

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Health Resources and Services Administration**

Healthcare Systems Bureau

Health Care and Other Facilities

***Health Care and Other
Facilities Awards
(HRSA-05-144)***

Catalog of Federal Domestic Assistance (CFDA) No. 93.887

***NEW CONGRESSIONAL INITIATIVES GUIDANCE
Fiscal Year 2005***

Application Due Date: refer to notification letter

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Foreword

Funds covered in this New Congressional Initiatives Guidance are made available through the Department of Health and Human Services Appropriations Act, FY 2005. Funds awarded will provide for infrastructure development and improvements to health care and related facilities through construction, renovation and equipment projects. As you are planning your project, we encourage you to consider bioterrorism infrastructure needs, such as enhanced isolation capacity, decontamination, infection control capabilities, or other projects that have components which address bioterrorism and emergency preparedness requirements.

List of Common Acronyms in Program Guidance

A/E-	Architectural/Engineering
AIA -	American Institute of Architects
BPHC -	Bureau of Primary Health Care
CFDA -	Catalog of Federal Domestic Assistance
DES -	Division of Engineering Services
DFCR -	Division of Facilities Compliance and Recovery
DGMO -	Division of Grants Management Operations
DHHS -	Department of Health and Human Services
DUNS -	Data Universal Numbering System
GAC -	Grants Application Center
HRSA -	Health Resources and Service Administration
NFI -	Notice of Federal Interest
OFAM -	Office of Federal Assistance Management
OMB -	Office of Management and Budget
PHS -	Public Health Service
PMS -	Payment Management System
PSC -	Program Support Center
SHPO -	State Historic Preservation Officer
HSB -	Healthcare Systems Bureau
SPOC -	State Single Point of Contact
THPO -	Tribal Historic Preservation Officer

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I. FUNDING OPPORTUNITY DESCRIPTION

1. Background

Since 1998, assistance provided under HHS appropriations has supported the construction, renovation and equipment needs at facilities such as hospitals, outpatient clinics, skilled nursing facilities, university academic programs, health departments, trauma care centers, drug abuse centers, research centers, etc.

2. Purpose

The Division of Facilities Compliance and Recovery (DFCR) within the Health Resources and Services Administration (HRSA) administers the “Health Care and Other Facilities” (HCOF) construction program. These funds are non-competitive and are specifically designated by Congress each year in the annual Department of Health and Human Services appropriation.

Applications may be submitted for:

- (1) Renovation or new construction,
- (2) construction projects for which Federal assistance is limited to “design only”,
- (3) construction/renovation/moveable equipment, and
- (4) moveable equipment only.

Funding is limited to only earmarked entities identified in the annual HRSA Appropriation.
No other applicants will be considered.

The purpose of this guide is to provide applicants with written guidance to complete the required forms and take the necessary steps to satisfy the requirements in order to receive Federal funds. Applicants should utilize the “HCOF Checklist” provided in this guide (see page 9) to ensure that all application requirements are addressed. **Applicants should use the Simplified Application Instructions outlined in this guide (see page 10) to complete the PHS Form 5161-1.** This guide is not designed to be all inclusive but rather provide information necessary to successfully fulfill the application requirements.

HCOF Federal Funding Requirements by Project Type

Equipment Only:	Construction/Renovation and Construction/Renovation/Equipment:	Design Only:
The General PHS Form 5161-1 (<i>see page 10</i>)	The General PHS Form 5161-1 (<i>see page 10</i>)	The General PHS Form 5161-1 (<i>see page 10</i>)
Itemized Equipment List	Itemized Equipment List (if applicable)	
	Submit an application to the Division of Engineering Services (DES).	Submit an application to the Division of Engineering Services (DES).
	Review and documented approval from the State Historic Preservation Officer/Tribal Historic Preservation Officer.	Review and documented approval from the State Historic Preservation Officer/Tribal Historic Preservation Officer.
	Completion of an Environmental Analysis.	Completion of an Environmental Analysis.
	Provide documented proof of title/lease information.	
	Adhere to Federal Construction Requirements.	
	Schematic Designs	
	Notice of Federal Interest (if meets criteria)	
	Abide by E.O. 13202 and 13208 (Preservation of Open Competition)	

II. AWARD INFORMATION

1. Summary of Funding

The HCOF program will provide funding during Federal fiscal year 2005. Approximately \$400 million is expected to be available to fund approximately 750 projects specifically EARMARKED in the FY 2005 Congressional Appropriation Bill.

III. ELIGIBILITY INFORMATION

1. Eligible Applicants

Eligible applicants are those projects specifically EARMARKED in the Congressional Appropriation Bill.

2. Cost Sharing/Matching

There are no matching requirements.

IV. APPLICATION AND SUBMISSION INFORMATION

1. Address to Request Application Package

Application Materials

Applicants must submit proposals using Public Health Service (PHS) Application Form 5161-1. The forms may be obtained from the following site:

<http://www.hrsa.gov/grants/forms.htm>.

However, much of this generic application does not need to be filled out for the HCOF earmarks. Applicants should only provide information for the sections identified in the Simplified Application Instructions (see page 10).

2. Content and Form of Application Submission

Application Format Requirements

The Program Narrative may not exceed 10 pages in length. Pages must be numbered consecutively.

A. Number of Copies

Submit one (1) original and one (1) unbound copy to the GAC. Applications may also be submitted electronically to HRSA (see page 20). In addition to submitting an application to the GAC, one (1) copy should be sent to the DES, if applicable (see page 61) and one copy should be sent to the Single Point of Contact (SPOC) if applicable (page 21). Please do not bind or staple the application. The application must be single sided.

B. Font

Please use an easily readable typeface, such as Times Roman, Courier, CG Times, or Arial. The text and table portions of the application must be submitted in not less than 12 point and 1.0 line spacing. Applications not adhering to 12-point font requirements may be returned.

C. Paper Size and Margins

For scanning purposes, please submit the application on 8 ½” x 11” white paper. Margins must be at least one (1) inch at the top, bottom, left and right of the paper. Please left-align text.

D. Numbering

Please number the pages of the application sequentially from page 1 (face page) to the end of the application, including charts, figures, tables, and appendices.

E. Names

Please include the name of the applicant on each page.

F. Section Headings

Please put all section headings flush left in bold type.

3. Application Format

To expedite the review of your application, arrange your application in the order of the HCOF Complete Application Checklist outlined below. Incomplete applications may be delayed for review until all necessary components of the application are received.

HCOF Complete Award Application Checklist

	Face Sheet—Standard Form 424
	Budget Page—Standard Form 424(c) BUDGET INFORMATION – CONSTRUCTION PROGRAMS
	Construction Assurances—Standard Form 424D
	Certifications, (pages 17-19 of Form PHS 5161)
	Project Summary Page—summary of Program Narrative- (Not to exceed 1 page)
	Program Narrative -Include information if the Project will not meet the Preservation of Open Competition requirement – (Not to exceed 10 pages). (See pages 44- 48)
	PHS Checklist from Form PHS 5161, (pages 25-26 of Form PHS 5161)
	Budget Justification
	Itemized Equipment List
	The applicant’s assurance that it has a capitalization policy (if the unit cost of equipment items is less than \$5,000) – See page 18.
	Information Regarding the Property (Title/Lease) ¹ <i>(See page 39)</i>
	Environmental Impact Analysis Checklist ² <i>(See page 28)</i>
	Proposed method of financing the non-Federal share (Discuss in the Program Narrative)
	Schematic Drawings ¹ (See page 23)
	Published Notice ² (See page 40)
	Cultural Resource Assessment, Historic Preservation (HP) Section 106 Review ² (See page 40)
	¹ <i>Not needed for equipment only or design only projects.</i> ² <i>Not needed for equipment only projects.</i>

4. **PHS Form 5161-1 – Simplified Application Instructions**
(For both equipment only and construction-related projects)

Only part of the instructions included in the PHS Form 5161-1 should be followed for the HCOF application. To complete the PHS Form 5161-1, follow the simplified instructions below:

A. General Information and Instructions

Page 2 – # 2, Paragraph 2 – If applying for a non-competing continuation, follow the instructions indicated in the PHS Form 5161-1 with the exception of “Information on the qualifying experience of key personnel added since the previous application” - Not applicable.

Page 2 – #3 & #4 - Not applicable.

Page 2 – Project Development – “When applicable, comments must be sought from State Single Points of Contact ... (see page 21).”

Page 3 – With the exception of the PRIVACY ACT, this page is not applicable to this program.

B. Application for Federal Assistance (SF 424) (Face Page)

Follow the instructions provided on the **Instructions for the SF 424** page. Please note:

DUNS Number - All applicant organizations are now required to have a Data Universal Numbering System (DUNS) number in order to apply for an award from the Federal Government. The DUNS number is a unique nine-character identification number provided by the commercial company, Dun and Bradstreet. There is no charge to obtain a DUNS number. Information about a DUNS number can be obtained at <http://www.hrsa.gov/grants/preview/dunscr.htm>, or by calling 1-866-705-5711.

Please include the DUNS number next to the OMB Approval Number on the application face page. The application **will not** be reviewed without a DUNS number.

The applicant organization will be required to register with the Federal Government’s Central Contractor Registry (CCR) to do electronic business with the Federal <http://www.hrsa.gov/grants/preview/dunscr.htm>.

Employer Identification Number (EIN) – Enter the applicant’s nine-digit IRS taxpayer identification number used to submit the organization’s payroll taxes to the IRS. Contact the organization’s Chief Financial Officer/Accounting or Business Department to verify that this information is complete. Attach a copy of either the IRS letter identifying the EIN or a copy of the payroll tax report which displays the EIN number to this application.

The EIN with documentation is essential to establishing an account for your organization in the HHS Payment Management System (PMS).

LINE 9 – Enter “Health Resources and Services Administration.”

LINE 10 – Enter “93.887.”

LINE 11 – Indicate that the project is for one of the following: new construction, renovation, design only, or equipment only.

LINE 13 – Indicate the estimated start and end dates for the actual project (**All Notices of Award will be given a September 1 start date.** This does not prevent a facility from starting its project earlier, but it is the earliest date that funds can be drawn down. If it is critical that your facility draw down funds earlier, contact your Program Officer to discuss. The end date for the project is determined by the applicant, based on the estimated amount of time needed to complete the project. The total project period cannot exceed 5 years. No exceptions are allowed. The applicant may discuss time frames with DES before completing this section.).

LINE 15 – For 15a, only enter the amount you are to receive under the Health Care and Other Facilities (HCOF) award program. The other blocks under number 15, added with 15a, should represent total project costs. Do not fill out line 15f.

LINE 16 – see page 21.

C. Instructions for the SF 424 (Application Face Page):

Use the instructions provided in the PHS Form 5161-1 to complete the SF 424 Application Face Page.

D. SF-424A – Budget Info– Non-Construction Programs -Pages 1 & 2 - Not applicable.

E. Instructions for the SF-424A: Pages 3 & 4 - Not applicable.

F. SF-424B - Assurances – Non-Construction Programs – Not applicable.

G. SF-424C - Budget Information – Construction Programs

Please complete the Budget Information—Construction Programs (Standard Form 424c) for all projects. Equipment only projects should use Standard Form 424c as well. **DO NOT USE THE NON-CONSTRUCTION FORMS, SF 424A AND SF 424B.**

Note: Feasibility studies, program development, and operating costs are not allowable.

H. SF-424C – Instructions for the SF 424C

Follow the instructions provided below to complete the SF-424C.

Column A – Total Cost

LINE 1—Administrative and legal expense: Enter amounts needed for administrative expenses including such items as travel, legal fees, personnel and consultant costs and any other costs expected to be incurred in administering the award. Generally, administrative and legal expenses should be less than 10% of total project costs.

