

File No. 110458

Committee Item No. 3  
Board Item No. 35

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee CITY OPERATIONS AND  
NEIGHBORHOOD SERVICES

Date 7/11/11

Board of Supervisors Meeting

Date 7/19/11

**Cmte Board**

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Grant Information Form                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Award Letter                                 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

**OTHER**

(Use back side if additional space is needed)

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Completed by: Gail Johnson

Date 7/7/11

Completed by: AG

Date 7/13/11

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document is in the file.

1 [Accept and Expend Grant - Civic Center Sustainable Resources District Project - \$970,000]

2  
3 **Resolution authorizing the San Francisco Public Utilities Commission to accept and**  
4 **expend a U.S. Environmental Protection Agency administered grant in the amount of**  
5 **\$970,000 for a Civic Center Sustainable Resources District Project.**

6  
7 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) received  
8 confirmation of an appropriation of \$970,000 from the United States Environmental Protection  
9 Agency (US EPA) for implementation of a Civic Center Sustainable Resources District  
10 Project; and

11 WHEREAS, Required matching funds of \$793,636 have already been met through FY  
12 FY 10/11 Wastewater Enterprise Capital Budget; and

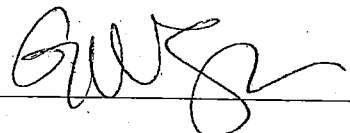
13 WHEREAS, This grant does not include an Annual Salary Ordinance (ASO)  
14 Amendment; and

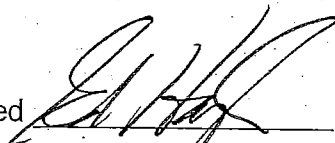
15 WHEREAS, San Francisco Administrative Code Sec. 10.170-(d) states that if indirect  
16 costs are not allowed by the funding agency, this reason shall be stated in the authorizing  
17 resolution and upon approving the acceptance and expenditure, the Board of Supervisors  
18 may waive the requirement for inclusion of reimbursed costs; and,

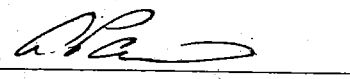
19 WHEREAS, The San Francisco Public Utilities Commission on May 10, 2011, adopted  
20 resolution no. 11-0070 authorizing the General Manager to request permission from the Board  
21 of Supervisors to accept and expend grant funds totaling \$970,000 from the US EPA, and to  
22 execute all required agreements, with required local matching funds of \$793,636 from the FY  
23 10/11 Wastewater Enterprise Capital Budget, PWW-100 Low Impact Design Project; now,  
24 therefore, be it

1 RESOLVED, That the General Manager of the San Francisco Public Utilities  
2 Commission, or designee, is authorized to accept and expend grant funds totaling \$970,000  
3 from the U.S. Environmental Protection Agency for a Civic Center Sustainable Resources  
4 District project, and to execute all required agreements, with required local matching funds of  
5 \$793,636 that have already been met through FY 10/11 Wastewater Enterprise Project  
6 Budget; and, be it

7 FURTHER RESOLVED, that the Board of Supervisors waives the requirement for  
8 inclusion of reimbursement due to indirect costs, given that the funding agency does not allow  
9 for this reimbursement under the circumstances of this grant award.

10  
11 Approved:   
12 for Mayor

13  
14 Recommended   
15 General Manager

16  
17 Approved:   
18 Controller

**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Nathan Purkiss  
**DATE:** 5/20/2011  
**SUBJECT:** Resolution authorizing the SFPUC to accept and expend a grant of \$970,000 from the U.S. Environmental Protection Agency for a Civic Center Sustainable Resources District Project.

**GRANT TITLE:** U.S. Environmental Protection Agency grant for a Civic Center Sustainable Resources District Project.

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Attached please find the original and 4 copies of each of the following:

Proposed grant resolution; original signed by Department, Mayor, Controller

Grant information form, including disability checklist

Grant budget

Grant application

Grant award letter from funding agency

Other (Explain):

**Special Timeline Requirements:**

**Departmental representative to receive a copy of the adopted resolution:**

Name: Marla Jurosek

Phone: (415) 554-3131

Interoffice Mail Address: SFPUC, 1145 Market Street, 5<sup>th</sup> Floor

Certified copy required Yes

No X

(Note: certified copies have the seal of the City/County affixed and are occasionally required by funding agencies. In most cases ordinary copies without the seal are sufficient).

## Grant Information Form

**File Number:** \_\_\_\_\_  
(Provided by Clerk of Board of Supervisors)

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: **Civic Center Sustainable District Project**
2. Department: **SFPUC**
3. Contact Person: **Nathan Purkiss** Telephone: **(415) 554-3404**
4. Grant Approval Status (check one):  
 Approved by funding agency       Not yet approved
5. Amount of Grant Funding Approved or Applied for: **\$970,000**
6. a. Matching Funds Required: \$ 793,636  
b. Source(s) of matching funds (if applicable):
7. a. Grant Source Agency: **Environmental Protection Agency (EPA)**  
b. Grant Pass-Through Agency (if applicable):
8. Proposed Grant Project Summary:

The Civic Center Sustainable District Project will evaluate opportunities to sustainably manage water, wastewater, stormwater, and associated elements in a manner compatible with the historic designation of the Civic Center District.

EPA grant and SFPUC matching funds will be used to procure consulting services and support the City's oversight and interagency coordination to develop a Civic Center Sustainable District Plan and complete appropriate environmental analysis.

