

DUPLICATE ORIGINAL

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

1. GRANT/COOPERATIVE AGREEMENT NO. 01-FC-35-0024		2. REQUISITION NUMBER		3. CLASS OF RECIPIENT Local Government										
4. ISSUED BY U.S. Bureau of Reclamation 27710 Jefferson Ave. Suite 201 Temecula, California 92590			5. RECIPIENT City of Redlands Municipal Utilities Department 35 Cajon Street, Suite 15A Redlands, California 92373											
6. NAME, ADDRESS, AND PHONE NO. OF ASSISTANCE REPRESENTATIVE Leslie Cleveland U.S. Bureau of Reclamation 27710 Jefferson Ave, Suite 201 Temecula, California 92590 909-695-5310			7. NAME, ADDRESS, AND PHONE NO. OF RECIPIENT'S PROJECT MANAGER Douglas Headrick City of Redlands Municipal Utilities Department 35 Cajon Street, Suite 15A Redlands, California 92373 909-798-7698											
8. PROGRAM STATUTORY AUTHORITY Section 1604, Title XVI, P.L. 102-575														
9. EFFECTIVE DATE See Block 15			10. COMPLETION DATE March 31, 2002											
11. TOTAL AMOUNT OF AGREEMENT			12. ACCOUNTING AND APPROPRIATION DATA											
<table border="1"> <thead> <tr> <th></th> <th>RECIPIENT/OTHER SHARE</th> <th>RECLAMATION SHARE</th> </tr> </thead> <tbody> <tr> <td>AMOUNT OF FUNDS OBLIGATE</td> <td>\$ 40,000 <i>gpp</i></td> <td>\$20,363</td> </tr> <tr> <td></td> <td>\$ 40,000 <i>gpp</i></td> <td>\$20,363</td> </tr> </tbody> </table>				RECIPIENT/OTHER SHARE	RECLAMATION SHARE	AMOUNT OF FUNDS OBLIGATE	\$ 40,000 <i>gpp</i>	\$20,363		\$ 40,000 <i>gpp</i>	\$20,363	A10-1862-6004-115-00-0-0 3501000 411C		
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13. PROJECT DESCRIPTION/SCHEDULE/SPECIAL PROVISIONS See attached Scope of Work.														
14. Acceptance of this Assistance Agreement indicates a willingness to comply with all applicable Federal laws, executive orders, regulations and policies by City of Redlands, Municipal Utilities Department NAME OF RECIPIENT BY <i>Gary G. Phelps</i> 9/18/01 SIGNATURE DATE Gary G. Phelps TYPED NAME Municipal Utilities Director TITLE 909-798-7698 TELEPHONE NO.			15. Acceptance of this Assistance Agreement in accordance with all applicable Federal laws, Executive orders, regulations and policies is hereby made on behalf of the United States of America, Bureau of Reclamation. BY <i>Richard A. Martin</i> 9-21-01 SIGNATURE DATE Richard A. Martin TYPED NAME Grants and Cooperative Agreements Officer TITLE 909-695-5310 TELEPHONE NO.											

Attach additional signatures

16. GENERAL PROVISIONS**A. REGULATIONS AND GUIDANCE - OMB CIRCULARS**

The regulations at 43 CFR, Part 12, Subparts A - F are hereby incorporated by reference as though set forth in full text. The following Office of Management and Budget (OMB) Circulars, as applicable, and as implemented by 43 CFR Part 12, are also incorporated by reference and made a part of this agreement. Failure of a recipient to comply with any provision may be the basis for withholding payments for proper charges made by the recipient and for the termination of support. Copies of OMB Circulars are available on the Internet at <http://www.whitehouse.gov/OMB/circulars/index.html>. The implementation of the circulars at 43 CFR Part 12 is available at <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>.

