173.55(a)(3)(ii). We will consider all comments received during the comment period and may change 33 CFR 173.55(a)(3) in response to the comments.

Dated: June 19, 2001.

Kenneth T. Venuto,

Rear Admiral, U.S. Coast Guard, Acting Assistant Commandant for Operations.

For the reasons set forth in the preamble, 33 CFR part 173 is amended as follows:

PART 173—VESSEL NUMBERING AND CASUALTY AND ACCIDENT REPORTING

1. The authority citation for part 173 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2110, 6101, 12301, 12302; OMB Circular A–25; 49 CFR 1.46.

§ 173.55 [Amended]

2. In § 173.55 in paragraph (a)(3), the text reading ''Damage to vessels and other property totals $2000 or more or there is a complete loss of any vessel; or'' is designated as paragraph (a)(3)(i), and the remainder of the paragraph is designated as paragraph (a)(3)(ii) and suspended indefinitely.

[FR Doc. 01–15838 Filed 6–25–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 17 and 59

RIN 2900–AJ43

Grants to States for Construction and Acquisition of State Home Facilities

AGENCY: Department of Veterans Affairs.

ACTION: Interim final rule.

SUMMARY: This document establishes regulations regarding grants to States for the construction or acquisition of State homes for furnishing domiciliary and nursing home care to veterans, or for the expansion, remodeling, or alteration of existing State homes for furnishing domiciliary, nursing home, or adult day health care to veterans. This is necessary to update the regulations and to implement statutory provisions, including provisions of the Veterans Millennium Health Care and Benefits Act.

DATES: *Effective Date:* June 26, 2001. Comments must be received by VA on or before August 27, 2001.

The incorporation by reference of certain publications in this rule is approved by the Director of the Office of the Federal Register as of June 26, 2001.

ADDRESSES: Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1154, Washington, DC 20420; or fax comments to (202) 273–9289; or e-mail comments to *OGCRegulations@mail.va.gov.* Comments should indicate that they are submitted in response to ''RIN 2900–AJ43.'' All comments received will be available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Frank Salvas, Chief, State Home Construction Grant Program (114), Veterans Health Administration, 202–273–8534.

SUPPLEMENTARY INFORMATION: This document establishes regulations regarding grants to States for the construction or acquisition of State homes for furnishing domiciliary and nursing home care to veterans, or for the expansion, remodeling, or alteration of existing State homes for furnishing domiciliary, nursing home, or adult day health care to veterans. The rule, which is set forth in a new 38 CFR part 59, consists of a comprehensive rewrite of the regulations set forth in 38 CFR 17.210 through 17.222. The substantive differences from the previous regulations are discussed below.

Public Law 102–585 changed from 90 days to 180 days the time limit for States receiving a conditionally-approved grant to fully comply with the requirements for a grant. The rule reflects this statutory provision.

Under authority of Public Law 104–262 (enacted on October 9, 1996), the rule includes provisions for awarding grants to States to expand, remodel, or alter existing buildings for furnishing adult day health care.

The rule also includes provisions to implement statutory provisions established by the Veterans Millennium Health Care and Benefits Act (Public Law 106–117, enacted on November 30, 1999). This Act made the following changes that are reflected in the rule:

- The Act requires VA to prescribe for each State the number of nursing home and domiciliary beds for which grants may be furnished. This is required to be based on the projected demand for nursing home and domiciliary care on November 30, 2009 (10 years after the date of enactment of the Veterans Millennium Health Care and Benefits Act (Pub. L. 106–117)), by veterans who at such time are 65 years of age or older and who reside in that State. In determining the projected demand, VA must take into account travel distances for veterans and their families.
- The Act sets forth new criteria for determining the order of priority for grants for projects, including provisions regarding whether the need for a bed-producing project is great, significant, or limited.
- The Act provides that VA may not accord any priority to projects for the construction or acquisition of a hospital.
- The Act provides that a State may not request a grant for a project for which the total cost of construction is not in excess of $400,000.
- The Act provides that a grant may not include maintenance and repair work.
- The Act requires an application for a grant for construction or acquisition of a nursing home or a domiciliary facility to include the following in the application for a grant:

(1) Documentation that the site of the project is in reasonable proximity to a sufficient concentration and population of veterans that are 65 years of age and older and that there is a reasonable basis to conclude that the facility when complete will be fully occupied,

(2) A financial plan for the first three years of operation of such facility, and

(3) A five-year capital plan for the State home program for that State.

The rule also includes provisions to reflect that, under Public Law 106–419, VA will not recapture amounts for all or portions of a facility that was changed to an outpatient clinic established and operated by VA.

As noted above, the Veterans Millennium Health Care and Benefits Act sets forth new criteria for determining the order of priority for grants for projects. We have also created new subpriorities for each priority category that reflect the statutory priority scheme. In addition, further subpriorities in ''priority group 1—subpriority 1'' are established to give higher priorities to the most urgently needed projects. Further subpriorities in ''priority group 1—subpriority 4'' are established to give higher priority to projects that we have determined are most needed for care of veterans. As a last resort for ties in subpriorities, the rule will give projects priority based on the earliest dates of receipt by VA of applications.

For a State's application to be included in priority group 1, a State must have made sufficient funds available for the project for which the grant is requested so that such project may proceed upon approval of the grant

without further action required by the State (such as subsequent issuance of bonds) to make such funds available for such purpose. To meet this criteria, the State must provide to VA a letter from an authorized State budget official certifying that the State funds are, or will be, available for the project, so that if VA awards the grant, the project may proceed without further State action to make such funds available. If the certification is based on an Act authorizing the project and making available the State's matching funds for the project, a copy of the Act must be submitted with the certification.

Previously, at the time of prioritizing applications, instead of the whole amount, a State was merely required to provide a copy of an Act making available at least one-half of the State's matching funds for the project. We propose to require the full amount for priority group 1 applications. The change to require the full amount is necessary to help ensure that the State will actually have all of the funds available as needed for the project without having to take further action which could delay the construction of the State home.

As noted above, the Veterans Millennium Health Care and Benefits Act requires VA to prescribe for each State the number of nursing home and domiciliary beds for which grants may be furnished. This is required to be based on the projected demand for nursing home and domiciliary care on November 30, 2009 (10 years after the date of enactment of the Act), by veterans who at such time are 65 years of age or older and who reside in that State. As described below, we established the maximum number for each State in accordance with that criteria.

To determine the maximum number of nursing home beds for each State, we started with the national nursing home utilization by males 65 and older which came from the Medical Expenditure Panel Survey (MEPS) conducted by the Department of Health and Human Services in 1996. The MEPS includes nursing home utilization by age group and by level of dependency in activities of daily living (ADL). Based on the assumptions that the national nursing home use rate for males would be approximately the same for veterans and non-veterans, and that the projected number of female veterans over 65 would be very small, we applied the national rate to the projected male and female veteran population 65 years and older in 2009 in each State. We multiplied the resulting number for each State by 11.5 percent. This percentage represents the projected national State nursing home reliance factor projected for VA for 2009. We also project that the VA national reliance factor for VA nursing homes and community nursing homes will be 11.5 percent for 2009. These percentages are based upon recent historical and projected data in VA's market share in providing nursing home care for veterans.

To determine the maximum number of domiciliary beds for each State projected to 2009, we applied the current age-specific utilization rates in existing State home domiciliaries to the projected veteran population 65 years and older in 2009 by State.

The maximum number of State home beds by State was then derived by adding the projected number of State nursing home beds for 2009 to the projected number of State domiciliary beds for 2009.

The ''natural break points'' (large gaps between groups of numbers representing maximum beds needed for States) in the list of maximum State home beds by State are utilized to define great, significant and limited need for beds. A State with great need is a State with no State home beds or with a need for 2000 or more beds; a State with significant need is a State with a need for 1000–1999 beds; and a State with limited need is a State with a need for less than 1000 beds.

For purposes of great, significant, and limited need for beds, the maximum number of State home nursing home and domiciliary beds for each State is the number in the chart in § 59.40 for the State, minus the sum of the number of nursing home and domiciliary beds already in operation at State home facilities, and the number of State home nursing home and domiciliary beds not yet in operation but for which a grant has either been requested or awarded. The numbers for making these calculations will be made available to the public on a VA website at *http://www.va.gov/About_VA/Orgs/VHA/VHAProg.htm.*

As noted above, the Veterans Millennium Health Care and Benefits Act requires that in considering the number of nursing home and domiciliary beds for which grants may be furnished, VA must take into account travel distances for veterans and their families. In this regard, the rule states that a State may request a grant for a project that would increase the total number of State home nursing home and domiciliary beds beyond the maximum number for that State if the State submits to the Chief Consultant, Geriatrics and Extended Care, documentation to establish a need for an exception based on travel distances of at least two hours (by land transportation or any other usual mode of transportation if land transportation is not available) between a veteran population center sufficient for the establishment of a State home and any existing State home. We believe this is a reasonable method for meeting the statutory requirement.

The rule contains construction requirements for facilities that would furnish nursing home care, domiciliary care, and adult day health care (§§ 59.121 through 59.170). The construction requirements for nursing homes are consistent with the construction requirements that were recently established for per diem for nursing home care of veterans in State homes (38 CFR part 51). The proposed construction requirements for domiciliaries are the same as those for nursing homes because the construction needs are the same. The construction requirements for adult day health care are consistent with the proposed construction requirements for per diem for adult day health care of veterans in State homes (65 FR 39835).

The rule incorporates by reference the 2000 edition of the National Fire Protection Association Life Safety Code entitled ''NFPA 101, Life Safety Code'' and the 1999 edition of the NFPA 99, Standard for Health Care Facilities (1999 edition). The regulations are designed to ensure that State homes meet these national standards for fire and safety.

Administrative Procedure Act

Pursuant to 5 U.S.C. 553, we have found for this rule that notice and public procedure are impracticable, unnecessary, and contrary to the public interest and that we have good cause to dispense with notice and comment on this rule and to dispense with a 30-day delay of its effective date. The Veterans' Millennium Health Care and Benefits Act provides that the Secretary shall prescribe provisions in this rule to be used for awarding grants for fiscal year 2002. Without this rule becoming effective immediately, States would not have sufficient time to meet the requirements for inclusion on the priority list for obtaining a grant for fiscal year 2002.

Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. All of

the entities that would be subject to this proposed rule are State government entities under the control of State governments. Of the 100 State homes, all are operated by State governments except for 17 that are operated by entities under contract with State governments. These contractors are not small entities. Therefore, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analysis requirement of sections 603 and 604.

Executive Order 12866

The Office of Management and Budget has reviewed this interim final rule under Executive Order 12866.

Unfunded Mandates

The Unfunded Mandates Reform Act requires (in section 202) that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of $100 million or more in any given year. This rule would have no consequential effect on State, local, or tribal governments.

Paperwork Reduction Act

This rule is exempt from the collections of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3520). The rule only applies to States. Further, in 2000, VA received applications for grants from only six States and we expect that each year fewer than 10 States will submit applications. If VA expects to receive 10 or more applications in any year, we will seek approval under the Paperwork Reduction Act for this collection of information.

List of Subjects

38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Government programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing home care, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

38 CFR Part 59

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Government programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Incorporation by reference, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing home care, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: June 7, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR Chapter I is amended as follows:

PART 17—MEDICAL

1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, 1721, unless otherwise noted.

2. Immediately after § 17.200, remove the undesignated center heading, the note, and §§ 17.210 through 17.222.

3. A new part 59 is added to read as follows:

PART 59—GRANTS TO STATES FOR CONSTRUCTION OR ACQUISITION OF STATE HOMES

Sec.

59.1 Purpose.
59.2 Definitions.
59.3 Federal Application Identifier.
59.4 Decisionmakers, notifications, and additional information.
59.5 Submissions of information and documents to VA.
59.10 General requirements for a grant.
59.20 Initial application requirements.
59.30 Documentation.
59.40 Maximum number of nursing home care and domiciliary care beds for veterans by State.
59.50 Priority list.
59.60 Additional application requirements.
59.70 Award of grants.
59.80 Amount of grant.
59.90 Line item adjustments to grants.
59.100 Payment of grant award.
59.110 Recapture provisions.
59.120 Hearings.
59.121 Amendments to application.
59.122 Withdrawal of application.
59.123 Conference.
59.124 Inspections, audits, and reports.
59.130 General requirements for all State home facilities.
59.140 Nursing home care requirements.
59.150 Domiciliary care requirements.
59.160 Adult day health care requirements.
59.170 Forms.

Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.1 Purpose.

This part sets forth the mechanism for a State to obtain a grant:

(a) To construct State home facilities (or to acquire facilities to be used as State home facilities) for furnishing domiciliary or nursing home care to veterans, and

(b) To expand, remodel, or alter existing buildings for furnishing domiciliary, nursing home, adult day health, or hospital care to veterans in State homes.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.2 Definitions.

For the purpose of this part:

Acquisition means the purchase of a facility in which to establish a State home for the provision of domiciliary and/or nursing home care to veterans.

Adult day health care is a therapeutically-oriented outpatient day program, which provides health maintenance and rehabilitative services to participants. The program must provide individualized care delivered by an interdisciplinary health care team and support staff, with an emphasis on helping participants and their caregivers to develop the knowledge and skills necessary to manage care requirements in the home. Adult day health care is principally targeted for complex medical and/or functional needs of elderly veterans.

Construction means the construction of new domiciliary or nursing home buildings, the expansion, remodeling, or alteration of existing buildings for the provision of domiciliary, nursing home, or adult day health care, or hospital care in State homes, and the provision of initial equipment for any such buildings.

Domiciliary care means providing shelter, food, and necessary medical care on an ambulatory self-care basis (this is more than room and board). It assists eligible veterans who are suffering from a disability, disease, or defect of such a degree that incapacitates veterans from earning a living, but who are not in need of hospitalization or nursing care services. It assists in attaining physical, mental, and social well-being through special rehabilitative programs to restore residents to their highest level of functioning.

Nursing home care means the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing care and related medical services.

Secretary means the Secretary of the United States Department of Veterans Affairs.

State means each of the several States, the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico.

State representative means the official designated in accordance with State authority with responsibility for matters relating to the request for a grant under this part.

VA means the United States Department of Veterans Affairs.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.3 Federal Application Identifier.

Once VA has provided the State representative with a Federal Application Identifier Number for a project, the number must be included on all subsequent written communications to VA from the State, or its agent, regarding a request for a grant for that project under this part.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.4 Decisionmakers, notifications, and additional information.

The decisionmaker for decisions required under this part will be the Chief Consultant, Geriatrics and Extended Care, unless specified to be the Secretary or other VA official. The VA decisionmaker will provide written notice to affected States of approvals, denials, or requests for additional information under this part.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.5 Submissions of information and documents to VA.