Include:

- Salary of applicant's staff and consultant fees that are directly related to the administration of the technical aspects of the proposed project;
- Costs of obtaining required data for the environmental analysis report; and
- Liability insurance.

Exclude:

- Salary of applicant's staff and consultant fees which are not related to the administration of the technical aspects of the proposed project;
- Bonus payments to construction contractors;
- Costs of groundbreaking and dedication ceremonies and items such as plaques;
- Indirect expenses such as general department operations and maintenance;
- Expendable office, medical, and laboratory supplies; and
- Fund-raising expenses.

LINE 2—Land, structures, right-of-way, appraisals, etc: Enter amounts directly associated with the acquisition of land, existing structures, and related right-of-way. Land or the cost of purchasing a building is not allowable. These expenses should be placed in column 2b.

LINE 3—Relocation expenses and payments: Generally, this line does not need to be filled out for the HCOF Award Program.

Include:

- Relocation payments to be made to displaced persons, business concerns and nonprofit organizations for moving expenses and replacement housing.
- Relocation advisory assistance and the net amounts for replacement (last resort) housing. This line is limited to approved applicants whose project involves the displacement of persons and businesses who must comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ((42 U.S.C. 4601 et seq.) 84 Stat.1894) and 49 CFR Part 24.

Exclude:

- Relocation administration expensed on this line should be included in Line 1.

LINE 4—Architectural and engineering basic fees: Enter basic fees for architectural and engineering services.

Include:

- Fees associated with architectural and engineering professional services;
- Associated expenses for preparation of specifications and reproduction of design documents; and
- For construction award programs, costs incurred before an award for architect's fees and consultant's fees necessary to the planning and design of the project are allowable if the project is approved and funded.

Exclude:

- Architectural and engineering fees for work that is not within the scope of the approved project. Also, costs of abandoned designs are unallowable; and
- Elaborate or extravagant designs, materials, or projects that are above the known local costs for comparable buildings.

LINE 5—Other architectural and engineering fees: Enter amounts for other architectural and engineering services, such as surveys, tests, and borings. Include preliminary expenses associated with the approved award.

LINE 6—Project inspection fees: Enter fees for inspection and audit of construction and related programs.

Include:

- Clerk-of-the-works, inspection fees, structural certification, etc., to be provided by architectural engineering firm or the applicant's staff.

Exclude:

- Fees not associated with the requested project.

LINE 7—Site Work: This line is for costs associated with the development of land where the primary purpose of the award is land improvement. The primary purpose of the HCOF award program is to create construction related projects. Therefore, no costs should be entered on this line for the HCOF award program. Site work normally associated with a construction project should be included on line 9 (construction).

LINE 8—Demolition and removal: Enter the costs of demolition or removal of structures or improvements. Reduce the costs on this line by the amount of expected proceeds from the sale of salvage. Exclude costs not associated with the requested award.

LINE 9—Construction: Enter amounts for the actual construction of, addition to, or renovation of a facility. Also include in this category the amounts for project improvements, such as sewers, streets, landscaping, and lighting. Reasonable costs for necessary items attributable to construction are considered “allowable costs” for Federal funding. The following samples are allowable post-award costs.

Include:

- Costs of fixed equipment necessary for the functioning of the facility. **FIXED EQUIPMENT** is equipment, the cost of which is included in the construction contract, which requires modification of the facility for its satisfactory installation or removal. Examples of fixed equipment include but are not limited to the following:

fume hoods
linear accelerator
laboratory casework
sinks
fixed shelving

sterilizers (built-in units)
lavatories, water closets, and showers
refrigerators (built-in-type)
drinking fountains

- Costs of constructing new building(s) to be used for the program. This includes costs of materials and labor within the local range of comparable buildings;
- Construction costs for expansion, remodeling, and alteration of existing buildings, which will be used for the program;
- Sanitary sewer, storm sewer, and portable water connections, providing that such municipal utilities are located in streets, roads, and alleys contiguous to the site;
- Costs of connecting to existing central utility distribution systems contiguous to the site, such as steam and chilled water that service a campus from centrally located boiler and refrigeration plants. Prorated costs for new boilers and chillers to serve the proposed facility are acceptable;
- Site clearance, grading, land improvement costs, including reasonable costs for landscaping, sidewalks, drives, and parking areas which are located on the site and are essential for the use and operation of an approved project. Reasonable landscaping costs for seeding, sodding, and other plant materials are also allowable;
- Special features for earthquake resistance code requirements. Use nationally recognized codes adopted by authorities having jurisdiction;
- Costs of eliminating architectural barriers to the handicapped; and
- Costs of pollution control equipment for the facility’s boilers, incinerators, waste water treatment, etc., which may be required by local, State, or Federal regulations. The facility must meet requirements of both current and future pollution abatement regulations as described in currently approved pollution plans.

Exclude:

- Relocation of utilities that are off site and off site improvements;
- Prorated cost of existing central utility plant and distribution systems, which serve the proposed facility; and
- Works of art

LINE 10—Equipment: Enter amounts for equipment, exclusive of fixed equipment, which is part of the construction contract.

Include:

- MOVABLE EQUIPMENT, i.e., equipment is defined as an article of non-expendable, tangible personal property having a useful life of more than 1 year and an acquisition cost which equals or exceeds the lesser of (a) the capitalization level established by the applicant for its financial statement purposes, or (b) \$5,000. Moveable equipment (Line 10 “equipment” of Form 424c) can be readily shifted from place to place without requiring a change in the utilities or structural characteristics of the space. This equipment is usually purchased outside of any construction contract. This category includes such items as video systems, moveable desks, chairs, operating and obstetrical tables, anesthesia apparatus, oxygen tents, wheeled equipment, computers with software and licenses, but does not include items that are expendable at the time of use (such as food, fuel, dressings, drugs). **All radiographic equipment, including CAT scanners and MRI-s, is considered moveable;**
- Fixed equipment if it is not part of the construction contract.

Items with a unit cost of LESS THAN \$5,000 are only allowable if the applicant submits a copy of its capitalization policy used for its financial statement purposes (see page 18 for an example) showing that it capitalizes individual items or groups of items at a specified level less than \$5,000. Items below the applicant’s capitalization policy minimum will not be allowed.

Exclude:

- Equipment that does not meet the equipment definition above;
- Donated equipment , Leased equipment, or Equipment purchased through a conditional sales contract (lease purchasing); and
- Fixed equipment, i.e., equipment that requires a change in the utilities or structural characteristics of the space and is purchased as part of the construction contract. The cost of fixed equipment that is part of the construction contract is to be included in Line 9 Construction of Form 424C.

LINE 11—Miscellaneous: Enter amounts for items not specifically mentioned above that are directly related to the project.

Exclude:

- Additional expense resulting from the rejection of an alternate bid at the start of construction and later reinstating the bid at an increased cost due to escalation. The cost of alternate bid work is allowable only up to the amount of the original bid submitted; and
- Sales taxes, Federal excise taxes and other taxes when the applicant is exempt from such taxes or is entitled to a refund by the State or Federal Government after payment.

LINE 12—Sub-total: Enter the sum of Lines 1 through 11.

LINE 13—Add Contingencies: Enter the estimated amount for contingencies. Compute this amount as follows.

The contingency fund is established to provide for some unforeseen problems. ***THE ALLOWABLE CONTINGENCY OF THIS PROGRAM IS LIMITED TO 5 PERCENT of Line 9 (Construction) and line 10 (equipment).*** However, if the facility has already awarded a construction contract, the contingency is LIMITED TO 2 PERCENT of the construction line. If the equipment is already purchased, there is no contingency for that line.

LINE 14— Subtotal: Add line 12 and line 13.

LINE 15— Project (program) income: This is not applicable to this program.

LINE 16— Total project costs: Enter the sum of Lines 12 and 13.

LINE 17— Federal assistance requested - Do not calculate the eligible cost percentage. For the amount of Federal assistance (17c), enter the amount you are to receive under the HCOF Award Program.

Column B – Costs Not Allowable for Participation

Only costs defined as non-allowable in the Program Guidance should be entered in Column B. Projects that are construction/renovation only but not requesting funding for equipment should enter on line 10a and 10b of the Form 424c the estimated or total cost of the moveable equipment and leave line 10c blank. Most applications will have no costs entered in column B. Do not include costs in Column B merely to reduce Column C to the award amount.

Column C –Total Allowable Costs--Subtract column B from column A.

I. SF-424D – Assurances – Construction Programs

(Note that equipment only projects are considered construction for the purposes of this award)

**Page 16 of the PHS-5161 - Provide the information requested and sign.
The Davis-Bacon Act listed in Item # 13 does not apply to this program.**

J. Certifications -Pages 17-19 – Provide the information requested and sign.

K. Program Narrative -Pages 21-24 – Use only the information provided below to complete this section:

DESCRIBE THE ENTIRE PROJECT, even if the award is requested for only part of the project. The program narrative can be no more than 10 pages.

If the Federal award is not expected to cover the total project cost, the applicant must describe and provide by source the dollar amount of the other sources of funding to make up the difference. Include letters of commitment from all sources. This will assure HRSA that the project can be successfully completed.

L. PHS-5161 – Checklist

Page 25-26 - Provide the information requested. Please note:

Part C - Program Director/Project Director/Principal Investigator Section - This should be completed with information on the person who will be sending monitoring reports to DFCR regarding the status of the project. The Business Official Section on the left side refers to the responsible individual for the financial management of this award. This individual should be the Chief Financial Officer, Accounting Director or the Executive Director of the organization. The Project Director is not the person who generally has financial responsibility for the organization.

On the last line of the Business Official Section there is a request for the “Applicant Organization’s 12-Digit DHHS EIN (if already assigned).” Any organization that currently has any DHHS award where it is receiving it through the Payment Management System (PMS) will already have a 12-digit DHHS EIN set up to drawdown funds. Your business or finance office will know if the organization has a PMS account and will be able to provide this number. This number will expedite the processing of your award.

M. SF-LLL - Disclosure of Lobbying Activities

Provide signed information requested (if applicable).

N. SF-LLL-A - Disclosure of Lobbying Activities Continuation Sheet

Provide the information requested (if applicable).

5. Budget Justification

The Budget Narrative/Justification must provide a written description of the method used in preparing the construction budget and address each line under column A, B and C of the Budget Page (Standard Form 424c). Describe how each item will support the achievement of proposed objectives. Provide line item information to explain the costs entered in Application Form 5161-1, Standard Form 424c. Clearly describe each cost element and explain how each cost contributes to meeting the project’s objectives/goals. Be very careful about showing how each item in the miscellaneous category is justified. The budget justification MUST be concise. Do NOT use the justification to expand the project narrative. See above for allowable costs. Discuss the reasonableness and allocation of the proposed costs.

6. Itemized Equipment List

ALL REQUESTS FOR MOVABLE EQUIPMENT MUST INCLUDE ITEMIZATION AND UNIT PRICE, e.g.,

Items	Cost	Total Cost
2 centrifuges	@ \$27,000	\$54,000
2 freezers	@ \$30,000	\$60,000
4 incubators	@ \$25,000	\$100,000
TOTAL		\$214,000

7. Capitalization Policy: Example Capitalization Policy Statement

Memorial Hospital Accounting Policy # _____

_____ New _____ Reviewed Date _____ _____ Revised Date _____

Capitalization of assets for depreciation

Any item with a value of \$400 or an aggregate of like items whose value totals \$400, with an estimated useful life of three years, will be capitalized for depreciation. Items to be depreciated will use the half-year convention in the year of acquisition and year of disposition.

Notification process for the acquisition, disposal or transfer of fixed assets:

The Accounting Department must be notified and review all disposals, transfers of assets, trade-ins, sales or other changes in asset location, statute or disposition prior to the actual asset change taking place.

Department heads will use the proper forms with Administrative approval to notify the Accounting Department of changes.

