

Special Award Conditions

SAC	Title	Description	Actions
1	Authorized Scope of Work	Component 1 Community Broadband Project Component 2 Grant County Co-working Space	
2	Recipient Contacts	Authorized POCs	Needs updated
3	Grants Officer	EDA Assigned - Sheba Person-Whitley, Regional Director	
4	Federal Program Officer	EDA Assigned - Kerstin Millius, Area Director	
5	EDA Project Officer	EDA Assigned - Richard Moore, Civil Engineer	
6	Contact Changes	Made in writing to Project Officer	
7	Additional Included Documents	Recipients application added to CD-450 (Award)	
8	Project Development Timeline	Authorized Award End Date of 04/01/2025 Submission of Final Financial Report (Form SF-425) and Project Closeout...No later than 120 calendar days from the Award End Date	
9	Project Reporting and Financial Disbursement Instructions	SF-271 used for disbursement requests Submit separate semi-annual project progress and financial reports for periods ending March 31 and Sep. 30 (due NLT one month after period end)	
10	Allowable Costs and Authorized Budget	Form CD-450 or any subsequent amendment (Form CD-451)	Amendment No. 1 Submitted
11	Matching Share	Commitment by Recipient to provide matching share	
12	Refund Checks, Interest, or Usued Funds	Process for returning unspent funds to EDA	
13	Construction Completion	Construction projects must be completed within five years of the date the Form CD-450 is signed by the Recipient accepting the Award (fail safe); Does not alter the Project Schedule in SAC 8	
14	Goals for Women and Minorities in Construction	41 CFR part 60-4 establish goals and timetables for the participation of minorities and women in the construction industry; applies to all federally assisted construction contracts in excess of \$10,000. + The Recipient shall comply with those regulations and shall obtain compliance with 41 CFR part 60-4 from contractors and subcontractors employed on the project by including such notices, clauses, and provisions in the Solicitations for Offers or Bids as required by 41 CFR part 60-4. + Recipient shall include the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" (or cause them to be included, if appropriate) in all Federally-assisted contracts and subcontracts.	
15	Procurement	Recipient agrees that all procurement transactions shall be in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR §§ 200.317–200.327 and the EDA regulations contained in 13 CFR Chapter III, especially 13 CFR part 305 and 13 CFR § 302.17 ("Conflicts of Interest").	Needs Checklist for both components
16	Evidence of Good Title - Component 1 (Broadband)	Prior to solicitation for construction bids for Component 1, the Recipient shall provide an opinion of counsel, satisfactory to EDA, that the Recipient has acquired good and marketable title to land, free of all encumbrances, to all real property necessary for completion of the project, as well as any necessary rights-of-way, easements, State or local government permits, or long-term lease interests necessary for the completion of the project, in accordance with 13 CFR part 314.	In Review by EDA; needs cleared before RFP Published
17	Evidence of Good Title - Component 2 (Co-working Space)	Prior to solicitation for construction bids for Component 2, the Recipient shall provide an opinion of counsel, satisfactory to EDA, that the Recipient has acquired good and marketable title to land, free of all encumbrances, to all real property necessary for completion of the project, as well as any necessary rights-of-way, easements, State or local government permits, or long-term lease interests necessary for the completion of the project, in accordance with 13 CFR part 314.	In Review by EDA; needs cleared before RFP Published