All submissions of information and documents required to be presented to VA must be made, unless otherwise specified under this part, to the Chief Consultant, Geriatrics and Extended Care (114), VA Central Office, 810 Vermont Avenue, NW., Washington, DC 20420.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.10 General requirements for a grant.

For a State to obtain a grant under this part and grant funds, its initial application for the grant must be approved under § 59.20, and the project must be ranked sufficiently high on the priority list for the current fiscal year so that funding is available for the project. It must meet the additional application requirements in § 59.60, and it must meet all other requirements under this part for obtaining a grant and grant funds.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.20 Initial application requirements.

(a) For a project to be considered for inclusion on the priority list in § 59.50 of this part for the next fiscal year, a State must submit to VA an original and one copy of a completed VA Form 10–0388 and all information, documentation, and other forms specified by VA form 10–0388 (these forms are set forth at § 59.170 of this part).

(b) The Secretary, based on the information submitted for a project pursuant to paragraph (a) of this section, will approve the project for inclusion on the priority list in § 59.50 of this part if the submission includes all of the information requested under paragraph (a) of this section and if the submission represents a project that, if further developed, could meet the requirements for a grant under this part.

(c) The information requested under paragraph (a) of this section should be submitted to VA by April 15, and must be received by VA by August 15, if the State wishes an application to be included on the priority list for the award of grants during the next fiscal year.

(d) If a State representative believes that VA may not award a grant to the State for a grant application during the current fiscal year and wants to ensure that VA includes the application on the priority list for the next fiscal year, the State representative must, prior to August 15 of the current fiscal year,

(1) Request VA to include the application in those recommended to the Secretary for inclusion on the priority list, and

(2) Send any updates to VA.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.30 Documentation.

For a State to obtain a grant and grant funds under this part, the State must submit to VA documentation that the site of the project is in reasonable proximity to a sufficient concentration and population of veterans that are 65 years of age and older and that there is a reasonable basis to conclude that the facility when complete will be fully occupied. This documentation must be included in the initial application submitted to VA under § 59.20.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.40 Maximum number of nursing home care and domiciliary care beds for veterans by State.

(a) Except as provided in paragraph (b) of this section, a State may not request a grant for a project to construct or acquire a new State home facility, to increase the number of beds available at a State home facility, or to replace beds at a State home facility if the project would increase the total number of State home nursing home and domiciliary beds beyond the maximum number designated for that State. The maximum number of State home nursing home and domiciliary beds designated for each State is (for maximum numbers see VA website at *http://www.va.gov/About_VA/Orgs/VHA/VHAProg.htm*). the number in the following chart for the State, minus the sum of the number of nursing home and domiciliary beds already in operation at State home facilities, and the number of State home nursing home and domiciliary beds not yet in operation but for which a grant has either been requested or awarded under this part (the availability of VA and community nursing home beds in each State will also be considered at the time of grant application for bed-producing projects):

State	State home nursing home and domiciliary beds
Alabama	883
Alaska	79
Arizona	1,068
Arkansas	557
California	5,754
Colorado	717
Connecticut	738
Delaware	165
District of Columbia	104
Florida	4,471
Georgia	1,202
Hawaii	216
Idaho	233
Illinois	2,271
Indiana	1,209
Iowa	632
Kansas	542
Kentucky	759
Louisiana	785
Maine	301
Maryland	1,020
Massachusetts	1,348
Michigan	1,896
Minnesota	932
Mississippi	500
Missouri	1,230
Montana	198
Nebraska	355
Nevada	428
New Hampshire	264
New Jersey	1,683
New Mexico	344
New York	3,220
North Carolina	1,454
North Dakota	121
Ohio	2,530
Oklahoma	747
Oregon	804
Pennsylvania	3,173
Puerto Rico	350
Rhode Island	254

State	State home nursing home and domiciliary beds
South Carolina	750
South Dakota	155
Tennessee	1,050
Texas	3,226
Utah	304
Vermont	124
Virginia	1,312
Virgin Islands	8
Washington	1,215
West Virginia	455
Wisconsin	1,070
Wyoming	93

Note to paragraph (a): The provisions of 38 U.S.C. 8134 require VA to prescribe for each State the number of nursing home and domiciliary beds for which grants may be furnished. This is required to be based on the projected demand for nursing home and domiciliary care on November 30, 2009 (10 years after the date of enactment of the Veterans Millennium Health Care and Benefits Act (P.L. 106–117)), by veterans who at such time are 65 years of age or older and who reside in that State. In determining the projected demand, VA must take into account travel distances for veterans and their families.

(b) A State may request a grant for a project that would increase the total number of State nursing home and domiciliary beds beyond the maximum number for that State, if the State submits to VA, documentation to establish a need for the exception based on travel distances of at least two hours (by land transportation or any other usual mode of transportation if land transportation is not available) between a veteran population center sufficient for the establishment of a State home and any existing State home. The determination regarding a request for an exception will be made by the Secretary.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.50 Priority list.

(a) The Secretary will make a list prioritizing the applications that were received on or before August 15 and that were approved under § 59.20 of this part. Except as provided in paragraphs (b) and (c) of this section, applications will be prioritized from the highest to the lowest in the following order:

(1) *Priority group 1.* An application from a State that has made sufficient funds available for the project for which the grant is requested so that such project may proceed upon approval of the grant without further action required by the State (such as subsequent issuance of bonds) to make such funds available for the project. To meet this criteria, the State must provide to VA a letter from an authorized State budget official certifying that the State funds are, or will be, available for the project, so that if VA awards the grant, the project may proceed without further State action to make such funds available (such as further action to issue bonds). If the certification is based on an Act authorizing the project and making available the State's matching funds for the project, a copy of the Act must be submitted with the certification.

(i) *Priority group 1—subpriority 1.* An application for a project to remedy a condition, or conditions, at an existing facility that have been cited as threatening to the lives or safety of the residents in the facility by a VA Life Safety Engineer, a State or local government agency (including a Fire Marshal), or an accrediting institution (including the Joint Commission on Accreditation of Healthcare Organizations). This priority group does not include applications for the addition or replacement of building utility systems, such as heating and air conditioning systems or building features, such as roof replacements. Projects in this subpriority will be further prioritized in the following order: seismic; building construction; egress; building compartmentalization (e.g., smoke barrier, fire walls); fire alarm/detection; asbestos/hazardous materials; and all other projects. Projects in this subpriority will be further prioritized based on the date the application for the project was received in VA (the earlier the application was received, the higher the priority given).

(ii) *Priority group 1—subpriority 2.* An application from a State that has not previously applied for a grant under 38 U.S.C. 8131–8137 for construction or acquisition of a State nursing home. Projects in this subpriority will be further prioritized based on the date the application for the project was received in VA (the earlier the application was received, the higher the priority given).

(iii) *Priority group 1—subpriority 3.* An application for construction or acquisition of a nursing home or domiciliary from a State that has a great need for the beds that the State, in that application, proposes to establish. Projects in this subpriority will be further prioritized based on the date the application for the project was received in VA (the earlier the application was received, the higher the priority given).

(iv) *Priority group 1—subpriority 4.* An application from a State for renovations to a State Home facility other than renovations that would be included in subpriority 1 of Priority group 1. Projects will be further prioritized in the following order: adult day health care construction; nursing home construction (e.g., patient privacy); code compliance under the Americans with Disabilities Act; building systems and utilities (e.g., electrical; heating, ventilation, and air conditioning (HVAC); boiler; medical gasses; roof; elevators); clinical-support facilities (e.g., for dietetics, laundry, rehabilitation therapy); and general renovation/upgrade (e.g., warehouse, storage, administration/office, multipurpose). Projects in this subpriority will be further prioritized based on the date the application for the project was received in VA (the earlier the application was received, the higher the priority given).

(v) *Priority group 1—subpriority 5.* An application for construction or acquisition of a nursing home or domiciliary from a State that has a significant need for the beds that the State in that application proposes to establish. Projects in this subpriority will be further prioritized based on the date the application for the project was received in VA (the earlier the application was received, the higher the priority given).

(vi) *Priority group 1—subpriority 6.* An application for construction or acquisition of a nursing home or domiciliary from a State that has a limited need for the beds that the State, in that application, proposes to establish. Projects in this subpriority will be further prioritized based on the date the application for the project was received in VA (the earlier the application was received, the higher the priority given).

Note to paragraph (a)(1): The following chart is intended to provide a graphic aid for understanding Priority group 1 and its subpriorities.

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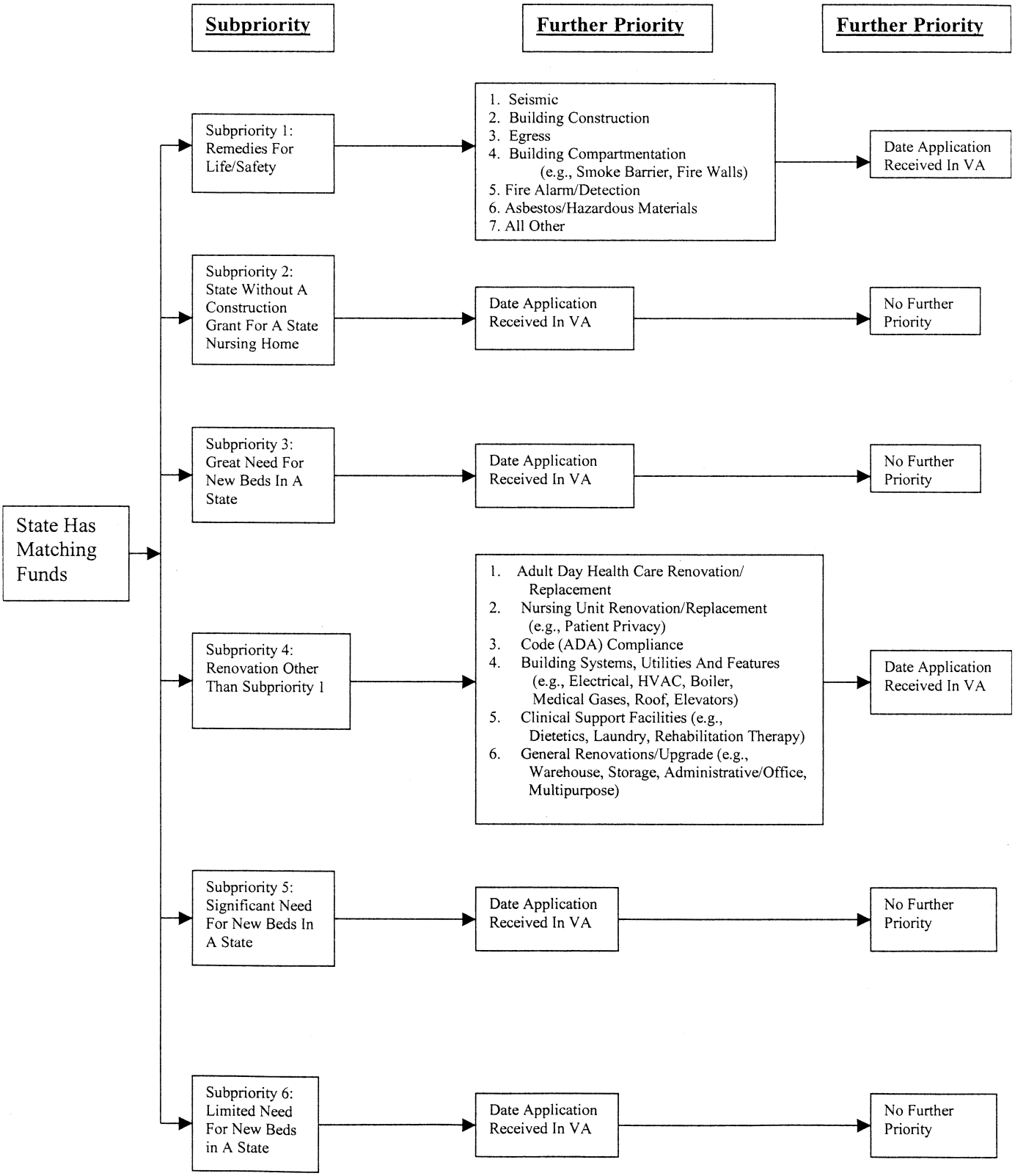
Example – Prioritization for Priority Group 1



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(2) *Priority group 2.* An application not meeting the criteria of paragraph (a)(1) of this section but meeting the criteria of paragraph (a)(1)(i) of this section. Projects within this priority group will be further prioritized the same as in paragraph (a)(1)(i) of this section.

(3) *Priority group 3.* An application not meeting the criteria of paragraph (a)(1) of this section but meeting the criteria of paragraph (a)(1)(ii) of this section. Projects within this priority group will be further prioritized the same as in paragraph (a)(1)(ii) of this section.

(4) *Priority group 4.* An application not meeting the criteria of paragraph (a)(1) of this section but meeting the criteria of paragraph (a)(1)(iii) of this section. Projects within this priority group will be further prioritized the same as in paragraph (a)(1)(iii) of this section.

(5) *Priority group 5.* An application not meeting the criteria of paragraph (a)(1) of this section but meeting the criteria of paragraph (a)(1)(iv) of this section. Projects within this priority group will be further prioritized the same as in paragraph (a)(1)(iv) of this section.

(6) *Priority group 6.* An application not meeting the criteria of paragraph (a)(1) of this section but meeting the criteria of paragraph (a)(1)(v) of this section. Projects within this priority group will be further prioritized the same as in paragraph (a)(1)(v) of this section.

(7) *Priority group 7.* An application not meeting the criteria of paragraph (a)(1) of this section but meeting the criteria of paragraph (a)(1)(vi) of this section. Projects within this priority group will be further prioritized the same as in paragraph (a)(1)(vi) of this section.

(b) An application will be given highest priority on the priority list for the next fiscal year within the priority group to which it is assigned in paragraph (a) of this section (without consideration of subpriorities) if:

(1) During the current fiscal year the State accepted a grant for that application that was less than the amount that would have been awarded if VA had sufficient appropriations to award the full amount of the grant requested; and

(2) The application was the lowest-ranking application on the priority list for the current fiscal year for which grant funds were available.

(c) An application will be given priority on the priority list (after applications described in paragraph (b) of this section) for the next fiscal year ahead of all applications that had not been approved under § 59.20 on the date that the application was approved under § 59.20, if:

(1) During the current fiscal year VA would have awarded a grant based on the application except for the fact that VA determined that the State did not, by July 1, provide evidence that it had its matching funds for the project, and

(2) The State was notified prior to July 1 that VA had funding available for this grant application.

