



Contract Review Sheet

BO-4574-22

Grant Agreement #: **BO-4574-22** Amendment #: _____

Contact: **Camber Schlag** Department: **Board of Commissioners**

Phone #: **(503) 566-3944** Date Sent: **Friday, May 6, 2022**

Title: **ARPA - Parkdale Park Development**

Contractor's Name: **Marion County Public Works**

Term - Date From: **Execution** Expires: **December 31, 2026**

Contract Total: \$ **364,854.00** Amendment: \$ **-** New Total: \$ **364,854.00**

☐ Incoming Funds ☒ Federal Funds ☐ Reinstatement ☐ Retroactive ☐ Amendment greater than 25%

Source Selection Method: **RFP** CMS # **1024**

Description of Services or Grant Award

2021 Marion County ARPA Funds Grant Award for Parkdale Park Development.

Desired BOC Session Date: **5/25/2022** BOC Planning Date: **5/12/2022**

Files submitted in CMS: **5/4/2022** Printed packet & copies due in Finance: **5/10/2022**

BOC Session Presenter(s) **Camber Schlag, Debbie Gregg, Chris Eppley**

FOR FINANCE USE

Date Finance Received: **5/6/2022** Date Legal Received: _____

Comments: **Y**

REQUIRED APPROVALS

DocuSigned by:
Camber Schlag
C5B2F3DF257F444... 5/6/2022

Finance - Contracts Date

DocuSigned by:
Jane E Vetto
D0CFC5B04B9F483... 5/11/2022

Legal Counsel Date

DocuSigned by:
Carmie Graham
C56F30F42D03469... 5/11/2022

Contract Specialist Date

DocuSigned by:
Jan Fritz
DC16351248DE4EC... 5/11/2022

Chief Administrative Officer Date



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: May 25, 2022

Department: Board of Commissioners Agenda Planning Date: May 12, 2022 Time required:

☐ Audio/Visual aids

Contact: Camber Schlag Phone: 503-566-3944

Department Head Signature:

 DC16351248DE4EC...

TITLE	Approval of the Beneficiary Agreement and Memorandum of Understanding for the American Rescue Plan Act (ARPA) funded projects.
Issue, Description & Background	In June 2021, Marion County received the federal ARPA Allocation of \$67M. Through a grant application process, the BOC approved various eligible projects and awarded funds to county departments.
Financial Impacts:	All projects are funded through the American Rescue Plan Act, Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund
Impacts to Department & External Agencies	Several departments and a not for profit are receiving funding to support critical programs and infrastructure.
Options for Consideration:	A) Approve award allocation to attached applicants B) Decline award allocation to these applicants C) Take no action at this time
Recommendation:	A) Approve award allocation to attached applicants
List of attachments:	For 8 applications each, a review sheet, an agreement, the application, and attached exhibits B,C,D,E,F,G
Presenter:	Camber Schlag, Debbie Gregg and Chris Eppley

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to: Camber Schlag, cschlag@co.marion.or.us

MARION COUNTY
MEMORANDUM OF UNDERSTANDING
BO-4574-22

American Rescue Plan Act of 2021
Coronavirus State and Local Fiscal Recovery Funds

This Memorandum of Understanding ("MOU") is entered into between **Marion County Board of Commissioners Office**, hereinafter referred to as "Board", and **Marion County Public Works Department**, hereinafter referred to as "Department".

Recitals

- A. WHEREAS, on March 11, 2021, the American Rescue Plan Act ("ARPA") was signed into law and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, together which make up the Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") program with the Assistance Listing Number (ALN) 21.027. The ARPA/SLFRF program is to provide support to State, territorial, local and Tribal governments in responding to the economic and public health impacts of COVID-19 and in their efforts to contain impacts on their communities, residents, and businesses; and
- B. WHEREAS, the total ARPA/SLFRF funds allocated to Marion County, as published by the U.S. Treasury, is \$67,559,569, may use funds that meet ARPA/SLFRF eligibility requirements; and
- C. WHEREAS, Marion County Public Works, a department within Marion County, submitted an application to the Board for \$364,854 in ARPA/SLFRF relief funds to support the Parkdale Park Development Project under the U.S. Treasury eligible category Negative Economic Impacts; and
- D. WHEREAS, during a meeting on January 26, 2022, the Board approved the application from the Department; and

Agreement

NOW THEREFORE, the parties understand as follows:

1. Incorporation

The foregoing Recitals are incorporated herein by reference, provided, however, that the Recitals are not to be deemed to modify the express provisions hereinafter set forth. This MOU includes the following exhibits which are incorporated herein:

- Exhibit A (The Application)
- Exhibit B (Required Federal Terms and Conditions)
- Exhibit C (Federal Funding Information for Subrecipients) – Not applicable
- Exhibit D (Federal Funding Accountability and Transparency Act Certification)
- Exhibit E (ARPA/SLFRF Capital Expenditure Justification Form)
- Exhibit F (ARPA/SLFRF Reporting Requirements Form)
- Exhibit G (Marion County Disbursement Request)

2. Term of MOU

This MOU covers the period **March 3, 2021 through December 31, 2026**. Department's costs must be obligated by December 31, 2024 and must be expended by December 31, 2026.

3. **Work to be Performed**

Department shall perform the work described in Exhibit A, The Application (the “Work”) in accordance with the terms and conditions of this MOU and other applicable law whether or not described in this MOU. Department shall perform its obligations hereunder efficiently, effectively and within applicable grant timelines, all to the satisfaction of Board.

Changes to the Work by the Department shall require the prior written approval of Board. Requests for and justification of any change must be submitted in writing to the Board and be approved in writing by the Board prior to commencement of the requested change.

4. **Consideration; Reporting**

- a. The Board has agreed to make an award of funds to the Department not-to-exceed amount of **Three Hundred, Sixty-Four Thousand, Eight Hundred, Fifty-Four Dollars (\$364,854)** (the “Grant”). Grant disbursements shall be a reimbursement of funds to Department, based on the budget submitted in Exhibit A, under the following U.S. Treasury eligible category: Negative Economic Impacts.
- b. Grant distributions will be made by the Board and Designee to Department monthly with receipt of Exhibit G, Marion County Disbursement Request, that includes supporting documentation and attestation by Department’s authorized signer. The exhibit and supporting documentation shall be sent to ARPArecovery@co.marion.or.us or.
- c. Any desired use of funds by Department that differs from the Work must first be approved in writing, by Board. 100% of the Grant must be used to provide services as indicated in the Work.
- d. The Board and Designee shall provide the report templates to the Department no later than June 15, 2022. See Exhibit F for reporting due dates and requirements.

5. **Confidentiality**

Department shall and shall require and cause its Subcontractors and vendors to protect the confidentiality of all information concerning clients and other applicants for and recipients of services funded by this MOU. Neither it nor they shall release or disclose any such information except as necessary for the administration of the program(s) funded under this MOU, as authorized in writing by the client, applicant or recipient of such services, or as required by law. All records and files shall be appropriately secured to prevent access by unauthorized persons.

Department shall and shall require and cause its Subcontractors and vendors to ensure that all its officers, employees and agents are aware of and comply with this confidentiality requirement.

6. **Subcontractor Monitoring Requirements**

Department shall monitor Subcontractor to ensure that the procurement, receipt, and payment for goods and services comply with Federal statutes, regulations, and the terms and conditions of Federal awards. The Department, at a minimum, shall review Subcontractors records and if necessary, perform onsite visits to monitor the activities and expenditures as is reasonable to ensure compliance with applicable ARPA/SLFRF program requirements or as otherwise directed by the Board, but in no case less than at least once during the term of this MOU.

The activities of any Subcontractor shall be monitored to ensure, *inter alia*, that grant funds are used only for authorized purposes in compliance with this MOU, including but not limited to specific program requirements, and that performance goals are achieved as specified in the Work.

7. Expenditures Properly Supported

Expenditures and Requests for Funds shall be supported by Department with properly executed payroll and time records, invoices, contracts, vouchers, orders, canceled checks and/or any other accounting documents pertaining in whole or in part to the MOU (or in the case of Subcontractors, under their respective contracts with Department) in accordance with generally accepted accounting principles and applicable state and federal requirements, including as specified herein and as outlined in 2 CFR 200. The Board or its Designee may require such other information or clarification as it deems necessary or appropriate in its sole discretion.

8. Disallowance of Costs

Department shall cooperate and shall cause its Subcontractors to cooperate with the Board and all appropriate investigative agencies when unallowed or disallowed costs are discovered. The Department shall assist with recovering said costs.

9. Subcontractor Agreements

Department shall require and cause its subcontractors to comply with all applicable provisions of this MOU between the Board and Department, each of which must be specifically incorporated into the Subcontractor contracts in a manner satisfactory to the Board.

All of Department's subcontractor agreements related to this Agreement must include language specifying that such agreements are subject to termination upon such a directive to Department by the Board and that the Board shall not be liable to any of the parties of that agreement or to other persons for directing that such agreement be terminated.