Special Award Conditions

SAC	Title	Description	Actions
18	Nonrelocation	Recipient attests that the EDA-funded project will not be used to induce the relocation or the movement of existing jobs from one Region to another Region by a primary beneficiary of the Award (see 13 CFR § 300.3).	
19	Performance Measures	Awards for construction assistance require Recipients to report actual job creation/retention and private investment leverage at three (3), six (6), and nine (9) years after an EDA investment. Failure to submit these reports may adversely impact the ability of the Recipient to secure future funding from EDA.	
20	Real Property Reporting	Consistent with 2 CFR § 200.330 ("Reporting on real property"), the Recipient must submit reports (using Form SF-429 "Real Property Status Report" or any successor form). The initial SF-429 form must be returned to the EDA Project Officer no later than December 31 of the year of the initial disbursement of Federal funds. Because EDA's interest in this real property extends at least 15 years , successive reports will be required by December 31 every two years thereafter during the established useful life of the property, rather than on an annual basis. At its sole discretion, EDA reserves the right to require more or less frequent real property reporting for the duration of the useful life of real property in which it retains an interest under this project.	
21	Waste, Fraud and Abuse	Recipient personnel responsible for managing the Recipient's finances and overseeing any contractors, sub-contractors or Subrecipients, will complete the training PowerPoint entitled "Compliance with EDA Disaster Assistance Program Requirements" and return the signed Certificate of Training Completion (page 38 of the training) to EDA along with the signed Form CD-450 within 30 days of receipt.	Completed
22	Approval of Pre-Award Costs	Pre-award costs incurred after April 29, 2021 to support the activities outlined in the Authorized Scope of Work, may be considered eligible costs under this Award subject to all other terms and conditions of the Award. Documentation to support costs incurred must be submitted to EDA no later than 30 days following the project management conference/kick off meeting held with the EDA Project Officer, unless extended by the EDA Project Officer in writing.	Requested removed via Amd. No.1
23	Required Prior EDA Approval for Sole Source Acquisition	Recipient should compete all contracts in accordance with the procurement standards of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements (Uniform Guidance) as set out at 2 CFR part 200 and EDA Regulations.	
24	Project Inspection Agreements	<p>+ Component 1 (Broadband): Prior to disbursement of funds for Project Inspection Agreement costs related to Component 1, the Recipient must submit to EDA for approval, a Project Inspection Agreement that meets the requirements in the EDA's "Summary of EDA Construction Standards," as well as the competitive procurement standards of 2 CFR part 200 and EDA Regulations in 13 CFR Chapter III. The fee for basic Project Inspection Services will be a lump sum or an agreed maximum, and no part of the fees for other services will be based on a cost-plus-percentage-of-cost or a cost using a multiplier.</p> <p>+ Component 2 (Co-working space): Prior to disbursement of funds for Project Inspection Agreement costs related to Component 2, the Recipient must submit to EDA for approval, a Project Inspection Agreement that meets the requirements in the EDA's "Summary of EDA Construction Standards," as well as the competitive procurement standards of 2 CFR part 200 and EDA Regulations in 13 CFR Chapter III. The fee for basic Project Inspection Services will be a lump sum or an agreed maximum, and no part of the fees for other services will be based on a cost-plus-percentage-of-cost or a cost using a multiplier.</p>	Requested removed via Amd. No.1