(d) The priority list will not contain any project for the construction or acquisition of a hospital or hospital beds.

(e) For purposes of establishing priorities under this section:

(1) A State has a great need for nursing home and domiciliary beds if the State:

(i) Has no State homes with nursing home or domiciliary beds, or

(ii) Has an unmet need of 2,000 or more nursing home and domiciliary beds;

(2) A State has a significant need for nursing home and domiciliary beds if the State has an unmet need of 1,000 to 1,999 nursing home and domiciliary beds; and

(3) A State has a limited need for nursing home and domiciliary beds if the State has an unmet need of 999 or fewer nursing home and domiciliary beds.

(f) Projects that could be placed in more than one subpriority will be placed in the subpriority toward which the preponderance of the cost of the project is allocated. For example, under priority group 1—subpriority 1, if a project for which 25 percent of the funds needed would concern seismic and 75 percent of the funds needed would concern building construction, the project would be placed in the subpriority for building construction.

(g) Once the Secretary prioritizes the applications in the priority list, VA will not change the priorities unless a change is necessary as a result of an appeal.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.60 Additional application requirements.

For a project to be eligible for a grant under this part for the fiscal year for which the priority list was made, during that fiscal year the State must submit to VA an original and a copy of the following:

(a) Complete, updated Standard Forms 424 (mark the box labeled application and submit the information requested for an application), 424C, and 424D (the forms are set forth at § 59.170 of this part), and

(b) A completed VA Form 10–0388 and all information and documentation specified by VA Form 10–0388 (the form is set forth at § 59.170h).

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.70 Award of grants.

(a) The Secretary, during the fiscal year for which a priority list is made under this part, will:

(1) Award a grant for each application that has been approved under § 59.20, that is sufficiently high on the priority list so that funding is available for the application, that meets the additional application requirements in § 59.60, and that meets all other requirements under this part for obtaining a grant, or

(2) Conditionally approve a grant for a project for which a State has submitted an application that substantially meets the requirements of this part if the State representative requests conditional approval and provides written assurance that the State will meet all requirements for a grant not later than 180 calendar days after the date of conditional approval. If a State that has obtained conditional approval for a project does not meet all of the requirements within 180 calendar days after the date of conditional approval, the Secretary will rescind the conditional approval and the project will be ineligible for a grant in the fiscal year in which the State failed to fully complete the application. The funds that were conditionally obligated for the project will be deobligated.

(b) As a condition of receiving a grant, a State must make sufficient funds available for the project for which the grant is requested so that such project may proceed upon approval of the grant without further action required by the State (such as subsequent issuance of bonds) to make such funds available for such purpose. To meet this criteria, the State must provide to VA a letter from an authorized State budget official certifying that the State funds are, or will be, available for the project, so that if VA awards the grant, the project may proceed without further State action to make such funds available (such as further action to issue bonds). If the certification is based on an Act authorizing the project and making available the State's matching funds for the project, a copy of the Act must be submitted with the certification. To be eligible for inclusion in priority group 1 under this part, a State must make such funds available by August 15 of the year

prior to the fiscal year for which the grant is requested. To otherwise be eligible for a grant and grant funds based on inclusion on the priority list in other than priority group 1, a State must make such funds available by July 1 of the fiscal year for which the grant is requested.

(c) As a condition of receiving a grant, the State representative and the Secretary will sign three originals of the Memorandum of Agreement documents (one for the State and two for VA). A sample is in § 59.170.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.80 Amount of grant.

(a) The total cost of a project (VA and State) for which a grant is awarded under this part may not be less than $400,000 and, except as provided in paragraph (i) of this section, the total cost of a project will not exceed the total cost of new construction. The amount of a grant awarded under this part will be the amount requested by the State and approved in accordance with this part, not to exceed 65 percent of the total cost of the project except that:

(1) The total cost of a project will not include the cost of space that exceeds the maximum allowable space specified in this part, and

(2) The amount of the grant may be less than 65 percent of the total cost of the project if the State accepts less because VA did not have sufficient funds to award the full amount of the grant requested.

(b) The total cost of a project under this part for acquisition of a facility may also include construction costs.

(c) The total cost of a project under this part will not include any costs incurred before the date VA sent the State written notification that the application in § 59.20 was approved.

(d) The total cost of a project under this part may include administration and production costs, e.g., architectural and engineering fees, inspection fees, and printing and advertising costs.

(e) The total cost of a project under this part may include the cost of projects on the grounds of the facility, e.g., parking lots, landscaping, sidewalks, streets, and storm sewers, only if they are inextricably involved with the construction of the project.

(f) The total cost of a project under this part may include the cost of equipment necessary for the operation of the State home facility. This may include the cost of:

(1) Fixed equipment included in the construction or acquisition contract. Fixed equipment must be permanently affixed to the building or connected to the heating, ventilating, air conditioning, or other service distributed through the building via ducts, pipes, wires, or other connecting device. Fixed equipment must be installed during construction. Examples of fixed equipment include kitchen and intercommunication equipment, built-in cabinets, and cubicle curtain rods; and

(2) Other equipment not included in the construction contract constituting no more than 10 percent of the total construction contract cost of the project. Other equipment includes: furniture, furnishings, wheeled equipment, kitchen utensils, linens, draperies, blinds, electric clocks, pictures and trash cans.

(g) The contingency allowance may not exceed five percent of the total cost of the project for new construction or eight percent for renovation projects.

(h) The total cost of a project under this part may not include the cost of:

(1) Land acquisition;

(2) Maintenance or repair work; or

(3) Office supplies or consumable goods (such as food, drugs, medical dressings, paper, printed forms, and soap) which are routinely used in a State home.

(i) A grant for expansion, remodeling, or alteration of an existing State home, which is on or eligible for inclusion in the National Register of Historic Places, for furnishing domiciliary, nursing home, or adult day health care to veterans may not be awarded for the expansion, remodeling, or alteration of such building if such action does not comply with National Historic Preservation Act procedures or if the total cost of remodeling, renovating, or adapting such building or facility exceeds the cost of comparable new construction by more than five percent. If demolition of an existing building or facility on, or eligible for inclusion in, the National Register of Historic Places is deemed necessary and such demolition action is taken in compliance with National Historic Preservation Act procedures, any mitigation cost negotiated in the compliance process and/or the cost to professionally record the building or facility in the Historic American Buildings Survey (HABS), plus the total cost for demolition and site restoration, shall be included by the State in calculating the total cost of new construction.

(j) The cost of demolition of a building cannot be included in the total cost of construction unless the proposed construction is in the same location as the building to be demolished or unless the demolition is inextricably linked to the design of the construction project.

(k) With respect to the final award of a conditionally-approved grant, the Secretary may not award a grant for an amount that is 10 percent more than the amount conditionally-approved.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.90 Line item adjustments to grants.

After a grant has been awarded, upon request from the State representative, VA may approve a change in a line item (line items are identified in Form 424C which is set forth in § 59.170(o) of this part) of up to 10 percent (increase or decrease) of the cost of the line item if the change would be within the scope or objective of the project and would not change the amount of the grant.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.100 Payment of grant award.

The amount of the grant award will be paid to the State or, if designated by the State representative, the State home for which such project is being carried out, or any other State agency or instrumentality. Such amount shall be paid by way of reimbursement, and in such installments consistent with the progress of the project, as the Chief Consultant, Geriatrics and Extended Care, may determine and certify for payment to the appropriate Federal institution. Funds paid under this section for an approved project shall be used solely for carrying out such project as so approved. As a condition for the final payment, the State must comply with the requirements of this part based on an architectural and engineering inspection approved by VA, must obtain VA approval of the final equipment list submitted by the State representative, and must submit to VA a completed VA Form 10–0388 (see § 59.170(i)). The equipment list and the completed VA form 10–0388 must be submitted to the Chief Consultant, Geriatrics and Extended Care (114), VA Central Office, 810 Vermont Avenue, NW., Washington, DC 20420.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.110 Recapture provisions.

If a facility for which a grant has been awarded ceases to be operated as a State home for the purpose for which the grant was made, the United States shall be entitled to recover from the State which was the recipient of the grant or from the then owner of such construction as follows:

(a) If less than 20 years has lapsed since the grant was awarded, and VA provided 65 percent of the estimated cost to construct, acquire or renovate a

State home facility principally for furnishing domiciliary care, nursing home care, adult day health care, hospital care, or non-institutional care to veterans, VA shall be entitled to recover 65 percent of the current value of such facility (but in no event an amount greater than the amount of assistance provided for such under these regulations), as determined by agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated.

(b) Based on the time periods for grant amounts set forth below, if VA provided between 50 and 65 percent of the estimated cost of expansion, remodeling, or alteration of an existing State home facility, VA shall be entitled to recover the amount of the grant as determined by agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated:

Grant amount (dollars in thousands)	Recovery period (in years)
0–250	7
251–500	8
501–750	9
751–1,000	10
1,001–1,250	11
1,251–1,500	12
1,501–1,750	13
1,751–2,000	14
2,001–2,250	15
2,251–2,500	16
2,501–2,750	17
2,751–3,000	18
Over 3,000	20

(c) If the magnitude of the VA contribution is below 50 percent of the estimated cost of the expansion, remodeling, or alteration of an existing State home facility recognized by the Department of Veterans Affairs, the Under Secretary for Health may authorize a recovery period between 7 and 20 years depending on the grant amount involved and the magnitude of the project.

(d) This section does not apply to any portion of a State home in which VA has established and operates an outpatient clinic.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.120 Hearings.

If the Secretary determines that a submission from a State does not meet the requirements of this part, the Secretary will advise the State by letter that a grant is tentatively denied, explain the reasons for the tentative denial, and inform the State of the opportunity to appeal to the Board of Veterans' Appeals pursuant to 38 U.S.C. 7105. Decisions under this part are not subject to the provisions of § 17.133 of this order.

(Authority: 38 U.S.C. 101, 501, 511, 1710, 1742, 7101–7298, 8105, 8131–8137).

§ 59.121 Amendments to application.

Any amendment of an application that changes the scope of the application or changes the cost estimates by 10 percent or more shall be subject to approval in the same manner as an original application.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.122 Withdrawal of application.

A State representative may withdraw an application by submitting to VA a written document requesting withdrawal.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.123 Conference.

At any time, VA may recommend that a conference (such as a design development conference) be held in VA Central Office in Washington, DC, to provide an opportunity for the State and its architects to discuss requirements for a grant with VA officials.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.124 Inspections, audits, and reports.

(a) A State will allow VA inspectors and auditors to conduct inspections and audits as necessary to ensure compliance with the provisions of this part. The State will provide evidence that it has met its responsibility under the Single Audit Act of 1984 (see part 41 of this chapter) and submit that evidence to VA.

(b) A State will make such reports in such form and containing such information as the Chief Consultant, Geriatrics and Extended Care, may from time to time reasonably require and give the Chief Consultant, Geriatrics and Extended Care, upon demand, access to the records upon which such information is based.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.130 General requirements for all State home facilities.

As a condition for receiving a grant and grant funds under this part, States must comply with the requirements of this section.

(a) The physical environment of a State home must be designed, constructed, equipped, and maintained to protect the health and safety of participants, personnel and the public.

(b) A State home must meet the general conditions of the American Institute of Architects, or other general conditions required by the State, for awarding contracts for State home grant projects. Facilities must meet all Federal, State, and local requirements, including the Uniform Federal Accessibility Standards (UFAS) (24 CFR part 40, appendix A), during the design and construction of projects subject to this part. If the State or local requirements are different from the Federal requirements, compliance with the most stringent provisions is required. A State must design and construct the project to provide sufficient space and equipment in dining, health services, recreation, and program areas to enable staff to provide residents with needed services as required by this part and as identified in each resident's plan of care.

(c) State homes should be planned to approximate the home atmosphere as closely as possible. The interior and exterior should provide an attractive and home-like environment for elderly residents. The site will be located in a safe, secure, residential-type area that is accessible to acute medical care facilities, community activities and amenities, and transportation facilities typical of the area.

(d)(1) State homes must meet the applicable provisions of the National Fire Protection Association's NFPA 101, Life Safety Code (2000 edition) and the NFPA 99, Standard for Health Care Facilities (1999 edition). Incorporation by reference of these materials was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials, incorporated by reference, are available for inspection at the Office of the Federal Register, Suite 700, 800 North Capitol Street, NW, Washington, DC, and the Department of Veterans Affairs, Office of Regulations Management (02D), Room 1154, 810 Vermont Avenue, NW, Washington, DC 20420. Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269–9101. (For ordering information, call toll free 1–800–344–3555.)

(2) Facilities must also meet the State and local fire codes.

(e) State homes must have an emergency electrical power system to supply power adequate to operate all exit signs and lighting for means of egress, fire and medical gas alarms, and emergency communication systems. The source of power must be an on-site emergency standby generator of

sufficient size to serve the connected load or other approved sources.

(f) The nurse's station must be equipped to receive resident calls through a communication system from resident rooms, toilet and bathing facilities, dining areas, and activity areas.

(g) The State home must have one or more rooms designated for resident dining and activities. These rooms must be:

(1) Well lighted;

(2) Well ventilated; and

(3) Adequately furnished.

(h) The facility management must provide a safe, functional, sanitary, and comfortable environment for the residents, staff and the public. The facility must:

(1) Ensure that water is available to essential areas when there is a loss of normal water supply;

(2) Have adequate outside ventilation by means of windows, or mechanical ventilation, or a combination of the two;

(3) Equip corridors with firmly secured handrails on each side; and

(4) Maintain an effective pest control program so that the facility is free of pests and rodents.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.140 Nursing home care requirements.

As a condition for receiving a grant and grant funds for a nursing home facility under this part, States must comply with the requirements of this section.

(a) Resident rooms must be designed and equipped for adequate nursing care, comfort, and privacy of residents. Resident rooms must:

(1) Accommodate no more than four residents;

(2) Have direct access to an exit corridor;

(3) Have at least one window to the outside;

(4) Be equipped with, or located near, toilet and bathing facilities (VA recommends that public toilet facilities also be located near the residents dining and recreational areas);

(5) Be at or above grade level;

(6) Be designed or equipped to ensure full visual privacy for each resident;

(7) Except in private rooms, each bed must have ceiling suspended curtains that extend around the bed to provide total visual privacy in combination with adjacent walls and curtains;

(8) Have a separate bed for each resident of proper size and height for the safety of the resident;

(9) Have a clean, comfortable mattress;

(10) Have bedding appropriate to the weather and climate;

(11) Have functional furniture appropriate to the resident's needs, and

(12) Have individual closet space with clothes racks and shelves accessible to the resident.

