

Construction

**ARMY NATIONAL GUARD MILITARY CONSTRUCTION
PROGRAM DEVELOPMENT AND EXECUTION**

By Order of the Secretaries of the Army and the Air Force:

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History. This is a total rewrite of NGR (AR) 415-5, dated 30 November 1990 (with change 1, dated 30 November 1992), which is hereby superseded. Because the regulation has been extensively revised, the changed portions have not been highlighted.

Summary. This regulation provides guidance for planning, programming, budgeting, and executing all Army National Guard military construction projects funded in whole or in part with a military construction appropriation.

Applicability. This regulation applies to all Army National Guard construction funded in whole or in part with a military construction appropriation.

Proponent and exception authority. The proponent of this regulation is the Chief of Installations, National Guard Bureau, Army Installations Division, NGB-ARI. The Chief of Installations has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. However, this authority may not be delegated.

Management Control Process. This regulation contains management control provisions in accordance with AR 11-2, but it does not identify key management controls that must be evaluated. They are contained in NG Pam 415-5.

Supplementation. Supplementation of this regulation requires the approval of the National Guard Bureau, Army Installations Division, NGB-ARI, 111 South George Mason Drive, Arlington, VA 22204-1382.

Suggested Improvements. Users of this regulation are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the National Guard Bureau, Army Installations Division, NGB-ARI, 111 South George Mason Drive, Arlington, VA 22204-1382.

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Chapter 1 General

1-1. Purpose

This regulation provides basic policies, procedures, and responsibilities for the Adjutant General (and staff) and the United States Property and Fiscal Officer to execute Army National Guard military construction projects funded at least in part from a military construction appropriation. It includes guidance on planning, programming, budgeting, designing, contracting, and managing such projects.

1-2. References

Required and related publications are listed in Appendix A.

1-3. Explanation of Abbreviations and Terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Statutory and Regulatory Basis for Program

- a. 10 U.S.C. Chapter 1803.
- b. DoDD 1225.7.
- c. DoDI 1225.8.

1-5. Statutory and Regulatory Limitations on Program

a. The Military Construction Army National Guard (MCNG) program consists of three parts, each with a separate authorization and appropriation line from Congress: Major Construction (i.e., specified projects), Unspecified Minor Construction (UMI), and Planning and Design (P&D). No funds may be moved from one part to another without a formal Congressional reprogramming action.

b. Every MCNG construction undertaking must be individually authorized and funded in military construction legislation or performed under special statutory authority (e.g., 10 U.S.C. §2803 or 10 U.S.C. §2854). UMI and P&D are authorized and appropriated as a lump sum. Individual UMI projects are not authorized and appropriated as separate line items in the budget.

c. Incremental construction is prohibited. That is, no requirement for a facility, or improvement to a facility, at a single location shall be subdivided into two or more projects (for construction in the same or succeeding years) to circumvent regulatory cost limitations or approval authorities. If a project is of a nature (or size) that construction must be accomplished in phases or over a number of years, the total scope of work and cost estimated for the project will be indicated on the project's initial justification documents (DD Forms 1390/91) to determine the approval requirements. Costs for phased projects will be estimated at proposed program year costs and updated if program years change. Each phase shall be self-supporting and shall produce complete and usable facilities.

d. All military construction undertakings shall comply with applicable requirements of the National Environmental Policy Act (42 U.S.C. §§4321-4370a), National Historic Preservation Act (16 U.S.C. §470 et. seq.), Comprehensive Environmental Response Compensation and Liability Act (CERCLA) (42 U.S.C., Chapter 103), and other environmental requirements. (See AR 200-1, AR 200-2, AR 200-3, AR 200-4, and AR 200-5.) No MCNG construction funds shall be issued unless the State demonstrates proof of compliance.

e. The use of a Federal contracting agent for construction is almost exclusively limited to projects on Federally owned or leased property. However, the use of a State contracting agent is permitted for projects on both Federal and State property. In all instances of construction with a State contracting agent, the project shall be done according to the laws of that State and under the supervision of its officials, subject to the inspection and approval of the National Guard Bureau. The use of a Federal contracting agent for construction on State property is permitted only according to terms in any applicable State statute.

1-6. Mission Statement

To construct high quality, sustainable, maintainable, long lasting, flexible, responsive, cost effective, new and replacement facilities for the Army National Guard on suitable land that is free from environmental hazards, within schedules that meet the needs of facility users, satisfy operational and training requirements, and attain and maintain compliance with Federal, State, and local environmental laws, codes, and regulations.

1-7. Program Philosophy

a. The relationship between the National Guard Bureau (NGB) and the State Military Department is governed by the fact that all Army National Guard (ARNG) facilities are owned by, leased for, permitted to, or licensed to the States, and that as a result the States, and not the Federal government, operate and maintain all ARNG facilities.

b. The relationship between NGB and the State Military Department is that of a grantor and grantee as defined in 31 U.S.C. §§ 6301-6308.

(1) NGB transfers funds to the State through a cooperative agreement, as detailed in NGB-AQ cooperative agreement directives, so that the States may construct facilities in support of the Federal mission of the ARNG to meet criteria established by NGB.

(2) As an exception, if the project is located on Federally owned land, the State Military Department may elect to execute the construction project through a Federal agency, usually the United States Property and Fiscal Officer of the State. However, the State is not required to make this election.

(3) Because of this relationship, NGB reviews of MCNG project plans, specifications, environmental documentation, and other construction documents are normally limited reviews that establish the extent of Federal project participation and ensure that Federal project support does not exceed either Congressional limits or NGB policies and regulations (i.e., NGR 415-10 and NG Pam 415-12).

(4) NGB disapproval of a State request for an exception to these limits does not preclude the State from maintaining the item(s) in the project and providing other than Federal funds to support such items.

c. The Construction and Facility Management Officer provides technical oversight of the program and, in conjunction with the United States Property and Fiscal Officer, provides fiscal oversight.

Chapter 2 Responsibilities

2-1. The Under Secretary of Defense (Comptroller)

- a. Approval authority for military construction budget submissions.
- b. Approval authority for funding of authorized and appropriated projects.

2-2. The Assistant Secretary of the Army (Installations and Environment)

- a. Has overall responsibility for providing guidance on installation facilities, housing, and environmental policy and program direction.
- b. Provides project reviews of all military construction budget submissions and approves the overall submission before its submittal to OSD.
- c. Approves all military construction projects for both design and construction release.
- d. Delegates work classification authority to Chief, National Guard Bureau.

2-3. Assistant Secretary of the Army (Financial Management and Comptroller)

Controls military construction appropriation funds and manages the budget as provided in AR 1-1.

2-4. Assistant Chief of Staff for Installations Management

- a. The Army staff element responsible for programming funds for facilities programs and for providing policy guidance for all areas and activities associated with programming facilities funds.
- b. Provides replacement facilities for ARNG units displaced at Army installations in accordance with DoDD 1225.7.

2-5. Chief, National Guard Bureau

- a. Establishes National Guard priorities and policies to support the commanders of the unified combatant commands, the military services, and the States/ Territories.
- b. Delegates work classification authority to Chief of Installations.

2-6. National Guard Bureau, Director Army National Guard

Acquires, manages and distributes resources to meet the ARNG priorities and to influence the development of policies in order to support the commanders of the unified combatant commands, the military services, and the States/Territories.

