

Date: October 15, 2003

Alaska Native Tribal Health Consortium
Division of Environmental Health and Engineering
1901 South Bragaw Street, Suite 200
Anchorage, Alaska 99508-3440

Document Distribution

Document Type: Health Facilities Cooperative Project Agreement
Project No.: AN 03-G80
Project Location: Shishmaref, Alaska
Execution Date: October 10, 2003

The individuals below were sent a copy of this document:

Joe Cladouhos, President/CEO, NSHC
Environmental Health Director, NSHC
Darryl Alleman, DEHE, Anchorage
Helena Attakai, DEHE, Anchorage
Roger Marcil, DEHE, Anchorage
Richard Thayer, DEHE, Anchorage
Gina Christensen, DEHE, Anchorage

cc: Program Services, DEHE, Anchorage

For additional information, please contact:

Deanza Hjalseth
1-800-560-8637, extension 3602

LR: 09/17/03



Division of Environmental Health and Engineering

Cooperative Project Agreement

H
F
C
P
A

A Health Facility Improvement Project Between:
The Alaska Native Tribal Health Consortium and
The Norton Sound Health Corporation in
The City of Shishmaref, Alaska
Project No. AN 03-G80
September 2003

**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
CITY OF SHISHMAREF, ALASKA**

PROJECT NO. AN 03-G80

To complete this project, the ANTHC and the Norton Sound Health Corporation mutually agree to the terms and conditions contained in this Agreement.

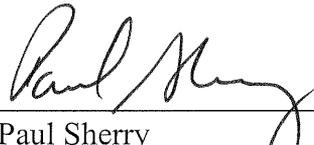
RECOMMENDED BY:

9/17/03
Date


Darryl Alleman, P.E.
Regional Manager
DEHE, ANTHC

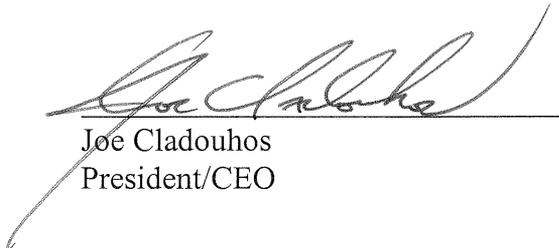
APPROVED BY:

10/10/03
Date


Paul Sherry
Chief Executive Officer
ANTHC

APPROVED BY
THE NORTON SOUND
HEALTH CORPORATION:

9-19-03
Date


Joe Cladouhos
President/CEO

**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
CITY OF SHISHMAREF, ALASKA**

PROJECT NO. AN 03-G80

TABLE OF CONTENTS

A. INTRODUCTION	1
B. SCOPE OF PROJECT	2
C. PROJECT COST	2
C 1. Cost Estimate Table.....	2
C 2. Project Funding	2
D. PROJECT ADMINISTRATION.....	3
E. SUSTAINED OPERATIONS CONSIDERATIONS.....	3
F. NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS.....	3
G. AUTHORITY FOR APPROVAL	5
H. PROVISIONS FOR PROJECT COMPLETION	5
APPENDIX	

**COOPERATIVE PROJECT AGREEMENT
HEALTH FACILITY IMPROVEMENT PROJECT
CITY OF SHISHMAREF, ALASKA**

PROJECT NO. AN 03-G80

DATE OF AGREEMENT:
September 2003

A. INTRODUCTION

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

Norton Sound Health Corporation	=	NSHC
Alaska Native Tribal Health Consortium	=	ANTHC
Division of Environmental Health and Engineering	=	DEHE
Denali Commission	=	Commission

The ANTHC, DEHE, role is to provide sustainable environmental health solutions in partnership with the people it serves to create healthy and safe Native communities.

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

- Memorandum of Understanding Between the Denali Commission and the Alaska Native Tribal Health Consortium for Alaska Rural Primary Care Facilities and Sanitation Facilities Planning, Design, and Construction, dated July 2002. This MOU defines the roles and responsibilities of each party and supercedes the original MOU dated March 2001.
- Cooperative Agreement Between the Alaska Native Tribal Health Consortium and the Norton Sound Health Corporation for Denali Commission – Alaska Primary Care Facilities Program, dated January 2002. This Agreement defines the roles and responsibilities of each party.
- Denali Commission Financial Assistance Award Project No. 0100-DC-2003-I13, dated July 2003.

