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CECW-AG

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
Washington, D.C. 20314-1000

EC 1165-2-204

Circular
No. 1165-2-204

31 July 1997

EXPIRES 30 June 1999
Water Resource Policies and Authorities
PROCESSING PROJECT COOPERATION AGREEMENTS FOR SPECIFICALLY
AUTHORIZED PROJECTS AND SEPARABLE ELEMENTS

1. Purpose. This circular provides guidance on the sequence of activities for Project Cooperation Agreement (PCA) development, negotiation, and Washington-level processing, as well as the prerequisites for each activity. It has been developed to consolidate existing guidance in one document and is not intended to impose additional requirements on the process. This procedural guidance will also be incorporated in the revised ER 1165-2-131 which is scheduled for completion in 1997.

2. Applicability. This circular applies to Civil Works projects which are specifically authorized by Congress. Although the guidance may be generally useful to other projects requiring a PCA, it is not intended to apply to the Continuing Authorities Program or other special authorities.

3. References.

- a. ER 5-7-1 (FR), Project Management.
- b. ER 200-2-2, Procedures for Implementing NEPA.
- c. ER 405-1-12, Real Estate Roles and Responsibilities for Civil Works: Local Cooperation and Full Federal Projects.
- d. ER 1105-2-100, Guidance for Conducting Civil Works Planning Studies.
- e. ER 1110-2-1150, Engineering and Design for Civil Works Projects.
- f. ER 1165-2-131, Local Cooperation Agreements for New Start Construction Projects.

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g. ER 1165-2-132, Hazardous, Toxic, and Radioactive Waste (HTRW) Guidance for Civil Works Projects.

h. ER 1165-2-400, Recreation Planning, Development, and Management Policies.

i. EC 1165-2-203, Technical and Policy Compliance Review.

4. Distribution. Approved for public release, distribution is unlimited.

5. Background. Civil works projects are implemented by the U.S. Army Corps of Engineers (USACE) with the leadership of a Project Manager (PM) who is the primary point of contact with the customer, headquarters (HQUSACE), Major Subordinate Commands (MSC), and external interests. Project managers are responsible for managing PCA development and negotiation.

6. Discussion.

a. To ensure efficient project development and compliance with Administration policy, the sequence of events in the development, negotiation, and Washington-level processing of a PCA must be carefully coordinated with other processes, including technical, authorization, budget, and appropriations activities, that lead to construction of a Civil Works project or separable element. Premature PCA negotiations improperly imply a Government commitment to a project or separable element. However, failure to accomplish PCA development at the appropriate time can delay execution of design; acquisition of lands, easements, or rights-of-way, the performance of relocations, and the provision of disposal areas (LERRDs); and construction activities.

b. Figures 1, 2, and 3, Appendix A, display the general PCA process and its relationship to a report and budget/funding activities. Each illustration is specific to a project or separable element for which the decision document is either: 1) a Feasibility Report with Engineering Appendix; 2) a General Reevaluation Report; or 3) for a project or separable element for which construction funds are added by Congress, the decision document agreed to in the video teleconference (VTC) and documented in the VTC memorandum for record (MFR). These figures are generic, and the appropriate sequence for a particular project or separable element may be a hybrid, depending on the

circumstances. They do not apply to authorized projects which are designed and/or constructed by non-Federal sponsors prior to Federal appropriations for construction.

7. Decision Document.

a. Each PCA, including each PCA amendment, must be based on a decision document, including supplements as needed. A separable element may be described in the decision document for the overall project or in a decision document specific to the separable element.

b. Each decision document or decision document supplement that will serve as the basis for a PCA must be approved at the Washington level, even if the decision document or supplement previously was approved by a MSC. Each decision document or supplement will be reviewed and approved in accordance with reference 3.c., 3.f., or 3.i., as appropriate.

c. The decision document and decision document supplements, together, must identify the authority under which the project will be constructed, and:

(1) fully describe the scope of the project or separable element and the requirements for construction and operation, maintenance, repair, replacement, and rehabilitation (OMRR&R);

(2) provide a current economic analysis of the project or separable element (or in the case of congressional adds, a full description of why it should be waived);

(3) describe any changes from the latest approved decision document and provide the rationale for such changes;

(4) address any unusual technical or policy aspects of the project or separable element, such as construction work-in-kind, betterments, mitigation, or a locally preferred plan;

(5) fully describe the allocation of estimated total project costs or general navigation features (GNF) construction costs among separable elements and project purposes and the apportionment of estimated total project costs or GNF construction costs between the Government and the sponsor;

(6) provide a cost estimate prepared using the Micro-

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Computer Aided Cost Estimating System (M-CACES);

(7) certify compliance with applicable environmental requirements (see Table 1, Appendix B);

(8) identify all project cooperation requirements for construction and OMRR&R; and

(9) reaffirm the sponsor's willingness and financial capability to participate in cost sharing and project cooperation for the project or separable element.

d. A number of documents may serve as a decision document.

(1) The preferred decision document is a Feasibility Report with Engineering Appendix, as recommended in a Report of the Chief of Engineers, approved by the Assistant Secretary of the Army for Civil Works (ASA(CW)), and referenced by the Congress in the project authorization. If a project is authorized based on an unapproved Feasibility Report, a Report of the Chief of Engineers, and ASA(CW) approval nonetheless are required after authorization. If the Feasibility Report has no engineering appendix and no significant changes in the project have occurred, the decision document should be an approved General Design Memorandum (GDM) that is consistent with the approved Report of the Chief of Engineers. If significant changes from the authorized project have occurred, the decision document should be an approved General Reevaluation Report.

(2) In the instance of congressionally added new work, guidance is provided by HQUSACE (CECW-B) through the VTC and confirmed in the MFR. The MFR may confirm that the scope of added work or the extent of Federal financial participation is limited. Where the added work does not have an approved decision document or where a supplement to the decision document is needed, the MFR will direct preparation of the appropriate document and identify a HQUSACE proponent prior to the preparation and approval of the PCA. In some cases the decision document can be as simple as a letter report as long as the content is consistent with paragraph 7.c. Environmental compliance is still required.

(3) A Limited Reevaluation Report (LRR) should not serve as a decision document, but may serve as a decision document supplement. The customary purpose of a LRR is to update the

economic analysis. Significant changes to the project should be addressed per paragraphs 7.d.(1) and (2).

e. Placement of separable elements in an unprogrammed status is not considered a change in the scope of the project and does not require a decision document or decision document supplement. Certain separable elements of a budgeted project may be deferred as unprogrammed work at the request of the sponsor and excluded from the PCA if the remaining work consists of technically and economically feasible separable elements.

f. Legislative project modifications should be reflected in the approved decision document or supplement. If costs are forecast to exceed the maximum project cost limitation of Section 902, Water Resources Development Act of 1986 (WRDA 86), as amended, a LRR recommending a post-authorization change must be prepared and approved, and the project authorization must be modified by the Congress before the PCA can be executed.

8. Development of the Draft PCA.

a. An initial draft PCA is not required and should not be submitted as an enclosure to a draft feasibility report, GDM, General Reevaluation Report (GRR), or Letter Report submitted for Washington level review. However, these reports should fully describe project cost sharing and the non-Federal sponsor's responsibilities for providing items of project cooperation including any projected creditable work. The Feasibility Review Conference/Project Review Conference should include an agenda item to ensure that the sponsor understands the cost sharing and project cooperation requirements for construction. The district may begin drafting the PCA when Washington-level review of the draft decision document or decision document supplement is complete and Washington-level comments have been furnished.

b. Prior to PCA discussions with the sponsor, the Project Manager must have a full understanding of any budget and/or appropriations constraints regarding the project that could lead to confusion and expectations that cannot be met. The district should consult with the sponsor in developing the draft PCA. If there is an approved model PCA, the draft PCA should conform to the format and language of the applicable model PCA; however, the Project Manager is responsible for ensuring that the draft PCA is tailored to any unique aspects of the project authorization and the decision document and to reflect any special requirements of

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the sponsor that do not conflict with applicable law and Army policy. The draft PCA should adequately describe the authorized project and any separable elements to be constructed, and should reference the decision document and any decision document supplements.

c. Project managers are responsible for managing PCA development and negotiation. PCAs should be prepared only by individuals who have been trained in the preparation of PCAs. MSCs and districts should continue to enroll key employees in the PROSPECT course on PCA and Financing Plan Development and to use trainees as resources to assist the project managers. Since PCAs are complicated, legally binding documents, they must be closely coordinated and certified by district counsel.