Department shall have a written contract with each subcontractor that is listed in and consistent with the Department's Work that identifies:

- a. The services that the Subcontractor must provide related to the project.
- b. The laws and regulations with which the Subcontractor must comply under the terms of the agreement (including but not limited to program specific requirements such as eligibility criteria, public policy for protecting civil rights and the environment, Subcontractor government-wide administrative mandates affecting the Subcontractor's accounting and record keeping systems, and local laws imposed by Department).
- c. The Department's and the Board's monitoring rights and responsibilities and the methods used by Department for monitoring.
- d. A provision to certify that the Subcontractor is an independent contractor and not an agent of the Board or of Department.
- e. Department may enter into agreements with contractors or subcontractors (collectively, "Subcontracts") for performance of the Project.

Department shall take all reasonable steps to cause its contractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the Board and its officers, employees and agents (“Indemnatee”) from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys’ fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Department’s contractor or any of the officers, agents, employees or subcontractors of the contractor (“Claims”). It is the specific intention of the parties that the Indemnatee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnatee, be indemnified by the contractor from and against any and all Claims.

- f. Department shall include Exhibits B, D, E, F, and G on all procurement and contract documents and require all contractors or subcontractors to comply.

10. Department Procurements

Departments are responsible for ensuring that any procurement using ARPA/SLFRF funds, or payments under procurement contracts using such funds, are consistent with the procurement standards set forth in the Uniform Guidance at 2 CFR 200.317 through 2 CFR 200.327, as applicable. All procurement transactions for property or services must be conducted in a manner providing full and open competition. Department must ensure adherence to all applicable local, State, and federal procurement laws and regulations.

11. Prevailing Wage

If this project meets the requirements under U.S. Treasury’s FAQ dated April 27, 2022, section 6.15, the Davis-Bacon Act requirements (prevailing wage rates) do not apply to projects funded solely with ARPA awarded funds. Departments and Subcontractor(s) may be otherwise subject to the requirements of Davis-Bacon Act, when APRA funds are used on a construction project in conjunction with funds from another federal program that requires enforcement of the Davis-Bacon Act. State of Oregon Prevailing Wage Laws will apply to these funds.

- a. The prevailing wage rate requirements that may apply to the Project are set forth in ORS 279C.800 through 279C.870, the administrative rules promulgated thereunder (OAR Chapter 839, Division 25) and Oregon Laws 2021, chapter 678, section 17 (collectively, state “PWR”), or, if applicable, 40 U.S.C. 3141 et seq. (federal “Davis-Bacon Act”). If applicable, Department shall:
 - i. comply with PWR, require its contractors and subcontractors to pay the applicable PWR or Davis-Bacon Act rates, as applicable, and to comply with all other Oregon Bureau of Labor and Industries (“BOLI”) requirements pursuant to the PWR, including on all contracts and subcontracts and in filing separate public works bonds with the Construction Contractors Board;
 - ii. pay to BOLI, within the required timeframe and in the appropriate amount, the project fee required by OAR 839-025-0200 to 839-025-0230, including any additional fee that may be owed upon completion of the Project; and
 - iii. unless exempt under Section 17(2) of Oregon Laws 2021, chapter 678, if Department is a “public body” and the Project is a “qualified project,” as those terms are defined in Section 17(3) of Oregon Laws 2021, chapter 678, Department shall require each contractor in a contract with an estimated cost of \$200,000 or greater to:

- 1) Enter into a project labor agreement that, at a minimum, provides for payment of wages at or above the prevailing rate of wage;
 - 2) Employ apprentices to perform 15 percent of the work hours that workers in apprenticeable occupations perform under the contract, in a manner consistent with the apprentices' respective apprenticeship training programs;
 - 3) Establish and execute a plan for outreach, recruitment and retention of women, minority individuals and veterans to perform work under the contract, with the aspirational target of having at least 15 percent of total work hours performed by individuals in one or more of those groups; and
 - 4) Require any subcontractor engaged by the contractor to abide by the requirements set forth in subparagraphs (i), (ii) and (iii) above, if the work to be performed under the subcontract has an estimated cost of \$200,000 or greater.
- b. Department represents and warrants that it is not on the BOLI current List of Contractors Ineligible to Receive Public Works Contracts and that it will not contract with any contractor on this list.
 - c. Pursuant to ORS 279C.817, Department may request that the Commissioner of BOLI make a determination about whether the Project is a public work on which payment of the prevailing rate of wage is required under ORS 279C.840.

12. Amendments

This MOU may be amended only by a written instrument executed by the parties or by their successors.


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**MARION COUNTY
BOARD OF COMMISSIONERS:**


Chair	Date
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Commissioner	Date
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Commissioner	Date
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Authorized Signature:	<div style="display: flex; align-items: center;"> <div style="border-left: 1px solid black; padding-left: 5px; margin-right: 5px;"> <small>DocuSigned by:</small>  <small>DC16351248DE4EC...</small> </div> <div style="flex-grow: 1;"> </div> </div>	5/11/2022
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Authorized Signature:	<div style="display: flex; align-items: center;"> <div style="border-left: 1px solid black; padding-left: 5px; margin-right: 5px;"> <small>DocuSigned by:</small>  <small>9793BA7ACD6D443...</small> </div> <div style="flex-grow: 1;"> </div> </div>	5/9/2022
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Reviewed by Signature:	<div style="display: flex; align-items: center;"> <div style="border-left: 1px solid black; padding-left: 5px; margin-right: 5px;"> <small>DocuSigned by:</small>  <small>D0CFC5B04B9F483...</small> </div> <div style="flex-grow: 1;"> </div> </div>	5/11/2022
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Marion County Contracts & Procurement	Date
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EXHIBIT A
THE APPLICATION

[The Application on Next Page]



2021 MARION COUNTY ARPA FUNDS APPLICATION ROUND 1

Organization Name: Marion County Public Works

Project Title: Parkdale Park Development

ARPA Funding Category: Revenue Replacement (Capital Projects Infrastructure)

I. Organization Information

Legal Name of the Organization: * Marion County Public Works Department

Doing Business As (DBA) Name (if applicable): _____

Employer Identification Number (EIN): * 93-6002307

DUNS Number: ** 167258529

**Organization must be able to obtain a DUNS Number by the time the Contract is executed

Organization Street Address: * 5155 Silverton Road NE

City: Salem State: OR Zip Code: 97305

Organization Mailing Address: _____
(if different from street address)

City: _____ State: _____ Zip Code: _____

Organization Website: * <https://www.co.marion.or.us/PW/Parks/Pages/default.aspx>
(Please enter "N/A" if none)

Applicant Name: * Brian Nicholas

Applicant Title: * Public Works Director

Applicant Mailing Address: _____
(if different from organization mailing address)

City: _____ State: _____ Zip Code: _____

Applicant Phone: * (503) 588-7943 Applicant E-mail: * bnicholas@co.marion.or.us

Project Contact: _____
(If different from applicant)

Project Contact Phone: (_____) _____ Project Contact E-mail: _____
* Response required for application to be considered complete

II. Project Information *(not exceed a total of 25 single-sided, 8.5" x 11" numbered pages)*
Please see attached proposal

1. Describe the organization that will manage the project and include the following:

- a. Total estimated project budget**
- b. Estimated start date and completion dates**
- c. List the project team. Include the name, title, employer, and a high-level overview of their role in the project.**

Marion County Parks consists of 17 developed parks, ranging from small neighborhood play areas to large wilderness parks. Park locations are well dispersed throughout the county in order to provide all residents with safe, accessible recreation and green space. Amenities vary in each park, such as trails, water access, play structures, picnic areas, dog walking opportunities, historical interpretation, and camping.

Parkdale Park is a 6-acre mostly undeveloped neighborhood park located in East Salem on Hayesville Road. The park has been owned by Marion County since 1962, but no major development has occurred on the site. In the summer of 2001, Marion County Public Works corrected a road safety problem in the Labish basin that disturbed a small area of wetland. In order to mitigate this disturbance, 0.35 acres of wetland was constructed at Parkdale Park to provide increased stormwater retention, enhanced wildlife habitat, increased biodiversity, improve water quality, and provide educational opportunities and green space for residents. Current amenities on site include a small gravel parking lot and a small gravel picnic area.

This application is intended to support development of a unique, neighborhood park that will provide residents with increased access to outdoor green space, improve stormwater infrastructure, and increase educational opportunities for children to learn about wetlands and nature through interactive play and interpretive features. New amenities will include a new parking area, ADA accessible pathways, an ADA accessible restroom, a fenced dog park, a wetland-themed nature play area, and a wetland interpretive walkway. Additionally, the existing 0.35 acre wetland will be expanded, increasing natural stormwater retention in a flood-prone area of East Salem.

The total estimated project budget including contingency and design is \$1,460,532.00. It is estimated this project could begin design and public outreach in Spring 2022, with final construction completed in Summer 2023. Below is a description of the proposed project team and their roles:

NAME	TITLE	EMPLOYER	ROLE
Brian Nicholas	Public Works Director	Marion County	Project Support
Brian May	Environmental Services Division Manager	Marion County	Project Support
Thomas Kissinger	Parks Program Supervisor	Marion County	Project Manager
Matt Knudsen	Environmental Program Supervisor	Marion County	Stormwater Consultant
Ryan Crowther	Capital Projects Manager	Marion County	Engineering Consultant

Stephanie Rosentrater	Environmental Specialist	Marion County	Environmental Permitting and Compliance
Scot Tencza	Civil Engineering Associate	Marion County	Engineering Consultant
Jenny Windle	President	JPW Communications	Public Outreach Consultant
N/A	N/A	Unknown – will be solicited	Parks Planning Consultant
N/A	N/A	Unknown – will be solicited	Parks Engineering Consultant

2. Describe the project need and the impact the project will have on the local community and Marion County.

East Salem is an underdeveloped community when it comes to natural green space and park amenities. The Hayesville neighborhood is experiencing rapid growth with the addition of several large housing developments currently under construction in the area. However, this area has only four parks on the east side of Lancaster Drive, including Parkdale Park. Only one of these sites (Hoodview Park) offers typical neighborhood park amenities, such as sports courts, play structures, and walking paths. Two of the parks are sports fields for nearby schools and the last park is Parkdale with limited development in its current state. The community has expressed a desire for the county to improve Parkdale Park and provide additional amenities on site, identifying a dog park and play features as their desired improvements. Development of this site will provide the community a much-needed space to recreate, relax, and enjoy the outdoors.

