interest requirements. *See also* 2 CFR §§ 200.317-200.327 (“Procurement Standards”).

## 15. Records-Keeping Requirements

- a. *Records.* The Recipient must maintain records that document compliance with the terms and conditions of this Award. At a minimum, the Recipient’s records must fully disclose:
  - i. The amount and disposition of all EDA funding under the Award;
  - ii. All Project expenditures and procurement actions;
  - iii. The total cost of the Project that the Award funds;
  - iv. Copies of all reports and disbursement requests submitted to EDA;
  - v. The benefits/impacts of the Project, as reported through GPRA and other reports to EDA;
  - vi. The amount and nature of the portion of Project costs provided by non-EDA sources;
  - vii. Contractor compliance with applicable Federal requirements; and
  - viii. Such other records as EDA requires the Recipient to maintain, including such records as will facilitate an effective audit.
- b. *Records retention.* In general, and in accordance with 2 CFR § 200.334 (“Retention requirements for records”), all records pertinent to this Award must be retained for a period of three years from the date of submission of the final Project expenditure report (the final Form SF-271 for disbursement). The only exceptions are the following:
  - i. If any litigation, claim, or audit is started before the expiration of the three-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final actions taken.
  - ii. When the Recipient is notified in writing by EDA, its cognizant agency for either audit or indirect costs, its oversight agency for audit, or the relevant pass-through entity to extend the retention period, it must retain the records as directed.
  - iii. Records for real property and equipment acquired with Federal funds must be retained for three years after final disposition of the relevant real property or equipment.
  - iv. When records are transferred to or maintained by EDA or pass-through entity, the three-year retention requirement is not applicable to the Recipient.
  - v. *Records for program income transactions after the period of performance.* In some cases, Recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the Recipient’s fiscal year in which the program income is earned. *See also* Part II, section A.7 “Program Income” of these EDA Construction STCs.

- vi. *Indirect cost rate proposals and cost allocation plans.* This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).
  - (1) *If submitted for negotiation.* If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the pass-through entity) to form the basis for negotiation of the rate, then the three-year retention period for its supporting records starts from the date of such submission.
  - (2) *If not submitted for negotiation.* If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the pass-through entity) for negotiation purposes, then the three-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.
- c. **Monitoring and reporting obligations.** The Recipient is responsible for monitoring any subrecipients and contractors to ensure their compliance with the records retention requirements. The Recipient must immediately notify the Project Officer if records are lost. See 2 CFR §§ 200.331 – 200.333 (“Subrecipient Monitoring and Management”).

## 16. Termination Actions

- a. In accordance with 2 CFR § 200.340 (“Termination”), this Award may be terminated in whole or in part as follows:
  - i. *Termination by EDA for the Recipient’s failure to comply with the terms and conditions of the Award.* EDA may terminate this Award, in whole or in part, if the Recipient fails to comply with the Terms and Conditions of the Award, including but not limited to:
    - (1) Any representation made by the Recipient to the Federal awarding agency in connection with the Application for Federal assistance is incorrect or incomplete in any material respect;
    - (2) The Project has changed substantially, without EDA prior approval, so as to affect significantly the accomplishment of the Project as intended (including an unauthorized use of property as provided in 13 CFR § 314.4 (“Unauthorized use of property”));
    - (3) The Recipient has violated commitments it made in its Application and supporting documents or has violated any of the Terms and Conditions of the Award;
    - (4) The conflicts-of-interest rules at 13 CFR § 302.17 (“Conflicts of interest”) are violated; or
    - (5) The Recipient fails to report immediately to EDA any change of authorized representative acting in lieu of or on behalf of the Recipient.

See also section A.06 (Unsatisfactory Performance or Non-Compliance with Award Provisions) of the DOC Standard Terms and Conditions, which are incorporated in Part III of these EDA Construction STCs.

- ii. *Termination by EDA when the Award no longer effectuates program goals or agency priorities.* To the greatest extent authorized by law, EDA may terminate this Award if it no longer effectuates program goals or agency priorities.
  - iii. *Termination by the Recipient.* The Recipient may terminate this Award in whole or in part upon by sending the EDA Grants Officer written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if EDA determines in the case of partial termination that the reduced or modified portion of the EDA Award will not accomplish the purposes for which the EDA Award was made, EDA may terminate the Award in its entirety.
  - iv. *Termination pursuant to Award termination provisions.* EDA or the pass-through entity may terminate this Award pursuant to termination provisions included in the Award. Any Award-specific termination provision will be included as a specific award condition.
  - v. *Termination upon mutual agreement.* EDA and the Recipient may mutually agree to terminate this Award in whole or in part. In such cases, EDA and the Recipient must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated.
- b. If the Award is wholly or partially terminated, the Recipient remains responsible for compliance with the requirements in 2 CFR §§ 200.344 (“Closeout”) and 200.345 (“Post-closeout adjustments and continuing responsibilities”).

#### **17. Project Closeout Procedures**

- a. *Project Closeout.* As defined at 2 CFR § 200.1, Project Closeout means the process by which EDA determines that all applicable administrative actions and all required work of the Award have been completed and takes actions as described at 2 CFR § 200.344 (“Closeout”). In the context of an EDA construction award, Project Closeout generally begins with the Recipient’s acceptance of the Project from the contractor(s).
- b. *Final disbursement.* When Project construction and final inspection have been completed, or substantially completed as determined by EDA, and the Recipient has accepted the Project from the contractor(s), the Recipient can begin the Closeout process by submitting the following documentation to EDA:
  - i. A request for final disbursement on an executed Form SF-271;
  - ii. A written certification that all costs charged against this Award (Federal and non-Federal shares) are for eligible activities and represent allowable costs, for which there is documentation in the Recipient’s records;
  - iii. An executed certificate of final acceptance signed by the Recipient and the Recipient’s architect/engineer;
  - iv. The Recipient’s certification that its current audit (in accordance with subpart F of 2 CFR part 200), if applicable, has been submitted to the Federal Audit Clearinghouse;

- v. The Recipient's certification that its currently valid single or program-specific audit in accordance with subpart F of 2 CFR part 200 ("Audit Requirements"), if applicable, does not contain any material findings (if the Recipient's currently valid audit does contain material findings, the Recipient must submit the applicable audit preferably via e-mail to the Project Officer, who will review with the Grants Officer); and
- vi. Other documentation as may be required by EDA.

EDA will advise the Recipient of costs determined to be allowable and unallowable. If a balance of this Award is due to the Recipient, the balance will be paid by EDA. If the Recipient has received an amount in excess of the amount due the Recipient, the Recipient must refund the excess to EDA. The Recipient must contact the Project Officer for refund instructions.

As noted above, if the Recipient's most recent audit completed pursuant to subpart F of 2 CFR part 200 contains material findings, the Recipient must submit the audit, preferably via e-mail, to the Project Officer, who will review with the Grants Officer before final disbursement. If e-mail is unavailable, the Recipient may submit a hardcopy version of the audit to the Project Officer.

- c. *Final reporting deadline.* The Recipient must submit, no later than 120 calendar days after the end date of the period of performance, all financial, performance, and other reports as required by the Terms and Conditions of this Award. The Grants Officer may extend the 120 calendar day submission period upon a written request from the Recipient.
- d. *Deadline to liquidate obligations.* Unless EDA authorizes an extension, the Recipient must liquidate all financial obligations incurred under this Award no later than 120 calendar days after the end date of the period of performance.
- e. *Post-Closeout requirements.* As noted above in section B.12 "Efficient Administration of Project" of these EDA Construction STCs, after construction is completed and the Project is closed out financially, the Recipient has an ongoing responsibility to properly administer, operate, and maintain the Project for its estimated useful life (as determined by EDA) in accordance with Award purposes. See 13 CFR § 302.12 ("Project administration, operation and maintenance"). The Recipient must comply with all Award requirements and maintain records to document such compliance, which must be made available for inspection by EDA or other Government officials as required.

In addition, in accordance with 2 CFR § 200.345 "Post-closeout adjustments and continuing responsibilities," the Closeout of this Award does not affect any of the following:

- i. The right of EDA to disallow costs and recover funds on the basis of a later audit or other Project review;
- ii. The Recipient's obligation to return any funds due as a result of later corrections or other transactions;
- iii. Audit requirements per subpart F of 2 CFR part 200; and
- iv. Requirements for property management and disposition, records retention, and

performance measurement reports. *See* subpart D of 2 CFR part 200 (“Post Federal Award Requirements”), as applicable.

- f. *GPRA reporting.* As required under GPRA and in accordance with a schedule that will be provided by EDA, the Recipient must submit additional Performance Measurement Reports, generally three, six, and nine years after the date of the Award to accurately and completely report the impacts of the Project, especially in terms of job creation and private investment leveraging.

#### 18. **Freedom of Information Act**

EDA is responsible for meeting its Freedom of Information Act (“FOIA”) (5 U.S.C. § 552) responsibilities for its records. DOC regulations at 15 CFR part 4 set forth the requirements and procedures that EDA must follow in order to make the requested material, information, and records publicly available. Unless prohibited by law and to the extent required under the FOIA, contents of Applications and other information submitted by applicants and Recipients may be released in response to a FOIA request. The Recipient should be aware that EDA may make certain Application and other submitted information publicly available. Accordingly, as set forth in 15 CFR § 4.9 (“Confidential commercial information”), the Recipient should identify in its Application any “business information” it believes to be protected from disclosure pursuant to 5 U.S.C. § 552(b)(4).

#### C. **Additional Requirements Related to Construction Projects**

The Recipient and any subrecipients, must, in addition to other statutory and regulatory requirements detailed in these EDA Construction STCs and the assurances made to EDA in connection with the Award, comply and require each of its contractors and subcontractors employed in the completion of the Project to comply with all applicable Federal, State, territorial, and local laws, and in particular, the following Federal laws (and the regulations issued thereunder), executive orders, OMB circulars, OMB Uniform Guidance, and local law requirements.

1. **The Davis-Bacon Act, as amended (40 U.S.C. §§ 3141–3144, 3146, 3147; 42 U.S.C. § 3212)**, which requires minimum wages for mechanics and laborers employed on Federal Government public works projects to be based on the wages that the Secretary of Labor determines to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State in which the Project is to be performed, or in the District of Columbia if the Project is to be performed there.
2. **The Contract Work Hours and Safety Standards Act, as amended (40 U.S.C. §§ 3701–3708)**, which provides work hour standards for every laborer and mechanic employed by any contractor or subcontractor in the performance of a Federal public works project.
3. **The National Historic Preservation Act of 1966, as amended (54 U.S.C. § 300101 *et seq.*), and the Advisory Council on Historic Preservation Guidelines (36 CFR part 800)**, which require stewardship of historic properties in projects involving Federal funds.
4. **Preservation of Historical and Archeological Data (54 U.S.C. § 312502)**, which requires appropriate surveys and preservation efforts if a Federally licensed project may cause

irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data.

5. **The Architectural Barriers Act of 1968, as amended (42 U.S.C. § 4151 *et seq.*),** and the regulations issued thereunder, which prescribe standards for the design and construction of any building or facility intended to be accessible to the public or that may house handicapped employees.
6. **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. § 4601 *et seq.*),** and implementing regulations issued at 49 CFR part 24 (“Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs”), which establish uniform policies for the fair and equitable treatment of persons, businesses, or farm operations affected by the acquisition, rehabilitation, or demolition of real property acquired for a project financed wholly or in part with Federal financial assistance.
7. **The Energy Conservation and Production Act (42 U.S.C. § 6834 *et seq.*),** which establishes energy efficiency performance standards for the construction of new residential and commercial structures undertaken with Federal financial assistance.
8. **Executive Order 13717, “Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction”,** which requires that new buildings constructed with Federal assistance comply with the earthquake-resistant design provisions of the 2015 editions of the International Building Code (IBC) or the International Residential Code (IRC), nationally recognized building codes promulgated by the International Code Council (ICC), or equivalent codes, consistent with the provisions of and to the extent required by 40 U.S.C. § 3312.
9. **Compliance with Local Construction Requirements.** The Recipient will comply with current local building codes, standards, and other requirements applicable to the Project.

#### D. **Non-Discrimination Requirements**

No person in the United States shall, on the ground of race, color, national origin, handicap, age, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. In addition to the non-discrimination requirements set forth in section G.02 “Non-Discrimination Requirements” of the DOC Standard Terms and Conditions, which are incorporated in Part III of these Construction STCs, the Recipient agrees to comply with Pub. L. No. 92-65, 42 U.S.C. § 3123, which proscribes discrimination on the basis of sex in assistance provided under PWEDA.

#### E. **Audits**

##### 1. **General**

- a. Recipients must comply with the audit requirements set out as subpart F to 2 CFR part 200 (“Audit Requirements”). Generally, if the Recipient expends \$750,000 or more in Federal awards during the Recipient’s fiscal year, the Recipient must have a single or program-specific audit conducted for that fiscal year. The cost of preparing the audit may be

included in the Project budget.

- b. For program specific audits, EDA's Public Works and Economic Adjustment Assistance programs generally have specific audit guidelines that will be incorporated into the Award and may be found in the annual Compliance Supplement, which is Appendix XI to 2 CFR part 200 and available on OMB's website. When DOC does not have a program-specific audit guide available for the program, the auditor will follow the requirements for a program-specific audit as described in 2 CFR § 200.507 ("Program-specific audits").

## 2. Requirement to Submit a Copy of the Audit to EDA

If the Recipient's current audit required under subpart F of 2 CFR part 200 ("Audit Requirements") contains material findings, the Recipient must submit a copy of the audit to the Project Officer, who will review it with the Grants Officer. *See also* Part II, section B.16 "Project Closeout Procedures" of these EDA Construction STCs.

*See* section D "Audits" of the DOC Standard Terms and Conditions, which are incorporated in Part III of these EDA Construction STCs, for additional information related to audit requirements.

## F. Tribal Employment Rights Ordinances

As set out in 31 U.S.C. § 1352, special provisions are applicable to Indian Tribes, Tribal organizations, and other Indian organizations eligible to receive Federal contracts, grants, loans, or cooperative agreements. In accordance with DOC policy, EDA recognizes Tribal Employment Rights Ordinances ("TEROs"), which may provide for preferences in contracting and employment, in connection with its financial assistance awards. Federal awards granted to American Indian and Alaska Native Tribal governments generally may provide for preference to qualified Indians in all aspects of employment, contracting, and other business activities, as well as the payment of a TERO fee. The payment of the TERO fee, which supports the Tribal employment rights office to administer the preferences, should generally be allowable as an expense that is "necessary and reasonable for the performance of the Federal award," as provided under 2 CFR § 200.403 ("Factors affecting allowability of costs").

## G. EDA Contracting Provisions for Construction Projects

The Recipient must use the "*EDA Contracting Provisions for Construction Projects*" as guidance in developing all construction contracts. The "*EDA Contracting Provisions for Construction Projects*" lists applicable EDA and other Federal requirements for construction contracts.

## H. Property

### 1. Standards

With respect to any property acquired or improved in whole or in part with Award funds, the Recipient must comply with the Property Standards set forth at 2 CFR §§ 200.310 ("Insurance coverage") through 200.316 ("Property trust relationship"), and EDA's regulations at 13 CFR part 314. Property acquired or improved in whole or in part by the Recipient under this Award may consist of real property; personal property, including equipment and supplies; and intangible property, such as money, notes, contractual rights, and security interests. Any property reports required under 2 CFR §§ 200.310 through 200.316, such as periodic inventories and requests for disposition instructions, must be submitted to the Grants Officer through the Project Officer on

Form SF-428 and/or SF-429, as applicable. *See also* section A.01.d “Real Property, Tangible Property and Intangible Property Reports and Requests for Dispositions” of the DOC Standard Terms and Conditions, which are incorporated in Part III of these EDA Construction STCs.

## 2. Title

- a. Title to equipment, supplies, and intangible property acquired in whole or in part under this Award generally vests upon acquisition in the Recipient. The use, management and disposition of equipment, supplies, and intangible property acquired in whole or in part under this Award must be in accordance with 2 CFR §§ 200.313 (“Equipment”), 200.314 (“Supplies”), and 200.315 (“Intangible property”), as applicable, and EDA regulations at 13 CFR part 314. *See also* section C.03 “Intellectual Property Rights” of the DOC Standard Terms and Conditions, which are incorporated in Part III of these EDA Construction STCs.
- b. Title to real property acquired in whole or in part under this Award generally vests upon acquisition in the Recipient, subject to the condition that the Recipient uses the real property for the authorized purpose of the Project. *See* 2 CFR § 200.311 (“Real property”) and EDA regulations at 13 CFR part 314.

## 3. EDA’s Interest in Award Property

- a. *General - evidence of title.* As stated in Part I, section E, of these EDA Construction STCs “Recipient as Trustee”, real property, equipment, and intangible property acquired or improved under this Award must be held in trust by the Recipient as trustee for the public purposes of an Award. This trust relationship exists throughout the duration of the property’s estimated useful life, as determined by EDA, during which time EDA retains an undivided, equitable reversionary interest in the property (“Federal Interest”). *See* 13 CFR § 314.2.

Before advertising for construction bids or at such other time as EDA requires, the Recipient must furnish evidence, satisfactory in form and substance to EDA, that title to real property required for the Project (other than property of the United States and as provided in 13 CFR § 314.7(c) (“Title”)) is vested in the Recipient and that such easements, rights-of-way, State or local government occupancy or use permits, long-term leases, or other property interests or access rights required for the Project have been or will be obtained by the Recipient within an acceptable time, as determined by EDA. All liens, mortgages, other encumbrances, reservations, reversionary interests, or other restrictions on title or the Recipient’s interest in the property must be disclosed to EDA. *See* 13 CFR § 314.7 (“Title”). With limited exceptions set forth at 13 CFR §§ 314.6(a) and (b) (“Encumbrances”) or as otherwise authorized by EDA, Recipient-owned property acquired or improved in whole or in part with Award funds must not be used to secure a mortgage or deed of trust or in any way otherwise encumbered. *See* 13 CFR § 314.6.

- b. *Recording EDA’s Interest in Real Property.*
  - i. For all Projects involving the acquisition, construction, or improvement of a building, infrastructure, or other real property, as determined by EDA, the Recipient must execute and furnish to EDA, prior to initial Award disbursement or at such other time as EDA requires, a lien, covenant, or other statement, satisfactory to EDA in form and substance, of EDA’s interest in the property acquired or improved in whole or in part with the funds made available under this Award. EDA may permit such statement to be recorded after

- initial Award disbursement in the event that grant funds are being used to acquire such property or for authorized costs, such as design and engineering services. The statement must specify the estimated useful life of the Project and must include the disposition, encumbrance, and the Federal Share compensation requirements, as well as any other requirements specified by EDA in its reasonable discretion. *See* 13 CFR §§ 314.1 (“Definitions”) and 314.8(a) (“Recorded statement for real property”). *See also* 2 CFR § 200.316 (“Property trust relationship”).
- ii. This lien, covenant, or other statement of the Federal interest must be perfected and placed of record in the real property records of the jurisdiction in which the property is located, all in accordance with applicable law. EDA may require an opinion of counsel for the Recipient to substantiate that the document was validly executed and properly recorded. *See* 13 CFR § 314.8(b).
  - iii. Facilities in which the EDA assistance is only a small part of a larger project, as determined by EDA, may be exempted from the requirements listed in paragraphs H.3.b.i and ii above. *See* 13 CFR § 314.8(c).
  - iv. In extraordinary circumstances and at EDA’s discretion, EDA may choose to accept another instrument to protect EDA’s interest in the Project property, such as an escrow agreement or letter of credit, provided that EDA determines such instrument is adequate and a recorded statement in accord with section H.3.b.i above is not reasonably available. The terms and provisions of the relevant instrument must be satisfactory to EDA. The costs and fees for escrow services or letters of credit must be paid by the Recipient. *See* 13 CFR § 314.8(d).
- c. *Recording EDA’s Interest in Personal Property.* For all Projects involving the acquisition or improvement of significant items of equipment or other tangible personal property, including but not limited to watercraft, motor vehicles, machinery, equipment, removable fixtures, or structural components of buildings, the Recipient must execute a security interest, covenant, or other statement of EDA’s reversionary interest in the personal property acceptable in form and substance to EDA, which statement must be perfected and placed of record in accordance with applicable law (usually accomplished by filing a Uniform Commercial Code Financing Statement (Form UCC-1), as provided by State law), with continuances re-filed as appropriate. EDA may require an opinion of counsel for the Recipient to substantiate that the Form UCC-1 or other filing was validly executed and properly recorded. *See* 13 CFR § 314.9 (“Recorded statement for Project personal property”).
  - d. *EDA’s Interest and the estimated useful life.* The Recipient acknowledges that EDA retains an undivided equitable reversionary interest in property acquired or improved in whole or in part with grant funds made available through this Award throughout the estimated useful life (as determined by EDA) of the Project, except in applicable instances set forth at 13 CFR § 314.7(c) (“Title”). *See* 13 CFR § 314.2(a) (“Federal interest”).
  - e. *Unauthorized Use of Award Property.* The Recipient agrees that if any interest in property acquired or improved in whole or in part with Award funds is disposed of, encumbered, or alienated in any manner, or no longer used for the authorized purposes of the Award during the Project’s estimated useful life without EDA’s written approval, EDA will be entitled to recover the Federal Share, as defined at 13 CFR § 314.5 (“Federal share”). Examples of

alienation of Award property include sale or other conveyance of the Recipient's interest, leasing or mortgaging the property, or granting an option for any of the foregoing.

If, during the Project's estimated useful life, the property is no longer needed for the purposes of the Award, as determined by EDA, EDA may permit its use for other acceptable purposes consistent with those authorized by PWEDA and 13 CFR Chapter III. *See* 13 CFR § 314.3(b) ("Authorized use of property") or may direct the Recipient to sell the property and remit the Federal Share of the sales proceeds to EDA. *See* 2 C.F.R. §§ 200.311, 200.313.

- f. *Calculating the Federal Share.* For purposes of any lien or security interest, the amount of the Federal Share is the portion of the current fair market value of any property (after deducting any actual and reasonable selling and repair expenses incurred to put the property into marketable condition) attributable to EDA's participation in the Project. *See* 13 CFR § 314.5 ("Federal share").

#### 4. **Insurance and Bonding**

- a. *Insurance.* The Recipient must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with Federal funds as provided for property owned by the Recipient. Federally owned property need not be otherwise insured unless required by the Terms and Conditions of the Award. *See* 2 CFR § 200.310 ("Insurance coverage").
- b. *Bonding.* If the Award exceeds the simplified acquisition threshold as defined at 2 CFR § 200.1, EDA may accept the Recipient's or subrecipient's bonding policy and requirements if EDA or the pass-through entity determines that the Federal Interest is adequately protected. If not, the following minimum requirements will apply:
  - i. A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
  - ii. A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
  - iii. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to ensure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract. *See* 2 CFR § 200.326 ("Bonding requirements").

#### 5. **Leasing Restrictions.**

Leasing or renting of facilities or property is prohibited unless specifically authorized by EDA. The Recipient agrees that any leasing or renting of any facilities or property involved in this Project will be subject to the following:

- a. That said lease arrangement is consistent with the authorized general and special purpose of

the Award;

- b. That said lease arrangement is for adequate consideration;
- c. That said lease arrangement is consistent with applicable EDA requirements concerning but not limited to nondiscrimination and environmental compliance; and
- d. That all revenue derived from said leasing arrangement shall be subject to Part II, section A.7 “Program Income” of these EDA Construction STCs.

#### 6. Eminent Domain

The Recipient will use funds solely for the authorized purpose of the Project. Pursuant to Executive Order 13406, “Protecting the Property Rights of the American People,” the Recipient agrees:

- a. Not to exercise any power of eminent domain available to the Recipient (including the commencement of eminent domain proceedings) for use in connection with the Project for the purpose of advancing the economic interests of private parties; and
- b. Not to accept title to land, easements, or other interests in land acquired by the exercise of any power of eminent domain for use in connection with the Project for such purposes. The Recipient agrees that any use of the power of eminent domain to acquire land, easements, or interests in land, whether by the Recipient or any other entity that has the power of eminent domain, in connection with the Project without the prior written consent of EDA is an unauthorized use of the Project. If the Recipient puts the Project to an unauthorized use, the Recipient must compensate EDA for the Federal Share in accordance with 13 CFR §§ 314.4 (“Unauthorized use of property”) and 314.5 (“Federal share”), as the same may be amended from time to time.

#### 7. Disposal of Real Property

- a. During the estimated useful life of the Project, if EDA and the Recipient determine that property acquired or improved in whole or in part with Award funds is no longer needed for the original purposes of this Award, EDA may, in its discretion, approve use of the property in other Federal grant programs or in programs that have purposes consistent with those authorized by PWEDA and 13 CFR chapter III. *See* 13 CFR § 314.3(b) (“Authorized use of property”).
- b. When property is not authorized for other uses as provided in section H.7.a above, EDA will provide disposition instructions to the Recipient, which may include directing the Recipient to sell the property and remit the Federal Share of the sales proceeds to EDA.

#### 8. Reporting on Property.

- a. *Real Property status reports and requests for disposition.* In accordance with 2 CFR § 200.330 “Reporting on real property”, the Recipient must submit reports using Form SF-429 (Real Property Status Report), including appropriate attachments, at least annually on the status of real property in which EDA retains an interest, which generally includes real property acquired or improved under the award, unless such interest extends 15 years or longer. If EDA’s interest is for a period of 15 years or longer, unless otherwise specified in a specific award condition, the Recipient must submit an annual report for the

first three years of the award and thereafter submit a real property status report every five years. If the Recipient wishes to dispose of real property acquired or improved under an EDA award, the Recipient must request disposition instructions, including the submission of Form SF-429, with appropriate attachments, from the Grants Officer in accordance with 2 CFR 200.311(c).

- b. *Tangible Personal Property status reports and requests for dispositions.* The Recipient must submit periodic reports as specified in the terms of the Award using Form SF-428 (Tangible Personal Property Report), including appropriate attachments thereto, concerning tangible personal property that is Federally owned or tangible personal property in which EDA retains an interest. In addition, if the Recipient wishes to dispose of tangible personal property acquired or improved under an EDA award, the Recipient must request disposition instructions, including the submission of Form SF-428, with appropriate attachments, from the Grants Officer in accordance with 2 CFR 200.313(e).

*See also* section A.01.d of the DOC Standard Terms and Conditions, which are incorporated in Part III of these EDA Construction STCs.

## **I. Environmental Requirements**

1. **General.** In addition to the environmental statutes, executive orders, and requirements set forth in section G.04 of the DOC Standard Terms and Conditions "Environmental Requirements," which are incorporated in Part III of these EDA Construction STCs, the Recipient must comply with the following:
  - a. **Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. §§ 4371-4375).** Federally supported public works facilities and activities that affect the environment must be implemented in compliance with policies established under existing law.
  - b. **The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4821 *et seq.*).** Use of lead-based paint in residential structures improved with Federal assistance is prohibited.
  - c. **The Farmland Protection Policy Act (7 U.S.C. §§ 4201-4209).** Projects are subject to review under this Act if they may irreversibly directly or indirectly convert farmland, including forest land, pastureland, cropland, or other land, to nonagricultural use.
  - d. **The Noise Control Act of 1972 (42 U.S.C. § 4901 *et seq.*).** Federally supported facilities and activities must comply with Federal, State, interstate, and local requirements respecting control and abatement of environmental noise to the same extent that any person is subject to such requirements.
  - e. **The Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001 *et seq.*).** This Act provides a process for returning certain Native American cultural items to lineal descendants, culturally affiliated Indian tribes, and Native Hawaiian organizations.