Approved by: _____

CEO

8. Submission Dates and Time:

The due date for applications will be given in the notification letter sent to earmarked entities identified in the annual HRSA Appropriation.

Applications will be considered as meeting the deadline if they are either:

- i. received on or before the due date; or
- ii. postmarked or E-marked on or before the due date.

If needed, a one-time extension for up to 30 days may be approved. Submit a written request to the appropriate Grants Management Specialist (see page 60) by fax or e-mail. Please remember that delayed submission of the application may delay the award of funds.

The Chief Grants Management Officer (CGMO) or a higher-level designee may authorize an extension of published deadlines when there are justified circumstances such as acts of God (e.g. floods or hurricanes), widespread disruptions of mail service, or other disruptions of services, such as a prolonged blackout. The authorizing official will determine the affected geographical area(s).

In the event that questions arise about meeting the application due date, applicants must have a legible dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks will not be accepted as proof of timely mailing.

Electronic Submission: Applications must be submitted by 5:00 P.M. ET. To ensure that you have adequate time to follow procedures and successfully submit the application, we recommend you start submission no later than noon on the due date. Applications submitted electronically will be time/date stamped electronically, which will serve as receipt of submission.

Upon receipt of a paper application, the Grants Application Center will mail an acknowledgement of receipt to the applicant organization's Program Director. If you do not receive this notice in 15 days, contact the Grants Application Center to find out the status of your proposal. **Do not mail anything to this address other than the proposal package unless specifically requested to do so.**

A. Submission Requirements – Application must be mailed or sent electronically

Where to mail the application:

i. **Send original and one copy to:**

The HRSA Grants Application Center
The Legin Group, Inc.
Attn: HCOF Award Program
Program Announcement # HRSA-05-144
CFDA No. 93.887
901 Russell Avenue, Suite 450
Gaithersburg, MD 20879
Telephone: 877-477-2123

ii. **Send one copy to** (Not necessary for equipment only projects):

Division of Engineering Services (See page 61)

iii. **Send one copy to:**

State Single Point of Contact (SPOC) – **if applicable**, see website on page 22 for those states using the SPOC process and their addresses. Contact the SPOC to determine what, if anything, needs to be submitted.

B. How to send the Application Electronically:

HRSA encourages applicants to submit applications electronically using the HRSA Electronic Handbooks (EHBs). To register and/or log-in to prepare your application, go to <https://grants.hrsa.gov/webexternal/home.asp>. For assistance in using the online application system, call 877-GO4-HRSA (877-464-4772) between 8:30am to 5:30pm ET, or email callcenter@hrsa.gov.

Create application narratives and spreadsheets separately and submit as attachments to the application. You will be prompted to “upload” your attachments at strategic points within the application interface. The following document types will be accepted as attachments: WordPerfect (.wpd); Microsoft Word (.doc); Microsoft Excel (.xls); Rich Text Format (.rtf); and Portable Document Format (.pdf). If there are tables that are not supported as data entry forms from within the application, download them to your hard drive, fill in and then upload as attachments with your applications. Applications submitted electronically will be time/date stamped electronically, which will serve as receipt of submission.

The standard forms, such as PHS Form SF-5161, must be completed on line.

Online applications are required to submit **ONLY** one form in signed hard copy: the SF-424/5161 Face Sheet, since that all other elements of the application have been captured and transmitted electronically.

Formal submission of the electronic application: Applications completed online are considered formally submitted when the Authorizing Official electronically submits the application to HRSA. However, to complete the submission requirements, a hard-copy of the SF-424/5161 Face Sheet must be printed, signed, and submitted to the HRSA Grants Application Center. The SF-424 can be printed from the online application.

For an online application, the signed SF-424/5161 must be sent to the HRSA GRANTS APPLICATION CENTER at the above address and received by HRSA by no later than five days after the due date indicated in the cover letter.

Applications will be considered as having met the deadline if: (1) the application has been successfully transmitted electronically by your organization's Authorizing Official on or before the deadline date and time, and (2) the signed SF-424 Face Sheet is received by HRSA no later than five days after the deadline date.

REMINDER: Only applicants who apply online are permitted to forego hard-copy submission of all application forms EXCEPT the signed SF-424 Face Sheet.

If the application is submitted as a hard-copy, the rules of submission as described in Section I of this guidance must be followed.

To look for funding opportunities, go to <http://www.hrsa.gov/grants> and follow the links. Information on grant opportunities both within HRSA and in other Federal agencies is also available through <http://www.grants.gov>, the official E-Grants website where applicants can find and apply for federal funding opportunities.

PLEASE NOTE THAT IT USUALLY TAKES ABOUT TWO WEEKS PROCESSING TIME BEFORE OUR SYSTEM CAN ACCEPT AN ELECTRONIC APPLICATION, SO PLEASE ALLOW ADEQUATE LEAD TIME.

9. Intergovernmental Review

Executive Order 12372/ State Single Point of Contact: Health Care and Other Facilities is a program subject to the provisions of Executive Order 12372, as implemented by 45 CFR 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. Application packages made available under this guidance will contain a listing of States, which have chosen to set up such a review system, and will provide a State Single Point of Contact (SPOC) for the review. Information on states affected by this program and State

Points of Contact may also be obtained from the Grants Management Officer listed in the AGENCY Contact(s) section, as well as from the following Web site:
<http://www.whitehouse.gov/omb/grants/spoc.html>.

All applicants other than federally recognized Native American Tribal Groups should contact their SPOC as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process used under this Executive Order.

Letters from the State Single Point of Contact (SPOC) in response to Executive Order 12372 are due sixty days after the application due date.

10. **Funding Restrictions** funding is limited to only earmarked entities identified in the HHS appropriation.

11. **Additional Application Requirements For Construction-Related Projects**

For renovation, new construction, and design only projects there are several additional requirements that an applicant must meet. In addition to completing the PHS Form 5161-1 applicants have to complete all tasks outlined in the table below. These include: (1) Filing a Notice of Federal Interest, which prohibits the mortgaging or selling of the project assets without HHS permission; (2) Submitting an Environmental Analysis checklist; (3) Adhering to Federal Construction Requirements; (4) Provide title/lease information; (5) Drawing down award funds as project costs are incurred in the same proportion as the award is to the projected total project cost; (6) Providing documented approval from the from State and Tribal Historic Preservation Officer section 106 Review requirements; (7) Submitting an application to the DES for review; (8) Abiding by E.O. 13202 and 13208 Preservation of Open Competition; (9) Providing certifications indicating that final working drawings were designed in accordance with mandatory requirements and bid tabulation.

If possible, we highly recommend that an application be submitted for an equipment only project.

There are several advantages to an equipment only project:

- i. The DES will not need certifications indicating that final working drawings were designed in accordance with mandatory requirements and bid tabulation;
- ii. A filing of a NFI, which prohibits the mortgaging or selling of the project assets without HHS permission, is not required for equipment only projects;
- iii. An Environmental Analysis checklist does not have to be submitted;
- iv. The project is exempt from Federal Construction Requirements;

- v. The facility does not have to provide title information;
- vi. The awardee can draw down the award funds in proportion to the level of Federal participation as soon as the equipment is purchased and delivered to the site. Draw downs for equipment only projects can be made earlier than projects that include both construction and equipment. For projects that include both construction and equipment, recipients can only draw down the percentage of funds in the same proportion as estimated in the total project costs as costs are incurred;
- vii. The project is exempt from Historic Preservation section 106 Review requirements; and
- viii. An application will not need to be submitted to the DES for review.

A. Selection of an Architectural and Engineering (A/E) Firm

Consider the following when submitting your application:

Preliminary schematic drawings must be included in the application package. Schematic drawings are not detailed like blueprints. An architect does not need to prepare these line drawings. Before the drawings are prepared, the applicant may want to discuss the design, costs and lead times with the appropriate DES. If the project is proposed to be design-build or using a construction manager, immediately call DES to discuss special requirements.

The proposed construction project must meet the Preservation of Open Competition requirement (see pages 44-48).

B. Notice of Federal Interest (NFI)

Interests in the property are not subordinated to those of non-Federal parties. Generally, Federal interest may not be subordinated without a compensating financial benefit to the Government. NFI filings are required for new construction and for “major” renovations (total costs of more than \$500,000). Contact the Grants Management Specialist for additional requirements for a leased building (see page 60). If the award is for moveable equipment only, design only or if it is for “minor” renovations (total cost of less than \$500,000), the filing of a NFI will not be required. The period of the NFI is in perpetuity. If the applicant has extensive land holdings, to avoid having to request the Secretary’s permission on its use and disposition, an applicant might want to provide a land description limited to the awarded project when doing the filing.

If the applicant owns the property, you must submit evidence of ownership with the application. Acceptable evidence of ownership may include a written legal document from an attorney.

If the project is located in leased property, the lessee must have undisturbed use of the premises for a period of at least 25 years, including the time of construction or modernization, and 20 years of undisturbed operation. A 5 or 10 year lease with an option of renew for a certain number of periods that total to at least 25 years may be acceptable. Also include written evidence that the lessor has consented to the renovation of the leased property and has agreed to the filing of a NFI in the property. For more information, visit the following websites:

HHS Grants Policy Directive 3.04, "Property"
(www.hhs.gov/grantsnet/adminis/gpd/gpd304.htm)

Frequently Asked Questions #7 and #8 (www.hhs.gov/grantsnet/faqs/property.htm)

See page 55 for an example of a NFI.

C. Construction Contract Deadline

The awardee must enter into a construction contract approved by HRSA within 12 months of the issuance of the Notice of Award, or the award may be withdrawn. Additional time can be provided, if needed, if the award recipient is making reasonable progress. Contact the Grants Management Specialist.

The award may be terminated for cause if the awardee materially fails to comply with the terms and conditions of the above regulations and policies.

D. Design and Construction Requirements

After an award has been made, the awardee must contact the appropriate DES for guidance before proceeding with the development of the project. The DES will provide engineering and construction assistance, monitoring, and surveillance on federally assisted projects to ensure that the design, bidding documents and construction comply with Federal requirements. A listing of DES offices, which indicates the areas covered, is included on page 61.

The awardee must select a qualified team for site selection, building design, and construction inspection. The Government is not involved in the selection process and does not require that the awardee either select a certain firm or choose from a list of approved firms.

It is suggested that the AIA Document B 141, "Standard Form of Agreement between Owner and Architect," be used. When using this document in negotiations with an architectural and engineering firm, the awardee is advised to amend the terms and

conditions to fit the specific needs of the project for professional services and other requirements. Limit the contract to an individual project; open-ended agreements are not allowed. Applicants must submit a copy of the proposed agreement to the DES, which services projects in the applicant's State if technical assistance is desired.

In addition to stipulating the basic fee (usually 5 to 15 percent of the construction bid cost), the agreement with the architectural and engineering firm should also provide for the following professional services:

- i. Preparing a design management plan as soon as possible after the contract is executed. The plan should define how the architectural and engineering firms will accomplish the work, preferably by tasks, with a schedule for each task. A design development schedule setting forth target dates for completion of the various design phases should be included;
- ii. Performing a computer analysis to select a design which reduces energy consumption for heating and cooling. (This item is recommended although optional at this time.);
- iii. Obtaining a list of prime contractors and subcontractors in order to secure clearance for construction competitive bidding. This clearance is necessary to ensure that the contractors and subcontractors shown on the U.S. General Accounting Office "Consolidated List of Persons or Firms Currently Debarred for Violations of Various Public Contracts Acts Incorporating Labor Standards Provisions" are not awarded contracts;
- iv. Preparing a list of points of critical inspection and all points required by State and local authorities;
- v. Attending a pre-construction conference;
- vi. Conducting periodic site visits during construction. The visits should be at least monthly, depending upon the nature and complexity of the project; and
- vii. Coordinating a joint final inspection of construction with the contractor and the DES representative (if necessary).