(b) Unless determined by VA as necessary to accommodate an increased quality of care for patients, a nursing home project may propose a deviation of no more than 10 percent (more or less) from the following net square footage for the State to be eligible for a grant of 65 percent of the total estimated cost of the project. If the project proposes building more than the following net square footage and VA makes a determination that it is not needed, the cost of the additional net square footage will not be included in the estimated total cost of construction.

TABLE TO PARAGRAPH (B)—NURSING HOME

I. Support facilities [allowable square feet (or metric equivalent) per facility for VA participation]:	
Administrator	200
Assistant administrator	150
Medical officer, director of nursing or equivalent	150
Nurse and dictation area	120
General administration (each office/person)	120
Clerical staff (each)	80
Computer area	40
Conference room (consultation area, in-service training)	500 (for each room)
Lobby/waiting area. (150 minimum/600 maximum per facility)	3 (per bed)
Public/resident toilets (male/female)	25 (per fixture)
Pharmacy [1].	
Dietetic service [1].	
Dining area	20 (per bed)
Canteen/retail sales	2 (per bed)
Vending machines (450 max. per facility)	1 (per bed)
Resident toilets (male/female)	25 (per fixture)
Child day care [1].	
Medical support (staff offices/exam/treatment room/family counseling, etc.)	140 (for each room)
Barber and/or beauty shops	140
Mail room	120
Janitor's closet	40
Multipurpose room	15 (per bed)
Employee lockers	6 (per employee)
Employee lounge (500 max. per facility)	120
Employee toilets	25 (per fixture)
Chapel	450
Physical therapy	5 (per bed)
Office, if required	120
Occupational therapy	5 (per bed).
Office, if required	120
Library	1.5 (per bed)
Building maintenance storage	2.5 (per bed)
Resident storage	6 (per bed)
General warehouse storage	6 (per bed)
Medical/dietary/pharmacy	7 (per bed)
General laundry [1].	
II. Bed units:	
One	150

TABLE TO PARAGRAPH (B)—NURSING HOME—Continued

Two	245
Large two-bed per unit	305
Four	460
Lounge areas (resident lounge with storage)	8 (per bed)
Resident quiet room	3 (per bed)
Clean utility	120
Soiled utility	105
Linen storage	150
General storage	100
Nurses station, ward secretary	260
Medication room	75
Exam/Treatment room	140
Waiting area	50
Unit supply and equipment	50
Staff toilet	25 (per fixture)
Stretcher/wheelchair storage	100
Kitchenette	150
Janitor's closet	40
Resident laundry	125
Trash collection	60
III. Bathing and Toilet Facilities:	
(A) Private or shared facilities:	
Wheelchair facilities	25 (per fixture)
Standard facilities	15 (per fixture)
(B) Full bathroom	75
(C) Congregate bathing facilities:	
First tub/shower	80
Each additional fixture	25

[1] The size to be determined by the Chief Consultant, Geriatrics and Extended Care, as necessary to accommodate projected patient care needs (must be justified by State in space program analysis).

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137; Sections 2, 3, 4, and 4a of the Architectural Barriers Act of 1968, as amended, Public Law 90–480, 42 U.S.C. 4151–4157).

§ 59.150 Domiciliary care requirements.

As a condition for receiving a grant and grant funds for a domiciliary under this part, the domiciliary must meet the requirements for a nursing home specified in § 59.140 of this part.

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137).

§ 59.160 Adult day health care requirements.

As a condition for receiving a grant and grant funds under this part for an adult day health care facility, States must meet the requirements of this section.

(a) Each adult day health care program, when it is co-located in a nursing home, domiciliary, or other care facility, must have its own separate designated space during operational hours.

(b) The indoor space for an adult day health care program must be at least 100 square feet per participant including office space for staff, and must be 60 square feet per participant excluding office space for staff.

(c) Each program will need to design and partition its space to meet its own needs, but the following functional areas must be available:

(1) A dividable multipurpose room or area for group activities, including dining, with adequate table setting space.

(2) Rehabilitation rooms or an area for individual and group treatments for occupational therapy, physical therapy, and other treatment modalities.

(3) A kitchen area for refrigerated food storage, the preparation of meals and/or training participants in activities of daily living.

(4) An examination and/or medication room.

(5) A quiet room (with at least one bed), which functions to isolate participants who become ill or disruptive, or who require rest, privacy, or observation. It should be separate from activity areas, near a restroom, and supervised.

(6) Bathing facilities adequate to facilitate bathing of participants with functional impairments.

(7) Toilet facilities and bathrooms easily accessible to people with mobility problems, including participants in wheelchairs. There must be at least one toilet for every eight participants. The toilets must be equipped for use by persons with limited mobility, easily accessible from all programs areas, i.e. preferably within 40 feet from that area, designed to allow assistance from one or two staff, and barrier free.

(8) Adequate storage space. There should be space to store arts and crafts materials, personal clothing and belongings, wheelchairs, chairs, individual handiwork, and general supplies. Locked cabinets must be provided for files, records, supplies, and medications.

(9) An individual room for counseling and interviewing participants and family members.

(10) A reception area.

(11) An outside space that is used for outdoor activities that is safe, accessible to indoor areas, and accessible to those with a disability. This space may include recreational space and a garden area. It should be easily supervised by staff.

(d) *Furnishings* must be available for all participants. This must include functional furniture appropriate to the participants' needs.

(e) Unless determined by VA as necessary to accommodate an increased quality of care for patients, an adult day health care facility project may propose a deviation of no more than 10 percent (more or less) from the following net square footage for the State to be eligible for a grant of 65 percent of the total estimated cost of the project. If the project proposes building more than the following net square footage and VA makes a determination that it is not needed, the cost of the additional net square footage will not be included in the estimated total cost of construction.

TABLE TO PARAGRAPH (E)—ADULT DAY HEALTH CARE

I. Support facilities [allowable square feet (or metric equivalent) per facility for VA participation]:	
Program Director	200
Assistant administrator	150
Medical officer, director of nursing or equivalent	150
Nurse and dictation area	120
General administration (each office/person)	120
Clerical staff (each)	80
Computer area	40
Conference room (consultation area, in-service training)	500 (for each room).
Lobby/receiving/waiting area (150 minimum)	3 (per participant)
Public/resident toilets (male/female)	25 (per fixture).
Dining area (may be included in the multipurpose room)	20 (per participant).
Vending machines	1 (per participant).
Participant toilets (male/female)	25 (per fixture).
Medical support (staff offices/family counseling, etc.)	140 (for each room).
Janitor's closet	40
Dividable multipurpose room	15 (per participant).
Employee lockers	6 (per employee)
Employee lounge	120
Employee toilets	25 (per fixture).
Physical therapy	5 (per participant).
Office, if required	120
Occupational therapy	5 (per participant).
Office, if required	120
Building maintenance storage	2.5 (per participant).
Resident storage	6 (per participant).
General warehouse storage	6 (per participant).
Medical/dietary	7 (per participant).
General laundry [1]	
II. Other Areas:	
Participant quiet room	3 (per participant).
Clean utility	120
Soiled utility	105
General storage	100
Nurses station, ward secretary	260
Medication/exam/treatment rooms	75
Waiting area	50
Program supply and equipment	50
Staff toilet	25 (per fixture).
Wheelchair storage	100
Kitchen	120
Janitor's closet	40
Resident laundry	125
Trash collection	60
III. Bathing and Toilet Facilities:	
(A) Private or shared facilities:	
Wheelchair facilities	25 (per fixture).
Standard facilities	15 (per fixture).
(B) Full bathroom	75

[1] The size to be determined by the Chief Consultant, Geriatrics and Extended Care, as necessary to accommodate projected patient care needs (must be justified by State in space program analysis).

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137; Sections 2, 3, 4, and 4a of the Architectural Barriers Act of 1968, as amended, Public Law 90–480, 42 U.S.C. 4151–4157).

§ 59.170 Forms.

All forms set forth in this part are available on the Internet at *http://www.va.gov/About_VA/Orgs/VHA/VHAProg.htm.*

BILLING CODE 8330–01–P

(a) VA Form 10–0143—Department of Verterans Affairs Certification Regarding Drug-Free Workplace Requirements for Grantees Other Than Individuals.

OMB Number: 2900-0160
Estimated Burden: 5 minutes

Department of Veterans Affairs

DEPARTMENT OF VETERANS AFFAIRS CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS FOR GRANTEES OTHER THAN INDIVIDUALS

The Paperwork Reduction Act of 1995 requires us to notify you that this information collection is in accordance with the clearance requirements of section 3507 of the Paperwork Reduction Act of 1995. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a valid OMB number. We anticipate that the time expended by all individuals who must complete this form will average 5 minutes. This includes the time it will take to read instructions, gather the necessary facts and fill out the form.

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 38 CFR 44, Subpart F. The regulations, published in the January 31, 1989, Federal Register (pages 4950-4952) require certification by grantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or government-wide suspension or debarment (see CFR Part 44, Section 44.100 through 44.420).

The grantee certifies that it will provide a drug-free workplace by:

(1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(2) Establishing a drug-free awareness program to inform employees about

(a) The dangers of drug abuse in the workplace;
(b) The grantee's policy of maintaining a drug-free workplace;
(c) Any available drug counseling, rehabilitation, and employee assistance programs; and
(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1);

(4) Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will

(a) Abide by the terms of the statement; and
(b) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

(5) Notifying the agency within ten days after receiving notice under subparagraph (4) (b) from an employee or otherwise receiving actual notice of such convictions;

(6) Taking one of the following actions, within 30 days of receiving notice under subparagraph (4) (b), with respect to any employee who is so convicted;

(a) Taking appropriate personnel action against such employee, up to and including termination; or
(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5) and (6).

VA FORM SEP1998 (R) **10-0143** **REPRODUCE LOCALLY** JetForm

OMB Number: 2900-0188
Estimated Burden: 15 minutes

Department of Veterans Affairs

DEPARTMENT OF VETERANS AFFAIRS CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS FOR GRANTEES OTHER THAN INDIVIDUALS

Places of Performance: The grantee shall insert in the space provided below the site(s) for performance of work done in connection with the specific grant (street address, city, county, state, zip code)

ORGANIZATION NAME	GRANT NUMBER OR NAME
NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

VA FORM SEP1998 (R) **10-0143** **REPRODUCE LOCALLY** JetForm

(b) VA Form 10–0144—Certification Regarding Lobbying.

OMB Number: 2900-0160
Estimated Burden: 5 minutes

Department of Veterans Affairs

CERTIFICATION REGARDING LOBBYING

The Paperwork Reduction Act of 1995 requires us to notify you that this information collection is in accordance with the clearance requirements of section 3507 of the Paperwork Reduction Act of 1995. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a valid OMB number. We anticipate that the time expended by all individuals who must complete this form will average 5 minutes. This includes the time it will take to read instructions, gather the necessary facts and fill out the form.

This certification is made in compliance with Section 319 of Public Law 101-121; and pursuant to the Interim Final guidance published as part VII of the December 20, 1989, Federal Register (Pages 57306-52332).

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certified, to the best of their knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Forms-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

SIGNATURE OF CERTIFYING OFFICIAL	DATE
NAME AND TITLE OF CERTIFYING OFFICIAL	PROJECT (FAI NUMBER)
NAME AND ADDRESS OF STATE AGENCY	

VA FORM SEP1999 (R) **10-0144** **REPRODUCE LOCALLY**

(c) VA Form 10–0148a—Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions (To be signed by Contractor(s)).

Department of Veterans Affairs

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions
(To be signed by Contractor(s))

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 38 CFR Part 44.510. Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988, Federal Register (pages 191600-19211). Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name | PR/Award Number of Project Name

Name and Title of Authorized Representative

Signature | Date

Title 38 CFR 44.510(b)

VA FORM MAR 2001 **10-0148a**

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of act upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available, remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to which this proposal is submitted it any any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "participant," "person," "primary covered transaction," "principle," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

(d) VA Form 10–0148b—CERTIFICATION OF STATE MATCHING FUNDS TO QUALIFY FOR GROUP 1 ON THE PRIORITY LIST.

Department of Veterans Affairs

CERTIFICATION OF STATE MATCHING FUNDS TO QUALIFY FOR GROUP 1 ON THE PRIORITY LIST

I certify that the total (35%) State matching funds in the amount of $ _____

is now available, or will be available by August 15, 20 ___, for the proposed State home

project, FAI# _____. These State funds will remain available until _____

No further State action, other than administrative, is required to make these fund available.

_____	_____	_____
Type Name and Title of Authorized State Budget Official	Signature	Date

Enclosure: Copy of Act, as approved by the Governor, authorizing the project and making available the State's 35 percent matching funds for the project. (If the State has not appropriated the State matching funds, then, sufficient documentation must be provided to show that the State has available the State has matching funds for the project.)

Title 38 USC 8135 (B) (2) (A)
Title 38 CFR 59.40

VA FORM MAR 2001 **10-0148b**

(e) VA Form 10–0148c—Certification Regarding Debarment, Suspension, and Other Responsibility Matters Primary Covered Transactions.

Department of Veterans Affairs

Certification Regarding Debarment, Suspension, and Other Responsibility Matters Primary Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 38 CFR Part 44, Section 44.510, Participants' responsibilities

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statues or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name | PR/Award Number of Project Name

Name and Title of Authorized Representative

Signature | Date

VA FROM MAR 2001 **10-0148c**

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered tranaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted it at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal" "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtain a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lwer tier covered transactions and in all solications for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

(f) VA Form 10–0148d—CERTIFICATION OF COMPLIANCE WITH FEDERAL REQUIREMENTS STATE HOME CONSTRUCTION GRANT.

Department of Veterans Affairs

CERTIFICATION OF COMPLIANCE WITH FEDERAL REQUIREMENTS STATE HOME CONSTRUCTION GRANT

I certify that to the best of my knowledge and belief all Federal requirements: (1) outlined in 38 Code of federal Regulations Part 59 as they pertain to this State home project; (2) assurances outlined in SF 424D; and (3) all mandatory comments resulting from the design development review by the U.S. Department of Veterans Affairs (VA) have been incorporated into construction contact(s) for this State Veterans home project to be located at _____

_____,

project FAI# _____

Type Name and Title of Authorized State Official	Signature	Date

Title 38 CFR Part 59

VA FORM MAR 2001 **10-0148d**

(g) VA Form 10–0388—DOCUMENTS AND INFORMATION REQUIRED FOR STATE HOME CONSTRUCTION AND ACQUISITION GRANTS.