## **2. Compliance with Other Applicable Environmental Requirements**

The Recipient agrees to promptly notify the Grants Officer in writing of any environmental requirement or restriction, regulatory or otherwise, with which it must comply. Before Project Closeout and final disbursement of Award funds, the Recipient further agrees to provide evidence

satisfactory to the Grants Officer that any required environmental remediation has been completed: (1) in compliance with all applicable Federal, State and local regulations; and (2) in accordance with any legally enforceable restrictions related to environmental restriction on the property such as environmental easements, deed restrictions, no further action determinations, or voluntary cleanup certifications. Compliance with said laws or restrictions must be included in any contract documents for Project construction. The Recipient must certify compliance before final disbursement of grant funds.

**J. American-Made Equipment and Products**

Recipients are hereby notified that they are encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this Award.

*See also* section G.05.a (Buy-American Preferences) of the DOC Standard Terms and Conditions, which are incorporated in Part III of these EDA Construction STCs.

**PART III:  
DEPARTMENT OF COMMERCE  
STANDARD TERMS & CONDITIONS**

The DOC Standard Terms and Conditions dated November 12, 2020 are incorporated herein by reference herein as Part III of these EDA Construction STCs.

In the event of a conflict between Parts I or II of these EDA Construction STCs and Part III, which incorporates the DOC Standard Terms and Conditions, Parts I and II will control.

DEPARTMENT OF COMMERCE  
FINANCIAL ASSISTANCE  
STANDARD TERMS AND CONDITIONS



12 November 2020

## DEPARTMENT OF COMMERCE

### FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS

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## PREFACE

This document sets out the standard terms and conditions (ST&Cs) applicable to this U.S. Department of Commerce (DOC or Commerce) financial assistance award (hereinafter referred to as the DOC ST&Cs or Standard Terms). A non-Federal entity<sup>1</sup> receiving a DOC financial assistance award must, in addition to the assurances made as part of the application, comply and require each of its subrecipients, contractors, and subcontractors employed in the completion of the project to comply with all applicable statutes, regulations, executive orders (E.O.s), Office of Management and Budget (OMB) circulars, provisions of the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (codified at 2 C.F.R. Part 200) (OMB Uniform Guidance), provisions of these Standard Terms, and any other terms and conditions incorporated into this DOC financial assistance award. In addition, unless otherwise provided by the terms and conditions of this DOC financial assistance award, Subparts A through E of 2 C.F.R. Part 200 and the Standard Terms are applicable to for-profit entities, foreign public entities and to foreign organizations that carry out a DOC financial assistance award.<sup>2</sup>

This award is subject to the laws and regulations of the United States. Any inconsistency or conflict in terms and conditions specified in the award will be resolved according to the following order of precedence: federal laws and regulations, applicable notices published in the *Federal Register*, E.O.s, OMB circulars, DOC ST&Cs, agency standard award conditions (if any), and specific award conditions. A specific award condition may amend or take precedence over a Standard Term on a case-by-case basis, when indicated by the specific award condition.

Some of the Standard Terms herein contain, by reference or substance, a summary of the pertinent statutes, regulations published in the *Federal Register* or Code of Federal Regulations (C.F.R.), E.O.s, OMB circulars, or the certifications and assurances provided by applicants through Standard Forms (*e.g.*, SF-424s) or through DOC forms (*e.g.* Form CD-511). To the extent that it is a summary, such Standard Term provision is not in derogation of, or an amendment to, any such statute, regulation, E.O., OMB circular, certification, or assurance.

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<sup>1</sup> Note that the OMB Uniform Guidance uses the term “non-Federal entity” to generally refer to an entity that carries out a Federal award as a recipient or subrecipient. Because some of the provisions of these DOC ST&Cs apply to recipients rather than subrecipients, or vice versa, for clarity, these DOC ST&Cs use the terms “non-Federal entity,” “recipient,” and “subrecipient” consistent with their meanings in the OMB Uniform Guidance. In addition, the OMB Uniform Guidance uses the term “pass-through entity” to refer to a non-Federal entity that makes a subaward. As defined at 2 C.F.R. § 200.1:

“Non-Federal entity” is “a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient.”

“Recipient” is “an entity, usually but not limited to non-Federal entities, that receives a Federal award directly from a Federal awarding agency. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.”

“Subrecipient” is “an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.”

“Pass-through entity” is “a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.”

<sup>2</sup> See 2 C.F.R. § 200.1 for the definitions of “foreign public entity” and “foreign organization.”

DOC commenced implementation of the Research Terms and Conditions (RT&Cs) for Federal awards effective October 1, 2017; the RT&Cs address and implement the Uniform Guidance issued by OMB. For awards designated on the Form CD-450 (Financial Assistance Award) as Research, both the DOC ST&Cs and the RT&Cs as implemented by DOC apply to the award. The RT&Cs as well as the DOC implementation statement, agency specific requirements, prior approval matrix, subaward requirements, and national policy requirements are posted on the National Science Foundation's website – <https://www.nsf.gov/awards/managing/rtc.jsp>. The DOC ST&Cs and the RT&Cs are generally intended to harmonize with each other; however, where the DOC ST&Cs and the RT&Cs differ in a Research award, the RT&Cs prevail, unless otherwise indicated in a specific award condition.

## **A. PROGRAMMATIC REQUIREMENTS**

### **.01 Reporting Requirements**

a. Recipients must submit all reports as required by DOC, electronically or, if unable to submit electronically, in hard copy, as outlined below and as may be supplemented by the terms and conditions of a specific DOC award.

b. Performance (Technical) Reports. Recipients must submit performance (technical) reports to the Program Officer. Performance (technical) reports should be submitted in the same frequency as the Form SF-425 (Federal Financial Report), unless otherwise directed by the Grants Officer.

1. Performance (technical) reports must contain the information prescribed in 2 C.F.R. § 200.329 (Monitoring and reporting program performance), unless otherwise specified in the award conditions.

2. As appropriate and in accordance with the format provided by the Program Officer (or other OMB-approved information collections, including the Research Program Performance Report [RPPR] as adopted by DOC for use in research awards), recipients are required to relate financial data to the performance accomplishments of this Federal award. When applicable, recipients must also provide cost information to demonstrate cost effective practices (e.g., through unit cost data). The recipient's performance will be measured in a way that will help DOC to improve program outcomes, share lessons learned, and spread the adoption of best or promising practices. As described in 2 C.F.R. § 200.211 (Information contained in a Federal award), DOC will identify the timing and scope of expected performance by the recipient as related to the outcomes intended to be achieved by the Federal program.

3. Recipients (or pass-through entities as applicable) must submit a final performance report within 120 calendar days after the expiration of the period of performance. The subrecipient is required to submit its final performance report to the pass-through entity within 90 calendar days unless an extension has been granted.

c. **Financial Reports.** In accordance with 2 C.F.R. § 200.328 (Financial reporting), the recipient must submit a Form SF-425 (Federal Financial Report) or any successor form on a semi-annual basis for the periods ending March 31 and September 30, or any portion thereof, unless otherwise specified in a specific award condition. Reports must be submitted to DOC as directed by the Grants Officer, in accordance with the award conditions and are due no later than 30 calendar days following the end of each reporting period. Recipients (or pass-through entities as applicable) must submit a final Form SF-425 within 120 calendar days after the expiration of the period of performance. The subrecipient is required to submit its financial report to the pass-through entity within 90 calendar days unless an extension has been granted. A recipient may submit a final financial report in lieu of an interim financial report due at the end of the period of performance (*e.g.*, in lieu of submitting a financial report for the last semi-annual or other reporting under an award, a recipient may submit a final (cumulative) financial report covering the entire award period).

d. **Real Property, Tangible Personal Property and Intangible Property Reports and Requests for Dispositions.** Unless otherwise required by the terms and conditions of a DOC financial assistance award, where real property, tangible personal property or intangible property is acquired or improved (in the case of real property or tangible personal property), or produced or acquired (in the case of intangible property), pursuant to a DOC award, non-Federal entities are required to submit the following real property, tangible personal property and intangible property reports (as appropriate):

1. **Real Property Status Reports and Requests for Dispositions:** Non-Federal entities must submit reports using Form SF-429 (Real Property Status Report) or any successor form, including appropriate attachments thereto, at least annually disclosing the status of real property that is Federally-owned property or real property in which the Federal Government retains a Federal Interest, unless the Federal Interest in the real property extends 15 years or longer. In cases where the Federal Interest attached is for a period of 15 years or more, the DOC or pass-through entity, at its option, may require the non-Federal entity to report at various multi-year frequencies (*e.g.*, every two years or every three years, not to exceed a five-year reporting period; or, the DOC or pass-through entity may require annual reporting for the first three years of a Federal award and thereafter require reporting every five years). In addition, DOC or a pass-through entity may require a non-Federal entity to submit Form SF-429, with appropriate attachments, relating to a non-Federal entity's request to acquire, improve or contribute real property under a DOC financial assistance award.

Non-Federal entities wishing to dispose of real property acquired or improved, in whole or in part, pursuant to a DOC award must request disposition instructions, including the submission of Form SF-429, with appropriate attachments, from the Grants Officer in accordance with the requirements set forth in 2 C.F.R. § 200.311(c). *See also* the real property standards set forth in Section C. of these Standard Terms (Property Standards).

2. **Tangible Personal Property Status Reports and Requests for Dispositions:** DOC or a pass-through entity may also require a non-Federal entity to submit periodic reports using Form SF-428 (Tangible Personal Property Report) or any successor form, including appropriate attachments thereto, concerning tangible personal property that is Federally-owned or tangible personal property in which the Federal Government retains an interest. In

addition, DOC or a pass-through entity may require a non-Federal entity to submit Form SF-428 in connection with a non-Federal entity's request to dispose of tangible personal property acquired under a DOC financial assistance award. Non-Federal entities wishing to dispose of tangible personal property acquired or improved, in whole or in part, pursuant to a DOC award must request disposition instructions, including the submission of Form SF-428, with appropriate attachments, from the Grants Officer in accordance with the requirements set forth in 2 C.F.R. § 200.313(e). *See also* the tangible property standards set forth in Section C. of these Standard Terms (Property Standards).

3. Intangible Property Status Reports and Requests for Dispositions: The specific requirements governing the development, reporting, and disposition of rights to intangible property, including inventions and patents resulting from DOC awards, are set forth in 37 C.F.R. Part 401, which is hereby incorporated by reference into this award. Non-Federal entities are required to submit their disclosures, elections, and requests for waiver from any requirement for substantial U.S. manufacture, electronically using the Interagency Edison extramural invention reporting system (iEdison) at [www.iedison.gov](http://www.iedison.gov). Non-Federal entities may obtain a waiver of this electronic submission requirement by providing to the Grants Officer compelling reasons for allowing the submission of paper reports. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 C.F.R. § 200.313(e). *See also* the intangible property standards set forth in Section C. of these Standard Terms (Property Standards).

e. Subawards and Executive Compensation Reports. For reporting requirements on subawards and Executive Compensation, see paragraph G.05.o of these Standard Terms (The Federal Funding Accountability and Transparency Act (FFATA) (31 U.S.C. § 6101 note)).

f. Recipient Integrity and Performance Matters. For reporting requirements pertaining to integrity and performance matters, see paragraph G.05.p of these Standard Terms (Recipient Integrity and Performance Matters (Appendix XII to 2 C.F.R. Part 200)).

g. Research Performance Progress Reports. All research awards shall submit the Research Performance Progress Report (RPPR) in accordance with instructions set forth in the following link: [RPPR Instructions](#).

## **.02 Revisions of Program Plans**

In accordance with 2 C.F.R. § 200.308 (Revision of budget and program plans) and 2 C.F.R. § 200.407 (Prior written approval (prior approval)), the recipient must obtain prior written approval from the DOC Grants Officer for certain proposed programmatic change requests, unless otherwise provided by the terms and conditions of a DOC award. Requests for prior approval for changes to program plans must be submitted to the Federal Program Officer (or electronically for awards administered through Grants Online). Requests requiring prior DOC approval are not effective unless and until approved in writing by the DOC Grants Officer.

### **.03 Other Federal Awards with Similar Programmatic Activities**

The recipient must immediately provide written notification to the DOC Program Officer and the DOC Grants Officer if, subsequent to receipt of the DOC award, other financial assistance is received to support or fund any portion of the scope of work incorporated into the DOC award. DOC will not pay for costs that are funded by other sources.

### **.04 Prohibition against Assignment by a Non-Federal Entity**

A non-Federal entity must not transfer, pledge, mortgage, assign, encumber or hypothecate a DOC financial assistance award or subaward, or any rights to, interests therein or claims arising thereunder, to any party or parties, including but not limited to banks, trust companies, other financing or financial institutions, or any other public or private organizations or individuals without the express prior written approval of the DOC Grants Officer or the pass-through entity (which, in turn, may need to obtain prior approval from the DOC Grants Officer).

### **.05 Disclaimer Provisions**

a. The United States expressly disclaims all responsibility or liability to the non-Federal entity or third persons (including but not limited to contractors) for the actions of the non-Federal entity or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any subaward, contract, or subcontract under this award.

b. The acceptance of this award or any subaward by the non-Federal entity does not in any way constitute an agency relationship between the United States and the non-Federal entity or the non-Federal entity's contractors or subcontractors.

### **.06 Unsatisfactory Performance or Non-Compliance with Award Provisions**

a. Failure to perform the work in accordance with the terms of the award and maintain satisfactory performance as determined by DOC may result in the imposition of additional award conditions pursuant to 2 C.F.R. § 200.208 (Specific conditions) or other appropriate enforcement action as specified in 2 C.F.R. § 200.339 (Remedies for noncompliance).

b. Failure to comply with the provisions of an award will be considered grounds for appropriate enforcement action pursuant to 2 C.F.R. § 200.339 (Remedies for noncompliance), including but not limited to: the imposition of additional award conditions in accordance with 2 C.F.R. § 200.208 (Specific conditions); temporarily withholding award payments pending the correction of the deficiency; changing the payment method to reimbursement only; the disallowance of award costs and the establishment of an accounts receivable; wholly or partially suspending or terminating an award; initiating suspension or debarment proceedings in accordance with 2 C.F.R. Parts 180 and 1326; and such other remedies as may be legally available.

c. 2 C.F.R. §§ 200.340 (Termination) through 200.343 (Effects of suspension and termination) apply to an award that is terminated prior to the end of the period of performance

due to the non-federal entity's material failure to comply with the award terms and conditions. In addition, the failure to comply with the provisions of a DOC award may adversely impact the availability of funding under other active DOC or Federal awards and may also have a negative impact on a non-Federal entity's eligibility for future DOC or Federal awards.

## **B. FINANCIAL REQUIREMENTS**

### **.01 Financial Management**

a. In accordance with 2 C.F.R. § 200.302(a) (Financial Management), each State must expend and account for the Federal award in accordance with State laws and procedures for expending and accounting for the State's own funds. In addition, the State's and any other non-Federal entity's financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used in accordance with Federal statutes, regulations, and the terms and conditions applicable to the Federal award. *See also* 2 C.F.R. § 200.450 (Lobbying) for additional management requirements to verify that Federal funds are not used for unallowable lobbying costs.

b. The financial management system of each non-Federal entity must provide all information required by 2 C.F.R. § 200.302(b). *See also* 2 C.F.R. §§ 200.334 (Retention requirements for records); 200.335 (Requests for transfer of records); 200.336 (Methods for collection, transmission and storage of information); 200.337 (Access to records); and 200.338 (Restrictions on public access to records).

### **.02 Award Payments**

a. Consistent with 2 C.F.R. § 200.305(a) (Federal payment), for States, payments are governed by Treasury-State Cash Management Improvement Act (CMIA) agreements and default procedures codified at 31 C.F.R. Part 205 (Rules and Procedures for Efficient Federal-State Funds Transfers) and Treasury Financial Manual Volume I, 4A-2000 (Overall Disbursing Rules for All Federal Agencies).

b. Consistent with 2 C.F.R. § 200.305(b), for non-Federal entities other than States, payment methods must minimize the amount of time elapsing between the transfer of funds from the U.S. Treasury or the pass-through entity and the disbursement by the non-Federal entity.

1. The Grants Officer determines the appropriate method of payment and, unless otherwise stated in a specific award condition, the advance method of payment must be authorized. Advances must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the non-Federal entity in carrying out the purpose of the approved program or project. Unless otherwise provided by the terms and conditions of a DOC award, non-Federal entities must time advance payment requests so that Federal funds are on hand for a maximum of 30 calendar days before being disbursed by the

non-Federal entity for allowable award costs.

2. If a non-Federal entity demonstrates an unwillingness or inability to establish procedures that will minimize the time elapsing between the transfer of funds and disbursement by the non-Federal entity or if a non-Federal entity otherwise fails to continue to qualify for the advance method of payment, the Grants Officer or the pass-through entity may change the method of payment to reimbursement only.

c. Unless otherwise provided for in the award terms, payments from DOC to recipients under this award will be made using the Department of Treasury's Automated Standard Application for Payment (ASAP) system. Under the ASAP system, payments are made through preauthorized electronic funds transfers directly to the recipient's bank account, in accordance with the requirements of the Debt Collection Improvement Act of 1996. To receive payments under ASAP, recipients are required to enroll with the Department of Treasury, Financial Management Service, Regional Financial Centers, which allows them to use the on-line and Voice Response System (VRS) method of withdrawing funds from their ASAP established accounts. The following information will be required to make withdrawals under ASAP:

1. ASAP account number – the Federal award identification number found on the cover sheet of the award;

2. Agency Location Code (ALC); and

3. Region Code.

d. Recipients enrolled in the ASAP system do not need to submit a Form SF-270 (Request for Advance or Reimbursement) for payments relating to their award. Awards paid under the ASAP system will contain a specific award condition, clause, or provision describing enrollment requirements and any controls or withdrawal limits set in the ASAP system.

e. When the Form SF-270 or successor form is used to request payment, the recipient must submit the request no more than monthly, and advances must be approved for periods to cover only expenses reasonably anticipated over the next 30 calendar days. Prior to receiving payments via the Form SF-270, the recipient must complete and submit to the Grants Officer the Form SF-3881 (ACH Vendor Miscellaneous Payment Enrollment Form) or successor form along with the initial Form SF-270. Form SF-3881 enrollment must be completed before the first award payment can be made via a Form SF-270 request.

f. The Federal award identification number must be included on all payment-related correspondence, information, and forms.

g. Non-Federal entities receiving advance award payments must adhere to the depository requirements set forth in 2 C.F.R. §§ 200.305(b)(7) through (b)(11). Interest amounts up to \$500 per non-Federal entity's fiscal year may be retained by the non-Federal entity for administrative expenses.

### **.03 Federal and Non-Federal Sharing**

a. Awards that include Federal and non-Federal sharing incorporate a budget consisting of shared allowable costs. If actual allowable costs are less than the total approved budget, the Federal and non-Federal cost shares must be calculated by applying the approved Federal and non-Federal cost share ratios to actual allowable costs. If actual allowable costs exceed the total approved budget, the Federal share must not exceed the total Federal dollar amount authorized by the award.

b. The non-Federal share, whether in cash or third-party in-kind contributions, is to be paid out at the same general rate as the Federal share. Exceptions to this requirement may be granted by the Grants Officer based on sufficient documentation demonstrating previously determined plans for, or later commitment of, cash or third-party in-kind contributions. In any case, the recipient must meet its cost share commitment as set forth in the terms and conditions of the award; failure to do so may result in the assignment of specific award conditions or other further action as specified in Standard Term A.06 (Unsatisfactory Performance or Non-Compliance with Award Provisions). The non-Federal entity must create and maintain sufficient records justifying all non-Federal sharing requirements to facilitate questions and audits; see Section D of these Standard Terms (Audits), for audit requirements. *See* 2 C.F.R. § 200.306 for additional requirements regarding cost sharing.

### **.04 Budget Changes and Transfer of Funds among Categories**

a. Recipients are required to report deviations from the approved award budget and request prior written approval from DOC in accordance with 2 C.F.R. § 200.308 (Revision of budget and program plans) and 2 C.F.R. § 200.407 (Prior written approval (prior approval)). Requests for such budget changes must be submitted to the Grants Officer (or electronically for awards serviced through Grants Online) who will notify the recipient of the final determination in writing. Requests requiring prior DOC approval do not become effective unless and until approved in writing by the DOC Grants Officer.

b. In accordance with 2 C.F.R. § 200.308(f), transfers of funds by the recipient among direct cost categories are permitted for awards in which the Federal share of the project is equal to or less than the simplified acquisition threshold. For awards in which the Federal share of the project exceeds the simplified acquisition threshold, transfers of funds among direct cost categories must be approved in writing by the Grants Officer when the cumulative amount of such direct costs transfers exceeds 10 percent of the total budget as last approved by the Grants Officer. The 10 percent threshold applies to the total Federal and non-Federal funds authorized by the Grants Officer at the time of the transfer request. This is the accumulated amount of Federal funding obligated to date by the Grants Officer along with any non-Federal share. The same requirements apply to the cumulative amount of transfer of funds among programs, functions, and activities. This transfer authority does not authorize the recipient to create new budget categories within an approved budget without Grants Officer approval. Any transfer that causes any Federal appropriation, or part thereof, to be used for an unauthorized purpose is not and will not be permitted. In addition, this provision does not prohibit the recipient from requesting Grants Officer approval for revisions to the budget. *See* 2 C.F.R. § 200.308 (Revision

of budget and program plans) (as applicable) for specific requirements concerning budget revisions and transfer of funds between budget categories.

## **.05 Program Income**

Unless otherwise indicated in the award terms, program income may be used for any required cost sharing or added to the project budget, consistent with 2 C.F.R. § 200.307 (Program income).

## **.06 Indirect or Facilities and Administrative Costs**

a. Indirect costs (or facilities and administration costs (F&A)) for major institutions of higher education and major nonprofit organizations can generally be defined as costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. Indirect costs will not be allowable charges against an award unless permitted under the award and specifically included as a line item in the award's approved budget.

b. Unrecovered indirect costs, including unrecovered indirect costs on cost sharing or matching, may be included as part of cost sharing or matching as allowed under 2 C.F.R. § 200.306(c) (Cost sharing or matching) or the terms and conditions of a DOC award.

c. Cognizant Agency for Indirect (F&A) Costs. OMB established the cognizant agency concept, under which a single agency represents all others in dealing with non-Federal entities in common areas. The cognizant agency for indirect costs reviews and approves non-Federal entities' indirect cost rates. In accordance with Appendices III – VII to 2 C.F.R. Part 200 the cognizant agency for indirect costs reviews and approves non-Federal entities' indirect cost rates. With respect to for-profit organizations, the term cognizant Federal agency generally is defined as the agency that provides the largest dollar amount of negotiated contracts, including options. See 48 C.F.R. § 42.003. If the only Federal funds received by a commercial organization are DOC award funds, then DOC becomes the cognizant Federal agency for indirect cost negotiations.

### **1. General Review Procedures Where DOC is the Cognizant Agency.**

i. Within 90 calendar days of the award start date, the recipient must submit to the Grants Officer any documentation (indirect cost proposal, cost allocation plan, etc.) necessary to allow DOC to perform the indirect cost rate proposal review. Below are two sources available for guidance on how to put an indirect cost plan together:

- (A) Department of Labor: <https://www.dol.gov/oasam/boc/dcd/np-comm-guide.htm>  
or
- (B) Department of the Interior: <https://www.doi.gov/ibc/services/finance/indirect-Cost-Services/>.

ii. The recipient may use the rate proposed in the indirect cost plan as a provisional rate until the DOC provides a response to the submitted plan.

iii. The recipient is required to annually submit indirect cost proposals no later than six months after the recipient's fiscal year end, except as otherwise provided by 2 C.F.R. § 200.414(g).

2. When DOC is not the oversight or cognizant Federal agency, the recipient must provide the Grants Officer with a copy of a negotiated rate agreement or a copy of the transmittal letter submitted to the cognizant or oversight Federal agency requesting a negotiated rate agreement within 30 calendar days of receipt of a negotiated rate agreement or submission of a negotiated rate proposal.

3. If the recipient is proposing indirect costs as part of a project budget, but is not required to have a negotiated rate agreement pursuant to 2 C.F.R. Part 200, Appendix VII, Paragraph D.1.b (*i.e.*, a governmental department or agency that receives \$35 million or less in direct Federal funding), the recipient may be required to provide the Grants Officer with a copy of its Certificate of Indirect Costs as referenced in 2 C.F.R. Part 200, Appendix VII, Paragraph D.3. or such other documentation, acceptable in form and substance to the Grants Officer, sufficient to confirm that proposed indirect costs are calculated and supported by documentation in accordance with 2 C.F.R. Part 200, Appendix VII. In cases where the DOC is the recipient's cognizant Federal agency, the DOC reserves the right, pursuant to 2 C.F.R. Part 200, Appendix VII, Paragraph D.1.b, to require the recipient to submit its indirect cost rate proposal for review by DOC.

d. If the recipient fails to submit required documentation to DOC within 90 calendar days of the award start date, the Grants Officer may amend the award to preclude the recovery of any indirect costs under the award. If the DOC, oversight, or cognizant Federal agency determines there is a finding of good and sufficient cause to excuse the recipient's delay in submitting the documentation, an extension of the 90-day due date may be approved by the Grants Officer.

e. The maximum dollar amount of allocable indirect costs for which DOC will reimburse the recipient is the lesser of:

1. The line item amount for the Federal share of indirect costs contained in the approved award budget, including all budget revisions approved in writing by the Grants Officer; or
2. The Federal share of the total indirect costs allocable to the award based on the indirect cost rate approved by the cognizant agency for indirect costs and applicable to the period in which the cost was incurred, in accordance with 2 C.F.R 200 Appendix III, C.7, provided that the rate is approved on or before the award end date.

f. In accordance with 2 CFR § 200.414(c)(3), DOC set forth policies, procedures, and general decision-making criteria for deviations from negotiated indirect cost rates. These policies and procedures are applicable to all Federal financial assistance programs awarded and administered by DOC bureaus as Federal awarding agencies and may be found at [http://www.osec.doc.gov/oam/grants\\_management/policy/documents/FAM%202015-02.pdf](http://www.osec.doc.gov/oam/grants_management/policy/documents/FAM%202015-02.pdf).

g. In accordance with 2 CFR § 200.414(g), any non-Federal entity that has a negotiated indirect cost rate may apply to the entity's cognizant agency for indirect costs for a one-time extension of a currently negotiated indirect cost rate for a period of up to four years, reducing the frequency of rate calculations and negotiations between an institution and its cognizant agency.

h. In accordance with 2 CFR § 200.414(f), any non-Federal entity that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in paragraph D.1.b of Appendix VII to 2 CFR Part 200, may elect to charge a de minimis rate of 10 percent of modified total direct costs. No documentation is required to justify the 10 percent de minimis indirect cost rate.