The goal of the Civic Center Sustainable District Plan is to guide physical changes to the public realm to create a vital, active district that reduces impacts to the natural environment. This Project will develop a vision for sustainably managing water resource through the implementation of Low Impact Design and water conservation. Low Impact Design is a decentralized approach to managing the quantity and quality of stormwater

runoff. This site-scale approach aims to increase retention, detention, infiltration, and treatment of stormwater runoff at its source.

The Civic Center Sustainable District Project will develop a Civic Center Sustainable District Plan and provide California Environmental Quality Act (CEQA) review compatible with the historic designation of the Civic Center District.

9. Grant Project Schedule, as allowed in approval documents, or as proposed:  
Start-Date: 5/1/11      End-Date: 5/1/14

(The project will last approximately three years and the EPA has verbally agreed to an approximate end date for this project of 5/1/14)

10. Number of new positions created and funded: **0**

11. If new positions are created, explain the disposition of employees once the grant ends?

12. Amount budgeted for contractual services: \$686,375.00

- a. Will contractual services be put out to bid? Yes
- b. If so, will contract services help to further the goals of the department's MBE/WBE requirements? Yes
- c. Is this likely to be a one-time or ongoing request for contracting out? **One Time**

13. Does the budget include indirect costs?  Yes  No

- a. If yes, how much? Planning currently evaluating
- b. How was the amount calculated?
- c. If no, why are indirect costs not included?

Not allowed by granting agency  To maximize use of grant funds on direct services

Other (please explain):

- c2. If no indirect costs are included, what would have been the indirect costs?

Full costs to administer the grant will be covered by matching funds.

14. Any other significant grant requirements or comments:

**\*\*Disability Access Checklist\*\*\***

15. This Grant is intended for activities at (check all that apply):

- Existing Site(s)     Existing Structure(s)  
 Existing Program(s) or Service(s)     Rehabilitated Site(s)  
 Rehabilitated Structure(s)     New Program(s) or Service(s)  
 New Site(s)     New Structure(s)

16. The Departmental ADA Coordinator and/or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:

Comments:

Departmental or Mayor's Office of Disability Reviewer:

Nathan Purkiss, SFPUC ADA Coordinator

(Name)

Date Reviewed: 05/19/10

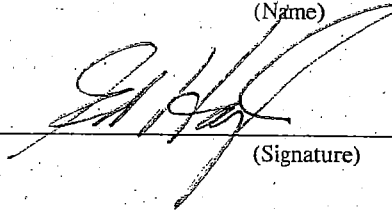
Department Approval:

Ed Harrington,

(Name)

General Manager

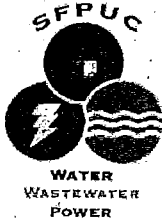
(Title)



(Signature)







**AGENDA ITEM**  
**Public Utilities Commission**  
*City and County of San Francisco*



DEPARTMENT Wastewater Enterprise AGENDA NO. 17  
 MEETING DATE May 10, 2011

**Accept and Expend EPA Grant Funds: Regular Calendar**  
**Project Manager: Marla Jurosek**

**Accept and Expend EPA Grant Funds for the Civic Center Sustainable District Planning Project**

<p><b>Summary of Proposed Commission Action:</b></p>	<p><b>Authorize</b> the General Manager of the San Francisco Public Utilities Commission (SFPUC) to request approval from the Board of Supervisors to accept and expend grant funds totaling \$970,000 from the United States Environmental Protection Agency (US EPA) for the Civic Center Sustainable District Planning Project and to execute all required agreements. The grant requires local matching funds of 45%, or \$793,636, for a total project value of \$1,763,636.</p>
<p><b>Background:</b></p>	<p>On September 14, 2010, the Commission approved Resolution 10-0154 which authorized the General Manager of the SFPUC to request the approval of the Board of Supervisors to accept and expend grant funds totaling \$970,000 from the US EPA, with required local matching funds of \$436,500.</p> <p>This resolution amends the SFPUC's required local match to reflect the correct value of \$793,636 which represents an increase of \$357,136 above the previously approved match value. This change is due to an error in calculating the match value. The previously approved match value was calculated based solely on the Federally funded portion of the project and should have been calculated based on the total project value.</p> <p>The Civic Center Sustainable District Planning Project will evaluate opportunities to sustainably manage water, wastewater, stormwater, and associated elements in a manner compatible with the historic designation of the Civic Center District.</p>

**APPROVAL:**

DEPARTMENT / BUREAU

  
 \_\_\_\_\_

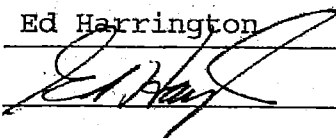
FINANCE

Todd L. Rydstrom  
 \_\_\_\_\_

COMMISSION SECRETARY

Mike Housh  
 \_\_\_\_\_

GENERAL MANAGER

Ed Harrington  
  
 \_\_\_\_\_

EPA grant and SFPUC matching funds will be used to procure consulting services and support the City's oversight and interagency coordination to develop a Civic Center Sustainable District Plan and complete appropriate environmental analysis.

**Project Goals and Objectives:**

The goal of the Civic Center Sustainable District Plan is to guide physical changes to the public realm to create a vital, active district that reduces impacts to the natural environment.

This Planning Project will develop a vision for sustainably managing water resource through the implementation of Low Impact Design and water conservation. Low Impact Design is a decentralized approach to managing the quantity and quality of stormwater runoff. This site-scale approach aims to increase retention, detention, infiltration, and treatment of stormwater runoff at its source.