The following requirements (use the current code) must be incorporated in the review and evaluation of all drawings and specifications:

- i. Life Safety Code—National Fire Protection Association (NFPA) Publication No. 101 and supplements that apply to the code classification and type of occupancy of the particular facility;
- ii. Accommodations for the Physically Handicapped—Americans with Disabilities (ADA)—Accessibility Guidelines for Buildings and Facilities*;

- iii. Protection of the natural environment, including protection against natural disasters—National Environmental Policy Act of 1969*;
- iv. Uneconomical, hazardous, or unnecessary use of flood plains for construction—Executive Order 11296, 31f FR 10663 (August 10, 1966). Flood insurance coverage—Section 202 of the Flood Protection Act of 1973* (information pertinent to this assessment may be obtained by contacting the local planning agency of the Flood Plain Program. Contact the DES for your area);
- v. Provisions for potable water supply—Safety of Public Water Systems Act (Title XIV of the PHS Act);
- vi. Preservation of historical and archeological sites—section 106, National Historic Preservation Act of 1966* and the Historical and Archeological Preservation Act of 1960*;
- vii. Conservation of vital energy resources (gas, oil, electricity, etc.)—American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) standards for energy conservation. This is of national significance and shall be a salient factor in the planning and design of new facilities;
- viii. Tornadoes—There is no universally accepted national code requiring protection of life and property against tornadoes, even though this natural phenomenon results yearly in loss of life and damage to facilities costing millions of dollars. In geographic areas subject to periodic occurrence of tornadoes, the design of facilities should include special structural and other features to protect life and minimize damage to facilities from tornadoes;
- ix. Seismic design—Use adopted State or local code in force;
- x. Plumbing—National Standard Plumbing Code: National Association of Plumbing—Heating—Cooling Contractors, 1016 20th Street, NW, Washington, DC 20036;
- xi. Standard for Non-Flammable Medical Gas Systems, latest edition; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02110;
- xii. Vacuum Systems—Standard for Medical-Surgical Vacuum System in Hospitals pamphlet P-2.1: Compressed Gas Association (OGA), 500 Fifth Avenue, NY, NY 10036;
- xiii. Electric System—National Electric Code, latest edition, National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02110; and
- xiv. Radiation Protection—Handbook Reports No. 33 and 34; National Council on Radiation Protection (NCP) PO Box 30175, Washington, DC 20008.*

**And all subsequent amendments.*

Where State and local codes or requirements exceed the design requirements described above or standards incorporated in them, the more stringent requirements will be applied. State and local codes may be used as a basis for facility design in lieu of the above design requirements if a prior determination has been made by DES that the specific State or local code is equivalent to, or exceeds, HHS requirements.

Regarding design issues, refer to the latest edition of the document “Guidelines for Construction and Equipment of Hospital and Medical Facilities.” This document can be purchased from the American Institute of Architects (AIA) Order Department, PO Box 60, Williston, Vermont 05495-0060; (1-800-365-ARCH).

E. Force Account Projects

If in-house personnel are selected in accordance with the applicant organization’s own policies for design work done in-house and for construction work done in-house, maintain documentation justifying their use in terms of economy and qualifications. The total cost for in-house personnel plus the fee for the architect and engineer must not exceed the prevailing architectural and engineering fee costs (usually 5 to 15 percent of the construction bid cost). If an applicant chooses to use its architectural and engineering staff in lieu of selecting a private firm, the applicant must obtain approval from the DES prior to beginning the design phase. The applicant must also show that it is more cost effective in comparison to outsourcing the work, the need for record keeping, time constraints, and other reasons for doing the work in-house. The applicant should state who takes final responsibility for design and/or construction. A licensed architect must stamp drawings and specifications. The facility must be able to obtain a building permit and a certificate of occupancy upon completion from local authorities.

F. Environmental Analysis

An Environmental Analysis Checklist (see below) must be submitted with the application for all projects except equipment only projects.

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

If the project has a significant environmental impact, a full Environmental Impact Statement (EIS) must be prepared and released by the Federal Government before the award. In those cases where there is a finding of no significant impact (FONSI), the Government will prepare a statement, which will become part of the award file.

Environmental Analysis Checklist

An Environmental Impact Analysis Assessment must be submitted with the application for all projects except equipment only projects.

The National Environmental Policy Act of 1969 (NEPA), 42 USC 4321 (P.L. 91-190, Sec. 2, Jan. 1, 1970, 83 Stat. 852.), required federal agencies to assess the environmental impacts of major federal actions, including construction projects supported in whole or in part through federal contracts, grants, subsidies, loans, or other forms of funding assistance.

CONSIDER EACH QUESTION AND IN EACH CASE WHERE THE ANSWER IS AFFIRMATIVE, DESCRIBE THE IMPACT AND ANY MITIGATING ACTIONS TO BE TAKEN.

I. USE OF NATURAL RESOURCES

This set of criteria is concerned with the use and accessibility of nonrenewable natural resources such as land, minerals, and fuels as well as the flow resources (water and air) which are constantly renewed but in which short-term or local shortages might occur.

CRITERIA

Does the project:

- (1) Change traditional use of the land parcel and every other page reference

(by rezoning, etc.)?

- (2) Alter the use of other land by related

DESCRIPTION OF ENVIRONMENTAL IMPACT

Present Zoning:_____

Present Use of Site:_____

Proposed Zoning:_____

development of stores, roads or site changes?

- (a) Generate new stores?
- (b) Cause new roads?
- (c) Cause new parking?

Does the project:

- (3) Use land for purposes unsuitable to its physical characteristics?
- (4) Include the use of wetlands (swamps, marshes, etc.)?
- (5) Block access to known mineral deposits?
- (6) Increase fuel and mineral consumption in State by more than 1% annually?

Consider these items before answering question (3): Soil borings have/have not been completed. Proposed facility will/will not have foundations similar to other facilities in the area. The facility is/is not in a flood plain.

(Sand, gravel, clay, stone or other common building materials are not considered mineral deposits.)

Estimated annual fuel requirements:

_____ gallons of fuel

_____ cubic feet of natural gas

_____ tons of coal

_____ kwh of electricity

Expected source of these fuels:

- (7) Decrease the volume of water in a lake, river, water table, reservoir, etc?

Does the project:

- (8) Change traditional use of a body of water?
- (9) Not comply with the local and State land use planning?

II. POLLUTION

This set of criteria is concerned with the processes which generate pollution. These include the introduction of pollutants into the environment, changes in the flow of energy through the environment, changes in the composition of environments through the augmentation or deletion of substances which are naturally present. The criteria are also directly concerned with the production and one-time use of materials and the proper disposal of wastes.

CRITERIA

Does the project:

- (1) Increase identifiable ambient air pollution levels from a new emission source or from existing sources?

(2) Increase identifiable ambient air pollution levels through a major increase in the number of or use of automobiles, trucks, etc.?

(3) Exceed City or State health standards with exhausts from fume hoods?

Approximate number of new employees? _____

(4) Involve:

(a) Dredging or swamp drainage?

(b) Construction of a waste treatment plant?

(c) Discharge of untreated human waste directly into a lake, river, etc.?

(d) Discharge of laboratory wastes or biohazard wastes directly into a lake, river, etc.?

(5) Overload existing waste treatment plants due to new loads (volume, chemicals, toxicity, etc.)?

Does the project:

Obtain a connection permit or other approval from local sewer authority.

(6) Cause soil erosion (after completion of construction phase) or leaching of foreign substances (such as salt) into soil?

(7) Allow seepage of contaminants into the water table?

- (8) Increase the stress placed upon an identified earthquake fault?
- (9) Create an identifiable change in aquatic life by discharge of hot water?
- (10) Decrease the percolation on over one acre of land?
- (11) Cause storm water runoff onto land owned by others?
- (12) Produce noises considered offensive to a human population will the facility emit noises in excess of local noise standards?
- (13) Create sounds which result in changes in behavior patterns of animals? Is facility near wildlife sanctuary? Are outdoor animal facilities included?
- (14) Introduce major new sources of unshielded radiation will the facility contain x-ray machines. If so will they meet AEC Standards?
- (15) Cause shock waves and/or vibration (After construction phase)?
- (16) Change the direction and wind velocity as to affect the local population (i.e. high-rise building)?
- (17) Cause a new, large volume of production of nonrecycled items?

If yes, please include a statement from a structural engineer.

(18) Result in the non-recycling of recyclable items such as laboratory glassware, animal cages and office paper?

If no, project includes:

- (#) _____ glassware washing machines, and
- (#) _____ cage washing machines.

(19) Generate solid wastes which cannot be properly disposed of by existing facilities?

(20) Dispose of solid wastes in polluting landfills, wells, caves, etc.?

If yes, describe proposed methods and disposal sites.

(21) Require storage of waste pending technology for safe disposal?

(22) Not comply with Federal, State and local requirements for waste handling, transportation or disposal methods?

III. POPULATIONS

This section of the initial criteria addresses changes in human, animal, and plant populations. In this section the affected area is defined as being greater than 160 acres in size.

CRITERIA

Will facility cause:

(1) A 5% change in the density of the local population?

Estimated local population:_____

Number of new employees:_____

(2) Transportation, health, education and/or welfare service to be altered?

(3) Social service needs to change by altering population's age pattern (new schools, etc.)?

(4) Change in the transient population by 5%?

Include estimated number of visitors, patients, and students.

(5) Changes in genetic engineering directed toward the human population?

(6) Local, State or Federal standards pertaining to population densities or conservation of plants and animals to be violated?

Describe any approvals needed or already obtained.

IV. HUMAN SERVICES

As society has evolved, traditional self-sufficient human communities have given way to dense populations which are dependent upon the development and application of technology. Man's highly complex, technological environments are maintained by a variety of services ranging from the provision of the basic necessities of food and water to a complex system of economic exchange. These services are largely interdependent and their complexities must be considered. In this section, the human environment being impacted upon is defined as less than 160 acres in size.

CRITERIA

Could the project disrupt:

- (1) Food supplies for 48 hours?
- (2) Water supplies for over 48 hours?
- (3) Electrical power for 48 hours?
- (4) Heating supplies (natural gas, heating oil) for over 48 hours?
- (5) Or deprive, population of housing for over 48 hours?
- (6) Removal of sewage for more than 12 hours?
- (7) Removal of solid waste (trash) for more than seven (7) days?
- (8) Existing health services to respond in

case of a disaster?

- (9) Telephone, telegraph, radio or mail service for over two (2) weeks?
- (10) Transit service for more than two (2)weeks?

Does the project use more than 5% of:

- (1) Remaining electrical capacity?
- (2) Remaining water?
- (3) Available capacity of the sewage treatment system (branch lines, mains, plants)?
- (4) Available capacity of trash disposal system (collection, incinerator plant, landfill)?
- (5) Available heating fuel (gas, coal or heating oil)?

Estimated daily usage is____kwh.
Please obtain an approval letter from local utility or plant engineer.

Estimated daily usage is____gallons.
Please obtain approval letter from local authority.

Estimated daily flow is____gallons.
Please obtain approval letter from local authority.

Also, clearly explain proposed handling and disposal of chemical wastes, biohazardous wastes, syringes and other special wastes.

(Annual quantities are already described.) Explain which of these fuels, if any, are in short supply.

Does the project decrease:

- (1) Food delivery system by removal of retail food stores, etc. by 5%?
- (2) By 5%, area's domestic housing by demolition, closing, etc.?

Will any housing be demolished, closed, etc.?

Does project decrease:

- (3) Use of existing transit systems (bus, train, etc.) by more than 5%?
- (4) Accessibility to routine health services by altering point of service delivery?

Relate to extent of new employment.