Department of Veterans Affairs

DOCUMENTS AND INFORMATION REQUIRED FOR STATE HOME CONSTRUCTION AND ACQUISITION GRANTS

INITIAL APPLICATION

NOTE: An initial application should be submitted to the Chief Consultant, Geriatrics and Extended Care (114) by April 15, if the State wishes consideration of an initial application for placement on the priority list for the next fiscal year.

1. TYPE OF GRANT APPLIED FOR:

☐ ACQUISITION ☐ CONSTRUCTION

2. DOCUMENTATION THAT THE SITE OF THE PROJECT IS IN REASONABLE PROXIMITY TO A SUFFICIENT CONCENTRATION AND POPULATION OF VETERANS THAT ARE 65 YEARS OF AGE AND OLDER AND THAT THERE IS A REASONABLE BASIS TO CONCLUDE THAT THE FACILITY WHEN COMPLETE WILL BE FULLY OCCUPIED.

3. APPLICANT'S RECOMMENDATION AS TO THE PRIORITY, ANY SUBPRIORITY, AND ANY FURTHER PRIORITY FOR PURPOSES OF PLACING THE PROJECT ON THE PRIORITY LIST FOR THE NEXT FISCAL YEAR *(see 38 CFR s 59.50).*

4. STANDARD FORM (SF) 424, "APPLICATION FOR FEDERAL ASSISTANCE" *(mark the box labeled "pre-application" and submit the information requested for a "preapplication");* SF 424C, "BUDGET INFORMATION-CONSTRUCTION PROGRAMS"; SF 424D, "ASSURANCES-CONSTRUCTION PROGRAMS" AND A DESCRIPTION AND SCOPE OF THE PROJECT. *(Original and one copy required.)*

5. ON SF 424C INCLUDE:

(1) COST ESTIMATE FOR EQUIPMENT NOT INCLUDED IN THE CONSTRUCTION CONTRACT *(Not to exceed 10 percent of the construction costs)* AND

(2) CONTINGENCY COST ESTIMATE *(not to exceed 5 percent of the estimated cost of project for new construction or 8 percent for remodeling projects).*

6. PROJECT SITE DESCRIPTION, INCLUDING COUNTY LOCATION.

7. GOVERNOR'S LETTER OR A LETTER FROM THE AGENCY AUTHORIZED BY THE GOVERNOR WITH PROGRAM OVERSIGHT DESIGNATING THE STATE REPRESENTATIVE AND INFORMATION THAT WILL PERMIT VA TO CONTACT THE STATE REPRESENTATIVE. THE STATE REPRESENTATIVE MUST NOTIFY THE CHIEF CONSULTANT (114), IMMEDIATELY OF ANY CHANGES IN WHO THE STATE REPRESENTATIVE IS AND HOW TO REACH HIM OR HER.

8. NEEDS ASSESSMENT*(if adding or replacing nursing home or domiciliary beds).* INCLUDE THE FOLLOWING DOCUMENTS AND SUPPORTING JUSTIFICATIONS:

(A) DEMOGRAPHIC CHARACTERISTICS OF THE VETERAN POPULATION OF THE PROPOSED CATCHMENT AREA;

(B) AVAILABILITY OF BEDS IF GREAT TRAVEL DISTANCES *(over two hours)* ARE IMPOSED ON VETERANS AND THEIR FAMILIES;

(C) NUMBER OF VA NURSING HOME AND DOMICILIARY BEDS AND THE OCCUPANCY RATE AT THOSE FACILITIES FOR THE PREVIOUS FISCAL YEAR

(D) NUMBER OF STATE NURSING HOME AND DOMICILIARY BEDS AND THE OCCUPANCY RATE OF THOSE FACILITIES FOR THE PREVIOUS FISCAL YEAR;

(E) NUMBER OF COMMUNITY-BASED NURSING HOME BEDS AND THE OCCUPANCY RATE AT THOSE FACILITIES FOR THE PREVIOUS FISCAL YEAR *(must have full State certification).* THE STATE CERTIFICATION MUST AUTHORIZE APPROPRIATE LEVEL(S) OF CARE TO ALLOW VETERAN PLACEMENT IN THOSE FACILITIES.

(F) WAITING LISTS FOR EXISTING STATE HOME PROGRAMS;

(G) PLANS FOR ACUTE MEDICAL CARE/EMERGENCY CARE SERVICES AS MAY BE REQUIRED BY THE STATE HOME RESIDENTS AND

(H) AVAILABILITY OF QUALIFIED MEDICAL CARE PERSONNEL TO STAFF THE PROPOSED FACILITY.

9. NEEDS ASSESSMENT *(IF NOT ADDING OR REPLACING NURSING HOME OR DOMICILIARY BEDS)* (A) REASON FOR THE PROJECT AND (B) THE SCOPE OF THE PROJECT.

10. IF A STATE PROPOSES NEW BEDS THAT EXCEED THE MAXIMUM NUMBER OF STATE HOME BEDS AS DEFINED IN 38 CFR 59.40, THE STATE MUST PROVIDE DOCUMENTATION TO JUSTIFY AN EXCEPTION ON THE BASIS OF GREAT TRAVEL DISTANCES *(greater than two hours)* BETWEEN A SIGNIFICANT POPULATION CENTER AND AN EXISTING STATE HOME. THE SECRETARY WILL CONSIDER AND APPROVE/DISAPPROVE SUCH JUSTIFICATION IN THE DETERMINATION OF THE PRIORITY OF THE INITIAL APPLICATION.

11. AUTHORIZED STATE REPRESENTATIVE'S CERTIFIED STATEMENT THAT THE LIST OF THE TOTAL NUMBER OF STATE-OPERATED NURSING HOME AND DOMICILIARY BEDS FOR VETERANS IS THE TOTAL NUMBER OF SUCH BEDS EXISTING, UNDER CONSTRUCTION, OR PENDING APPROVAL BY VA AT THE TIME OF THE INITIAL APPLICATION.

12. SCHEMATIC DRAWINGS FOR THE PROPOSED PROJECT.

13. SPACE PROGRAM ANALYSIS ON VA FORM 10-0392, "SPACE PROGRAM ANALYSIS-NURSING HOME" *(or VA Form 10-0392a, "Space Program Analysis-Adult Day Health Care")*FOR THE PROPOSED PROJECT THAT INCLUDES A LIST OF EACH ROOM OR AREA AND THE SQUARE FOOTAGE PROPOSED. THE PLAN SHOULD NOTE SPECIAL OR UNUSUAL SERVICES OR EQUIPMENT. THE INFORMATION ON VA FORM 10-0392, "SPACE PROGRAM ANALYSIS-NURSING HOME" *(or VA Form 10-0392a, "Space Program Analysis-Adult Day Health Care") should correspond with the charts contained in 38 CFR 59.140 AND 59.160.*

14. STATE APPLICATION IDENTIFIER NUMBER *(IF APPLICABLE).*

15. FIVE-YEAR CAPITAL PLAN FOR STATE'S ENTIRE STATE HOME PROGRAM, INCLUDING THE PROPOSED PROJECT.

16. FINANCIAL PLAN FOR STATE FACILITY'S FIRST THREE YEARS OF OPERATION FOLLOWING CONSTRUCTION.

17. ANY COMMENTS OR RECOMMENDATIONS MADE BY THE APPROPRIATE STATE CLEARING HOUSE PURSUANT TO POLICIES OUTLINED IN EXECUTIVE ORDER 12372, INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS (PART 40 OF THIS CHAPTER). IF THE STATE HAS NO CLEARING HOUSE, THE DESIGNATED AUTHORIZED STATE REPRESENTATIVE MUST CERTIFY COMPLIANCE WITH THIS EXECUTIVE ORDER.

I CERTIFY THAT THE INFORMATION SUBMITTED TO VA IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND ABILITY.

SIGNATURE OF STATE REPRESENTATIVE	DATE

THE LAW PROVIDES SEVERE PENALTIES FOR WILLFUL SUBMISSION OF FALSE INFORMATION.

VA FORM JAN 2001 **10-0388**

(h) VA Form 10–0388a—ADDITIONAL DOCUMENTS AND INFORMATION REQUIRED FOR STATE HOME CONSTRUCTION AND ACQUISITION GRANTS.

Department of Veterans Affairs

ADDITIONAL DOCUMENTS AND INFORMATION REQUIRED FOR STATE HOME CONSTRUCTION AND ACQUISITION GRANTS

APPLICATION

1. THE STATE REPRESENTATIVE MUST SUBMIT THE FOLLOWING TO VA TO RECEIVE A GRANT:

(A) STANDARD FORM (SF) 424, "APPLICATION FOR FEDERAL ASSISTANCE" *(mark the box labeled "application" and submit the information requested for a "application")*; SF 424C, "BUDGET INFORMATION-CONSTRUCTION PROGRAMS"; SF 424D, "ASSURANCES-CONSTRUCTION PROGRAMS"; AND A COMPLETE DESCRIPTION AND SCOPE OF THE PROJECT. *(Original and one copy required.)*

ON FORM 424C INCLUDE:

(1) AN ESTIMATE FOR THE COST OF THE EQUIPMENT NOT INCLUDED IN THE CONSTRUCTION CONTRACT *(NOT TO EXCEED 10 PERCENT OF THE CONSTRUCTION COSTS).*

(2) A CONTINGENCY AND ESTIMATE *(NOT TO EXCEED 5 PERCENT OF THE ESTIMATED COST OF THE PROJECT FOR NEW CONSTRUCTION OR 8 PERCENT FOR REMODELING PROJECTS).*

(B) EVIDENCE OF THE STATE AUTHORIZATION OF THE PROJECT *(e.g.COPY OF THE SIGNED LEGISLATION).*

(C) EVIDENCE *(ACT, ISSUED BONDS, ETC.)* THAT THE STATE HAS ITS SHARE OF THE ESTIMATED TOTAL COSTS OF CONSTRUCTION.

(D) VA FORM 10-0148b, "CERTIFICATION OF STATE MATCHING FUNDS."

2. AN UPDATED SPACE PROGRAM ANALYSIS FOR THE PROPOSED PROJECT THAT INCLUDES A LIST OF EACH ROOM OR AREA AND THE SQUARE FOOTAGE PROPOSED. THE PLAN SHOULD NOTE SPECIAL OR UNUSUAL SERVICES OR EQUIPMENT. THE INFORMATION ON VA FORM 10-0392, "SPACE PROGRAM ANALYSIS-NURSING HOME" *(OR VA FORM 10-0392A, "SPACE PROGRAM ANALYSIS-ADULT DAY HEALTH CARE")* SHOULD CORRESPOND WITH THE CHARTS CONTAINED IN 38 CFR 59.140 AND 59.160. THIS ANALYS IS NEEDED ONLY IF THERE IS A CHANGE IN THE SPACE PROGRAM ANALYSIS THAT WAS PREVIOUSLY SUBMITTED.

3. THE STATE REPRESENTATIVE MUST SUBMIT THE FOLLOWING CERTIFICATIONS TO VA BY MARCH 15 OF EACH YEAR UNTIL THE PROJECT IS COMPLETED.

(A) VA FORM 10-0148C, "CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS FOR PRIMARY COVERED TRANSACTIONS.

(B) VA FORM 10-0143, "DEPARTMENT OF VETERANS AFFAIRS CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS FOR GRANTEES OTHER THAN INDIVIDUALS"

(C) VA FORM 10-0144, "CERTIFICATION REGARDING LOBBYING"

4. IF THE STATE IS NOTIFIED THAT FEDERAL FUNDS ARE AVAILABLE, THE STATE MUST PROVIDE THESE ITEMS;

(A) A SCHEDULE OF WHEN EACH OF THE REMAINING REQUIREMENTS TO RECEIVE A PROPOSED GRANT WILL BE MET.

(B) PHASE 1 - ENVIRONMENTAL SURVEY. SITE PLAN/MAP, SITE SURVEY, AND SOIL INVESTIGATION *(if applicable).* DESIGN DEVELOPMENT SITE PLAN. THE APPLICANT SHALL SUBMIT A SITE SURVEY WHICH HAS BEEN PERFORMED BY A LICENSED LAND SURVEYOR. A DESCRIPTION OF THE SITE SHALL BE SUBMITTED NOTING THE GENERAL CHARACTERISTICS OF THE SITE. THIS SHOULD INCLUDE SOIL REPORTS AND SPECIFICATIONS, EASEMENTS, MAIN ROADWAY APPROACHES, SURROUNDING LAND USES, AVAILABILITY OF ELECTRICITY, WATER AND SEWER LINES, AND ORIENTATION. THE DESCRIPTION SHOULD ALSO INCLUDE A MAP LOCATING THE EXISTING AND/OR NEW BUILDINGS, MAJOR ROADS, AND PUBLIC SERVICES IN THE GEOGRAPHIC AREA. ADDITIONAL SITE PLANS SHOULD SHOW ALL SITE WORK INCLUDING PROPERTY LINES, EXISTING AND NEW TOPOGRAPHY, BUILDING LOCATIONS, UTILITY DATA, AND PROPOSED GRADES, ROADS, PARKING AREAS, WALKS, LANDSCAPING, AND SITE AMENITIES.

(C) PHASE II - ENVIRONMENTAL ASSESSMENT. *(Applies only if the outside construction exceeds 75,000 gross square feet (GSF))* THE ENVIRONMENTAL DOCUMENTATION WILL REQUIRE APPROVAL BY VA BEFORE A FINAL AWARD OF A CONSTRUCTION OR ACQUISITION GRANT FOR A STATE VETERANS HOME. (SEE 26.6 OF THIS CHAPTER FOR COMPLIANCE REQUIREMENTS.) WHEN THE APPLICATION SUBMISSION REQUIRES AN ENVIRONMENTAL ASSESSMENTS, THE STATE SHALL DESCRIBE THE POSSIBLE BENEFICIAL AND/OR HARMFUL EFFECT WHICH THE PROJECT MAY HAVE ON THE FOLLOWING IMPACT CATEGORIES:

(1) TRANSPORTATION
(2) AIR QUALITY;
(3) NOISE;
(4) SOLID WASTE;
(5) UTILITIES;
(6) GEOLOGY *(soils/hydrology/flood plains);*
(7) WATER QUALITY;
(8) LAND USE;
(9) VEGETATION, WILDLIFE, AQUATIC, AND ECOLOGY/WETLANDS;
(10) ECONOMIC ACTIVITIES;
(11) CULTURAL RESOURCES;
(12) AESTHETICS;
(13) RESIDENTIAL POPULATION;

(14) COMMUNITY SERVICES AND FACILITIES;

(15) COMMUNITY PLANS AND PROJECTS; AND

(16) OTHER

IF AN ADVERSE ENVIRONMENTAL IMPACT IS ANTICIPATED, THE ACTION TO BE TAKEN TO MINIMIZE THE IMPACT SHOULD BE EXPLAINED IN THE ENVIRONMENTAL ASSESSMENT.