2-7. National Guard Bureau, Army Installations Division (NGB-ARI)

a. Administers military construction supporting the mission of the Army National Guard. Responsible for the Federal interest in the planning, programming, acquisition, operation and disposal of ARNG land, utilities, infrastructure and facilities. Provides resources and policy guidance to the States and Territories regarding the programming and execution of the military construction appropriation.

b. Recommends policy to the Chief, National Guard Bureau, involving military construction for the ARNG and implements approved policy. Develops and directs planning, programming, and budgeting involving military construction for the ARNG.

c. Reviews all MCNG projects to ensure that they meet the criteria of 10 U.S.C. Chapter 1803 and DoDD 1225.7 and other relevant statutes and published DoD and DA policies.

d. Validates all MCNG projects against the current State Real Property Development Plan and Range Development Plan (as appropriate).

e. Provides professional and technical guidance and assistance to the States in developing, managing, and executing a sound MCNG program in accordance with current DoD and DA policies and guidance and up-to-date industry construction standards, practices, codes, and principles.

f. Establishes and maintains design and construction criteria in regulations, pamphlets, and design guides, and provides criteria and quality assurance reviews of programming and contracting documents for ARNG facilities.

g. Oversees MCNG project processes from inception to completion, to include the approval of programming documents, substantiating documents, construction and bid documents, bid authority, supplemental agreements or change orders, and closeout.

h. Develops and prepares facility planning, design, and construction criteria and standards that address mission readiness requirements. Researches, documents, provides support to the States for, and manages ARNG implementation of a variety of initiatives and changes in code and standards such as Sustainable Design and Development, Americans with Disabilities Act implementation, Uniform Federal Access Standards implementation, fire protection and prevention, antiterrorism/force protection, and automated design.

i. Provides and justifies estimates of Federal funds required for a viable MCNG program during the Program Objective Memorandum and military construction budget submission cycles. Coordinates staffing actions required to develop programming documents and obtain design and construction funds for ARNG facilities.

j. Chairs the Facility Review Committee and superintends the prioritization of MCNG projects.

k. Administers multiple year appropriations for apportionment of MCNG funds, prepares MCNG re-programming requests to Congress, and issues MCNG funds via the Army's Program Budget and Accounting System. Monitors, analyzes, and provides reports on the execution of these funds until they cancel. Prepares obligation and audit reports on the appropriations for DA, OSD, and Congress.

2-8. National Guard Bureau, Army Environmental Programs Division (NGB-ARE)

a. Provides guidance, recommendations, and assistance to the States in the environmental aspects of proper and effective decision-making associated with planning, programming, siting, and scoping military construction projects.

b. Reviews and approves all environmental documentation required to acquire and construct real property as part of the MCNG program.

2-9. National Guard Bureau, Army Logistics Division (NGB-ARL)

a. Serves as the proponent for surface maintenance and logistics facilities.

b. Provides guidance, advice, assistance, and recommendations regarding functional requirements, criteria, programming, and design review for surface maintenance and logistics facilities.

c. Provides guidance and assistance in project prioritization as a voting member of the Facility Review Committee.

2-10. National Guard Bureau, Army Training Division (NGB-ART)

a. Serves as the proponent for training facilities and training centers.

b. Provides guidance, advice, assistance, and recommendations regarding functional requirements, criteria, programming, and design review for training facilities and training centers.

c. Provides guidance and assistance in project prioritization as a voting member of the Facility Review Committee.

2-11. National Guard Bureau, Army Aviation and Safety Division (NGB-AVS)

a. Serves as the proponent for aviation facilities.

b. Provides guidance, advice, assistance, and recommendations regarding functional requirements, criteria, programming, and design review for aviation facilities.

c. Provides guidance and assistance in project prioritization as a voting member of the Facility Review Committee.

2-12. The Adjutant General

- a. Establishes the public works organization that provides facilities engineering services for the State and its supported installations.
- b. Ensures open staff communication so that the Force Structure, Operations and Training, and Surface and Air Maintenance staffs, among others, provide sufficient lead time to the Construction and Facilities Management Office so that it may plan, program, and execute MCNG projects to support changes in stationing, equipment, doctrine, and mission.
- c. Provides a clear and coherent vision for the preparation and update of the State's Real Property Development Plan (RPDP) and resulting Long Range Construction Plan (LRCP).
- d. Communicates with NGB on the current status of proposed and current projects. Cancels in writing to NGB all projects when a requirement no longer exists or a project no longer is feasible.
- e. Ensures that matching funds are available when required.

2-13. United States Property and Fiscal Officer

- a. Accountable and responsible for the proper obligation and expenditure of all MCNG funds provided to the State through Military Construction Cooperative Agreements and any existing, previously approved Federal/State Agreements.
- b. Responsible to monitor, advise, and assist the MCNG program, in order to ensure that Federal funds are expended only on the authorized scope of MCNG projects, as set forth in NGB-AQ cooperative agreement directives.
- c. Serves as the contracting agent for all MCNG projects executed through Federal procedures, unless NGB-ARI delegates that responsibility to the U.S. Army Corps of Engineers or the Naval Facilities Engineering Command. Executes such projects through the Federal Acquisition Regulation (FAR) and its supplementary procedures.
- d. The Federal officer responsible for certification of Federal funds for those projects executed through State procedures, Military Construction Cooperative Agreement (Federal/State Agreement) compliance, and final project acceptance.
- e. Responsible to review and approve any interagency agreement assigning design and construction supervision to a State agency other than the Military Department.
- f. The accountable officer for reporting all Federally-owned real property and the responsible person to sign the DD Form 1354 as the Federal representative upon project completion.

2-14. The Construction and Facilities Management Officer (CFMO).

- a. Serves as principal advisor to the Adjutant General on all aspects of the State's MCNG program.
- b. Serves as the principal point of contact in the State for the Army Installations Division on the State's MCNG program.
- c. If so designated by the United States Property and Fiscal Officer, serves as Contracting Officer's Representative (COR) for which the United States Property and Fiscal Officer is design and construction agent. When designated COR, the CFMO's responsibilities are as defined by the United States Property and Fiscal Officer and scaled to the authority outlined in the FAR and its supplementary procedures. These responsibilities are not a subject of this regulation.
- d. Serves as member and Records Custodian of the Joint Service Reserve Component Facility Board for his/her State in accordance with DoDI 1225.8. Stores all records of the Board, submits all required reports, assures all required minutes of the Board's proceedings have been received by NGB-ARI, and may serve as Chair on a rotating basis.
- e. Accomplishes short- and long-range planning, with the Adjutant General's approval, for future development of land, facilities, and infrastructure of the State, following the master planning methodology of NGB master planning directives and any other published regulations and policies.
- f. Submits a complete LRCP through Facilities Center, accompanied by any other documents required to support the MCNG budget cycle. Submits requests for urgent, unforeseen projects within UMI limits as critical mission requirements, environmental protection, or life, health, and safety-threatening conditions arise that cannot wait until the next budget cycle.
- g. Prepares and submits completed project documentation on designated projects per NGB-ARI instructions. Coordinates to ensure that all non-MCNG funded requirements related to the projects have been identified and properly programmed, including all information systems requirements.
- h. Reviews and approves functionality, operability, and maintainability characteristics of all military construction projects for the State.
- i. Leads the development, justification, and execution of all military construction projects in design and construction for the State.

j. Fully coordinates with all facility users, functional proponents, and other appropriate State staff elements to ensure the maximum functionality and usability of each project and to ensure that the project complies with all statutory, regulatory, and code requirements (e.g., environmental, range safety, explosive safety, and safety and occupational health). Where appropriate also coordinates with State and Federal environmental regulators, State and Federal natural resource agencies, and the State historic preservation office.

k. Ensures proper review of all programming and design documents for projects that have physical security and antiterrorism requirements. Ensures that all force protection (physical security and antiterrorism) requirements beyond those required by physical security and force protection regulations, or those not included in a standard design for the type of facility being programmed, are based on a threat analysis consistent with the procedure in TM 5-853-1.

l. Assists tenants in project formulation and documentation per support agreements, when required.

m. Ensures that all planned projects of whatever type are reflected and justified in the current RPDP, listed in the LRCP in Facilities Center, and justified in the Real Property Planning and Analysis System (RPLANS).

n. Prepares a complete and comprehensive economic analysis for each proposed MCNG project in accordance with DA Pam 415-3 to justify project, its site, and scope before commencing design. This will include contracting with U.S. Army Technical Center for Explosives Safety (USATCES) for an Archival Search Report for unexploded ordnance (UXO) contamination and clearance costs if the project is located on or near a formally used military installation (Federal or State), or any other location where known military firing or maneuvers took place. This requirement to contract for an Archival Search Report also applies to projects on existing military installations when environmental documentation and other historical installation records do not include sufficient information about potential UXO contamination of the proposed project location.

o. Includes privatization as the first alternative evaluated when building, expanding, upgrading, or renovating exterior utility systems. Provides complete analysis including market survey and documentation in the project submission.

p. Ensures completion and approval of all required environmental documentation, to include at minimum: Environmental Baseline Survey (EBS) and the appropriate National Environmental Policy Act (NEPA) documents.

q. Responsible for technical review of all design documents before they are submitted to NGB-ARI.

r. Requests NGB-ARI approval to change the scope or siting of a military construction project that is under design or construction.

s. Requests assistance from NGB-ARI, the proponents, and outside agencies with areas of recognized expertise in work that cannot be accomplished efficiently and effectively within existing State capabilities.