Will facility:

- (1) Increase the patient load of the area's routine health care services by more than 5%?
- (2) Change the availability of social services by opening or closing facilities?
- (3) Increase the number of social services recipients by more than 5% (by unemployment)?
- (4) Cause discontinuation of existing stops or train stations?
- (5) Increase the annual volume of telephone, telegraph, or mail by more than 5%?

Relate to new employment or change in location of employees

- (6) Eliminate employment sources for 10% of the population?
- (7) Change school enrollment by more than 5%?

V. HUMAN VALUE

CRITERIA

Will the project:

- (1) Encroach upon any historical, architectural, or archeological cultural property?

- (a) Historical Preservation: Obtain clearance letter from State Office.
- (b) Architectural, Archeological and Cultural: Obtain clearance from local government or local society.

See page 40 for more information on a and b.

- (2) Affect any endangered species?
- (3) Violate local, State or Federal standards on aesthetics, odor or noise?
The fifth set of criteria is directed toward human values concerning the quality of the environment which are generally agreed upon to the extent that they are stated in statutes, standards, or regulation

G. Information Regarding the Property

Discuss whether the applicant has possession of the site or intends to acquire the site through eminent domain, negotiated purchase, or other means.

i. *If the applicant has a title,*

- Attach an opinion from acceptable counsel describing the interest that the applicant has in the site and certifying that the estate or interest is legal and valid;

or

- Attach the title.

ii. If the applicant intends improvement of a leasehold interest, these requirements must be met:

- Attach the lease.
- The lease must be renewable to meet the 25 years of possession requirement.
- The property owner must agree to the filing of a NFI.

iii. Discuss the status of preliminary drawings as of the application date.

iv. Attach copies of the completed outline specifications.

v. Attach a plot plan.

vi. Where applicable, attach site survey, soil investigation reports, copies of land appraisals, and certification from the architect on the feasibility of improving existing site topography.

vii. Indicate target dates for bid advertisement, contract award, construction start, construction completion, and occupancy.

H. Cultural Resource Assessment, Historic Preservation (HP) Section 106 Review

Grant applications for Health Care and Other Facilities (HCOF) funds for construction and renovation related projects must be reviewed under the terms of section 106 of the National Historic Preservation Act (NHPA). The NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation (ACHP) the opportunity to comment. Construction and renovation of facilities with HCOF funds are considered “undertakings” as that term is defined under the Act and 36 CFR.800.16(y) of the ACHP’s regulations. The procedures to be followed in complying with section 106 are set forth in the regulations at 36 CFR Part 800 (see <http://www.achp.gov>). **EQUIPMENT ONLY PROJECTS DO NOT REQUIRE A SECTION 106 REVIEW IF THERE ARE NO PLANNED ALTERATIONS OF THE FACILITY TO ACCOMMODATE THE EQUIPMENT.**

Under section 106, prior to the expenditure of HCOF funds, an assessment must be made of the potential effects of undertakings on historic properties. Undertakings include any district, site, building, structure or object that is eligible for or listed on the National Register of Historic Places (NRHP). Pursuant to the regulations at 36 CFR Part 800, the responsible Federal official must make a decision regarding the project’s effect on historic properties in consultation with the State Historic Preservation Officers (SHPO), Tribal Historic Preservation Officers (THPO), representatives of the local government, affected Indian tribes and Native Hawaiian organizations, and other interested parties.

However, the ACHP’s regulations provide for applicants or their authorized representatives to initiate the section 106 compliance consultations when authorized to do so by the Federal agency. **All HCOF applicants and their authorized representatives are hereby authorized to initiate the section 106 process with the State Historic Preservation Officer (SHPO).** HRSA has notified the involved SHPOs that the applicant will be so authorized. **(See section below titled “Working with Tribal Historic Preservation Officers” if your project is located on Tribal Lands.)** HCOF funds may be used to hire consultants to complete the applicant’s section 106 and other related historic preservation responsibilities. An applicant should discuss with the SHPO whether to hire a consultant to assist with the section 106 review. In most cases, it would be advantageous to the applicant. The SHPO should have a list of qualified consultants in the area.

When consulting with SHPOs, the applicants/authorized representatives should identify the organization they are representing, include an appropriate contact person within the organization, and describe the undertaking needing the section 106 review.

Until the applicant/authorized representative discusses the project with the SHPO, it should be assumed that construction or renovation of structures may potentially impact

cultural and historic properties (For information on SHPOs, see www.ncshpo.org/stateinfolist/fulllist.htm.)

HRSA remains legally responsible for all findings and determinations made by applicants on its behalf.

Renovation of historic buildings must meet local and Federal standards regarding treatment and design. The HRSA has adopted the policy that project activities, to the extent feasible, should retain, respond to, and respect the use and character of historic properties included or eligible for inclusion on the NRHP. In addition, projects that are visible, or in close proximity to a historic district, building, or structure on the Register, must comply with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures (www2.cr.nps.gov/tps/secstan1.htm), and other Federal guidelines related to architectural design and treatment.

Decommissioning or abandonment of a facility may be considered an adverse effect if the facility is eligible for or listed on the NRHP. When, as part of a HCOF award activity, a property will be decommissioned or abandoned, section 106 requires consideration of this action as well.

Construction of new facilities or the expansion of existing buildings may require consideration of effects on archeological properties and sites of religious and cultural significance to Native Americans. The applicant/authorized representative should notify both the SHPO and HRSA Program Officer prior to funding any type of surveys to identify properties eligible for listing in the National Register.

Please note that section 106 is a consultative process that does not preordain a preservation outcome. Rather, the applicant must consider historic preservation issues as part of project planning. Early coordination with the SHPOs, and notification and involvement of stakeholders, will assist applicants in completing section 106 reviews in a timely and complete manner. The applicant/authorized representative must publish a Notice in the largest newspaper in the area giving details of its project and asking that comments from interested parties be sent to the applicant. The applicant/authorized representative must also attempt to contact any local interest groups and provide them a chance to comment on the project (SHPOs are a good resource to obtain a list of local organizations). The applicant/authorized representative must send a copy of the Notices and any comments to the SHPO and the HRSA Program Officer responsible for the project. The applicant should also address how it proposes to resolve the issue(s).

The section 106 review attempts to resolve two key issues. The first is whether the proposed project has an effect on historic properties. The term effect is defined under 36 CFR 800.16(i) as an "alteration to the characteristics of historic property qualifying it for inclusion in, or eligibility for the National Register." The project's impact on the property's use, character, location, and setting is to be considered when determining its effect on the historic property. The second issue is whether any effect on the historic

property will be adverse. An effect is considered adverse under 36 CFR 800.5(a)(1) when it will endanger those qualities that make the property eligible for inclusion in the National Register. Adverse effects can be direct or indirect. Typical examples include:

- Physical destruction or damage
- Alteration inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties
- Relocation of the property
- Change in the character of the property's use or setting
- Introduction of incompatible visual, atmospheric, or audible elements
- Neglect and deterioration

Where it is determined that the construction or renovation of a facility receiving HCOF funds will have an adverse effect on a historic property, the HCOF Program Officer will enter into the consultation process and assist the applicant in developing a Memorandum of Agreement (MOA) that outlines the agreed upon mitigation measures with the SHPO and the ACHP (if it decides to participate).

In cases where the consultation is terminated without an agreement between the applicant and SHPO to resolve adverse effects, the HCOF Program Officer will consult with the ACHP.

WORKING WITH PROJECTS LOCATED ON TRIBAL LANDS

HRSA has notified THPOs, Indian Tribes and Native Hawaiian organizations of the Congressional Earmarks and asked for their comments on the proposed projects before the Federal assistance is awarded. In accordance with 36 CFR Section 800.2(c)(2), HRSA shall ensure that all consultations with THPOs/Indian Tribes are conducted in a manner respectful of Tribal sovereignty and the government to government relationship between the Federal government and Indian Tribes. This policy, therefore, is not intended to modify or limit such requirements. HRSA recognizes its Tribal consultation responsibility. Only if the THPO/Tribe decides to forgo its government to government relationship in this instance and the THPO/Tribe agrees to work with the applicants directly, will the applicant/authorized representative contact the THPO/Tribe. (For information on THPOs, see www.nathpo.org).

When the applicant's project is located on Tribal Lands, the applicant should contact the HRSA Project Officer. The Project Officer will contact the THPO/Tribe to determine if they will agree to work with the applicant directly. If so, the applicant will follow the

guidelines as set forth in this document for SHPOs. If the THPO/Tribe decides not to work directly with the applicant, the applicant will still be responsible for conducting the section 106 process, however, the applicant will supply the required information to the Project Officer who will work with the THPO/Tribe.

SUMMARY OF THE HISTORIC PRESERVATION PROCESS INVOLVING SHPOs

MOVEABLE EQUIPMENT ONLY PROJECTS ARE EXEMPT FROM SECTION 106 REVIEW IF THERE ARE NO PLANNED ALTERATIONS OF THE FACILITY TO ACCOMMODATE THE EQUIPMENT.

If it is a construction or renovation related project, the applicant/authorized representative should contact the appropriate SHPO to discuss the project. If it is determined that the project may effect an historic property the applicant/authorized representative should publish a notice in the largest newspaper in the area describing the project, and contact local interest groups requesting comments.

The applicant/authorized representative must provide the SHPO with information that will support a finding that:

1. The property is not historic;
2. The property is historic, with the project causing no potential adverse effects; or
3. The property is historic and the project may cause adverse effects and provide a resolution to the adverse effects.

The SHPO will then either concur or disagree with the finding. If there is a disagreement that cannot be resolved after consultation, the HRSA will request that the ACHP review the finding.

A construction related award applicant must submit, either with the award application or as a later supplement to the application, a letter from the SHPO indicating 1 or 2 above, or the applicant should notify the HRSA Program Officer that a MOA needs to be developed.

GRANT DRAW DOWNS ARE NOT ALLOWED UNTIL EITHER THE SHPO/THPO STATES 1 OR 2 ABOVE OR A MOA IS FINALIZED BY ALL PARTIES.

I. Executive Orders 13202 and 13208 (Preservation of Open Competition)

PRESERVATION OF OPEN COMPETITION AND GOVERNMENT NEUTRALITY TOWARDS GOVERNMENT CONTRACTOR'S LABOR RELATIONS ON FEDERAL FUNDED CONSTRUCTION PROJECTS

The EO 13202 and 13208 (see pages 44-48) apply to awards issued under this program and requires that neither the bid specifications, project agreements, nor other controlling documents for construction contracts, shall contain any provision that:

- i. Require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or other related construction project(s); or
- ii. Otherwise discriminate against bidders for becoming or refusing to become or remain signatories to agreements with one or more labor organizations, on the same of other related construction project(s).

If your facility has already begun construction and you have a Project Labor Agreement (PLA) that is a pre-hire agreement that governs labor relations at a construction site, contact DES to discuss the situation.

Executive Order 13202 of February 17, 2001

**Preservation of Open Competition and Government Neutrality
Towards Government Contractors' Labor Relations on Federal and
Federally Funded Construction Projects**

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 471 *et seq.*, and in order to (1) promote and ensure open competition on Federal and federally funded or assisted construction projects; (2) maintain Government neutrality towards Government contractors' labor relations on Federal and federally funded or assisted construction projects; (3) reduce construction costs to the Federal Government and to the taxpayers; (4) expand job opportunities, especially for small and disadvantaged businesses; and (5) prevent discrimination against Government contractors or their employees based upon labor affiliation or lack thereof; thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects, it is hereby ordered that:

Section 1. To the extent permitted by law, any executive agency awarding any construction contract after the date of this order, or obligating funds pursuant to such a contract, shall ensure that neither the awarding Government authority nor any construction manager acting on behalf of the Government shall, in its bid specifications, project agreements, or other controlling documents:

(a) Require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or other related construction project(s);
or

(b) Otherwise discriminate against bidders, offerors, contractors, or subcontractors for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related construction project(s).