COVID-19 showed the value of recreational space for communities, since green space promotes healthy childhood environments and healthier living environments in general. Many children in the community lack safe access to recreational outdoor space when schools are closed to mitigate the effects of pandemics. By providing a safe recreational environment for families to enjoy the outdoors, Marion County can promote healthier lifestyles and connect children with nature in new and exciting ways. The intended nature play area and wetland interpretive walk will educate the community on the importance of incorporating the natural environment into their lives. Additionally, research from the Cities Connecting Children to Nature (CCCN) partnership of the National League of Cities and Children & Nature Network recommends local leaders consider the following uses of ARPA funds that can bring nature's benefits to children in their neighborhoods where they live, study, and play:

- Getting more young children outdoors, more often
- Stormwater management and climate resilience via green infrastructure
- Outdoor learning and play...beyond the school day

In addition to the increased outdoor recreation and education, this planned development will also increase stormwater infrastructure in the area to accommodate the lack of regionalized greenspace (soil infiltration) and stormwater detention. By expanding the existing wetland, Parkdale Park can serve as increased capacity for storm water during large rain events. This is incredibly important because during prior residential development periods stormwater infrastructure did not include local detention causing

downstream capacity issues. Slowing stormwater down and increasing surface area to soil interface by expanding capacity will also allow for increased soil infiltration. The addition of wetland plants will greatly increase evapotranspiration rates as well.

3. Describe the project proposal to be accomplished. Identify each project element and include a timeline and key team member(s) who will work on the project.

This project will be accomplished in three phases. Phase 1 consists of planning, design, permitting and public outreach. Phase 2 consists of engineering, bidding, construction procurement, and contracting. Phase 3 consists of construction, acceptance of work, warranty periods (if applicable) and an after action review to identify lessons learned for future projects. The project timeline is outlined below:

Phase	Task	Team Members	Est. Completion Date
1	Consultant Procurement	Tom K	Spring 2022
1	Public Outreach – community meetings and survey	Tom K, JPW Comms., Parks Planning Consultant	Summer 2022
1	Design and Land Use Planning/Permitting	Tom K, Matt K, Stephanie R, Parks Planning Consultant	Fall 2022
2	Engineering and Construction Documentation	Tom K, Matt K, Ryan C, Scot T, Parks Engineering Consultant	Winter 2023
2	Bidding and Construction Procurement/Contracting	Tom K, Scot T, Ryan C, Parks Engineering Consultant	Spring 2023
2	Notice to Proceed	Tom K	Spring 2023
3	Construction	Selected contractor and county inspection team	Summer 2023
3	After Action and Community Engagement	Marion County team, Parks Planning & Engineering Consultant, JPW Comms.	Fall 2023

4. Describe how the project meets the ARPA eligible categories and the specific category requirements according to U.S. Treasury Guidelines, see State and Local Fiscal Recovery Funds (marion.or.us). <https://www.co.marion.or.us/BOC/CD/Pages/fiscalrecoveryfunds.aspx>

This project meets the ARPA eligible categories in four ways: Public Health, Disproportionately Impacted Communities, and Water Infrastructure.

Provision of Government Services: Capital Projects Infrastructure

Public Health – COVID-19 and subsequent responses to the pandemic showed the value of outdoor space for communities and public health. When restaurants, businesses, and other indoor gathering spaces closed, parks and green space fulfilled a vital need for human interaction at safe distances with clean air. A study from the National Recreation and Parks Association (NRPA) found the more often respondents visited green spaces, the less stress they experienced. People who live in close proximity to natural space have significantly improved mental health from those who do not. This effect is strongest among those most likely to spend time near home, especially children and those with low levels of education and income. Development of Parkdale Park will provide the local community with a natural

gathering space at safe distances. Providing nearby residents with safe, accessible green space will improve overall health through exercise and the aforementioned mental health benefits. Under the expenditure categories in Appendix 1, this project would fit within Public Health – Other Public Health Services (1.12)

Disproportionately Impacted Communities – Children in general have been disproportionately impacted by the COVID-19 pandemic from reduced educational services, increased stress, and disruption of normal routines. US Treasury guidance on ARPA funding, issued in an FAQ as of November 15, 2021, says “investments in parks, public plazas, and other public outdoor recreation spaces may be responsive to the needs of disproportionately impacted communities by promoting healthier living environments...outdoor recreation and socialization to mitigate the spread of COVID-19.” As mentioned above, access to green space improves mental health, particularly in children. Parkdale Park sits within the highly populated Hayesville neighborhood, with approximately 1,751 children between the ages of 0-14 located within .25 miles of the park according to 2018 figures. The addition of natural play areas and educational interpretive pathways will aid growth and improve healthy childhood environments. Under the expenditure categories in Appendix 1, this project would fit within Services to Disproportionately Impacted Communities – Healthy Childhood Environments: Other (3.9)

Water Infrastructure – The proposed development at Parkdale Park will increase necessary stormwater infrastructure in the Hayesville neighborhood. This plan includes the creation of additional wetland to store and manage stormwater overflow in the event of heavy rain and potential flooding. Plantings will be designed to improve water quality and prevent pollutants from discharging into waterways. Additionally, interpretive signage will be added to educate the public on the benefits of stormwater infrastructure. Under the expenditure categories in Appendix 1, this project would fit within Infrastructure – Clean Water: Stormwater (5.6)

a. Describe how the project meets the ARPA period of performance.

This project can be completed in a relatively short period of time. Design, engineering, and permitting is planned for approximately one year and construction is planned for an additional year during the dry summer work season. Since this project is internal to Marion County, the contracting phase should be relatively simple, expediting the performance period. Even with significant delays, which are not anticipated on this project, all work could still be completed within the identified performance period.

5. Is this project included in an adopted City/County or organization’s plan or another documented community need? For example: City Infrastructure Master Plan, City Economic Development Plan, City Transportation Plan or City Strategic Plan, etc.

Elements of this plan are included in Marion County’s adopted parks master plan. For example, playgrounds and/or play structures are specifically identified as a recommended amenity at Parkdale Park. Dog parks are identified as a need within the parks system and Parkdale Park is uniquely positioned to be a successful dog park. The proposed development fits within the following parks master plan community goals:

- Provide diverse recreation opportunities that are responsive to changing community needs

- Protect and preserve the public's resources and investment
- Enhance public involvement and awareness of Marion County Parks

6. Describe the organization's experience as a subrecipient. Describe the capacity to successfully manage and submit reporting requirements for the proposed project as a subrecipient of federal awards.

Marion County Parks has successfully managed a number of state and federal grant programs, including Land and Water Conservation Fund grants, County Opportunity grants, Recreational Trails Program grants, and other conservation-related programs. Recently, Marion County Parks was awarded a grant from the Natural Resources Conservation Services (NRCS) for emergency watershed protection after the 2020 Oregon wildfires. Marion County Parks is currently in the process of managing a Public Assistance – Category G (Parks) request from FEMA for the 2020 Oregon wildfires. Marion County Parks has repeatedly met or exceeded reporting requirements as a subrecipient of federal awards. Parks has staff available to track, manage, and submit reporting requirements as outlined by US Treasury.

7. Identify and describe partnerships the organization has secured to assist with the project?

Marion County Parks is actively working with the Hayesville/Jan-Ree Neighborhood Association to assist in the public outreach and planning component of this project. The neighborhood association will be a vital partner in communicating with stakeholders at all levels. Additionally, Marion County Parks is working with several stormwater and water quality partners, such as Marion County Stormwater and Mid-Willamette Outreach Group to help design and implement the planned interpretive signage.

8. Describe how the operations will be funded after the project is complete.

Operations and maintenance of the project will be funded through RV apportionment revenue received from the state and general fund contributions for capital improvement and staffing from Marion County. While maintenance and upkeep costs will increase due to the planned development, it is not expected to negatively impact the Parks fund balance over time. There has also been discussion with the East Salem Advisory Council regarding a proposed parks fee to assist in funding maintenance and capital improvements within East Salem.

9. Identify and describe other Federal, State, or local government funding the organization has applied for, including ARPA funds from governments. Include the source(s) and amount(s) applied for, and any awards received.

Marion County Stormwater and Marion County Parks submitted this project for potential state ARPA funding, but no funds have been awarded at this time.

10. Identify and describe other non-governmental funding sources (e.g. fees, donations, grants) the organization has applied for. Include the source(s) and amount(s) applied for, and any awards received.