Chapter 3 Planning

3-1. Role of Planning

- a. Supports the Adjutant General's vision.
- b. Establishes a baseline of existing facility conditions.
- c. Identifies all facility requirements to support missions and readiness.
- d. Identifies alternatives and establishes a strategy for future development that may or may not include construction.
- e. Validates and supports MCNG projects, in particular the State's LRCP.

3-2. The Real Property Development Plan

The RPDP identifies the Adjutant General's goals and objectives for development and operation of the State and its supported installations. As such, it shall identify the major work to be done to real property to assure continued mission performance. To accomplish this, the RPDP

- a. Documents results of the planning process.
- b. Projects 25 years into the future.
- c. Provides a decision-making tool to identify requirements and alternatives for resolving real property deficiencies and excesses.
- d. Provides the basis to support acquisition, management, accountability, and disposal of real property.
- e. Provides the framework and decision support tool for supporting requested military construction projects.
- f. Must be regularly updated.
- h. Provides justification, definitive figures, and supporting information as State develops programming documents for MCNG projects.

3-3. Long Range Construction Plan

- a. Consists of a prioritized list of MCNG projects the State requires to implement its RPD.P.
- b. Is submitted to NGB-ARI as directed.
- c. Provides the State's input into NGB's updated prioritization of the entire MCNG program.

3-4. Infrastructure Requirements Plan (IRP)

- a. The IRP consists of a prioritized list of ARNG military construction projects.
- b. The IRP is formed using a model that prioritizes all projects on States' submitted Long Range Construction Plans. Based on a variety of weighted factors, the model includes the highest priorities of the Adjutant General, while integrating national level military construction needs and programmatic and statutory priorities.
- c. Final form determined by The Facilities Review Committee, which contains joint NGB and State membership determines the final form of the IRP.
- d. The highest ranking projects on the initial run of the IRP become part of the Future Years Defense Program (FYDP), while the remaining become the IRP proper, the unfunded military construction requirements of the ARNG.

Chapter 4**Real Property Aspects of Military Construction Projects****4-1. Policy Basis**

All acquisitions of real property that are required to support MCNG requirements shall follow and adhere to the provisions of the following:

- a. 10 U.S.C. §18234.
- b. DoDD 4165.6.
- c. Deputy Secretary of Defense Memorandum 13 September 1990 (amended 1 December 1994), Land Acquisition in the United States.
- d. AR 200-1.
- e. AR 200-2.
- f. AR 200-4.
- g. NGR 405-80.
- h. The ARNG Real Estate Manual.
- i. The National Guard Bureau Environmental Baseline Survey (EBS) SOP.
- j. Any other regulations and statutes referenced in the documents listed in paragraphs 4-1a through 4-1i.

4-2. Selection of Real Property for MCNG Projects

a. The identification of an adequate, cost-effective site is an essential first step in successfully executing a MCNG project.

b. In selecting real property for MCNG projects, the CFMO shall maximize use of existing, available, excess, underutilized or vacant real property and shall maximize joint use with other DoD components. When the CFMO proposes construction as a solution to real property requirements, he/she shall provide factual justification to support the unavailability and/or unfeasibility of real property exchange to satisfy these requirements. When the CFMO proposes unilateral construction, he/she shall provide factual justification to support the conclusion that joint facilities are not practical or economically advantageous to the Federal government.

c. The CFMO shall select real property that on a long-term basis most economically meets the State's training, mission, support, and operational requirements and is consistent with the Adjutant General's planning philosophy.

d. In making a major land acquisition using Federal funds, the CFMO shall comply with paragraph 4-1c above.

e. The following is a prioritized list of methods of acquiring real property to satisfy MCNG requirements.

(1) Use of existing, underutilized Federal or State owned facilities, especially those of other DoD Components (both Reserve and Active).

(2) Use of existing, excess Federal facilities, via transfer, license, use agreement, permit, or purchase, including maximum use of facilities excess because of base realignment and closure actions.

(3) Donation, or lease at no cost to the Federal government, of existing privately- or publicly-owned real property, provided that only minimal additional construction is required.

(4) Construction of additions to existing DoD facilities or new construction on DoD installations, provided that provisions are made to maximize joint use.

(5) Purchase of existing privately- or publicly-owned real property, provided that only minimal additional construction is required.

(6) Construction of a new facility to be jointly used by at least one other DoD component.

(7) Construction of a new facility to be solely used by the ARNG. As much as possible, design and siting shall accommodate future expansion for joint use.

f. The existence of a State lease of State-owned property to the Federal government does not normally qualify a proposed readiness center project on such a site for 100% Federal reimbursement of design and construction costs. Instead, unless an exception is granted by the Assistant Secretary of the Army (Installations and Environment), should a readiness center project be approved for such a site, the Federal government shall modify the lease to return the property required for the project to State control prior to the issue of any funds to support the project.

4-3. Project Sites

a. Acquisition of real property for MCNG project sites is a State responsibility and shall be at no expense to the Federal government. This includes the actual property acquisition, any required boundary surveys, environmental baseline surveys (EBS), and any other environmental documentation required for the acquisition of the site.

b. Acquisition of sites for military construction projects and the construction projects themselves shall comply with applicable requirements of the National Environmental Policy Act (42 U.S.C. §§4321-4370a), National Historic Preservation Act (16 U.S.C. §470 et. seq.), and other environmental requirements. (See AR 200-1, AR 200-2, AR 200-3, AR 200-4, AR 200-5, and DA Pam 200-1.)

(1) The CFMO shall use the guidelines contained in these statutes and regulations to help select project sites and shall initiate the required environmental processes before requesting funds for design and construction.

(2) The acquisition of real property for a construction project requires at minimum an EBS (or the State equivalent to this type of environmental site assessment) to determine the extent of potential liability of the Federal government should it approve the project at that site. If the project is on an installation with a previously approved EBS, the State shall complete an Environmental Survey and Clearance for Construction. As appropriate, the State should use the sampling required for environmental contamination to supplement the soil borings required in paragraph 4-4e below. In addition, the EBS should become the start point for the NEPA analysis of the construction project.

(3) The State shall always keep NEPA at the forefront in its real property decision-making process.

c. Because of the potential liability for excess construction costs for poor site selection, the CFMO should carefully examine all proposed sites for their slopes, drainage, rock, soils, unexploded ordnance (UXO), and environmental hazards, contamination or constraints (i.e., soil or groundwater contamination, wetlands, presence of endangered species, or cultural sites). States may have to fund excess construction costs if they elect to choose a given site in lieu of an acceptable site that entails a lower construction cost.

d. As part of the site selection process, the CFMO shall investigate all prospective sites for conformance with the requirements in paragraph 4-4a below. This investigation shall determine the most suitable site, considering land availability, support of unit readiness and recruiting/retention goals, current and future zoning that may influence encroachment, and the economics of site preparation and other effects on construction costs.

e. Once the State has made a tentative site selection and received design authority, it shall conduct an engineering site investigation, which shall include a minimum number of soil borings, based on visual observation of the site and knowledge of the local area, in order to determine the nature and consistency of sub-surface soil strata conditions. Additional borings may be necessary if the first results are insufficient or inconclusive to use to design foundations. Soil borings from the selected site shall become part of the site survey report required by paragraph 7-6c.

4-4. Site Requirements and Support

a. As much as possible, project sites shall meet or exceed the following, minimum specifications. States shall avoid former landfills, fuel farms, waste treatment facilities, and other potentially contaminated sites.

(1) For readiness centers contain at least 15 acres in non-congested areas and 10 acres in cities and other congested areas.