9. Negotiating the Draft PCA.

a. The district may begin formal negotiation of the draft PCA when: 1) Washington-level review of the draft decision document or decision document supplement is complete and Washington-level comments have been furnished; and 2) either the President's budget containing initial construction funds for the project or separable element has been released, or construction funds have been appropriated, included in an initial work allowance approved by ASA(CW), and, for congressional adds, the VTC MFR has been approved. The Project Manager is responsible for ensuring that these prerequisites are met. The district may not negotiate a draft PCA pending a budget decision or pending guidance on implementation of a project for which Congress has added initial construction funds.

(1) For budgeted new construction starts, the decision document will have been approved prior to publication of the President's budget, so formal negotiations may take place upon publication of the President's budget.

(2) For Congressional adds, the decision document may have been reviewed at the Washington level prior to the appropriation of the first construction funds for the project or separable element, in which case negotiations should be consistent with the VTC MFR. If the VTC MFR directs preparation of a report, the district should prepare the report in accordance with paragraph 6. and submit it for Washington level review and approval. PCA negotiations must await Washington-level review of the report.

b. Negotiation of the PCA should be conducted by a small interdisciplinary team selected by the Project Manager. A minimum team might be the Project Manager, an attorney, and a cost engineer. The early involvement of the district Office of Counsel will facilitate its review and certification of the PCA (Table 2, Appendix B).

c. During negotiations, the district should commit to a joint partnership with the sponsor while recognizing the constraints imposed by law and policy. Team members should be active listeners and be able to explain where the Corps is constrained by law or policy. Negotiations cannot commit the district to a position unacceptable to the Chief of Engineers or the ASA(CW). Proposed deviations from cost sharing, financing, and other policies should be resolved explicitly in the decision document, and not in PCA negotiations. Should major, unresolved issues arise during PCA negotiations (i.e., legal issues or issues derived from unusual aspects of the decision document), the PM should consult with the MSC and CECW-AR during negotiations to ensure consistency with law and policy. Prior resolution of policy issues will avoid any mistaken expectations by the sponsor. No unresolved policy issues should be submitted with the PCA.

d. Deviations from the language of the model PCAs should be limited to those that arise from unique aspects of the project or separable element or the sponsor's legal circumstances. Examples include a locally preferred plan, multiple project purposes, or qualification of the sponsor for a reduction in cost share under Section 103(m) of WRDA 86. Gratuitous rewording and changes in format can result in extensive review comments, revision, and additional coordination with the sponsor. This requires additional time, often frustrates the sponsor, and should be avoided. PCA provisions unique to the project or separable element should be simple and direct, since the decision document provides the necessary details.

e. The Lobbying Certificate and Disclosure Form should be discussed in detail if the sponsor has engaged or will engage in lobbying for the project or separable element. The Lobbying Certificate is signed and appended to the PCA when it is executed.

f. Projected schedules and estimated costs should be discussed. These estimates may be given to the sponsor so long

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as budget recommendations are not provided until the President's budget is released. Discussions of schedule should focus on decision points for budgeting, funding, PCA execution, and provision of LERRDs. An understanding of schedules will enable the sponsor to arrange its financing on a reasonable timetable. Discussions of projected costs should include: construction costs per year; the sponsor's required contributions of LERRDs, cash, and construction work-in-kind, if any, in each fiscal year; repayment or deferred payment amounts and amortization schedules; crediting procedures for LERRDs; average annual operation, maintenance, and repair costs; and replacement and rehabilitation costs and intervals. Updated information should be provided to the sponsor when it is available.

10. Submission of Draft PCA.

a. Delegated Authority. The Deputy District Engineer for Project Management and the MSC Directorate of Programs Management will be responsible for staffing PCA actions to the respective Commander. The preferred method of PCA approval and execution is utilization of model PCAs and delegated execution authority to commanders.

(1) At present this authority applies only to projects and separable elements for single purpose flood control, commercial navigation, and recreation development authorized by Public Law 89-72 with PCAs which do not deviate from the model PCAs. The District Commander's authority is limited to projects with a Federal cost of less than \$50 million. Division Commanders will approve financing plans and execute PCAs for projects with a Federal cost of \$50 million or greater.

(2) The PCA Checklist must be completed and signed by the responsible parties and submitted to CECW-AR not later than 30 days prior to the scheduled execution date. Unless all of the questions in part VII of the PCA Checklist can be answered affirmatively, the PCA should not be executed and the PCA package must be submitted to CECW-AR for review and approval.

(3) CECW-AR will advise the MSC and district if the PCA can be executed using delegated authority or if the ASA(CW) expresses interest in executing the PCA.

b. PCAs Submitted to HOUSACE. There are circumstances where model PCAs and delegated authority cannot be used to

approve and execute the PCA. These PCAs require Washington level review and approval. Project schedules should allow 60 days for Washington level review and approval of the PCA. The PCA package should not be submitted until the decision document has been approved.

(1) For some projects there is no approved model PCA. The model PCA for structural flood control should be modified and used for these projects. Such PCAs require Washington level review and approval. Informal coordination with CECW-AR to obtain a recently executed PCA for a similar project is encouraged and can save valuable time in the review process.

(2) PCAs that deviate from the model PCA require Washington level review and approval.

(3) Where delegated authority has been revoked, suspended, or denied to a MSC or district, the PCA must be reviewed and approved at the Washington level.

(4) PCAs that could be executed using delegated authority, but the ASA(CW) has decided to execute the PCA, require Washington level review and approval.

c. For those PCAs requiring Washington level review and approval, the Project Manager is responsible for ensuring that six copies of the draft PCA package (Table 2, Appendix B) is submitted to HQUSACE ATTN: CECW-AR for processing after: 1) the conditions in paragraph 9.a. have been met; 2) the decision document, including supplements, have been approved at the Washington level; 3) all applicable environmental requirements (Table 1, Appendix B) have been met unless waived by HQUSACE; and 4) the district counsel has reviewed the draft PCA for legal sufficiency and signed the certification. Only one copy of the approved decision document, including appendices, should be submitted to CECW-AR. If the non-Federal sponsor intends to use an escrow account to provide its share of project cost, an Escrow Agreement (reference 3.b., Appendix H) which does not deviate from the model must be approved by the District Commander prior to the submission of the PCA package. Escrow agreements that deviate from the model must be submitted to CECC-J for approval prior to execution.

d. If a third party is to provide cash contributions in the out-years or perform items of project cooperation and is not a

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signatory to the PCA, and the sponsor would not have sufficient capability to provide the funding or to perform the items of project cooperation without the third party, a binding sub-agreement between the sponsor and the third party is required. In this instance, or where a Memorandum of Agreement or Memorandum of Understanding is proposed to provide for the participation by another Federal agency in implementation of the project or separable element, a draft of the third party sub-agreement or memorandum should be included in the draft PCA package.

e. All cost projections and funding schedules in the draft PCA package (including the non-Federal sponsor's financing plan and Federal/Non-Federal Allocation of Funds table) must be current, in agreement, and in compliance with the USACE policy on proportional cash funding (reference 3.b.).

f. To expedite Washington level review of PCAs, it is requested that each PCA package contain an electronic file of the PCA in WordPerfect format. The preferred font is New Courier, 12 point. Please provide a redline/strikeout version of the draft PCA showing changes from the model PCA.

