To Agencies … IHS, EPA, HUD, BIA Management version v05

AGENCIES RESOURCE EXPENDITURE on PROJECTS TO SUPPORT SDWA 1414 & 1431 EPA ORDER TO THE CONFEDERATE TRIBES of WARM SPRINGS

Agency Management:

As you are aware the Confederated Tribes of the Warm Springs Indian Reservation of Oregon (TRIBES) are under two Safe Drinking Water Act Orders from the U.S. EPA, Region 10 (EPA) to address potable water distribution and treatment deficiencies related to the Dry Creek Surface Water Plant.

The TRIBES are holding four pots of grant dollars which they would like to use to help address the orders' requirements including deficiency items, these are:

1. HUD grant monies in the amount of $427K
2. BIA grant monies in the amount of $343K
3. IHS/EPA grant monies in the amount of $141K
4. CTWS internal monies in the amount of $72K

Total $983K

Note: There is an additional $20K in the HUD pot allocated to administration and indirect cost not included in this summary.

The $141K L71 funds provided by IHS and EPA have been confirmed to still be available, and are fit for this purpose, confirmation attached in Appendix A.

The TRIBES are proposing to spend the monies in the following manner:

1. IHS/EPA, BIA, and HUD funds allocated for water treatment facilities studies; Engineering Report, including filter media evaluation in the sum of $191K
2. BIA, HUD, and TRIBES funds allocated to historically identified projects in the sum of $792K

Total $983K

It is intended that the monies shall be spent utilizing a Design/Build approach, with work packaged into four discipline specific packs (note: we originally suggested 6 packages but in reviewing the monies available we believe we will get a better response with only 4 packages). The contracting documentation will follow the Engineering Joint Contracting Documentation Committee's (EJCDC) formulation. The package breakdown is demonstrated in Table 1.

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			Package 1			Package 2			Package 3			Package 4			Total
			M & Process			E & ICA			Civil			Building			
Engineering Study		HIS $:00	47			47			23.5			23.5			$ 141
		Evaluation	20	30		48									$ 98
		Sub Total 1	$ 97.00			$ 95.00			$ 23.50			$ 23.50			$ 239
Design Build Projects	Project #	Project Name	*BIA $:00*	*HUD $:00*	*CTWS $:00*	*BIA $:00*	*HUD $:00*	*CTWS $:00*	*BIA $:00*	*HUD $:00*	*CTWS $:00*	*BIA $:00*	*HUD $:00*	*CTWS $:00*	
	1	Backwash/Sludge Pond Lining								60					$ 60
	2	PAC Plant Enclosure		30											$ 30
	3	Filter Media Replacement	38	29											$ 67
	4	Finished Water Pumps	60	60		25	30								$ 175
	5	HVAC										42		23	$ 65
	6	Intake Screen		48											$ 48
	7	SCADA				100		49							$ 149
	8	Raw Water Pumps		60		10	30								$ 100
	9	WTP WW System								50					$ 50
		Sub Total 2	$ 98	$ 227	$ -	$ 135	$ 60	$ 49	$ -	$ 110	$ -	$ 42	$ -	$ 23	$ 744
		Sub Total 3	$ 325			$ 244			$ 110			$ 65			$ 744
		TOTAL	$ 422			$ 339			$ 134			$ 89			$ 983

Table 1: Financial Breakdown of Funds

As part of the EPA Emergency Orders, the TRIBES are required to produce an Engineering Study that yields prioritized lists of deficiencies in both the distribution and water treatment and supply systems.

The Engineering Report for the distribution system will comprise of the collection and collation of several completed and ongoing work activities, including:

1. A summary report of the emergency repair to the Shitike Creek crossing
2. A summary report and the O&M manual produced for the PRV/Flow Control Emergency Repair work
3. The executive summary from the IHS/CW report on the permanent Shitike Creek crossing proposal
4. The prioritized list of main repairs identified as output from the IHS/CW leak detection study, and
5. A control document listing staff collected and collated information, diagrams, drawings, and specifications of the distribution system

The Engineering Report for the water treatment facility will be a collection and collation of the engineering evaluations undertaken by the discipline specific project Design/Build teams. The combination of the individual reports shall provide a complete assessment of the WTPs facilities. The specific disciplines for the individual reports shall be:

1. Mechanical & Process
2. Electrical, & ICA
3. Civil infrastructure
4. Building facilities

Each Discipline shall report a prioritized list of deficiencies, prioritized by Highest Risk of Failure as measured by Capacity, Condition, Compliance, and Efficiency, and poorest remaining useful life. These lists shall be used to formulate 1, 2, 5, 10-year Operational Expenditure (OpEx), and Capital Expenditure (CapEx) works plans.