(2) For other than readiness center projects contain adequate area to support mission requirements.

(3) Front on at least one public street or road, while ensuring adequate standoff to meet minimum antiterrorism/force protection requirements.

(4) Have adequate access roads from nearby population centers and from public highway networks. Preferably should be served by public transportation.

(5) Be free from low-lying areas, steep slopes, landfills, faults, and other prospective nuisances.

(6) Have uniformly contoured terrain that is either level or only slightly sloping (less than 4 percent).

(7) Have soil at the frost line depth for the locality with a bearing capacity of approximately 2,000 pounds per square foot on natural, undisturbed earth.

(8) Have accessible all public utilities necessary and required for successful operation of the facilities being constructed.

(9) Be protected by local zoning regulations so as to permit the construction and full use of a facility and to prohibit the establishment of any activities or industries that would adversely affect the operation of the facility.

(10) Be uncontaminated land, free from the prospect of hazardous substances that could subject the State or Federal government to liability for response, clean-up, and health costs or for natural resource damage costs, and free from conditions that would prevent or affect the construction, occupancy, and future operation of the facility.

(11) Should not be located on a flood plain.

b. The Federal government does not normally support construction costs associated with work to correct site deficiencies at locations that do not conform to the specifications in paragraph 4-4a above, especially if those costs are materially above those at available conforming sites in the surrounding area. When the State does choose a site that does not conform to the criteria in paragraph 4-4a above, it must submit a memorandum clearly justifying its siting decision. The memorandum must include supporting documentation such as an economic or master planning analysis that demonstrates that the positive impacts on readiness strongly outweigh the increased construction costs. The memorandum may also include a Declaration on Uniformity of Area Soil Conditions, where the soils engineer certifies that relocating the project within a five mile radius would not reduce the site costs. (See NG Pam 415-5 for the format.)

c. Site preparation, as defined in the glossary, is supportable at the appropriate rate with Federal funds for all projects, except that it is subject to the same restrictions as in paragraph 4-4b above.

d. Building substructure construction for foundation footings and walls is supportable at the appropriate rate with Federal funds for all projects, except that it is subject to the same restrictions as in paragraph 4-4b above.

Chapter 5 Programming and Project Documentation

5-1. General

a. NGB-ARI programs funds to support MCNG requirements. The CFMO programs MCNG projects.

b. NGB-ARI obtains programming and budgetary resources based upon NGB's success in the annual Program Objective Memorandum (POM) process. NGB-ARI applies these programming funds against the highest MCNG priorities nationwide annually to prepare its next MCNG President's Budget submission, to update its MCNG FYDP, and to create a prioritized, unfunded MCNG list. A project remains on the FYDP until Congress authorizes and appropriates it, the Adjutant General cancels it, or the State fails to comply with the MCNG programming and project documentation process.

c. NGB-ARI oversees the development of the funded MCNG project list (the FYDP) and the unfunded MCNG list (the Infrastructure Requirements Plan) after doing a detailed analysis of the annual LRCP submissions from all CFMOs and convening the Facility Review Committee.

d. The CFMO supports an LRCP submission with appropriate high priority DD Forms 1390/1391, including those for which they are seeking Congressional assistance.

e. Only a lump sum for UMI appears on the FYDP. During each fiscal year, within its funding and any legislative constraints, NGB-ARI selects projects that meet the criteria for the program as defined in the glossary.

f. Congress may provide additional resources during the annual budget authorization and appropriation cycle.

g. No entity within the State nor any tenant organization (including the Active Army and other DoD components) shall start any project work without the prior written project approval of the CFMO, the USPFO, NGB-ARI, and any other entity required by this regulation for a specific type project. The project programming, project approval, design, and contract management processes are the same whether NGB-ARI, a tenant, or some other entity funds a project on an ARNG installation.

5-2. DD Forms 1390/1391

a. The DD Forms 1390/1391 are the basic programming document for all MCNG projects.

b. These forms are the only basis for justifying projects. Complete, thorough, detailed documentation is essential for projects to receive appropriate approval from NGB, DA, OSD, OMB, and Congress during the normal budget process.

c. Once approved, these forms document the approved scope and Federal share for each component of a project. The CFMO may not design or construct beyond this level without receiving NGB-ARI approval of amended DD Forms 1390/1391 or accepting the risk that NGB might not reimburse some or all of the changed scope.

d. Annually the CFMO must update and resubmit the DD Forms 1390/1391 for each FYDP project until the project is authorized and appropriated or has received NGB-ARI approval of its preliminary design submission. The

CFMO should resubmit DD Forms 1390/1391 more frequently whenever significant changes in scope or cost occur, including modifications to units or equipment.

e. The DD Forms 1390/1391 also document the project's schedule. The CFMO must give as much consideration to the project's schedule as to the project's scope and will be expected to adhere to the schedule in the approved DD Forms 1390/1391.

5-3. Completion of DD Forms 1390/1391

a. Detailed directions for completion are contained in NG Pam 415-5.

b. When a project contains primary facilities of different real property category codes as defined in DA Pam 415-28, the CFMO shall submit complete, detailed DD Forms 1390/1391 for each category code.

c. When a project is joint with another DoD component or another entity (public or private), the CFMO shall carefully delineate sole-use and joint use items and areas so that the appropriate cost-share may be annotated in the approved DD Forms 1390/ 1391. In the case of projects joint with another DoD component, the CFMO shall also provide the information required for NGB-ARI to complete a Memorandum of Agreement with that component in accordance with DoDI 1225.8.

d. The CFMO shall use the RPDP as the baseline document to justify the overall scope and location of the project. The RPDP shall also serve as the starting point for the identification of the requirements and shortages for the primary facility as shown on the DD Forms 1390/1391. Nonetheless, the CFMO shall calculate the specifically listed requirements from published NGB criteria in NG Pam 415-12 and must identify and justify any exceptions to this criteria.

(1) For Addition/Alteration type projects, the CFMO shall also address the use and/or modification of existing space to satisfy shortages before requesting new construction.

(2) For projects on training sites or other large installations, the CFMO shall also address the total requirement for the specific category codes requested, the amount satisfied with current facilities and ongoing construction, and the remaining shortfall after project completion.

e. If the DD Forms 1390/1391 show a request for an item or an amount of an item in excess of criteria, the CFMO shall enclose a justification to NGB for approval of an exception to criteria.

f. The CFMO shall provide a detailed listing on the DD Forms 1390/1391 of all items (e.g., physical security, telecommunications, and furnishings) to be procured with other than MCNG funds. Once the project is on the FYDP, the CFMO shall coordinate with the appropriate staff directors so that they may obtain funds for these items in time for the estimated project completion date.

g. The CFMO shall submit with the DD Forms 1390/1391 a copy(ies) of the Federal organizational authority for all units assigned to or supported by the project location that do not match the units identified for the site in the current Army Stationing and Installation Plan (ASIP).

h. The CFMO shall have commenced environmental documentation as required by paragraph 1-5d above and shall include a statement with the submittal of the DD Forms 1390/1391 as to the status of the documentation, particularly the EBS.

i. The DD Forms 1390/1391 shall identify whether or not the project is in a flood plain, and if so the CFMO shall enclose a fully documented request for NGB-ARI to request approval from the Secretary of the Army for the project to proceed.

j. The DD Forms 1390/1391 shall specifically address whether archeological and architectural surveys have been completed on historic properties (as defined in 36 CFR 800.16(l)(1)). If the surveys have not been completed, the State shall coordinate with NGB-ARE-C before submitting the DD Forms 1390/1391 to NGB-ARI for approval in the following cases.

(1) If the land has not been disturbed.

(2) If the buildings in the area of potential effect (as defined in 36 CFR 800.16(d)) were built before 1951 or if they were built before 1990 and have the potential to be Cold War significant (e.g., facilities associated with nuclear weapons, research and development laboratories, testing and proving grounds, or a manufacturing, storage, or maintenance site)

(3) If there is potential for the site to have traditional religious or cultural significance to a Federally-recognized Indian tribe or Native Hawaiian organization.

k. Except for UMI projects, all submissions of DD Forms 1390/1391 (original and annual updates) shall reference the minutes of the most recent Joint Service Reserve Component Facility Board that approved the project. For review of the DD Forms 1390/1391 to continue, the minutes shall show that the Board approved the project within the previous 12 months. As an exception, UMI projects that involve indoor ranges also require Board approval.

l. Signatures on DD Forms 1390/1391 certify the accuracy of all items on the forms. Intentional or deliberate submission of false or misleading information is a violation of 18 U.S.C. §1001.