- (1) Agreements with colleges and universities shall be in accordance with the following circulars:
 - OMB Circular A-21, revised August 8, 2000, "Cost Principles for Educational Institutions"
 - OMB Circular A-110, as amended September 30, 1999, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations"
 - OMB Circular A-133, revised June 24, 1997, "Audits of States, Local Governments, and Non-Profit Organizations"
- (2) Agreements with State and local governments shall be in accordance with the following circulars:
 - OMB Circular A-87, as amended August 29, 1997, "Cost Principles for State, Local, and Indian Tribal Governments"
 - OMB Circular A-102, as amended August 29, 1997, "Grants and Cooperative Agreements with State and Local Governments" (Grants Management Common Rule, Codification by Department of Interior, 43 CFR 12)
 - OMB Circular A-133, revised June 24, 1997, "Audits of States, Local Governments, and Non-Profit Organizations"
- (3) Agreements made with non-profit organizations shall be in accordance with the following circulars:
 - OMB Circular A-110, as amended September 30, 1999, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations"
 - OMB Circular A-122, revised May 19, 1998, "Cost Principles for Non-Profit Organizations"
 - OMB Circular A-133, revised June 24, 1997, "Audits of States, Local Governments, and Non-Profit Organizations"
- (4) All agreements with organizations other than those indicated above shall be in accordance with the basic principles of OMB Circular A-110, and cost principles shall be in accordance with 48 CFR Subpart 31.2 titled "Contracts with Commercial Organizations" which is available on the Internet at <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>.

B. ASSURANCES INCORPORATED BY REFERENCE

The provisions of the Assurances executed by the Recipient in connection with this agreement shall apply with full force and effect to this agreement as if fully set forth in these General Provisions. Such Assurances include, but are not limited to, the promise to comply with all applicable Federal statutes and orders relating to nondiscrimination in employment, assistance, and housing; the Hatch Act; Federal wage and hour laws and regulations and work place safety standards; Federal environmental laws and regulations and the Endangered Species Act; and Federal protection of rivers and waterways and historic and archeological preservation.

C. COVENANT AGAINST CONTINGENT FEES

The recipient warrants that no person or agency has been employed or retained to solicit or secure this agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide offices established and maintained by the recipient for the purpose of securing agreements or business. For breach or violation of this warranty, the Government shall have the right to annul this agreement without liability or, in its discretion, to deduct from the agreement amount, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

D. CONTRACTING WITH SMALL AND MINORITY FIRMS, AND WOMEN'S BUSINESS ENTERPRISES

It is a national policy to award a fair share of contracts to small and minority business firms. The Department of the Interior is strongly committed to the objectives of this policy and encourages all recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness.

- (1) The grantee and subgrantee shall take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.
- (2) Affirmative steps shall include:
 - (a) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (b) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - (c) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
 - (d) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
 - (e) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce as appropriate, and
 - (f) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in (2)(a) through (e) above.

E. NOTICE REGARDING BUY AMERICAN ACT

Pursuant to Section 602 of the Energy and Water Development Appropriations Act, 2001, Public Law 106-377, please be advised of the following:

It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

F. RESOLVING DISAGREEMENTS

When entering into a cooperative agreement with a recipient, Reclamation commits itself to working with the recipient in a harmonious manner to achieve the objectives of the project successfully. When disagreements arise between the parties, they must be resolved according to the procedures discussed below:

- (1) Reclamation shall attempt first to resolve disagreements with the recipient through informal discussion among the Grants or Contract Specialist, the Program Officer, and the recipient's Project Director.
- (2) If the disagreement cannot be resolved through informal discussion between these parties, the Grants Specialist and the Program Officer shall document the nature of the disagreement and bring it to the attention of the Grants Officer.
- (3) After reviewing the facts of the disagreement, as presented by the Grants and Program Offices, the Grants Officer will arrange a formal meeting. If agreement still cannot be reached, the parties will collectively decide on any varied approaches which might be used to resolve the disagreement. The parties shall be responsible for their individual expenses related to any approach utilized to resolve the disagreement. If attempts at resolving the disagreement fail, the Chief, Acquisition and Assistance Management Services, or Regional Director, as applicable, shall make a decision which shall be final and conclusive.
- (4) Nothing herein shall be construed to delay or limit Reclamation's right to take immediate and appropriate action, as set forth at 43 CFR, Subparts 12.83 or 12.962, in the event of material noncompliance by the recipient, and no attempts at informal resolution shall be necessary.