IF CONSTRUCTION OUTSIDE THE WALLS OF AN EXISTING STRUCTURE WILL INVOLVE MORE THAN 75,000 GSF, THE APPLICATION SHALL INCLUDE AN ENVIRONMENTAL ASSESSMENT TO DETERMINE IF AN ENVIRONMENTAL IMPACT STATEMENT IS NECESSARY FOR COMPLIANCE WITH SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969. IF THE PROPOSED ACTIONS INVOLVING CONSTRUCTION OR ACQUISITION DO NOT INDIVIDUALLY OR CUMULATIVELY HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT OR IF THE OUTSIDE CONSTRUCTION DOES NOT EXCEED 75,000 GSF, THE APPLICANT SHALL SUBMIT A LETTER NOTING A CATEGORICAL EXCLUSION, SUBJECT TO APPROVAL BY VA.

(D) LETTER FROM THE STATE HISTORICAL PRESERVATION OFFICER (SHPO) AND SUBSEQUENT CLEARANCE FROM THE VA HISTORICAL PRESERVATION OFFICER AND A COPY FROM THE SHPO STATING WHETHER THE PROJECT AREA INCLUDES ANY PROPERTIES ON, ELIGIBLE FOR, OR LIKELY TO MEET THE CRITERIA FOR THE NATIONAL REGISTER OF HISTORIC PLACES. IF THE PROPERTY DOES, OR MAY INCLUDE, NATIONAL REGISTER QUALITY PROPERTIES, THE LETTER FROM SHPO SHOULD DISCUSS THE DETERMINATION OF EFFECT OF THE PROPOSED PROJECT ON SUCH PROPERTY.

(E) DESIGN DEVELOPMENT *(35 percent)* DRAWINGS. THE APPLICANT SHALL PROVIDE TO THE DEPARTMENT OF VETERANS AFFAIRS ONE SET OF SEPIAS AND EIGHT SETS OF PRINTS, ROLLED INDIVIDUALLY PER SET, TO EXPEDITE THE REVIEW PROCESS. PLEASE SEND DIRECTLY TO THE OFFICE OF CONSTRUCTION MANAGEMENT, FACILITIES QUALITY SERVICE (181A), WITH A COPY OF THE TRANSMITTAL LETTER TO BE CHIEF, STATE HOME CONSTRUCTION PROGRAM (114). THE DRAWINGS MUST INDICATE THE DESIGNATION OF ALL SPACES, SIZE OF AREAS AND ROOMS AND INDICATE IN OUTLINE THE FIXED AND MOVABLE EQUIPMENT AND FURNITURE. THE DRAWINGS MUST BE DRAWN AT 1/4" SCALE. BEDROOM AND TOILET LAYOUTS, SHOWING CLEARANCES AND UFAS REQUIREMENTS, SHOULD BE SHOWN 1/4" SCALE. THE TOTAL FLOOR AND ROOM AREAS SHALL BE SHOWN IN THE DRAWINGS. THE DRAWINGS MUST INCLUDE:

(1) PLAN OF ANY PROPOSED DEMOLITION WORK;

(2) A PLAN FOR EACH FLOOR. FOR RENOVATIONS, THE EXISTING CONDITIONS AND EXTENT OF NEW WORK SHOULD BE CLEARLY DELINEATED;

(3) ELEVATIONS;

(4) SECTIONS AND TYPICAL DETAILS;

(5) ROOF PLAN;

(6) FIRE PROTECTION PLANS; AND

(8) TECHNICAL ENGINEERING PLANS, INCLUDING STRUCTURAL, MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS.

IF THE PROJECT INVOLVES ACQUISITION, OR RENOVATION, THE STATE SHOULD INCLUDE THE CURRENT AS-BUILT SITE PLAN, FLOOR PLANS AND BUILDING SECTIONS THAT SHOW THE PRESENT STATUS OF THE BUILDING AND A DESCRIPTION OF THE BUILDING'S CURRENT USE AND TYPE OF CONSTRUCTION.

(F) DESIGN DEVELOPMENT OUTLINE SPECIFICATIONS. THE STATE SHALL PROVIDE EIGHT COPIES OF OUTLINE SPECIFICATIONS WHICH SHALL INCLUDE A GENERAL DESCRIPTION OF THE PROJECT, SITE, ARCHITECTURAL, STRUCTURAL, ELECTRICAL, AND MECHANICAL SYSTEMS SUCH AS ELEVATORS, NURSES' CALL SYSTEM, AIR CONDITIONING, HEATING PLUMBING, LIGHTING, POWER, AND INTERIOR FINISHES *(floor coverings, acoustical material, and wall and ceiling finishes).*

(G) DESIGN DEVELOPMENT COST ESTIMATES. TWO COPIES OF THE UPDATED SF 424 AND SF 424C COST ESTIMATES MUST BE INCLUDED IN THE APPLICATION TO VA. ESTIMATES MUST SHOW THE ESTIMATED COST OF THE BUILDINGS OR STRUCTURES TO BE ACQUIRED OR CONSTRUCTED IN THE PROJECT. COST ESTIMATES MUST LIST THE COST OF CONSTRUCTION, CONTRACT CONTINGENCY, FIXED EQUIPMENT NOT INCLUDED IN THE CONTRACT, OTHER EQUIPMENT, ARCHITECT'S FEES, AND CONSTRUCTION SUPERVISION AND INSPECTION. THE ALLOWANCE FOR EQUIPMENT, NOT INCLUDED IN THE CONSTRUCTION CONTRACT. MUST NOT EXCEED 10 PERCENT OF THE CONSTRUCTION OR ACQUISITION CONTRACT COST. THE VA ALLOWANCE FOR CONTINGENCIES SHALL NOT EXCEED 5 PERCENT OF THE TOTAL PROJECT COST FOR NEW CONSTRUCTION OR 8 PERCENT OF THE TOTAL PROJECT COST FOR RENOVATION PROJECTS. IF THE PROJECT INVOLVES NON-FEDERAL PARTICIPATING AREAS, SUCH COSTS SHOULD BE ITEMIZED SEPARATELY.

(H) REASONABLE ASSURANCE THAT THE STATE HOME, OR ANOTHER AGENCY OR INSTRUMENTALITY OF THE STATE HAS TITLE TO THE SITE FOR THE PROJECT.

5. IF ALL REQUIREMENTS FOR A GRANT ARE NOT MET PRIOR TO THE END OF A FISCAL YEAR, A STATE MAY BE ELIGIBLE FOR A CONDITIONAL APPROVAL OF A GRANT UNDER THE PROVISIONS OF 38 CFR 59.70.

6. THE STATE REPRESENTATIVE MUST SUBMIT THE FOLLOWING BY SEPTEMBER 15:

(A) FINAL DRAWINGS AND SPECIFICATIONS *(100 PERCENT) (ONE LABELED SET OF MICROFICHE APERTURE CARDS, MICROFILM, OR COMPACT DISC/READ ONLY MEMORY (CDROM) COMPACT LASER DISC, WITH 100% CONSTRUCTION DOCUMENTS (PLANS AND SPECIFICATIONS).*

(B) ADVERTISEMENT FOR THE PROPOSED PROJECT AND REQUEST FOR BIDS.

(C) TWO COPIES OF THE ITEMIZED BID TABULATIONS.

((D) COMPLETED VA FORM 10-0148D, CERTIFICATION OF COMPLIANCE WITH FEDERAL REQUIREMENTS STATE HOME CONSTRUCTION GRANT".

(E) REVISED SF 424, SF 424C BUDGET PAGES, BASED ON THE SELECTED BIDS *(including final cost for all items in the project).*

(F) THREE SIGNED ORIGINALS OF THE MEMORANDUM OF AGREEMENT THAT INCLUDES PROVISIONS IN THE SAMPLE MEMORANDUM OF AGREEMENT VA FORM 10-5348 AS SET FORTH IN 38 CFR 59.160.

7 THE STATE REPRESENTATIVE MUST SUBMIT THE FOLLOWING TO VA PRIOR TO GRANT AWARD:

(A) VA FORM 10-0148a, "CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS *(TO BE SIGNED BY THE CONTRACTOR(S)).*

I CERTIFY THAT THE INFORMATION SUBMITTED IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND ABILITY.

SIGNATURE OF STATE REPRESENTATIVE	DATE

THE LAW PROVIDES SEVERE PENALTIES FOR WILLFUL SUBMISSION OF FALSE INFORMATION.

(i) VA Form 10–0388b—DOCUMENTS/CERTIFICATIONS REQUIRED FOR STATE HOME CONSTRUCTION AND ACQUISITION GRANTS.

Department of Veterans Affairs

DOCUMENTS/CERTIFICATIONS REQUIRED FOR STATE HOME CONSTRUCTION AND ACQUISITION GRANTS

POST-GRANT REQUIREMENTS

THE STATE REPRESENTATIVE MUST SUBMIT TO VA THE FOLLOWING PRIOR TO THE FINAL PAYMENT OF GRANT FUNDS OR WHEN SPECIFIED BELOW:

(1) A SF 271, "OUTLAY REPORT AND REQUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS".

(2) A FINAL EQUIPMENT LIST *(prior to completion of construction)* A SEPARATE, COMPLETE ITEMIZED LIST TO INCLUDE FIXED AND OTHER EQUIPMENT *(not including equipment in the construction contract)* BY CATEGORY WITH THE COST, QUANTITY, AND PLACEMENT IN ACCORDANCE WITH THE FINAL DRAWINGS, BUT NOT INCLUDING CONSUMABLE GOODS OR OFFICE SUPPLIES. *(NOTE: if no equipment is involved in the project, a statement to that effect should be included in the request for the final architectural/engineering inspection.)* THIS EQUIPMENT LIST MUST BE APPROVED BY VA PRIOR TO FINAL CLAIM PAYMENT.

(3) A REQUEST IN WRITING FOR THE FINAL ARCHITECTURAL/ENGINEERING INSPECTION, INCLUDING THE NAME AND TELEPHONE NUMBER OF THE LOCAL POINT OF CONTACT FOR THE PROJECT.

(4) A FINAL CLAIM FOR PAYMENT ON SF 271, "OUTLAY REPORT AND REQUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS". ADD THE STATEMENT "IT IS HEREBY AGREED THAT THE MONETARY COMMITMENT OF THE FEDERAL GOVERNMENT WILL HAVE BEEN MET AND THE PROJECT WILL BE CONSIDERED TERMINATED UPON PAYMENT OF THIS VOUCHER."

(5) EVIDENCE THAT THE STATE HAS MET ITS RESPONSIBILITY FOR AN AUDIT UNDER THE SINGLE AUDIT ACT OF 1984 AND 59.124 OF THIS PART, IF APPLICABLE.

I CERTIFY THAT THE INFORMATION SUBMITTED IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND ABILITY.

SIGNATURE OF STATE REPRESENTATIVE	DATE

THE LAW PROVIDES SEVERE PENALTIES FOR WILLFUL SUBMISSION OF FALSE INFORMATION.

VA FORM MAR 2001 **10-0388b**

(j) VA Form 10–0392—STATE HOME CONSTRUCTION GRANT PROGRAM SPACE PROGRAM ANALYSIS—NURSING HOME AND DOMICILIARY.

Department of Veterans Affairs

STATE HOME CONSTRUCTION GRANT PROGRAM SPACE PROGRAM ANALYSIS - NURSING HOME AND DOMICILIARY

PROJECT LOCATION

PROJECT NAME:	FAI#	NUMBER OF BEDS IN PROJECT

1. SUPPORT FACILITIES	PROPOSED BY STATE	VA CRITERIA	TOTAL VA ALLOWED
ADMINISTRATOR'S OFFICE		200	
ASST. ADMINISTRATOR		150	
MEDICAL OFFICER, DIRECTOR OF NURSING OR EQUIVALENT		150	
NURSES' OFFICE AND DICTATION AREA		120	
GENERAL ADMINISTRATION *(each office/person)*		120	
		120	
		120	
		120	
		120	
		120	
		120	
		120	
		120	
MAY INCLUDE: MEDICAL RECORDS		120	
SOCIAL SERVICES		120	
RECEPTION/INFORMATION		120	
CLERICAL STAFF (Each) #		80@	
COMPUTER AREA		40	
CONFERENCE ROOM/CONSULTATION AREA/IN-SERVICE TRAINING		500	
LOBBY/WAITING AREA		3/BED (150 min. 600	
PUBLIC TOILETS (MALE, FEMALE)		25/FIXTURE	
PHARMACY	AR	AS REQUIRED	AR
DIETETIC SERVICE	AR	AS REQUIRED	AR
DINING AREA		20/BED	
CANTEEN, RETAIL SALES		2/BED	
VENDING MACHINE		1/BED (450 max./facility)	
RESIDENTS TOILETS		25/FIXTURE	
CHILD DAYCARE	AR	AS REQUIRED	AR
MEDICAL SUPPORT (Each)		140	
		140	
		140	
STAFF OFFICES (Each)		120	
EXAM/TREATMENT (Each)		120	
FAMILY COUNSELING (Each)		120	

VA FORM MAR 2001 10-0392

1. SUPPORT FACILITIES*(Continued)*	PROPOSED BY STATE	VA CRITERIA	TOTAL VA ALLOWED
BARBER AND/OR BEAUTY		140	
MAIL ROOM		120	
JANITORS CLOSET		40	
MULTIPURPOSE ROOM		15/BED	
EMPLOYEE LOCKERS #EMPL.		6/EMPLOYMENT	
LOUNGE		120	
TOILETS		25/FIXTURE	
CHAPEL		450	
PHYSICAL THERAPY		5/BED	
OFFICE, IF REQUIRED		120	
OCCUPATIONAL THERAPY		5/BED	
OFFICE, IF REQUIRED		120	
LIBRARY		1.5/BED	
BUILDING MAINTENANCE STORAGE		2.5/BED	
RESIDENT STORAGE		6/BED	
GENERAL WAREHOUSE STORAGE *(medical, dietary)*		6/BED	
GENERAL LAUNDRY	AR	AS REQUIRED	AR
SUPPORT FACILITIES SUB-TOTAL;(No "As Required" Areas)			
AS REQUIRED AREAS:	AR	AS REQUIRED	AR
2. BED UNITS			
ONE # ROOMS X @ =		150	
TWO # ROOMS X @ =		245	
LARGE 2 # ROOMS X @ = (2 Unit Max)		305	
THREE # ROOMS X @ =		370	
FOUR # ROOMS X @ =		460	
LOUNGE AREAS: RESIDENT LOUNGE W/STORAGE		8/BED	
RESIDENT QUIET ROOM		3/BED	
CLEAN UTILITY		120	
SOILED UTILITY		105	
LINEN STORAGE		150	
GENERAL STORAGE		100	
NURSES STATION, WARD SECRETARY		260	
MEDICATION ROOM		75	
EXAMINATION/TREATMENT ROOM		140	
WAITING AREA		50	
UNIT SUPPLY AND EQUIPMENT		50	
STAFF TOILET		25/FIXTURE	
STRETCHER/WHEELCHAIR STORAGE		100	
KITCHENETTE		120	

1. SUPPORT FACILITIES *(Continued)*	PROPOSED BY STATE	VA CRITERIA	TOTAL VA ALLOWED
JANITOR CLOSET		40	
RESIDENT LAUNDRY		125	
TRASH COLLECTION		60	
OTHER *(Justify)*			
UNIT SUB-TOTAL:			
TIMES NO. OF UNITS:	X		X
SUB TOTAL-ALL BED UNITS:			
3. BATHING AND TOILET FACILITIES			
A. PRIVATE OR SHARED FACILITIES			
WHEELCHAIR FACILITIES # ROOMS X @ =		25/FIXTURE	
(50% OF TOTAL, MINIMUM COMPLIANCE WITH UFAS)		25/FIXTURE	
STANDARD FACILITIES # ROOMS X @ =		15/FIXTURE	
		25/FIXTURE	
B. FULL BATHROOM			
# ROOMS X @ =		75	
		25/FIXTURE	
C. CONGREGATE BATHING FACILITIES			
FIRST TUB/SHOWER		80	
EACH ADDITIONAL FIXTURE#		25	
UNIT SUB-TOTAL:			
TIMES NO.OF UNITS:	X		X
SUB-TOTAL-ALL UNIT TOILETS			

NOTE 1: If Bed Units vary in bed numbers, program, or design, reproduce Bed Unit forms, as required (pages 2 & 3), and fill out for each

NOTE 2: Mechanical, electrical and other engineering/utility areas, in addition to engineering workshops and circulation space, are not included in the Space Analysis or the Percentage of Participation calculations.