11. PCA Review, Approval, and Execution.

a. The PCA package will be reviewed by CECW-AR for contents and for conformance to policy, to the decision document, and to the applicable model PCA. The items to be included in a PCA package are shown on Table 2, Appendix B. Commanders must ensure that draft PCAs are fully coordinated with non-Federal sponsors and their counsel before they are submitted to CECW-AR for review and approval. If the package is incomplete it will be returned to the district. If the package is complete it will be assigned to a review team (PCA Review Manager, Counsel, Environmental, Real Estate, Programs Management, and Policy) for comment. When comments are completed they will be consolidated and sent to the MSC and district for action and coordination with the sponsor. If the sponsor or district disagree with or request clarification of some comments, the district should reclama by e-mail and schedule a conference call with CECW-AR and the MSC. Once consensus is achieved and documented, the district will coordinate the changes with the sponsor, revise the PCA package based on the comments, and resubmit the revised items to CECW-AR. The district should advise the sponsor that the PCA must still be reviewed and approved by ASA(CW) and additional changes could be

required. CECW-AR will forward the PCA package to ASA(CW) for review and approval. If the sponsor requests, a PCA Review Committee meeting will be arranged with the sponsor, the district, MSC, HQUSACE, ASA(CW) and Army General Counsel (AGC) to discuss and resolve any remaining PCA issues.

b. It is quite likely that some PCAs will be identified by the districts and/or ASA(CW) for execution at the Washington level. District Commanders should be politically astute in keeping Congressional delegations informed and inviting them and the ASA(CW) to signing ceremonies for PCAs for significant projects. Interest in a signing ceremony should be expressed in the cover letter submitting the draft PCA package or PCA Checklist to Washington for approval. Should a signing ceremony be desired, the MSC and the sponsor are responsible for organizing it and scheduling it in coordination with the appropriate Assistant Director of Civil Works. No commitments for the ASA(CW) to appear at a signing ceremony should be made until after coordination with ASA(CW). Should ASA(CW) be unable to appear at a signing ceremony, the MSC may request approval for the Division Commander or District Commander to execute the agreement at the signing ceremony on behalf of ASA(CW).

c. HQUSACE (CECW-AR) will coordinate resolution of ASA(CW) concerns, leading to approval of the PCA for execution. When the ASA(CW) has approved the execution of the PCA, CECW-AR will notify the MSC and district electronically, appending a copy of the approved PCA. This early notification will be confirmed by written correspondence from CECW-A. A record of the approved PCA must be maintained in the district files for future reference.

d. The district should request delegation of authority for the District Commander to execute the PCA unless the sponsor requests a signing ceremony with the ASA(CW). This often saves time and enhances the partnership between the district and the sponsor. A PCA that has obtained ASA(CW) approval and delegation of authority to execute must be executed by the district or MSC commander, without deviation, by the identified execution date or not later than 21 calendar days after the date of CECW-A notification of PCA approval. For a PCA that conforms to an approved model PCA and for which only a PCA checklist is submitted, the district or MSC commander must execute the PCA not later than the scheduled execution date. If the applicable suspense is not met, prior to PCA execution the district will transmit a memorandum to CECW-A notifying CECW-A of the slip and

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either certifying that the information in the PCA Checklist is still current or identifying changed conditions and a course of resolution.

e. The sponsor's PCA signatory will sign the PCA, the Lobbying Certificate, and any third party sub-agreements, and the sponsor's Chief Counsel will sign the Certificate of Authority, after the PCA and related documents have been approved by ASA(CW) and any ordinance, referendum, or other authorizing action needed to make sponsor's financing plans implementable have been completed. Normally, a third party sub-agreement is signed by the parties prior to execution of the approved PCA, and an agreement with a Federal agency is executed concurrently with the PCA.

f. A MSC or district commander may execute a PCA only if: a) the PCA conforms to a model PCA for which signature authority has been delegated; or b) the ASA(CW) has specifically approved the PCA and delegated signature authority. MSC and district commanders do not have the authority to make unapproved changes with the exception of correcting typographical errors, revising the project cost estimate to conform with an approved SACCR, and changing the first and last paragraph of the PCA and signature block for the commander's signature. The district will prepare four originals of the approved PCA for signature. After execution, the district will retain two originals and provide two originals to the sponsor. Any changes that become necessary after the ASA(CW) has approved the PCA must again be coordinated with CECW-AR for approval by the ASA(CW) and documented in the project file prior to PCA execution.

g. Not later than 14 days after PCA execution, a hard copy of the executed PCA and an electronic file of the PCA as executed will be transmitted to CECW-AR. Files should be submitted via e-mail to the PCA Review Manager, CECW-AR.

h. All coordination from field offices on PCAs for specifically authorized projects should be with the Policy Review Branch, CECW-AR. CECW-AR will be responsible for coordination with other Washington level offices and ASA(CW). CECW-AR will also be responsible for maintaining the central files for approved and executed PCAs.

12. Management Control Evaluation Checklist.

a. Army's management control effort, implemented by AR 11-2, specifically includes the Civil Works Program. Management control, like quality control, is the responsibility of districts. The MSCs should provide oversight, quality assurance, for the districts. A sample management control checklist for PCA development and negotiation is provided in Appendix C. This is for use by programs/project management organizations in MSCs and districts. The checklist should be used to evaluate the PCA process. District commands would use it first; then the MSCs would use it in their capacity as quality assurance providers. Do not send checklists to HQUSACE.

b. A "no" response to a checklist question *suggests* a *potential* management weakness. However, if it is the result of a special case or specific exception, then there probably is no management weakness. This determination must be made by the district. If the district determines that a weakness exists, it must be corrected as quickly as resources and essential mission priorities permit. No upward reporting is required.

c. If a management weakness requires the attention or awareness of the next higher level of management, it is a "*material weakness.*" This is a decision on the relative seriousness of the problem. It is made at each progressive echelon, based on each manager's professional judgment. Material weaknesses discovered by the district are reported to the MSC, which determines whether to report them to CECW-BD. The reports must specify corrective actions taken or planned. The highest echelon receiving the report will evaluate the corrective actions, provide assistance, if needed, and track progress. Consult AR 11-2 for help in determining whether a weakness is "material."

13. PCA Checklist.

a. Appendix D contains PCA Checklists that must be provided to CECW-AR for all PCAs including those approved and executed by MSC or district commanders. The PCA Checklist can be a significant management tool to the districts in checking the completeness of PCAs for execution. It should be used as a guide in finalizing the decision document supporting the PCA. It should be prepared after negotiating the PCA with the sponsor and included in the PCA package submitted for Washington level

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review. Unless all of the questions in Part VII of the PCA Checklist can be answered affirmatively, the PCA should not be executed.

b. To establish full accountability MSCs should implement a quality assurance program to ensure there are no abuses of delegated authority. On a yearly basis, each MSC Commander should perform a compliance review of the districts' use of the delegated authority to approve and execute PCAs that follow the model. The results of these fiscal year reviews shall be reported to CECW-A, no later than 31 October.

c. MSCs should also include the proposed review procedure in the Army management control process required by AR 11-2. Supervisors should review and revise the performance agreements of individuals signing the PCA Checklist. These performance agreements should include an explicit statement of responsibility for management controls that is specific enough to provide individual accountability.