5-4. NGB-ARI Review of DD Forms 1390/1391

a. NGB-ARI shall review all submissions for adherence to published criteria in NGR 415-10 and NG Pam 415-12, to the current RPDP of the State, and to the current DoD costing guide published by the Deputy Undersecretary of Defense for Installations.

b. NGB-ARI shall approve the DD Forms 1390/1391 at the levels established in paragraph 5-4a above unless:

(1) In the case of DD Forms 1390/1391 exceeding criteria, the facility proponent supports the State's request for an exception to criteria.

(2) In the case of a project not appearing on the RPDP or exceeding the requirements shown in the RPDP, the State submits a corrected copy of the RPDP, and, if necessary, a request for exception to criteria.

(3) In the case of estimated costs exceeding the DoD costing guide, the State submits bid results for like type facilities that justify a higher costing level.

c. NGB-ARI shall coordinate the DD Forms 1390/1391 with NGB-ARE to ensure that environmental documentation is complete and meets requirements, particularly if it appears that the project will affect an historic property or un-surveyed lands or be built in an area where other historic properties are present. Projects with suspect documentation may not receive design authority.

**Chapter 6
Contracting for Design****6-1. General**

a. The State proceeds at its own financial risk if it lets a design contract without NGB-ARI authorization to design the project.

b. For the State to receive Federal funding for design, all of the following must occur:

(1) NGB-ARI must have approved DD Forms 1390/1391 in writing within the past 12 months for the scope of the project to be designed. If the scope changes during the design, then the State must receive NGB-ARI approval of revised DD Forms 1390/1391 before proceeding further.

(2) NGB-ARI must have granted in writing the State authority to proceed to design. Such authority will state the level of Federally supported design beyond which the State proceeds at its own financial risk. NGB-ARI must have Assistant Secretary of the Army (Installations and Environment) approval to grant design authority, and such approval is normally granted only for FYDP projects or for non-FYDP projects in the final stages of Congressional action.

(3) There must be a fully executed Military Construction Cooperative Agreement (MCCA) for the project, with at least Appendices SP and SD attached. Those States who had a Federal/State Agreement approved prior to the adoption of the MCCA may use that document as a substitute for the MCCA. (Note: The requirement for an MCCA does not apply to those design projects on Federal land using Federal contracting procedures.)

(4) The CFMO must have submitted, and NGB-ARI must have approved, an NGB Form 86-R for design services.

c. For a State to be eligible to receive Federal reimbursement for design costs it will incur by proceeding on its own, all of the following must take place:

(1) The project must be one for which the State is required to submit DD Forms 1390/1391.

(2) NGB-ARI must have approved DD Forms 1390/1391 in writing within the past 12 months for the scope of the project to be designed. If the scope changes during the design, then the State must receive NGB-ARI approval of revised DD Forms 1390/1391 before proceeding further.

(3) There must be a fully executed MCCA for the project, with at least Appendices SP and SD attached, that authorizes reimbursement for planning and design pre-agreement costs after the fact.

d. Unless the State complies with all provisions in paragraph 5-4b or 5-4c (as appropriate), NGB-ARI shall not conduct any design reviews of the project.

e. Whichever contracting agent the CFMO uses to begin a project (State or Federal) shall remain throughout both the design and construction phases of the project. Only if the CFMO submits sufficient justification, shall NGB-ARI approve an exception.

f. The Architect-Engineer (A-E) firm selected to design the project must include an individual or individuals (depending on State requirements) licensed to practice within the State in which the project is to be constructed. This requirement also applies to design-build projects, even though the State is not directly contracting with the A-E firm.

6-2. Types of Architect-Engineer (A-E) Services

a. Title I

(1) Type A. Field surveys and investigations required to obtain data that is essential to the performance of Type B services and that is not available from Federal or State government resources. These surveys and investigations may include topographical surveys; soil borings and other subsurface investigations; soils, chemical, and mechanical surveys and investigations; determination of utility locations and capacities; and similar fact-finding investigations and technical studies at the approved project site.

(2) Type B. Production of complete designs (including concepts, preliminary, and final plans), drawings, outline and final specifications, basis for designs, design analysis, and preliminary and final cost estimates. There is a statutory 6 percent limit on these services, based on the NGB-ARI approved estimated construction cost (excluding the allowance for contingency and for Supervision, Inspection, and Overhead (SIOH)) at the time the A-E contract is let (10 USC §2306(d)).

b. Title II

(1) Also known as Type C.

(2) Construction supervision and inspection services, testing, shop drawing review, and management services, otherwise known as SIOH.

6-3. State A-E Contracts

a. The CFMO may elect to contract for all A-E services, to perform some of the services within the Construction and Facilities Management Office, or to enter into an agreement with a State agency outside of the Military Department to be the contracting agent. The CFMO is the one who will determine whether a Federal agent or a State agent is utilized in cases where either a State or Federal contract can be utilized.

b. The State shall contract for A-E services with a firm licensed to do business within the State as a registered architect and/or engineer. In addition to the requirement in paragraph 6-1e above, the State shall comply with all unique State licensing requirements.

c. The State may contract for A-E services in accordance with NGB-AQ cooperative agreement directives and the MCCA (Appendix SD) on the NGB variable fee schedule, an NGB approved State variable fee schedule, or a lump-sum fixed-fee basis. Such a contract shall include the following two clauses:

(1) A stipulation that the A-E shall revise plans at no cost to the State to stay within the design control cost, a contract designated amount not to exceed the estimated project cost on the latest approved DD Forms 1390/1391.

(2) A payment escalation clause that in the case of a variable percentage contract shall stipulate that the contract amount is an estimated amount only and that final payment for all A-E services shall be based on the lowest acceptable responsible bid under the construction contract. The clause shall further state that if the State cancels the project prior to award of a construction contract, the A-E shall only receive payment for Title I services. Such payment shall be based on the lowest bid received, or, if no bids have been received, on the State Contracting officer's determination, but in neither case to exceed the amount established in the A-E contract.

d. The State is liable for any A-E fees that exceed the limits established in the MCCA, Appendix SD, as amended.

e. Upon completion of its A-E contract negotiations and establishment of a design schedule, the CFMO shall submit an NGB Form 86-R to NGB-ARI for review and funding. Upon approval, NGB-ARI shall allot funding for the estimated Federal share of Title I costs to the USPFO to be disbursed to the State to reimburse it for A-E progress payments.

f. If NGB-approved changes in project scope, construction cost, and construction methods or details require the A-E to accomplish Title I work above and beyond that normally required such that the escalation clause in the variable fee contract (or the amount of the fixed fee contract) will not adequately compensate the A-E, the CFMO may negotiate a change to the original contract and submit an NGB Form 87-R requesting additional funds.

(1) For fixed fee contracts additional funds are limited to actual time and materials to be expended by the A-E. NGB-ARI approval is contingent upon CFMO justification that cogently itemizes the additional labor required by A-E discipline and type of work and other materials required and expenses to be incurred.

(2) Any approval by NGB-ARI will also require the State to submit a modification to the MCCA, if the increased costs will exceed maximum Federal funding limitation for design in Appendix SD.

(3) NGB-ARI will not normally consider a request for additional funds predicated upon A-E work required to modify, change, and/or correct the project plans, specifications, and/or bidding documents to conform to NGB-ARI design review comments on published criteria and construction standards.

g. Upon award of a construction contract, the CFMO shall modify the A-E contract according to the payment escalation clause and submit two NGB Forms 86-R to NGB-ARI: to adjust Title I funding and to request Title II funding. The first form shall show the final fee due the A-E and the adjustment of funds between the final amount and the amount previously allotted to the State for Title I fees. (In the case of a fixed fee A-E contract, the State

shall submit only a form requesting Title II funding.) After review and approval, NGB-ARI shall allot additional funds or withdraw unnecessary funds from the USPFO for Title I and allot Title II funds. Any additional design changes required after construction has begun are paid for out of Title II funds.

h. If changes in construction methods or details required by the contracting officer require the A-E to accomplish Title II work above and beyond that normally required and if NGB-ARI approves these changes, the CFMO may negotiate a change to the original contract and submit an NGB Form 87-R requesting additional funds.