(c) Nothing in this section shall prohibit contractors or subcontractors from voluntarily entering into agreements described in subsection (a).

Sec. 2. Contracts awarded before the date of this order, and subcontracts awarded pursuant to such contracts, whenever awarded, shall not be governed by this order.

Sec. 3. To the extent permitted by law, any executive agency issuing grants, providing financial assistance, or entering into cooperative agreements for construction projects, shall ensure that neither the bid specifications, project agreements, nor other controlling documents for construction contracts awarded after the date of this order by recipients of grants or financial assistance or by parties to cooperative agreements, nor those of any construction manager acting on their behalf, shall contain any of the requirements or prohibitions set forth in section 1(a) or (b) of this order.

Sec. 4. In the event that an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of the foregoing, performs in a manner contrary to the provisions of sections 1 or 3 of this order, the executive agency awarding the contract, grant, or assistance shall take such action, consistent with law and regulation, as the agency determines may be appropriate.

Sec. 5. (a) The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of any or all of the provisions of sections 1 and 3 of this order, if the agency head finds that special circumstances require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(b) A finding of "special circumstances" under section 5(a) may not be based on the possibility or presence of a labor dispute concerning the use of contractors or subcontractors who are nonsignatories to, or otherwise do not adhere to, agreements with one or more labor organizations, or concerning employees on the project who are not members of or affiliated with a labor organization.

Sec. 6. (a) The term "construction contract" as used in this order means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(b) The term "executive agency" as used in this order shall have the same meaning it has in 5 U.S.C. 105, excluding the General Accounting Office.

(c) The term "labor organization" as used in this order shall have the same meaning it has in 42 U.S.C. 2000e(d).

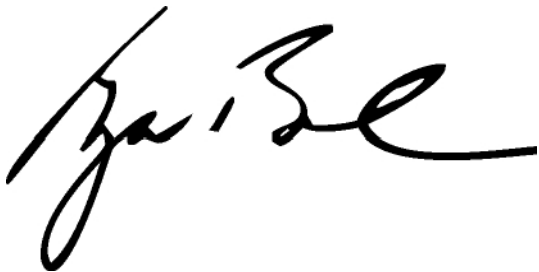
Sec. 7. With respect to Federal contracts, within 60 days of the issuance of this order, the Federal Acquisition Regulatory Council shall take whatever action is required to amend the Federal Acquisition Regulation in order to implement the provisions of this order.

Sec. 8. As it relates to project agreements, Executive Order 12836 of February 1, 1993, which, among other things, revoked Executive Order 12818 of October 23, 1992, is revoked.

Sec. 9. The Presidential Memorandum of June 5, 1997, entitled "Use of Project Labor Agreements for Federal Construction Projects" (the "Memorandum"), is also revoked.

Sec. 10. The heads of executive departments and agencies shall revoke expeditiously any orders, rules, regulations, guidelines, or policies implementing or enforcing the Memorandum or Executive Order 12836 of February 1, 1993, as it relates to project agreements, to the extent consistent with law.

Sec. 11. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it, create any right to administrative or judicial review, or any right, whether substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.



THE WHITE HOUSE, *February 17, 2001*

[FR Doc. 01-4622

Filed 02-21-01; 11:16 am] Billing code 3195-01-P

18717

Federal Register Vol. 66, No. 70

Wednesday, April 11, 2001

Presidential Documents

Title 3—

The President


Executive Order 13208 of April 6, 2001

Amendment to Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 471 *et seq.*, and in order to (1) promote and ensure open competition on Federal and federally funded or assisted construction projects; (2) maintain Government neutrality towards Government contractors' labor relations on Federal and federally funded or assisted construction projects; (3) reduce construction costs to the Federal Government and to the tax payers; (4) expand job opportunities, especially for small and disadvantaged businesses; (5) prevent discrimination against Government contractors or their employees based upon labor affiliation or lack thereof; and (6) prevent the inefficiency that may result from the disruption of a previously established contractual relationship in particular cases; thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects, it is hereby ordered that Executive Order 13202 of February 17, 2001, is amended by adding to section 5 of that order the following new subsection:

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- (c) The head of an executive agency, upon application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of the foregoing, may exempt a particular project from the requirements of any or all of the provisions of sections 1 and 3 of this order, if the agency head finds: (i) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of the foregoing had issued or was a party to, as of the date of this order, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents with respect to that particular project, which contained any of the requirements or prohibitions set forth in sections 1(a) or (b) of this order; and (ii) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of this order.

A handwritten signature in black ink, appearing to read "George W. Bush". The signature is fluid and cursive, with a large initial "G" and a long, sweeping tail.

THE WHITE HOUSE, *April 6, 2001.*

[FR Doc. 01-9086

Filed 4-10-01; 8:45 am] Billing code 3195-01-P

J. (1) Examples of Construction Requirements from DES and (2) Examples of Awardee Self-Certification Letters for Construction Projects

**REGISTERED MAIL
RETURN RECEIPT**

(Date)

(Name and Address of Awardee's
Authorized Representative)

Subject: Project No. XXXXX-XX-X
(Name of Awardee)
(City, State)
“Information for Awardee”

Dear Mr./Ms. XXXXXX:

This is to inform you that our office, the Division of Engineering Services (DES) is responsible for certifying to the HRSA Division of Facilities Compliance and Recovery (DFCR) that your (PL XXX-XX funded) project will be designed, bid, constructed, and ultimately completed in accordance with all applicable federal requirements. To that end, our involvement will require the receipt of proper documentation and concomitant certification from you at the various phases of the project.

We have received a copy of the “Notice of Award” issued , as well as “Specifics of Award”, and “Conditions of Award.” Hence, we outline below the procedures that shall be followed for the expeditious flow through the various phases of your project.

1. If you have not yet done so, it is expected that you will engage the services of an architect/engineer (A/E) to develop the pertinent construction documents as well as to supervise the construction phase of the project. Accordingly, you're A/E will submit to the Director, DES a pre-certification statement attesting to his suitable involvement in this project (see enclosed “Architect/Engineer Pre-Certification Statement”). **This statement should be submitted within 30 days from the date of this letter. If this deadline is not feasible, it is imperative that you contact us to work out an extension in time.**
2. The project must be designed in accordance with the mandatory requirements imposed on federally assisted construction projects as well as all applicable program standards, state codes, and local codes and ordinances. Accordingly, your A/E will certify (before construction bidding and contract award) that the final working drawings and final technical specifications were so developed (see enclosed “Architect/Engineer Certification of Final Design”). **It is expected that the design documents will be completed by the estimated completion date so stated in the pre-certification statement, and that the certification of final design statement will be submitted to DES within 30 days of that date.**

3. You must certify that the various bonding and insurance requirements for federally assisted construction projects will be met (see enclosed, “Statement of Assurance of Awardee’s and Contractor’s Bonding and Insurance Coverage”).
4. It is your responsibility to award the construction contract(s) under a process where maximum competition is achieved in order to obtain the most reasonable price. Therefore, competitive bidding by formal advertisement must be used except when construction management procedures are employed. Accordingly, you will submit to us your bid tabulations, certified by the A/E, and your formal recommendation of award. The recommendation should also include a statement of determination that the selected contractor is not on the U.S. General Services Administration Lists of Parties Excluded from Federal Procurement or Non-Procurement Programs (debarred list). If you award the contract to any qualified bidder other than the lowest bidder, provide proper documentation for your decision. Subsequently, a copy of your award letter(s) to the successful contractor(s) will also be submitted to DES. **The bid tabulations, certification, award recommendation, “debarred list” statement, award letter, and bonding and insurance statement (see item 3) must be submitted within 30 days of the scheduled contract award date.**
5. During the construction phase, submit a quarterly construction report to DES informing us of the progress of the project including problems/issues that were observed or need to be addressed. This report should include the percentage of completion to date, percentage of time elapsed, and projected completion date. The report should also include a running tabulation of any change orders processed, with copies of the respective approved change orders attached. **The report must be submitted on a timely basis, no later than 30 days from the end of the report period.**
6. Submit written notification to the Director, DES when the project is completed. The letter will include statements assuring that the project has been completed in accordance with the previously certified contract documents and that the project is free of mechanics’ liens. (Also see related item 7 below.)
7. You must sign, date and submit to this office a statement in which you certify 1) the project has been constructed in conformance with the applicable federal statutes and regulations, 2) the final project costs and their respective allowable and non-allowable components (submit a final SF 424C “Budget Page”), 3) the Substantial Completion Date, 4) a copy of the certificate of occupancy issued by the Authority Having Jurisdiction, and 5) photographs of the front and rear of the project and each of the major rooms in the project, with a brief description written on the back. **Both the notification of project completion letter (see item 6) and the certification statement must be submitted within 30 days of project completion.**

We look forward to working with you toward a successful project. DES is committed to processing your project in an orderly and prompt manner. Cooperation between DES and

you, the awardee, is crucial to ensure the continued disbursement of your award funds without interruption. Mr./Ms. XXXXXX of my staff has been designated as your DES Project Manager. He/She can be reached at (phone number). If you have any questions regarding the above information, please feel free to call:

Sincerely,

Emilio M. Pucillo, R.A.
Director

Enclosures: Architect/Engineer Pre-Certification Statement
Architect/Engineer Certification to Final Design
Applicant's Assurance – Bonding and Insurance Coverage

cc: Michele Kanner, DFCR w/o encl

Note: The A/E will submit the following statement to DES on the firm's letterhead. The document may be modified as necessary to meet the specific conditions of the project.

Architect/Engineer Pre-Certification Statement

I hereby certify that (name of firm) has been engaged by (name of awardee) to provide design and construction supervision services for (describe project) in accordance with the Owner/Architect Agreement signed and executed on (date).

I further certify the following:

1. (Name of firm) is licensed to practice in the State of (indicate state).
2. The executed Agreement is for this project only, and is not “open-ended.”
3. The project will be designed and constructed in accordance with all mandatory requirements imposed on federally-assisted construction projects by specific laws enacted by Congress, Presidential Executive Orders, or Departmental Policy. The project design will also meet all applicable program standards, state codes, and local codes and ordinances. Such federally-mandated standards include (but are not limited) to the following, as applicable:
 - AIA Guidelines for Design and Construction of Hospital and Health Care Facilities (2001 edition).
 - NFPA 101 Life Safety Code (2003 edition).
 - ADA Accessibility Guidelines for Building and Facilities.
4. (Name of firm) will promptly notify (name of awardee) of any conflict between any federal standard and state or local standard as the issue may arise in the course of the project design. The issue will be brought to the attention of DES for resolution.
5. It is estimated that final working drawings and final technical specifications should be completed by (indicate date). (Name of firm) will promptly notify DES of any changes in the design schedule, including a proposed revised estimated completion date. The proposed revised date must be agreeable to both (name of firm) and (name of awardee); and concurred by DES.

(Signature of firm’s authorized representative)

(Date)

Note: The A/E will submit the following statement to DES on the firm’s letterhead. The document may be modified as necessary to meet the specific conditions of the project.

Architect/Engineer Certification of Final Design

I hereby certify that (name of firm) has completed the final working drawings and final technical specifications for the (describe project) in accordance with the Owner/Architect Agreement signed and executed on (date).

I further certify that the project was designed in accordance with all mandatory requirements imposed on federally-assisted construction projects by specific laws enacted by Congress, Presidential Executive Orders, or Departmental Policy, as well as all applicable program standards, state codes, and local codes and ordinances.

(Signature of firm's authorized representative)

(Date)

Note: The awardee will submit the following statement to DES. The document may be modified as necessary to meet the specific conditions of the project.

Statement of Assurance of Awardee's and Contractor's Bonding and Insurance Coverage

I hereby certify that (name of contractor) has been selected to construct (describe project) in accordance with the Owner/Contractor Agreement signed and executed on (date).

