



**U. S. DEPARTMENT OF COMMERCE**  
Economic Development Administration  
915 Second Avenue, Room 1890  
Seattle, WA 98174  
Fax: 206.220.7669  
Voice: 206.220.7660

September 17, 2009

Mr. Michael Houlemard  
Executive Director, Fort Ord Reuse Authority  
100 12<sup>th</sup> Street, Building 2880  
Marina, California 93933

RE: EDA Award No. 07-79-73004  
ARRA New Arterial Road Construction



Dear Mr. Houlemard:

We have been notified that the New Arterial Road Construction on the site of the former Fort Ord has been approved and that the Fort Ord Reuse Authority (FOR A) has accepted the EDA Financial Assistance Award. This award is made with funds available under the American Recovery and Reinvestment Act (ARRA) of 2009. We are pleased and take this opportunity to offer you our fullest cooperation and assistance in managing this project. The Engineering and Construction staff of this office shares with you the responsibility of administering this project. Please direct future correspondence to the attention of Mary Rudokas, Project Manager.

As soon as possible we would like to arrange with you a Project Management Conference call. Please contact Mary at (206) 220-7694 to schedule a time for the conference call.

Enclosed is CD entitled the "Post Approval Process" which provides requirements for approved construction projects. This CD outlines necessary procedures and actions. The project administrator and/or architect/engineer should be familiar with the CD.

Additional information associated with this ARRA award will also be discussed at the Project Management Conference call. In particular ARRA grant reporting requirements can be found at [http://www.whitehouse.gov/omb/assets/memoranda\\_fy2009/m09-21-supp2.pdf](http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21-supp2.pdf).

Your attention is directed to the time schedule special condition in Exhibit "A" of the Financial Assistance Award. We emphasize the importance of the schedule deadlines in implementing this project. EDA's policy regarding the ARRA time schedule provides no flexibility. Failure to meet time schedule deadlines could result in termination of the Award.

Please reference the Standard Terms and Conditions in Exhibit "B" of the Financial Assistance Award. Under paragraph B3, the approved budget for this award is predicated upon a sharing of allowable costs. In the event that the allowable costs are less than the approved budget, then the Federal share of this Award will be limited to 50 percent of the actual allowable costs, but in no event shall the EDA share exceed the Federal Award of \$ 6,426,754.

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EDA funds will be disbursed through the use of electronic fund transfers to your bank. You should discuss the prerequisites to disbursement as well as the disbursement arrangements with your assigned project manager as early as possible.

In all these matters and throughout the project, your EDA Project Manager will work to provide prompt assistance to ensure schedule compliance and successful implementation of your project. If you have any questions, please feel free to call Mary.

Sincerely,

A handwritten signature in black ink, appearing to read "Betty Atkinson", is written over a horizontal line.

Betty Atkinson  
Area Director

Enclosure

Copy to: Dianne Church, EDR



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Dear Mr. Houlemard:

As has been stated in the EDA letter dated September 17, 2009, we need to arrange for a Project Management Conference call. Enclosed are materials that are generally distributed during the Project Management Conference. Some pertinent comments on the materials are attached and a disc is enclosed for your reference. Please read the document "ABOUT K-PAI.pdf" in the file labeled "7-ABOUT K-PAI" and then proceed to the "Main Page.pdf". If you have any problems reading the disc, please call or email [mrudokas@eda.doc.gov](mailto:mrudokas@eda.doc.gov) as soon as possible.

Further, the American Recovery and Reinvestment Act Award Terms and Conditions should be reviewed as well as the requirements associated with this Act found at [http://www.whitehouse.gov/omb/memoranda\\_default/](http://www.whitehouse.gov/omb/memoranda_default/). A checklist for Recovery Act Primary Grant Recipients is provided for your convenience in Enclosure No. 7.

Please call me to schedule a convenient time for the conference call.

Sincerely,

A handwritten signature in black ink that reads "Mary Rudokas".

Mary Rudokas  
Project Manager  
Public Works Division

Enclosures

## ATTACHMENT

EDA AWARD NO. 07-79-73004

### ARRA NEW ARTERIAL ROAD CONSTRUCTION

1. Enclosure 1 is a copy of the Financial Assistance Award for the construction of General Jim Moore and Eucalyptus including paved roadway, curbs and gutters, sidewalks, landscaped medians, street lighting, erosion control, and storm management and disposal. This Award was accepted by the Fort Ord Reuse Authority (FORA) on August 19, 2009.
2. Enclosure 2 is the Special Conditions for this Award:
  - a. Special Condition No. 1 refers to the time schedule for this project. This schedule requires the start of construction by December 17, 2009, and construction completion and project close out by December 17, 2012.
  - b. Special Condition No. 3 concerns a title opinion for this project. The engineer must provide a legal description of all of the land needed for this project, including public rights-of-way in either metes and bounds or by reference to a recorded parcel map. The FORA attorney must then certify that for the land described by the engineer, all necessary easements and rights-of-way for the project have been acquired, free of all mortgages, foreclosable liens, or encumbrances for the completion of the project. You must use the Certificate of Project Site, Rights of Way and Easements from EDA's disc enclosed in order to satisfy Special Condition No. 3.
  - c. Special Condition No. 4 requires the submission of a Construction Management Agreement. Enclosure 3 provides information on how to select an A/E firm and items that should be included in an A/E which for the purposes of this grant award is the same as for a Project Inspection contract. Please review the checklist and other information provided on the disc enclosed regarding the requirements to satisfy Special Condition No. 4.
  - d. Special Condition No. 6 concerns EDA's reporting requirements for unliquidated obligations. By October 30th of next year, EDA will require that you send a report on the amount of your EDA Award that has not been disbursed to you yet. Please note the form denoted in this special condition has been replaced by the SF 425. Do not use the SF 269A.