FOR THE COMMANDER:



RUSSELL L. FUHRMAN
Major General, USA
Director of Civil Works

4 Appendices
APP A-Figures
APP B-Tables
APP C-Internal Management
Control Review Check List
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APPENDIX A
FIGURES

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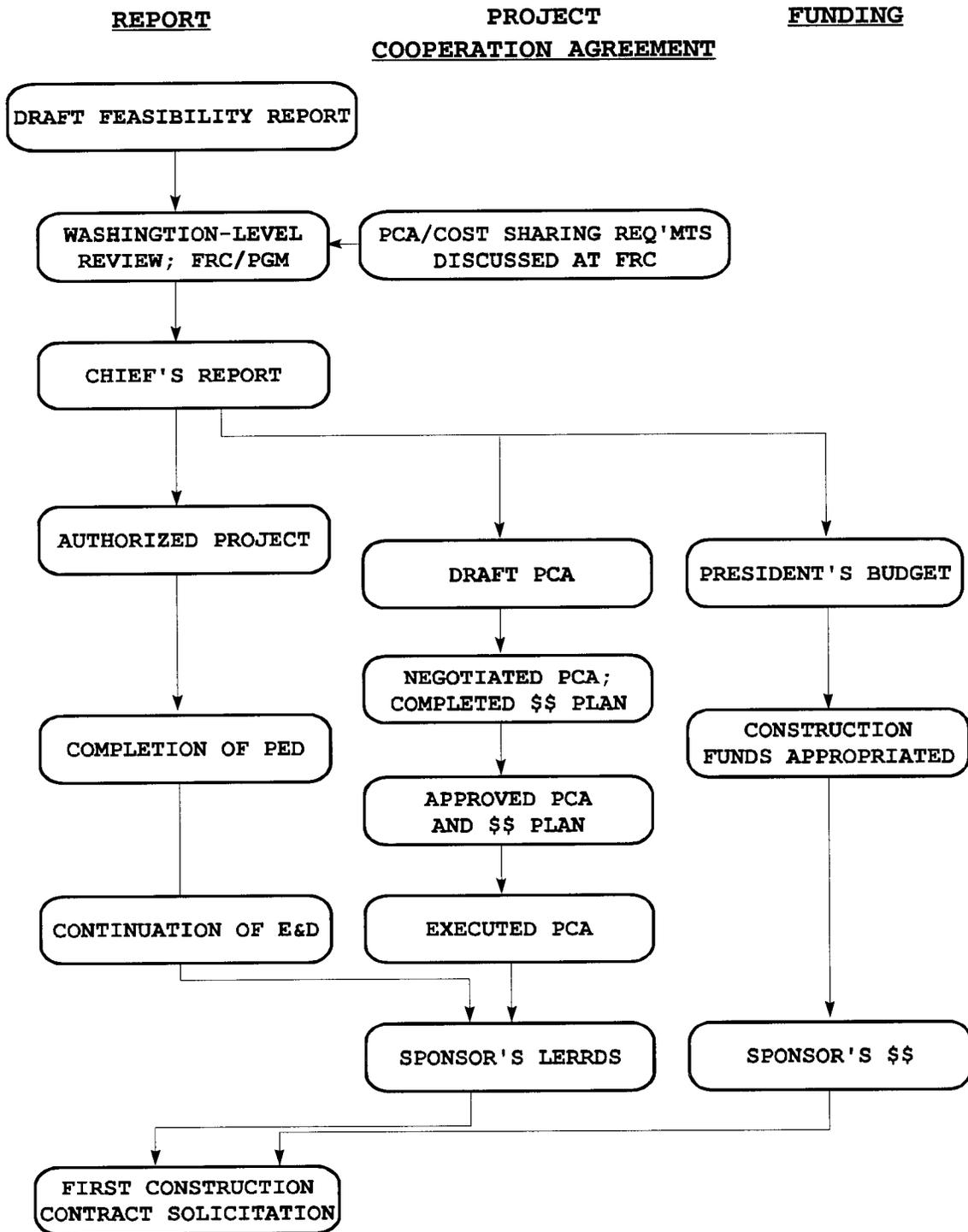


Figure 1. PCA Process for a Project or a Separable Element Based on a Feasibility Report with Engineering Appendix

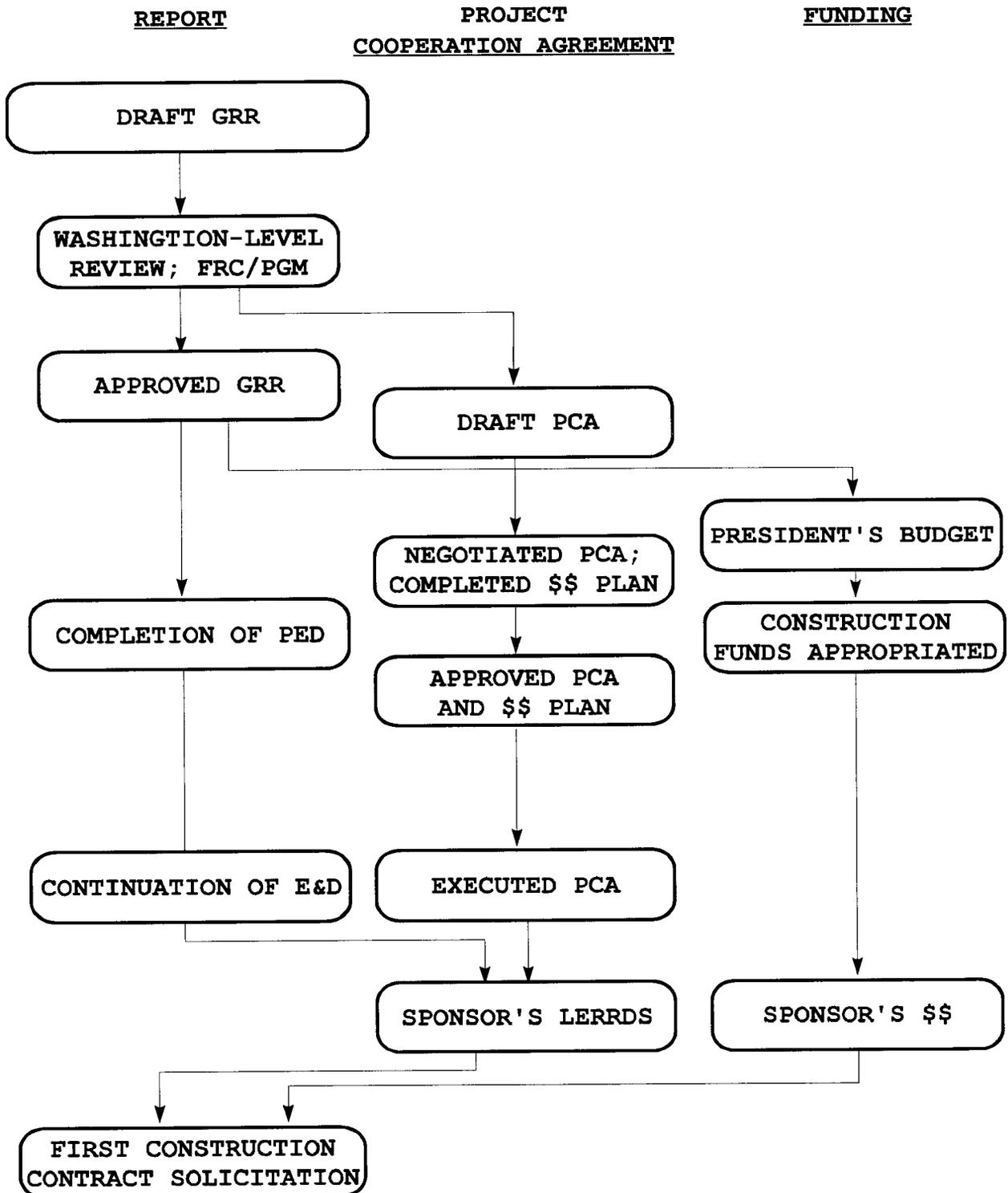


Figure 2. PCA Process for a Project or Separable Element Based on a General Reevaluation Report