## **.07 Incurring Costs or Obligating Federal Funds Before and After the Period of Performance**

a. In accordance with 2 C.F.R. § 200.309 (Modifications to Period of Performance) and the terms and conditions of a DOC award, a non-Federal entity may charge to the Federal award only allowable costs incurred during the period of performance, which is established in the award document. As defined at 2 C.F.R. § 200.1, the "period of performance" means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. Identification of the Period of Performance in the Federal award per § 200.211(b)(5) does not commit the awarding agency to fund the award beyond the currently approved budget period." The period of performance may sometimes be referred to as the project period or award period. This Standard Term is subject to exceptions for allowable costs pertaining to: (i) pre-award costs (*see* 2 C.F.R. § 200.458); (ii) publication and printing costs (*see* 2 C.F.R. § 200.461); and administrative costs incurred relating to the close-out of an award (*see* 2 C.F.R. § 200.344).

b. Reasonable, necessary, allowable and allocable administrative award closeout costs are authorized for a period of up to 120 calendar days following the end of the period of performance. For this purpose, award closeout costs are those strictly associated with close-out activities and are typically limited to the preparation of final progress, financial, and required project audit reports, unless otherwise approved in writing by the Grants Officer. A non-Federal entity may request an extension of the 120-day closeout period, as provided in 2 C.F.R. § 200.344 (Closeout).

c. Unless authorized by a specific award condition, any extension of the period of performance may only be authorized by the Grants Officer in writing. This is not a delegable authority. Verbal or written assurances of funding from anyone other than the Grants Officer does not constitute authority to obligate funds for programmatic activities beyond the end of the period of performance.

d. The DOC has no obligation to provide any additional prospective funding. Any amendment of the award to increase funding and to extend the period of performance is at the sole discretion of DOC.

## **.08 Tax Refunds**

The non-Federal entity shall contact the Grants Officer immediately upon receipt of the refund of any taxes, including but not limited to Federal Insurance Contributions Act (FICA) taxes, Federal Unemployment Tax Act (FUTA) taxes, or Value Added Taxes (VAT) that were allowed as charges to a DOC award, regardless of whether such refunds are received by the non-Federal entity during or after the period of performance. The Grants Officer will provide written disposition instructions to the non-Federal entity, which may include the refunded taxes being credited to the award as either a cost reduction or a cash refund, or may allow the non-Federal entity to use such refunds for approved activities and costs under a DOC award. *See* 2 C.F.R. § 200.470 (Taxes (including Value Added Tax)).

## **.09 Internal Controls**

Each recipient must comply with standards for internal controls described at 2 C.F.R. § 200.303 (Internal controls). The “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States referenced in § 200.303 are available online at <http://www.gao.gov/assets/80/76455.pdf> and the “Internal Control Integrated Framework” issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO) is available online at [Internal Control Guidance](#).

# **C. PROPERTY STANDARDS**

## **.01 Standards**

Each non-Federal entity must comply with the Property Standards set forth in 2 C.F.R. §§ 200.310 (Insurance coverage) through 200.316 (Property trust relationship).

## **.02 Real and Personal Property**

a. In accordance with 2 C.F.R. § 200.316 (Property trust relationship), real property, equipment, and other personal property acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved. This trust relationship exists throughout the duration of the property’s estimated useful life, as determined by the Grants Officer in consultation with the Program Office, during which time the Federal Government retains an undivided, equitable reversionary interest in the property (Federal Interest). During the duration of the Federal Interest, the non-Federal entity must comply with all use and disposition requirements and restrictions as set forth in 2 C.F.R. §§ 200.310 (Insurance coverage) through 200.316 (Property trust relationship), as applicable, and in the terms and conditions of the Federal award.

b. The Grants Officer may require a non-Federal entity to execute and to record (as applicable) a statement of interest, financing statement (form UCC-1), lien, mortgage or other public notice of record to indicate that real or personal property acquired or improved in whole or in part with Federal funds is subject to the Federal Interest, and that certain use and disposition

requirements apply to the property. The statement of interest, financing statement (Form UCC 1), lien, mortgage or other public notice must be acceptable in form and substance to the DOC and must be placed on record in accordance with applicable State and local law, with continuances re-filed as appropriate. In such cases, the Grants Officer may further require the non-Federal entity to provide the DOC with a written statement from a licensed attorney in the jurisdiction where the property is located, certifying that the Federal Interest has been protected, as required under the award and in accordance with applicable State and local law. The attorney's statement, along with a copy of the instrument reflecting the recordation of the Federal Interest, must be returned to the Grants Officer. Without releasing or excusing the non-Federal entity from these obligations, the non-Federal entity, by execution of the financial assistance award or by expending Federal financial assistance funds (in the case of a subrecipient), authorizes the Grants Officer and/or program office to file such notices and continuations as it determines to be necessary or convenient to disclose and protect the Federal Interest in the property. The Grants Officer may elect not to release any or a portion of the Federal award funds until the non-Federal entity has complied with this provision and any other applicable award terms or conditions, unless other arrangements satisfactory to the Grants Officer are made.

### **.03 Intellectual Property Rights**

a. General. The rights to any work or other intangible property produced or acquired under a Federal award are determined by 2 C.F.R. § 200.315 (Intangible property). The non-Federal entity owns any work produced or purchased under a Federal award subject to the DOC's royalty-free, nonexclusive, and irrevocable right to obtain, reproduce, publish, or otherwise use the work or authorize others to receive, reproduce, publish, or otherwise use the work for Government purposes.

b. Inventions. Unless otherwise provided by law, the rights to any invention made by a non-Federal entity under a DOC financial assistance award are determined by the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and as codified in 35 U.S.C. § 200 *et seq.*, and modified by E.O. 12591 (52 FR 13414), as amended by E.O. 12618 (52 FR 48661). 35 U.S.C. § 201(h) defines "small business firm" as "a small business concern as defined at section 2 of Public Law 85-536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration." Section 1(b)(4) of E.O. 12591 extended the Bayh-Dole Act to non-Federal entities "regardless of size" to the extent permitted by law. The specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from Federal awards are described in more detail in 37 C.F.R. Part 401, which implements 35 U.S.C. 202 through 204 and includes standard patent rights clauses in 37 C.F.R. § 401.14, which is hereby incorporated by reference into this award.

The Bayh-Dole regulations set forth in 37 C.F.R. parts 401 and 404 were amended by 83 FR 15954, with an effective date of May 14, 2018 (Amended Bayh-Dole Regulations). The Amended Bayh-Dole Regulations apply to all new financial assistance awards issued on or after May 14, 2018. The Amended Bayh-Dole Regulations do not apply to financial assistance awards issued prior to May 14, 2018, including amendments made to such awards, unless an award amendment includes a specific condition incorporating the Amended Bayh-Dole Regulations into the terms and conditions of the subject award.

1. **Ownership.** A non-Federal entity may have rights to inventions in accordance with 37 C.F.R. Part 401. These requirements are technical in nature and non-Federal entities are encouraged to consult with their Intellectual Property counsel to ensure the proper interpretation of and adherence to the ownership rules. Unresolved questions pertaining to a non-Federal entities' ownership rights may further be addressed to the Grants Officer.

2. **Responsibilities - iEdison.** The non-Federal entity must comply with all the requirements of the standard patent rights clause and 37 C.F.R. Part 401, including the standard patent rights clause in 37 C.F.R. § 401.14. Non-Federal entities are required to submit their disclosures, elections, and requests for waiver from any requirement for substantial U.S. manufacture, electronically using the Interagency Edison extramural invention reporting system (iEdison) at [www.iedison.gov](http://www.iedison.gov). Non-Federal entities may obtain a waiver of this electronic submission requirement by providing the Grants Officer with compelling reasons for allowing the submission of paper reports.

c. **Patent Notification Procedures.** Pursuant to E.O. 12889 (58 FR 69681), the DOC is required to notify the owner of any valid patent covering technology whenever the DOC or a non-Federal entity, without making a patent search, knows (or has demonstrable reasonable grounds to know) that technology covered by a valid United States patent has been or will be used without a license from the owner. To ensure proper notification, if the non-Federal entity uses or has used patented technology under this award without a license or permission from the owner, the non-Federal entity must notify the Grants Officer.

This notice does not constitute authorization or consent by the Government to any copyright or patent infringement occurring under the award.

d. A non-Federal entity may copyright any work produced under a Federal award, subject to the DOC's royalty-free, nonexclusive, and irrevocable right to obtain, reproduce, publish, or otherwise use the work, or authorize others to do so for Government purposes. Works jointly authored by DOC and non-Federal entity employees may be copyrighted, but only the part of such works authored by the non-Federal entity is protectable in the United States because, under 17 U.S.C. § 105, copyright protection is not available within the United States for any work of the United States Government. On occasion and as permitted under 17 U.S.C. § 105, DOC may require the non-Federal entity to transfer to DOC a copyright in a particular work for Government purposes or when DOC is undertaking primary dissemination of the work.

e. **Freedom of Information Act (FOIA).** In response to a FOIA request for research data relating to published research findings (as defined by 2 C.F.R. § 200.315(e)(2)) produced under a Federal award that were used by the Federal government in developing an agency action that has the force and effect of law, the DOC will request, and the non-Federal entity must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA.

## D. AUDITS

Under the Inspector General Act of 1978, as amended, 5 U.S.C. App. 3, §§ 1 *et seq.*, an audit of the award may be conducted at any time. The Inspector General of the DOC, or any of his or her duly authorized representatives, must have the right to access any pertinent books, documents, papers, and records of the non-Federal entity, whether written, printed, recorded, produced, or reproduced by any electronic, mechanical, magnetic, or other process or medium, to make audits, inspections, excerpts, transcripts, or other examinations as authorized by law. This right also includes timely and reasonable access to the non-Federal entity's personnel for interview and discussion related to such documents. *See* 2 C.F.R. § 200.337 (Access to records). When the DOC Office of Inspector General (OIG) requires a program audit on a DOC award, the OIG will usually make the arrangements to audit the award, whether the audit is performed by OIG personnel, an independent accountant under contract with DOC, or any other Federal, State, or local audit entity.

### .01 Organization-Wide, Program-Specific, and Project Audits

a. A recipient must, within 90 days of the end of its fiscal year, notify the Grants Officer of the amount of Federal awards, including all DOC and non-DOC awards, that the recipient expended during its fiscal year.

b. Recipients that are subject to the provisions of Subpart F of 2 C.F.R. Part 200 and that expend \$750,000 or more in a year in Federal awards during their fiscal year must have an audit conducted for that year in accordance with the requirements contained in Subpart F of 2 C.F.R. Part 200. Within the earlier of 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period, unless a different period is specified in a program-specific audit guide, a copy of the audit must be submitted electronically to the Federal Audit Clearinghouse (FAC) through the FAC's Internet Data Entry System (IDES) (<https://harvester.census.gov/facides/>). In accordance with 2 C.F.R. § 200.425 (Audit services), the recipient may include a line item in the budget for the allowable costs associated with the audit, which is subject to the approval of the Grants Officer.

c. Unless otherwise specified in the terms and conditions of the award, entities that are not subject to Subpart F of 2 C.F.R. Part 200 (e.g., for-profit entities, foreign public entities and foreign organizations) and that expend \$750,000 or more in DOC funds during their fiscal year (including both as a recipient and a subrecipient) must submit to the Grants Officer either: (i) a financial related audit of each DOC award or subaward in accordance with Generally Accepted Government Auditing Standards (GAGAS); or (ii) a project specific audit for each award or subaward in accordance with the requirements contained in 2 C.F.R. § 200.507. Within the earlier of 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period, unless a different period is specified in a program-specific audit guide, a copy of the audit must be submitted to the Grants Officer. In accordance with 2 C.F.R. § 200.425, the recipient may include a line item in the budget for the allowable costs associated with the audit, which is subject to the approval of the Grants Officer. Entities that are not subject to Subpart F of 2 C.F.R. Part 200 and that expend less than \$750,000 in DOC funds in a given fiscal year are

not required to submit an audit(s) for that year, but must make their award-related records available to DOC or other designated officials for review and audit.

d. Recipients are responsible for compliance with the above audit requirements and for informing the Grants Officer of the status of their audit, including when the relevant audit has been completed and submitted in accordance with the requirements of this section. Failure to provide audit reports within the timeframes specified above may result in appropriate enforcement action, up to and including termination of the award, and may jeopardize eligibility for receiving future DOC awards.

e. In accordance with 2 C.F.R. § 200.332(d)(3), pass-through entities are responsible for issuing a management decision for applicable audit findings pertaining only to the Federal award provided by the pass-through entity to a subrecipient.

## **.02 Audit Resolution Process**

a. An audit of the award may result in the disallowance of costs incurred by the recipient and the establishment of a debt (account receivable) due to DOC. For this reason, the recipient should take seriously its responsibility to respond to all audit findings and recommendations with adequate explanations and supporting evidence whenever audit results are disputed.

b. A recipient whose award is audited has the following opportunities to dispute the proposed disallowance of costs and the establishment of a debt:

1. The recipient has 30 calendar days from the date of the transmittal of the draft audit report to submit written comments and documentary evidence.
2. The recipient has 30 calendar days from the date of the transmittal of the final audit report to submit written comments and documentary evidence.
3. The DOC will review the documentary evidence submitted by the recipient and will notify the recipient of the results in an *Audit Resolution Determination Letter*. The recipient has 30 calendar days from the date of receipt of the *Audit Resolution Determination Letter* to submit a written appeal, unless this deadline is extended in writing by the DOC. The appeal is the last opportunity for the recipient to submit written comments and documentary evidence to the DOC to dispute the validity of the audit resolution determination.
4. An appeal of the Audit Resolution Determination does not prevent the establishment of the audit-related debt nor does it prevent the accrual of applicable interest, penalties and administrative fees on the debt in accordance with 15 C.F.R. Part 19. If the Audit Resolution Determination is overruled or modified on appeal, appropriate corrective action will be taken retroactively.
5. The DOC will review the recipient's appeal and notify the recipient of the results in an *Appeal Determination Letter*. After the opportunity to appeal has expired or after the appeal determination has been rendered, DOC will not accept any further documentary evidence from the recipient. No other administrative appeals are available in DOC.

## E. DEBTS

### .01 Payment of Debts Owed to the Federal Government

a. The non-Federal entity must promptly pay any debts determined to be owed to the Federal Government. Any funds paid to a non-Federal entity in excess of the amount to which the non-Federal entity is finally determined to be entitled under the terms of the Federal award constitute a debt to the Federal government. In accordance with 2 C.F.R. § 200.346 (Collection of amounts due), if not paid within 90 calendar days after demand, DOC may reduce a debt owed to the Federal Government by:

1. Making an administrative offset against other requests for reimbursement;
2. Withholding advance payments otherwise due to the non-Federal entity; or
3. Taking any other action permitted by Federal statute.

The foregoing does not waive any claim on a debt that DOC may have against another entity, and all rights and remedies to pursue other parties are preserved.

b. DOC debt collection procedures are set out in 15 C.F.R. Part 19. In accordance with 2 C.F.R. § 200.346 (Collection of amounts due) and 31 U.S.C. § 3717, failure to pay a debt owed to the Federal Government must result in the assessment of interest, penalties and administrative costs in accordance with the provisions of 31 U.S.C. § 3717 and 31 C.F.R. § 901.9. Commerce entities will transfer any Commerce debt that is delinquent for more than 120 calendar days to the U.S. Department of the Treasury's Financial Management Service for debt collection services, a process known as cross-servicing, pursuant to 31 U.S.C. § 3711(g), 31 C.F.R. § 285.12, and 15 C.F.R. § 19.9. DOC may also take further action as specified in DOC ST&C A.06 (Unsatisfactory Performance or Non-Compliance with Award Provisions). Funds for payment of a debt must not come from other Federally-sponsored programs, and the DOC may conduct on-site visits, audits, and other reviews to verify that other Federal funds have not been used to pay a debt.

### .02 Late Payment Charges

a. Interest will be assessed on the delinquent debt in accordance with section 11 of the Debt Collection Act of 1982, as amended (31 U.S.C. § 3717(a)). The minimum annual interest rate to be assessed is the U.S. Department of the Treasury's Current Value of Funds Rate (CVFR). The CVFR is available online at [https://www.fiscal.treasury.gov/fsreports/rpt/cvfr/cvfr\\_home.htm](https://www.fiscal.treasury.gov/fsreports/rpt/cvfr/cvfr_home.htm) and also published by the Department of the Treasury in the *Federal Register* (<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>) and in the *Treasury Financial Manual Bulletin*. The assessed rate must remain fixed for the duration of the indebtedness.

b. Penalties will accrue at a rate of not more than six percent per year or such other higher rate as authorized by law.

c. Administrative charges, i.e., the costs of processing and handling a delinquent debt, will be determined by the Commerce entity collecting the debt, as directed by the Office of the Chief Financial Officer and Assistant Secretary for Administration.

### **.03 Barring Delinquent Federal Debtors from Obtaining Federal Loans or Loan Insurance Guarantees**

Pursuant to 31 U.S.C. § 3720B and 31 C.F.R. § 901.6, unless waived by DOC, the DOC is not permitted to extend financial assistance in the form of a loan, loan guarantee, or loan insurance to any person delinquent on a nontax debt owed to a Federal agency. This prohibition does not apply to disaster loans.

### **.04 Effect of Judgment Lien on Eligibility for Federal Grants, Loans, or Programs**

Pursuant to 28 U.S.C. § 3201(e), unless waived by the DOC, a debtor who has a judgment lien against the debtor's property for a debt to the United States is not eligible to receive any grant or loan that is made, insured, guaranteed, or financed directly or indirectly by the United States or to receive funds directly from the Federal Government in any program, except funds to which the debtor is entitled as beneficiary, until the judgment is paid in full or otherwise satisfied.

## **F. CONFLICT OF INTEREST, CODE OF CONDUCT AND OTHER REQUIREMENTS PERTAINING TO DOC FINANCIAL ASSISTANCE AWARDS, INCLUDING SUBAWARD AND PROCUREMENT ACTIONS**

### **.01 Conflict of Interest and Code of Conduct**

a. DOC Conflict of Interest Policy. In accordance with 2 C.F.R. § 200.112 (Conflict of interest), the non-Federal entity must disclose in writing any potential conflict of interest to the DOC or pass-through entity. In addition, a non-Federal entity will establish and maintain written standards of conduct that include safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain in the administration of an award. It is the DOC's policy to maintain the highest standards of conduct and to prevent real or apparent conflicts of interest in connection with DOC financial assistance awards.

b. A conflict of interest generally exists when an interested party participates in a matter that has a direct and predictable effect on the interested party's personal or financial interests. A financial interest may include employment, stock ownership, a creditor or debtor relationship, or prospective employment with the organization selected or to be selected for a subaward. A conflict also may exist where there is an appearance that an interested party's objectivity in performing his or her responsibilities under the project is impaired. For example, an appearance of impairment of objectivity may result from an organizational conflict where, because of other activities or relationships with other persons or entities, an interested party is unable to render

impartial assistance, services or advice to the recipient, a participant in the project or to the Federal Government. Additionally, a conflict of interest may result from non-financial gain to an interested party, such as benefit to reputation or prestige in a professional field. For purposes of the DOC Conflict of Interest Policy, an interested party includes, but is not necessarily limited to, any officer, employee or member of the board of directors or other governing board of a non-Federal entity, including any other parties that advise, approve, recommend, or otherwise participate in the business decisions of the recipient, such as agents, advisors, consultants, attorneys, accountants or shareholders. This also includes immediate family and other persons directly connected to the interested party by law or through a business arrangement.

c. Procurement-related conflict of interest. In accordance with 2 C.F.R. § 200.318 (General procurement standards), non-Federal entities must maintain written standards of conduct covering conflicts of interest and governing the performance of their employees engaged in the selection, award and administration of contracts. *See* paragraph F.04 of these Standard Terms (Requirements for Procurements).

## **.02 Nonprocurement Debarment and Suspension**

Non-Federal entities must comply with the provisions of 2 C.F.R. Part 1326 (Nonprocurement Debarment and Suspension), which generally prohibit entities that have been debarred, suspended, or voluntarily excluded from participating in Federal nonprocurement transactions either through primary or lower tier covered transactions, and which set forth the responsibilities of recipients of Federal financial assistance regarding transactions with other persons, including subrecipients and contractors.

## **.03 Requirements for Subawards**

a. The recipient or pass-through entity must require all subrecipients, including lower tier subrecipients, to comply with the terms and conditions of a DOC financial assistance award, including applicable provisions of the OMB Uniform Guidance (2 C.F.R. Part 200), and all associated Terms and Conditions set forth herein. *See* 2 C.F.R. § 200.101(b)(2) (Applicability to different types of Federal awards), which describes the applicability of 2 C.F.R. Part 200 to various types of Federal awards and §§ 200.331-333 (Subrecipient monitoring and management).

b. The recipient or pass through entity may have more restrictive policies for the RTC *waived* prior approvals (no-cost extensions, re-budgeting, etc.) for their subaward recipients. Such restrictive policies must be addressed in their subaward agreements and in accordance with §200.331.

## **.04 Requirements for Procurements**

a. States. Pursuant to 2 C.F.R. § 200.317 (Procurements by states), when procuring property and services under this Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State must comply with 2 C.F.R. §§ 200.321 (Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms), 200.322 (Domestic preferences for procurements), and

200.323 (Procurement of recovered materials), and ensure that every purchase order or other contract includes any clauses required by 2 C.F.R. § 200.327 (Contract provisions).

b. **Other Non-Federal Entities.** All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in 2 C.F.R. §§ 200.318 (General procurement standards) through 200.327 (Contract provisions) which include the requirement that non-Federal entities maintain written standards of conduct covering conflicts of interest and governing the performance of their employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.

## **.05 Whistleblower Protections**

This award is subject to the whistleblower protections afforded by 41 U.S.C. § 4712 (Enhancement of contractor protection from reprisal for disclosure of certain information), which generally provide that an employee or contractor (including subcontractors and personal services contractors) of a non-Federal entity may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body information that the employee reasonably believes is evidence of gross mismanagement of a Federal award, subaward, or a contract under a Federal award or subaward, a gross waste of Federal funds, an abuse of authority relating to a Federal award or subaward or contract under a Federal award or subaward, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal award, subaward, or contract under a Federal award or subaward. These persons or bodies include:

- a. A Member of Congress or a representative of a committee of Congress.
- b. An Inspector General.
- c. The Government Accountability Office.
- d. A Federal employee responsible for contract or grant oversight or management at the relevant agency.
- e. An authorized official of the Department of Justice or other law enforcement agency.
- f. A court or grand jury.
- g. A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

Non-Federal entities and contractors under Federal awards and subawards must inform their employees in writing of the rights and remedies provided under 41 U.S.C. § 4712, in the predominant native language of the workforce.

## **.06 Small Businesses, Minority Business Enterprises and Women's Business Enterprises**

In accordance with 2 C.F.R. § 200.321 (Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms), the recipient must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. DOC encourages non-Federal entities to use small

businesses, minority business enterprises and women's business enterprises in contracts under financial assistance awards. The Minority Business Development Agency within the DOC will assist non-Federal entities in matching qualified minority business enterprises with contract opportunities. For further information visit MBDA's website at <http://www.mbda.gov>. If you do not have access to the Internet, you may contact MBDA via telephone or mail:

U.S. Department of Commerce  
 Minority Business Development Agency  
 Herbert C. Hoover Building  
 14th Street and Constitution Avenue, N.W.  
 Washington, D.C. 20230  
 (202) 482-0101

## **G. NATIONAL POLICY REQUIREMENTS**

### **.01 United States Laws and Regulations**

This award is subject to the laws and regulations of the United States. The recipient must comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

### **.02 Non-Discrimination Requirements**

No person in the United States may, on the ground of race, color, national origin, handicap, age, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity receiving Federal financial assistance. The recipient agrees to comply with the non-discrimination requirements below:

#### **a. Statutory Provisions**

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d *et seq.*) and DOC implementing regulations published at 15 C.F.R. Part 8 prohibiting discrimination on the grounds of race, color, or national origin under programs or activities receiving Federal financial assistance;
2. Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 *et seq.*) prohibiting discrimination on the basis of sex under Federally assisted education programs or activities;
3. The Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 *et seq.*) prohibiting discrimination on the basis of disability under programs, activities, and services provided or made available by State and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide public transportation;
4. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), and DOC implementing regulations published at 15 C.F.R. Part 8b prohibiting discrimination on the

basis of handicap under any program or activity receiving or benefiting from Federal assistance.

For purposes of complying with the accessibility standards set forth in 15 C.F.R. § 8b.18(c), non-federal entities must adhere to the regulations, published by the U.S. Department of Justice, implementing Title II of the Americans with Disabilities Act (ADA) (28 C.F.R. part 35; 75 FR 56164, as amended by 76 FR 13285) and Title III of the ADA (28 C.F.R. part 36; 75 FR 56164, as amended by 76 FR 13286). The revised regulations adopted new enforceable accessibility standards called the “2010 ADA Standards for Accessible Design” (2010 Standards), which replace and supersede the former Uniform Federal Accessibility Standards for new construction and alteration projects;

5. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 *et seq.*), and DOC implementing regulations published at 15 C.F.R. Part 20 prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance; and

6. Any other applicable non-discrimination law(s).

#### **b. Other Provisions**

1. Parts II and III of E.O. 11246 (Equal Employment Opportunity, 30 FR 12319),<sup>3</sup> which requires Federally assisted construction contracts to include the nondiscrimination provisions of §§ 202 and 203 of E.O. 11246 and Department of Labor regulations implementing E.O. 11246 (41 C.F.R. § 60-1.4(b)).

2. E.O. 13166 (65 FR 50121, Improving Access to Services for Persons with Limited English Proficiency), requiring Federal agencies to examine the services provided, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. The DOC issued policy guidance on March 24, 2003 (68 FR 14180) to articulate the Title VI prohibition against national origin discrimination affecting LEP persons and to help ensure that non-Federal entities provide meaningful access to their LEP applicants and beneficiaries.

3. In accordance with E.O. 13798 and Office of Management and Budget, M-20-09 – Guidance Regarding Federal Grants, states or other public grantees may not condition sub-awards of Federal grant money in a manner that would disadvantage grant applicants based on their religious character.

<sup>3</sup> As amended by E.O. 11375(32 FR 14303), E.O. 11478 (34 FR 12985), E.O. 12086 (43 FR 46501), E.O. 12107 (44 FR 1055), E.O. 13279 (F67 FR 77141), E.O. 13665 (79 FR 20749), and E.O. 13672 (79 FR 42971).

### c. Title VII Exemption for Religious Organizations

Generally, Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*, provides that it is an unlawful employment practice for an employer to discharge any individual or otherwise to discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin. However, Title VII, 42 U.S.C. § 2000e-1(a), expressly exempts from the prohibition against discrimination based on religion, "a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities."