B. SCOPE OF PROJECT

This repair and renovation project will correct plumbing code deficiencies within the interior of the clinic and relocate its existing lift station. The project will involve minimal ground disturbance along the building's existing belowground water and sewer service lines. The scope of this project includes design and planning, site preparation, materials and equipment, construction, and labor.

C. PROJECT COST

C 1. Cost Estimate Table

Job Type	Scope of Work	Qty	Units	Unit Cost	Total Cost	Funding Source
						Denali Commission FY03
M-CL	repair and renovate plumbing code deficiencies	1	LS	\$100,000	\$100,000	\$100,000
Total Award					\$100,000	\$100,000

C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
<u>Denali Commission</u>	<u>Federal 2003</u>	<u>NA</u>	<u>\$100,000</u>
TOTAL PROJECT FUNDING			<u>\$100,000</u>

The ANTHC is being separately funded by the Denali Commission in the amount of \$2,800 for program and professional operations expenses associated with this project. These expenses include ANTHC professional salaries, travel, and related professional support.

Denali Commission funding for this health facility improvement project has been made available to the ANTHC through a separate Financial Assistance Award (FAA), or amendment to an existing FAA, between the Denali Commission and the ANTHC. It is understood that funding transfers will be made to the ANTHC incrementally. Project activities should not proceed until funding for each increment of work is available to the ANTHC. If in-kind or other funding sources are unavailable, transfers to the Norton Sound Health Corporation will be curtailed.

The Norton Sound Health Corporation shall not be obligated to continue performance that requires an expenditure of more funds than awarded under this CPA plus funding from other sources as specified in the funding application to the Denali Commission. If the Norton Sound Health Corporation has reason to believe that the total amount required for performance will be greater than the amount of this CPA plus any other funding source amounts so specified as initially available, the Norton Sound Health Corporation shall provide notice to the ANTHC within ten (10) days of discovery. If the Commission (or any other funding source) does not increase the funding authorization for the project, the Norton Sound Health Corporation may suspend performance until sufficient additional funds are awarded, or complete the project without additional funding assistance through this CPA.

D. PROJECT ADMINISTRATION

In conformance with the Commission's Financial Assistance Award, dated July 2003, the following Project Management Methodology option has been selected by the Norton Sound Health Corporation:

The project design and construction will be managed by the Norton Sound Health Corporation, which has met standards for a "Pass Through" organization approved by the ANTHC. The ANTHC will only maintain program oversight of the project. No technical assistance or project management will be provided by the ANTHC.

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

E. SUSTAINED OPERATIONS CONSIDERATIONS

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

F. NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS

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

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

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

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

G. AUTHORITY FOR APPROVAL

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

H. PROVISIONS FOR PROJECT COMPLETION

The following sections from the ANTHC, DEHE, Primary Care Facility Cooperative Project Agreement Provisions Manual (Orange Book), dated June 2003, are incorporated into this Agreement by reference. For the purposes of this Agreement, all references to "Local Participant" shall mean the Norton Sound Health Corporation.

- Section 1, "Provisions for All Cooperative Project Agreements"
- Section 4, "Provisions for Regional Health Organization Management of Force Account Labor for Pass Through Projects"
- Section 6, "Assurances for All Construction Programs"