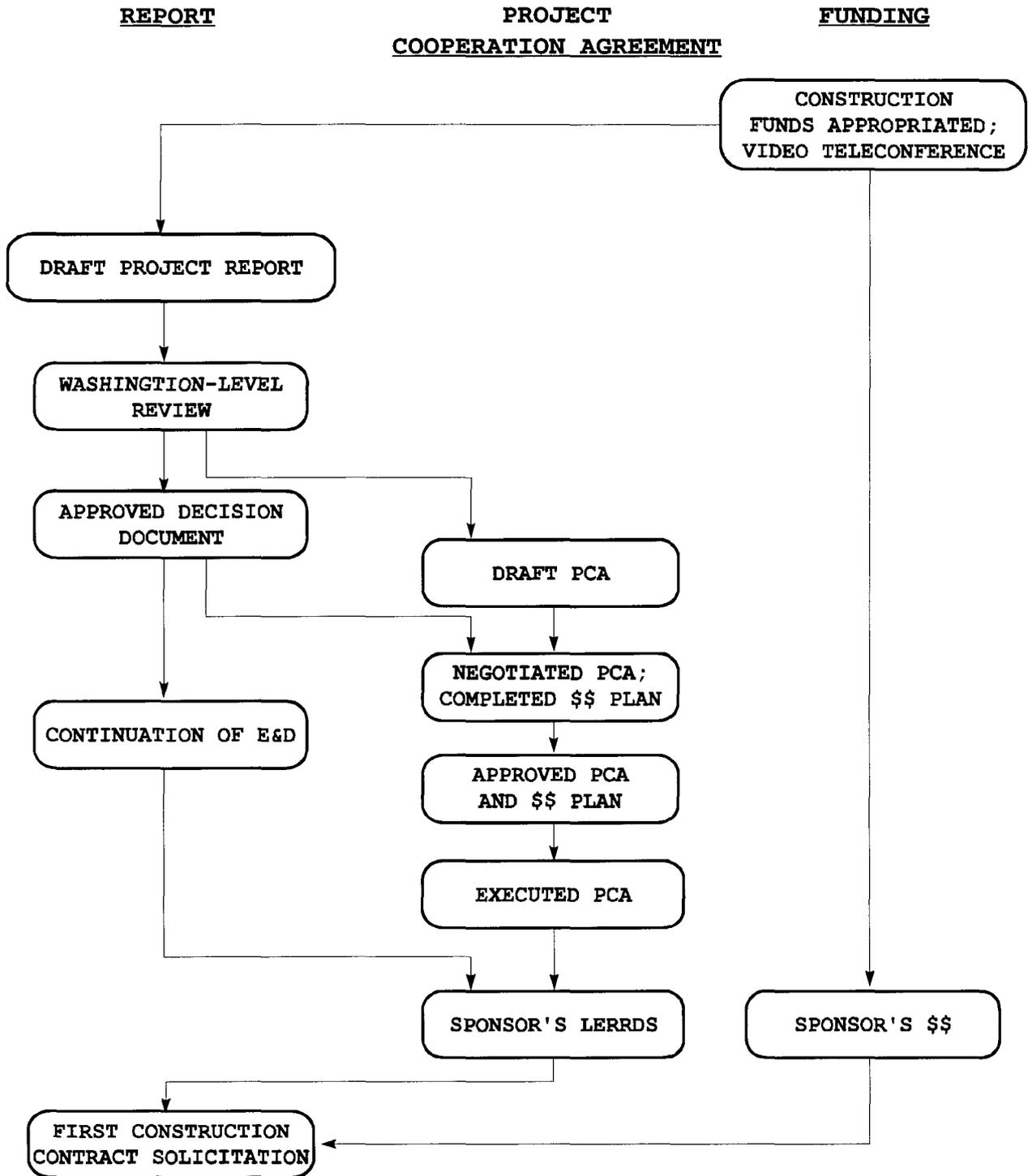


Figure 3. PCA Process for a Project or Separable Element Based on Congressionally Added Construction

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APPENDIX B

TABLES

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TABLE 1. SIGNIFICANT ENVIRONMENTAL REQUIREMENTS

- 1 - National Environmental Policy Act. This requirement is met at the time that a Record of Decision or a Finding of No Significant Impact is signed by the appropriate USACE official (see reference A-8).
- 2 - Clean Water Act, including applicable Section 401 certification, Section 402 permit, Section 404(b)(1) determination, and/or Section 404(r) exemption.
- 3 - Coastal Zone Management Act -- consistency determination.
- 4 - Endangered Species Act.
- 5 - Fish and Wildlife Coordination Act.
- 6 - National Historic Preservation Act.
- 7 - Clean Air Act, Section 176(c), EPA's General Conformitory Rule (58 Federal Register 63214, 30 Nov 93).
- 8 - Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
- 9 - Marine Protection, Research and Sanctuaries Act, Section 103.
- 10 - Outer Continental Shelf Lands Act - requires a MOA with Minerals Management Service for use of OCS mineral resources.¹

¹/ If mineral resources from the outer continental shelf are proposed for use in civil works projects, the USACE and MMS must enter into a MOA. The sponsor must also negotiate a noncompetitive lease with the MMS which can require the sponsor to pay a fee for the use of OCS resources. These issues should be addressed in the decision document, including any fee that may contribute to total project cost. The MOA and lease must be executed prior to PCA approval and execution.

TABLE 2. DRAFT PCA PACKAGE

1 - Draft PCA, including unsigned Certificate of Authority, unsigned Lobbying Certificate, and unsigned Disclosure Form if applicable

2 - List of deviations from the model PCA and reason for each deviation

3 - Signed Certification of Legal Review as follows:

CERTIFICATION OF LEGAL REVIEW

The draft Project Cooperation Agreement for **[NAME OF PROJECT OR SEPARABLE ELEMENT]** has been fully reviewed by the Office of Counsel, USAED, **[NAME OF DISTRICT]** and is legally sufficient.

4 - a. Non-Federal sponsor's financial plan (see Section 6-185, ER 1105-2-100)

b. Statement of financial capability prepared by the sponsor - usually a cover letter to 4 - a. (reference 3.c.)

5 - District Commander's assessment of financial capability

6 - Federal/Non-Federal Allocation of Funds table (reference 3.b., Appendix B), with breakout for each project purpose

7 - Appropriate PCA Checklist (Appendix D)

8 - Final draft of any third party sub-agreement necessary to enable the sponsor to meet its financial or legal obligations, if applicable

9 - Final computation of special cost sharing under Section 103(m) or Section 1156 of WRDA 86, as amended, if applicable

10 - Approved decision document (1 copy) for the PCA

(Six copies of items 1-9 and one copy of item 10 are required)

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APPENDIX C
MANAGEMENT CONTROL EVALUATION CHECKLIST

MANAGEMENT CONTROL EVALUATION CHECKLIST

AUTHORITY: AR 11-2, Army Management Control Process

1. Function. The function covered by this checklist is Programs and Project Management: Submission of Project Cooperation Agreements for specifically authorized projects and separable elements for Washington level review and approval.

2. Purpose. The purpose of this checklist is to assist MSCs and districts in evaluating their key management controls. It is *not* intended to cover *all* controls.

3. Instructions. Answers must be based on the actual *testing* of controls (e.g., document analysis, direct observation, interviewing, sampling, simulation, other). Answers which indicate deficiencies must be explained and corrective action indicated in supporting documentation. These management controls *must* be evaluated at least once every five years. Certification that this evaluation has been conducted must be accomplished on DA Form 11-2-R (Management Control Evaluation Certification Statement).