Promoting Low Impact Design and water conservation (such as non-potable reuse practices) furthers the SFPUC's Wastewater Enterprise goals and presents the greatest opportunities to:

- reduce the amount of inflow to the sewer system,
- reduce the volume of wastewater discharged to San Francisco Bay,
- harvest stormwater, graywater or wastewater for its beneficial use in non-potable applications, and
- integrate with the SFPUC's Water Supply goals to reduce potable water demand for non-potable water uses, while replenishing local groundwater basins.

**Project Outcomes:**

The Civic Center Sustainable District Planning Project will develop a Civic Center Sustainable District Plan and provide California Environmental Quality Act (CEQA) review and, if applicable, National Environmental Policy Act (NEPA) review compatible with the historic designation of the Civic Center District.

Seeking to enrich the historic legacy by combining the best of the new within the best of the old, this Planning Project will demonstrate, educate, interpret and otherwise lead by example.

Section 10.170 of the San Francisco Administrative Code permits the application for federal, state, or other grants upon the approval of the department head. Section of 10.170-1 of the San Francisco Administrative Code further states that the acceptance and expenditure of Federal, State or other grant funds is subject to the approval by resolution

**Agreement:** Accept and Expend EPA Grant Funds for the Civic Center Sustainable District Project  
**Commission Meeting Date:** May 10, 2011

	of the Board of Supervisors.
<b>Environmental Review</b>	Appropriate CEQA and NEPA documents will be prepared on the Civic Center Sustainable District Plan, which will be reviewed and considered before the Plan is adopted.
<b>Schedule:</b>	US EPA grant funds were awarded March 11, 2011. The project will be completed by March 2014.
<b>Result of Inaction:</b>	SFPUC will not receive US EPA grant funds, resulting in the elimination of the project.
<b>Budget and Costs:</b>	The total cost of this project is \$1,763,636 based on an US EPA grant of \$970,000 and a required SFPUC match of \$793,636. The required matching funding is available from Wastewater Enterprise CIP Program, Project No. PWW-100 Low Impact Design Project.
<b>Recommendation:</b>	Authorize the General Manager of the SFPUC to request approval from the Board of Supervisors to accept and expend grant funds totaling \$970,000 from the US EPA for the Civic Center Sustainable District Planning Project.
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. SFPUC Resolution 10-0154</li> <li>2. Civic Center Sustainable District Planning Project Summary</li> </ol>

**PUBLIC UTILITIES COMMISSION**

City and County of San Francisco

RESOLUTION NO. \_\_\_\_\_

**Resolution authorizing the San Francisco Public Utilities Commission General Manager to request approval of the Board of Supervisors to accept and expend a United States Environmental Protection Agency Grant in the amount of \$970,000 for a Civic Center Sustainable District Planning Project.**

WHEREAS, The SFPUC received confirmation of the appropriation of \$970,000 from the United States Environmental Protection Agency (US EPA) for implementation of a Civic Center Sustainable District Planning Project; and

WHEREAS, Funding for the required matching funds of \$793,636 is available from the FY 10-11 Wastewater Enterprise Capital Budget, Project No. PWW-100 Low Impact Design Project; and

WHEREAS, The Civic Center Sustainable District Planning Project will evaluate opportunities to sustainably manage water, wastewater, stormwater, and associated elements in a manner compatible with the historic designation of the Civic Center District; and

WHEREAS, Acceptance and expenditure of grant funds for development of the Civic Center Sustainable District Plan is statutorily exempt from CEQA under CEQA Guidelines Section 15262 (FEASIBILITY AND PLANNING STUDIES), development of the concept and vision plan would not involve any physical changes to the environment, and implementation of recommendations resulting from the Civic Center Sustainable District Planning Project concept and vision plan would require subsequent environmental review under CEQA; now, therefore, be it

RESOLVED, That this Commission authorizes the General Manager of the San Francisco Public Utilities Commission to request the approval of the Board of Supervisors to accept and expend grant funds totaling \$970,000 from the US EPA, with required local matching funds of \$793,636 from the FY 10/11 Wastewater Enterprise Capital Budget, PWW-100 Low Impact Design Project, and to execute all required agreements.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of \_\_\_\_\_ May 10 2011*

\_\_\_\_\_  
*Secretary, Public Utilities Commission*

**PUBLIC UTILITIES COMMISSION**

City and County of San Francisco

RESOLUTION NO. 10-0154

WHEREAS, The SFPUC received confirmation of the appropriation of \$970,000 from the United States Environmental Protection Agency for implementation of a Civic Center Sustainable District Project; and

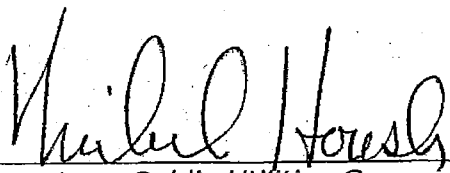
WHEREAS, Funding for the required matching funds (\$436,500) is available from the FY 10-11 Wastewater Enterprise Capital Budget; and

WHEREAS, The Civic Center Sustainable District Project will evaluate opportunities to sustainably manage water, wastewater, stormwater, and associated elements in a manner compatible with the historic designation of the Civic Center District; and

WHEREAS, Acceptance and expenditure of grant funds for development of the Civic Center Sustainable District Plan is statutorily exempt from CEQA under CEQA Guidelines Section 15262, development of the concept and vision plan would not involve any physical changes to the environment, and implementation of recommendations resulting from the Civic Center Sustainable District Project concept and vision plan would require subsequent environmental review under CEQA; now, therefore, be it

