

U.S. DEPARTMENT OF TRANSPORTATION

**GRANT AGREEMENT UNDER THE
FISCAL YEAR 2019 BUILD TRANSPORTATION GRANTS PROGRAM**

This agreement is between the United States Department of Transportation (the “**USDOT**”), Iowa Department of Transportation (the “**Recipient**”), and the Des Moines Area Metropolitan Planning Organization (the “**First-Tier Subrecipient**”).

This agreement reflects the selection of the First-Tier Subrecipient to receive a BUILD Grant for the Phase 1 Dam Mitigation and User Access Project.

The parties want the First-Tier Subrecipient to carry out the project with the Recipient’s assistance and oversight.

The parties therefore agree to the following:

**Article 1
GENERAL TERMS AND CONDITIONS**

1.1 General Terms and Conditions.

- (a) In this agreement, “**General Terms and Conditions**” means the content of the document titled “General Terms and Conditions Under The Fiscal Year 2019 BUILD Transportation Grants Program: FHWA Projects,” dated ~~December 17, 2019~~ October XX, 2021 which is available at <http://go.usa.gov/xpuYyXXX>. Articles 8 – 24 are in the General Terms and Conditions. The General Terms and Conditions are part of this agreement.
- (b) The Recipient states that it has knowledge of the General Terms and Conditions.
- (c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient’s non-compliance with the General Terms and Conditions may result in remedial action, terminating of the BUILD Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the USDOT the BUILD Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

Article 2
APPLICATION, PROJECT, AND AWARD

2.1 Application. The application for funding was dated July 15, 2019 and titled “Phase 1 Dam Modification and User Access Project.” It contained Standard Form 424 and all information and attachments submitted with that form through Grants.gov.

2.2 Project. In this agreement, the “**Project**” means the project proposed in the application identified in section 2.1 as modified by the negotiated provisions of this agreement, including article 3 and attachments A-E.

2.3 Federal Award and Federal Obligation.

The USDOT hereby awards a BUILD Grant to the Recipient in the amount of \$25,000,000 and obligates that amount for the budget period.

2.4 Award Dates.

Budget Period End Date: July 30, 2025

~~Period of Performance End Date: July 30, 2025~~

~~Estimated Closeout Date: July 30, 2026~~

2.5 Urban or Rural Designation. The USDOT hereby designates this to be an award to a project in an urban area.

2.6 Federal Award Identification Number. The Federal Award Identification Number will be generated when the FHWA Division authorizes the project in FMIS. The Recipient acknowledges that it has access to FMIS and can retrieve the FAIN from FMIS

Article 3
SUMMARY PROJECT INFORMATION

3.1 Summary of Project’s Statement of Work. (See Attachment A for additional details).

The project will fund the first phase of a multi-phased project that will mitigate a dangerous low-head dam at Scott Avenue to help facilitate a water recreational trail, and enhance three additional access points along an approximately 5-mile stretch of the Des Moines River within the City of Des Moines.

3.2 Project’s Estimated Schedule.

Milestone	Schedule Date
Planned NEPA Completion Date	May 1, 2021
Planned Plan, Specification, & Estimate (PS&E) Approval Date:	October 5, 2021 <u>November 15, 2021</u>
Planned Construction Start Date:	April 30, 2022
Planned Construction Substantial Completion and Open to Traffic Date:	December 30, 2024

3.3 Project’s Estimated Budget. (See Attachment B for additional details).

Eligible Project Costs	
BUILD Grant Amount:	\$25,000,000
Other Federal Funds:	\$550,000
State Funds:	\$0
Local Funds:	\$6,437,000 <u>14,823,392</u>
Other Funds:	
Total Eligible Project Cost:	\$31,987,000 <u>40,373,392</u>

Note: Additional \$550,000 of Surface Transportation Block Grant (STBG) funds were awarded to the project by Des Moines Area Metropolitan Planning Organization June 20, 2019

**Article 4
CRITICAL MILESTONE DEADLINES**

4.1 Critical Milestone Deadlines.

Milestone	Deadline Date
Begin Construction	June 30, 2022
USDOT receives first reimbursement request	July 15, 2022
Construction substantially completed and project opens to traffic	December 30, 2024

Article 5
PARTY INFORMATION

5.1 Recipient's Unique Entity Identifier.

Recipient's Unique Entity Identifier: 120527275

5.2 Recipient Contact(s).

Debra Arp
Grant Program Administration Team Leader
Iowa Department of Transportation
800 Lincoln Way, Ames, IA 50010
(515) 239-1681
debra.arp@iowadot.us

5.3 Recipient Key Personnel.

None. The parties have not identified any individuals as key personnel for this award.