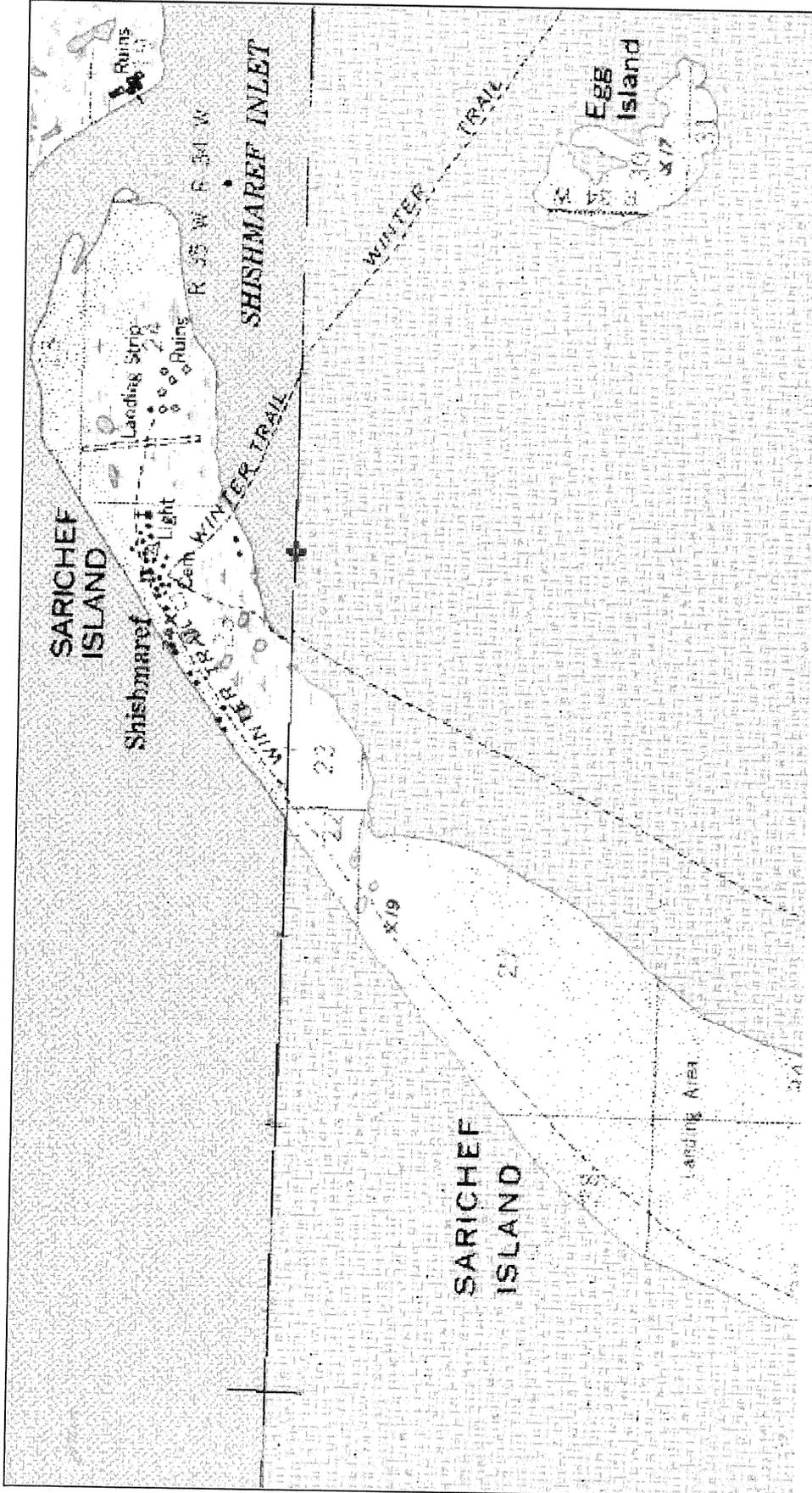
The following federal provisions apply to this project:

- 15 CFR 24, Uniform Admin Requirements for Grants/Cooperative Agreements to State and Local Governments
<www.access.gpo.gov/nara/cfr/waisidx_99/15cfr24_99.html>
(Applies to local or tribal government)
- OMB Circular A-87, Cost Principles for State and Local Governments and Indian Tribal Governments <www.whitehouse.gov/OMB/circulars/a087/a087-all.html>
(Applies to local or tribal government)
- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations <www.whitehouse.gov/OMB/circulars/a133/a133.html> (Applies to all Sub-Awards)
- 15 CFR, Part 14, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations
<www.access.gpo.gov/nara/cfr/waisidx_99/15cfr14_99.html> (Applies to Non-profits)
- OMB Circular A-122, Cost Principles for Nonprofit Organizations
<www.whitehouse.gov/OMB/circulars/a122/a122.html> (Applies to Non-profits)