## .03 LOBBYING RESTRICTIONS

### a. Statutory Provisions

Non-Federal entities must comply with 2 C.F.R. § 200.450 (Lobbying), which incorporates the provisions of 31 U.S.C. § 1352; and OMB guidance and notices on lobbying restrictions. In addition, non-Federal entities must comply with the DOC regulations published at 15 C.F.R. Part 28, which implement the New Restrictions on Lobbying. These provisions prohibit the use of Federal funds for lobbying the executive or legislative branches of the Federal Government in connection with the award and require the disclosure of the use of non-Federal funds for lobbying. Lobbying includes attempting to improperly influence, meaning any influence that induces or tends to induce a Federal employee or officer to give consideration or to act regarding a Federal award or regulatory matter on any basis other than the merits of the matter, either directly or indirectly. Costs incurred to improperly influence are unallowable. *See* 2 C.F.R. § 200.450(b) and (c).

### b. Disclosure of Lobbying Activities

Any recipient that receives more than \$100,000 in Federal funding and conducts lobbying with non-federal funds relating to a covered Federal action must submit a completed Form SF-LLL (Disclosure of Lobbying Activities). The Form SF-LLL must be submitted within 30 calendar days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed. The recipient must submit any required SF-LLL forms, including those received from subrecipients, contractors, and subcontractors, to the Grants Officer.

## .04 Environmental Requirements

Environmental impacts must be considered by Federal decision makers in their decisions whether or not to approve: (1) a proposal for Federal assistance; (2) the proposal with mitigation; or (3) a different proposal having less adverse environmental impacts. Federal environmental laws require that the funding agency initiate an early planning process that considers potential impacts that projects funded with Federal assistance may have on the environment. Each non-Federal entity must comply with all environmental standards, to include those prescribed under

the following statutes and E.O.s and must identify to the awarding agency any impact the award may have on the environment. In some cases, award funds can be withheld by the Grants Officer under a specific award condition requiring the non-Federal entity to submit additional environmental compliance information sufficient to enable the DOC to make an assessment on any impacts that a project may have on the environment.

**a. The National Environmental Policy Act (42 U.S.C. §§ 4321 *et seq.*)**

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) implementing regulations (40 C.F.R. Parts 1500 through 1508) require that an environmental analysis be completed for all major Federal actions to determine whether they have significant impacts on the environment. NEPA applies to the actions of Federal agencies and may include a Federal agency's decision to fund non-Federal projects under grants and cooperative agreements when the award activities remain subject to Federal authority and control. Non-Federal entities are required to identify to the awarding agency any direct, indirect or cumulative impact an award will have on the quality of the human environment and assist the agency in complying with NEPA. Non-Federal entities may also be requested to assist DOC in drafting an environmental assessment or environmental impact statement if DOC determines such documentation is required, but DOC remains responsible for the sufficiency and approval of the final documentation. Until the appropriate NEPA documentation is complete and in the event that any additional information is required during the period of performance to assess project environmental impacts, funds can be withheld by the Grants Officer under a specific award condition requiring the non-Federal entity to submit the appropriate environmental information and NEPA documentation sufficient to enable DOC to make an assessment on any impacts that a project may have on the environment.

**b. The National Historic Preservation Act (16 U.S.C. §§ 470 *et seq.*)**

Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. § 470f) and the Advisory Council on Historic Preservation (ACHP) implementing regulations (36 C.F.R. Part 800) require that Federal agencies take into account the effects of their undertakings on historic properties and, when appropriate, provide the ACHP with a reasonable opportunity to comment. Historic properties include but are not necessarily limited to districts, buildings, structures, sites and objects. In this connection, archeological resources and sites that may be of traditional religious and cultural importance to Federally-recognized Indian Tribes, Alaskan Native Villages and Native Hawaiian Organizations may be considered historic properties. Non-Federal entities are required to identify to the awarding agency any effects the award may have on properties included on or eligible for inclusion on the National Register of Historic Places. Non-Federal entities may also be requested to assist DOC in consulting with State or Tribal Historic Preservation Officers, ACHPs or other applicable interested parties necessary to identify, assess, and resolve adverse effects to historic properties. Until such time as the appropriate NHPA consultations and documentation are complete and in the event that any additional information is required during the period of performance in order to assess project impacts on historic properties, funds can be withheld by the Grants Officer under a specific award condition requiring the non-Federal entity to

submit any information sufficient to enable DOC to make the requisite assessment under the NHPA.

Additionally, non-Federal entities are required to assist the DOC in assuring compliance with the Archeological and Historic Preservation Act of 1974 (54 U.S.C. § 312502 *et seq.*, formerly 16 U.S.C. § 469a-1 *et seq.*); Executive Order 11593 (Protection and Enhancement of the Cultural Environment, May 13, 1971); Executive Order 13006 (Locating Federal Facilities on Historic Properties in Our Nation's Central Cities, May 21, 1996); and Executive Order 13007 (Indian Sacred Sites, May 24, 1996).

**c. Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands)**

Non-Federal entities must identify proposed actions in Federally defined floodplains and wetlands to enable DOC to decide whether there is an alternative to minimize any potential harm.

**d. Clean Air Act (42 U.S.C. §§ 7401 *et seq.*), Federal Water Pollution Control Act (33 U.S.C. §§ 1251 *et seq.*) (Clean Water Act), and Executive Order 11738 ("Providing for administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal contracts, grants or loans")**

Non-Federal entities must comply with the provisions of the Clean Air Act (42 U.S.C. §§ 7401 *et seq.*), Clean Water Act (33 U.S.C. §§ 1251 *et seq.*), and E.O. 11738 (38 FR 25161), and must not use a facility on the Excluded Parties List (EPL) (located on the System for Award Management (SAM) website, SAM.gov) in performing any award that is nonexempt under 2 C.F.R. § 1532, and must notify the Program Officer in writing if it intends to use a facility that is on the EPL or knows that the facility has been recommended to be placed on the EPL.

**e. The Flood Disaster Protection Act (42 U.S.C. §§ 4002 *et seq.*)**

Flood insurance, when available, is required for Federally assisted construction or acquisition in flood-prone areas. Per 2 C.F.R. § 200.447(a), the cost of required flood insurance is an allowable expense, if it is reflected in the approved project budget.

**f. The Endangered Species Act (16 U.S.C. §§ 1531 *et seq.*)**

Non-Federal entities must identify any impact or activities that may involve a threatened or endangered species. Federal agencies have the responsibility to ensure that no adverse effects to a protected species or habitat occur from actions under Federal assistance awards and conduct the reviews required under the Endangered Species Act, as applicable.

**g. The Coastal Zone Management Act (16 U.S.C. §§ 1451 *et seq.*)**

Funded projects must be consistent with a coastal State's approved management program for the coastal zone.

#### **h. The Coastal Barriers Resources Act (16 U.S.C. §§ 3501 *et seq.*)**

Only in certain circumstances can Federal funding be provided for actions within a Coastal Barrier System.

#### **i. The Wild and Scenic Rivers Act (16 U.S.C. §§ 1271 *et seq.*)**

This Act applies to awards that may affect existing or proposed components of the National Wild and Scenic Rivers system.

#### **j. The Safe Drinking Water Act of 1974, as amended, (42 U.S.C. §§ 300f *et seq.*)**

This Act precludes Federal assistance for any project that the EPA determines may contaminate a sole source aquifer which threatens public health.

#### **k. The Resource Conservation and Recovery Act (42 U.S.C. §§ 6901 *et seq.*)**

This Act regulates the generation, transportation, treatment, and disposal of hazardous wastes, and provides that non-Federal entities give preference in their procurement programs to the purchase of recycled products pursuant to EPA guidelines.

#### **l. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly known as Superfund) (42 U.S.C. §§ 9601 *et seq.*) and the Community Environmental Response Facilitation Act (42 U.S.C. § 9601 *note et seq.*)**

These requirements address responsibilities related to hazardous substance releases, threatened releases and environmental cleanup. There are also reporting and community involvement requirements designed to ensure disclosure of the release or disposal of regulated substances and cleanup of hazards to state and local emergency responders.

#### **m. Executive Order 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations")**

Federal agencies are required to identify and address the disproportionately high and adverse human health or environmental effects of Federal programs, policies, and activities on low income and minority populations.

#### **n. The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 *et seq.*)**

Non-Federal entities must identify to DOC any effects the award may have on essential fish habitat (EFH). Federal agencies which fund, permit, or carry out activities that may adversely impact EFH are required to consult with the National Marine Fisheries Service (NMFS) regarding the potential effects of their actions and respond in writing to NMFS recommendations. These recommendations may include measures to avoid, minimize, mitigate, or otherwise offset adverse effects on EFH. In addition, NMFS is required to comment on any state agency activities that would impact EFH. Provided the specifications outlined in the regulations are met, EFH consultations will be incorporated into interagency

procedures previously established under NEPA, the ESA, Clean Water Act, Fish and Wildlife Coordination Act, or other applicable statutes.

**o. Clean Water Act (CWA) Section 404 (33 U.S.C. § 1344)**

CWA Section 404 regulates the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as levees and some coastal restoration activities), and infrastructure development (such as highways and airports). CWA Section 404 requires a permit from the U.S. Army Corps of Engineers before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities).

**p. Rivers and Harbors Act (33 U.S.C. § 407)**

A permit may be required from the U.S. Army Corps of Engineers if the proposed activity involves any work in, over or under navigable waters of the United States. Recipients must identify any work (including structures) that will occur in, over or under navigable waters of the United States and obtain the appropriate permit, if applicable.

**q. The Migratory Bird Treaty Act (16 U.S.C. §§ 703-712), Bald and Golden Eagle Protection Act (16 U.S.C. § 668 *et seq.*), and Executive Order 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds, January 10, 2001)**

Many prohibitions and limitations apply to projects that adversely impact migratory birds and bald and golden eagles. Executive Order 13186 directs Federal agencies to enter a Memorandum of Understanding with the U.S. Fish and Wildlife Service to promote conservation of migratory bird populations when a Federal action will have a measurable negative impact on migratory birds.

**r. Executive Order 13112 (Invasive Species, February 3, 1999)**

Federal agencies must identify actions that may affect the status of invasive species and use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them. In addition, an agency may not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere.

**s. Fish and Wildlife Coordination Act (16 U.S.C. § 661 *et seq.*)**

During the planning of water resource development projects, agencies are required to give fish and wildlife resources equal consideration with other values. Additionally, the U.S.

Fish and Wildlife Service and fish and wildlife agencies of states must be consulted whenever waters of any stream or other body of water are “proposed or authorized, permitted or licensed to be impounded, diverted... or otherwise controlled or modified” by any agency under a Federal permit or license.

## **.05 OTHER NATIONAL POLICY REQUIREMENTS**

### **a. Buy-American Preferences**

Strengthening Buy-American Preferences for Infrastructure Projects. Recipients of covered programs (as defined in Executive Order 13858, 31 January 2019, and 2 C.F.R. §200.322 (Domestic preferences for procurements)) are hereby notified that they are encouraged to use, to the greatest extent practicable, iron and aluminum as well as steel, cement, and other manufactured products produced in the United States in every contract, subcontract, purchase order, or subaward that is chargeable under this Award.

### **b. Criminal and Prohibited Activities**

1. The Program Fraud Civil Remedies Act (31 U.S.C. § 3801 *et seq.*), provides for the imposition of civil penalties against persons who make false, fictitious, or fraudulent claims to the Federal Government for money (including money representing grants, loans, or other benefits).
2. The False Claims Amendments Act of 1986 and the False Statements Accountability Act of 1996 (18 U.S.C. §§ 287 and 1001, respectively), provide that whoever makes or presents any false, fictitious, or fraudulent statement, representation, or claim against the United States must be subject to imprisonment of not more than five years and must be subject to a fine in the amount provided by 18 U.S.C. § 287.
3. The Civil False Claims Act (31 U.S.C. §§ 3729 - 3733), provides that suits can be brought by the government, or a person on behalf of the government, for false claims made under Federal assistance programs.
4. The Copeland Anti-Kickback Act (18 U.S.C. § 874), prohibits a person or organization engaged in a Federally supported project from enticing an employee working on the project from giving up a part of his compensation under an employment contract. The Copeland Anti-Kickback Act also applies to contractors and subcontractors pursuant to 40 U.S.C. § 3145.
5. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601 *et seq.*) and implementing regulations issued at 15 C.F.R. Part 11, which provides for fair and equitable treatment of displaced persons or persons whose property is acquired as a result of Federal or Federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

6. The Hatch Act (5 U.S.C. §§ 1501-1508 and 7321-7326), which limits the political activities of employees or officers of state or local governments whose principal employment activities are funded in whole or in part with Federal funds.

7. To ensure compliance with Federal law pertaining to financial assistance awards, an authorized representative of a non-Federal entity may be required to periodically provide certain certifications to the DOC regarding Federal felony and Federal criminal tax convictions, unpaid federal tax assessments, delinquent Federal tax returns and such other certifications that may be required by Federal law.

### c. Drug-Free Workplace

The non-Federal entity must comply with the provisions of the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8102) and DOC implementing regulations published at 2 C.F.R. Part 1329 (Requirements for Drug-Free Workplace (Financial Assistance)), which require that the non-Federal entity take certain actions to provide a drug-free workplace.

### d. Foreign Travel

1. Each non-Federal entity must comply with the provisions of the Fly America Act (49 U.S.C. § 40118). The implementing regulations of the Fly America Act are found at 41 C.F.R. §§ 301-10.131 through 301-10.143.

2. The Fly America Act requires that Federal travelers and others performing U.S. Government-financed air travel must use U.S. flag air carriers, to the extent that service by such carriers is available. Foreign air carriers may be used only in specific instances, such as when a U.S. flag air carrier is unavailable or use of U.S. flag air carrier service will not accomplish the agency's mission.

3. One exception to the requirement to fly U.S. flag carriers is transportation provided under a bilateral or multilateral air transport agreement, to which the United States Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act pursuant to 49 U.S.C. § 40118(b). The United States Government has entered into bilateral/multilateral "Open Skies Agreements" (U.S. Government Procured Transportation) that allow federal funded transportation services for travel and cargo movements to use foreign air carriers under certain circumstances. There are multiple "Open Skies Agreements" currently in effect. For more information about the current bilateral and multilateral agreements, visit the GSA [website](#). Information on the Open Skies agreements (U.S. Government Procured Transportation) and other specific country agreements may be accessed via the Department of State's [website](#).

4. If a foreign air carrier is anticipated to be used for any portion of travel under a DOC financial assistance award, the non-Federal entity must receive prior approval from the Grants Officer. When requesting such approval, the non-Federal entity must provide a justification in accordance with guidance provided by 41 C.F.R. § 301-10.142, which requires the non-Federal entity to provide the Grants Officer with the following: name; dates

of travel; origin and destination of travel; detailed itinerary of travel; name of the air carrier and flight number for each leg of the trip; and a statement explaining why the non-Federal entity meets one of the exceptions to the regulations. If the use of a foreign air carrier is pursuant to a bilateral agreement, the non-Federal entity must provide the Grants Officer with a copy of the agreement or a citation to the official agreement available on the GSA website. The Grants Officer must make the final determination and notify the non-Federal entity in writing (which may be done through the recipient in the case of subrecipient travel). Failure to adhere to the provisions of the Fly America Act will result in the non-Federal entity not being reimbursed for any transportation costs for which any non-Federal entity improperly used a foreign air carrier.

Note: When using code-sharing flights (two or more airlines having flight numbers assigned to the same flight) involving U.S. flag carriers and non-U.S. flag carriers, the airline symbol and flight number of the U.S. flag carrier must be used on the ticket to qualify as a U.S. flag carrier (e.g. "*Delta Airlines Flight XXXX, operated by KLM*"). Conversely, if the ticket shows "*[Foreign Air Carrier] XXX, operated by Delta,*" that travel is using a foreign air carrier and is subject to the Fly America Act and must receive prior approval from the Grants Officer as outlined in paragraph G.05.d.4.

#### **e. Increasing Seat Belt Use in the United States**

Pursuant to E.O. 13043 (62 FR 19217), non-Federal entities should encourage employees and contractors to enforce on-the-job seat belt policies and programs when operating company-owned, rented, or personally owned vehicles.

#### **f. Federal Employee Expenses and Subawards or Contracts Issued to Federal Employees or Agencies**

1. Use of award funds (Federal or non-Federal) or the non-Federal entity's provision of in-kind goods or services for the purposes of transportation, travel, or any other expenses for any Federal employee may raise appropriation augmentation issues. In addition, DOC policy may prohibit the acceptance of gifts, including travel payments for federal employees, from non-Federal entities regardless of the source. Therefore, before award funds may be used by Federal employees, non-Federal entities must submit requests for approval of such action to the Federal Program Officer who must review and make a recommendation to the Grants Officer. The Grants Officer will notify the non-Federal entity in writing (generally through the recipient) of the final determination.

2. A non-Federal entity or its contractor may not issue a subaward, contract or subcontract of any part of a DOC award to any agency or employee of DOC or to other Federal employee, department, agency, or instrumentality, without the advance prior written approval of the DOC Grants Officer.

#### **g. Minority Serving Institutions Initiative**

Pursuant to E.O.s 13555 (White House Initiative on Educational Excellence for Hispanics) (75 FR 65417), 13592 (Improving American Indian and Alaska Native

Educational Opportunities and Strengthening Tribal Colleges and Universities) (76 FR 76603), and 13779 (White House Initiative to Promote Excellence and Innovation at Historically Black Colleges and Universities) (82 FR 12499), DOC is strongly committed to broadening the participation of minority serving institutions (MSIs) in its financial assistance programs. DOC's goals include achieving full participation of MSIs to advance the development of human potential, strengthen the Nation's capacity to provide high-quality education, and increase opportunities for MSIs to participate in and benefit from Federal financial assistance programs. DOC encourages all applicants and non-Federal entities to include meaningful participation of MSIs. Institutions eligible to be considered MSIs are listed on the Department of Education website.

#### **h. Research Misconduct**

The DOC adopts, and applies to financial assistance awards for research, the Federal Policy on Research Misconduct (Federal Policy) issued by the Executive Office of the President's Office of Science and Technology Policy on December 6, 2000 (65 FR 76260). As provided for in the Federal Policy, research misconduct refers to the fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest errors or differences of opinion. Non-Federal entities that conduct extramural research funded by DOC must foster an atmosphere conducive to the responsible conduct of sponsored research by safeguarding against and resolving allegations of research misconduct. Non-Federal entities also have the primary responsibility to prevent, detect, and investigate allegations of research misconduct and, for this purpose, may rely on their internal policies and procedures, as appropriate, to do so. Non-Federal entities must notify the Grants Officer of any allegation that meets the definition of research misconduct and detail the entity's inquiry to determine whether there is sufficient evidence to proceed with an investigation, as well as the results of any investigation. The DOC may take appropriate administrative or enforcement action at any time under the award, up to and including award termination and possible suspension or debarment, and referral to the Commerce OIG, the U.S. Department of Justice, or other appropriate investigative body.

#### **i. Research Involving Human Subjects**

1. All proposed research involving human subjects must be conducted in accordance with 15 C.F.R. Part 27 (Protection of Human Subjects). No research involving human subjects is permitted under this award unless expressly authorized by specific award condition, or otherwise in writing by the Grants Officer.
2. Federal policy defines a human subject as a living individual about whom an investigator (whether professional or student) conducting research (1) Obtains information or biospecimens through intervention or interaction with the individual, and uses, studies, or analyzes the information or biospecimens; or (2) Obtains, uses, studies, analyzes, or generates identifiable private information or identifiable biospecimens. Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.

3. DOC regulations at 15 C.F.R. Part 27 require that non-Federal entities maintain appropriate policies and procedures for the protection of human subjects. In the event it becomes evident that human subjects may be involved in this project, the non-Federal entity (generally through the recipient) must submit appropriate documentation to the Federal Program Officer for approval by the appropriate DOC officials. As applicable, this documentation must include:

- i. Documentation establishing approval of an activity in the project by an Institutional Review Board (IRB) under a Federal wide Assurance issued by Department of Health and Human Services or other Federal agency guidelines (*see also* 15 C.F.R. § 27.103);
- ii. Documentation to support an exemption for an activity in the project under 15 C.F.R. § 27.104(d);
- iii. Documentation of IRB approval of any modification to a prior approved protocol or to an informed consent form;
- iv. Documentation of an IRB approval of continuing review approved prior to the expiration date of the previous IRB determination; and
- v. Documentation of any reportable events, such as serious adverse events, unanticipated problems resulting in risk to subjects or others, and instances of noncompliance.

4. No work involving human subjects may be undertaken, conducted, or costs incurred and/or charged for human subjects research, until the appropriate documentation is approved in writing by the Grants Officer. In accordance with 15 C.F.R. § 27.118, if research involving human subjects is proposed after an award is made, the non-Federal entity must contact the Federal Program Officer and provide required documentation. Notwithstanding this prohibition, work may be initiated or costs incurred and/or charged to the project for protocol or instrument development related to human subjects research.

#### **j. Care and Use of Live Vertebrate Animals**

Non-Federal entities must comply with the Laboratory Animal Welfare Act of 1966, as amended, (Pub. L. No. 89-544, 7 U.S.C. §§ 2131 *et seq.*) (animal acquisition, transport, care, handling, and use in projects), and implementing regulations (9 C.F.R. Parts 1, 2, and 3); the Endangered Species Act (16 U.S.C. §§ 1531 *et seq.*); Marine Mammal Protection Act (16 U.S.C. §§ 1361 *et seq.*) (taking possession, transport, purchase, sale, export or import of wildlife and plants); the Nonindigenous Aquatic Nuisance Prevention and Control Act (16 U.S.C. §§ 4701 *et seq.*) (ensure preventive measures are taken or that probable harm of using species is minimal if there is an escape or release); and all other applicable statutes pertaining to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by Federal financial assistance. No research involving vertebrate animals is permitted under any DOC financial assistance award unless authorized by the Grants Officer.

## k. Management and Access to Data and Publications

1. In General. The recipient acknowledges and understands that information and data contained in applications for financial assistance, as well as information and data contained in financial, performance and other reports submitted by recipients, may be used by the DOC in conducting reviews and evaluations of its financial assistance programs. For this purpose, recipient information and data may be accessed, reviewed and evaluated by DOC employees, other Federal employees, Federal agents and contractors, and/or by non-Federal personnel, all of who enter into appropriate or are otherwise subject to confidentiality and nondisclosure agreements covering the use of such information. Recipients are expected to support program reviews and evaluations by submitting required financial and performance information and data in an accurate and timely manner, and by cooperating with DOC and external program evaluators. In accordance with 2 C.F.R. § 200.303(e), recipients are reminded that they must take reasonable measures to safeguard protected personally identifiable information and other confidential or sensitive personal or business information created or obtained relating to a DOC financial assistance award.

2. Scientific Data. Non-Federal entities must comply with the data management and access to data requirements established by the DOC funding agency as set forth in the applicable Notice of Funding Opportunity and/or in Specific Award Conditions.

3. Publications, Videos, and Acknowledgment of Sponsorship.

i. Publication of results or findings in appropriate professional journals and production of video or other media is encouraged as an important method of recording, reporting and otherwise disseminating information and expanding public access to federally-funded projects (e.g., scientific research). Non-Federal entities must comply with the data management and access to data requirements established by the DOC funding agency as set forth in the applicable Notice of Funding Opportunity and/or in Specific Award Conditions.

ii. Non-Federal entities may be required to submit a copy of any publication materials, including but not limited to print, recorded, or Internet materials, to the funding agency.

iii. When releasing information related to a funded project, non-Federal entities must include a statement that the project or effort undertaken was or is sponsored by DOC and must also include the applicable financial assistance award number.

iv. Non-Federal entities are responsible for assuring that every publication of material based on, developed under, or otherwise produced pursuant to a DOC financial assistance award contains the following disclaimer or other disclaimer approved by the Grants Officer:

*This [report/video/etc.] was prepared by [recipient name] using Federal funds under award [number] from [name of operating unit], U.S. Department of Commerce. The statements, findings, conclusions, and recommendations are those of the author(s) and do*

*not necessarily reflect the views of the [name of operating unit] or the U.S. Department of Commerce.*

#### **l. Homeland Security Presidential Directive**

If the performance of this DOC financial assistance award requires non-Federal entity personnel to have routine access to Federally-controlled facilities and/or Federally-controlled information systems (for purpose of this term “routine access” is defined as more than 180 calendar days), such personnel must undergo the personal identity verification credential process. In the case of foreign nationals, the DOC will conduct a check with U.S. Citizenship and Immigration Services’ (USCIS) Verification Division, a component of the Department of Homeland Security (DHS), to ensure the individual is in a lawful immigration status and that he or she is eligible for employment within the United States. Any items or services delivered under a financial assistance award must comply with DOC personal identity verification procedures that implement Homeland Security Presidential Directive 12 (Policy for a Common Identification Standard for Federal Employees and Contractors), Federal Information Processing Standard (FIPS) PUB 201, and OMB Memorandum M-05-24. The recipient must ensure that its subrecipients and contractors (at all tiers) performing work under this award comply with the requirements contained in this term. The Grants Officer may delay final payment under an award if the subrecipient or contractor fails to comply with the requirements listed in the term below. The recipient must insert the following term in all subawards and contracts when the subaward recipient or contractor is required to have routine physical access to a Federally-controlled facility or routine access to a Federally-controlled information system:

*The subrecipient or contractor must comply with DOC personal identity verification procedures identified in the subaward or contract that implement Homeland Security Presidential Directive 12 (HSPD-12), Office of Management and Budget (OMB) Guidance M-05-24, as amended, and Federal Information Processing Standards Publication (FIPS PUB) Number 201, as amended, for all employees under this subaward or contract who require routine physical access to a Federally-controlled facility or routine access to a Federally-controlled information system.*

*The subrecipient or contractor must account for all forms of Government-provided identification issued to the subrecipient or contractor employees in connection with performance under this subaward or contract. The subrecipient or contractor must return such identification to the issuing agency at the earliest of any of the following, unless otherwise determined by DOC: (1) When no longer needed for subaward or contract performance; (2) Upon completion of the subrecipient or contractor employee’s employment; (3) Upon subaward or contract completion or termination.*

#### **m. Compliance with Department of Commerce Bureau of Industry and Security Export Administration Regulations**

1. This clause applies to the extent that this financial assistance award encompasses activities that involve export-controlled items.

2. In performing this financial assistance award, a non-Federal entity may participate in activities involving items subject to export control (export-controlled items) under the Export Administration Regulations (EAR). The non-Federal entity is responsible for compliance with all applicable laws and regulations regarding export-controlled items, including the EAR's deemed exports and re-exports provisions. The non-Federal entity must establish and maintain effective export compliance procedures at DOC and non-DOC facilities, including facilities located abroad, throughout performance of the financial assistance award. At a minimum, these export compliance procedures must include adequate restrictions on export-controlled items, to guard against any unauthorized exports, including in the form of releases or transfers to foreign nationals. Such releases or transfers may occur through visual inspection, including technology transmitted electronically, and oral or written communications.