RESOLVED, That this Commission authorizes the General Manager of the San Francisco Public Utilities Commission to request the approval of the Board of Supervisors to accept and expend grant funds totaling \$970,000 from the US EPA, with required local matching funds of \$436,500 from the FY 10/11 Wastewater Enterprise Capital Budget, and to execute all required agreements.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of* \_\_\_\_\_ *September 14, 2010*

  
\_\_\_\_\_  
*Secretary, Public Utilities Commission*

## Civic Center Sustainable District Project Summary

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### I. Background

San Francisco's Civic Center is the heart of City; it is the center of government and culture. Focused on City Hall and its forecourt plaza, the Civic Center District is a superb ensemble of Beaux Arts civic architecture that is designated as a National Historic Landmark District. While public interest and strong local controls ensure that this legacy will continue to speak eloquently about who we have been, and to the value we place on our past, a vital city must be not just of the past but also of the future. Each generation deserves and has the obligation to leave its mark and voice its aspirations. Great cities are alive, embrace change, are proud of the past, are concerned about the here and now, and claim a bold future. The Civic Center Sustainable District Plan will build on this vision, adding the richness of sustainability, an even stronger sense of place, and a vibrant mix of uses that make it a livelier, more contemporary, round-the-clock heart for San Francisco.

Building a sustainable and resilient future requires rising to the challenges presented by climate change and population growth. The Civic Center Sustainable District Plan will transform the traditional urban design approach by establishing water resource management as a key priority. Traditional elements such as transportation, urban design, and open space will be addressed specifically in response to landscape changes due to water resource management.

The Civic Center Sustainable District Plan will guide physical changes towards a vital, active district that reduces its impact on the natural environment by reducing water and energy consumption. It will: incorporate the best of the new within the best of the old; embrace innovative stormwater management; enrich the historic legacy; incorporate cutting edge technology and make it visible; improve the public realm; seamlessly integrate transit and other ways of moving about; and demonstrate state of the art way-finding and lighting systems. It will demonstrate, educate, interpret and otherwise lead by example.

### II. Budget and Costs

In May 2009, the SFPUC received confirmation of appropriation for a grant of \$970,000 from the US EPA for implementation of a Civic Center Sustainable District Project. The grant requires local matching funds of 45% for a total project value of \$1,763,636. The City and County of San Francisco will be required to provide matching funds of \$793,636 per the requirements of the appropriations. The SFPUC has allocated funding for this project in the FY 10/11 Wastewater Enterprise Capital Budget.

### III. Project Goals/Objectives

The Civic Center Sustainability District will provide a lively, livable, contemporary mixed-use place that respects the past while it embraces a creative, sustainable future. Design and placemaking policies and strategies that will reduce water and power demand while

creating a vibrant urban district that is at once economically, socially and environmentally sustainable.

It will achieve this by:

1. Creating vibrant streets and public spaces
2. Developing an iconic, gracious public realm
3. Ensuring a rich mix of uses
4. Integrating all ways of moving about (transit, pedestrian, bicycle and auto)
5. Capture and reuse stormwater and wastewater
6. Calming traffic
7. Respecting the district's rich architectural resources and fabric
8. Achieving round-the-clock life and activity
9. Visibly celebrating and demonstrating sustainability
10. Achieving tangible reductions in potable water use, wastewater generated and total power demand
11. Supporting insurgent/resurgent retail (from interim to permanent)
12. Designing with nature: sun access and wind protection

It will work in concert with three sustainability goals set for the district:

- Achieving an efficiency of resources (water, wastewater and power)
- Serving as an urban classroom
- Demonstrating fiscal efficiency

The Civic Center Sustainable District Project will conduct a thorough environmental review on all project impacts which will include NEPA and CEQA compliance, as needed.

#### IV. Civic Center Sustainability District Outline

The Civic Center Sustainability District project will be an action plan that synthesizes all sustainable planning goals and policies to direct the City's actions in creating a sustainable Civic Center over time. The plan will contain the information listed below:

##### ***Plan Outline***

###### Civic Center Sustainable District Plan

1. Vision
2. Goals and Objectives
3. Existing Conditions
4. Public Realm Plan
5. Water Management Plan
6. Energy Conservation & Renewables Plan
7. Design Guidelines for New Development
8. Funding and Implementation Program
  - a. Near-Term Improvements
    - Water resource and energy demonstration projects
    - Enhanced Appearance
    - Enhanced Programming
    - Enhanced Maintenance
    - Public Wayfinding System



- Interpretation
- b. Mid-Term Improvements
  - Sustainable Infrastructure (Initial Phase)
  - Civic Center Plaza and Surrounding Streets Improvements
  - United Nations Plaza/Fulton Mall Improvements
  - Van Ness Bus Rapid Transit
- c. Long-Term Improvements
  - Sustainable Infrastructure (Subsequent Phases)
  - Civic Center Powerhouse Learning Center
  - BART Station Improvements

## V. Tasks and Work Plan

### **Task 1: Start-up and Project Management**

- Master Scope, Schedule and Budget
- Consultant Procurement
- Project Management

### **Task 2: Public Meetings and Outreach Activities**

- Define Community Outreach Strategy
- Round 1 Public Meetings (Community Visioning)
- Round 2 Public Meetings (Conceptual Framework and Options)
- Round 3 Public Meetings (Design Alternatives and Locally Preferred Alternative)
- Round 4 Public Meetings (Draft Plan)

### **Task 3: Best Practices**

- Low impact design in urban settings
- Energy conservation and renewables
- Sustainable streetscape and open space design in urban settings
- Education through design