I further certify that (name of contractor) is providing appropriate insurance and bonding coverage for this project in accordance with HRSA/DES requirements and as further described:

1. Performance Bond – 100 percent of the contract sum.
2. Payment (Labor and Material) – 100 percent of the contract sum.
3. Comprehensive General Liability Insurance: \$500,000 per occurrence (minimum).
4. Property Damage Liability Insurance: (amount established by the awardee).
5. Automobile Liability Insurance: at least \$ 200,000 per person and \$ 500,000 per occurrence for bodily injury and \$ 20,000 per occurrence for property damage.
6. Inclusion of the subcontractors' activities within the contractor's own policy, otherwise each subcontractor must maintain the same levels of insurance under separate policy for the life of the subcontract.

I further certify that (name of awardee) maintains sufficient liability and property insurance against claims that may arise from operations under the construction contract, as well as sufficient property insurance covering the entire work at the site to the full insurable value. This insurance includes the interests of (name of awardee), (name of contractor), and the subcontractors involved in the work.

(Signature of awardee's authorized representative)

(Date)

K. Example of Notice of Federal Interest

On _____, 20_____, the Department of Health and Human Services funded award number _____ to _____. The award provided Federal funds for (describe use of Federal support, e.g., new construction of a building), which is located on the following land in _____ County, State of _____, particularly described as follows: (LEGAL DESCRIPTION OF PROPERTY)

The award incorporated conditions, which include restrictions on usage of the aforementioned property and provided for a continuing Federal interest in the property from the date of occupancy:

Specifically, the property may not be: (1) used for any purpose inconsistent with the approved program of utilization, (2) mortgaged or otherwise used as collateral without the written permission of the Secretary, DHHS, or (3) sold or transferred to another party without written permission of the Secretary, DHHS (or employee who has the authority to give this permission of the Secretary, DHHS). These conditions are in accordance with HHS Grants Policy Directive 3.04, "Property."

These award conditions and requirements cannot be nullified or voided through a transfer of ownership. Therefore, advance notice of any proposed change in usage or ownership must be given to the Secretary, DHHS.

Signature:

Name: (please type)

Title:

Date:

V. APPLICATION REVIEW INFORMATION

1. **Review Criteria** – The application received will be evaluated on its own merit to determine how well the application meets the evaluation criteria listed below:
 - i. The appropriateness of the project design, facility construction/renovation plans and time frames for initiation through completion of the project. Schematic drawings must be provided with the application when the project is for new construction or renovation (see page 23 for an explanation of schematic drawings).
 - ii. The reasonableness and justification for the itemized costs in the construction budget.
 - iii. The adequacy and completeness of the description of scope of services and/or activities to be provided in spaces constructed or renovated with the requested HRSA funding.
2. **Review and Selection Process** – Federal program staff will review the earmarked applications. There are no funding priorities or preferences.

VI. AWARD ADMINISTRATION INFORMATION

1. Award Notices

This program uses a single application due date which is 30 days after the application materials are mailed. Applicants can obtain an automatic 30-day extension. Applications are reviewed in the order in which they are received. Applicants can expect to hear from HRSA within 90 days of submitting their application. However, not all applications will be awarded in 90 days due to factors such as deficiencies in the application and the volume of applications which HRSA must review and process.

All applicants will be notified in writing of the actions taken on their application. If the application is approved and funds are available, a Notice of Award is issued. This document, which includes the Specifics of Award (see page 69 for an example), Conditions of Award, and Approved Construction Budget, indicates the amount of Federal funds awarded, types of expenditures authorized, project description, award conditions and other necessary information.

If you have not received a Notice of Award by October 15th, 2005, please contact the DGMO.

2. Drawing Down of Award Funds

Awards under this Program will be paid using the DHHS Payment Management System (PMS). **For construction/renovation projects, funds may be drawn down as project costs are incurred, in the same proportion as the award is to the projected total cost.** For instance, consider a project in which the drawdown percentage is 80

percent (\$400,000 award/\$500,000 total costs). The amount of funds that can be requested for each draw request cannot be more than 80 percent of the cost incurred. Therefore, when \$50,000 of cost is incurred, \$40,000 may be drawn from the award. The balance must be paid for by the awardee's other sources of funds.

For equipment only and design only projects, the drawdown percentage is calculated by dividing the grant amount by total eligible costs (line 16c of the Budget Page).

For awardees that currently use PMS, the payment process is the same as for other awards; the awardee submits periodic cash requests to be reimbursed for allowable costs. Do not submit construction vouchers or other such documents to PMS.

Awardees that do not currently have an account with PMS will have to establish one in order to access funds. Contact PMS for information about the process of establishing a PMS account. Please recognize that PMS will not create an account for your organization until an award notice has been issued. Contact the Division of Payment Management for detailed drawdown information (See page 62).

3. Change of Scope to the Project

In the event of a change of scope to your project contact DFCR immediately. A change of scope would include: new location, major redesign (e.g., a change in the number of floors or a change in the primary purpose of the project), or major (greater than 10 percent) change in the total budget. Please note that change orders (10 percent or less of the project) or minor line item budget changes would not constitute a change of scope. These should be discussed with the appropriate DES office or their designated agent.

4. Major Award Obligations

All institutions of higher education, hospital, and nonprofit organizations that are recipients of HRSA funding, including awards which involve the acquisition of real property, will follow the requirements including 45 CFR §74.21, "Standards for Financial Management Systems," and §74.26, "Non-Federal Audits." State and local governments will follow 45 CFR §92.20, "Standards of Financial Management System," and §92.26, "Non-Federal Audit." Additionally, HHS policies regarding the protection of the Federal interest in real property acquired by a HHS award as described in HHS Grants Policy Directive 3.04 "Property" are applicable.

5. Administrative and National Policy Requirements

Public Policy Issuance Healthy People 2010

Healthy People 2010 is a national initiative led by HHS that sets priorities for all HRSA programs. The initiative has two major goals: (1) to increase the quality and years of a healthy life; and (2) eliminate our country's health disparities. The program consists of 28 focus areas and 467 objectives. HRSA has actively participated in the

work groups of all the focus areas, and is committed to the achievement of the Healthy People 2010 goals.

Applicants must summarize the relationship of their projects and identify which of their programs objectives and/or sub-objectives relate to the goals of the Healthy People 2010 initiative.

Copies of the Healthy People 2010 may be obtained from the Superintendent of Documents or downloaded at the Healthy People 2010 website:
<http://www.health.gov/healthypeople/document>.

The Public Health Service strongly encourages all award recipients to provide a smoke-free workplace and to promote the non-use of all tobacco products. Further, Public Law 103-227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children.

6. Reporting

The successful applicant under this guidance must:

- A. Comply with audit requirements of Office of Management and Budget (OMB) Circular A-133. Information on the scope, frequency, and other aspects of the audits can be found on the Internet at www.whitehouse.gov/omb/circulars;
- B. Submit a PMS Quarterly Report. The reports identify cash expenditures against the authorized funds for all of the applicant's awards in the system. Failure to submit the report will result in the inability to access award funds. Submit report to the address indicated by PMS;
- C. Submit a Financial Status Report (FSR – SF 269A). A final financial status report is required within 90 days of the end of each Budget Period. The report is an accounting of expenditures under the project that year with a final reporting of all expenditures upon completion or end of the project period;
- D. Submit a self-certification letter to DES (see page 49 for an example). Most projects are monitored this way although DES, after discussion with DFCR, has the option to do a more intensive type of monitoring. DES will send a letter after the award has been issued to the awardee with information regarding specific monitoring procedures. This will include submitting a certification that the final working drawings and technical specifications were designed in accordance with the mandatory requirements imposed on federally assisted construction projects. Bid tabulation, certified by the A/E firm, and the formal recommendation of award must also be submitted to DES. A **QUARTERLY CONSTRUCTION REPORT MUST BE SUBMITTED TO DES.**
- E. Submit Progress Reports to your Program Analyst. A condition of the award is that the awardee submits progress reports. They should be sent by mail, fax, or e-mail to

the Division of Facilities Compliance and Recovery, Room 10-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, or by fax 301 443-0619. (The facility will be notified of the e-mail address for the facility's program contact when it receives its Notice of Award. E-mailing is the preferred way of receiving information.) The reports will be due annually. The awardee will be notified of the due dates. The reports must continue to be sent until the awardee notifies DFCR that the project is completed. At that time the awardee must submit a final Budget Page (Form 424c) and a final itemized movable equipment list.

Some examples of progress report information to be provided are:

- i. For construction projects, provide the estimated or actual date of construction start and construction completion. The awardee will submit information on the percent of completion of construction, and a written explanation for any significant delay or problems.
- ii. For equipment only projects, provide the estimated or actual date of delivery of equipment. In addition, the awardee will submit information on the percent of the dollar value of equipment delivered, and a written explanation for any significant delays or problems.
- iii. For design only projects, provide the estimated or actual date of the self-certification statement to DES that final working drawings and final technical specifications were done in accordance with the mandatory requirements imposed on federally assisted construction projects. The awardee will provide a written explanation for any significant delays or problems.

VII. AGENCY CONTACTS

1. DIVISION OF FACILITIES COMPLIANCE AND RECOVERY

Paul T. Murphy, Chief 301-443-5656 Paul.Murphy@hrsa.hhs.gov

Program Analysts

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2. DIVISION OF GRANTS MANAGEMENT OPERATIONS

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3. DIVISION OF ENGINEERING SERVICES

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States Covered: Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, Virginia, West Virginia, and Wisconsin.

Mr. Roger Springer, R.A., Dallas Office
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States covered: Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon Trust Territories of the Pacific Island and Washington

4. DIVISION OF PAYMENT MANAGEMENT (PMS)

1-877-614-5533

www.dpm.psc.gov

VIII. OTHER INFORMATION

1. COMMON ERRORS TO AVOID

- Using the Non-Construction Budget Page 424a instead of the Construction Budget Page 424c in the PHS 5161-1. All projects under the HCOF award program are considered to be construction, including equipment only and design only projects.
- Requesting award funds for the purchase or rental of land and/or structures.
- Contingency is greater than 5 percent of lines 9 (Construction) and 10 (Equipment) if it is a renovation or new construction.
- Contingency is greater than 5 percent of line 10 (Equipment) for an equipment only project. Indicating a contingency cost if the equipment is already purchased.
- Requesting funds to be drawn down before project costs are incurred or are proportionately more than the Federal share (see page 56).
- On the Budget page, having Column C, line 16, add up exactly to the award amount. Column C is for Total Eligible Project Costs, and it would only equal the award amount when the award would fund 100 percent of the project.
- Having unrealistic design, cost or time frames projected because the applicant did not understand the whole construction monitoring and review process (see page 58).
- Submitting non-construction costs (e.g. operating costs such as salaries, equipment leasing, supplies, research costs, etc.).
- Not signing nor including the Construction Assurances for an equipment only request. (They are required for all projects.)
- Providing an itemized equipment list with some items that have a unit cost of less than \$5,000 and did not submit an assurance that the unit cost is allowable under the facility's capitalization policy.
- Indicating Total Project Costs on the Budget Page and Face Page which do not equal.

2. FREQUENTLY ASKED QUESTIONS

Question 1: **What is the Catalog of Federal Domestic Assistance number for this program?**

Answer: 93.887

Question 2: **Can I have additional time to prepare the application?**

Answer: If additional time is needed, submit a written request with justification for the delay by email, fax or regular mail to your designated Grants Management Specialist. You can have a one-time extension for up to 30 days.

Question 3: **What can I do to receive award funds as quickly as possible?**

Answer: All Federal funds will be awarded with a budget start date of September 1. If you need your award expedited, submit your application before the due date. Please recognize that this is a very large program, and awards will be made over several months as they are received and reviewed. If your application is late or has missing, incomplete, or unclear items, processing will be delayed. Last year many awards were not issued until mid-October, although the award funds were committed by September 30.