Marion County Parks has not applied for any non-governmental funding sources for this project.

11. If the total ARPA funding request is not granted, how will the organization be able to complete the project?

This project is scalable based on the amount of ARPA funding received. For example, concrete can be substituted with gravel pathways that will still meet required ADA accessibility standards. The wetland expansion can be removed at considerable cost savings. If no ARPA funding is received, this project will require funding from additional sources before it could move forward.

Option A – Fund the project as submitted for \$1.4 million

Option B – Fund the project without the wetland expansion for \$755,921

Option C – Fund the project without the wetland expansion or concrete pathway for \$628,325

12. Describe how the project will meet project deadlines – include engineering. Identify any reports or other information related to the project such as completed engineering, architectural, or design studies or other technical studies required for the project. Identify the name and a brief description of the completed study. Marion County will request copies of these studies during the technical review period.

Marion County Parks will utilize an aggressive project management strategy in order to meet project deadlines, including engineering. By hiring a third-party planning and engineering consultant, Parks staff can continue to focus on operations and maintenance of existing parks while still driving the project towards completion. Preliminary engineering estimates have been started and designs are attached to this proposal. It is expected that work can progress rapidly once funds are committed.

13. Provide any additional information related to the project.

This project represents a timely investment into a vital resource – outdoor recreational space. COVID-19 revealed how essential these spaces are to the public during times of crisis. When everything else closed, parks remained open for use. By investing ARPA funds into Parkdale Park, Marion County can ensure residents have vital recreational infrastructure available to them in times of need.

Attachment 1. Attestation FormAPPLICANT NAME: Brian Nicholas, Marion County Public Works DirectorADDRESS: Marion County Public Works Department, 5155 Silverton Road NE, Salem, Oregon, 97305PHONE NUMBER: 503.588.5036 EMAIL: bnicholas@co.marion.or.us WEB SITE: www.co.marion.or.us/PW

TAXPAYER ID NUMBER: _____ DATE/STATE OF INCORPORATION: _____

BUSINESS DESIGNATION: ☐ Corporation ☐ Sole Proprietor ☐ Partnership
☐ S Corporation ☐ Non-Profit ☒ Government
☐ Other: _____

CERTIFICATION/LICENSE NUMBER: _____

The undersigned further acknowledges, attests and certifies individually and on behalf of the Applicant that:

1. That this proposal is, in all respects, fair and without fraud; that it is made without collusion with any official of the county; and that the proposal is made without any collusion with any person making another proposal on this Contract.
2. Information and prices included in this proposal shall remain valid for ninety (90) days after the proposal due date or until a Contract is approved, whichever comes first.
3. The Applicant acknowledges receipt of all Addenda issued under the Application.
4. The Applicant certifies that it does not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, handicap, financial ability, age or other non-job-related factors as per ORS 659 and USC 42 2000e.
5. The Applicant, acting through its authorized representative, has read and understands all Application instructions, specifications, and terms and conditions contained within the Application and all Addenda, if any;
6. The Applicant agrees to and shall comply with, all requirements, specifications and terms and conditions contained within the Application, including all Addenda, if any;
7. The proposal submitted is in response to the specific language contained in the Application, and Applicant has made no assumptions based upon either (a) verbal or written statements not contained in the Application, or (b) any previously-issued Application, if any.
8. The Applicant agrees that if awarded the Agreement, Applicant shall be authorized to do business in the State of Oregon at the time of the award;
9. The signatory of this Application Form is a duly authorized representative of the Applicant, has been authorized by Applicant to make all representations, attestations, and certifications contained in this proposal document and all Addenda, if any, issued, and to execute this proposal document on behalf of Applicant.
10. By signature below, the undersigned Authorized Representative hereby certifies on behalf of Applicant that all contents of this Application Form and the submitted proposal are truthful, complete and accurate. Failure to provide information required by the Application may ultimately result in rejection of the proposal.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY**MATTERS** - The Applicant certifies to the best of its knowledge and belief that neither it nor any of its principals:

1. Are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from submitting bids or proposals by any federal, state or local entity, department or agency;
2. Have within a five-year period preceding the date of this certification been convicted of fraud or any other criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) contract, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are presently indicted for or otherwise criminally charged with commission of any of the offenses enumerated in item number 2 of this certification;
4. Have, within a five-year period preceding the date of this certification had a judgment entered against contractor or its principals arising out of the performance of a public or private contract;

5. Have pending in any state or federal court any litigation in which there is a claim against contractor or any of its principals arising out of the performance of a public or private contract; and
6. Have within a five-year period preceding the date of this certification had one or more public contracts (federal, state, or local) terminated for any reason related to contract performance.

Where Applicant is unable to certify to any of the statements in this certification, Applicant shall attach an explanation to their offer. The inability to certify to all of the statements may not necessarily preclude Applicant from award of an agreement under this procurement.

IF THE PROPOSAL IS MADE BY A JOINT VENTURE, IT SHALL BE EXECUTED BY EACH PARTICIPANT OF THE JOINT VENTURE.

THIS APPLICATION SHALL BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE APPLICANT; ANY ALTERATIONS OR ERASURES TO THE OFFER SHALL BE INITIALED IN INK BY THE UNDERSIGNED AUTHORIZED REPRESENTATIVE.

SIGNATURE OF APPLICANT'S DULY AUTHORIZED REPRESENTATIVE FOR ALL SECTIONS:

Authorized Signature: Brian Nicholas

Print Name: Brian Nicholas

Title: Public Works Director

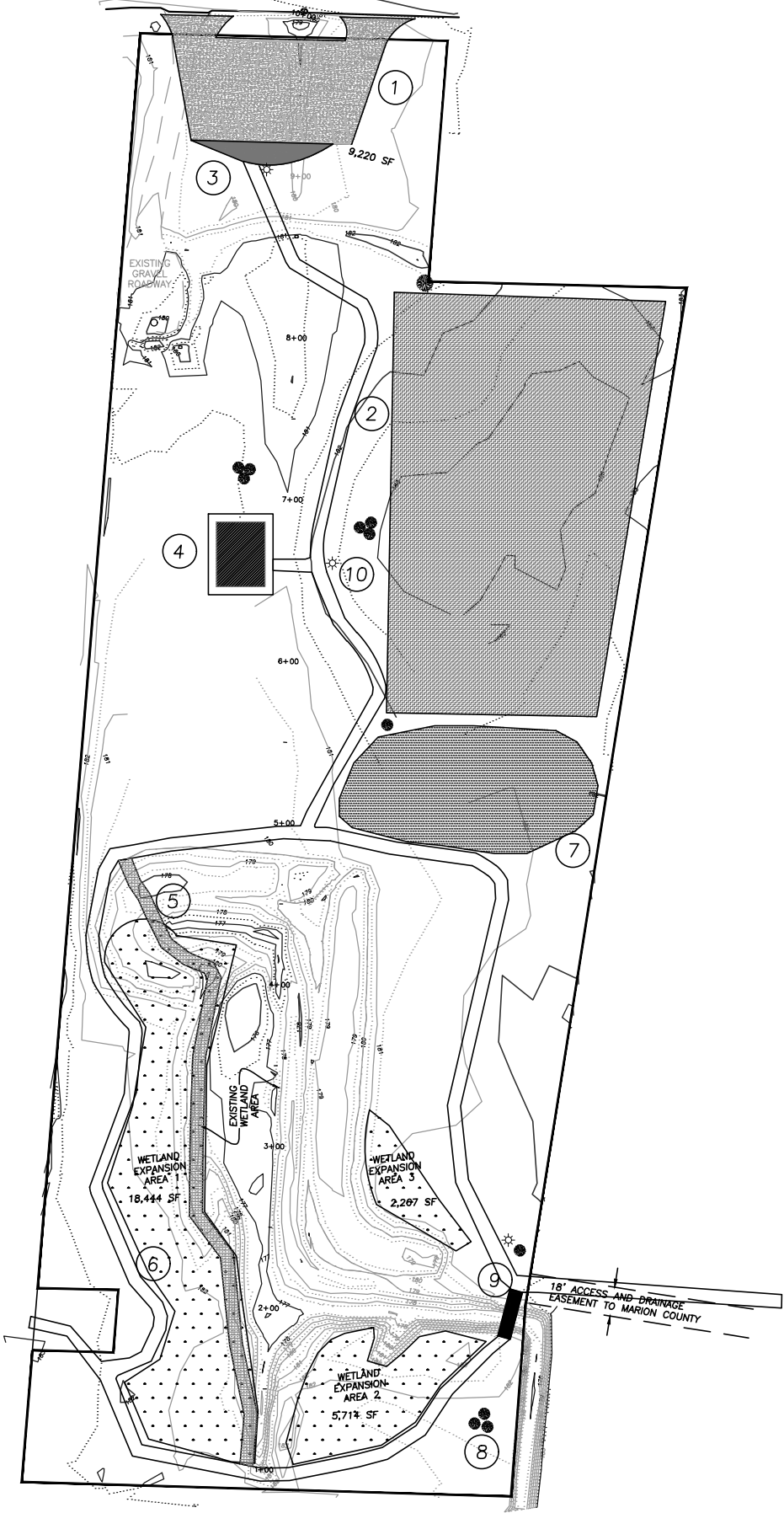
Contact Person (Type or Print): Tom Kissinger

Telephone Number: (503) 566-4158

Email: tkissinger@co.marion.or.us

The Applicant will notify the County representative on the cover page of this Application within 30 days of any change in the information provided on this form.