4. Test Questions (Negative answers indicate a management control weakness).

a. Does each Project Manager ensure that a decision document (report serving as the basis for a PCA) accompanies each complete PCA package transmitted for Washington-level review?

b. During development of each draft PCA, does the district ascertain whether the sponsor has the requisite authority to sign the PCA and provide the items of local cooperation?

c. During development of each draft PCA, does each Project Manager coordinate with Counsel early in the process and ensure that the project sponsor is familiar with the applicable legal provisions for cost sharing, financing, and project cooperation; the applicable model PCA; and applicable law and Army policy Army, including the policies of ER 1165-2-131?

d. Does each Project Manager ensure that the draft PCAs reflect any unique aspects of the project authorization and

project report and any unique requirements of the sponsor that do not conflict with DA policy?

e. Does each Project Manager ensure that a completed PCA Checklist accompanies each PCA package that is submitted for Washington level review and approval?

f. Does each Project Manager ensure that the prerequisites of ER 1165-2-131 are met before: the draft PCA is formally negotiated; the draft PCA package is transmitted to HQUSACE; the approved PCA is signed by the sponsor; the district issues instructions for provision of LERRDs; and the district issues the solicitation of bids for the first construction contract?

g. Does each Project Manager ensure that the draft PCA package is complete and in compliance with ER 1165-2-131, and that all cost projections and funding schedules are current and in agreement?

h. Does each Project Manager ensure that the PCA signed by the sponsor conforms with the latest approved model, or that any deviations from the model have been approved by ASA(CW).

i. Does each Project Manager ensure that any construction work-in-kind for which credit is requested is authorized, approved by ASA(CW), and covered under the terms of an agreement between the sponsor and DA, and that the credit is afforded in accordance with the PCA, ER 1165-2-131 and, if applicable, ER 1165-2-18 or ER 1165-2-29?

j. Does the Project Manager ensure that, until the end of the period of construction, the district coordinates with the sponsor in accordance with the terms of the PCA, including, as applicable: affording opportunities to review and comment on solicitations, contract modifications including change orders, and contract claims; providing a copy of the written notice of acceptance of completed work furnished to each contractor; and participating in the Project Coordination Team?

k. Does the district ensure that the representatives of the sponsor who provide and receive notices, authorize delivery of funds, and perform other actions required under the terms of each PCA have the proper authority to do so?

l. Does each Project Manager ensure that the sponsor

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provides documentation of each item of LERRDs in a timely manner, that the district determines the value of each item in a timely manner, and that credit for each item is afforded in accordance with the PCA and ER 405-1-12 and ER 1165-2-131?

m. Does each Project Manager ensure that the contributions of the Government and the sponsor are assigned to LERRDs, or assigned to construction, or not assigned to the project or separable element for cost sharing purposes, as appropriate, in accordance with the PCA and ER 1165-2-131?

n. Does each Project Manager ensure that: records of Federal and non-Federal contributions provided for a project are reconciled and kept current; projections of costs, credits, and funding requirements for a project are updated at least quarterly; the sponsor is provided periodic reports on such contributions and projections; and audits and the final accounting are performed in a timely manner?

o. Does each Project Manager ensure that the sponsor's funds for its cash share of project costs, for any betterments or LERRDs on behalf of the sponsor, for any deferred payments, and for any initial repayments or payments for cost-shared OMRR&R are made available, obligated, and expended in accordance with the PCA and ER 1165-2-131?

p. Does each Project Manager ensure that prompt notice is provided to the sponsor and/or higher authority, as applicable, in the event that: forecast project costs approach the maximum project cost under Section 902 of Public Law 99-662; insufficient Federal funds are available for project expenditures; the award of any contract would result in total obligations for construction exceeding any "voluntary cost cap" specified in the PCA; CERCLA-regulated hazardous substances are discovered; or the sponsor fails to perform any obligation under a PCA?

5. Comments. Help make this a better tool for evaluating management controls. Submit comments to the HQUSACE functional proponent: CECW-A, 20 Massachusetts Ave. N.W., Washington, D.C. 20314-1000.

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APPENDIX D
PCA CHECKLISTS

PCA CHECKLIST - STRUCTURAL FLOOD CONTROL

I. Basic Information:

- a) Name of Authorized Project: _____
- b) Name of Separable Element: _____
- c) Project Report reviewed by OMB: No Yes/Any special conditions(describe) _____
- d) Date Chief's Report Transmitted to Congress: _____
- e) Authorizing Document: _____
- f) Law/Section/Date of Project Authorization: _____
- g) Laws/Sections/Dates of Any Post-Authorization Modifications: _____
- h) PCA Covers:
 - i. Authorized Project New Start: Budgeted
 - ii. Separable Element Congressional Add
 - i. or ii. plus (describe) (EXAMPLE: Locally Pref. Plan) _____

- i) Non-Federal Sponsor(s): _____
- j) Project/Separable Element Purpose(s): _____
- k) Scheduled date for execution of the PCA: _____
- l) Scheduled Advertisement Date: _____ Sched'd Award Date: _____

II. Project Documents:

- a) Title/Date/Approving Authority of Project Report Supporting PCA: _____
- b) Project Management Plan: (Approval Date)
- c) Mitigation authorized: No Yes/Cost _____ (Describe type and whether it's included in Project Report and PCA: _____)

d) Current M-CACES estimate: ____/\$____ (Date Prepared and P.L.)

e) Section 902 Cost Limit: \$ ____ (Fully Funded, as of 1 Oct BY-1)

f) Latest Economic Analysis: _____ (Date Prepared)

g) Current Economics: ____ BCR @ ____%(FY__); ____ RBRCR @ ____%(FY__)

III. Cost Sharing Summary:

Purpose(s)	Non-Fed		Construc Credit	Non-Fed	Total	Tot Proj Costs
	Cash	LERRD		Share(%)	Federal Share(%)	
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
Total:	_____	_____	_____	_____	_____	_____

a) Projected credit for Section 215 work & date 215 Agreement signed: _____

b) Projected credit for Section 104 work (or other authorized creditable work) and date approved by ASA(CW): _____

c) Annual Non-Fed OMRR&R Costs (1 Oct BY-1 Price Levels): _____

d) Source of Non-Federal Funds: _____

e) Source of other Federal Agency funds: _____ (describe source, amount, and date of authorization from granting agency--attach authorizing letters)

f) Status of Obtaining Funds: _____

g) Attach documentation (see ER 1105-2-100) on sponsor's financial capability

IV. Funding History:

Construction, General (or MR&T Construction) Budget and Appropriations History for Project/Separable Element:

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<u>Fiscal Yr</u>	<u>Budget Amount</u>	<u>Appropriated Amount</u>
_____	_____	_____
_____	_____	_____

V. Special Conditions:

a) Sub-agreement required for sponsor to perform (Y/N): (If "yes", describe the need and how it relates to the sponsor's requirements under the PCA) _____

b) Allocation of costs among multiple sponsors: (describe) _____

c) Special cost sharing IAW Section 103(m) or Section 1156, Public Law 99-662: _____

d) Betterments to be funded by sponsor: (list and provide cost est.) _____

VI. Review by Non-Federal Sponsor and Its Counsel:

a) Does the non-Federal sponsor concur in the PCA as submitted? Yes No

b) Has PCA as submitted, including the Certificate of Authority, been reviewed by the non-Federal sponsor's counsel? Yes No

VII. Other Requirements:

a) Attach current Federal/Non-Federal Allocation of Funds Table (Use format prescribed by Appendix B, ER 1165-2-131)

b) Congressional Notification: **NOTIFY AFFECTED CONGRESSIONAL DELEGATION, INCLUDING SENATOR'S OFFICES, ONCE THE PCA HAS BEEN APPROVED FOR SIGNATURE**
(Including any changes to the signing schedule)

VIII. Certification For Delegated PCAs: YOU MUST ANSWER "YES" TO ALL OF THE FOLLOWING QUESTIONS TO SIGN THE PCA UNDER DELEGATED AUTHORITY

a) PROJECT PLAN

Has the Project Report (item IIa) been approved by ASA(CW) or other official to which authority has been delegated? __Yes__No

If there were conditions associated with the approval, have they been resolved with the organizational level attaching the conditions? __Yes__No

If the project to be described in the PCA deviates from the approved project document plan, was it approved by the approving authority?__Yes__No

b) FUNDING

Have funds to initiate construction been appropriated? __Yes__No

If funds were added by Congress has guidance been furnished by HQUSACE regarding the scope of the project to be built and any limiting language to be included in the PCA? __Yes__No