### 3. Definitions

- i. **Export-controlled items.** Items (commodities, software, or technology), that are subject to the EAR (15 C.F.R. §§ 730-774), implemented by the DOC's Bureau of Industry and Security. These are generally known as "dual-use" items, items with a military and commercial application. The export (shipment, transmission, or release/transfer) of export-controlled items may require a license from DOC.
  - ii. **Deemed Export/Re-export.** The EAR defines a deemed export as a release or transfer of export-controlled items (specifically, technology or source code) to a foreign person (foreign national) in the U.S. Such release is "deemed" to be an export to the foreign person's most recent country of citizenship or permanent residency (*see* 15 C.F.R. § 734.13(a)(2) & (b)). A release may take the form of visual inspection or oral or written exchange of information. *See* 15 C.F.R. § 734.15(a). If such a release or transfer is made abroad to a foreign person of a country other than the country where the release occurs, it is considered a deemed re-export to the foreign person's most recent country of citizenship or permanent residency. *See* 15 C.F.R. § 734.14(a)(2). Licenses from DOC may be required for deemed exports or re-exports. An act causing the release of export-controlled items to a foreign person (e.g., providing or using an access key or code) may require authorization from DOC to the same extent that an export or re-export of such items to the foreign person would. *See* 15 C.F.R. § 734.15(b).
4. The non-Federal entity must secure all export-controlled items that it possesses or that comes into its possession in performance of this financial assistance award, to ensure that the export of such items, including in the form of release or transfer to foreign persons, is prevented, or licensed, as required by applicable Federal laws, E.O.s, and/or regulations, including the EAR.
  5. As applicable, non-Federal entity personnel and associates at DOC sites will be informed of any procedures to identify and protect export-controlled items from unauthorized export.

6. To the extent the non-Federal entity wishes to release or transfer export-controlled items to foreign persons, the non-Federal entity will be responsible for obtaining any necessary licenses, including licenses required under the EAR for deemed exports or deemed re-exports. Failure to obtain any export licenses required under the EAR may subject the non-Federal entity to administrative or criminal enforcement. See 15 C.F.R. part 764.
7. Nothing in the terms of this financial assistance award is intended to change, supersede, or waive the requirements of applicable Federal laws, E.O.s or regulations.
8. Compliance with this term will not satisfy any legal obligations the non-Federal entity may have regarding items that may be subject to export controls administered by other agencies such as the Department of State, which has jurisdiction over exports and re-exports of defense articles and services subject to the International Traffic in Arms Regulations (ITAR) (22 C.F.R. §§ 120-130), including the release of defense articles to foreign persons in the United States and abroad.
9. The non-Federal entity must include the provisions contained in this term in all lower tier transactions (subawards, contracts, and subcontracts) under this financial assistance award that may involve research or other activities that implicate export-controlled items.

**n. The Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7104(g)), as amended, and the implementing regulations at 2 C.F.R. Part 175**

The Trafficking Victims Protection Act of 2000 authorizes termination of financial assistance provided to a private entity, without penalty to the Federal Government, if any non-Federal entity engages in certain activities related to trafficking in persons. The DOC hereby incorporates the following award term required by 2 C.F.R. § 175.15(b):

***Trafficking in persons.***

***a. Provisions applicable to a recipient that is a private entity.***

***1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—***

- i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;***
- ii. Procure a commercial sex act during the period of time that the award is in effect; or***
- iii. Use forced labor in the performance of the award or subawards under the award.***

2. *We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —*

- i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or*
- ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either— (A) Associated with performance under this award; or (B) Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180 (OMB Guidelines to Agencies on Governmentwide Debarment and Suspension – Nonprocurement), as implemented by DOC at 2 C.F.R. Part 1326 (Nonprocurement Debarment and Suspension).*

***b. Provision applicable to a recipient other than a private entity.*** *We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—*

- 1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or*
- 2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—*
  - i. Associated with performance under this award; or*
  - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180 (OMB Guidelines to Agencies on Governmentwide Debarment and Suspension – Nonprocurement), as implemented by DOC at 2 C.F.R. Part 1326, (Nonprocurement Debarment and Suspension).*

***c. Provisions applicable to any recipient.***

- 1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.*
- 2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:*
  - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and*
  - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.*

3. *You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.*

**d. Definitions. For purposes of this award term:**

1. *"Employee" means either:*

i. *An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or*

ii. *Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.*

2. *"Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.*

3. *"Private entity":*

i. *Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 C.F.R. § 175.25;*

ii. *Includes: (A) A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 C.F.R. § 175.25(b); and (B) A for-profit organization.*

4. *"Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. § 7102).*

**o. The Federal Funding Accountability and Transparency Act (FFATA) (31 U.S.C. § 6101 note)**

1. **Reporting Subawards and Executive Compensation.** Under FFATA, recipients of financial assistance awards of \$30,000 or more are required to report periodically on executive compensation and subawards, as described in the following term from 2 C.F.R. Part 170, Appendix A, which is incorporated into this award:

***Reporting Subawards and Executive Compensation***

***a. Reporting of first-tier subawards.***

1. *Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that equals or exceeds \$30,000 in Federal funds for a subaward*

to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).

2. *Where and when to report.*

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

**b. Reporting Total Compensation of Recipient Executives for non-Federal entities.**

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

i. the total Federal funding authorized to date under this Federal award equals or exceeds \$30,000 as defined in 2 C.F.R. § 170.320;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.320 (and subawards), and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.320 (and subawards); and,

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. § 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile found at the System for Award Management (SAM) website located at <https://www.sam.gov>.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

**c. Reporting of Total Compensation of Subrecipient Executives.**

1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first-tier non-Federal entity subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.320 (and subawards) and,

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

See also 2 C.F.R. § 200.300(b).

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. **Exemptions.** If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report: i. Subawards, and ii. The total compensation of the five most highly compensated executives of any subrecipient.

*e. Definitions. For purposes of this award term:*

- 1. Federal Agency means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).*
- 2. Non-Federal entity means all of the following, as defined in 2 C.F.R. Part 25:*
  - i. A Governmental organization, which is a State, local government, or Indian tribe;*
  - ii. A foreign public entity;*
  - iii. A domestic or foreign nonprofit organization; and,*
  - iv. A domestic or foreign for-profit organization.*
- 3. Executive means officers, managing partners, or any other employees in management positions.*
- 4. Subaward:*
  - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.*
  - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 C.F.R § 200.331).*
  - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.*
- 5. Subrecipient means a non-Federal entity or Federal agency that:*
  - i. Receives a subaward from you (the recipient) under this award; and*
  - ii. Is accountable to you for the use of the Federal funds provided by the subaward.*
- 6. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 C.F.R. § 229.402(c)(2)):*
  - i. Salary and bonus.*
  - ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.*

- iii. *Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.*
- iv. *Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.*
- v. *Above-market earnings on deferred compensation which is not tax-qualified.*
- vi. *Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.*

2. **System for Award Management (SAM) and Universal Identifier Requirements** -- as described in 2 C.F.R. Part 25, Appendix A, which is incorporated into this award:

***System for Award Management (SAM) and Universal Identifier Requirements***

a. ***Requirement for System for Award Management.*** Unless you are exempted from this requirement under 2 C.F.R. § 25.110, you as the recipient must maintain current information in the SAM. This includes information on your immediate and highest level owner and subsidiaries, as well as on all of your predecessors that have been awarded a Federal contract or Federal financial assistance within the last three years, if applicable, until you submit the final financial report required under this Federal award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another Federal award term.

b. ***Requirement for Unique Entity Identifier.*** If you are authorized to make subawards under this Federal award, you:

- 1. *Must notify potential subrecipients that no entity (see definition in paragraph c of this award term) may receive a subaward from you until the entity has provided its Unique Entity Identifier to you.*
- 2. *May not make a subaward to an entity unless the entity has provided its Unique Entity Identifier to you. Subrecipients are not required to obtain an active SAM registration, but must obtain a Unique Entity Identifier.*

c. ***Definitions for purposes of this term:***

- 1. *SAM means the Federal repository into which a recipient must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <https://www.SAM.gov>).*

2. *Unique Entity Identifier means the identifier assigned by SAM to uniquely identify business entities.*
3. *Entity includes non-Federal entities as defined at 2 C.F.R. § 200.1 and also includes all of the following, for purposes of this part:*
  - i. *A foreign organization;*
  - ii. *A foreign public entity;*
  - iii. *A domestic for-profit organization; and*
  - iv. *A Federal agency.*
4. *Subaward has the meaning given in 2 C.F.R § 200.1.*
5. *Subrecipient has the meaning given in 2 C.F.R § 200.1.*

See also 2 C.F.R. § 200.300(b).

**p. Recipient Integrity and Performance Matters (Appendix XII to 2 C.F.R. Part 200)**

***Reporting of Matters Related to Recipient Integrity and Performance***

1. **General Reporting Requirement.** If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.
2. **Proceedings About Which You Must Report.** Submit the information required about each proceeding that:
  - i. Is relating to the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
  - ii. Reached its final disposition during the most recent five-year period; and

iii. Is one of the following:

- (A) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
- (B) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
- (C) An administrative proceeding, as defined in paragraph 5 of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
- (D) Any other criminal, civil, or administrative proceeding if:
  - I. It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;
  - II. It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
  - III. The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting Procedures. Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

4. Reporting Frequency. During any period when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent five-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. Definitions. For purposes of this award term and condition:

- i. Administrative proceeding means a non-judicial process that is adjudicatory in nature to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

ii. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

iii. Total value of currently active grants, cooperative agreements, and procurement contracts includes:

(A) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and

(B) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

**q. Never Contract with the Enemy (2 C.F.R Part 183; 2 C.F.R. § 200.215)**

Under 2 C.F.R. § 200.215 (Never contract with the enemy) Federal awarding agencies and recipients are subject to the regulations implementing Never Contract with the Enemy in 2 C.F.R. Part 183. These regulations affect covered contracts, grants and cooperative agreements that are expected to exceed \$50,000 within the period of performance, are performed outside the United States and its territories, and are in support of a contingency operation in which members of the Armed Forces are actively engaged in hostilities.

1. **Applicability.** This term applies only to recipients of covered grants or cooperative agreements, as defined in 2 C.F.R. § 183.35 Definitions.

2. **Requirements.** As applicable, recipients must fulfill the requirements as described in the following terms from 2 C.F.R. Part 183, Appendix A, which is incorporated into this award:

***a. Term 1. Prohibition on Providing Funds to the Enemy.***

*1. The recipient must—*

*i. Exercise due diligence to ensure that none of the funds, including supplies and services, received under this grant or cooperative agreement are provided directly or indirectly (including through subawards or contracts) to a person or entity who is actively opposing the United States or coalition forces involved in a contingency operation in which members of the Armed Forces are actively engaged in hostilities, which must be completed through 2 CFR Part 180.300 prior to issuing a subaward or contract and;*

*ii. Terminate or void in whole or in part any subaward or contract with a person or entity listed in SAM as a prohibited or restricted source pursuant to subtitle E of Title VIII of the NDAA for FY 2015, unless the Federal awarding agency provides written approval to continue the subaward or contract.*

2. *The recipient may include the substance of this clause, including this paragraph (1), in subawards under this grant or cooperative agreement that have an estimated value over \$50,000 and will be performed outside the United States, including its outlying areas.*

3. *The Federal awarding agency has the authority to terminate or void this grant or cooperative agreement, in whole or in part, if the Federal awarding agency becomes aware that the recipient failed to exercise due diligence as required by paragraph (1) of this clause or if the Federal awarding agency becomes aware that any funds received under this grant or cooperative agreement have been provided directly or indirectly to a person or entity who is actively opposing coalition forces involved in a contingency operation in which members of the Armed Forces are actively engaged in hostilities*

**b. Term 2. Additional Access to Recipient Records.**

1. *In addition to any other existing examination-of-records authority, the Federal Government is authorized to examine any records of the recipient and its subawards or contracts to the extent necessary to ensure that funds, including supplies and services, available under this grant or cooperative agreement are not provided, directly or indirectly, to a person or entity that is actively opposing United States or coalition forces involved in a contingency operation in which members of the Armed Forces are actively engaged in hostilities, except for awards awarded by the Department of Defense on or before Dec 19, 2017 that will be performed in the United States Central Command (USCENTCOM) theater of operations*

2. *The substance of this clause, including this paragraph (2), is required to be included in subawards or contracts under this grant or cooperative agreement that have an estimated value over \$50,000 and will be performed outside the United States, including its outlying areas.*

**r. Prohibition on certain telecommunications and video surveillance services or equipment (Public Law 115-232, section 889; 2 C.F.R. § 200.216)**

(a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

- (1) Procure or obtain,
- (2) Extend or renew a contract to procure or obtain, or
- (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

- (i). For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
- (ii). Telecommunications or video surveillance services provided by such entities or using such equipment.
- (iii). Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(c) See Public Law 115-232, section 889 for additional information.

(d) See also §200.471.

#### **s. Federal Financial Assistance Planning During a Funding Hiatus or Government Shutdown**

This term sets forth initial guidance that will be implemented for Federal assistance awards in the event of a lapse in appropriations, or a government shutdown. The Grants Officer may issue further guidance prior to an anticipated shutdown.

1. Unless there is an actual rescission of funds for specific grant or cooperative agreement obligations, non-Federal entities under Federal financial assistance awards for which funds have been obligated generally will be able to continue to perform and incur allowable expenses under the award during a funding hiatus. Non-Federal entities are advised that ongoing activities by Federal employees involved in grant or cooperative agreement administration (including payment processing) or similar operational and administrative work cannot continue when there is a funding lapse. Therefore, there may be delays, including payment processing delays, in the event of a shutdown.

2. All award actions will be delayed during a government shutdown; if it appears that a non-Federal entity's performance under a grant or cooperative agreement will require agency involvement, direction, or clearance during the period of a possible government shutdown, the Program Officer or Grants Officer, as appropriate, may attempt to provide such involvement, direction, or clearance prior to the shutdown or advise non-Federal entities that such involvement, direction, or clearance will not be forthcoming during the shutdown. Accordingly, non-Federal entities whose ability to withdraw funds is subject to prior agency approval, which in general are non-Federal entities that have been designated high risk, non-Federal entities under construction awards, or are otherwise limited to reimbursements or subject to agency review, will be able to draw funds down from the relevant Automatic Standard Application for Payment (ASAP) account only if agency approval is given and coded into ASAP prior to any government shutdown or closure. This limitation may not be lifted during a government shutdown. Non-Federal entities should plan to work with the Grants Officer to request prior approvals in advance of a shutdown wherever possible. Non-Federal entities whose authority to draw down award funds is restricted may decide to suspend work until the government reopens.

3. The ASAP system should remain operational during a government shutdown. Non-Federal entities that do not require any Grants Officer or agency approval to draw down advance funds from their ASAP accounts should be able to do so during a shutdown. The 30-day limitation on the drawdown of advance funds will still apply notwithstanding a government shutdown (see section B.02.b.1 of these terms).

SPECIFIC AWARD CONDITIONS  
U.S. DEPARTMENT OF COMMERCE  
Economic Development Administration (EDA)

**CONSTRUCTION PROJECTS:** Public Works Program under Section 201 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. §3121 et seq.) (PWEDA)

|                                                                           |                                       |
|---------------------------------------------------------------------------|---------------------------------------|
| <b>Project Title:</b> 12th Avenue West Roadway and Utilities Improvements |                                       |
| <b>Recipient Name:</b><br>City of Columbia Falls                          | <b>Project Number:</b><br>05-01-06105 |

1. This EDA Award supports the work described in the approved final scope of work, which is incorporated by reference into this Award, as the *Authorized Scope of Work*. All work on this project should be consistent with this *Authorized Scope of Work*, unless the Grants Officer has authorized a modification of the scope of work in writing through an amendment memorialized by a fully executed Form CD-451.

The Authorized Scope of Work for this project consists of reconstructing approximately 1,300 linear feet of 12th Avenue West roadway (between 8th Street West and the Truck Route), constructing approximately 750 linear feet of gravity sewer main (from the north side of the BNSF tracks to the Truck Route along 12th Avenue West), and constructing approximately 1,300 linear feet of water main (from 8th Street West intersection to the Truck Route along 12th Avenue West) in the City of Columbia Falls, Montana.

2. The Authorized Representative's name, title, address, and telephone number are:

|                                                                                                                                                                         |                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Susan Marie Nicosia<br>City of Columbia Falls<br>Phone: (406) 892-4384<br>Email: <a href="mailto:nicosias@cityofcolumbiafalls.com">nicosias@cityofcolumbiafalls.com</a> | City Manager<br>130 6th Street West<br>Columbia Falls, MT 59912-3615 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|

The Grants Officer is authorized to award, amend, suspend, and terminate financial assistance awards. The Grants Officer is:

|                                                                                                                                   |                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Angela B. Martinez<br>Regional Director<br>Phone: 303-844-3909<br>Email: <a href="mailto:AMartinez@eda.gov">AMartinez@eda.gov</a> | Economic Development Administration<br>1244 Speer Boulevard, Suite 431<br>Denver, Colorado 80204 |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|



The Federal Program Officer oversees the programmatic aspects of this Award. The Federal Program Officer is:

|                                                                                                                          |                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Cindy Edwards<br>Area Director<br>Phone: (303) 844-5360<br>Email: <a href="mailto:cedwards@eda.gov">cedwards@eda.gov</a> | Economic Development Administration<br>1244 Speer Boulevard, Suite 431<br>Denver, Colorado 80204 |
|--------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|

The Project Officer is responsible for day-to-day administration and liaison with the Recipient and receives all reports and payment requests. The Project Officer is:

|                                                                                                               |                                                                                                  |
|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Veronica Jacobson<br>Phone: (303) 844-4703<br>Email: <a href="mailto:vjacobson@eda.gov">vjacobson@eda.gov</a> | Economic Development Administration<br>1244 Speer Boulevard, Suite 431<br>Denver, Colorado 80204 |
|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|

**3. ADDITIONAL INCLUDED DOCUMENTS:**

In addition to the regulations, documents, or authorities incorporated by reference on the Financial Assistance Award form (Form CD-450) the following additional documents are included with and considered to be part of the Award's terms and conditions:

- A Recipient's final completed Application including subsequently submitted documents (this item not enclosed in this Award package);

Should there be a conflict between the above referenced documents and the Specific Award Conditions (this document), the Specific Award Conditions, including any attachments, shall prevail.

**4. PROJECT DEVELOPMENT TIME SCHEDULE:** The Recipient agrees to the following Project Development Time Schedule:

| Item                                                                                 | Due Date                                                           |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Date of Award                                                                        | April 8, 2021                                                      |
| Return of executed <i>Financial Assistance Award</i> (Form CD-450)                   | no later than 30 calendar days after receipt of Form CD-450        |
| Start of Construction no later than 24 Months from Date of Award                     | April 8, 2023                                                      |
| Construction Completed no later than 48 Months from Date of Award                    | April 8, 2025                                                      |
| Authorized Award End Date 54 Months from Date of Award                               | October 8, 2025                                                    |
| Submission of final reports, including <i>Federal Financial Report</i> (Form SF-425) | no later than 120 calendar days from the Authorized Award End Date |

Project Closeout – All Project closeout documents, including any required program reports, shall be submitted to EDA not more than 120 calendar days after the date the Recipient accepts the completed project from the contractor(s).



The Recipient shall diligently pursue the development of the Project so as to ensure completion within this time schedule. Moreover, the Recipient shall promptly notify EDA in writing of any event that could substantially delay meeting any of the proscribed time limits for the Project as set forth above. The Recipient further acknowledges that failure to meet the Project Development Time Schedule may result in EDA's taking action to terminate the Award in accordance with the regulations set forth at 2 C.F.R. §§ 200.339 through 200.343, as applicable.

## 5. PROJECT REPORTING AND FINANCIAL DISBURSEMENTS INSTRUCTIONS:

A. **AWARD DISBURSEMENTS: Reimbursable basis only:** EDA will make disbursements under this Award on a reimbursement basis only, based on actual costs. The "*Request for Reimbursement*" (Form SF-271) is used to request a disbursement, which shall be approved in writing by the Project Officer.

Please note that prior to the initial disbursement, Recipients must complete the attached Form SF-3881, "*ACH Vendor/Miscellaneous Payment Enrollment Form*" and submit it to NOAA's Accounting Office by emailing through secure/encrypted email to: [edagrants@noaa.gov](mailto:edagrants@noaa.gov). The form must be completed by the respective parties (EDA, Recipient Bank, and Recipient) at the start of each new award.

### B. REPORTS:

- a. *Project Progress Reports:* The Recipient shall submit project progress reports to the Project Officer on a quarterly basis for the periods ending **December 31, March 31, June 30, and September 30**, or any portion thereof until the final grant payment is made by EDA. Reports should be submitted using the approved EDA template, which will be provided by the Project Officer and discussed during the project kick-off meeting. Reports are due no later than 15 days following the end of the quarterly period.
- b. *Financial Reports:* The Recipient shall submit a "*Federal Financial Report*" (Form SF-425) on a semi-annual basis for the periods ending **March 31 and September 30**, or any portion thereof, for the entire project period. Reports are due no later than 30 days following the end of the semiannual reporting period. Form SF-425 (and instructions for completing this form) is available at:  
<https://www.gsa.gov/portal/forms/download/149786>.

A final Form SF-425 must be submitted no more than 120 calendar days after the expiration date of the Award (e.g., the Award end date specified on the Form CD-450 or Form CD-451). Final Financial reports should follow the guidance outlined by the form instructions for submitting mid-term financial reports, but should ensure that all fields accurately reflect the total outlays for the entire project period, and that all matching and program income (if applicable) is fully reported. Final grant rate and determinations of final balances owed to the government will be determined by the



information on the final Form SF-425, so it is imperative that this final financial form is submitted in a timely and accurate manner.

6. **ALLOWABLE COSTS AND AUTHORIZED BUDGET:** Total allowable costs will be determined at the conclusion of the award period in accordance with the administrative authorities applicable pursuant to the *Financial Assistance Award* (Form CD-450), including the applicable requirements set forth in 2 C.F.R. part 200, after Final Financial Documents are submitted.

Except as otherwise expressly provided for within these Specific Award Conditions, the Investment Rate for the award (see 13 C.F.R. §§ 300.3 and 301.4) shall apply to allowable costs incurred by the Recipient in connection with the project. The Federal share in the allowable costs shall be based upon the Investment Rate (see 2 C.F.R. § 200.43). In the event of an underrun in total allowable costs for this project, the Federal share of allowable costs shall be determined by the Investment Rate established in the Form CD-450, or subsequently executed Form CD-451. The Federal Share of total allowable costs shall not exceed the dollar amount of the original Award and subsequent amendments, if any.

- A. Under the terms of the Award, the total approved authorized budget is:

|                            |             |
|----------------------------|-------------|
| Federal Share (EDA Amount) | \$633,146   |
| Non-Federal Matching Share | \$633,146   |
| Total Project Cost         | \$1,266,292 |

- B. Under the terms of this Award, the total approved **Line Item Budget** is:

| COST CLASSIFICATION                      | Proposed    | Approved    |
|------------------------------------------|-------------|-------------|
| Administrative and legal expenses        | \$0         | \$0         |
| Land, structures, rights-of-way, etc.    | \$0         | \$0         |
| Relocation expenses and payments         | \$0         | \$0         |
| Architectural and engineering fees       | \$119,650   | \$119,650   |
| Other architectural and engineering fees | \$0         | \$0         |
| Project inspection fees                  | \$99,708    | \$99,708    |
| Site work                                | \$0         | \$0         |
| Demolition and removal                   | \$0         | \$0         |
| Construction                             | \$968,730   | \$968,730   |
| Equipment                                | \$0         | \$0         |
| Contingencies                            | \$78,204    | \$78,204    |
| Total Project Costs                      | \$1,266,292 | \$1,266,292 |

7. **MATCHING SHARE:** The Recipient agrees to provide the Recipient's non-Federal Matching Share contribution for eligible project expenses in proportion to the Federal share requested for such project expenses. (See 13 C.F.R. § 300.3) The Recipient also certifies that, in accepting the Financial Assistance Award, the Recipient's Matching Share of the project costs is committed and unencumbered, from authorized sources, and shall be available as needed for the project.



10. **GOALS FOR WOMEN AND MINORITIES IN CONSTRUCTION:** Department of Labor regulations set forth in 41 C.F.R. § 60-4 establishes 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 C.F.R. § 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 C.F.R. § 60-4. The goal for the participation of women in each trade 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 C.F.R. § 60-4.6, or any successor regulations, shall hereafter be incorporated by reference into these Specific 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 C.F.R. § 60-4.6.

11. **PROCUREMENT:** The Recipient agrees that all procurement transactions shall be in accordance with the regulations at 2 C.F.R. §§200.317 through 200.326, as applicable.
12. **BUY AMERICAN:** Consistent with Executive Order 13858, *Strengthening Buy-American Preferences for Infrastructure Projects*, the Recipient is encouraged to use, to the greatest extent practicable, iron and aluminum as well as steel, cement, and other manufactured products produced in the United States in every contract, subcontract, purchase order, or sub-award that is chargeable under this Award.
13. **ARCHITECT/ENGINEER AGREEMENT:** Prior to initial disbursement of funds by EDA, the Recipient must submit to the Government for approval, an Architect/Engineer Agreement that meets the requirements in the EDA's "Summary of EDA Construction Standards," as well as the competitive procurement standards of 2 C.F.R. part 200, as applicable. The fee for basic Architect/Engineer Services will be a lump sum or an agreed maximum, and no part of the fees for other services will be based on a cost-plus-a-percentage-of-cost or a cost using a multiplier.
14. **EVIDENCE OF GOOD TITLE:** Prior to the initial disbursement of funds by EDA, the Recipient shall provide opinion of counsel, satisfactory to EDA, that the Recipient has acquired good and marketable title to land, free of all encumbrances, as well as rights-of-way, long term leases, easements, state or local government permits or other items necessary for the completion of the project in accordance with 13 C.F.R. § 314.7.
15. **USEFUL LIFE:** The Estimated Useful Life of this project is hereby determined to be 20 years from the date of Award.



16. **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 that 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.
- MT DEQ-general permit NPDES
  - MT DEQ-water and sewer mains
  - BNSF-encroachment permit
17. **HISTORICAL RESOURCES:** 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 and EDA and follow the SHPO's instruction for the preservation of resources.
18. **NONRELOCATION:** In signing this award of financial assistance, the Recipient(s) attests that the EDA funded project will not be used to induce the relocation or the movement of existing jobs from one Region to another Region by a primary beneficiary of the Award. (See 13 C.F.R. § 300.3) In the event that EDA determines that its assistance was used for such relocation purposes, EDA reserves the right to pursue all rights and remedies, including suspension of disbursements and termination of the award for convenience or cause, and disallowance of any costs attributable, directly or indirectly, to the relocation and the recovery of the Federal share thereof.

For purposes of ensuring that EDA assistance will not be used for relocation purposes, each applicant must inform EDA of all employers that constitute primary beneficiaries of the project assisted by EDA. EDA considers an employer to be a "primary beneficiary" if, in seeking EDA assistance, the applicant estimates that such employer will create or save 100 or more permanent jobs as a result of the investment assistance and specifically names the employer in its application to EDA to make the Award. In smaller communities, EDA may consider a primary beneficiary to be an employer of 50 or more jobs permanent jobs so identified.

19. **PERFORMANCE MEASURES:** The Recipient agrees to report on program performance measures and program outcomes in such a form and at such intervals as may be prescribed by EDA in compliance with the Government Performance and Results Act (GPRA) of 1993, and the Government Performance and Results Modernization Act of 2010.