The currently identified projects will be undertaken by the discipline specific teams in parallel to the Engineering Study. Where this is considered inappropriate and not a good use of the monies the projects will be delayed awaiting the recommendations of the Engineering Report, and the appropriate

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highest priority item will then be addressed by the discipline specific project team constrained to the previous allocated funds.

It must be noted that BIA and HUD monies have been allotted to specific projects as shown in Table 1. If there becomes a conflicting priority from the Engineering Study/Report and the currently priority list, it is intended to reallocate the assigned monies to the Highest Risk, Poorest Quality assets.

The TRIBES would appreciate your confirmation that this methodology of expending the agencies funds is acceptable and in line with accepted methodologies. That is the agencies see no conflict of interest in this proposal and they will work with the TRIBES to enable full expenditure of the funds in the most appropriate way.

The TRIBES request that any policies, plans, processes, procedures, practices, or performance measures (6Ps) that the agencies will require for this to happen, that they provide the same for review, consideration, and implementation into the project as soon as practically possible.

Please complete Table 2:

FUND EXPENDITURE METHODOLOGY APPROVAL					
Column #:	**Column 1**	**Column 2**	**Column 3**	**Column 4**	**Column 5**
AGENCY	**Agency will accept EJCDC forms of Contract (If not please provide alternate)**	**Agency has NO CONFLICTS with Engineering Study/Report & Design/Build Methodology**	**Will Enable Methodology to Move monies between Existing and Newly Identified Higher Priority Projects**	**Proposed Methodology Meets the EPA Order Requirements**	**Agency has appropriate "6Ps" that enable Methodology to move forward. (List references as appropriate)**
HUD	THC	THC	THC	N/A	THC
BIA	BKM	BKM	BKM	BKM	BKM
IHS	DSH	DSH	DSH	N/A	DSH
EPA	ADB	ADB	ADB	ADB	ADB

Table 2: Agency Agreement Methodology Signoff

Table Notes:

1. All Contracts to be awarded in accordance with tribal Acquisition regulations.
2. BIA funding was previously provided via 638 Contract.
3. Column 3. Current BIA funding was provided to accomplish specific work items which have NOT been completed. Re-programing of BIA funding will require BIA approval prior to shifting funds. An email showing cost and schedule details will suffice.
4. Column 5. BIA reference 638 Program Regulations.
5. BKM … Bryan K. Mercier, BIA NW Regional Director.
6. Contract Documents will need to include contract provisions required by ICBG regulations @ 1003,501 (a)(13), specifically those used in part 200, Appendix II [except for (D) & (E)]
7. THC … Thomas H. Carney, US DoHUD Administrator NwONAP Office of Public & Indian Housing

8. IHS will be given an opportunity to review packages before they are sent out to tender
9. DSH … Derek S. Hancey, for Marcus Martinez, Director Portland Area OEHE, IHS.
10. ADB … Adam D. Baron, Enforcement Case Officer, EPA Region 10.

Agency representative to initial each box above to indicate approval and understanding, and under separate cover return this letter along with any appropriate agency support or requested data.

Our schedule for this work is very aggressive given this is a federally funded exercise. Our outline schedule is illustrated in Figure 1. We would appreciate your prompt response to this letter and look for your agreement prior to our next meeting Wednesday November 6th, 2019.