HAYESVILLE DR (CR 726)



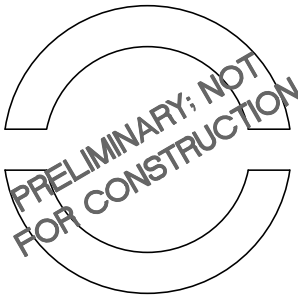
GENERAL NOTES

- 1. This project will enhance the functionality of the existing wetland, and add new features to create a more desirable neighborhood park. Expanded wetland area matches added impervious surface area.

CONSTRUCTION KEYNOTES

- ① ASPHALT PARKING LOT WITH 16 SPACES MINIMUM, 8,345 SF
- ② FENCED DOG PARK, 38,166 SF
- ③ CONCRETE ENTRANCE AND 1,900 LF 8' WIDTH ADA WALKWAY
- ④ 1200 SF PICNIC SHELTER WITH 2,000 SF REINFORCED CONCRETE SLAB
- ⑤ WOODEN BOARDWALK, 425 LF WITH VIEWING PLATFORM
- ⑥ EXPANDED 26,420 SF WETLAND AREA WITH 3,000 SF SWALE
- ⑦ NATURE BASED PLAY AREA 10,300 SF
- ⑧ VARIOUS LARGE TREES TO BE PLANTED THROUHOUT
- ⑨ PEDESTRIAN BRIDGE 30' SPAN 8' WIDTH ADA COMPLIANT
- ⑩ THREE PGE LIGHT POLES

FEDERAL HIGHWAY
ADMINISTRATION
OREGON DIVISION



MARION COUNTY
**PARKDALE PARK IMPROVEMENTS
2022**
DEPARTMENT OF PUBLIC WORKS

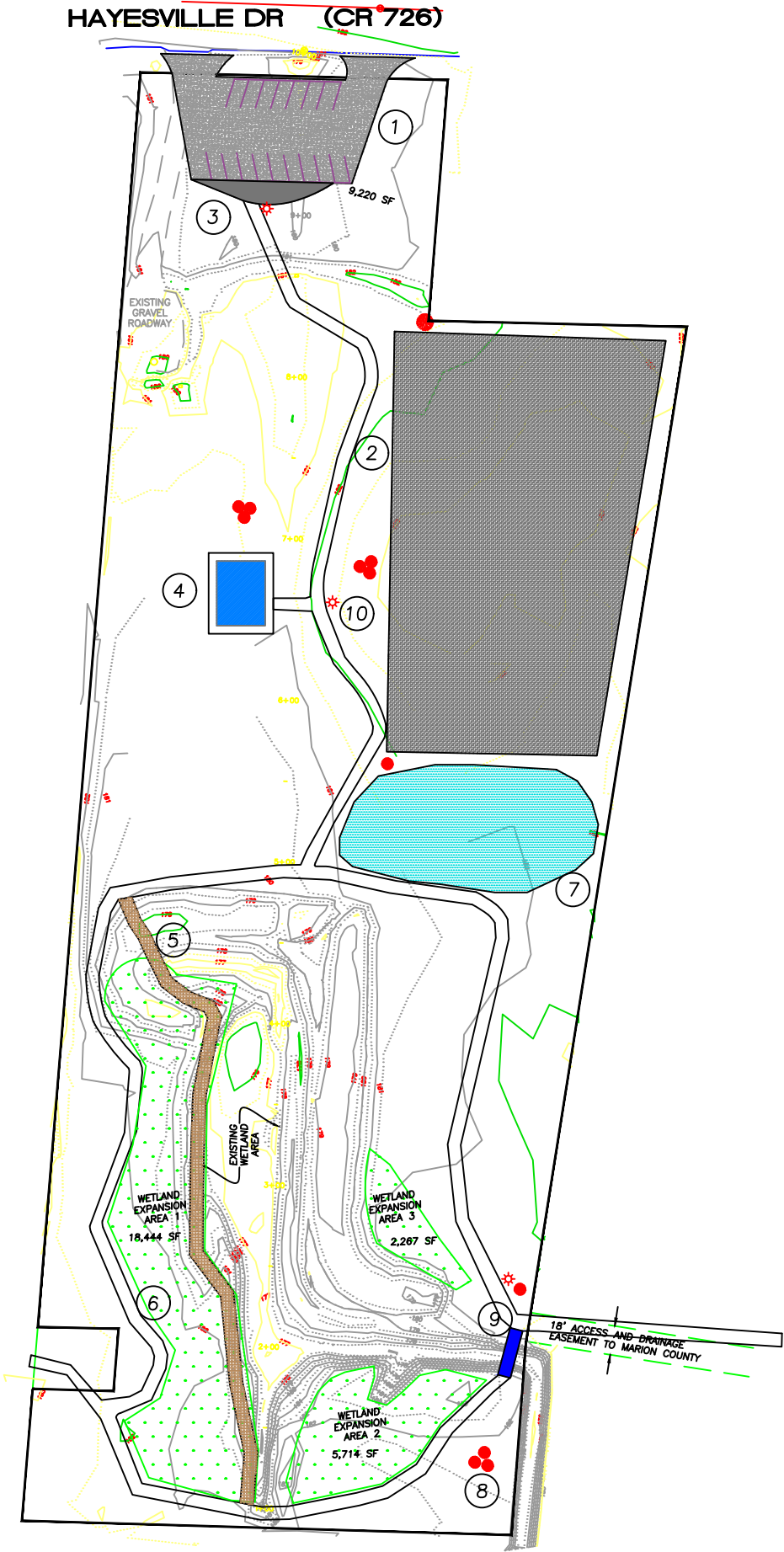
PROJECT NO.:	100995
ECMS NO.:	####
FED. PROJ. NO.:	####
KEY NO.:	####
SITE NO.:	####
HORIZ. DATUM:	OCRS SALEM
VERT. DATUM:	NAVD88
DESIGNED BY:	T.KISSINGER
DRAWN BY:	S.TENCZA

TITLE:

SITE LAYOUT

SHEET:

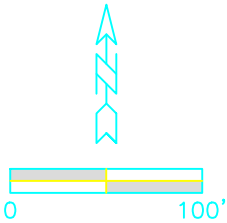
1



GENERAL NOTES

1. This project will enhance the functionality of the existing wetland, and add new features to create a more desirable neighborhood park. Expanded wetland area matches added impervious surface area.

- CONSTRUCTION KEYNOTES**
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MARION COUNTY

PARKDALE PARK IMPROVEMENTS

2022

DEPARTMENT OF PUBLIC WORKS

PROJECT NO.:	100995
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1

Cities Connecting Children to Nature



Initial Guidance on Using American Rescue Plan Act Funds to Bring Nature's Benefits to Children

The American Rescue Plan Act (ARPA), which includes \$65 billion in direct aid to cities, towns, and villages via a State and Local Fiscal Recovery Fund, offers an unprecedented funding opportunity to increase children's regular connections to nature and promote healthy child development. [Guidance from the U.S. Treasury](#) places emphasis on "serving the hardest-hit communities and families," including to "address educational disparities" and "promote healthy childhood environments." It also notes "investments in parks, public plazas, and other public outdoor recreation spaces may be responsive to the needs of disproportionately impacted communities by promoting healthier living environments and outdoor recreation and socialization to mitigate the spread of COVID-19."

In line with this guidance, the [Cities Connecting Children to Nature](#) (CCCN) partnership of the [National League of Cities](#) and Children & Nature Network recommends local leaders consider the below uses of ARPA funds that can bring nature's benefits to children in their local neighborhoods where they live, study, and play.

Getting More Young Children Outdoors, More Often

ARPA makes funds available to connect young children to nature, directly through Head Start and also via child care block grants. Cities that administer, or have partners hosting, Head Start programs can use Head Start funds (\$1 billion) to support [early childhood outdoor learning and nature play](#). The [ARPA guidance](#) from the Office of Head Start describes uses of funds as follows: "Purchasing or enhancing outdoor learning spaces, including nature-based learning and outdoor classrooms. Creating play areas and landscape features that promote exploration and discovery in a natural environment, such as plantings, gardens, and 'loose parts' (i.e., materials for construction and pretend play), rather than traditional play structures or playgrounds."

Another approach involves showing how outdoor learning environments and nature-based programming will contribute to the [\\$24 billion ARPA-funded effort to stabilize the child care industry](#). City leaders can connect with [state Child Care and Development Fund administrators](#) to suggest prioritizing outdoor learning, highlighting the research on how nature-based approaches fulfill two key ARPA goals: providing safe and [healthy learning environments](#), and [mental health support for children](#) and educators. In addition, focusing on the [maternal and child health benefits](#) of time in nature may help make the necessary connections to join projects under the \$150 million ARPA-funded expansion of the Maternal, Infant and Early Childhood Home Visiting Program.

Stormwater Management and Climate Resilience via Schoolyard Greening

Cities may use ARPA State and Local Fiscal Recovery Fund dollars for creation of [green infrastructure or managing and treating stormwater](#). CCCN recommends that city leaders and their partners pursue opportunities to expand the [benefits of green schoolyards](#) further by implementing them as a form of [green infrastructure and stormwater management](#). CCCN also recommends emphasizing the [climate resilience benefits](#) of green schoolyard projects such as rain gardens that expand natural infrastructure.