At this time, all Awards for construction assistance require Recipients to report actual job creation/retention and private investment leverage three (3), six (6), and nine (9) years after an EDA investment. Recipients are to retain sufficient documentation so that they can submit these required reports. Failure to submit this required report can adversely impact the ability of the Recipient to secure future funding from EDA.

Performance measures and reporting requirements that apply to program activities funded by this investment will be provided in a separate GPRA information collection document. EDA staff will contact Recipients in writing within a reasonable period prior to the time of submission of the reports with information on how this data should be submitted. Recipients



should ensure adequate and sufficient records are kept to support the methodology for computing initial job and private investment estimates and all subsequent actual performance data calculations so that this information can be made available to EDA in the event of an audits or performance site visits.



**Columbia Falls Fire Department**  
Karl Weeks, Fire Chief/Marshal



130 6<sup>th</sup> Street West  
Columbia Falls, Mt., 59912  
(406) 892-3911 Office

Item No.6.

April 14, 2021

City Manager Susan Nicosia, Mayor Don Barnhart  
Columbia Falls City Council  
130 6<sup>th</sup> Street West, Room A  
Columbia Falls, MT. 59912

Dear Manager Nicosia, Mayor Barnhart and Council Members,

The membership of the Columbia Falls Fire Department has voted to approve Chris Hanley as a probationary member. Chris has passed a background check and a physical examination. He has shown great interest since submitting his application and has attended several trainings as an observer. Chris has said that joining the Department has been something he has wanted to do for a long time but now feels that he has the time to make a commitment. I think Chris will fit in well and will be a great addition to our team. I would recommend that Chris Hanley be accepted as a probationary firefighter for the Columbia Falls Fire Department.

Sincerely,

Karl Weeks

Concur w/recommendation  
to appoint.  
SN  
4/15/21

**City of Columbia Falls**  
**130 Sixth Street West**  
**Columbia Falls, Montana 59912**  
**(406) 892-4391**

**State of Montana            )**  
**County of Flathead        ) ss**  
**City of Columbia Falls    )**

**I, Chris Hanley, do solemnly swear that I will support, protect, and defend the Constitution of the United States, and the Constitution of the State of Montana, and that I will discharge the duties of my office as, Volunteer Firefighter with fidelity. So help me God.**

\_\_\_\_\_  
Signature

Dated this 19th day of April, 2021.

ATTEST:

\_\_\_\_\_  
Barb Staaland, City Clerk

**Columbia Falls Fire Department**  
Karl Weeks, Fire Chief/Marshal



130 6<sup>th</sup> Street West  
Columbia Falls, Mt., 59912  
(406) 892-3911 Office

Item No.6.

April 14, 2021

City Manager Susan Nicosia, Mayor Don Barnhart  
Columbia Falls City Council  
130 6<sup>th</sup> Street West, Room A  
Columbia Falls, MT. 59912

Dear Manager Nicosia, Mayor Barnhart and Council Members,

The membership of the Columbia Falls Fire Department has voted to approve Jade Thomas as a probationary member. Jade has passed a background check and a physical examination. She is an EMT and works for the Hungry Horse Ranger District as a firefighter. Jade has shown great interest since submitting her application and has attended several trainings as an observer. I believe that Jade will be a welcome addition to our team and recommend she be approved as a probationary firefighter with the Columbia Falls Fire Department.

Sincerely,

Karl Weeks

*Concur w/recommendation  
to appoint.  
SW  
4/15/21*

**City of Columbia Falls**  
**130 Sixth Street West**  
**Columbia Falls, Montana 59912**  
**(406) 892-4391**

State of Montana           )  
County of Flathead       ) ss  
City of Columbia Falls   )

**I, Jade Thomas, do solemnly swear that I will support, protect, and defend the Constitution of the United States, and the Constitution of the State of Montana, and that I will discharge the duties of my office as, Volunteer Firefighter with fidelity. So help me God.**

\_\_\_\_\_  
Signature

Dated this 19th day of April, 2021.

ATTEST:

\_\_\_\_\_  
Barb Staaland, City Clerk

## RESOLUTION NO. 1845

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS,  
MONTANA, APPROVING ELECTED OFFICIALS PARTICIPATION IN THE EMPLOYEE  
BENEFITS PROGRAM

WHEREAS, Montana Code Annotated Title 7, § 2-18-702, authorizes cities and towns to enter into group hospitalization, medical health, including long-term disability, accident or group life insurance contracts or plans for the benefit of their officers and employees and their dependents; and

WHEREAS, the City of Columbia Falls participates in the Employee Benefits Program as provided by Montana Municipal Interlocal Authority; and

WHEREAS, during their term in office, City Council Members and the Mayor may opt to participate in the employee benefits program (at their own expense), provided to individual city employees, and

WHEREAS, the City Council Member(s) and Mayor may choose the type of coverage plan they wish to participate in of those offered by MMIA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA:

Section One: During their term in office, City Council Members and the Mayor may opt to participate in the employee benefits program provided to the City employees at their own expense.

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA, THIS 19<sup>TH</sup> DAY OF APRIL, 2021, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS \_\_\_\_ DAY OF APRIL 2021

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## RESOLUTION NO. 1846

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING FUND AND BUDGET LINE-ITEM APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2021 TO ACCOUNT FOR CARES ACT FUNDS

WHEREAS, the City Council adopted the 2020-2021 Fiscal Year Budget on September 21, 2020 with the adoption of Resolution 1833; and

WHEREAS, the City received additional CARES Act funding after adopting the 2020-2021 fiscal year budget, and

WHEREAS, the City Council has the authority to amend the budget for additional funds received pursuant to 7-6-4006 (c) M.C.A, and

WHEREAS, the City Council held a public hearing during the regular City Council meeting on April 5, 2021 to consider the uses of the CARES Act funds received by the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One: The City Council hereby appropriates the unanticipated CARES Act Funds received during the 2020-2021 Fiscal Year as detailed on Exhibit A.

Section Two: The City Council hereby authorizes the City Finance Director to make the itemized fund and line-item amendments for the 2020-21 fiscal year as detailed on Exhibit A.

Section Three: This Resolution shall become effective immediately upon its passage and approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 19<sup>TH</sup> DAY OF APRIL, 2021, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS \_\_\_\_ DAY OF APRIL, 2021.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

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**RESOLUTION NO. 1847**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA DECLARING A BLIGHTED AREA EXISTS WITHIN THE CITY OF COLUMBIA FALLS, MONTANA AND THAT THE REDEVELOPMENT OF THAT AREA IS NECESSARY IN THE INTEREST OF PUBLIC HEALTH, SAFETY, OR WELFARE OF THE RESIDENTS OF COLUMBIA FALLS

WHEREAS, the State of Montana has provided for the redevelopment of those portions of its municipalities which constitute a menace to public health and safety, constitute an economic and social liability and substantially impair the sound growth of a municipality; and

WHEREAS, the procedure provided in Title 7, Chapter 15, Part 42 and 43 of the Montana Codes Annotated authorizes municipalities to exercise statutory urban renewal powers for redevelopment and rehabilitation through urban renewal plans and projects, after the municipality has made a finding that a blighted area exists that substantially impairs or arrests the sound growth of the city or its environs; retards the provision of housing accommodations; constitutes an economic or social liability and/or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use; and

WHEREAS, on March 2<sup>nd</sup> 2021, the Columbia Falls City Council directed a review to determine the existence of blight within the urban area; and

WHEREAS, the City of Columbia Falls has prepared a Statement of Blight (attached to this resolution as Exhibit "A") to document the existence of blight in the area known as the Cedar Palace, which consists of 7 parcels addressed at 500 12th Avenue W in Columbia Falls and encompassing 23.87 acres. These 7 parcels are described as Assessor's Tracts 8, 8b, 8f, 8g, 8ha, 8h and 8e, in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana; and in particular found:

1. Physical deterioration of buildings and properties
  - The area is suffering from deferred maintenance and deterioration.
  - The deteriorating construction of parking lots and driveways creates blighted conditions that diminish the value of property in the area and present hazards.
  - There are undeveloped and unmaintained areas.
2. Defective street layout
  - The two adjacent collector streets were not constructed to current standards.
  - The street layout does not provide for separation of vehicular and pedestrian traffic.
  - The street layout does not provide for adequate storm drainage.
3. Unsanitary and unsafe conditions and the existence of conditions that endanger life or property by fire or other causes
  - On-site wells and septic systems are potentially unsanitary and unsafe

- Overall investment the commercial areas of Columbia Falls will continue to be stymied in the absence of a renewed revitalization effort.
4. Defective condition of title.
- A contractual requirement regarding use of the existing water well in the sales contract clouds the title of the property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One: That the City Council finds that blight exists within the City of Columbia Falls in the area generally described in Exhibit "A" of this Resolution under the definition contained in Section 7-15-4206 (2), M.C.A. and that rehabilitation and redevelopment of such area (pursuant to the Montana Urban Renewal Law) is necessary and desirable in the interest of the public health, safety, and welfare of the residents of the City of Columbia Falls and that this rehabilitation and redevelopment be made with a commitment to quality improvement and a commitment to property owner and community involvement in decision making.

Section Two: That the City Council prepare an urban renewal plan for all or a portion of the area generally described in Exhibit "A" of this Resolution in accordance with 7-15-4213 MCA to address blighted conditions within the proposed urban renewal district.

Section Three: That this Resolution shall become effective immediately upon its passage and approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 19<sup>th</sup> DAY OF APRIL, 2021, THE COUNCIL VOTING AS FOLLOWS:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS \_\_\_\_  
DAY OF APRIL, 2021.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**EXHIBIT “A”**  
**SEE ATTACHED STATEMENT OF BLIGHT FOR EXPANDED CF-URD-**  
**2021**

# **COLUMBIA FALLS URBAN RENEWAL DISTRICT 2021 EXPANSION AREA STATEMENT OF BLIGHT**



Figure 1. Proposed Addition to the Columbia Falls Urban Renewal District –2021

## **Introduction**

The City of Columbia Falls is initiating an effort to expand the Columbia Falls Urban Renewal District (URD), which was initially established in 2015. The expansion will incorporate an area adjacent to the district in order to benefit ongoing-revitalization efforts within the URD as well as the City as a whole. To this end, in March of 2021, the City Council voted to undertake a review of conditions that contribute to blight in an area generally described as the Cedar Palace site (Figure 1.), located to the northwest of the existing URD, as a first step in establishing its eligibility for inclusion in the URD. This area (Figure 2.), locally known as the Cedar Palace, consists of 7 parcels addressed at 500 12th Avenue W in Columbia Falls and encompassing 23.87 acres.

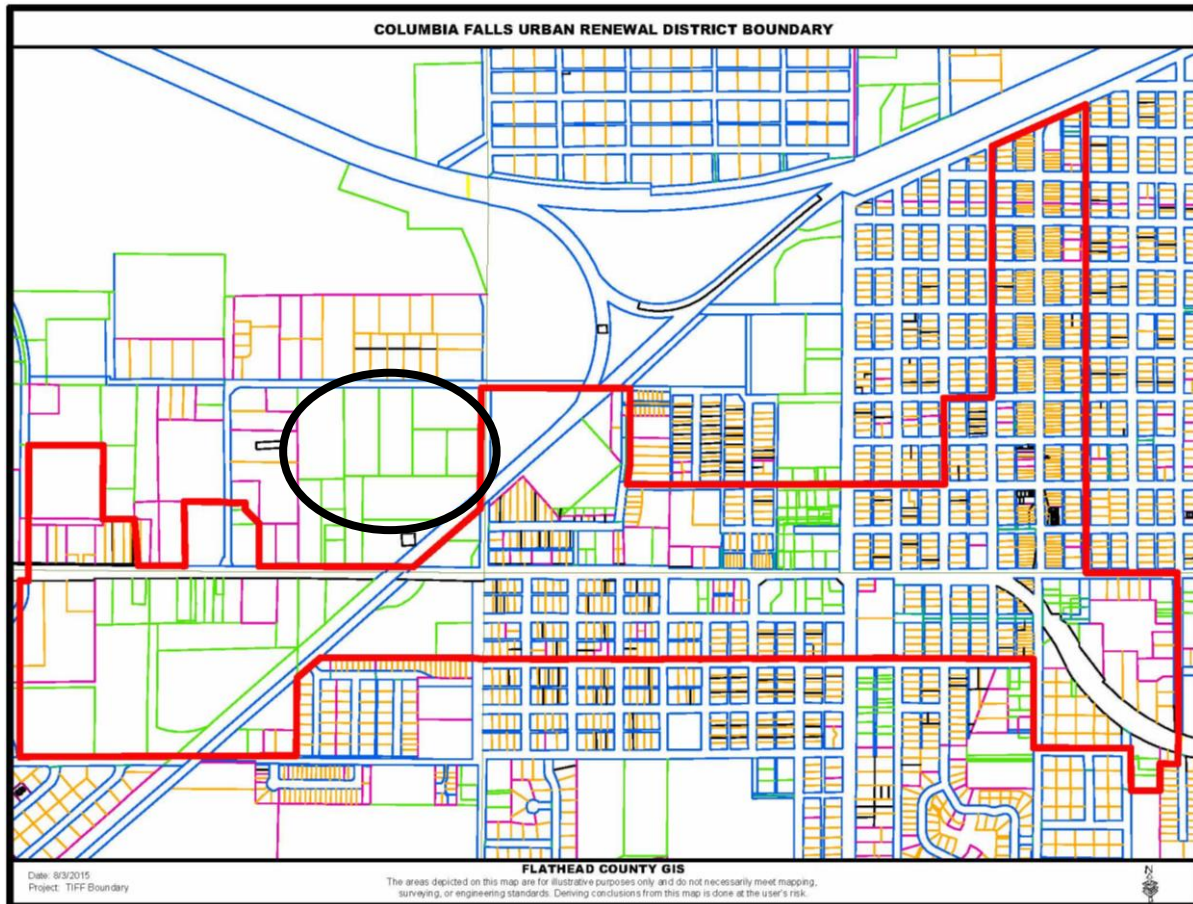


Figure 2. Proximity of Proposed Addition to the Columbia Falls Urban Renewal District

The documentation of conditions that contribute to blight, within a municipality (defined as a city or town or consolidated city-county government), in accordance with state law, provides the necessary foundation upon which a local government may exercise its urban renewal powers. Conditions of blight may apply in all or parts of an area of review in order to qualify a local government to undertake an urban renewal program. The importance of addressing these conditions is set forth in the Montana Urban Renewal Law, which states that is a matter of public policy to eliminate and prevent blight. Particularly, in 7-15- 4202 Montana Codes Annotated (MCA), states, “It is hereby found and declared:

- (1) that blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state, exist in municipalities of the state;
- (2) that the existence of such areas:
  - (a) contributes substantially and increasingly to the spread of disease and crime and depreciation of property values;
  - (b) constitutes an economic and social liability;

- (c) substantially impairs or arrests the sound growth of municipalities;
  - (d) retards the provision of housing accommodations;
  - (e) aggravates traffic problems; and
  - (f) substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and
- (3) that the prevention and elimination of such areas is a matter of state policy and state concern in order that the state and its municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, are conducive to fires, are difficult to police and to provide police protection for, and, while contributing little to the tax income of the state and its municipalities, consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.”

To this end, in 7-15-4210 MCA, a municipality, must, prior to defining and implementing (or expanding) an urban renewal program, first adopt a resolution of necessity, finding that:

- “(1) one or more blighted areas exist in the municipality by finding that at least three of the factors of blight [as defined in 7-15-4206 MCA] apply to the area or a part of the area; and
- (2) the rehabilitation, redevelopment, or both of an area or areas are necessary in the interest of the public health, safety, morals, or welfare of the residents of the municipality.”

The original Statement of Blight for the Columbia Falls Urban Renewal District, prepared in 2014 documented four conditions that contribute to blight within the proscribed area, determining it to be eligible per the requirements of state statute, for establishment of an URD. These conditions which contributed to blight included:

- 7-15-4206(a). Physical deterioration of buildings and properties
- 7-15-4206(c). Inappropriate or mixed uses of land and buildings
- 7-15-4206(e). Defective street layout
- 7-15-4206(h). Unsanitary and unsafe conditions and the existence of conditions that endanger life or property by fire or other causes

In order to expand the extent of the area included in the 2015 Columbia Falls Urban Renewal District, a minimum of three conditions that contribute to blight must be documented within the expansion area. This Statement of Blight documents four

conditions that contribute to blight within the Columbia Falls Urban Renewal expansion area, per the requirements of state statute, generally finding it to be eligible for inclusion in the URD for reasons, which include:

- 7-15-4206(a). Physical deterioration of buildings and properties
- 7-15-4206(e). Defective street layout
- 7-15-4206(h). Unsanitary and unsafe conditions and the existence of conditions that endanger life or property by fire or other causes
- 7-15-4206(l). defective or unusual conditions of title

## **An Overview of Columbia Falls**

### Setting

The City of Columbia Falls, Montana is located in Flathead County, in the northwest corner of the state. It is surrounded by the Flathead National Forest and is approximately 17 miles southwest of Glacier National Park. The City offers access to scenic and recreational resources associated with the Flathead River, which runs through the community. US Highway 2 connects Columbia Falls with Highway 93 to Whitefish and Kalispell on the west, and to the West Glacier Entrance to the Park to the northeast. Nucleus Avenue, which is the main street running north / south through the downtown, provides direct access to the North Fork (of the Flathead River) and subsequently to the Camas Creek entrance to Glacier.

### Demographic and Economic Information

According to the 2019 American Community Survey, there are 5,429 people living in Columbia Falls (US Census, 2019), up 16 percent since 2010. The county's population is projected to experience continued growth through 2060, from 106,117 in 2021 to 131,719 in 2060, an increase of 24 percent. (State of Montana, n.d.) Census information recorded over a one-hundred-and-ten-year period, beginning in 1910, indicates that Columbia Falls' population has continued to grow, even in light of the overall decline in natural resource and industry-based employment over the past several decades. Figure 3 presents population data for the City from 1910 to 2019, based on the decennial census and the American Community Survey.

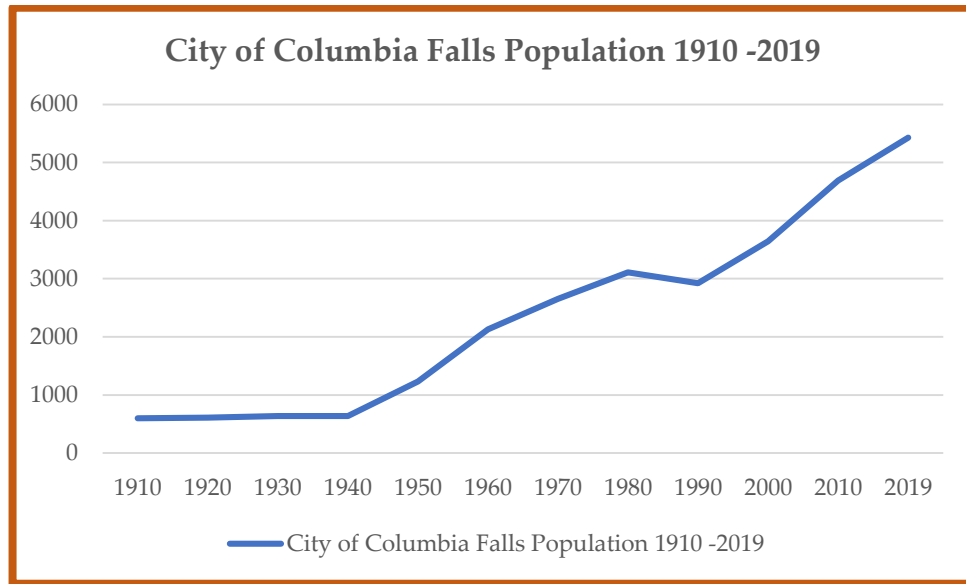


Figure 3. Population Growth in Columbia Falls

Based on county population projections, as well as historic data for the City, it is likely that the number of people living in Columbia Falls will continue to grow.

The poverty rate in Columbia Falls is 10 percent (US Census, 2019), and while lower than the State of Montana rate of 12.7 percent (US Census, 2019) and the national rate of 13.7 percent (US Census, 2019), it is considerably higher than the poverty rate for Flathead County, which is 7.8 percent (US Census, 2019),

Median Income for residents living in Columbia Falls is \$46,821 (US Census, 2019), significantly lower than Flathead County at \$62,588 (US Census, 2019) the state's, at \$57,153 (US Census, 2019) and the nation's, at \$65,712 (US Census, 2019). The closure of the Columbia Falls Aluminum Plant in 2009, after more than 50 years of operation has continued to have a significant impact on area income. Ninety people lost their jobs at the time of the closure, but at its height, in the 1960s, the plant employed 1,500 and was "central to the area's economy" (*The Missoulian*). Today, as noted in Figure 4, the "educational services, health care and social assistance" sector employs the most people, followed by "retail trade".

| Columbia Falls Employment by Industry – 2019 American Community Survey                     |          |            |
|--------------------------------------------------------------------------------------------|----------|------------|
| Industry                                                                                   | Estimate | Percentage |
| Total Civilian employed population 16 years and over                                       | 2844     | xx         |
| Agriculture, forestry, fishing and hunting, and mining                                     | 40       | 1.4        |
| Construction                                                                               | 168      | 5.9        |
| Manufacturing                                                                              | 187      | 6.6        |
| Wholesale trade                                                                            | 20       | 0.7        |
| Retail trade                                                                               | 407      | 14.3       |
| Transportation and warehousing, and utilities                                              | 150      | 5.3        |
| Information                                                                                | 45       | 1.6        |
| Finance and insurance, real estate rental and leasing                                      | 364      | 12.8       |
| Professional, scientific, and management, and administrative and waste management services | 370      | 13.0       |
| Educational services, and health care and social assistance                                | 591      | 20.8       |
| Arts, entertainment, and recreation, and accommodation and food services                   | 271      | 9.5        |
| Other services, except public administration                                               | 130      | 4.6        |
| Public administration                                                                      | 101      | 3.6        |

Figure 4. Employment by Industry (US Census, 2019)

### History of Columbia Falls

The earliest inhabitants of northwestern Montana were primarily the Kootenai people, who, prior to 1850, hunted seasonally at Flathead Lake, competing with indigenous bands of the Pend d'Oreille or Kalispel tribe. After 1850, the Kootenai moved to the area permanently, replacing or intermixing with the original population. A few years later, the various bands began moving to the Flathead Indian Reservation, which was established in the lower Flathead Valley under the Hellgate Treaty of 1855. The creation of the Reservation opened the door to settlement of the valleys of western Montana and by 1858, the resident non-Native American population of Missoula County (all of northwestern Montana at that time) was approximately 200 people. (McKay, 1994)

“By 1883, settlers were moving into the Flathead Valley in larger numbers, squatting in the wilderness, staking out homesteads and carving farms out of the timber lands. That year, the *Missoula Gazette* promoted [the development of] the Half Moon Prairie area, five miles west of Bad Rock Canyon. By then, travel through the Western Montana wilderness was much easier, with settlers arriving in Missoula by Northern Pacific train and then traveling by coach and steamboat to the head of Flathead Lake.” (Flathead County MTGenWeb, n.d.)

In 1887 seven men located coal claims on the “Coal Banks”, in the North Fork, at the urging of Marcus Daly of the Anaconda Copper Mining Company of Butte. Their holdings were sold three years later to a Columbia Falls promoter, James Talbott and others of the Northern International Improvement Company for \$50,000. Talbott had a steamboat built to bring out the coal via the North Fork of the Flathead. (McKay, 1994)

On November 8, 1889, when Montana became the 41<sup>st</sup> state, a group of pioneers established a village on the banks of the Flathead River called Columbia, at the foot of today's Nucleus Avenue. A post office was established at what was now referred to as Columbia Falls in 1891.

“The first newspaper, *The Columbian*, was started in 1891 by J.W. Pace. In 1946, Mel Ruder began publishing the *Hungry Horse News*, which became known nationally for its coverage of Columbia Falls and Glacier National Park. Ruder went on to win a Pulitzer Prize for his coverage of the 1964 flood [of the Flathead and other area rivers]”. (Flathead Watershed.org)

The arrival of the Great Northern Railway in the Flathead Valley in 1891 led to increased interest in the natural resources, particularly minerals, “up the North Fork” of the Flathead. (McKay, 1994) “The new Great Northern line turned Columbia Falls into a boom town. In 1889, James Hill of the Great Northern [had] sent John F. Stevens to explore the terrain around Marias Pass and find a route for his trans-continental railroad over the Rocky Mountains.” Rumors spread and soon a group of investors formed a company to establish a town where the railroad emerged from the mountains. Seeking to tie up land before the railway reached the Columbia Falls area, the Northern International Improvement Co., including Talbott and Frank Langford, purchased land for \$5,000 from Mrs. La Frambois and filed a plat for a city on March 5<sup>th</sup>, 1891. (Flathead County MTGenWeb, n.d.)

According to popular legend, postmaster Jim Kennedy had named the new town Columbia Falls after learning there was already a town in Montana named Columbus and his wife suggested tacking on the suffix “Falls”. Columbus, Montana, however, the Stillwater County seat, was not named until several years later. (Flathead County MTGenWeb, n.d.) *Names on the Face of Montana* (1983) provides a different explanation. “...the townsite was originally planned for a place near a falls on the Flathead River...hence, the name, Columbia Falls.” (Flathead County MTGenWeb, n.d.)

The village grew quickly, with a general merchandise store, barber shop, flour mill and 18 saloons. High water each spring drove residents from the original village of Columbia

to the newly platted town. The *Missoula Gazette* said the city was 'laid out on a high, level tract of bench land, with a growth of heavy pine timber surrounding it on all sides, giving the whole a park like appearance.' The city of Columbia Falls, however, was not officially incorporated until April 26, 1909. (Columbia Falls Heritage Days Committee)

In 1892, Talbott built the first bank building, located on the southeast corner of Nucleus and 7th. Around the corner on 7th, west of the bank, was Garrette Grocery, later to become Smalls Grocery and after that, the Farmers Exchange Telephone Service. Fifield's Baker was located across 7<sup>th</sup> to the south and the Schanders Hotel was located to the east, on 7<sup>th</sup> and across Nucleus Avenue. Next to the Schanders was a livery stable. Down under the hill was the red-light district, known as "The Brick." (Columbia Falls Heritage Days Committee)

The selection of neighboring Kalispell, MT as the county seat of Flathead County in 1894 and the decision to put the major division point for the railroad there in 1892, slowed the town's early growth. (The division point was moved to Whitefish in 1904.) However, in August of 1895 the state legislature learning the town had the "healthiest air" in the state, approved construction of a Soldier's Home in Columbia Falls. (Flathead County MTGenWeb, n.d.)

#### History of the Local Economy

Logging developed early in the areas around Columbia Falls. One of the early logging sales took place in the winter of 1890-91 on land that later was included in the Flathead Forest Reserve. As many as 30 men were paid \$50 a month to work on the sale. Under contract with the Columbia Falls Mill Company, they cut several hundred thousand board feet of ponderosa pine.