5.4 USDOT Project Contact(s).

Paul LaFleur
Safety/Transportation Engineer
FHWA – Iowa Division
105 6th Street, Ames, IA 50010
(515)233-7308
paul.lafleur@dot.gov

Article 6
USDOT ADMINISTRATIVE INFORMATION

6.1 Payment System.

USDOT Payment System: FMIS

6.2 Office for Subaward and Contract Authorization.

USDOT Office for Subaward and Contract Authorization: FHWA Division

Article 7
SPECIAL GRANT TERMS

7.1 Subaward to First-Tier Subrecipient.

- (a) The Recipient hereby awards a subaward to the First-Tier Subrecipient for the purpose described in section 8.1.
- (b) The Recipient and the First-Tier Subrecipient may enter into a separate agreement, to which the USDOT is not a party, assigning responsibilities, including administrative and oversight responsibilities, among the Recipient and the First-Tier Subrecipient.
- (c) For the purpose of 2 C.F.R. parts 200 and 1201, the Recipient is a pass-through entity.

7.2 First-Tier Subrecipient Statements and Responsibilities.

- (a) The First-Tier Subrecipient affirms all statements and acknowledgments that are attributed to the Recipient under sections 10.1 and 10.2.
- (b) The First-Tier Subrecipient assumes the Recipient's reporting obligations under articles 14 and 15.

7.3 State Oversight Responsibilities. For the purpose of 23 U.S.C. 106(g), the Recipient shall act as if funds under this award are Federal funds under title 23, United States Code.

ATTACHMENT A STATEMENT OF WORK

The project will fund the first phase of a multi-phased project that will mitigate a dangerous low-head dam at Scott Avenue to help facilitate a water recreational trail, and enhance three additional access points along an approximately 5-mile stretch of the Des Moines River within the City of Des Moines.

Construction Scott Avenue Dam mitigation for safety

- Modify dam to improve safety
- Install in-water features to create water recreation opportunities
- Install interpretive signage
- Historic district sign installation
 - Install signage that highlights historic elements related to the City Beautiful movement
- Harriet Street Access construction
 - Install canoe/kayak loading zone and launch ramp
 - Improve access to existing boat ramp
 - Install interpretive signage
- Prospect Park Access construction
 - Install soft tails
 - Improved boat ramp and respite area
 - Install interpretive signage
- Birdland Marina Access construction
 - Improve dock for rowing, canoeing, and kayaking
 - Improve access to marina
 - Install interpretive signage

**ATTACHMENT B
ESTIMATED PROJECT BUDGET**

1. Supplementary Fund Source Table(s)

The following tables supplement the budget information in section 3.3.

Prospect Park Eligible Costs	
BUILD Funds:	\$1, 878,800 <u>343,297</u>
<u>Other Federal Funds:</u>	<u>\$29,553</u>
Local Funds:	\$ 469,700 <u>787,517</u>
Total:	\$2,348,500<u>160,366</u>

Birdland Marina Eligible Costs	
BUILD Funds:	\$1, 737,560 <u>071,137</u>
<u>Other Federal Funds:</u>	<u>\$23,565</u>
Local Funds:	\$ 434,390 <u>627,960</u>
Total:	\$2,171,950<u>1,722,662</u>

Scott Avenue Dam Eligible Costs	
BUILD Funds:	\$ 19,750,360 <u>20,678,468</u>
Other Federal Funds:	\$ 550,000 <u>454,926</u>
Local Funds:	\$ 5,124,590 <u>12,131,869</u>
Total:	\$25,424,950<u>33,265,263</u>

Harriet Street Access Eligible Costs	
BUILD Funds:	\$ 1,633,280 <u>1,907,098</u>
<u>Other Federal Funds:</u>	<u>\$41,956</u>
Local Funds:	\$ 408,320 <u>1,118,047</u>
Total:	\$2,041,600<u>3,067,101</u>

2. Cost Classification Table

Cost Classification	Total Costs	Non-BUILD Previously Incurred Costs	Eligible Costs
Construction architectural and engineering fees	\$638,750	\$0	\$638,750
Site work	\$3,992,187	\$0	\$3,992,187
Demolition and removal	\$5,110,000	\$0	\$5,110,000
Construction	\$22,246,063 \$30,632,455	\$0	\$22,246,063 \$30,632,455
Project Total	\$31,987,000 \$40,373,392	\$0	\$40,373,392 \$31,987,000

**ATTACHMENT C
PERFORMANCE MEASUREMENT TABLE**

Study Area: The four sites included in the Phase 1 Dam Mitigation and User Access Project are located along an approximately 5-mile stretch of the Des Moines River, including a portion through downtown Des Moines. These sites include:

- Prospect Park is the furthest upstream of the four sites included in the Phase 1 Dam Mitigation and User Access Project.
- Birdland Marina is approximately 1.5 miles downstream of Prospect Park and will serve as the nearest upstream access point for users of the Whitewater Course once it is operational.
- Scott Avenue is located approximately 4 miles downstream from Prospect Park, or 2.5 miles from Birdland Marina. It is immediately south of the confluence of the Des Moines and Raccoon Rivers.
- The Harriet Street site is approximately 1 mile downstream of the Scott Avenue Dam site and will serve as the primary exit point for the Whitewater Course.