### **Task 4: Existing Conditions, Needs and Opportunities**

- Review water, wastewater, power and transportation infrastructure
- Physical condition of streets and architecture
- Pedestrian activity and perceptions
- Hydrologic model development
- Analysis and reports

### **Task 5: Water Resource Alternatives Analysis and Concept Design**

- Design strategies for potable water conservation, wastewater minimization, and stormwater management through low impact design
- Water resource design concept development and review
- Hydrologic benefits modeling
- Cost estimates
- Visualization graphics
- Long-term operation and maintenance
- Final water resource design concept

### **Task 6: Energy Conservation and Renewables Alternatives Analysis and Concept Design**

- Design strategies for wind, steam, solar and efficiency
- Energy and renewable concept development and review
- Cost estimates
- Visualization graphics

- Final energy conservation and renewables concept

**Task 7: Public Realm Alternatives Analysis and Concept Design**

- Design concepts development and review
- Integrate water resource and energy concepts
- Peer review of design concepts
- 10 Percent designs
- Transportation impact analysis
- Cost estimates
- Visualization graphics for alternatives

**Task 8: Locally Preferred Alternative Development**

- Refine and combine preferred elements to create Locally Preferred Alternative (LPA)
- Peer review of draft LPA
- Final LPA (10 percent design)

**Task 9: Sustainable Design in a National Register Historic District**

- Draft design guidelines for stormwater and wastewater management improvements compatible with historic designation of district
- Final stormwater management design guidelines
- Height and land use conceptual framework
- Alternative green building strategies (including energy generation) and building components
- Draft building design guidelines, including historic resource guidance
- Develop water conservation guidelines
- Refine height, land use, green building and building design guidelines
- Final height, land use and design guidelines

**Task 10: Consolidated Civic Center Sustainable District Plan**

- Draft plan document
- Public review and comments
- Final plan document

**Task 11: Environmental Review**


- Public scoping and Notice of Preparation
- Initial study
- Transportation impact study
- Draft environmental review documents
- Response to comments
- Environmental Impact Report appeal
- Final Environmental Impact Report/Statement

## VI. Environmental Benefits

The Civic Center Sustainable District Plan shall provide environmental benefits by reducing the water, wastewater and power demands. This Plan will provide a framework and specific design guidelines to achieve quantifiable and measurable environmental goals. More specifically, the plan shall incorporate infrastructure improvements in the form of stormwater runoff storage and reuse facilities to reduce the demand of potable water for non-potable uses such as irrigation and water features, providing both water and energy benefits.

Interpretative signs and displays will ensure that users are aware that they are experiencing a sustainable district. Furthermore, pedestrian realm improvements and transportation and parking plans shall improve pedestrian circulation and comfort and promote the use of public transit to achieve more energy efficiency in the movement of people and vehicles throughout the Civic Center District.

Task/Activity	2011			2012			2013			2013		
	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb
<p><b>Civic Center Sustainable District Plan Timeline</b></p> <p><b>Task 1: Start-up &amp; Project Management</b>            - Design Scope, Schedule and Budget            - Conceptual Framework            - Public Meetings</p> <p><b>Task 2: Public Meetings and Outreach Activities</b>            - Define Community Outreach Strategy            - Round 1 Public Meetings (Community Visioning)            - Round 2 Public Meetings (Conceptual Framework and Options)            - Round 3 Public Meetings (Design Alternatives)            - Round 4 Public Meetings (Draft Design Plan)</p> <p><b>Task 3: Best Practices</b>            - Low impact design in urban settings            - Energy conservation and renewables            - Pedestrian and bicycle friendly design in urban settings            - Education through design</p> <p><b>Task 4: Existing Conditions, Needs and Opportunities</b>            - Review water, wastewater, power and transportation infrastructure            - Physical condition of streets and architecture            - Pedestrian activity and perceptions            - Hydrologic model development            - Analysis and reports</p> <p><b>Task 5: Water Resource Alternatives Analysis and Concept Design</b>            - Design strategies for potable water conservation, wastewater minimization, and stormwater management through low impact design            - Hydrologic benefits model            - Hydrologic benefits model            - Cost estimates            - Visualization graphics for alternatives            - Long-term operation and maintenance strategies            - Final water resource design concept</p> <p><b>Task 6: Energy Conservation and Renewables Alternatives Analysis and Concept Design</b>            - Design strategies for wind, steam, solar and efficiency            - Energy and renewables concept development and review            - Cost estimates            - Visualization graphics            - Final energy conservation and renewables concept</p> <p><b>Task 7: Public Realm Alternatives Analysis and Concept Design</b>            - Design concepts development and review            - Integrate water resource and energy concepts            - Peer review of design concepts            - 10 Percent designs            - Transportation impact analysis            - Cost estimates            - Final LPA</p> <p><b>Task 8: Sustainable Design in a National Register-Historic District</b>            - Draft design guidelines for stormwater and wastewater management            - Improvements compatible with historic designation of district            - Final stormwater management design guidelines            - Height and land use conceptual framework            - Alternative green building strategies            - Draft building design guidelines (energy, historic resources guidance)            - Final design guidelines (energy, historic resources guidance)            - Review &amp; finalize height, land use, green building &amp; building design guidelines</p> <p><b>Task 9: Consolidated Civic Center Sustainable District Plan</b>            - Draft plan document            - Public review and comments            - Final plan document</p> <p><b>Task 10: Environmental Review</b>            - Public scoping and Notice of Preparation            - Transportation impact study            - Draft environmental review documents            - Response to comments            - Final Environmental Impact Report/Statement (assuming no appeal)</p>												