(1) Such an approval by NGB-ARI will also require the State to submit a modification to the MCCA, if the increased costs will exceed the total maximum Federal funding limitation set in Appendix SC.

(2) NGB-ARI will not normally consider a request for additional funds for inspection services at the project site performed in conjunction with the inspection services required by the basic A-E contract unless the State can demonstrate that additional work effort is required by these changes.

i. The CFMO may request approval from NGB-ARI that any or all A-E services be performed with Construction and Facilities Management Office staff.

j. When the standard procedures, agreements, or laws of a State require that MCNG projects be designed and their construction supervised by a State agency other than the Military Department, the State Military Department shall enter into a formal agreement with that agency. Funding shall be as described elsewhere in this paragraph 6-3. Although there is no standard format for the agreement, it shall be reviewed and approved by the USPFO to ensure that its procedures are in consonance with the MCCA and this regulation.

6-4. Federal A-E Contracts

a. On MCNG projects executed under Federal procedures, normally the USPFO is the design and construction agent. However, NGB may delegate that responsibility to the Army Corps of Engineers, the Naval Facilities Engineering Command, or the NGB Principal Assistant for Contracting. Except when NGB is the design and construction agent, all MCNG funds shall flow through the USPFO.

b. If there is a Federal design agent, no MCCA is required.

c. As the Construction Activity, the CFMO at a minimum shall support the design and construction agent with the following:

(1) The selection of all A-Es shall be under the cognizance of the CFMO. The CFMO shall determine if there is to be a unique A-E selection or if a pre-selected (Indefinite Delivery Indefinite Quantity (IDIQ), for instance) contractor shall be utilized.

(2) The CFMO shall prepare a concise and accurate project description to be used in the statement of work for both the design and the construction contracts. At a minimum the description must provide information on utility systems, existing structures that will be affected by the new project, facility user requirements, and a list of Government equipment to be installed.

(3) The CFMO shall prepare, sign, and date a detailed cost estimate for both the design and the construction contracts and submit the same (and any required revised estimates) to the contracting officer.

(4) The CFMO shall schedule and conduct project A-E criteria review conferences for all MCNG projects with a Federal design agent.

(5) The CFMO shall assist the contracting officer in preparing A-E performance evaluations when the FAR requires them.

(6) The CFMO shall provide technical support as requested.

d. Project criteria.

(1) NGR 415-10, NG Pam 415-12, MIL-STD-3007, and other technical publications referenced in the MIL-STD shall provide the technical guidance that the A-E shall incorporate into the design.

(2) Where both NGB and DoD are silent on technical facility criteria, the A-E shall use the current Uniform Building Code (UBC) to complete the design.

(3) The States may request exceptions only to NGB criteria. NGB has no authority to waive the criteria in MIL-STD-3007, the UBC, or local building codes. However, the State must submit a certification of the local code in accordance with paragraph 7-3f when the proposed design exceeds NGB criteria.

e. A-E selection shall be in conformance with the FAR and its supplements. The CFMO is the delegated selection authority.

f. All A-E contracts shall be fixed-price, prepared according to the FAR and its supplements. In addition, the contracts will contain the following:

(1) The requirement for NGB reviews as stipulated elsewhere in this regulation.

(2) A design control cost as described in paragraph 6-3c(1) above.

(3) The stipulation as described in paragraph 6-3f(3) above.

g. Funding.

(1) When NGB-ARI grants design authority, the CFMO shall submit an NGB Form 86-R to NGB-ARI for review and advance funding. Upon approval, NGB-ARI shall allot funding for the estimated Federal share of Title I costs to the USPFO as an advance so that the contracting officer can negotiate an A-E contract.

(2) Upon completion of A-E negotiations, the CFMO shall submit an NGB Form 86-R to adjust Title I funding to the actual contract amount.

(3) Upon award of a construction contract, the CFMO shall submit an NGB Form 86-R to NGB-ARI to request Title II funding. After review and approval, NGB-ARI shall allot Title II funds.

h. If NGB-approved changes to a project scope and construction cost are such that the amount of the fixed fee contract will not adequately compensate the A-E, the CFMO may request approval from NGB-ARI to ask the design agent to negotiate a change to the original contract. Such change orders shall be in accordance with the FAR and any FAR supplements.

(1) NGB-ARI approval is contingent upon CFMO justification that cogently itemizes the additional labor required by A-E discipline and type of work and other materials required and expenses incurred.

(2) However, NGB-ARI will not consider a request for additional funds predicated upon A-E work required to modify, change, and/or correct the project plans, specifications, and/or bidding documents to conform to NGB-ARI comments on criteria, construction standards, etc.

6-5. Errors and Omissions

a. No matter what type contracting procedure is used for design, the A-E is responsible for the technical competency, accuracy, and completeness of its project plans and specifications and is to be held accountable for any additional expenses and or lost work resulting from its errors and omissions.

b. Under A-E contracts, the A-E shall be required to make necessary corrections at no cost to the Government when the designs, drawings, specifications, or other items or services furnished contain any A-E errors, deficiencies, or inadequacies.

c. No Federal funds shall be used to compensate the A-E for additional design work or the construction contractor for construction costs incurred as a result of A-E errors and omissions. State and Federal contracting agents shall seek appropriate remedies under their applicable contracting procedures. However, this prohibition on additional Federal funds for construction costs as a result of A-E errors and omissions applies only to the difference between what the project actually cost and what it would have cost had the A-E not made the errors and omissions.

d. In the case of State contracting agents, the State shall be liable out of its own, non-Federal, funds for any additional A-E or construction costs that accrue as a result of improper guidance, direction, or oversight it provides the A-E.

e. NGB shall be liable for any additional A-E or construction costs that accrue as a result of improper guidance, direction, or oversight it provides the State.

Chapter 7

Designing MCNG Projects

7-1. General

a. All submissions shall reflect the principles of sustainable design and development as enunciated in Executive Orders 13101 and 13123 and in Engineer Technical Letter 1100-3-491.

b. To ensure that maximum functionality and usability, throughout the design process the CFMO shall involve all facility users, functional proponents, and other appropriate State staff elements.

c. To ensure that the project complies with all statutory, regulatory, and code requirements, the CFMO shall consult at each stage of the design with appropriate code officials and environmental, physical security, range safety, explosive safety, and occupational health experts and have them review the design documents.

d. The CFMO shall not proceed beyond conceptual design without receiving DoD Explosive Safety Board (DDESB) approval when planning to construct facilities for manufacturing, storing, handling, transporting, or testing military explosives or ammunition. This includes projects, even ranges, with facilities that have recurring munitions handling missions such as reconfiguration and issue points and that have improved storage/distribution facilities such as buildings or covered concrete pads.

(1) See AR 385-64, paragraph 6-2, for procedures for submitting plans to the Board.

(2) The CFMO shall also have the DDESB review and approve site plans for facilities which do not involve hazardous materials but which would be exposed to such risks if not properly located (i.e., facilities to be located in an explosives safety clear zone) (which means located within inhabited-building distance of existing or proposed facilities that contain or were designed to contain ammunition or explosives).

(3) CFMOs shall ensure that the State Safety Officer submits such site plans through the National Guard Bureau's Army Aviation and Safety Division (NGB-AVS) to DDESB.

(4) Preparation and contents of site plans will be in accordance with Preliminary and Final Site Submittal Checklist and Site and General Construction Plan Guide, USATCESP-385-02.

e. The CFMO shall not proceed beyond conceptual design without receiving NGB-AVS review of all new range construction projects and validation that the surface danger zone has been properly mapped and applied in accordance with AR 385-63.

f. NGB-ARI shall not approve the State proceeding to final design until the CFMO documents the following approvals.