Outdoor Learning and Play During and Beyond the School Day

State education agencies and school districts received a combined \$122 billion allocation in ARPA via the [Elementary and Secondary School Relief](#) (ESSER) Fund to address the needs of reopening and sustaining operations in schools, as well as addressing the pandemic's impact on students. Whereas states submitted [plans for these funds](#) in early June, CCCN recommends that city leaders and their partners review submitted plans to check for chances to pursue common interests in healthy childhood development and academic and social-emotional learning via outdoor learning and nature-based out-of-school time (including summer) enrichment activities. [a](#)

Libraries As Jumping-Off Points for Learning About and Exploring Nature

ARPA allocates \$200M in funding to libraries in a grant program managed by the federal Institute of Museum and Library Services (IMLS), most frequently passed through state library agencies. These grants support museum and library services addressing community needs created or exacerbated by the COVID-19 pandemic and assisting with recovery. [Guidance](#) provided by IMLS states that eligible projects may continue, enhance, or expand existing programs and services, or to launch new ones to address new needs. CCCN recommends advancing proposals to create more [nature-smart library programming](#), which employs libraries as neighborhood nodes to send children outside for learning and exploration.

The [recent guidelines](#) on the [allowable uses of the Coronavirus Local Fiscal Recovery Fund](#) in ARPA reflect NLC's advocacy on behalf of municipalities across the country.

Additional Resources:

- [Local Recovery: Five Principles for ARP Implementation](#) (NLC)
- [Leveraging ARPA Funds for Mental Health & Wellbeing](#) (NLC)
- [What Small Cities Need to Know to Access ARPA Funds](#) (NLC)
- [An Unparalleled Investment in U.S. Public Education: Analysis of ARPA 2021](#) (Learning Policy Institute)
- [Supporting Early Childhood with ARPA](#) (NLC)
- [Supporting Education Success through ARPA](#) (NLC)
- [Research Digest: Nature and Mental Health and Well-being](#) (C&NN)

DISCLAIMER: The information contained here is not legal advice. It will be subject to change based on updates from the U.S. Department of the Treasury, and any recipients should confirm applicability to their specific situation.

A joint initiative of:



PARKS AND IMPROVED MENTAL HEALTH AND QUALITY OF LIFE

More time spent in parks and green spaces can help individuals fight against mental health issues like depression, anxiety and stress. Making sure that all people have access to parks and outdoor programming is a critical way to increase these positive effects on health and quality of life for your community.

THE FACTS

- » People living more than 1 kilometer away from a green space have nearly 50 percent higher odds of experiencing stress than those living fewer than 300 meters from a green space. Respondents who do not report stress have more than 50 percent higher odds of visiting a green space at least a few days a week than those reporting stress. Results also showed that the more often respondents visited green spaces, the less stress they experienced.¹
- » Several studies have confirmed that separation from nature is detrimental to human development, health and well-being, and that regular contact with nature is required for good mental health.²
- » Scientists in the Netherlands found that people who lived in residential areas with the fewest green spaces had a 44 percent higher rate of physician-diagnosed anxiety disorders than people who lived in the greenest residential areas. The effect was strongest among those most likely to spend their time near home, including children and those with low levels of education and income.³
- » Physician-diagnosed depression was 33 percent higher in the residential areas with the fewest green spaces, compared to the neighborhoods with the most.⁴
- » People who lived in close proximity to natural space had significantly improved mental health up to three years after their move. Compared to pre-move mental health scores, individuals who moved to greener areas had significantly better mental health recorded three years after the move.⁵



THE FACTS

- » Individuals reported less mental distress and greater life satisfaction when they were living in greener areas.⁶
- » A strong body of evidence suggests that physical activity in green spaces has stronger mental health benefits than physical activity in non-green spaces.⁷
- » Use of green spaces is associated with decreased health complaints, improved blood pressure and cholesterol levels, reduced stress, improved general health perceptions and a greater ability to face problems.⁸

SOURCES

- ¹ Making the Case for Designing Active Cities, Active Living Research (Stigsdotter, 2010), 2015
- ² Making the Case for Designing Active Cities, Active Living Research (Maller, 2008), 2015
- ³ Making the Case for Designing Active Cities, Active Living Research (NRPA Report, 2010), 2015
- ⁴ Making the Case for Designing Active Cities, Active Living Research (NRPA Report, 2010), 2015
- ⁵ Making the Case for Designing Active Cities, Active Living Research (Alcock, et al, 2013), 2015
- ⁶ Making the Case for Designing Active Cities, Active Living Research (White, 2013), 2015
- ⁷ Making the Case for Designing Active Cities, Active Living Research (BoP consulting, 2013), 2015
- ⁸ Making the Case for Designing Active Cities, Active Living Research (King's Fund, 2013), 2015



Attachment 3

Project Budget - Parkdale ParkPlease provide a line item detailed budget for the project for the months of **October 2021 through December 2024.**

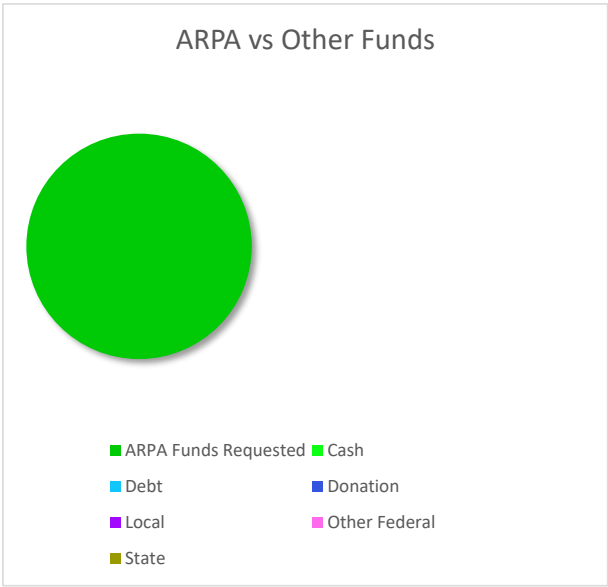
CATEGORY	Int / Ext	ARPA FUNDS REQUEST	OTHER FUNDS (if applicable)		TOTAL
			AMOUNT	SOURCE	\$ 1,460,532.00
Materials and Services					\$ 1,357,793.00
Erosion Control	External	\$ 5,000.00			\$ 5,000.00
Pollution Control Plan	External	\$ 1,000.00			\$ 1,000.00
Catch Basins for New Parking Log	External	\$ 5,000.00			\$ 5,000.00
Pipe to Existing Structures	External	\$ 11,000.00			\$ 11,000.00
Stormwater Treatment - Bioswale	External	\$ 12,000.00			\$ 12,000.00
Class 50 Riprap	External	\$ 2,000.00			\$ 2,000.00
Construction Survey Work	External	\$ 5,000.00			\$ 5,000.00
Removal of Structures and Obstructions	External	\$ 5,000.00			\$ 5,000.00
Dewatering and Disposal	External	\$ 4,200.00			\$ 4,200.00
Dog Park Fencing, 818 LF 38,550 SF	External	\$ 49,750.00			\$ 49,750.00
Concrete Entrance, 1,900' 8ft Width ADA Walkway, Parking Stall	External	\$ 143,865.00			\$ 143,865.00
Concrete Slab for Shelter	External	\$ 20,000.00			\$ 20,000.00
ADA Ramps Parking Lot and Sidewalks	External	\$ 12,000.00			\$ 12,000.00
425' Wooden Boardwalk and 20' Viewing Platform	External	\$ 25,575.00			\$ 25,575.00
Modular Sidewalk Restroom	External	\$ 12,000.00			\$ 12,000.00
Benches - Recycled Plastic	External	\$ 4,380.00			\$ 4,380.00
Natural Play Area	Internal	\$ 40,000.00			\$ 40,000.00
Light Poles	External	\$ 9,000.00			\$ 9,000.00
Pedestrian Walkway Bridge, 30' span 8' width ADA Compliant	External	\$ 50,000.00			\$ 50,000.00
Picnic Shelter (30'x 40') 1200 SF	External	\$ 50,000.00			\$ 50,000.00
Topsoil	External	\$ 17,600.00			\$ 17,600.00
Removal of soils for wetland expansion	External	\$ 343,850.00			\$ 343,850.00
Aggregate Base - parking lot, ADA Walkway, Slab subgrade	External	\$ 26,040.00			\$ 26,040.00
Asphalt Base and Wearing Course - 8,345 SF Parking Lot	External	\$ 34,125.00			\$ 34,125.00
Water Quality Swale (300' x 10')	External	\$ 48,000.00			\$ 48,000.00
Landscaping - Non Water Quality, Plus 12 Large Trees	External	\$ 30,000.00			\$ 30,000.00