APPENDIX

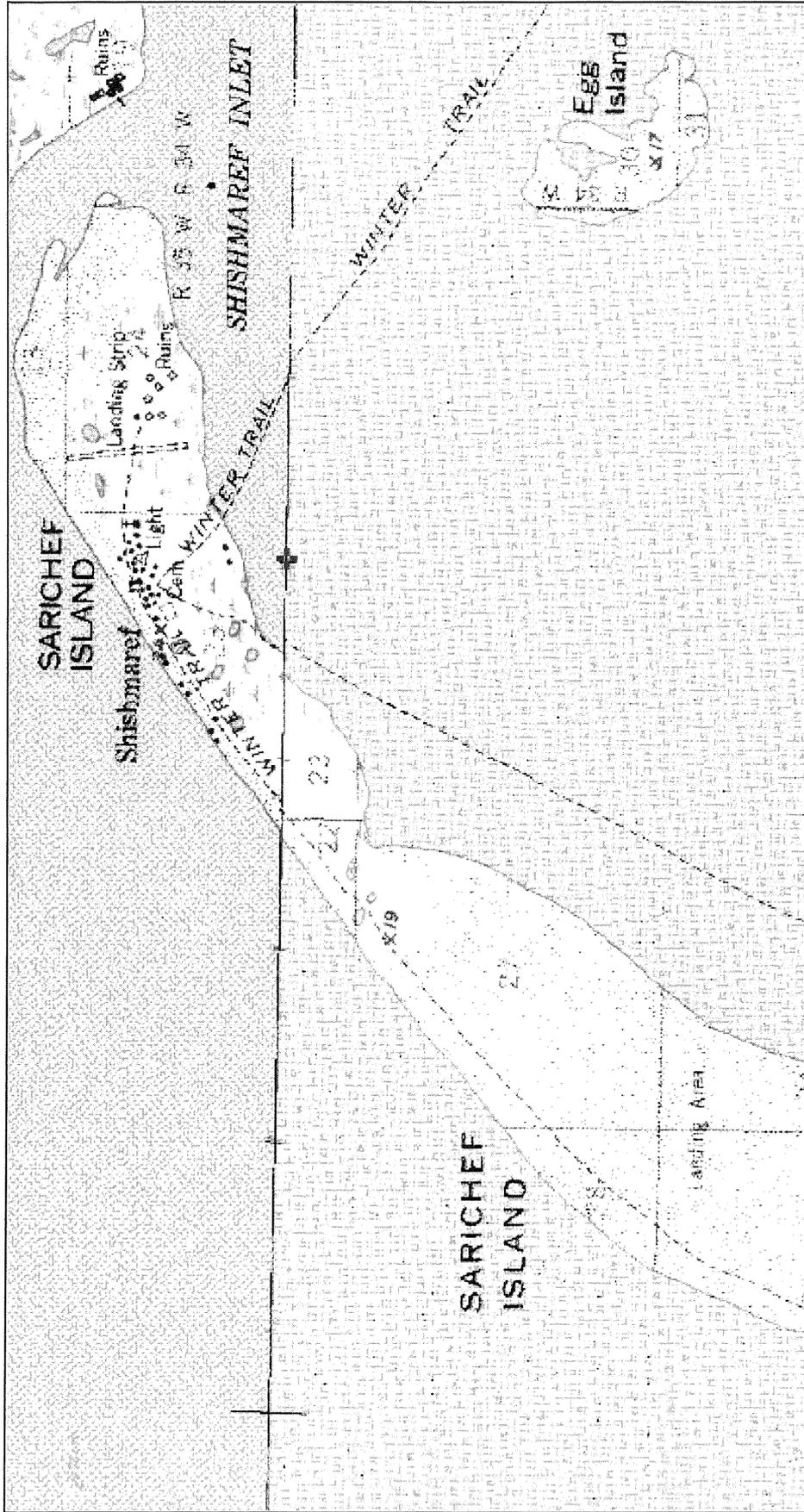
Maps

- USGS Community Vicinity Map



Shishmaref, Alaska
 ANTHC Project No. AN 03-G80
 August 2003

USGS Quad: Shishmaref A-3



Shishmaref, Alaska
 ANTHC Project No. AN 03-G80
 August 2003

USGS Quad: Shishmaref A-3