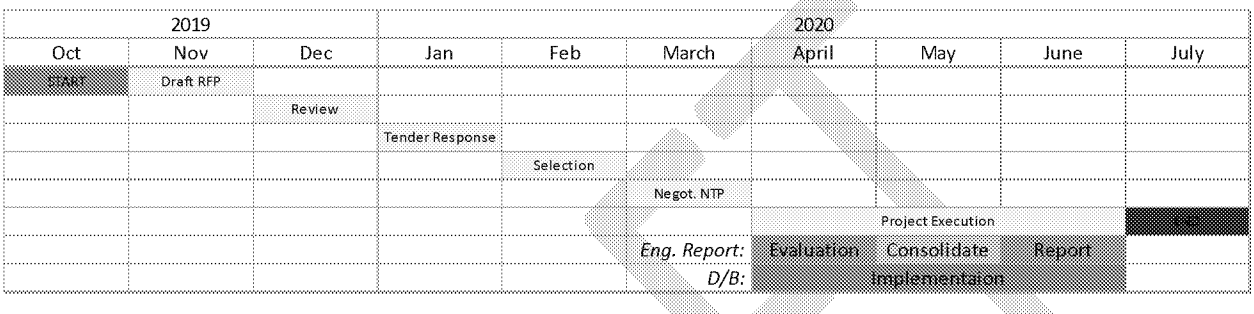

Figure 1: Preliminary Schedule (10/30/2019)

By this letter the TRIBEs are Requesting EPA to extend the due date of the Engineering Report under the emergency order, until June 30th, 2020.

We appreciate your help and support.

Kind regards

Travis Wells
Branch of Public Works General Manager

Cc:

Michele Stacona, CEO
Alfred Estimo, Finance Director
Libby Chase, Purchasing Manager
Bruce Irwin, Development Director
Chico Holiday, Water Wastewater Supervisor
Keith Whisenhunt, P.E., Principal PDG
Barry Buchanan, P.E., Principal B&A

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APPENDIX A:

EMAIL OF CONFIRMATION OF IHS/EPA FUNDS AVAILABILITY

Thu 10/17/2019 12:02 PM

Clark, Johnny [HYPERLINK "mailto:Clark.Johnny@epa.gov"]

Re: HIS Project PO-13-L71 – 1A No.: 7595852101-2

LT Hancey,

Thank you for the updates regarding this project. It is the last project remaining for completion on this Interagency Agreement (IA). The project scope remains the same and the project (PO-13-L71) appears to be proceeding accordingly.

According to the financial data that I've reviewed, the funds obligated for this IA and project are sufficient to complete the project by September 9, 2020. Let me know if you have additional questions.

Thank you

Johnny Clark

From: Hancey, Derek (IHS/POR) <[HYPERLINK "mailto:Derek.Hancey@ihs.gov"]>
Sent: Thursday, October 17, 2019 10:44 AM
To: Clark, Johnny <[HYPERLINK "mailto:Clark.Johnny@epa.gov"]>
Cc: Baron, Adam <[HYPERLINK "mailto:Baron.Adam@epa.gov"]>; Haugland, Craig J. (IHS/POR) <[HYPERLINK "mailto:Craig.Haugland@ihs.gov"]>; Chadwick, Benjamin R (IHS/POR) <[HYPERLINK "mailto:Benjamin.Chadwick@ihs.gov"]>
Subject: IHS Project PO-13-L71 - IA No. 7595852101-2

Hi Mr. Clark,

I have been coordinating with Warm Springs to implement IHS project L71 over this coming fall and winter. The WTP structural, mechanical & electrical systems, site, and unit process assessments will support development of the water system engineering assessment mandated by the emergency order, in addition to scoping and prioritizing high-priority repairs with available BIA and HUD Imminent Threat funds. The Tribe's contracted project manager is preparing RFP solicitation packages for six separate assessments which will be provided to IHS and EPA for review prior to being sent out for proposals.

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Please let me know if you have any questions or if you would like to be included in future coordination meetings.

Sincerely,

LT Derek Hancey, P.E.

Environmental Engineer Consultant

Division of Sanitation Facilities Construction

Portland Area Indian Health Service

1414 NW Northrup Street, Suite 800

Portland, OR 97209

503-414-7784

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Our Mission...to raise the physical, mental, social and spiritual health of American Indians and Alaska Natives to the highest level.