Attachment 3

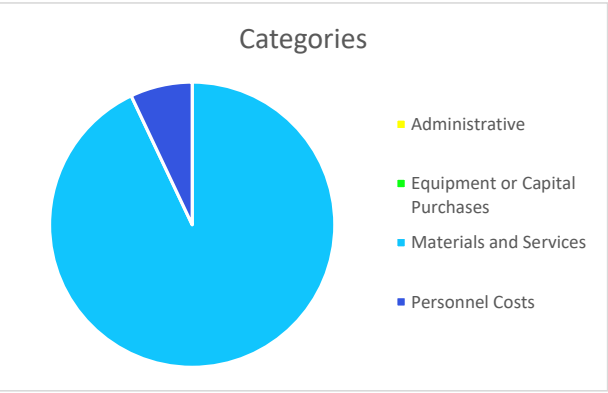
CATEGORY	Int / Ext	ARPA FUNDS REQUEST	OTHER FUNDS (if applicable)		TOTAL
			AMOUNT	SOURCE	\$ 1,460,532.00
Water Service to Shelter, Dog Park	External	\$ 29,250.00			\$ 29,250.00
Electrical Service to Shelter, Area Lighting	External	\$ 22,750.00			\$ 22,750.00
Signage, Interpretive, Wetland, Entrance Kiosk	External	\$ 9,000.00			\$ 9,000.00
Mobilization	External	\$ 102,739.00			\$ 102,739.00
Temporary Protection and Direction of Traffic	External	\$ 20,548.00			\$ 20,548.00
Construction Engineering	External	\$ 115,067.00			\$ 115,067.00
Contingencies	Internal	\$ 92,054.00			\$ 92,054.00
Equipment or Capital Purchases					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
Personnel Costs					\$ 102,739.00
Preliminary Engineering	Internal	\$ 102,739.00			\$ 102,739.00
					\$ -
					\$ -
					\$ -
					\$ -
Administrative					\$ -
					\$ -

Project Budget Summary - Parkdale Park

Total Project Budget	\$ 1,460,532.00
ARPA Funds Requested	\$ 1,460,532.00
Other Funds	\$ -
Cash	\$ -
Debt	\$ -
Donation	\$ -
Local	\$ -
Other Federal	\$ -
State	\$ -



Total Project Budget	\$ 1,460,532.00
Categories	
Administrative	\$ -
Equipment or Capital Purchases	\$ -
Materials and Services	\$ 1,357,793.00
Personnel Costs	\$ 102,739.00



Total Project Budget	\$ 1,460,532.00
Internal	\$ 234,793.00
External	\$ 1,225,739.00

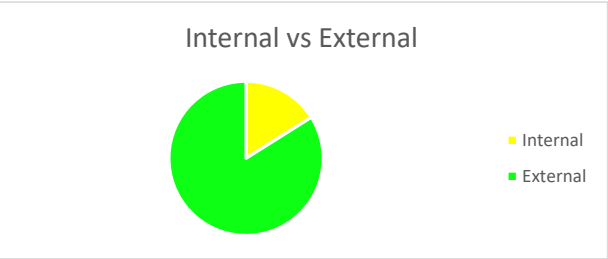


EXHIBIT B
**APPENDIX II TO PART 200—CONTRACT PROVISIONS FOR NON-FEDERAL
 ENTITY CONTRACTS UNDER FEDERAL AWARDS**

- Contracts for more than the simplified acquisition threshold currently set at \$100,000, which is the inflation adjusted amount determined by the Civilian County Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be affected and the basis for settlement.
- Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
- Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
- Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These

requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

- Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or Department wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or Department must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.
- Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- See §200.322 Domestic preference for procurements.
- Audit Requirements of 2 CFR §200.5XX (Subpart F)
 - Department must comply, and require any subcontractor to comply, with applicable audit requirements and responsibilities set forth in this MOU and applicable state or federal law.
 - If Department expends federal awards in excess of \$750,000 in a fiscal year, Department is subject to audit conducted in accordance with the provisions of 2 CFR part 200, subpart F. Copies of all audits must be submitted to Board within 30 days of completion.
 - Department must save, protect and hold harmless Board from the cost of any audits or special investigations performed by the Secretary of State with respect to the funds expended under this MOU. Department acknowledges and agrees that any audit costs incurred by Department as a result of allegations of fraud, waste or abuse are ineligible for reimbursement under this or any

other agreement between Department and Board.

- System for Award Management. Department must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov>. This includes applicable requirements regarding registration with SAM, as well as maintaining current information in SAM. Department must also comply with applicable restrictions on subawards ("subgrants") to first tier subcontractors (first-tier "Subcontractors"), including restrictions on subawards to entities that do not acquire and provide (to the Board) the unique entity identifier required for SAM registration.
- Whistleblower Protection Act. Department must comply and ensure the compliance by subcontractors, with 41U.S.C. 4712, Program for Enhancement of Employee Whistleblower Protection. Department must inform subcontractors, contractors and employees, in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 USC § 4712.
- See § 200.216 Prohibition on certain telecommunications and video surveillance services or equipment.
- See § 200.323 Procurement of recovered materials.
- Recordkeeping Requirements. Department must maintain records and financial documents for five years after all funds have been expended or returned to the Board. Board may request transfer of records of long-term value at the end of such period. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.
- Department must agree to provide or make available such records to the Board upon request, and to the Government Accountability Office ("GAO"), U.S. Treasury's Office of Inspector General ("OIG"), and their authorized representative in order to conduct audits or other investigations.
- Civil Rights Compliance. Recipients of Federal financial assistance from the U.S. Treasury are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that entities receiving Federal financial assistance from the U.S. Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23.
- In order to carry out its enforcement responsibilities under Title VI of the Civil Rights Act, U.S. Treasury will collect and review information from non-Tribal recipients to ascertain their compliance with the applicable requirements before and after providing financial assistance. U.S. Treasury's implementing regulations, 31 CFR part 22, and the Department of Justice (DOJ) regulations, Coordination of Non-discrimination in Federally Assisted Programs, 28 CFR part 42, provide for the collection of data and information from recipients (see 28 CFR 42.406). U.S. Treasury may request that recipients submit data for post-award compliance reviews, including information such as a narrative describing their Title VI compliance status. This collection does not apply to Tribal

governments.

- Equipment and Other Capital Expenditures. Department shall, and shall cause its Subrecipient to, maintain policies and procedures for the management of property and equipment that comply with all requirements of the applicable Uniform Guidance at 2 CFR Part 200, Subpart D, 2 CFR Part 2 CFR Part 200.311, 200.313 and 200.439, and specific requirements of the source of funds. These regulations shall apply to all equipment purchased with federal funding.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014; 85 FR 49577, Aug. 13, 2020]

Exhibit C – Federal Funding Information For Subrecipients

As Required By 2 CFR 200.331(a)¹**1. Federal Award Identification**

(i) Subrecipient Name:	
(ii) Subrecipient DUNS #:	
(iii) Federal Award Identification Number (FAIN):	
(iv) Federal Award Date:	
(v) Subaward Period of Performance (Start & End Date):	
(vi) Federal Funding Obligation	
a) Total Amount of Federal Funds Obligated by this Agreement:	
a.1)	
a.2)	
a.3)	
a.4)	
b) Total Amount of Federal Funds Obligated to Subrecipient by Pass-Through Entity (PTE), including this agreement:	
c) Total Amount of Federal Award committed to Subrecipient by PTE	
(vii) Federal Award Project Description:	
(viii) Identify the following:	
a) Federal awarding agency	
b) Pass-Through Entity,	
c) Contact info for awarding official:	
(ix) Identify Program Information	
a) Catalog of Federal Domestic Assistance (CFDA) #:	
b) Program Name:	
c) Is the award Research & Development? (Yes/No)	
d) Indirect Cost Rate for Federal award:	

2. Subrecipient Indirect Cost Rate

Indirect cost rate passed through to subrecipient:	
--	--

3. Additional Requirements or Comments (if any)

Identify in this section additional conditions concerning closeout of award or required financial/performance reports or any other comments regarding the federal award. If no additional information is necessary, please delete this section or mark N/A.

¹Subrecipient will comply with Federal statutes, regulations and terms and conditions of the Federal award in accordance with 2 CFR 200.331 (a)(2). Subrecipient will permit the pass-through entity and auditors to have access to subrecipient's records and financial statements as necessary for the PTE to meet requirements of 2 CFR 200.331 (a)(5). Subrecipient will also permit the pass-through entity to have access to subrecipient's records for monitoring the activities of the subrecipient, as necessary, to ensure that the subaward is used for the authorized purposes. Such monitoring will include reviewing the financial and performance reports required by the pass-through entity as well as following up and ensuring the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient in order to meet the requirements of 2 CFR 200.331(d).

Federal Funding Accountability and Transparency Act (FFATA) Certification*

Organization Name:		CMS Number:	
---------------------------	--	--------------------	--

Did your organization have a gross income, from all sources, of less than \$300,000 in your previous tax year?

- ☐ Yes (Skip questions "A" and "B" and finish the certification)
- ☐ No (Proceed to questions "A" and "B")

A. Certification Regarding % and Amount of Annual Gross Revenue from Federal Awards

Did you organization (1) receive 80% or more of its annual gross revenue **AND** (2) \$25 million or more from federal awards and contracts during the preceding fiscal year?

- ☐ Yes If "Yes," proceed to question "B".
- ☐ No If "No," skip question "B" and finish the certification.

B. Certification Regarding Public Access to Compensation Information.

Does the public have access to information about the compensation of the senior executives in your business or organization (including parent organization, all branches, and all affiliates worldwide) 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?