Does the proposal comply with that guidance? __Yes__No

c) AUTHORITY

Is authority adequate to complete the project as proposed? __Yes__No

Is the project (GNF cost plus LERRD for navigation projects) cost estimate to be entered into the PCA less than the Section 902 limit (for projects authorized by WRDA 1986 and thereafter)? __Yes__No

d) **ENVIRONMENTAL COMPLIANCE**

Have all applicable environmental requirements been met and clearances received? __Yes__No

Dates of Environmental Compliance:

FONSI Signed_____ EIS Filed_____ ROD Signed_____
ESA Sec. 7 Concluded_____ CZM Consistency Determination_____
401 Certification____or 404(r)____ 404(b)(1)_____
Sec 106 NHPA (SHPO and/or ACHP)____ USFWS Coord. Act Rpt._____
Clean Air Act_____ OCSLA _____

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Have the costs of compliance with the above clearances been adequately defined and included in the project cost estimate to ensure the 902 cost cap is not exceeded and that the sponsor is not required to provide unexpected funds? __Yes__No

e) **FINANCING PLAN**

Has the Project Manager certified that the sponsor has the funds to share in the project costs as required by the PCA?
__Yes__No

f) **PCA**

Is the PCA in accordance with the model PCA for this type project? __Yes__No

IX. PCA NOT DELEGATED FOR APPROVAL: PCA MUST BE SUBMITTED TO HQUSACE FOR ASA(CW) APPROVAL WHEN THERE ARE DEVIATIONS FROM THE MODEL PCA OR THE FOLLOWING APPLY:

a) If the PCA includes any deviations from the approved model, describe and provide the rationale.

b) If the PCA includes any deviations from the approved Project Report, describe them and the reasons why.

c) If there are issues/controversies that must be resolved to enable the PCA to be signed, describe how and when they will be resolved.

d) If the project is a Congressional add and the PCA covers more than the limit of Federal appropriations, describe why and how this can be recommended.

IX. AUTHENTICATION:

_____ Date: _____
Project Manager

_____ Date: _____
DDE(PM)

_____ Date: _____
District Commander

PCA CHECKLIST - COMMERCIAL NAVIGATION HARBOR PROJECTS

I. BASIC INFORMATION:

- a. Name of Authorized Project: _____
- b. Name of Separable Element: _____
- c. Project Report Reviewed by OMB: ___ Yes ___ No Any
special conditions imposed by OMB? ___ Yes ___ No
Describe conditions _____
- d. Date Chief's Report Transmitted to Congress: _____
- e. Authorizing Document: _____
- f. Law/Section/Date of Project Authorization: _____
- g. Laws/Sections/Dates of Any Post-Authorization
Modification: _____
- h. PCA Covers: ___ (1) Authorized Project
 ___ (2) Separable Element
 ___ (1) or (2) plus (for example Locally
Preferred Plan) _____
- i. Construction New Start: ___ Budgeted
 ___ Congressional Add
- j. Non Federal Sponsor(s): _____
- k. Project/Separable Element Purpose(s): _____
- l. Scheduled date for execution of the PCA: _____
- m. Scheduled Advertisement Date: _____
 Scheduled Award Date: _____

II. PROJECT DOCUMENTS:

- a. Title/Date/Approving Authority of Project Report
Supporting PCA: _____
- b. Project Management Plan Approval Date: _____

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c. Mitigation Authorized: ___ Yes ___ No
Cost of Mitigation _____
Describe Type of Mitigation and Whether Included in Project
Report and PCA: _____

d. Current M-CACES Estimate: \$ _____
Date Prepared and Price Level: _____

e. Section 902 Cost Limit: \$ _____ Fully Funded as of 1 Oct
BY -1

f. Date of Latest Economic Analysis: _____

g. Current Economics: BCR _____ @ _____ % FY _____
RBRCR _____ @ _____ % FY _____

III. COST SHARING SUMMARY:

Purpose(s)	Non-Fed Cash	Non-Fed LERRD	Non-Fed Const. Credit	Total Non-Fed Share	Federal Share(%)	Totl Proj Cost
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Total

a. Projected Credit for Section 215 Work and Date 215
Agreement Signed: _____

b. Projected Credit for Other Authorized Creditable Work and
Date Agreement Signed: _____

c. Annual Non-Fed OMRR&R Costs As Applicable (for example >
45 ft.): _____

d. Source of Non-Federal Funds: _____

e. Source, Amount, & Date of Authorization From Granting
Agency for Other Agency Funds (Attach Authorizing Letter):

f. Status of Obtaining Funds: _____

g. Describe Sponsor's Financial Capability (Attach
Documentation Required By ER 1105-2-100): _____

IV. FUNDING HISTORY

Construction, General or MR&T Construction Budget and Appropriations History for Project/Separable Element:

<u>Fiscal Year</u>	<u>Budget Amount</u>	<u>Appropriated Amount</u>
_____	_____	_____
_____	_____	_____

V. SPECIAL CONDITIONS

a. Sub-agreement Required for Sponsor to Perform: Yes No Describe the Sub-agreement and How It Relates to the Sponsor's Requirements Under the PCA: _____

b. As Applicable, Describe the Allocation of Costs Among the Multiple Sponsors: _____

c. As Applicable Describe Special Cost Sharing IAW Section 1156, Public Law 99-662: _____

d. List and Provide Cost Estimates For Betterments to be Funded by the Sponsor: _____

VI. REVIEW BY NON-FEDERAL SPONSOR AND ITS COUNSEL

a. Does the non-Federal sponsor concur in the PCA as submitted? Yes No

b. Has PCA as submitted, including the Certificate of Authority, been reviewed by the non-Federal sponsor's counsel? Yes No

VII. OTHER REQUIREMENTS:

a. Attach current Federal/Non-Federal Allocation of Funds Table Using Format Prescribed by Appendix B ER 1165-2-131.

b. Notify Affected Congressional Delegation, Including Senators' Offices, Once the PCA Has Been Approved for Signature.

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VIII. CERTIFICATION FOR DELEGATED PCA's:

a. PROJECT PLAN

Has the Project Report (Item IIa) been approved by ASA(CW) or other official to which authority has been delegated? Yes
 No

If there were conditions associated with the approval, have they been resolved with the organizational level attaching the conditions? Yes No

If the project to be described in the PCA deviates from the approved project document plan, was it approved by the approving authority? Yes No

b. FUNDING

Have funds to initiate construction been appropriated?
 Yes No

If funds were added by Congress has guidance been furnished by HQUSACE regarding the scope of the project to be built and any limiting language to be included in the PCA? Yes No

Does the proposal comply with HQUSACE Congressional add guidance? Yes No

c. AUTHORITY

Is authority adequate to complete the project as proposed?
 Yes No

Is the project (GNF cost plus LERRD for navigation projects) cost estimate to be entered into the PCA less than the Section 902 limit (for projects authorized by WRDA 1986 and thereafter)?
 Yes No

d. ENVIRONMENTAL COMPLIANCE

Have all applicable environmental requirements been met and clearances received? Yes No

Dates of Environmental Compliance:

FONSI Signed ___ EIS Filed ___ ROD Signed ___
ESA Sec. 7 Concluded ___ CZM Consistency Determination ___
401 Certification ___ or 404(r) ___ 404(b) (1) ___
Sec 103 MPRSA Eval ___ Sec 106 NHPA (SHPO and/or ACHP) ___
USFWS Coord. Act Rpt. ___ Clean Air Act ___

Have the costs of compliance with the above clearances been adequately defined and included in the project cost estimate to ensure the 902 cost cap is not exceeded and that the sponsor is not required to provide unexpected funds? ___ Yes ___ No

e. **FINANCING PLAN**

Has the Project Manager certified that the sponsor has the funds to share in the project costs as required by the PCA? ___ Yes ___ No

f. **PCA**

Is the PCA in accordance with the model PCA for this type project? ___ Yes ___ No

g. **DISTRICT COUNSEL REVIEW OF PCA**

Has the District Counsel reviewed and approved the draft PCA for legal sufficiency? ___ Yes (Certification attached) ___ No

IX. PCA NOT DELEGATED FOR APPROVAL: PCA MUST BE SUBMITTED TO HQUSACE FOR ASA(CW) APPROVAL WHEN THERE ARE DEVIATIONS FROM THE MODEL PCA OR THE FOLLOWING APPLY:

a. If the PCA includes any deviation from the approved model, describe and provide the rationale.

b. If the PCA includes any deviation from the approved Project Report, describe them and the reasons why.

c. If there are issues/controversies that must be resolved to enable the PCA to be signed, describe how and when they will be resolved.

