

data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, room 404-W, Washington, DC 20250; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

[57 FR 33101, July 27, 1992]

GUIDE 1 TO SUBPART G OF PART 1942—
PROJECT MANAGEMENT AGREEMENT
BETWEEN THE _____ REGIONAL
COMMISSION AND THE FARMERS
HOME ADMINISTRATION OR ITS SUC-
CESSOR AGENCY UNDER PUBLIC LAW
103-354, DEPARTMENT OF AGRICULTURE

(Grantee) _____
County, _____
Page No. _____

I. Introduction

A. The _____ Regional Commission is providing a (basic or supplemental) grant for (purpose) _____ to (grantee) _____, and the U.S. Department of Agriculture, Farmers Home Administration (FmHA) or its successor agency under Public Law 103-354 has approved and will administer that grant. The FmHA or its successor agency under Public Law 103-354 has determined that funds (can or cannot) be made available under its funding program for this fiscal year for the project. The project does meet all the requisites for assistance under section 310(B) of the Consolidated Farm and Rural Development Act, as amended (7 USC 1926). In order to accomplish these purposes, the _____ Regional Commission's Federal Cochairman and the FmHA or its successor agency under Public Law 103-354 State Director hereby enter into this Memorandum of Understanding which is in accordance with the 31 USC 686.

B. This agreement is intended to cover the application phase, construction phase, and final audit.

II. General

A. *Project Cost*

The project costs for the purposes of this agreement shall include the costs of construction, technical services, legal services, land acquisition, permits and rights-of-way, interest during construction and contingencies.

B. *Grant*

The _____ Regional Commission shall make a (basic or supplemental) grant of \$ _____ up to but not exceeding _____% of the total cost of the project. These funds will be transferred to the Treasury Account of the Farmers Home Administration or its successor agency under Public Law 103-354 by Standard Form 1151, "Nonexpenditure Transfer Authorization."

C. The undersigned FmHA or its successor agency under Public Law 103-354 State Director on behalf of FmHA or its successor agency under Public Law 103-354, in concurring to this Project Management Agreement, hereby assures the Federal Cochairman that:

1. The estimated cost of the project is reasonable and the (basic or supplemental) grant, with the funds to be supplied by the applicant, are, in its judgment, sufficient to complete the project.
2. The funds to be supplied by the applicant are available or FmHA or its successor agency under Public Law 103-354 is reasonably satisfied that the applicant has the capability of supplying such funds.
3. FmHA or its successor agency under Public Law 103-354 is reasonably satisfied that the facility will be properly and efficiently administered, operated, and maintained and that the applicant will provide sufficient funds to assure the successful and continuing operation of the facility.

D. The (grantee) _____ is subject to Executive Order 11246 and will be required to evidence compliance by execution of the following:

1. Equal Opportunity Agreement—Form FmHA or its successor agency under Public Law 103-354 400-1
2. Nondiscrimination Agreement—Form FmHA or its successor agency under Public Law 103-354 400-4

E. The (grantee) _____ shall execute assurances of nonrelocation. (If applicable.)

III. Construction Management

A. The forms and format for the documents shall conform to the requirements in subpart A of part 1942 of this chapter. Generally, the following items shall be included:

1. Contract Documents
2. Specifications
3. Plans

B. FmHA or its successor agency under Public Law 103-354 will approve the plans and specifications.

C. FmHA or its successor agency under Public Law 103-354 will obtain a certification of adequacy from the Federal Environmental Protection Agency (include only when applicable).

- D. FmHA or its successor agency under Public Law 103-354 will obtain a non-pollution certificate from the (state) _____ (agency) _____ (include only when applicable).
 - E. FmHA or its successor agency under Public Law 103-354 will make monthly inspections.
 - F. Contract change orders will not become effective until approved by FmHA or its successor agency under Public Law 103-354.
 - G. Final inspection will be conducted by FmHA or its successor agency under Public Law 103-354.
- IV. Financial Management
- A. Financial management of the project shall be according to subpart A of part 1942 of this chapter.
 - B. FmHA or its successor agency under Public Law 103-354 will provide the _____ Regional Commission with a copy of the audit report.
 - C. If actual costs fall below the costs on which the grant was calculated, the Federal and non-Federal shares will be reduced proportionately.
 - D. FmHA or its successor agency under Public Law 103-354 will conform to the financial reporting requirements for transferred funds as required by the attached copy of "Reporting of Funds Transfer by Participating Agencies."
- V. Compensation
- Services rendered by FmHA or its successor agency under Public Law 103-354 for the processing and administration of Commission grants in cases where neither FmHA or its successor agency under Public Law 103-354 loan nor grant funds are involved shall be on a reimbursable basis. Reimbursement will be based on five percent of the amount of the grant up to \$50,000 and an additional one percent of any amount over the first \$50,000 of the Commission grant. The full amount of the reimbursement will be transferred to FmHA or its successor agency under Public Law 103-354 at the time the grant funds are transferred to FmHA or its successor agency under Public Law 103-354.
- VI. No provision in this agreement shall abrogate the legal requirements of administrative responsibilities as set forth in the Consolidated Farm and Rural Development Act or section 509 of the Public Works and Economic Development Act of 1965, as amended.
- For the _____ Regional Commission
(name) _____
Federal Cochairman _____
_____, 197 _____
- For the Farmers Home Administration or its
successor agency under Public Law 103-354,
USDA
(name) _____

State Director _____
_____, 197 _____

GUIDE 2 TO SUBPART G OF PART 1942—
RESOLUTION

Whereas the _____ (hereinafter called public body) desires to obtain financial assistance from the Farmers Home Administration or its successor agency under Public Law 103-354, United States Department of Agriculture, pursuant to section 310 B of the Consolidated Farm and Rural Development Act, for the purpose of providing _____ (describe briefly the nature of the project) _____ (herein referred to as the facility) and as a condition to and in consideration of receiving financial assistance from the Farmers Home Administration or its successor agency under Public Law 103-354 this resolution is being adopted.

Therefore, in consideration of the premises the public body agrees as follows:

1. No private business enterprises shall be allowed to use or occupy the facility if such use or occupancy would be calculated to, or is likely to, result in the transfer from one area to another of any employment or business activity provided by operations of the private business enterprises. This limitation shall not be construed to prohibit use and enjoyment of the facility by such private business entity through the establishment of a new branch, affiliate, or subsidiary if the establishment of such branch, affiliate, or subsidiary will not result in the increase in unemployment in the area of original location (or in any other area where such entity conducts business operations), unless there is reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location (or in any other area where it conducts such operation).

2. No private business enterprises shall be allowed to use or occupy the facilities if such use or occupancy would be calculated to, or is likely to, result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, where there is not sufficient demand for such goods, materials, commodities, services or facilities to employ the sufficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse affect upon existing competitive enterprises in the area.

3. Prior to allowing the use or occupancy of the facilities by any private business enterprise, the public body shall clear such use or occupancy with the Manpower Administration, Department of Labor, Washington, DC, by submitting information required by the Department of Labor for certification