 <p><b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b></p> <p><b>Grant Agreement</b></p>	ASSISTANCE ID NO.			DATE OF AWARD
	PRG	DOC ID	AMEND#	
	XP -	00T59001	- 0	03/11/2011
	TYPE OF ACTION			MAILING DATE
	New			03/18/2011
PAYMENT METHOD:			ACH#	
Reimbursement			90561	

RECIPIENT TYPE: Municipal	Send Payment Request to: Las Vegas Finance Center, Fax (702) 798-2423
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RECIPIENT: San Francisco Public Utilities Commission 1155 Market Street 4th Floor San Francisco, CA 94103 EIN: 94-6000417	PAYEE: SFPUC - San Francisco Public Utilities Commission 1155 Market Street 4th Floor San Francisco, CA 94103
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PROJECT MANAGER Rosey Jencks 1155 Market Street 4th Floor San Francisco, CA 94103 E-Mail: <a href="mailto:rjenck@sfwater.org">rjenck@sfwater.org</a> Phone: 415-934-5762	EPA PROJECT OFFICER Luisa Valiela 75 Hawthorne Street, WTR-3 San Francisco, CA 94105 E-Mail: <a href="mailto:Valiela.Luisa@epa.gov">Valiela.Luisa@epa.gov</a> Phone: 415-972-3400	EPA GRANT SPECIALIST Danielle Carr Grants Management Office, MTS-7 E-Mail: <a href="mailto:Carr.Danielle@epa.gov">Carr.Danielle@epa.gov</a> Phone: 415-972-3871
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**PROJECT TITLE AND DESCRIPTION**  
 Water Infrastructure - Sustainable Civic Center  
 The Civic Center Sustainable District Plan shall provide environmental benefits by reducing the water, wastewater and power demands. This Plan will provide a framework and specific design guidelines to achieve quantifiable and measurable environmental goals. More specifically, the plan shall incorporate infrastructure improvements in the form of stormwater runoff storage and reuse facilities to reduce the demand of potable water for non-potable uses such as irrigation and water features, providing both water and energy benefits.

This assistance agreement will provide full federal funding in the amount of \$970,000. Pre-award costs have been approved back to January 3, 2011.

BUDGET PERIOD 01/03/2011 - 03/29/2013	PROJECT PERIOD 01/03/2011 - 03/29/2013	TOTAL BUDGET PERIOD COST \$1,763,636.00	TOTAL PROJECT PERIOD COST \$1,763,636.00
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**NOTICE OF AWARD**

Based on your application dated 11/08/2010, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$970,000. EPA agrees to cost-share 55.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$970,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)	AWARD APPROVAL OFFICE
ORGANIZATION / ADDRESS U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105	ORGANIZATION / ADDRESS U.S. EPA, Region 9 Water Division, WTR-1 75 Hawthorne Street San Francisco, CA 94105

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY		
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official	TYPED NAME AND TITLE Thomas McCullough, Assistant Regional Administrator	DATE 03/11/2011

**AFFIRMATION OF AWARD**

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION		
SIGNATURE	TYPED NAME AND TITLE Ed Harrington, General Manager	DATE

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 970,000	\$ 970,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 793,636	\$ 793,636
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 1,763,636	\$ 1,763,636

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.202 - Congressionally Mandated Projects	FY 2009 Omnibus Appropriations Act (PL 111-8)	40 CFR PART 31

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	1109W3E003	11	E4C	09L0HLL	202B51E	4192			970,000
									970,000

<b>Table A - Object Class Category (Non-construction)</b>	<b>Total Approved Allowable Budget Period Cost</b>
1. Personnel	\$737,300
2. Fringe Benefits	\$265,428
3. Travel	\$0
4. Equipment	\$0
5. Supplies	\$9,500
6. Contractual	\$751,408
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$1,763,636
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient 45.00 % Federal 55.00 %)	\$1,763,636
12. Total Approved Assistance Amount	\$970,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$970,000
15. Total EPA Amount Awarded To Date	\$970,000

**Administrative Conditions**

1. An interim Federal Financial Report (FFR), Standard Form 425, covering the period from "project/budget period start date" to September 30 of each calendar year shall be submitted to the U.S. EPA Las Vegas Finance Center, PO Box 98515, Las Vegas, NV 89193-8515, no later than December 31 of the same calendar year. **The initial FFR is due December 31, 2011.** The final FFR covering the entire project period shall also be submitted within 90 days after the end of the project period according to the recipient's respective Code of Federal Regulations Part 30.52(a)(1)(iv) and 30.71(a), or Part 31.23(b) and 31.41(b) (as applicable). The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

2. In accordance with OMB Circular A-133, which implements the Single Audit Act, the recipient hereby agrees to obtain a single audit from an independent auditor, if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days after receiving the report from the auditor, the recipient shall submit the SF-SAC and a Single Audit Report Package. The recipient **MUST** submit the SF-SAC and a Single Audit Report Package, using the Federal Audit Clearinghouse's Internet Data Entry System. For complete information on how to accomplish the single audit submissions, you will need to visit the Federal Audit Clearinghouse Web site: <http://harvester.census.gov/fac/>.

3. The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements as set forth in 40 CFR Part 33. The EPA DBE rule can be accessed at <http://www.epa.gov/osbp>. In addition, the recipient agrees to make good faith efforts whenever procuring construction, equipment, services and supplies under an EPA assistance agreement, and to ensure that sub-recipients, loan recipients, and prime contractors also comply with 40 CFR Section 33.301. Records documenting compliance with the six good faith efforts shall be retained.