Question 4: **Are matching funds required?**

Answer: There are no requirements for the applicant to provide matching funds. Federal funds are provided up to 100% of allowable project costs. While there is no cost-sharing or matching requirement, HRSA does require applicants to show the total costs of the project. This is necessary to establish the percentage of Federal participation in the project.

Question 5: **Are indirect costs allowed?**

Answer: No, indirect costs are not allowed on construction awards.

Question 6: **When can I make a public announcement about the project?**

Answer: The identity of these projects is public information and you are free to make an announcement at any time. However, an announcement about the receipt of award funds should not be made until you have received the Notice of Award.

- Question 7:** **Can we be reimbursed with award funds for equipment we have already purchased?**
- Answer: Yes, under certain circumstances. Contact your program contact listed in the Agency Contacts section of this application guide for further information.
- Question 8:** **We have already started construction on the project. How should we proceed?**
- Answer: Contact the DES for guidance before you submit the application. Also contact DFCR for guidance. The simplest solution would be to get an equipment only project that would not require construction compliance to Federal requirements.
- Question 9:** **We know what we want to build, but we don't have a site yet. What should we do?**
- Answer: Submit the application on time and include as much information as possible. Site information can be submitted before the award is issued. If it is not received before the award is issued, a condition of award will require it to be submitted within a specified time period.
- Question 10:** **We have a site for the project, but we haven't fully developed the facility design. How should we proceed?**
- Answer: Submit the application on time and include as much information as possible. Additional information can be submitted before the award is issued or after issuance in response to a condition of award.
- Question 11:** **Certain aspects of the project may change in the future. How should we handle this?**
- Answer: Most projects undergo some change. Submit a complete application on time with as much information as possible. The project description, budget, and other information should reflect current plans. If there are changes after the award is issued, they can be handled by a "change of scope" request. Contact DFCR for further information about this process.
- Question 12:** **There is existing financing on the project site. Is this allowable, and what do we need to do about this?**
- Answer: Yes, it is allowable and is generally not a concern to HRSA. The requirement that the property not be mortgaged or refinanced

without DHHS approval only applies to financing that takes place after the awardee accepts the award. If you intend to mortgage the Federal assisted property to obtain financing, please highlight that in your application, and contact DFCR as soon as your plan is firmed up.

Question 13: What is the role of the DES with the award and how does it differ from my contact in the Division of Facilities Compliance and Recovery (DFCR)?

Answer: Your DFCR contact is involved in programmatic issues and normal award oversight and administration. DES is actively involved in overseeing the construction process. For example, DES in most cases must approve your certifications. Contact DES for additional information.

Question 14: What are financial reporting requirements?

Answer: Recipients submit a Financial Status Report (SF269) when the project has been completed. The DGMO will send instructions to the awardee at the appropriate time.

Question 15: Does the Davis-Bacon Act apply to this award program?

Answer: No.

Question 16: What major unallowable costs should I be aware of?

Answer: Major unallowable items include land acquisition, building acquisition, operating costs, landscaping costs other than sod and seed, decorations or artwork, and equipment with a unit cost of less than \$5,000 (see page 15, line 10 for exceptions regarding the unit cost of equipment). There may be other unallowable costs, and applicants are urged to contact the DFCR for guidance on questionable items.

Question 17: Does this award require Public Health Impact Statements?

Answer: No.

Question 18: How do I determine if the property or building is historic?

Answer: You must discuss your situation with the State Historical Preservation Officer (SHPO). You cannot always judge a building just by its age. It may also be considered historic merely by being in a historic area, or having an archeological site (see page 40).

3. BUDGET EXAMPLES

EXAMPLE INCLUDES COSTS NOT ALLOWABLE FOR PARTICIPATION

OMB Approval No. 0348- 0041

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Column a- b)
1. Administrative and legal expenses	\$ 21000.00	\$ (1) 500.00	\$ 20,500.00
2. Land, structures, rights-of-way, appraisals, etc.	\$ 38000.00	\$ (2) 38000.00	\$ 0.00
3. Relocation expenses and payments	\$.00	\$.00	\$ 0.00
4. Architectural and engineering fees	\$ 12000.00	\$ (3) 4000.00	\$ 8000.00
5. Other architectural and engineering fees	\$.00	\$.00	\$ 0.00
6. Project inspection fees	\$ 2000.00	\$.00	\$ 2000.00
7. Site work	\$.00	\$.00	\$.00
8. Demolition and removal	\$ 9000.00	\$.00	\$ 9000.00
9. Construction	\$ 200000.00	\$.00	\$ 200000.00
10. Equipment	\$ 35000.00	\$.00	\$ 35000.00
11. Miscellaneous	\$ 10000.00	\$.00	\$ 10000.00
12. SUBTOTAL (sum of lines 1- 11)	\$ 327000.00	\$ 42,500.00	\$ 284,500.00
13. Contingencies	\$ 17250.00	\$ (4) 5500.00	\$ 11750.00
14. SUBTOTAL	\$ 344250.00	\$ 48,000.00	\$ 296,250.00
15. Project (program) income	\$.00	\$.00	\$ 0.00
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$ 344250.00	\$ 48000.00	\$ 296,250.00
FEDERAL FUNDING			
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share). Enter the resulting Federal share. Enter eligible costs from line 16c Multiply X (include decimal point in number) _____ * %			\$ 248600.00

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Standard Form 424C (Rev. 7-97)

Ineligible Examples Mentioned in the Program Guide

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1. Bonus Payment to contractor
2. Land Purchase
3. Cost of abandoned designs
4. Maximum contingency of 5% allowed of lines 9 (if new construction) and 10 (equipment).

Do not calculate this percentage.

EXAMPLE CONSTRUCTION ONLY – EQUIPMENT WILL NOT BE FUNDED THROUGH THE AWARD

OMB Approval No. 0348- 0041

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Column a- b)
1. Administrative and legal expenses	\$ 295000	\$	\$ 295000.00
2. Land, structures, rights-of-way, appraisals, etc.	\$	\$.00	\$ 0.00
3. Relocation expenses and payments	\$	\$.00	\$ 0.00
4. Architectural and engineering fees	\$ 1033000	\$.00	\$ 1033000.00
5. Other architectural and engineering fees	\$ 108000	\$.00	\$ 108000.00
6. Project inspection fees	\$ 164000	\$.00	\$ 164000.00
7. Site work	\$	\$.00	\$.00
8. Demolition and removal	\$ 43000	\$.00	\$ 43000.00
9. Construction	\$ 8250000	\$.00	\$ 8250000.00
10. Equipment	\$ 688000	\$ 688000.00	\$ 0.00
11. Miscellaneous	\$ 2000	\$.00	\$ 2000.00
12. SUBTOTAL (sum of lines 1- 11)	\$ 10583000	\$ 688000.00	\$ 9895000.00
13. Contingencies	\$ 412500	\$.00	\$ 412500.00
14. SUBTOTAL	\$ 10995500	\$ 688000.00	\$ 10307500.00
15. Project (program) income	\$	\$.00	\$ 0.00
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$ 10995500	\$ 688000.00	\$ 10307500.00
FEDERAL FUNDING			
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share). Enter the resulting Federal share. Enter eligible costs from line 16c Multiply X (include decimal point in number) _____ *%			\$ 8890000.00

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*Do not calculate this percentage.

EXAMPLE AWARD REQUESTED FOR DESIGN ONLY

OMB Approval No. 0348- 0041

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Column a- b)
1. Administrative and legal expenses	\$	\$	\$
2. Land, structures, rights-of-way, appraisals, etc.	\$.00	\$.00	\$ 0.00
3. Relocation expenses and payments	\$.00	\$.00	\$ 0.00
4. Architectural and engineering fees	\$ 1050000.00	\$.00	\$ 1050000.00
5. Other architectural and engineering fees	\$.00	\$.00	\$ 0.00
6. Project inspection fees	\$.00	\$.00	\$ 0.00
7. Site work	\$.00	\$.00	\$ 0.00
8. Demolition and removal	\$.00	\$.00	\$ 0.00
9. Construction	\$.00	\$.00	\$ 0.00
10. Equipment	\$.00	\$.00	\$ 0.00
11. Miscellaneous	\$.00	\$.00	\$ 0.00
12. SUBTOTAL (sum of lines 1- 11)	\$ 1050000.00	\$ 0.00	\$ 1050000.00
13. Contingencies	\$.00	\$.00	\$ 0.00
14. SUBTOTAL	\$ 1050000.00	\$ 0.00	\$ 1050000.00
15. Project (program) income	\$.00	\$.00	\$ 0.00
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$ 1050000.00	\$ 0.00	\$ 1050000.00
FEDERAL FUNDING			
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share). Enter the resulting Federal share. Enter eligible costs from line 16c Multiply X (include decimal point in number) _____ * %			\$ 960000.00

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*Do not calculate this percentage.

EXAMPLE AWARD REQUESTED EQUIPMENT ONLY (NO CONSTRUCTION INVOLVED)

OMB Approval No. 0348- 0041

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Column a- b)
1. Administrative and legal expenses	\$	\$	\$
2. Land, structures, rights-of-way, appraisals, etc.	\$.00	\$.00	\$ 0.00
3. Relocation expenses and payments	\$.00	\$.00	\$ 0.00
4. Architectural and engineering fees	\$.00	\$.00	\$ 0.00
5. Other architectural and engineering fees	\$.00	\$.00	\$ 0.00
6. Project inspection fees	\$.00	\$.00	\$ 0.00
7. Site work	\$.00	\$.00	\$ 0.00
8. Demolition and removal	\$.00	\$.00	\$ 0.00
9. Construction	\$.00	\$.00	\$ 0.00
10. Equipment	\$ 2787000.00	\$.00	\$ 2787000.00
11. Miscellaneous	\$.00	\$.00	\$ 0.00
12. SUBTOTAL (sum of lines 1- 11)	\$ 2787000.00	\$ 0.00	\$ 2787000.00
13. Contingencies	\$.00	\$.00	\$ 0.00
14. SUBTOTAL	\$ 2787000.00	\$ 0.00	\$ 2787000.00
15. Project (program) income	\$.00	\$.00	\$ 0.00
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$ 2787000.00	\$ 0.00	\$ 2787000.00
FEDERAL FUNDING			
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share). Enter the resulting Federal share. Enter eligible costs from line 16c Multiply X (include decimal point in number) _____ * %			\$ 1830000.00

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 Prescribed by OMB Circular A-102

*Do not calculate this percentage

4. EXAMPLE OF “SPECIFICS OF AWARD”

AWARDS FOR HEALTH FACILITIES AND OTHER CONSTRUCTION

Grant Number: #####

Recipient:

Type of Facility: Community Center

Description of Facility (Proposed):

Construction of a two story 18,000 SF of health and human services center for residents. The project will consist of 42 parking spaces, demolition of an existing 2,800 SF structure, and construction of the new Center.

Site of Construction/Renovation: 91st Street and Baltimore Street, Pleasantville, Maryland

Restriction on Use of Federal Funds:

Federal funds are not eligible for participation in the cost of landscaping (other than sodding and seeding); offsite utilities or improvements; works of art; move-in costs; administrative overhead; space for revenue purposes; and any scope of work or cost not previously approved.

Usage Requirement:

The facility is to be used for the purpose provided by Federal funds and stated in the approved application for this award.

Recording the Federal Interest:

The recipient must record, at the local land records office, the notice of the Federal Interest in the awardee’s premises. A copy of the official recording must be provided to the DFCR before Federal funds can be released.

Construction Contract:

If the recipient has not entered into a construction contract that has the approval of the Division of Engineering Services within one year of the award date, the Healthcare Systems Bureau may consider withdrawing the award.