- ☐ Yes If "Yes", where can this information be accessed?
- ☐ No If "No", you must provide the names and total compensation of the top five highly compensated executives below. (For example: *John Blum: \$500,000; Mary Redd: \$50,000; etc.*)

1 _____	\$ _____
2 _____	\$ _____
3 _____	\$ _____
4 _____	\$ _____
5 _____	\$ _____

As the duly authorized representative (Signor) for the Organization, I hereby certify that the statements made by me in this certification form are true, complete and correct to the best of my knowledge.

Print Name of Authorized Representative

Print Title of Authorized Representative

Signature of Authorized Representative

Date

Federal Funding Accountability and Transparency Act (FFATA) Certification***Background on FFATA Requirements**

Under the requirements of the Federal Funding Accountability and Transparency Act (Pub. L. No. 109-282), as amended by Section 6202 of Public Law 110-252, that are codified in 2 CFR Part 170, direct recipients of federal grants or cooperative agreements are required to report first-tier subawards and subcontracts of \$30,000 or more to the Federal Funding Accountability and Transparency Act (FFATA) Subaward Reporting System (FSRS).

Organizations that are requested to complete the FFATA Certification have been identified by Marion County as either a first tier subaward or subcontract and therefore, FFATA requirements are applicable.

Definition of Compensation

Total compensation means the cash and noncash dollar value earned by the executive during the Organizations preceding fiscal year and includes the following: (1) Salary and bonus; (2) Awards of stock, stock options, and stock appreciation rights; (3) Earnings for services under non-equity incentive plans; (4) Change in pension value; (5) Above-market earnings on deferred compensation which is not tax-qualified; and (6) Other compensation, as further defined in FAR 52.204-10(a) and 17 CFR 229.402(c)(2).

**Organizations that receive first tier subawards or subcontracts >\$30,000 are required to comply with FFATA requirements per 2 CFR Part 170 and FAR 52.204-10.*

**American Rescue Plan Act (ARPA) /
Coronavirus State and Local Fiscal Recovery Funds (SLFRF)
Capital Expenditure Justification Form**

Purpose: To ensure recipient complies with the terms, conditions and requirements of the U.S. Treasury 31 CFR Part 35 SLFRF Final Rule. Recipients must complete and meet the requirements of a written justification for capital expenditures equal to or greater than \$1 million.

Capital Expenditures: Per the Uniform Guidance 2 CFR 200.1, the term “*capital expenditures*” means “expenditures to acquire capital assets or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life.”

Organization Name:	Marion County - Public Works
Organization Contact Completing Form:	
Date:	
Project Name:	Parkdale Park Development
Expenditure Category:	2.22 Strong Healthy Communities: Neighborhood Features that Promote Health and Safety
Type of Capital Expenditure ¹ :	Parks, green spaces, recreational facilities, sidewalks
Specify "Other" Expenditure Type:	
Project Amount:	\$ 364,854
Project Threshold Per Table 1:	< \$1M
CMS # (Marion County to Complete)	4574

Black shaded cells DO NOT need to be filled out.

1 Describe the harm or need to be addressed.

2 Explanation of why a capital expenditure is appropriate. (For example, recipients should include an explanation of why existing equipment and facilities, or policy changes or additional funding to pertinent programs or services, would be inadequate.)

3 Was there a comparison performed of the approved capital project against at least two alternative capital expenditures?

☐ YES

☐ NO

a) If yes, please demonstrate why the approved capital expenditure is superior.

b) If no, please explain why.

¹ Coronavirus State and Local Fiscal Recovery Funds Project and Expenditures Report User Guide - Appendix H

Marion County to complete this section

Grant Reviewer:

Date Reviewed:

Comments:

Table 1 (U.S. Treasury Final Rule, General Provisions: Other, b. Capital Expenditures)

If a project has total expected capital expenditures of	and the use is enumerated in (b)(3), then	and the use is not enumerated in (b)(3), then
Less than \$1 million	No Written Justification required	No Written Justification required
Greater than or equal to \$1 million, but less than \$10 million	Written Justification required but recipients are not required to submit as part of regular reporting to Treasury	Written Justification required and recipients must submit as part of regular reporting to Treasury
\$10 million or more	Written Justification required and recipients must submit as part of regular reporting to Treasury	

EXHIBIT F

ARPA/SLFRF REPORTING REQUIREMENTS FORM

A.1 Project and Expenditure Report

Department shall complete the Project and Expenditure Report as outlined in the Project and Expenditure Report User Guide dated April 1, 2022, according to the awarded eligibility category. The Board and Designee shall provide the Project and Expenditure Report template to the Department no later than June 15, 2022. Once the Department's total project expenditures have been occurred and the project has completed, a final report shall be submitted, and quarterly reporting requirements will no longer be required.

Project and Expenditure Reports are due according to the following table:

Report	Year	Quarter	Period Covered	Due Date
1	2022	2	Project Commence – June 30	July 15, 2022
2	2022	3	July 1 – September 30	October 15, 2022
3	2022	4	October 1 – December 31	January 15, 2023
4	2023	1	January 1 – March 31	April 15, 2023
5	2023	2	April 1 – June 30	July 15, 2023
6	2023	3	July 1 – September 30	October 15, 2023
7	2023	4	October 1 – December 31	January 15, 2024
8	2024	1	January 1 – March 31	April 15, 2024
9	2024	2	April 1 – June 30	July 15, 2024
10	2024	3	July 1 – September 30	October 31, 2024
11	2024	4	October 1 – December 31	January 15, 2025
12	2025	1	January 1 – March 31	April 15, 2025
13	2025	2	April 1 – June 30	July 15, 2025
14	2025	3	July 1 – September 30	October 15, 2025
15	2025	4	October 1 – December 31	January 15, 2026
16	2026	1	January 1 – March 31	April 15, 2026
17	2026	2	April 1 – June 30	July 15, 2026
18	2026	3	July 1 – September 30	October 15, 2026
19	2026	4	October 1 – December 31	March 15, 2027

A.2 Recovery Plan Performance Report

Department shall complete the Recovery Plan Performance Report. The Board and designee shall provide the Recovery Plan Performance Report template to the Department no later than June 15, 2022.

Recovery Plan Performance Reports are due according to the following table:

Report	Period Covered	Due Date
1	Award Date – June 30, 2022	July 15, 2022
2	July 1, 2022 – June 30, 2023	July 15, 2023
3	July 1, 2023 – June 30, 2024	July 15, 2024
4	July 1, 2024 – June 30, 2025	July 15, 2025
5	July 1, 2025 – June 30, 2026	July 15, 2026
6	July 1, 2026 – December 31, 2026	March 15, 2027

A.3 Federal Funding Accountability and Transparency Act Certification

Department shall require its contractor(s) and subcontractor(s), to complete and include Exhibit


D. Federal Funding Accountability and Transparency Act Certification as part of the contract.

A.4 ARPA/SLFRF Capital Expenditure Justification Form

Department shall require its contractor(s) and subcontractor(s) to complete and include Exhibit E.

ARPA/SLFRF Capital Expenditure Justification Form as part of the contract.

Exhibit G - Marion County Disbursement Request



Recipient:

Project Name:

Funding Program:

Assistance Listing (CFDA#):

Project Number:

Date:

Final Draw? ☐ Yes ☐ No

Reporting Period:

to

	Marion County Funds (Enter Whole Dollars Only)				Other / Matching Funds (Enter Whole Dollars Only)				All Funds
(A)	(B)	(C)	(D)	(E) = [B-C-D]	(F)	(G)	(H)	(I) = [F-G-H]	(J) = [C+D+G+H]
Category	Approved Budget	Prior Disbursements	Current Request	Balance	Approved Budget	Prior Expenditures	Current Expenditure	Balance	Disbursed & Expended
Personnel Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Materials and Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Equipment or Capital Purchases	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Administrative	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Certification: I certify that the data is correct and that the amount requested is not in excess of current needs, nor has been already reimbursed by federal, state, or other resources.

Authorized Signature and Title

Date

Authorized Signature and Title (if necessary)

Date

Project Contact for Payment Notification

Phone Number

Email Address

For Marion County Use Only: I have reviewed this request and approve payment to the above mentioned recipient in the amount(s) listed below.

Dollar Amount	Costing	PO #
\$ -		CMS #
<div><div>Authorized Signature and Title</div><div>Date</div></div>		
<div><div>Authorized Signature and Title</div><div>Date</div></div>		
<div><div>Authorized Signature and Title</div><div>Date</div></div>		

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject us to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).

Additional Information Required:
Supporting documentation (e.g. invoice(s), GL reports, timekeeping records, etc.) must be recorded on Detail worksheet.
Upon completion, print Disbursement Request and Detail to PDF, sign electronically, and attach copies of supporting documentation.
Submit to ARPArecovery@co.marion.or.us for review and processing of reimbursement.
Questions about this form can also be directed to ARPArecovery@co.marion.or.us.

Marion County Disbursement Request Detail

Recipient:	Date:	1/0/1900
Project Name:	Project Number:	0
Funding Program:		

Date	Description	Personnel Services	Materials & Services	Equip or Capital Purchases	Administrative	Total
						-
						-
						-
						-
						-
						-
						-
						-
						-
						-
						-
						-
						-
						-
						-
						-
						-
						-
						-
						-
insert extra lines if needed						-
Total Disbursement Request		-	-	-	-	-