The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the **California State Water Resources Control Board**, as follows:

	MBE	WBE
Construction	24%	6%
Equipment	22%	26%
Services	30%	31%
Supplies	29%	20%

By signing this financial assistance agreement, the recipient is accepting the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as **California State Water Resources Control Board**.

Pursuant to 40 CFR Section 33.404, the recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.



The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is not accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study to Joe Ochab, MTS-1, the Regional MBE/WBE Coordinator, within 120 days of acceptance of the financial assistance award. EPA will respond to the proposed fair share objectives/goals within 30 days of receiving the submission. If proposed fair share objectives/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objectives/goals are submitted.

A recipient of a Continuing Environmental Program Grant or other annual grant agrees to create and maintain a bidders list. A recipient of an EPA financial assistance agreement to capitalize a revolving loan fund also agrees to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Refer to 40 CFR Section 33.501 (b) and (c) for specific requirements and exemptions.

4. The recipient agrees to complete and submit to the Grants Management Office, MTS-7, a MBE/WBE Utilization Report (EPA Form 5700-52A), within 30 days after the end of the semi-annual reporting period; i.e., by April 30 and October 30 of each calendar year. Negative reports are required. Recipients of financial assistance agreements that capitalize revolving loan programs agree to require entities receiving identified loans to submit their MBE/WBE participation reports on a semiannual basis to the financial assistance agreement recipient, rather than to EPA. Only procurements with certified MBE/WBEs are counted towards a recipient's MBE/WBE accomplishments. A final MBE/WBE report must be submitted within 90 days after the end of the project period. Your grant cannot be officially closed without all MBE/WBE reports. EPA Form 5700-52A may be obtained from the EPA Office of Small Business Program's Home Page on the internet at [www.epa.gov/osbp](http://www.epa.gov/osbp).

5. Central Contractor Registration and Universal Identifier Requirements

A. Requirement for Central Contractor Registration (CCR). Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for Data Universal Numbering System (DUNS) numbers. If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you:

2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

C. Definitions. For purposes of this award term:

1. Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR Internet site (currently at <http://www.ccr.gov>).

2. Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).

3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:

- a. A Governmental organization, which is a State, local government, or Indian tribe;
- b. A foreign public entity;
- c. A domestic or foreign nonprofit organization;
- d. A domestic or foreign for-profit organization; and
- e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

4. Subaward:

- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. Subrecipient means an entity that:

- a. Receives a subaward from you under this award; and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

## 6. Reporting Subawards and Executive Compensation

a. Reporting of first-tier subawards.

1. Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e of this award term).

2. Where and when to report.

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

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

3. What to report. You must report the information about each obligating action that the submission instructions posted at [www.fsrs.gov](http://www.fsrs.gov) specify.

b. Reporting Total Compensation of Recipient Executives.

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

i. **The total Federal funding authorized to date under this award is \$25,000 or more;**

- ii. In the preceding fiscal year, you received—
    - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
    - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
  - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:
- i. As part of your registration profile at [www.ccr.gov](http://www.ccr.gov).
  - ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—
- i. in the subrecipient's preceding fiscal year, the subrecipient received—
    - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
    - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
  - ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:
- i. To the recipient.
  - ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions. If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- i. subawards,  
and
- ii. the total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:
  - i. A Governmental organization, which is a State, local government, or Indian tribe;
  - ii. A foreign public entity;
  - iii. A domestic or foreign nonprofit organization;
  - iv. A domestic or foreign for-profit organization;
  - v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
2. Executive means officers, managing partners, or any other employees in management positions.
3. Subaward:
  - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
  - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
  - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
4. Subrecipient means an entity that:
  - i. Receives a subaward from you (the recipient) under this award; and
  - ii. Is accountable to you for the use of the Federal funds provided by the subaward.
5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
  - i. *Salary and bonus* .
  - ii. *Awards of stock, stock options, and stock appreciation rights* . Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
  - iii. *Earnings for services under non-equity incentive plans* . This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
  - iv. *Change in pension value*. This is the change in present value of defined benefit and actuarial pension plans.
  - v. *Above-market earnings on deferred compensation which is not tax-qualified* .
  - vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites property) for the executive exceeds \$10,000.
7. When procuring services, equipment, and/or supplies under this assistance agreement, the recipient will follow the same policies and procedures it uses for procurements from its non-Federal funds. The recipient will follow their own procurement policies and procedures provided that the policies and procedures conform with EPA regulations 40 CFR Part 31.36 or 30.44 (as applicable) which state that all procurement transactions will be conducted in a manner providing full and open competition.
8. Payment to consultants. Per 40 CFR **Part 31.36(j)**, EPA's participation in the salary rate (excluding overhead and travel) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule, to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills and if the terms of the contract provide the recipient with responsibility for the selection, direction, and control of

the individuals who will be providing services under the contract at an hourly or daily rate of compensation. As of January 1, 2010, the rate is \$596 per day and \$74.50 per hour. This rate does not include overhead or travel costs and the recipient may pay these in accordance with its normal travel practices.

Subagreements with firms or individuals for services which are awarded using the procurement requirements in 40 CFR Parts 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR Part 31.36(j)(2) or Part 30.27(b).

9. Trafficking in persons.

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

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

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

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

- i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
- ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—
  - A. Associated with performance under this award; or
  - B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our Agency at 2 CFR 1532.