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d. If the project is a Congressional add and the PCA covers more than the limit of Federal appropriations, describe why and how this can be recommended.

X. AUTHENTICATION:

_____ Date: _____
Project Manager

_____ Date: _____
DDE (PM)

_____ Date: _____
District Commander

March 21, 1996
**PCA CHECKLIST FOR RECREATION COST SHARED
IN ACCORDANCE WITH PUBLIC LAW 89-72**

I. Basic Information:

- a) Name of Existing Authorized Project: _____
- b) Name of Separable Element: _____
- c) Project Report reviewed by OMB: No Yes/Any special conditions (describe) _____
- d) Date Chief's Report Transmitted to Congress: _____
- e) Authorizing Document: _____
- f) Laws/Sections/Dates of Any Post-Authorization Modifications: _____
- g) Laws/Sections/Dates of Any Congressionally Added Appropriations: _____
- h) PCA Covers:
- | | |
|---|--|
| <input type="checkbox"/> i. Existing Authorized Project | New Start: <input type="checkbox"/> Budgeted |
| <input type="checkbox"/> ii. Separable Element | <input type="checkbox"/> Congressional Add |
| <input type="checkbox"/> iii. Development Plan | |
- Describe i,ii and/or iii (EXAMPLE: Locally Preferred Plan) _____
- i) Non-Federal Sponsor(s): _____
- j) Project/Separable Element Purpose(s): _____
- k) Scheduled Advertisement Date: _____
- l) Scheduled Award Date: _____

II. Project Documents:

- a) Title/Date/Approving Authority of Project Report that is the basis for the PCA: _____

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b) Project Management Plan: (Approval Date)

c) Mitigation authorized: __No __Yes /Cost _____ Describe type and whether it is included in the Project Report and PCA:

d) Current M-CACES estimate: \$ _____ (Date Prepared and Price Level)

e) Section 902 Cost Limit: \$ _____ (Fully Funded, as of 1 Oct BY-1)

f) Latest Economic Analysis: (Date Prepared)

g) Current Economics: _____ BCR @ _____%(FY__)
_____ RBRCR @ _____%(FY__)

III. Cost Sharing Summary:

<u>Purpose(s)</u>	<u>Non-Fed</u>			<u>Total</u>		<u>Tot Proj</u>
	<u>Cash</u>	<u>LERRD</u>	<u>Construc</u>	<u>Non-Fed</u>	<u>Fed</u>	
	<u>_____</u>	<u>_____</u>	<u>Credit</u>	<u>Share(%)</u>	<u>Share(%)</u>	<u>Costs</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

a) Projected credit for Section 215 construction work and date 215 Agreement signed: _____

b) Projected credit for other authorized creditable construction work and date approved by ASA(CW): _____

c) Annual Non-Fed OMRRR Costs (1 Oct BY-1 Price Levels): _____

d) Source of Non-Federal Funds: _____

e) Source of other Federal Agency funds: _____ (describe source, amount, and date of authorization from granting agency--attach authorizing letter(s))

f) Status of Obtaining Funds: _____

g) Attach documentation (see ER 1105-2-100) on sponsor's financial capability

IV. Funding History:

Construction, General (or Operation and Maintenance Funds)
Budget and Appropriations History for Project/Separable Element:

<u>Fiscal Year</u>	<u>Budget Amount</u>	<u>Appropriated Amount</u>
_____	_____	_____
_____	_____	_____

V. Special Conditions:

a) Sub-agreement required for sponsor to perform (Y/N): (If "yes", describe the need and how it relates to the sponsor's requirements under the PCA)

b) Allocation of costs among multiple sponsors: (describe)

c) Special cost sharing provisions, such as Section 1156 of Public Law 99-662: _____

d) Betterments to be funded by sponsor: (list and provide cost est.)

e) Separable Lands: (Justification and Cost Estimate)

VI. Other Requirements:

a) Attach current Federal/Non-Federal Allocation of Funds Table (Use format prescribed by Appendix B, ER 1165-2-131)

b) Congressional Notification: **NOTIFY AFFECTED CONGRESSIONAL DELEGATION, INCLUDING REPRESENTATIVE AND SENATORS OFFICES, ONCE THE PCA HAS BEEN APPROVED FOR SIGNATURE** (Including any changes to the signing schedule)

VII. Certification For Delegated PCAs: MUST ANSWER "YES" TO ALL OF THE FOLLOWING QUESTIONS TO SIGN THE PCA UNDER DELEGATED AUTHORITY

a) **PROJECT PLAN**

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Has the Project Report (Item IIa) been approved by the ASA(CW) or other official to which authority has been delegated?
__Yes__No

Were all conditions associated with the approval, resolved with the organizational level attaching the conditions? __Yes__No

If the project to be described in the PCA deviates from the approved project document plan, was it approved by the approving authority?__Yes__No

b) FUNDING

Have funds to initiate construction been appropriated?
__Yes__No

If funds were added by Congress has guidance been furnished by HQUSACE regarding the scope of the project to be built and any limiting language to be included in the PCA? __Yes__No

Does the PCA comply with that guidance? __Yes__No

c) AUTHORITY

Is authority adequate to complete the project as proposed?
__Yes__No

Is the project cost estimate to be entered into the PCA less than the Section 902 limit? __Yes__No

d) ENVIRONMENTAL COMPLIANCE

Have all applicable environmental requirements been met and clearances received? __Yes__No

Dates of Environmental Compliance:

FONSI Signed_____ EIS Filed_____ ROD Signed_____
ESA Sec. 7 Concluded_____ CZM Consistency Determination_____
401 Certification_____or 404(r)_____ 404(b)(1)_____
Sec 106 NHPA (SHPO and/or ACHP)_____ USFWS Coord. Act Rpt._____
Clean Air Act_____

Have the costs of compliance with the above clearances been adequately defined and included in the project cost estimate to

ensure the Section 902 cost cap is not exceeded and that the sponsor is not required to provide unexpected funds? __Yes__No

e) **FINANCING PLAN**

Has the Project Manager certified that the sponsor has the funds to contribute their share in the project costs as required by the PCA? __Yes__No

f) **PCA**

Is the PCA in accordance with the model PCA for this type project? __Yes__No

VIII. PCA Not Delegated For Approval: PCA MUST BE SUBMITTED TO HQUSACE FOR ASA(CW) APPROVAL WHEN THERE ARE DEVIATIONS FROM THE MODEL PCA OR ANY OF THE FOLLOWING APPLY:

a) If the PCA includes any deviations from the approved model, separately describe and provide the rationale.

b) If the PCA includes any deviations from the approved Project Report, separately describe and provide the reasons.

c) If there are issues/controversies that must be resolved to enable the PCA to be signed, describe how and when they will be resolved.

d) If the project is a Congressional add and the PCA covers more than the limit of Federal appropriations, describe why and how the PCA can be recommended for approval.

IX. AUTHENTICATION:

Project Manager

Date:_____

DDE(PM)

Date:_____

District Commander

Date:_____