(1) Final safety approval from the DDESB for those projects that require DDESB review. These are both ammunition storage projects and projects within the Quantity Distance of such facilities. Details are in DA Pam 385-64, paragraphs 8-2 and 8-3.

(2) Quartermaster School approval, as described in NG Pam 415-5, for projects including a kitchen, if the State deviates significantly from the kitchen design in Design Guide 415-1.

(3) U.S. Army Petroleum Center approval, as described in NG Pam 415-5, for projects including a petroleum facility.

(4) An industrial hygiene and occupational health technical review, as described in NG Pam 415-5, for surface and air maintenance facilities and indoor ranges.

g. For those projects where there are two or more A-Es, then the CFMO shall ensure that there is a common site reference point established and referenced on the designs of all of the A-Es. In addition, all of the site designs will be accomplished using an equivalent scale.

h. The CFMO shall ensure that the A-E does not proceed to the next stage of design until NGB-ARI has so approved. In turn, NGB-ARI shall expeditiously review all submissions for authorized stages of design.

i. Once a project has had a preliminary design submission approved, thereafter it shall be judged only by the already approved DD Forms 1390/1391, not any criteria changes that may be subsequently published. The only exceptions are projects that have no authority to exceed that design level or projects that are not in a military construction budget already submitted or just about to be submitted to DA, DoD, or Congress. In those cases, the States must make a formal, justified case for an exception. In other cases, the States may also request an exception if it can demonstrate that adhering to the original criteria would cause harm to the readiness levels of the supported units or would not significantly increase the cost of construction.

j. The CFMO shall verify for all construction projects through an Archival Search Report the hazards and costs associated with UXO contamination. For details see NG Pam 415-5.

k. Design-build projects have a different submission process, as discussed in paragraph 7-9 below.

7-2. Types of Project Submissions to NGB

a. Conceptual

(1) Submitted at approximately the 10% point in the design process.

(2) Purpose is to ensure early coordination at both the Federal and State levels and to clarify project requirements, criteria, and utility services.

(3) Only required for projects that are Federally contracted or that are addition/alteration, range, or ammunition storage projects.

(4) May be substituted for a preliminary submission if the level and quality of detail of the submission is that of a preliminary design.

b. Preliminary

(1) Submitted at approximately the 35% point in the design process.

(2) If sufficiently accurate, complete, and detailed, may be approved as a final submission.

c. Final: Submitted at approximately the 95% point in the design process.

d. Bid Final: Numbered bid sets (specifications and drawings) that are identical to those sent to potential contractors. Submitted just prior to the solicitation of bids.

7-3. NGB Design Reviews

a. NGB-ARI is not responsible to do complete technical reviews of the design submissions. Rather, the Federal oversight responsibility for technical adequacy of design and construction is the responsibility of the CFMO.

b. The CFMO shall submit professionally prepared and coordinated documents at each required design review. These documents shall be complete and include all necessary quality assurance verifications.

c. NGB-ARI primarily conducts its reviews to ensure that the design is within the scope of the approved DD Forms 1390/1391 and that features that are eligible for Federal construction support are differentiated from those not eligible for Federal reimbursement.

d. NGB-ARI design reviews include three types of comments.

(1) Type A: These comments are informative and advisory in nature. They may suggest improvements or functional changes to the design from the reviewer's perspective.

(2) Type B: These comments address items that do not conform to NGB, DA, or OSD policies and/or are not supported by a life cycle cost analysis or will not meet Army energy goals.

(3) Type C: These comments address items that appear to exceed published NGB criteria and construction standards and must be covered by an approved exception to criteria or otherwise adequately justified. They may remain in the project without justification if supported with other than Federal funds.

e. NGB-ARI also reviews for industry standard quality control measures. The intent is to ensure facility quality and adaptability and to reduce obvious design errors that increase either construction or operational costs and that reduce mission support. However, this is a quality control review and not a complete technical review, which remains the responsibility of the CFMO.

f. NGB-ARI design reviews shall not supersede State or local code. If the State desires Federal support for an item required by State or local code and normally considered excess to published NGB criteria and construction standards, the CFMO shall sign and submit to NGB-ARI a certified statement detailing the code applicability. For specific format to be utilized, consult NG Pam 415-5. States are encouraged to involve applicable code officials in justifying design components in dispute.

g. Before proceeding to the next design step, the State shall respond in writing as to whether it concurs or non-concurs with each NGB-ARI project review comment. The CFMO must support each non-concurrence with technically sound data that is in conformance with the latest industry standards. The State shall not proceed to the next stage in design until all NGB-ARI comments have been resolved between the State and NGB-ARI.

7-4. Conceptual Review Documents (State Projects)

a. The CFMO shall make these as brief and direct as possible, but in accordance with paragraph 7-2a(3) above conceptual documents for State contracted projects are not required unless they are addition/alteration, range, or ammunition storage projects.

b. Documents shall address the State's specific issues and concerns with criteria or project development.

c. The submission does not have to be in any greater detail than freehand, single-line sketches.

d. The CFMO shall have commenced environmental documentation as required by paragraph 1-5d above prior to submitting DD Forms 1390/1391 for the project and shall include a statement with the submittal of the conceptual documents as to the status of the environmental documentation.

e. In the case of range and ammunition storage projects, the CFMO must submit copies of the required approvals.

7-5. Conceptual Review Documents (Federal Projects)

a. For details of the submission, see NG Pam 415-5.

b. The submission shall be brief and schematic in nature with enough data to describe the project in a narrative covering each engineering discipline.

c. The CFMO shall have commenced environmental documentation as required by paragraph 1-5d above prior to submitting DD Forms 1390/1391 for the project and shall include a statement with the submittal of the conceptual documents as to the status of the environmental documentation.

d. In the case of range and ammunition storage projects, the CFMO must submit copies of the required approvals.

7-6. Preliminary Review Documents

a. A preliminary design submission consists of plans, technical specifications, cost estimate, and supporting design data. Depending upon the discipline, these documents represent between 20% and 50% of the required finished design effort.

b. For details of the submission, see NG Pam 415-5.

c. Prior to or simultaneously with the preliminary design submission, the CFMO shall provide NGB-ARI with the following documents. Failure to do so will jeopardize approval to continue to the next stage of design.

(1) Site survey report. This report shall be for the actual location of the project, not for adjacent or similar locations, and shall include laboratory results that classify, grade, characterize, and determine the strength of the surface land subsoils for supporting building and pavement construction (i.e., Declaration of Soil Bearing Capacity). The report shall also provide recommendations on whether to use slab-on-grade or a foundation and what type of paving to apply.

(2) Environmental Baseline Survey (EBS). NGB-ARI shall not begin review of the preliminary documents without an NGB-ARE approved EBS that demonstrates that the project site meets the requirements stipulated in paragraph 4-4a(10) above.

(3) Certificate of Title, dated within one year of its submission to NGB-ARI. It shall be in two originals, with the original signatures on both of the State Attorney General, his or her legal representative, or another State official specifically authorized by statute to certify title validity. However, NGB-ARI may consider waiving this requirement until the submission of final design documents in the case of projects requiring a license, if the State can demonstrate that it has a legally binding right of entry to the project site.

(a) The State shall have fee simple interest in the property or a lease interest that is not revocable with a firm term or right of renewal for a minimum of 25 years, unless there is compelling reason for a lesser period. The legal description in the title or lease shall place no restrictions against ARNG use for construction, administration, operations and training or to Federal government use in time of war or national emergency. Any lesser period requires approval of NGB-ARI.

(b) If the property is on Federally owned land, the State shall submit two copies of its license, which shall also provide for at least a 25 year interest, unless there is compelling reason for a lesser period. Any lesser period requires approval of the Assistant Secretary of the Army (Installations and Environment).

(c) If the project is on the same tract of land as a previous MCNG project, then the State shall submit a certificate stating only that no transactions have been recorded for the described tract since the date of the original certificate. This certificate has the same signature and signature validation requirements as an original Certificate of Title and shall reference the MCCA or Federal/State Agreement of the original project and the current MCCA or Federal/State Agreement. However, in the case of projects on the same tract of land as a previous MCNG project where the State only holds a lease or license interest, the State must demonstrate that it has at least a remaining 25 year interest from the estimated date of construction completion.