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

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—
  - i. Associated with performance under this award; or
  - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR 1532

*c. Provisions applicable to any recipient .*

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.

2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:

- i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and

ii. Is in addition to all other remedies for noncompliance that are available to us under this award.

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

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

1. "Employee" means either:

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

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

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

3. "Private entity":

i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.

ii. Includes:

A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).

B. A for-profit organization.

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

10. The cost principles of 2 CFR 225, 230, or 220 (formerly OMB Circular A-87, A-122, or A-21) are applicable to this award. Since there are no indirect costs included in the assistance budget, they are not allowable under this Assistance Agreement.

11. The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying* . The recipient shall include the language of this provision in award documents for all sub-awards exceeding \$100,000, and require that sub-recipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

12. The recipient shall ensure that no grant funds awarded under this assistance agreement are used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. The recipient shall abide by its respective 2 CFR 220, 225, or 230 (formerly OMB Circular A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States or for lobbying or other political activities.

13. In accordance with the policies set forth in EPA Order 1000.25 and Executive Order 13423 (Strengthening Federal Environmental, Energy and Transportation Management dated January 24, 2007), the recipient shall use recycled paper and double sided printing for all reports which are prepared as a part of this agreement and delivered to EPA. This

requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

Any State agency or agency of a political subdivision of a State shall also comply with the requirements set forth in Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962), which requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247. Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more.

14. The recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel/> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

15. The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200 - 36.230. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at [http://www.access.gpo.gov/nara/cfr/waisidx\\_06/40cfr36\\_06.html](http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html).

16. The recipient shall fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)." The recipient is responsible for ensuring that any lower tier covered transaction as described in Subpart B of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. The recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. The recipient acknowledges that failing to disclose the information as required at 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipient may access the Excluded Parties List System at [www.epls.gov](http://www.epls.gov). This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

17. EPA's financial obligations to the recipient are limited by the amount of federal funding awarded to date as shown on line 15 in its EPA approved budget. If the recipient incurs costs in anticipation of receiving additional funds from EPA, it does so at its own risk.

18. Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business

expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

19. Congress has prohibited EPA from using its FY 2011 appropriations to provide funds to the Association of Community Organizations for Reform Now (ACORN) or any of its subsidiaries. None of the funds provided under this agreement may be used for subawards/subgrants or contracts to ACORN or its subsidiaries. Recipients should direct any questions about this prohibition to their EPA Grants Management Office.

### **Programmatic Conditions**

**P1.** The recipient shall submit quarterly progress reports to the EPA Project Officer within 30 calendar days after the end of each Federal fiscal quarter (January 30, April 30, July 30, and October 30). These reports should include a discussion of the activities conducted during the quarter and progress towards milestones, problems encountered and their resolution, and activities planned for the next quarter. In addition, quarterly reports should identify any special EPA assistance needed, as well as provide a financial accounting of costs incurred during the quarter and cumulative project costs by task.

In accordance with 40 C.F.R. §31.40, the recipient agrees to submit performance reports that include brief information on each of the following areas: 1) a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement workplan for the period; 2) the reasons for slippage if established outputs/outcomes were not met; and 3) additional pertinent information, including, when appropriate, analysis and formation of cost overruns or high unit costs. In accordance with 40 C.F.R. § 31.40 (d), the recipient agrees to inform EPA as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.

Within 90 days of the end of the project period, the recipient must submit a final report documenting project activities over the entire project period and the recipient's achievements with respect to the project's purposes and objectives.

**P2.** The recipient agrees to submit to the EPA Project Officer a short narrative describing the environmental and public health benefits of this project. Additionally, at the conclusion of the project, the recipient shall submit an assessment of how effective the project was in achieving the stated environmental and public health objectives.

A. "Effective July 1, 2008, you must send a copy of payment requests and supporting documentation (invoices, cancelled checks or internal spreadsheets for quantifying time/resources spent on funded project) to the EPA Project Officer at the same time you submit your payment request to the Las Vegas Payment Center. The EPA Project Officer will review the documentation to verify that the payments are for activities that are within the grant agreement's scope of work. Disputes over ineligible costs, or inadequately documented costs may result in an offset of future payments."

B. The recipient agrees to provide to EPA Region 9 locational data (i.e. latitude and longitude) for the EPA-funded infrastructure project in the first required quarterly progress report to EPA Project Officer.

**P3.** EPA may terminate the assistance agreement for failure of the recipient to make sufficient progress so as to reasonably ensure completion of the project within the project period,



including any extensions. EPA will measure sufficient progress by examining the performance required under the workplan in conjunction with the milestone schedule, the time remaining for performance within the project period, and/or the availability of funds necessary to complete the project.

**P4.** Unless the event(s) are specified in the approved workplan, the recipient agrees to obtain prior approval from EPA for the use of grant funds for light refreshments and/or meals served at meetings, conferences, training workshops, and outreach activities (events). The recipient must send requests for approval to the EPA Project Officer and include:

- (1) An estimated budget and description for the light refreshments, meals, and/or beverages to be served at the event(s);
- (2) A description of the purpose, agenda, location, length and timing for the event.
- (3) An estimated number of participants in the event and a description of their roles.

Recipients may address questions about whether costs for light refreshments, and meals for events are allowable to the recipient's EPA Project Officer. However, the Agency Award Official or Grant Management Officer will make final determinations on allowability.

Note: U.S. General Services Administration regulations define light refreshments for morning, afternoon or evening breaks to include, but not be limited to, coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, or muffins. (41 CFR 301-74.11)

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