Pre-project Measurement Date: March 30, 2022

Pre-project Report Date: May 30, 2022

Project Outcomes Report Date: December 30, 2028

Table 1: Performance Measurement Table

Measure	Description and Category of Measure	Measurement Period	Reporting Period
<p>Reduce the number of fatalities <u>Water-related Emergencies by Type/Severity</u></p>	<p style="text-align: center;">Safety</p> <p><u>The number of emergency service request calls will be measured and identified by the following severity categories: fatal, injury, and property-damage only (PDO) incidents.</u> Reduce the number of fatalities caused by the low head dam at Scott Avenue</p>	<p>Baseline Measurement: Annual average, accurate as of the Pre-project Measurement Date Post-construction Performance Measures: Accurate as of December 1, 2025 December 1, 2026 December 1, 2027</p>	<p>Baseline Measurement: Pre-project Report Date Post-construction Performance Measures: For a period of 3 years, beginning February 1, 2026 February 1, 2027 February 1, 2028</p>

Measure	Description and Category of Measure	Measurement Period	Reporting Period
<p>Increase the number of users on the <u>WaterRiver Recreation</u></p>	<p>[Performance Measure Category]<u>Economic Competitiveness</u></p> <p><u>Average daily river recreation counts at key locations in the study area. Counts will be collected on a typical weekday, Saturday and Sunday and should be conducted monthly to produce a quarterly average</u>Increase the number of people actively using the water along the 5-mile stretch of the Des Moines River between Prospect Park and Harriett Street <u>Access point.</u></p>	<p>Baseline Measurement: Annual average, accurate as of the Pre-project Measurement Date</p> <p>Post-construction Performance Measures: Accurate as of December 1, 2025 December 1, 2026 December 1, 2027</p>	<p>Baseline Measurement: Pre-project Report Date</p> <p>Post-construction Performance Measures: For a period of 3 years, beginning February 1, 2026 February 1, 2027 February 1, 2028</p>

**ATTACHMENT D
MATERIAL CHANGES FROM APPLICATION**

Scope: No changes to scope

Schedule: The grant application included a NEPA completion date of April 2020. This project includes numerous coordinating agencies. The coordination with these agencies took longer than was estimated in the grant application. The NEPA completion date is now anticipated to be May 2021, with construction scheduled to begin in April 2022. The MPO does not believe that the NEPA process will have an impact on the rest of the schedule.

Budget: The budget has been revised since the application was submitted in July 2019 to reflect increases in costs. The estimates that were available at the time of the grant application have been refined and are included in the table below. This includes \$550,000 in Other Federal Funds (STBG funding) that was originally approved for additional planning/design work that is now being included in the construction phase of the project. Non-Federal Funds increased by \$187,000.

The table below provides a summary comparison of the project budget.

Fund Source	Application		Section 3.3 and Attachment B	
	\$	%	\$	%
Total Project Cost	\$31,250,000	100%	\$31,987,000	100%
Non-BUILD Previously Incurred Cost	<u>N/A</u>	<u>0% N/A</u>	<u>N/A</u>	<u>0% N/A</u>
Federal Funds	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Non-Federal Funds	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Total Eligible Project Cost	\$31,250,000	100%	\$31,987,000	100%
BUILD Funds	\$25,000,000	80%	\$25,000,000	78%
Other Federal Funds	\$0	0%	\$550,000	2%
Non-Federal Funds	\$6,250,000	20%	\$6,437,000	20%

ATTACHMENT E
APPROVED PRE-AWARD COSTS

None. The USDOT has not approved under this award any costs incurred under an advanced construction authorization (23 U.S.C. 115), any costs incurred prior to authorization (23 C.F.R. 1.9(b)), or any pre-award costs under 2 C.F.R. 200.458. Because unapproved costs incurred before the date of this agreement are not allowable costs under this award, the USDOT will neither reimburse those costs under this award nor consider them as a non-Federal cost sharing contribution to this award. Costs incurred before the date of this agreement are allowable costs under this award only if approved in writing by USDOT before being included the project costs and documented in this Attachment E. See section 19.2(b).

RECIPIENT SIGNATURE PAGE

The Recipient, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

Date	By:	Signature of Recipient's Authorized Representative
		Craig Markley
		_____ Name
		Systems Planning Bureau Director
		_____ Title

FIRST-TIER SUBRECIPIENT SIGNATURE PAGE

The First-Tier Subrecipient, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

Date	By:	Signature of First-Tier Subrecipient's Authorized Representative
		R. Todd Ashby
		_____ Name
		Executive Director
		_____ Title

USDOT SIGNATURE PAGE

The USDOT, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

UNITED STATES DEPARTMENT OF
TRANSPORTATION

Date

By:

Signature of Recipient's Authorized Representative

Name

Division Administrator

Title