NOTE 3: All areas not shown on this form must be justified, on a programmatic medical care or state imposed regulatory basis, in order for VA to participate in the funding of that space.

TOTALS	PROPOSED BY STATE	VA CRITERIA	TOTAL VA ALLOWED
COMPREHENSIVE SUB-TOTALS			
SUPPORT FACILITIES - CRITERIA			
SUPPORT FACILITIES - AS REQUIRED	AR		AR
BED UNITS			
BATHING AND TOILET FACILITIES			
GRAND TOTALS - CRITERIA AREAS:			
GRAND TOTALS - AS REQUIRED AREAS:	AR		AR

If prepared by State:
I certify that this accurately reflects the proposed Space Program Analysis for this project

_____ _____

COMPUTATIONS	PROPOSED BY STATE	TOTAL VA ALLOWED
ANALYSIS		
CRITERIA AREAS		
10% DEVIATION		+
AS REQUIRED AREAS	+ AR	+ AR

TOTAL STATE PROPOSED:		TOTAL VA ALLOWED:	

FORMULA FOR % OF VA PARTICIPATION:

VA ALLOWED: _____ **x .65**

_____ = _____%

STATE PROPOSED: _____

OFFICIAL PERCENTAGE OF VA STATE PROPOSED PARTICIPATION = _____ %

CERTIFIED _____ DATE _____

State Home Grant Program, Office of Facilities Management (181A)
811 Vermont Avenue, NW, Washington, D.C. 20420

Page 4 or 4

(k) VA Form 10–0392a—STATE HOME CONSTRUCTION GRANT PROGRAM SPACE PROGRAM ANALYSIS—ADULT DAY HEALTH CARE.

Department of Veterans Affairs

STATE HOME CONSTRUCTION GRANT PROGRAM
SPACE PROGRAM ANALYSIS - ADULT DAY HEALTH CARE

PROJECT LOCATION

PROJECT NAME: | FAI# | NUMBER BEDS IN PROJECT

1. SUPPORT FACILITIES	Number of Participants in Program _____	PROPOSED BY STATE	VA CRITERIA	TOTAL VA ALLOWED
ADMINISTRATOR'S OFFICE			200	
ASST. ADMINISTRATOR			150	
MEDICAL OFFICER, DIRECTOR OF NURSING OR EQUIVALENT			150	
NURSES' OFFICE AND DICTATION AREA			120	
GENERAL ADMINISTRATION *(each office/person)*			120	
			120	
			120	
			120	
			120	
			120	
			120	
			120	
			120	
MAY INCLUDE: MEDICAL RECORDS			120	
SOCIAL SERVICES			120	
RECEPTION/INFORMATION			120	
CLERICAL STAFF (Each) #			80@	
COMPUTER AREA			40	
CONFERENCE ROOM/CONSULTATION AREA/IN-SERVICE TRAINING			500	
LOBBY/WAITING AREA			3/PARTICIPANT (150 min. 600	
PUBLIC TOILETS (MALE, FEMALE)			25/FIXTURE	
DIETETIC SERVICE		AR	AS REQUIRED	AR
DINING AREA			20/PARTICIPANT	
CANTEEN, RETAIL SALES			2/PARTICIPANT	
VENDING MACHINE			1/PARTICIPANT	
PARTICIPANTS TOILETS			25/FIXTURE	
MEDICAL SUPPORT (Each)			140@	
			140	
			140	
			140	
			140	
			140	
MAIL ROOM			120	
JANITORS CLOSET			40	

VA FORM MAR 2001 **10-0392a**

Page 1 of 3

1. SUPPORT FACILITIES*(Continued)*	PROPOSED BY STATE	VA CRITERIA	TOTAL VA ALLOWED
MULTIPURPOSE ROOM		15/PARTICIPANT	
EMPLOYEE LOCKERS #EMPL.		6/EMPL.	
LOUNGE		120	
TOILETS		25/FIXTURE	
PHYSICAL THERAPY		5/PARTICIPANT	
OFFICE, IF REQUIRED		120	
OCCUPATIONAL THERAPY		5/PARTICIPANT	
OFFICE, IF REQUIRED		120	
LIBRARY		1.5/PARTICIPANT	
BUILDING MAINTENANCE STORAGE		2.5/PARTICIPANT	
RESIDENT STORAGE		6/PARTICIPANT	
GENERAL WAREHOUSE STORAGE *(medical, dietary)*	AR	6/PARTICIPANT	AR
GENERAL LAUNDRY		AS REQUIRED	
SUPPORT FACILITIES SUB-TOTAL;(No "As Required" Areas)			
AS REQUIRED AREAS:	AR	AS REQUIRED	AR
2. OTHER AREAS			
RESIDENT QUIET ROOM		3/PARTICIPANT	
CLEAN UTILITY		120	
SOILED UTILITY		105	
LINEN STORAGE		150	
GENERAL STORAGE		100	
NURSES STATION, WARD SECRETARY		260	
MEDICATION ROOM		75	
EXAMINATION/TREATMENT ROOM		140	
WAITING AREA		50	
PROGRAM SUPPLY AND EQUIPMENT		50	
STAFF TOILET		25/FIXTURE	
STRETCHER/WHEELCHAIR STORAGE		100	
KITCHENETTE		120	
JANITOR CLOSET		40	
RESIDENT LAUNDRY		120	
TRASH COLLECTION		60	
OTHER *(Justify)*			
UNIT SUB-TOTAL:			
TIMES NO. UNITS:	**X**		**X**
SUB TOTAL:			

3. BATHING AND TOILET FACILITIES	PROPOSED BY STATE	VA CRITERIA	TOTAL VA ALLOWED
A. PRIVATE OF SHARED FACILITIES			
WHEELCHAIR FACILITIES # ROOMS X @ =		25/FIXTURE	
(50% OF TOTAL, MINIMUM COMPLIANCE WITH UFAS)		25/FIXTURE	
STANDARD FACILITIES # ROOMS X @ =		15/FIXTURE	
		25/FIXTURE	
FULL BATHROOM # ROOMS X @ =		75	
		25/FIXTURE	
CONGREGATE BATHING FACILITIES - FIRST TUB/SHOWER		80	
EACH ADDITIONAL FIXTURE #		25	
UNIT SUB-TOTAL:			
TIMES NO. OF UNITS:	X		X
SUB-TOTAL - ALL UNIT TOILETS			

NOTE 1: *Mechanical, electrical and other engineering/utility areas, in addition to engineering workshops and circulation space, are not included in the Space Analysis or the Percentage of Participation calculations.*

NOTE 2: *All areas not shown on this form must be justified, on a programmatic medical care or state imposed regulatory basis, in order for VA to participate in the funding of that space.*

TOTALS	PROPOSED BY STATE		TOTAL VA ALLOWED
COMPREHENSIVE SUB-TOTALS			
SUPPORT FACILITIES - CRITERIA			
SUPPORT FACILITIES - AS REQUIRED	AR		AR
BATHING AND TOILET FACILITIES			
GRAND TOTALS - CRITERIA AREAS:			
GRAND TOTALS - AS REQUIRED AREAS:	AR		AR

If prepared by State:

I certify that this accurately reflects the proposed Space Program Analysis for this project:

_____ *Signature* _____ *Date*

COMPUTATIONS	PROPOSED BY STATE	ALLOWED BY VA
ANALYSIS		
CRITERIA AREAS		
10% DEVIATION		+
AS REQUIRED AREAS	+	+

TOTAL STATE PROPOSED: _____ **TOTAL VA ALLOWED:** _____

FORMULA FOR % OF VA PARTICIPATION:

VA ALLOWED: _____ x .65

_____ = _____ %

STATE PROPOSED: _____

OFFICIAL PERCENTAGE OF VA PARTICIPATION = _____ %

CERTIFIED _____ DATE _____

State Home Grant Program, Office of Facilities Management (181A)
811 Vermont Avenue, NW, Washington, D.C. 20420

(l) VA Form 10–5348—SAMPLE MEMORANDUM OF AGREEMENT.

Department of Veterans Affairs

SAMPLE MEMORANDUM OF AGREEMENT
(NOTE: *Contact Chief Consultant (114) for Electronic Version)*

Memorandum of Agreement for a Grant
to Construct or Acquire a State Veterans Home

This Memorandum of Agreement is hereby made by and between
The Department of Veterans Affairs (VA)
810 Vermont Avenue, NW, Washington, D.C. 20420, and

_____

_____

_____

_____ has submitted to VA an application for a grant to (construct, acquire) a (nursing home, domiciliary, adult day healthcare) facility for veterans in _____ (Federal Application Identifier: FAI) for this project is _____. The parties agree that this application meets the requirements of Federal Law for this grant. The estimated total cost of (construction and/or acquisition), including equipment, in which VA will participate, is $ _____. The VA grant will total up to $ _____ , but will not exceed sixty-five(65) percent of the actual cost of (construction, acquisition) as determined by the final audit. In consideration of the foregoing, the parties hereto mutually agree as follows:

(1) _____ certifies that the plans and specifications included in the application meet all applicable Federal requirements.

(2) _____ agrees that it will (construct, acquire) the facility, (a description of the project, including number of beds are added or replaced), to be completed in accordance with the documentation submitted by the State.

(3) _____ agrees to comply strictly with the assurances contained in the documentation submitted.

(4) _____ agrees to enter into a contract to (construct, acquire) (a description of the project, including number of beds are added or replaced), within 90 days of the date on which both parties have signed this agreement.

(5) _____ agrees to periodically inspect the project and certify to the Chief Consultant for Geriatrics and Extended Care Strategic Healthcare Group, 810 Vermont Avenue, NW, Washington, D.C. 20420, for payment of such sums which it deems are payable by VA.

(6) _____ agrees to furnish any additional State funds needed to complete the project.

(7) _____ agrees that, upon completion of the project, it will provide adequate financial support to maintain and operate the facility.

(8) _____ agrees that following completion of the project, it will open at least eight beds per month until the project area is filled.

(9) _____ agrees that it will use the facilities principally to furnish veterans (nursing home care, domiciliary care, adult day health care) and that not more than 25 percent of the bed occupancy at any one time will consist of residents who are not receiving such level of care as veterans.

(10) _____ agrees that it will operate and maintain the facility in conformance with State standards and with all applicable State and local laws, codes, regulations and ordinances, and in conformance with the standards prescribed by VA.

(11) _____ agrees that it will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and give the Secretary, upon demand, access to the records upon which such information is based.

The Secretary of the Department of Veterans Affairs hereby approves the project. After _____ certifies its (construction, acquisition) costs as set forth in paragraph (5) above, the Secretary agrees to make partial payments of the grant to cover the costs certified. VA payments will be limited to the unpaid obligated balance of the grant for actual incurred costs for this project.

This grant is subject to the recapture provisions stated in 38 CFR 59.110.

IN WITNESS WHEREOF, the parties have hereunto affixed their signature on the dates indicated

_____

_____ _____
State Representative Date

_____ _____
Secretary of the Department of Veterans Affairs Date

VA FROM MAR 2001 **10-5348**

(m) Standard Form 271—OUTLAY REPORT AND REGUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS.