In the late nineteenth century, the ACM had permits to cut free timber for its mines in Butte; however, the company also used these permits to cut timber for retail sale of lumber throughout the state. The ACM was operating in Columbia Falls under the name of Daly & Co. by 1897. In 1898 it was the ACM, Lumber Dept., of Columbia Falls, and soon the business went under the name of the Big Blackfoot Milling Company, the timber subsidiary of the ACM.

By 1907, there were at least five lumber companies operating in Columbia Falls including State, Hunt Tripet, John Olson, Parker Zorzie and A. O. Westberg. Increasingly, the lumber companies were using railroads to log area trees. As of 1910, Stoltze Land and Lumber Company, State and the A.O. Westberg and Columbia lumber mills were logging with rail. Over time, four large lumber mills established themselves in Columbia Falls including Plum Creek, Stoltze Land and Lumber, Superior Building Company, and Rocky Mountain Lumber Company.

Tourism has played a significant role in the region beginning in the early years of the 20<sup>th</sup> Century, particularly with the establishment of Glacier National Park in 1910. However, in 1910, the closest road to the Park from the Flathead Valley ended in Coram, nine miles northwest of Columbia Falls. While efforts were being made to construct roads within the Park, private citizens took the initiative to create better access for travelers visiting the Park via Kalispell and Columbia Falls. The Flathead County Commissioners and the Flathead County Auto Club worked together to build a road from Columbia Falls to Belton, just outside the Park, and the first visitors arrived at Belton in the spring of 1911. (Renewable Technologies, Incorporated, 2002)



Columbia Falls' population continued to grow into the 1950s, in part due to the construction and opening of the Anaconda Aluminum Company plant. The Harvey Machine Company first acquired options for an aluminum plant in the Flathead Valley



in 1949, and shortly after purchased 1000 acres six miles north of Kalispell at Rose Crossing. Although Harvey was unable to obtain financing to build the plant, on November 6, 1951, Anaconda Copper Mining Company acquired 95 percent of Harvey's interests, and on August 30, 1952, Anaconda announced that it would build its \$45,000,000 aluminum reduction plant two miles

northeast of Columbia Falls near Teakettle Mountain. The completion, in 1952, of the Hungry Horse Dam and its supply of lower cost electricity, nine miles southeast of Columbia Falls, was a key factor in the ACM decision to build the aluminum plant in Columbia Falls. (McKay, 1994)

The first aluminum was produced on August 12, 1955. Initially, the plant had a capacity of 67,500 tons, increasing to 180,000 by 1968. The Anaconda Company was purchased by Atlantic Richfield Company (ARCO) in 1977 and in December of 1983, ARCO announced intentions to divest its Metals Division (brass and aluminum operations) including the Columbia Falls plant. In September of 1985 the plant was sold to the Montana Aluminum Investors Corporation, which changed the name to the Columbia Falls Aluminum Company. On May 28, 1999, CFAC was purchased by Glencore AG, which operated the plant until 2009. (Columbia Falls Aluminum Company Project (CFAC), n.d.) Despite efforts to re-open the plant, including adapting it for a new industrial use, it has remained closed.

Changes in Montana's timber industry have also affected the economy of Columbia Falls. In the past 25 years, Montana has lost two-thirds of its large timber mills. The production of lumber in Flathead County has dropped from 103,363 thousand board feet annually in 2002 to 36,362 thousand board feet in 2019. (Bureau of Business and Economic Research - University of Montana, n.d.) There are various reasons for this decline, including economic recessions and volatile housing markets

Once known as the "Industrial Hub of Flathead Valley", the economy of Columbia Falls is now largely service based, as noted above. The loss of jobs in manufacturing and timber related activities had taken its toll on downtown Columbia Falls. Many of the retail spaces are vacant and buildings have deteriorated; however, since the creation of the Columbia Falls Urban Renewal District in 2015, the downtown has seen significant reinvestment through both remodeling of existing buildings and new construction.



In addition, the 1985 reconstruction of Highway 2 between Glacier Park and Highway 93 to the west of the City has made it easier for travelers to bypass downtown. As a consequence, the route to Glacier Park's Camas Creek entrance in the North Fork through downtown, via Nucleus Avenue (County Highway 486) has seen considerably less use. While there has been some commercial development along Highway 2, it is not well-linked to other parts of the community. If not for a lower speed limit within the city limits, visitors to the region could easily travel along the Highway without realizing they are actually within the community of Columbia Falls.

### History of the Expansion Area

In 1981, Columbia Falls builder Leonard Knutson built the new headquarters for Plum Creek Timber's operations on 12th Avenue West in Columbia Falls. Known as the "Cedar Palace", the unique building featured 65 offices surrounding an open courtyard. It was designed so that every office, save for two, got a window. The Cedar Palace was on nearly 24 acres of a natural setting. In 2008, a data center building was built adjacent to the Cedar Palace. But in 2016, Plum Creek merged with Weyerhaeuser and the offices were no longer needed. About 100 people lost their jobs and the Cedar Palace went empty.

In 2019, the new owners rezoned the property to commercial and subsequently in 2020 annexed into the City of Columbia Falls. They completely gutted the 35,000-square-foot building and renovated it to serve the host of medical practitioners, counselors and therapists that will offer services there. The project, including the land purchase, represents a \$6 million investment in Columbia Falls and surrounding communities. (Peterson, 2020)

## **General Description and Map of the Columbia Falls Urban Renewal Expansion Review Area**

### General Review Area Description

This review of conditions that contribute to blight was conducted in the area, locally known as the Cedar Palace, which consists of seven parcels addressed as 500 12th Avenue W in Columbia Falls and encompassing 23.87 acres. These seven parcels are described as Assessor's Tracts 8, 8b, 8f, 8g, 8ha, 8h and 8e, in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

### Review Area Map

The following aerial map (Figure 5) illustrates the Columbia Falls urban renewal expansion review area.



Figure 5. Review Area (State of Montana, n.d.)

### **Blighted Conditions**

The expansion of the existing Columbia Falls URD is being undertaken to address a range of blighted conditions and infrastructure deficiencies at the Cedar Palace site. The City intends to expand the boundaries of the URD in accordance with 7-15-4201 Montana Code Annotated (MCA) and the Administrative Rules of the State of Montana (ARM) and will use tax increment financing (TIF) to help fund its efforts. Amending the District will require the preparation of an updated urban renewal plan for the District, which reflects the new boundaries and guides the investment of resources in addressing critical issues.

Prior to the adoption of the revised urban renewal plan, however, the City of Columbia Falls, must establish that conditions that contribute to blight exist in the proposed expansion area as defined in the Montana Urban Renewal Law, 7-15-4206 MCA. The 2011 Montana Legislature amended the Law to state that at least three blighted conditions must exist in the area in order for it to be eligible for urban renewal designation (7-15-4210 MCA). The following presents the conditions that contribute to blight within the proposed expansion area, in support of the creation of the district.

### Defining Blight

Montana state statute defines a blighted area as one that substantially impairs or arrests the sound development of communities, constitutes an economic or social liability, and/or constitutes a menace to the public health and safety in its present condition.

Per 7-15-4206, MCA, a “blighted area” may be identified as such by reason of:

- (a) the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential;
  - (b) inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;
  - (c) inappropriate or mixed uses of land or buildings;
  - (d) high density of population and overcrowding;
  - (e) defective or inadequate street layout;
  - (f) faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
  - (g) excessive land coverage;
  - (h) unsanitary or unsafe conditions;
  - (i) deterioration of site;
  - (j) diversity of ownership;
  - (k) tax or special assessment delinquency exceeding the fair value of the land;
  - (l) defective or unusual conditions of title;
  - (m) improper subdivision or obsolete platting;
  - (n) the existence of conditions that endanger life or property by fire or other causes;
- or
- (o) any combination of the factors listed in this subsection (2).” (Montana Laws)

### **Blighted Conditions in the Columbia Falls Urban Renewal Expansion Area**

The expansion area exhibits a number of conditions that contribute to blight including:

- 7-15-4206(a). Physical deterioration of buildings and properties
- 7-15-4206(e). Defective street layout
- 7-15-4206(h). Unsanitary and unsafe conditions and the existence of conditions that endanger life or property by fire or other causes
- 7-15-4206(l). Defective or unusual conditions of title

### **7-15-4206(a). Physical Deterioration of Buildings and Properties**

While the Cedar Palace building itself has been gutted and remodeled, these photos (Figures 6 and 7) demonstrate that the parking lot and surrounding lands continue to suffer from deferred maintenance and associated physical deterioration. In addition, the presence of undeveloped parcels within the area results in disinvestment and increases the opportunity for vandalism to occur.



Figure 6. Driveway Access



Figure 7. Parking Lot

### **7-15-4206(e). Defective Street Layout**

The subject property is located along two designated collector streets (Truck Route and 12<sup>th</sup> Avenue West), which were not constructed to current collector street standards. Truck Route is intended for truck traffic for the neighboring industrial properties; however, it also serves office uses. 12th Avenue West connects Highway 2 with Truck Route.

12th Avenue West was a county road in severe need of repair that was “given” to the City a few years ago, when the county realized the property to the east of the roadway was within the city limits. As parcels annex to the City, in accordance with Flathead County’s adopted policy, the adjacent county road becomes the annexing city’s responsibility. In

the area adjacent to the urban renewal expansion review area, along both Truck Route and 12th Avenue West, there are no curbs, gutters or sidewalks. This deficiency in street layout does not provide for the separation of vehicular and pedestrian traffic. The lack of curbs and gutters makes it difficult to provide for adequate storm water drainage. (Figures 8 and 9)



Figure 8 Intersection of Truck Route and 12<sup>th</sup> Avenue West



Figure 9. Problematic Drainage

**7-15-4206(h). Unsanitary and unsafe conditions and the existence of conditions that endanger life or property by fire or other causes**

The Montana Department of Environmental Quality and Flathead County Environmental Health have standards for medical facilities. Long-term use of a private well and on-site septic system by a medical facility will not meet those standards. Therefore, the potential exists for unsanitary and unsafe conditions to result. Connection to municipal water and sewer systems would eliminate this potential and are required by the public health standards.

**7-15-4206(l). Defective or unusual conditions of title**

A contractual requirement in the sales contract with Weyerhaeuser for purchase of the property by Glacier Medical Associates limited the time frame for continued usage of the existing well water supply. This contractual requirement could be considered a cloud on the title of the property.

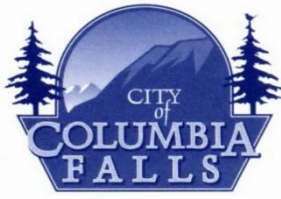
**Conclusion**

Based on these findings, the proposed Columbia Falls URD expansion area can be described as blighted per Montana Statute, with respect to physical deterioration of the area, defective street layout, unsanitary and unsafe conditions, and unusual conditions of title.

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130 6<sup>th</sup> STREET WEST  
ROOM A  
COLUMBIA FALLS, MT 59912

PHONE (406) 892-4391  
FAX (406) 892-4413

Item No.10.

DATE: April 15, 2021  
TO: Mayor and City Council  
FROM: Shawn Bates, Finance Director  
Susan M. Nicosia, City Manager

**RE: Financial Report – March 2021**

Attached are the following condensed monthly reports for your review. Reports reflect activity from July 1, 2020 through March, 2021.

We have completed 75% of the fiscal year. The accounting system has been updated to include all budgetary information including line items as prepared by the City Manager and approved by Council. Reserves within the cash report have been updated to reflect the current budgeted amounts.

- First report: Summary of **Revenues Budget and Actual** for the Month of March and Year to Date. In total, we have received 79% of total revenues budgeted compared to 52% for the prior year.
- Second report: Summary of **Expenditures Budget and Actual** for the Month of March and Year to Date. There are no significant variances from anticipated expenditures/expenses. In total, we have committed 60% of the total expenditure budget compared to 38% for the prior year.
- Third report: Detail revenue and expenditures/expense for the General Fund, Water Operating Fund, and Sewer Operating Fund. These reports show detail totals of revenues by source and expenditures/expenses by activity.
- The General Fund has incurred (\$60,360) more in expenditures than revenues through March 2021, compared to (\$215,374) last year for the same time period.
  - The Water Fund reflects expenditures exceeding revenues by (\$12,635) to date compared to (\$5,667) in the prior year. Transfer of funds from capital expansion fund for well #3 has been done.
  - The Sewer Fund reflects YTD revenues exceeding expenses \$268,452 compared to \$43,598 in the prior year.
- Fourth report: The Cash Balance report for March 2021 has been provided as a separate report for your review. Total reconciled cash/investments equal \$9,122,657 compared to \$8,497,367 from one year ago. The City as of March 2021 had invested \$7,263,344 in STIP (March average rate was .1341708%, \$688,333 in Glacier Bank, MBS various term investments of \$1,146,000 with rates ranging from 1.16% to 2.0%.

Should you have any questions on these reports or any financial matter, please do not hesitate to contact me via email: [bates@cityofcolumbiafalls.com](mailto:bates@cityofcolumbiafalls.com) or by phone at 406-892-4327.

04/16/21  
11:08:32

CITY OF COLUMBIA FALLS  
Statement of Revenue Budget vs Actuals  
For the Accounting Period: 3 / 21

Page: 1 of 1  
Report ID: B110F

| Fund                                               | Received<br>Current Month | Received YTD | Estimated Revenue | Revenue<br>To Be Received | %<br>Received |
|----------------------------------------------------|---------------------------|--------------|-------------------|---------------------------|---------------|
| 1000 GENERAL FUND                                  | 225,996.26                | 2,318,087.71 | 3,120,303.00      | 802,215.29                | 74 %          |
| 2310 TAX INCREMENT DISTRICT FUND                   | 4,103.84                  | 271,151.21   | 4,000.00          | -267,151.21               | *** %         |
| 2311 TEDD-INDUSTRIAL PARK                          | 3.56                      | 749.84       | 0.00              | -749.84                   | ** %          |
| 2372 PERMISSIVE MEDICAL LEVY                       | 1,133.66                  | 131,555.36   | 230,407.00        | 98,851.64                 | 57 %          |
| 2394 BUILDING CODE ENFORCEMENT FUND                | 46,830.37                 | 152,737.72   | 183,563.00        | 30,825.28                 | 83 %          |
| 2400 SPECIAL LIGHTING DISTRICT FUND                | 222.79                    | 19,589.35    | 30,619.00         | 11,029.65                 | 64 %          |
| 2500 SPECIAL STREET MAINTENANCE DISTRICT FUND      | 1,357.58                  | 220,754.07   | 373,779.00        | 153,024.93                | 59 %          |
| 2700 CEDAR CREEK TRUST                             | 603.01                    | 4,922.00     | 65,130.00         | 60,208.00                 | 8 %           |
| 2820 GAS TAX FUND                                  | 8,121.76                  | 73,095.89    | 97,461.00         | 24,365.11                 | 75 %          |
| 2821 Special Road/Street Allocation Program        | 0.00                      | 113,473.80   | 113,474.00        | 0.20                      | 100 %         |
| 2917 CRIME VICTIMS ASSISTANCE FUND                 | 406.00                    | 2,406.00     | 6,000.00          | 3,594.00                  | 40 %          |
| 3020 GO Street Improvements                        | 446.87                    | 50,704.42    | 87,504.00         | 36,799.58                 | 58 %          |
| 3534 SID 34 FUND - 5th Avenue Water Main           | 1.99                      | 3,174.96     | 5,715.00          | 2,540.04                  | 56 %          |
| 3536 SID 36 FUND - Talbott & 4th Avenue Water Main | 1.92                      | 1,917.04     | 3,344.00          | 1,426.96                  | 57 %          |
| 3538 SID 38 FUND - Riverwood                       | 11.22                     | 16,139.59    | 29,024.00         | 12,884.41                 | 56 %          |
| 4000 CAPITAL PROJECTS FUND - Building Improvements | 130.00                    | 65,598.17    | 65,600.00         | 1.83                      | 100 %         |
| 4010 CAPITAL PROJECTS FUND - Parks Improvements    | 183,521.36                | 470,390.98   | 474,060.00        | 3,669.02                  | 99 %          |
| 4020 CAPITAL PROJECTS FUND - General Equipment     | 110.18                    | 61,100.92    | 80,365.00         | 19,264.08                 | 76 %          |
| 4040 CAPITAL PROJECTS FUND - Street Construction   | 318.01                    | 178,433.09   | 181,003.00        | 2,569.91                  | 99 %          |
| 5210 WATER ENTERPRISE FUND                         | 46,020.44                 | 2,477,540.02 | 3,061,252.00      | 583,711.98                | 81 %          |
| 5211 WATER CAPITAL EXPANSION                       | 130.97                    | 88,444.47    | 181,500.00        | 93,055.53                 | 49 %          |
| 5310 SEWER ENTERPRISE FUND                         | 85,840.50                 | 819,894.34   | 1,077,013.00      | 257,118.66                | 76 %          |
| 5311 SEWER CAPITAL EXPANSION                       | 579.20                    | 77,580.91    | 189,500.00        | 111,919.09                | 41 %          |
| 7120 FIRE RELIEF DISABILITY/PENSION FUND           | 14,731.79                 | 46,872.35    | 69,134.00         | 22,261.65                 | 68 %          |
| Grand Total:                                       | 620,623.28                | 7,666,314.21 | 9,729,750.00      | 2,063,435.79              | 79 %          |

04/16/21  
11:20:43

CITY OF COLUMBIA FALLS  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 3 / 21

Page: 1 of 1  
Report ID: B100F

| Fund                                        | Committed<br>Current Month | Committed<br>YTD | Original<br>Appropriation | Current<br>Appropriation | Available<br>Appropriation | %<br>Committed |
|---------------------------------------------|----------------------------|------------------|---------------------------|--------------------------|----------------------------|----------------|
| 1000 GENERAL FUND                           | 188,017.06                 | 2,378,447.97     | 3,552,726.00              | 3,552,726.00             | 1,174,278.03               | 67 %           |
| 2310 TAX INCREMENT DISTRICT FUND            | 0.00                       | 0.00             | 440,000.00                | 440,000.00               | 440,000.00                 | 0 %            |
| 2372 PERMISSIVE MEDICAL LEVY                | 0.00                       | 115,318.80       | 243,106.00                | 243,106.00               | 127,787.20                 | 47 %           |
| 2394 BUILDING CODE ENFORCEMENT FUND         | 8,058.54                   | 96,612.83        | 166,362.00                | 166,362.00               | 69,749.17                  | 58 %           |
| 2400 SPECIAL LIGHTING DISTRICT FUND         | 2,678.78                   | 21,830.75        | 51,404.00                 | 51,404.00                | 29,573.25                  | 42 %           |
| 2500 SPECIAL STREET MAINTENANCE DISTRICT    | 28,316.49                  | 268,260.69       | 495,816.00                | 495,816.00               | 227,555.31                 | 54 %           |
| 2700 CEDAR CREEK TRUST                      | 0.00                       | 113,563.00       | 213,563.00                | 213,563.00               | 100,000.00                 | 53 %           |
| 2820 GAS TAX FUND                           | 5,846.34                   | 101,100.36       | 136,381.00                | 136,381.00               | 35,280.64                  | 74 %           |
| 2821 Special Road/Street Allocation Program | 0.00                       | 0.00             | 113,991.00                | 113,991.00               | 113,991.00                 | 0 %            |
| 2917 CRIME VICTIMS ASSISTANCE FUND          | 406.00                     | 2,406.00         | 6,000.00                  | 6,000.00                 | 3,594.00                   | 40 %           |
| 2940 CDBG-HOME INVESTMENT PARTNERSHIP       | 0.00                       | 0.00             | 128,135.00                | 128,135.00               | 128,135.00                 | 0 %            |
| 3020 GO Street Improvements                 | 0.00                       | 60,343.76        | 86,567.00                 | 86,567.00                | 26,223.24                  | 70 %           |
| 3534 SID 34 FUND - 5th Avenue Water Main    | 0.00                       | 0.00             | 5,715.00                  | 5,715.00                 | 5,715.00                   | 0 %            |
| 3536 SID 36 FUND - Talbott & 4th Avenue     | 0.00                       | 0.00             | 3,344.00                  | 3,344.00                 | 3,344.00                   | 0 %            |
| 3538 SID 38 FUND - Riverwood                | 0.00                       | 14,044.85        | 30,074.00                 | 30,074.00                | 16,029.15                  | 47 %           |
| 4000 CAPITAL PROJECTS FUND - Building       | 0.00                       | 0.00             | 205,000.00                | 205,000.00               | 205,000.00                 | 0 %            |
| 4010 CAPITAL PROJECTS FUND - Parks          | 1,471.00                   | 315,255.94       | 614,528.00                | 614,528.00               | 299,272.06                 | 51 %           |
| 4020 CAPITAL PROJECTS FUND - General        | 1,299.24                   | 80,523.87        | 77,000.00                 | 77,000.00                | -3,523.87                  | 105 %          |
| 4040 CAPITAL PROJECTS FUND - Street         | 0.00                       | 3,481.10         | 485,812.00                | 485,812.00               | 482,330.90                 | 1 %            |
| 5210 WATER ENTERPRISE FUND                  | 42,377.86                  | 2,490,175.22     | 3,245,783.00              | 3,245,783.00             | 755,607.78                 | 77 %           |
| 5211 WATER CAPITAL EXPANSION                | 0.00                       | 1,499,563.00     | 1,499,563.00              | 1,499,563.00             | 0.00                       | 100 %          |
| 5310 SEWER ENTERPRISE FUND                  | 76,672.50                  | 551,442.33       | 1,587,977.00              | 1,587,977.00             | 1,036,534.67               | 35 %           |
| 7120 FIRE RELIEF DISABILITY/PENSION FUND    | 0.00                       | 0.00             | 69,134.00                 | 69,134.00                | 69,134.00                  | 0 %            |
| Grand Total:                                | 355,143.81                 | 8,112,370.47     | 13,457,981.00             | 13,457,981.00            | 5,345,610.53               | 60 %           |

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CITY OF COLUMBIA FALLS  
Revenue/Expenditure Ledger  
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1000 GENERAL FUND

|                                         | Beginning    | Debit     | Credit     | Net Change  | Ending Balance |
|-----------------------------------------|--------------|-----------|------------|-------------|----------------|
| REVENUE                                 |              |           |            |             |                |
| 311010 Real Property Taxes              | 749,108.79   | 0.00      | 6,391.20   | 6,391.20    | 755,499.99     |
| 311020 Personal Property Taxes          | 24,326.73    | 0.00      | 154.41     | 154.41      | 24,481.14      |
| 312000 Penalty & Interest on Delinquent | 1,558.37     | 0.00      | 90.29      | 90.29       | 1,648.66       |
| 322010 Alcoholic Beverage Licenses and  | 6,762.50     | 0.00      | 0.00       | 0.00        | 6,762.50       |
| 322020 Professional Business Licenses   | 8,212.50     | 0.00      | 477.50     | 477.50      | 8,690.00       |
| 322030 General Business Licenses        | 9,182.50     | 0.00      | 677.50     | 677.50      | 9,860.00       |
| 323060 Non-Exclusive Cable TV Franchise | 42,700.61    | 0.00      | 0.00       | 0.00        | 42,700.61      |
| 331052 MDOT-Highway Planning &          | 37,832.42    | 2,799.34  | 0.00       | ( 2,799.34) | 35,033.08      |
| 331112 Stonegarden Grant CFDA # 97.067  | 4,209.39     | 0.00      | 0.00       | 0.00        | 4,209.39       |
| 331991 CARES GRANT REIMBURSEMENT        | 495,808.63   | 0.00      | 0.00       | 0.00        | 495,808.63     |
| 334000 State Grants/Hwy Safety          | 5,946.43     | 0.00      | 4,471.03   | 4,471.03    | 10,417.46      |
| 334122 DNRC Grant                       | 0.00         | 0.00      | 0.00       | 0.00        | 0.00           |
| 335120 Gambling Licenses & Permits      | 16,458.56    | 0.00      | 0.00       | 0.00        | 16,458.56      |
| 335230 State Entitlement                | 382,802.08   | 0.00      | 191,401.04 | 191,401.04  | 574,203.12     |
| 336020 State On-Behalf Retirement       | 0.00         | 0.00      | 0.00       | 0.00        | 0.00           |
| 337340 Flathead County (EMS)            | 3,414.24     | 0.00      | 0.00       | 0.00        | 3,414.24       |
| 337350 Flathead County (SRO)            | 0.00         | 0.00      | 0.00       | 0.00        | 0.00           |
| 337360 School District #6 (SRO)         | 0.00         | 0.00      | 0.00       | 0.00        | 0.00           |
| 341000 General Miscellaneous (Copies,   | 186.26       | 0.00      | 33.35      | 33.35       | 219.61         |
| 341070 Planning and Zoning Fees         | 15,675.00    | 325.00    | 1,200.00   | 875.00      | 16,550.00      |
| 342020 Special Fire Protection Services | 68,750.00    | 0.00      | 0.00       | 0.00        | 68,750.00      |
| 342021 Fire Protective Inspections      | 13,456.00    | 0.00      | 7,846.00   | 7,846.00    | 21,302.00      |
| 346030 Swimming Pool User Fees          | 4,853.00     | 0.00      | 0.00       | 0.00        | 4,853.00       |
| 346031 Parks Use Permits/Fees           | 1,050.00     | 0.00      | 400.00     | 400.00      | 1,450.00       |
| 346032 Pool Concession Fees             | 182.20       | 0.00      | 0.00       | 0.00        | 182.20         |
| 346033 Swim Lessons                     | 0.00         | 0.00      | 0.00       | 0.00        | 0.00           |
| 346034 Individual Swim Pass             | 286.00       | 0.00      | 0.00       | 0.00        | 286.00         |
| 346035 Lap Swim Pass                    | 0.00         | 0.00      | 0.00       | 0.00        | 0.00           |
| 346036 Family Swim Pass                 | 630.00       | 0.00      | 0.00       | 0.00        | 630.00         |
| 346037 Pool Parties                     | 375.00       | 0.00      | 0.00       | 0.00        | 375.00         |
| 346050 Swim Team Agreement              | 0.00         | 0.00      | 0.00       | 0.00        | 0.00           |
| 351030 City Courts Fines & Forfeitures  | 102,383.01   | 0.00      | 14,557.00  | 14,557.00   | 116,940.01     |
| 351031 Court Fines Surcharge            | 2,934.95     | 0.00      | 530.00     | 530.00      | 3,464.95       |
| 351034 Court Administration Costs       | 529.20       | 0.00      | 29.00      | 29.00       | 558.20         |
| 366000 Miscellaneous                    | 1,653.06     | 0.00      | 85.00      | 85.00       | 1,738.06       |
| 371010 Investment Earnings              | 3,085.93     | 0.00      | 777.28     | 777.28      | 3,863.21       |
| 383000 Interfund Operating Transfer     | 87,738.09    | 0.00      | 0.00       | 0.00        | 87,738.09      |
| Total REVENUE                           | 2,092,091.45 | 3,124.34  | 229,120.60 | 225,996.26  | 2,318,087.71   |
| EXPENDITURES                            |              |           |            |             |                |
| 410100 LEGISLATIVE SERVICES             | 122,366.83   | 15,068.15 | 3.15       | 15,065.00   | 137,431.83     |
| 410131 Tree City Program (Tree Board)   | 10,042.74    | 754.04    | 6.95       | 747.09      | 10,789.83      |
| 410132 Arbor Day (Tree Board)           | 945.00       | 0.00      | 0.00       | 0.00        | 945.00         |
| 410360 CITY COURT                       | 114,590.12   | 13,313.14 | 23.30      | 13,289.84   | 127,879.96     |
| 410365 CITY COURT PROSECUTION           | 30,912.78    | 3,502.76  | 0.00       | 3,502.76    | 34,415.54      |
| 410400 ADMINISTRATIVE SERVICES          | 33,629.78    | 3,697.06  | 5.95       | 3,691.11    | 37,320.89      |
| 410500 DEPT. OF FINANCE                 | 129,078.53   | 13,022.71 | 12.97      | 13,009.74   | 142,088.27     |
| 410580 Computer Systems & Programs      | 49,255.87    | 7,333.64  | 0.00       | 7,333.64    | 56,589.51      |