Special Award Conditions

SAC	Title	Description	Actions
25	Security Agreement - Equipment	Prior to disbursement of funds by EDA for any piece of equipment, Recipient will and hereby does agree to execute a Security Agreement, in form and substance satisfactory to EDA, granting EDA a security interest in property acquired or to be acquired using Award funds, and will file or cause to be filed any and all financing statements or lien notices required in accordance with applicable laws of the appropriate jurisdiction to perfect said security interest, and will file all continuation statements or other modifications to maintain uninterrupted the priority of EDA's security interest. After filing the UCC-1 form(s) or equivalent form(s), the Recipient must provide a statement from their attorney opining that EDA has a perfected security interest and first priority lien in the equipment. The Recipient further agrees that it will not, without the prior written approval of EDA, sell, trade or convey any interest whatsoever in such property subject to the EDA security interest; provided, however, that should EDA approve of the disposal of any property for purposes of acquiring a replacement, Recipient will execute such documentation and file such notices as will ensure that EDA's security interest attaches to and is perfected in the replacement property with the same priority and extent as it had in the original property it replaced.	
26	Asbestos and Lead Paint	If asbestos-containing material and/or lead paint are encountered, the Recipient shall provide evidence satisfactory to the EDA that a contractor(s) certified in the handling and removal of these materials has been retained.	Will be funded by Biz O Brownfield's Grant
27	Recorded Statement of Federal Share	Prior to solicitation for construction bids for each respective component, to better memorialize and protect the Federal Share in real property acquired or improved, in whole or in part, with the funds made available under this Award, the Recipient agrees that it shall execute and cause to be recorded a first priority unsubordinated mortgage lien in favor of EDA or, when permitted by EDA due to a Recipient's legal restriction against recording a mortgage (or deed of trust), a covenant declaring EDA's interest in said real property.	In-progress; to be reviewed by John Day City Attorney
28	Archeological and Historic Resources	If during construction of the project, historical and archeological resources (including burial grounds and artifacts and mining tailings) are discovered, the Recipient shall immediately stop construction in the area, contact the State Historic Preservation Officer and EDA and follow the SHPO's instruction for the preservation of resources.	
29	Possible Contamination	If contaminated soil and/or contaminated groundwater is encountered during construction, then prior to any further ground disturbing activities associated with the EDA-funded project, the Recipient shall provide evidence satisfactory to the EDA that the contamination has been remediated to applicable standards. All expenses related to site assessment and remediation work shall be the responsibility of the Recipient and EDA funds shall not be expended for assessment and remediation work.	
30	Contaminated Media Management Plan (CMMP)	Prior to the start of construction for Component 1 (Broadband), Recipient shall ensure a Contaminated Media Management Plan (CMMP) related to the Iron Triangle property is on file with the Oregon DEQ.	Completed

Special Award Conditions

SAC	Title	Description	Actions
31	Architect/Engineer Agreements	<p>+ Component 1 (Broadband) Prior to disbursement of funds by EDA for Architect and Engineer Agreement costs related to Component 1, the Recipient must submit to EDA for approval, an Architect/Engineer Agreement that meets the requirements in the EDA's "Summary of EDA Construction Standards," as well as the competitive procurement standards of 2 CFR part 200 and EDA Regulations at 13 CFR Chapter III. The fee for basic Architect/Engineer Services will be a lump sum or an agreed maximum, and no part of the fees for other services will be based on a cost-plus-a-percentage-of-cost or a cost using a multiplier.</p> <p>+ Component 2 (Co-working Space): Prior to disbursement of funds by EDA for Architect and Engineer Agreement costs related to Component 2, the Recipient must submit to EDA for approval, an Architect/Engineer Agreement that meets the requirements in the EDA's "Summary of EDA Construction Standards," as well as the competitive procurement standards of 2 CFR part 200 and EDA Regulations at 13 CFR Chapter III. The fee for basic Architect/Engineer Services will be a lump sum or an agreed maximum, and no part of the fees for other services will be based on a cost-plus-a-percentage-of-cost or a cost using a multiplier.</p>	Requested removed via Amd. No.1
32	Potential Future Leasing	Each lease agreement (including sub-lease agreements) for a building, a portion of a building or any improvement(s) on real property funded by this Award shall be subject to the prior written approval of EDA.	EDA-Approved Lease Agreement needed with CyberMill Nonprofit
33	Advertising to Ensure Sufficient Competition	Sufficient public advertisement and solicitation from an adequate number of sources as required in 2 CFR 200.320 shall be met through the advertisement for bids for the construction work appearing in at least 3 journals of general circulation with minimum daily circulations of 10,000 . Recommended journals include the Portland Daily Journal of Commerce, the Boise Idaho Statesman, and the Tri-City Herald. The Recipient may also advertise in smaller newspapers and in online venues, at its discretion. In the absence of State or local requirements, bid notices shall appear in each publication a minimum of 4 times within a 30-day period prior to the opening of bids. Generally, a minimum of 30 days should be allowed for submission of bids and not less than 10 business days . Evidence of Bid Notice publications will be required in the form of Affidavits of Publication or an equivalent as determined in EDA's sole discretion.	Pending EDA Clearance of SAC 16, 17 and 27
34	Phased Disbursement	Recipient is authorized to receive disbursement of funds prior to the award of all contracts with prior EDA project Officer written permission.	