Any post award issue will be open for resolution in accordance with the above procedures, with the exception of disagreements regarding continuation of the agreement (termination must be in accordance with 43 CFR 12) or other matters specifically addressed by the agreement itself.

G. LOBBYING

In accordance with Section 601 of the Energy and Water Development Appropriation Act, 2001, Public Law 106-377, please be advised of the following:

None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence Congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

H. ELECTRONIC FUNDS TRANSFER (EFT)

In accordance with the Debt Collection Improvement Act of 1996, effective January 2, 1999, all Federal payments to recipients must be made by EFT unless a waiver has been granted in accordance with 31 CFR 208.4. Upon award of a financial assistance agreement, Reclamation will provide the recipient with further instructions for implementation of EFT payments or a certification form to request exemption from EFT.

I. INCREASING SEAT BELT USE IN THE UNITED STATES – EXECUTIVE ORDER 13043

In accordance with 43 CFR 12.2(e), if you are awarded a grant or cooperative agreement, the following provision is applicable, and shall be incorporated into any grant or cooperative agreement which the recipient awards to a subrecipient:

Recipients of grants/cooperative agreements and/or sub-awards are encouraged to adopt and enforce on-the-job seat belt use policies and programs for their employees when operating company-owned, rented, or personally owned vehicles. These measures include, but are not limited to, conducting education, awareness, and other appropriate programs for their employees about the importance of wearing seat belts and the consequences of not wearing them.

J. ENDORSEMENT OF COMMERCIAL PRODUCTS AND SERVICES

In accordance with 43 CFR 12.2(d), this provision applies to grants and cooperative agreements whose principal purpose is a partnership where the recipient contributes resources to promote agency programs, publicize agency activities, assists in fund-raising, or provides assistance to the agency. If the agreement is awarded to a recipient, other than a State government, a local government, or a federally-recognized Indian tribal government, and the agreement authorizes joint dissemination of information and promotion of activities being supported, the following provision shall be made a term and condition of the award:

Recipient shall not publicize or otherwise circulate, promotional material (such as advertisements, sales brochures, press releases, speeches, still and motion pictures, articles, manuscripts or other publications) which states or implies governmental, Departmental, bureau, or government employee endorsement of a product, service or position which the recipient represents. No release of information relating to this award may state or imply that the Government approves of the recipient's work products, or considers the recipient's work product to be superior to other products or services.

All information submitted for publication or other public releases of information regarding this project shall carry the following disclaimer:

"The views and conclusions contained in this document are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government."

Recipient must obtain prior Government approval for any public information releases concerning this award which refer to the Department of the Interior or any bureau or employee (by name or title). The specific text, layout photographs, etc. of the proposed release must be submitted with the request for approval.

A recipient further agrees to include this provision in a subaward to any subrecipient, except for a subaward to a State government, a local government, or to a federally-recognized Indian tribal government.

K. CERTIFICATIONS

The following certifications are incorporated by reference and made part of this agreement:

-Certifications Regarding Debarment, Suspension, and Other Responsibility Matters, Drug-free Workplace Requirements and Lobbying (DI-2010)

17. SPECIAL PROVISIONS**A. MODIFICATIONS**

Any changes to this Agreement shall be made by means of a written modification. Reclamation may make changes dealing with administrative matters, such as changes in address, no-cost time extensions, or solely for funding purposes, by means of a unilateral modification. Any other changes shall be made by a bilateral modification to the agreement. No oral statement made by any person, or written statement made by any person other than the Grants and Cooperative Agreements Officer (GCAO), shall be allowed in any manner or degree to modify or otherwise effect the terms of the Agreement.

B. TERMINATION OF THE AGREEMENT

Termination of this agreement, either for cause or convenience, will be in accordance with the termination provisions of the applicable OMB Circular and 43 CFR 12.