OUTLAY REPORT AND REQUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS (*See instructions on back*)	Approved by Office of Management and Budget, No. 80–R0181	PAGE OF PAGES
	1. TYPE OF REQUEST ☐ FINAL ☐ PARTIAL	2. BASIS OF REQUEST ☐ CASH ☐ ACCRUAL
3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED	4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY	5. PARTIAL PAYMENT REQUEST NO.
6. EMPLOYER IDENTIFICATION NUMBER / 7. RECIPIENT ACCOUNT OR OTHER IDENTIFYING NUMBER	PERIOD COVERED BY THIS REPORT	
	FROM (*Month, day, year*)	TO (*Month, day, year*)
9. RECIPIENT ORGANIZATION *Name* : *No. and Street* : *City, State and ZIP Code* :	10. PAYEE (*Where check should be sent if different than item 9*) *Name* : *No. and Street* : *City, Street and ZIP Code* :	

11. STATUS OF FUNDS

CLASSIFICATION	PROGRAMS—FUNCTIONS—ACTIVITIES (*a*)	(*b*)	(*c*)	TOTAL
a. Administrative expense	$	$	$	$
b. Preliminary expense				
c. Land, structures, right-of-way				
d. Architectural engineering basic fees				
e. Other architectural engineering fees				
f. Project inspection fees				
g. Land development				
h. Relocation expense				
i. Relocation payments to individuals and businesses				
j. Demolition and removal				
k. Construction and project improvement cost				
l. Equipment				
m. Miscellaneous cost				
n. Total cumulative to date (sum of lines a thru m)				
o. Deductions for program income				
p. Net cumulative to date (Line n minus line o)				
q. Federal share to date				
r. Rehabilitation grants (100% reimbursement)				
s. Total Federal share (sum of lines q and r)				
t. Federal payments previously requested				
u. Amount requested for reimbursement	$	$	$	$
v. Percentage of physical completion of project	%	%	%	%

12. CERTIFICATION			
I certify that to the best of my knowledge and belief the billed costs or disbursements are in accordance with the terms of the project and that the reimbursement represents the Federal share due which has not been previously requested and that an inspection has been performed and all work is in accordance with the terms of the award.	a. RECIPIENT	SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	DATE REPORT SUBMITTED
		TYPED OR PRINTED NAME AND TITLE	TELEPHONE (*Area code, number and extension*)
	b. Representative certifying to line 11v.	SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	DATE SIGNED
		TYPED OR PRINTED NAME AND TITLE	TELEPHONE (*Area code number and extension*)

271–102

STANDARD FORM 271 (7–76)
Prescribed by Office of Management and Budget
Cir. No. A–110

INSTRUCTIONS

Please type or print legibly. Items 3, 4, 5, 8, 9, 10, 11s, and 11v are self-explanatory; specific instructions for other items are as follows:

Item	*Entry*
1	Mark the appropriate box. If the request is final, the amounts billed should represent the final cost of the project.
2	Show whether amounts are computed on an accrued expenditure or cash disbursement basis.
6	Enter the employer identification number assigned by the U.S. Internal Revenue Service [or FICE (institution) code if requested by the Federal agency].
7	This space is reserved for an account number or other identifying number that may be assigned by the recipient.
11	The purpose of vertical columns (a) through (c) is to provide space for separate cost breakdowns when a large project has been planned and budgeted by program, function or activity. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page. All amounts are reported on a cumulative basis.
11a	Enter amounts expended for such items as travel, legal fees, rental, of vehicles and any other administrative expenses. Include the amount of interest expense when authorized by program legislation. Also show the amount of interest expense on a separate sheet.
11b	Enter amounts pertaining to the work of locating and designing, making surveys and maps, sinking test holes, and all other work required prior to actual construction.
11c	Enter all amounts directly associated with the acquisition of land, existing structures and related right-of-way.
11d	Ener basic fees for services of architectural engineers.
11e	Enter other architectural engineering services. Do not include any amounts shown on line d.
11f	Enter inspection and audit fees of construction and related programs.
11g	Enter all amounts associated with the development of land where the primary purpose of the grant is land improvement. The amount pertaining to land development normally associated with major construction should be excluded from this category and entered on line k.
11h	Enter the dollar amounts used to provide relocation advisory assistance and net costs of replacement housing (last resort). Do not include amounts needed for relocation administrative expenses; these amounts should be included in amounts shown on line a.
11i	Enter the amount of relocation payments made by the recipient to displaced persons, farms, business concerns, and nonprofit organizations.
11j	Enter gross salaries and wages of employees of the recipient and payments to third party contractors directly engaged in performing demolition or removal of structures from developed land. All proceeds from the sale of salvage or the removal of structures should be credited to this account; thereby reflecting net amounts if required by the Federal agency.
11k	Enter those amounts associated with the actual construction of, addition to, or restoration of a facility. Also, include in this category, the amounts for project improvements such as sewers, streets, landscaping, and lighting.
11l	Enter amounts for all equipment, both fixed and movable, exclusive of equipment used for construction. For example, permanently attached laboratory tables, built-in audio visual systems, movable desks, chairs, and laboratory equipment.
11m	Enter the amounts for all items not specifically mentioned above.
11n	Enter the total cumulative amount to date which should be the sum of lines a through m.
11o	Enter the total amount of program income applied to the grant or contract agreement except income included on line j. Identify on a separate sheet of paper the sources and types of the income.
11p	Enter the net cumulative amount to date which should be the amount shown on line n minus the amount on line o.
11q	Enter the Federal share of the amount shown on line p.
11r	Enter the amount of rehabilitation grant payments made to individuals when program legislation provides 100 percent payment by the Federal agency.
11t	Enter the total amount of Federal payments previously requested, if this form is used for requesting reimbursement.
11u	Enter the amount now being requested for reimbursement. This amount should be the difference between the amounts shown on lines s and t. If different, explain on a separate sheet.
12a	To be completed by the recipient official who is responsible for the operation of the program. The date should be the actual date the form is submitted to the Federal agency.
12b	To be completed by the official representative who is certifying to the percent of project completion as provided for in the terms of the grant or agreement.

(n) Standard Form 424—APPLICATION FOR FEDERAL ASSISTANCE.

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: Application ☐ **Construction** ☐ **Non-Construction** / Preapplication ☐ **Construction** ☐ **Non-Construction**	**2. DATE SUBMITTED**	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, State, and zip code):*	Name and telephone number of person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER *(EIN):*

☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☐ **New** ☐ **Continuation** ☐ **Revision**

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other*(specify):*

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐ – ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(Cities, Counties, States, etc.):*

13. PROPOSED PROJECT		**14. CONGRESSIONAL DISTRICTS OF:**	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ **Yes** **If "Yes," attach an explanation.** ☐ **No**

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Type Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed

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Standard Form 424 (Rev. 7-97)
Prescribed by OMB Circular A-102

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:
1.	Self-explanatory.
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).
3.	State use only (if applicable).
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5.	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7.	Enter the appropriate letter in the space provided.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided: -- "New" means a new assistance award. -- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. -- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9.	Name of Federal agency from which assistance is being requested with this application.
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item:	Entry:
12.	List only the largest political entities affected (e.g., State, counties, cities).
13.	Self-explanatory.
14.	List the applicant's Congressional District and any District(s) affected by the program or project.
15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

(o) Standard Form 424C—INSTRUCTIONS FOR THE SF–424C.

OMB Approval No. 0348-0041

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative and legal expenses	$ .00	$ .00	$ .00
2. Land, structures, rights-of-way, appraisals, etc.	$ .00	$ .00	$ .00
3. Relocation expenses and payments	$ .00	$ .00	$ .00
4. Architectural and engineering fees	$ .00	$ .00	$ .00
5. Other architectural and engineering fees	$ .00	$ .00	$ .00
6. Project inspection fees	$ .00	$ .00	$ .00
7. Site work	$ .00	$ .00	$ .00
8. Demolition and removal	$ .00	$ .00	$ .00
9. Construction	$ .00	$ .00	$ .00
10. Equipment	$ .00	$ .00	$ .00
11. Miscellaneous	$ .00	$ .00	$ .00
12. SUBTOTAL *(sum of lines 1-11)*	$ .00	$ .00	$ .00
13. Contingencies	$ .00	$ .00	$ .00
14. SUBTOTAL	$ .00	$ .00	$ .00
15. Project (program) income	$ .00	$ .00	$ .00
16. TOTAL PROJECT COSTS *(subtract #15 from #14)*	$ .00	$ .00	$ .00
FEDERAL FUNDING			
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share.) Enter the resulting Federal share.	Enter eligible costs from line 16c Multiply X _____%		$ .00

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Prescribed by OMB Circular A-102

INSTRUCTIONS FOR THE SF-424C

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0041), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This sheet is to be used for the following types of applications: (1) "New" (means a new [previously unfunded] assistance award); (2) "Continuation" (means funding in a succeeding budget period which stemmed from a prior agreement to fund); and (3) "Revised" (means any changes in the Federal Government's financial obligations or contingent liability from an existing obligation). If there is no change in the award amount, there is no need to complete this form. Certain Federal agencies may require only an explanatory letter to effect minor (no cost) changes. If you have questions, please contact the Federal agency.

Column a. - If this is an application for a "New" project, enter the total estimated cost of each of the items listed on lines 1 through 16 (as applicable) under "COST CLASSIFICATION."

If this application entails a change to an existing award, enter the eligible amounts *approved under the previous award* for the items under "COST CLASSIFICATION."

Column b. - If this is an application for a "New" project, enter that portion of the cost of each item in Column a. which is *not* allowable for Federal assistance. Contact the Federal agency for assistance in determining the allowability of specific costs.

If this application entails a change to an existing award, enter the adjustment [+ or (-)] to the previously approved costs (from column a.) reflected in this application.

Column. - This is the net of lines 1 through 16 in columns "a." and "b."

Line 1 - Enter estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government. Allowable legal costs are generally only those associated with the purchases of land which is allowable for Federal participation and certain services in support of construction of the project.

Line 2 - Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements).

Line 3 - Enter estimated costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.

Line 4 - Enter estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).

Line 5 - Enter estimated engineering costs, such as surveys, tests, soil borings, etc.

Line 6 - Enter estimated engineering inspection costs.

Line 7 - Enter estimated costs of site preparation and restoration which are not included in the basic construction contract.

Line 9 - Enter estimated cost of the construction contract.

Line 10 - Enter estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract.

Line 11 - Enter estimated miscellaneous costs.

Line 12 - Total of items 1 through 11.

Line 13 - Enter estimated contingency costs. (Consult the Federal agency for the percentage of the estimated construction cost to use.)

Line 14 - Enter the total of lines 12 and 13.

Line 15 - Enter estimated program income to be earned during the grant period, e.g., salvaged materials, etc.

Line 16 - Subtract line 15 from line 14.

Line 17 - This block is for the computation of the Federal share. Multiply the total allowable project costs from line 16, column "c." by the Federal percentage share (this may be up to 100 percent; consult Federal agency for Federal percentage share) and enter the product on line 17.

(p) Standard Form 424D—ASSURANCES—CONSTRUCTION PROGRAMS.

OMB Approval No. 0348-0042

ASSURANCES - CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property aquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.

4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.

5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.

6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.

14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE

APPLICANT ORGANIZATION	DATE SUBMITTED

SF-424D (Rev. 7-97) Back

(Authority: 38 U.S.C. 101, 501, 1710, 1742, 8105, 8131–8137; Sections 2, 3, 4, and 4a of the Architectural Barriers Act of 1968, as amended, Public Law 90–480, 42 U.S.C. 4151–4157)

[FR Doc. 01–15773 Filed 6–25–01; 8:45 am]

BILLING CODE 8320–01–C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 268

[FRL–7002–3]

Land Disposal Restrictions: Granting of a Site-Specific Treatment Variance to Dupont Environmental Treatment—Chambers Works Wastewater Treatment Plant, Deepwater, NJ

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is promulgating a site-specific treatment variance from the Land Disposal Restrictions (LDR) standards for wastewater treatment sludge generated at the Dupont Environmental Treatment (DET)—Chambers Works Wastewater Treatment Plant located in Deepwater, New Jersey. This sludge is derived from the treatment of multiple listed wastes, including K088, and characteristic hazardous waste, and differs significantly from the waste used to establish the LDR treatment standard for arsenic in K088 nonwastewaters. Accordingly, we are finalizing an alternate treatment standard of 5.0 mg/L Toxicity Characteristic Leaching Procedure (TCLP) for the arsenic in the wastewater treatment sludge generated at this facility.

This treatment variance requires DET to dispose of their wastewater treatment sludge in their on-site RCRA Subtitle C landfill provided the sludge complies with the specified alternate treatment standard for arsenic in K088 nonwastewaters and meets all other applicable LDR treatment standards.

DATES: This rule is effective June 26, 2001.

ADDRESSES: The official record for this rulemaking is identified as Docket Number F–2001–DPVF–FFFFF and is located in the RCRA Docket Information Center (RIC), Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22202. The RIC is open from 9 am to 4 pm Monday through Friday, excluding federal holidays. To review docket materials, we recommend that you make an appointment by calling 703–603–9230. You may copy up to 100 pages from any regulatory document at no charge. Additional copies cost $0.15 per page. (The index is available electronically. See the ''Supplementary Information'' section for information on accessing them).

FOR FURTHER INFORMATION CONTACT: For general information, call the RCRA Call Center at 1–800–424–9346 or TDD 1–800–553–7672 (hearing impaired). The RCRA Call Center operates Monday-Friday, 9 am to 6 pm, Eastern Standard Time. For more detailed information on specific aspects of this rule, contact Elaine Eby at 703–308–8449, eby.elaine@epa.gov, or write her at the Office of Solid Waste, 5302W, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460–0002.

SUPPLEMENTARY INFORMATION:

Availability of Rule on Internet

Please follow these instructions to access the rule: From the World Wide Web (WWW), type http://www.epa.gov/epaoswer/hazwaste/ldr.

The official record for this action will be kept in paper form. Accordingly, EPA has transferred any comments received electronically into paper form and placed them in the official record which also includes comments submitted directly in writing. The official record is the paper record maintained at the RIC listed in the **ADDRESSES** section at the beginning of this document.

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I. Why and How Are Treatment Variances Granted?

Under Section 3004(m) of the Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments of 1984, EPA is required to set ''levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized.'' We have interpreted this language to authorize treatment standards based on the performance of best demonstrated available technology (BDAT). This interpretation was sustained by the court in *Hazardous Waste Treatment Council* vs. *EPA,* 886 F. 2d 355 (D.C.Cir.1989).

We recognize that there may be wastes that cannot be treated to levels specified in the regulation (see 40 CFR 268.40) (51 FR 40576, November 7, 1986). For such wastes, a treatment variance exists (40 CFR 268.44) that, if granted, becomes the treatment standard for the waste at issue.

Treatment variances may be generic or site-specific. A generic variance can result in the establishment of a new treatability group and a corresponding treatment standard that applies to all wastes that meet the criteria of the new waste treatability group (55 FR 22526, June 1, 1990). A site-specific variance applies only to a specific waste from a specific facility. Under 40 CFR 268.44(h), a generator or treatment facility may apply to the Administrator, or EPA's delegated representative, for a site-specific variance in cases where a waste that is generated under conditions specific to only one site and cannot or should not be treated to the specified level(s). The applicant for a site-specific variance must demonstrate that because the physical or chemical properties of the waste differ significantly from the waste analyzed in development of the treatment standard, the waste cannot be treated by BDAT to the specified levels or by the specified method(s). Although there are other grounds for obtaining treatment variances, we will not discuss those in this notice because this is the only provision relevant to the present petition.

Dupont Environmental Treatment—Chambers Works submitted their request for a treatment variance in February 2000. All information and data used in the development of this final rule can be found in the RCRA docket supporting this rule.

II. Summary of the Proposed Rule

On December 4, 2000 (65 FR 75651), we published a proposed rule detailing our intent to grant a site-specific variance from the K088 treatment standard for arsenic in nonwastewaters to Dupont Environmental Treatment—