

CONSTRUCTION AND SCOPE OF WORK ATTACHMENT TO LOC

Grantee will administer the grant in accordance with the approved work plan to construct The Royal Theater and a Scope of Work as outlined in RD Instruction 1942-80 E. USDA Rural Development comments and required changes, if any, in the Grantee’s work plan to construct The Royal Theater and Scope of Work will be provided to the Grantee.

CONDITIONS TO BE MET

Procurement requirements in accordance with RD Instruction 1942-A, must be met. (reference: 1942.18 and 1942.18(j) & (k) for guidance on procurement requirements.

All environmental assessment mitigation measures must be complied with.

All professional services required must be provided under a written contract, which contract has been concurred in writing by the Agency. This would include, but not limited to, contracts for architectural/engineering services, legal, audit and any other services. However, should you elect, contract documents such as those of the American Insititute of Architects may be used for construction contracts and architectural agreements when modified to comply with Rural Development Instruction 1942-A Guide 27 (available upon request).

CONSTRUCTION CONTRACT DOCUMENTS AND BIDDING

Final plans and specifications and contract documents will be prepared following the Rural Development approval preliminary engineering report in accordance with Rural Development Instructions. Rural Development approval must be obtained prior to advertising for bids. Final plans, and all addenda, must be approved prior to release to the contractors. Rural Development concurrence must be obtained prior to the award of the contract.

Proposals should be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement.

All proposals in excess of \$10,000 shall include provision for compliance with Executive Order No. 11246, as amended, entitled “Equal Employment Opportunity”, as amended by Executive Order 11375 and as supplemented by the Department of Labor regulations 41 CFR Part 60.

In addition and without reference to the number of employees, each vendor shall be required not to discriminate on the basis of race, color, religion, national origin and sex. The vendor must execute RD Form 400-6, “Compliance Statement”.

All contracts for construction shall include a provision for compliance with the Copeland “Anti-Kick Back” Act as supplemented in the Department of Labor regulations.

Initial certifying that you have read and understand all conditions:

_____ Grantee _____ Grantee _____ Grantee

The vendor must furnish evidence of payment-in-full for all materials, labor, and other item(s) procured. Contractor(s) must furnish a one (1) year warranty on materials and workmanship.

After receipt of proposals, the Grantee will certify to the adequacy of same, including an evaluation of each vendors' ability to construct the project and recommendation. The Grantee should project total development cost based upon the proposals received. The proposals, recommendation(s) by the Grantee, together with the revised project cost summary will be submitted for Rural Development's concurrence. If there is significant reduction in project costs, funding needs will be reassessed before the start of construction. Reassessment will include the necessary revisions to the grant docket and this "Letter of Conditions". The reassessment and amendments will be based on revised project costs and Agency regulations. Grant funds not needed to complete the proposed project will be deobligated.

Construction will be performed by one general contractor. RD Guide 18, "Farmers Home Administration Supplemental General Conditions," and Guide 19, "Agreement," with the appropriate attachments will be used for the construction documents. However, should you elect, contract documents such as those of the American Institute of Architects (AIA) may be used when modified to comply with Rural Development regulations and by including RD Supplemental General Conditions, noted above.

CONTRACTOR INSURANCE

The contractor shall provide the insurance coverage required by the contract documents.

RIGHTS-OF-WAY

The engineer, prior to contract bids, will prepare a rights-of-way map showing location of all structures, pipelines, ditches and of the property descriptions contained in the rights-of-way instruments. The map should be color-coded, with a legend and certification by the Engineer and the Mayor on the map. The map should show that rights-of-way are continuous with no gaps.

LEGAL REQUIREMENTS

Prior to the release of grant funds, the Grantee, through its attorney, shall comply with all legal requirements relating to ownership of property, and all other steps required by the Laws and Constitution of Georgia. Prior to the release of grant funds, the Grantee must document ownership of the subject property to be developed with grant funds. Your attorney will provide an opinion that good and marketable title is vested in 400 E. Main Street Hogansville, GA 30230. The opinion will disclose any and all liens, encumbrances, reservations, exceptions and defects to the subject property. Form RD 1927-9, "Preliminary Title Opinion" or Form 1927-10, "Final Title Opinion", may be used for this purpose. The City of Hogansville and The City of Hogansville Downtown Development Authority will need to file a Notice of Federal Interest on the real property to be improved.

Initial certifying that you have read and understand all conditions:

_____ Grantee _____ Grantee _____ Grantee

DISPOSITION OF PROPERTY

The Grantee cannot give away any real or personal property acquired with grant funds.

DISBURSEMENT OF FUNDS

These federal funds cannot be co-mingled with other existing funds. It will be necessary for you to establish and maintain a separate account, as well as separate accounting. Grant funds should be disbursed within a reasonable time frame but not to exceed a 12 month period from the date of grant approval unless a written extension is requested 30 days prior to the period ending and concurrence granted. If the Agency concurs in the extension, depending on the circumstances, the extension will also be provided in writing. Extension request are not automatically, but rather concurred in on a case by base basis.

Initial certifying that you have read and understand all conditions:

_____ Grantee _____ Grantee _____ Grantee