- e. Special Condition No. 7 states that within 2 years of approval the projects must have started construction or the grant will be suspended. Per the special condition no. 1 above, and given the source of your funding, the suspension will take effect (the "...whichever is later ..." clause does not apply) if construction has not started by the 120 days from date of grant award (December 17, 2009).
- f. Special Condition No. 9 concerns an "Assurance" from the City of Seaside that they will operate and maintain whatever roadway and appurtenances improved by EDA for the purposes of this financial assistance award. Enclosure 4 contains a sample of a letter obtained that was previously acceptable to EDA for this type of assurance.
- g. Special Condition No. 10 concerns "Property Management Standards" covering approximately 3,500 acres of real property that will benefit from the improvements implemented as part of this Financial Assistance Award. These property management standards should comply with 13 CFR 314.7. The disc provided has examples of different types of covenants that can be included in these standards.

#### **American Recovery and Reinvestment Act (ARRA) Special Conditions**

- h. Special Condition No. 11 requires that the grantee keep current and comply with those policies and procedures associated with ARRA 2009 including those listed on, but not limited to, the following website:  
[http://www.whitehouse.gov/omb/memoranda\\_default/](http://www.whitehouse.gov/omb/memoranda_default/). The grantee has agreed that compliance with guidance and requirements that may change during the grant award period is acceptable. Currently, please pay particular attention to M-09-021 and the reporting requirements therein, found at:  
[http://www.whitehouse.gov/omb/assets/memoranda\\_fy2009/m09-21-supp2.pdf](http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21-supp2.pdf). Please note that the successful bidder for this contract is considered the sub-recipient. It would behoove FORA to include the reporting requirements associated with a sub-recipient in the specifications for the EDA project.
  - i. If compliance with Terms and Conditions delineated under the ARRA 2009 Act and those proffered through EDA's Standard Terms and Conditions are ambiguous or in conflict, per Special Condition No. 12, those Terms and Conditions enacted via the ARRA 2009 Act shall prevail.
3. Enclosure 5 is a copy of the project cost classifications. It must be emphasized that EDA will participate in only \$6,426,754 or 50 percent of the actual project costs, whichever is

less. It should be noted that billings on this project can be made only against the specific cost classifications.

4. The enclosed disc contains a financial section that has a "financial package" that contains forms required to request EDA reimbursement. A sample is included in the package for reference, as well as a "master," that can be used for your project. If you wish, I can provide you with a computerized version of the Form SF-271. In addition, information for the receipt of payment by EDA via an electronic transfer to your bank is also included. A copy of a quarterly and "progress and inspection report" is provided for completion. It is requested that the progress reports be completed monthly and submitted with the payment request only during construction. Quarterly reports are due pre and post construction.
5. The enclosed disc contains some contract documents that can be utilized by your engineer in the compilation of your bid package. Please note that the EDA "Supplemental General Conditions" must be included in your contract documents-they are part of the EDA required specification documents. EDA has other documents that have been used in the past that may also help with the provision of plans and specifications. Please discuss this during the project management conference call if you wish to investigate this possibility.
6. Please reference the Standard Terms and Conditions in Exhibit "B" of the Financial Assistance Award. Under paragraph C.3., the EDA grant Recipients will be required to complete and submit the forms provided in Enclosure 5. Initially, these forms will be requested prior to the final grant disbursement payment being made by EDA. Subsequently, the reporting forms will be requested by EDA three and six years after the project has been completed.
7. Enclosure 6 is the general agenda that is used during the Project Management Conference.
8. Enclosure No. 7, as stated in the cover letter contains a checklist created for your convenience to ensure appropriate monitoring and reporting according to ARRA requirements. Please note this document should not be considered a stagnant checklist. As ARRA regulations and requirements are further clarified and interpreted and as policy is developed to implement these regulations and requirements, so too will the need for the checklist to be updated. EDA will endeavor to notify the grantee when/if changes in the ARRA are made, but the responsibility for compliant implementation of this award ultimately rests with the grantee.

The following world wide web pages contain the regulations governing your grant:

(Most of the useful forms or files are in PDF format. You must install a copy of Adobe Acrobat Reader to read these files.)

- Adobe Acrobat Reader  
<http://www.adobe.com/prodindex/acrobat/readstep.html>
- Code of Federal Regulations (CFR)  
<http://www.access.gpo.gov/nara/cfr/index.html>
- Office of Management and Budget (OMB) Grant Circulars  
<http://www.whitehouse.gov/omb/grants/index.html>  
[http://www.whitehouse.gov/omb/memoranda\\_default/](http://www.whitehouse.gov/omb/memoranda_default/)
- EDA Home Page  
<http://www.eda.gov>
- Requirements for Approved Construction Projects (a.k.a. "Blue Book") :PLEASE NOTE THESE WERE SUPERCEDED OCTOBER 2007 BUT CAN BE USED AS A HELPFUL RESOURCE;  
  
[www.eda.gov/ImageCache/EDAPublic/documents/pdfdocs/construction\\_5fv2\\_2ehtml/v2/construction\\_5fv2.html](http://www.eda.gov/ImageCache/EDAPublic/documents/pdfdocs/construction_5fv2_2ehtml/v2/construction_5fv2.html)
- List of Sureties Approved to Issue Bonds for Federally Funded Contracts (Circ 570)  
<http://www.fms.treas.gov/c570/index.html>
- Contractors Not Allowed to Receive Federally Funded Contracts (Interactive Search)  
[http://epls.arnet.gov/epl/owa/epl\\_search.name\\_srch](http://epls.arnet.gov/epl/owa/epl_search.name_srch)
- Davis-Bacon Wage Rates  
<http://www.access.gpo.gov/davisbacon/index.html>