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CITY OF COLUMBIA FALLS  
Revenue/Expenditure Ledger  
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1000 GENERAL FUND

|                                           | Beginning    | Debit      | Credit    | Net Change  | Ending Balance |
|-------------------------------------------|--------------|------------|-----------|-------------|----------------|
| 411000 PLANNING & ZONING                  | 37,964.45    | 9,236.75   | 3.16      | 9,233.59    | 47,198.04      |
| 411100 LEGAL SERVICES                     | 16,734.59    | 5,495.03   | 0.00      | 5,495.03    | 22,229.62      |
| 411200 FACILITIES ADMINISTRATION          | 50,070.31    | 7,812.32   | 6.15      | 7,806.17    | 57,876.48      |
| 411800 Employee Asst Program & Flex Plan  | 1,305.00     | 0.00       | 0.00      | 0.00        | 1,305.00       |
| 420100 LAW ENFORCEMENT SERVICES           | 708,313.37   | 93,478.28  | 8,938.43  | 84,539.85   | 792,853.22     |
| 420160 COMMUNICATIONS/DISPATCH            | 67,534.50    | 0.00       | 0.00      | 0.00        | 67,534.50      |
| 420400 FIRE PROTECTION & CONTROL          | 125,065.71   | 15,748.21  | 269.42    | 15,478.79   | 140,544.50     |
| 420730 Emergency Medical Services         | 530.96       | 0.00       | 0.00      | 0.00        | 530.96         |
| 430400 Transit Systems                    | 0.00         | 0.00       | 0.00      | 0.00        | 0.00           |
| 431200 Flood Control-High Hazard Dam      | 6,482.55     | 3,436.90   | 1.81      | 3,435.09    | 9,917.64       |
| 440600 ANIMAL CONTROL SERVICES            | 0.00         | 4,250.00   | 0.00      | 4,250.00    | 4,250.00       |
| 460400 PARK & RECREATION SERVICES         | 74,604.24    | 2,370.46   | 14.81     | 2,355.65    | 76,959.89      |
| 460445 SWIMMING POOL                      | 36,622.98    | 963.67     | 1.92      | 961.75      | 37,584.73      |
| 490500 Other Debt Service Payments        | 14,264.66    | 0.00       | 0.00      | 0.00        | 14,264.66      |
| 510100 SPECIAL ASSESSMENTS                | 8,545.72     | 0.00       | 0.00      | 0.00        | 8,545.72       |
| 510300 ORDINANCE CODIFICATION/CONSULTANTS | 0.00         | 0.00       | 0.00      | 0.00        | 0.00           |
| 510330 Comprehensive Liability Insurance  | 83,570.22    | 0.00       | 2,178.04  | ( 2,178.04) | 81,392.18      |
| 510620 TERMINATION COSTS                  | 0.00         | 0.00       | 0.00      | 0.00        | 0.00           |
| 521000 INTERFUND OPERATING TRANSFERS OUT  | 468,000.00   | 0.00       | 0.00      | 0.00        | 468,000.00     |
| Total EXPENDITURES                        | 2,190,430.91 | 199,483.12 | 11,466.06 | 188,017.06  | 2,378,447.97   |

Revenue less Expenditures Current Month 37,979.20

Revenue less Expenditures Year to Date ( 60,360.26)

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CITY OF COLUMBIA FALLS  
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5210 WATER ENTERPRISE FUND

|                                            | Beginning    | Debit     | Credit    | Net Change | Ending Balance |
|--------------------------------------------|--------------|-----------|-----------|------------|----------------|
| REVENUE                                    |              |           |           |            |                |
| 331991 CARES GRANT REIMBURSEMENT           | 1,467.76     | 0.00      | 0.00      | 0.00       | 1,467.76       |
| 334122 DNRC Grant                          | 110,655.00   | 0.00      | 0.00      | 0.00       | 110,655.00     |
| 343020 Water Administration Fee            | 0.00         | 0.00      | 0.00      | 0.00       | 0.00           |
| 343021 Metered Water Sales                 | 498,956.55   | 0.00      | 44,455.02 | 44,455.02  | 543,411.57     |
| 343022 Water Testing Charge - 75-6-108     | 4,310.00     | 0.00      | 0.00      | 0.00       | 4,310.00       |
| 343024 Sale of Materials, Supplies & Misc. | 21,802.10    | 0.00      | 393.26    | 393.26     | 22,195.36      |
| 343025 Water Permit Fees                   | 749.99       | 50.00     | 0.00      | ( 50.00 )  | 699.99         |
| 343026 Water Connection Fees/New           | 4,854.99     | 150.00    | 175.00    | 25.00      | 4,879.99       |
| 343027 Repairs/Materials & Supplies        | 15,225.08    | 0.00      | 0.00      | 0.00       | 15,225.08      |
| 343028 Late Charges/Disconnect &           | 5,935.20     | 0.00      | 708.61    | 708.61     | 6,643.81       |
| 362000 Refunds, Rebates, Dividends         | 1,368.78     | 0.00      | 0.00      | 0.00       | 1,368.78       |
| 363020 Special Assmts - Bond P&I           | 0.00         | 0.00      | 0.00      | 0.00       | 0.00           |
| 366000 Miscellaneous                       | 6,665.00     | 0.00      | 0.00      | 0.00       | 6,665.00       |
| 371010 Investment Earnings                 | 2,524.13     | 0.00      | 488.55    | 488.55     | 3,012.68       |
| 381070 Proceeds from Loans                 | 257,442.00   | 0.00      | 0.00      | 0.00       | 257,442.00     |
| 383000 Interfund Operating Transfer        | 1,499,563.00 | 0.00      | 0.00      | 0.00       | 1,499,563.00   |
| Total REVENUE                              | 2,431,519.58 | 200.00    | 46,220.44 | 46,020.44  | 2,477,540.02   |
| EXPENDITURES                               |              |           |           |            |                |
| 430500 Water Operating                     | 2,305,697.27 | 31,406.64 | 163.76    | 31,242.88  | 2,336,940.15   |
| 430560 Administration                      | 61,196.23    | 6,402.35  | 21.57     | 6,380.78   | 67,577.01      |
| 430570 Water Customer Accounting &         | 38,648.39    | 4,762.04  | 7.84      | 4,754.20   | 43,402.59      |
| 490210 Revenue Bonds, Series 2005          | 15,653.75    | 0.00      | 0.00      | 0.00       | 15,653.75      |
| 490220 Water Revenue Bonds Series 2020     | 13,180.47    | 0.00      | 0.00      | 0.00       | 13,180.47      |
| 510330 Comprehensive Liability Insurance   | 13,421.25    | 0.00      | 0.00      | 0.00       | 13,421.25      |
| 510400 Depreciation                        | 0.00         | 0.00      | 0.00      | 0.00       | 0.00           |
| Total EXPENDITURES                         | 2,447,797.36 | 42,571.03 | 193.17    | 42,377.86  | 2,490,175.22   |
| Revenue less Expenditures Current Month    |              |           |           |            | 3,642.58       |
| Revenue less Expenditures Year to Date (   |              |           |           |            | 12,635.20)     |

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Revenue/Expenditure Ledger  
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5310 SEWER ENTERPRISE FUND

|                                                     | Beginning  | Debit     | Credit    | Net Change | Ending Balance |
|-----------------------------------------------------|------------|-----------|-----------|------------|----------------|
| REVENUE                                             |            |           |           |            |                |
| 331991 CARES GRANT REIMBURSEMENT                    | 1,627.88   | 0.00      | 0.00      | 0.00       | 1,627.88       |
| 343030 Sewer Administrative Fees                    | 0.00       | 0.00      | 0.00      | 0.00       | 0.00           |
| 343031 Sewer Service Charges                        | 710,621.42 | 463.00    | 79,422.90 | 78,959.90  | 789,581.32     |
| 343032 Sewer Connection Fees/New                    | 1,875.00   | 0.00      | 0.00      | 0.00       | 1,875.00       |
| 343033 Sewer Permit Fees                            | 650.00     | 0.00      | 0.00      | 0.00       | 650.00         |
| 343035 Sale of Materials, Supplies & Misc.          | 557.72     | 0.00      | 70.34     | 70.34      | 628.06         |
| 343038 Disposal Fee Agreements                      | 11,029.24  | 0.00      | 5,945.45  | 5,945.45   | 16,974.69      |
| 362000 Refunds, Rebates, Dividends                  | 4,102.57   | 0.00      | 0.00      | 0.00       | 4,102.57       |
| 363020 Special Assmts - Bond P&I                    | 0.00       | 0.00      | 0.00      | 0.00       | 0.00           |
| 371010 Investment Earnings                          | 3,590.01   | 0.00      | 864.81    | 864.81     | 4,454.82       |
| Total REVENUE                                       | 734,053.84 | 463.00    | 86,303.50 | 85,840.50  | 819,894.34     |
| EXPENDITURES                                        |            |           |           |            |                |
| 430600 Sewer Operating                              | 320,299.15 | 65,786.67 | 247.43    | 65,539.24  | 385,838.39     |
| 430610 Sewer Administration                         | 61,140.70  | 6,402.10  | 21.57     | 6,380.53   | 67,521.23      |
| 430670 Sewer Customer Accounting &                  | 38,693.28  | 4,760.57  | 7.84      | 4,752.73   | 43,446.01      |
| 490215 Revenue Bonds, Series 2009                   | 23,211.25  | 0.00      | 0.00      | 0.00       | 23,211.25      |
| 510330 Comprehensive Liability Insurance            | 31,425.45  | 0.00      | 0.00      | 0.00       | 31,425.45      |
| 510400 Depreciation                                 | 0.00       | 0.00      | 0.00      | 0.00       | 0.00           |
| Total EXPENDITURES                                  | 474,769.83 | 76,949.34 | 276.84    | 76,672.50  | 551,442.33     |
| Revenue less Expenditures Current Month             |            |           |           |            | 9,168.00       |
| Revenue less Expenditures Year to Date              |            |           |           |            | 268,452.01     |
| Grand Total Revenue less Expenditures Current Month |            |           |           |            | 50,789.78      |
| Grand Total Revenue less Expenditures Year to Date  |            |           |           |            | 195,456.55     |

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CITY OF COLUMBIA FALLS  
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| Fund/Account                                                    | Beginning<br>Balance | Received   | Transfers<br>In | Disbursed | Transfers<br>Out | Ending<br>Balance |
|-----------------------------------------------------------------|----------------------|------------|-----------------|-----------|------------------|-------------------|
| <b>1000 GENERAL FUND</b>                                        |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                                    | 352,206.15           | 235,605.14 | 136.58          | 0.01      | 185,016.62       | 402,931.24        |
| 102000 CASH - RESERVE                                           | 710,559.00           | 0.00       | 0.00            | 0.00      | 0.00             | 710,559.00        |
| 102015 Cash-Restricted for                                      | 24,183.56            | 0.00       | 0.00            | 0.00      | 0.00             | 24,183.56         |
| 102200 CASH - RESTRICTED DONATIONS                              | 1,000.00             | 0.00       | 0.00            | 0.00      | 0.00             | 1,000.00          |
| 103000 CASH - CHANGE FUND/PETTY CASH                            | 200.00               | 0.00       | 0.00            | 0.00      | 0.00             | 200.00            |
| Total Fund                                                      | 1,088,148.71         | 235,605.14 | 136.58          | 0.01      | 185,016.62       | 1,138,873.80      |
| <b>2310 TAX INCREMENT DISTRICT FUND</b>                         |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                                    | 703,047.13           | 4,103.84   | 0.00            | 0.00      | 0.00             | 707,150.97        |
| 102000 CASH - RESERVE                                           | 231,847.00           | 0.00       | 0.00            | 0.00      | 0.00             | 231,847.00        |
| Total Fund                                                      | 934,894.13           | 4,103.84   |                 |           |                  | 938,997.97        |
| <b>2311 TEDD-INDUSTRIAL PARK</b>                                |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                                    | 746.12               | 3.56       | 0.00            | 0.00      | 0.00             | 749.68            |
| 102000 CASH - RESERVE                                           | 5,642.00             | 0.00       | 0.00            | 0.00      | 0.00             | 5,642.00          |
| Total Fund                                                      | 6,388.12             | 3.56       |                 |           |                  | 6,391.68          |
| <b>2372 PERMISSIVE MEDICAL LEVY</b>                             |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                                    | 27,801.43            | 1,133.66   | 0.00            | 0.00      | 0.00             | 28,935.09         |
| 102000 CASH - RESERVE                                           | 2,389.00             | 0.00       | 0.00            | 0.00      | 0.00             | 2,389.00          |
| Total Fund                                                      | 30,190.43            | 1,133.66   |                 |           |                  | 31,324.09         |
| <b>2394 BUILDING CODE ENFORCEMENT FUND</b>                      |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                                    | 168.80               | 46,830.37  | 0.00            | 0.00      | 8,058.54         | 38,940.63         |
| 102000 CASH - RESERVE                                           | 165,027.00           | 0.00       | 0.00            | 0.00      | 0.00             | 165,027.00        |
| Total Fund                                                      | 165,195.80           | 46,830.37  |                 |           | 8,058.54         | 203,967.63        |
| <b>2400 SPECIAL LIGHTING DISTRICT FUND</b>                      |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                                    | 20,999.90            | 222.79     | 0.00            | 0.00      | 2,678.78         | 18,543.91         |
| 102000 CASH - RESERVE                                           | 10,943.00            | 0.00       | 0.00            | 0.00      | 0.00             | 10,943.00         |
| Total Fund                                                      | 31,942.90            | 222.79     |                 |           | 2,678.78         | 29,486.91         |
| <b>2500 SPECIAL STREET MAINTENANCE DISTRICT FUND</b>            |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                                    | 102,327.43           | 1,357.58   | 8.25            | 0.00      | 27,319.94        | 76,373.32         |
| 102000 CASH - RESERVE                                           | 86,000.00            | 0.00       | 0.00            | 0.00      | 0.00             | 86,000.00         |
| Total Fund                                                      | 188,327.43           | 1,357.58   | 8.25            |           | 27,319.94        | 162,373.32        |
| <b>2700 CEDAR CREEK TRUST</b>                                   |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                                    | 152,752.18           | 603.01     | 0.00            | 0.00      | 0.00             | 153,355.19        |
| 102030 Cash/Investments-Restricted                              | 929,156.74           | 0.00       | 0.00            | 0.00      | 0.00             | 929,156.74        |
| Total Fund                                                      | 1,081,908.92         | 603.01     |                 |           |                  | 1,082,511.93      |
| <b>2820 GAS TAX FUND</b>                                        |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                                    | 8,639.98             | 8,121.76   | 0.00            | 0.00      | 2,409.00         | 14,352.74         |
| <b>2821 Special Road/Street Allocation Program</b>              |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                                    | 113,991.28           | 0.00       | 0.00            | 0.00      | 0.00             | 113,991.28        |
| <b>2917 CRIME VICTIMS ASSISTANCE FUND</b>                       |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                                    | 0.00                 | 406.00     | 0.00            | 0.00      | 406.00           | 0.00              |
| <b>2940 CDBG-HOME INVESTMENT PARTNERSHIP PROGRAM GRANT FUND</b> |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                                    | 128,135.00           | 0.00       | 0.00            | 0.00      | 0.00             | 128,135.00        |
| <b>3020 GO Street Improvements</b>                              |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                                    | -11,023.70           | 446.87     | 0.00            | 0.00      | 0.00             | -10,576.83        |
| 102000 CASH - RESERVE                                           | 43,000.00            | 0.00       | 0.00            | 0.00      | 0.00             | 43,000.00         |
| Total Fund                                                      | 31,976.30            | 446.87     |                 |           |                  | 32,423.17         |

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| Fund/Account                                       | Beginning<br>Balance | Received   | Transfers<br>In | Disbursed | Transfers<br>Out | Ending<br>Balance |
|----------------------------------------------------|----------------------|------------|-----------------|-----------|------------------|-------------------|
| 3534 SID 34 FUND - 5th Avenue Water Main           |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                       | 3,172.89             | 1.99       | 0.00            | 0.00      | 0.00             | 3,174.88          |
| 102000 CASH - RESERVE                              | 398.00               | 0.00       | 0.00            | 0.00      | 0.00             | 398.00            |
| Total Fund                                         | 3,570.89             | 1.99       |                 |           |                  | 3,572.88          |
| 3536 SID 36 FUND - Talbott & 4th Avenue Water Main |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                       | 1,915.38             | 1.92       | 0.00            | 0.00      | 0.00             | 1,917.30          |
| 102000 CASH - RESERVE                              | 1,521.00             | 0.00       | 0.00            | 0.00      | 0.00             | 1,521.00          |
| Total Fund                                         | 3,436.38             | 1.92       |                 |           |                  | 3,438.30          |
| 3538 SID 38 FUND - Riverwood                       |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                       | 3,133.86             | 11.22      | 0.00            | 0.00      | 0.00             | 3,145.08          |
| 102010 CASH - SID RESTRICTED BOND                  | 17,000.00            | 0.00       | 0.00            | 0.00      | 0.00             | 17,000.00         |
| Total Fund                                         | 20,133.86            | 11.22      |                 |           |                  | 20,145.08         |
| 4000 CAPITAL PROJECTS FUND - Building Improvements |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                       | 204,868.18           | 130.00     | 0.00            | 0.00      | 0.00             | 204,998.18        |
| 102000 CASH - RESERVE                              | 28,368.00            | 0.00       | 0.00            | 0.00      | 0.00             | 28,368.00         |
| Total Fund                                         | 233,236.18           | 130.00     |                 |           |                  | 233,366.18        |
| 4010 CAPITAL PROJECTS FUND - Parks Improvements    |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                       | 118,173.73           | 183,521.36 | 0.00            | 0.00      | 439.93           | 301,255.16        |
| 102000 CASH - RESERVE                              | 185,883.00           | 0.00       | 0.00            | 0.00      | 0.00             | 185,883.00        |
| Total Fund                                         | 304,056.73           | 183,521.36 |                 |           | 439.93           | 487,138.16        |
| 4020 CAPITAL PROJECTS FUND - General Equipment     |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                       | -16,399.43           | 110.18     | 0.00            | 0.00      | 5,199.64         | -21,488.89        |
| 102000 CASH - RESERVE                              | 219,272.00           | 0.00       | 0.00            | 0.00      | 0.00             | 219,272.00        |
| Total Fund                                         | 202,872.57           | 110.18     |                 |           | 5,199.64         | 197,783.11        |
| 4040 CAPITAL PROJECTS FUND - Street Construction   |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                       | 482,923.86           | 318.01     | 0.00            | 0.00      | 0.00             | 483,241.87        |
| 102016 CASH-RESTRICTED RR STREET                   | 87,639.35            | 0.00       | 0.00            | 0.00      | 0.00             | 87,639.35         |
| Total Fund                                         | 570,563.21           | 318.01     |                 |           |                  | 570,881.22        |
| 5210 WATER ENTERPRISE FUND                         |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                       | 161,167.68           | 54,218.78  | 0.00            | 0.00      | 44,168.73        | 171,217.73        |
| 102222 CASH - Bond Reserve, 2005                   | 35,308.00            | 0.00       | 0.00            | 0.00      | 0.00             | 35,308.00         |
| 102223 CASH - Bond Reserve, 2020                   | 21,863.00            | 0.00       | 0.00            | 0.00      | 0.00             | 21,863.00         |
| 102230 CASH - Surplus Capital                      | 261,733.25           | 0.00       | 0.00            | 0.00      | 0.00             | 261,733.25        |
| 102240 CASH - Replacement &                        | 386,754.00           | 0.00       | 0.00            | 0.00      | 0.00             | 386,754.00        |
| 103000 CASH - CHANGE FUND/PETTY CASH               | 150.00               | 0.00       | 0.00            | 0.00      | 0.00             | 150.00            |
| Total Fund                                         | 866,975.93           | 54,218.78  |                 |           | 44,168.73        | 877,025.98        |
| 5211 WATER CAPITAL EXPANSION                       |                      |            |                 |           |                  |                   |
| 102230 CASH - Surplus Capital                      | 234,980.51           | 130.97     | 0.00            | 0.00      | 0.00             | 235,111.48        |
| 5310 SEWER ENTERPRISE FUND                         |                      |            |                 |           |                  |                   |
| 101000 CASH/CASH EQUIVALENTS                       | 268,672.07           | 97,268.56  | 2,469.75        | 2.30      | 67,752.97        | 300,655.11        |
| 102225 Cash-Bond Reserve - 2009 Series             | 72,111.25            | 0.00       | 0.00            | 0.00      | 0.00             | 72,111.25         |
| 102230 CASH - Surplus Capital                      | 313,893.54           | 0.00       | 0.00            | 0.00      | 0.00             | 313,893.54        |
| 102235 CASH - Restricted WWT                       | 481,734.52           | 0.00       | 0.00            | 0.00      | 0.00             | 481,734.52        |
| 102240 CASH - Replacement &                        | 383,940.00           | 0.00       | 0.00            | 0.00      | 0.00             | 383,940.00        |
| 103000 CASH - CHANGE FUND/PETTY CASH               | 150.00               | 0.00       | 0.00            | 0.00      | 0.00             | 150.00            |
| Total Fund                                         | 1,520,501.38         | 97,268.56  | 2,469.75        | 2.30      | 67,752.97        | 1,552,484.42      |

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CITY OF COLUMBIA FALLS  
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| Fund/Account                             | Beginning<br>Balance | Received   | Transfers<br>In | Disbursed  | Transfers<br>Out | Ending<br>Balance |
|------------------------------------------|----------------------|------------|-----------------|------------|------------------|-------------------|
| 5311 SEWER CAPITAL EXPANSION             |                      |            |                 |            |                  |                   |
| 102230 CASH - Surplus Capital            | 1,039,181.00         | 579.20     | 0.00            | 0.00       | 0.00             | 1,039,760.20      |
| 7120 FIRE RELIEF DISABILITY/PENSION FUND |                      |            |                 |            |                  |                   |
| 101000 CASH/CASH EQUIVALENTS             | 269.65               | 14,740.00  | 3.37            | 0.00       | 272.98           | 14,740.04         |
| 7196 FLEXIBLE SPENDING ACCOUNT           |                      |            |                 |            |                  |                   |
| 105100 Amount held by Flex Plan          | 7,406.45             | 0.00       | 0.00            | 3,774.96   | 0.00             | 3,631.49          |
| 7910 PAYROLL FUND                        |                      |            |                 |            |                  |                   |
| 101000 CASH/CASH EQUIVALENTS             | -5,079.76            | 3,339.00   | 202,794.15      | 219,752.81 | 0.00             | -18,699.42        |
| 7930 CLAIMS FUND                         |                      |            |                 |            |                  |                   |
| 101000 CASH/CASH EQUIVALENTS             | 3,794.17             | 0.00       | 138,311.03      | 140,576.14 | 0.00             | 1,529.06          |
| Totals                                   | 8,815,638.15         | 653,205.77 | 343,723.13      | 364,106.22 | 343,723.13       | 9,104,737.70      |

\*\*\* Transfers In and Transfers Out columns should match. There are a couple exceptions to this: 1) Canceled Electronic Checks and 2) Payroll Journal Vouchers that include local deductions set up with receipt accounting. Please see cash reconciliation procedure in manual or call for more details.

**Columbia Falls Police Department  
Monthly Activity Report  
March 2021**

| <b>Police</b>                    | <b>March</b> |             |             |             |             | <b>5 Year<br/>Average</b> |
|----------------------------------|--------------|-------------|-------------|-------------|-------------|---------------------------|
|                                  | <b>2021</b>  | <b>2020</b> | <b>2019</b> | <b>2018</b> | <b>2017</b> |                           |
| Arrests (Total)                  | 35           | 19          | 37          | 33          | 45          | 34                        |
| Adult                            | 27           | 13          | 23          | 26          | 39          | 26                        |
| Juvenile                         | 8            | 6           | 14          | 7           | 6           | 8                         |
| Accidents Investigated           | 6            | 7           | 10          | 19          | 10          | 10                        |
| Stolen Property (Value)          | 16543        | 1030        | 1950        | 124         | 3759        | 4681                      |
| Stolen Property (Recovered)      | 7100         | 0           | 40          | 0           | 35          | 1435                      |
| Criminal Mischief (Incidents)    | 4            | 1           | 1           | 4           | 3           | 3                         |
| Damage Amount                    | 750          | 200         | 25          | 100         | 307         | 276                       |
| Misdemeanor Citations Issued     | 128          | 57          | 92          | 107         | 197         | 116                       |
| Traffic Offenses                 | 104          | 51          | 74          | 89          | 180         | 100                       |
| Cell Phone Viol.                 | 13           | 5           | 4           | 0           | 5           | 5                         |
| DUI Offenses                     | 1            | 3           | 0           | 4           | 10          | 4                         |
| Drug Offenses                    | 2            | 1           | 5           | 5           | 4           | 3                         |
| Traffic Stops                    | 211          | 84          | 189         | 187         | 214         | 177                       |
| Court Fines and Forfeitures      | 23535        | 11292       | 11023       | 18972       | 16394       | 16243                     |
| Miles Patrolled                  | 8756         | 6305        | 6941        | 5628        | 7396        | 7005                      |
| 911 Phone Calls                  | 138          | 60          | 98          | 80          | 81          | 91                        |
| Incident Reports                 | 923          | 686         | 765         | 736         | 867         | 795                       |
| Domestic Abuse/Assault/Disordely | 38           | 23          | 25          | 23          | 26          | 27                        |
| Felony Investigations            | 7            | 3           | 8           | 3           | 6           | 5                         |
| Business Checks                  | 63           | 51          | 47          | 70          | 49          | 56                        |
| Welfare Checks                   | 14           | 14          | 6           | 7           | 8           | 10                        |
| Citizen Assist                   | 43           | 55          | 86          | 53          | 79          | 63                        |
| Agency Assist                    | 43           | 38          | 41          | 45          | 81          | 50                        |

**CITY OF COLUMBIA FALLS  
CORRESPONDENCE LIST  
COUNCIL MEETING  
April 19, 2021**

04/07/2021 Letter from the Arbor Day Foundation - Congratulating Columbia Falls on earning recognition as Tree City USA.

04/12/2021 Letter from DEQ – RE: Written Response for City of Columbia Falls, Pollutant Discharge Elimination System (MPDES) Permit No. MT0020036: City of Columbia Falls WWTP.