(4) The CFMO shall submit appropriate proof that the State has complied with applicable requirements of the National Environmental Policy Act (42 U.S.C. §§4321-4370a), National Historic Preservation Act (16 U.S.C. §470 et. seq.), and other environmental requirements. (See AR 200-1, AR 200-2, AR 200-3, AR 200-4, and AR 200-5.) The documentation shall consist, as appropriate, of an NGB-ARE approved Record of Environmental Consideration, Finding of No Significant Impact, or Environmental Impact Statement. In addition, if there is a potential for the project to be considered an undertaking (as defined in 36 CFR 800.16(y) on a historical property (as defined in 36 CFR 800.16(l)(1)), the State must provide proof of concurrence from the State Historic Preservation Office (SHPO). (Failure to do so can result in a Letter of Foreclosure from the Advisory Council on Historic Preservation to the Secretary of the Army.)

d. Plans. The CFMO shall submit preliminary plans with sufficient detail and data to adequately depict the basic design features. These shall include at minimum a location map, vicinity sketch, site plan, and architectural drawings.

(1) The site plan shall clearly show the building siting, parking lot and access road arrangement, utility service locations, and site contours.

(2) The architectural drawings shall reflect the State approved floor plans at a minimum 1/8" scale and shall also include building elevations and a minimum of one schematic building cross section.

e. Technical specifications. The CFMO shall submit a brief outlining the technical sections to be included in the final specifications. The outline shall convey enough information to support the design intent and cost estimate in Construction Specifications Institute format.

f. Estimate. The CFMO shall submit an estimate of construction cost based on the proposed design of the project.

(1) The submittal shall break costs down by architectural and engineering discipline and shall separately cost the various building features and outside supporting facilities.

(2) If the preliminary cost estimate for the project exceeds the cost in the approved DD Forms 1390/1391 by more than 5%, the CFMO shall list the items contributing to the additional cost and shall identify any other factors for the increase.

(3) The CFMO shall identify any items in the project that exceed the scope in the approved DD Forms 1390/1391 and other features not normally authorized Federal support and justify them or list them as bid alternates to be supported with other than Federal funds.

(4) Cost excesses and unauthorized project items may be grounds for NGB-ARI to direct a reexamination of the project scope and direction. To avoid that, the State should submit for approval revised DD Forms 1390/1391 with the submission of their preliminary design package. Revised DD Forms 1390/1391 should be based on submitted design, published Federally supportable criteria, documented exceptions to criteria, and additional sitework elements necessary for an effective and efficient facility lay out. DD Forms 1390/1391 should be revised to incorporate all increases to the scope of the project.

g. Supporting design data. The CFMO shall submit data for the standard engineering disciplines in a clear, readily understandable manner, sufficiently detailed to ensure that all reviewing NGB-ARI staff interpret the project scope as the State intended and the A-E executed. Data shall include life cycle cost analyses for any non-standard systems that the CFMO is proposing. In addition, the CFMO shall provide sufficient supplemental information to support project intentions, to include applicable code certifications as required. NGB-ARI shall use this material only to resolve issues arising from the portion of the review it does under paragraph 7-3c above.

7-7. Final Review Documents

a. General.

(1) A final design submission consists of plans, bidding documents (to include general specifications), technical specifications, cost estimate, and supporting design data.

(2) Final review documents shall explicitly describe the quantity and quality of work to be performed by the construction contractor. This description shall be of such quality in such detail that a qualified contractor can build a complete and usable facility suitable for the purpose intended, without recourse to subsequent contract modifications or changes (assuming no user directed changes and no A-E errors and omissions).

(3) The CFMO shall ensure that the submission is in accordance with the NGB-ARI comments on the preliminary submission, the scope in the approved DD Forms 1390/1391, and the generally accepted construction standards in the appropriate Design Guides.

(4) Prior to submission the CFMO shall, in conjunction with the appropriate environmental, physical security, range safety, explosive safety, and occupational health experts, examine the documents from the A-E for completion. They should pay special attention to possible omissions of authorized items, threats to environmental protection, and violation of safety and occupational health requirements.

(5) The CFMO shall ensure that the contracting officer does not solicit bids until NGB-ARI approves the final review documents and authorizes that the project be bid. The State shall be liable for all A-E and construction costs associated with any excess between what it bids early and what NGB-ARI actually approves.

b. For details of the submission, see NG Pam 415-5.

c. Prior to or simultaneously with the final design submission, the CFMO shall provide NGB-ARI with the following additional documents.

(1) Appendix SC of the MCCA, unless the CFMO submitted it with the MCCA at the time NGB-ARI issued design funds. Those States who had a Federal/State Agreement approved prior to the adoption of the MCCA may use that document. This requirement does not apply to projects with a Federal construction agent.

(2) The CFMO shall either certify that no change has occurred in its environmental documentation or it shall update the documents submitted with the preliminary design package.

d. Final plans. The CFMO shall ensure that the A-E prepares the final construction drawings and includes the necessary plans, elevation, sections, schedules, and notes in sufficient detail to assure:

(1) Complete construction of all elements of the project buildings and exterior supporting facilities.

(2) Coordination of drawings and specifications to eliminate omissions, conflicts, or ambiguities.

(3) Completion of all details referenced in specifications.

(4) Clear and uniform interpretation of project scope and complexity by all qualified bidders.

(5) Conformance to NGB comments on preliminary plans or resolution of comments as agreed upon in accordance with para 7-3g above.

(6) Complete delineation of any alternate bid items, and substitutes designated as "Contractor's Option."

e. Bidding documents (to include general and technical specifications).

(1) The CFMO shall prepare these in accordance with State or Federal contracting law, as appropriate.

(2) The CFMO should bid all items that are not authorized Federal reimbursement as an alternate or additive bid item. The CFMO shall bid deductive items only when there is no alternative. However, the CFMO need not use alternate bids if the substitute item is designated "Contractor's Option."

f. Final technical specifications.

(1) The submission shall, in conjunction with the final plans, include a complete identification of materials and equipment to be used and description of the methods of construction, installation, or application, as appropriate, for each type of work.

(2) Product descriptions shall not contain features that unduly restrict competition unless justified and specifically approved by the contracting agent as in the best interest of the government. They may, however, include a statement of the qualitative nature of the material or project specified, or they may set forth those minimum essential characteristics and standards to which it must conform.

g. Final itemized cost estimate by architectural and engineering discipline.

h. Supporting design data. The CFMO shall submit data for the standard engineering disciplines in a clear, readily understandable manner, sufficiently detailed to ensure that all reviewing NGB-ARI staff interpret the project

scope as the State intended and the A-E executed. Data shall include life cycle cost analyses for any non-standard systems that the CFMO is proposing. In addition, the CFMO shall provide sufficient supplemental information to support project intentions, to include applicable code certifications as required. NGB-ARI shall use this material only to resolve issues arising from the portion of the review it does under paragraph 7-3c above.

7-8. Bid Final Documents

- a. Prior to soliciting bids, the CFMO shall submit one copy of the bid final project documents.
 - (1) These shall incorporate all of NGB-ARI's comments on the final review submission and shall include each of the parts submitted with finals.
 - (2) The CFMO shall ensure that an architect and/or engineer(s) licensed to practice within the State stamps or otherwise certifies the final construction drawings and includes the necessary plans, elevation, sections, schedules, and notes, to include the material submittal requirements (required for Federal contracts).
- b. Concurrent with the submission of the bid final documents, the State shall submit the following:
 - (1) A draft DD Form 1354 itemizing by real property category code all construction that the A-E shows as taking place. Without this document, NGB-ARI will not issue construction dollars.
 - (2) Certification that the environmental documentation and the Certificate of Title are all still current and valid and that any required matching funds are currently available.
- c. NGB-ARI shall review the bid final documents to determine conformance with final review comments. If it finds items in excess of authorization that have not been properly annotated as additive or alternate bid items, it shall coordinate with the State to resolve the issues and, if necessary, determine a reasonable cost for the items and deduct that amount from the amount issued to the USPFO to reimburse the State during construction.
- d. The bid final documents shall become the final, auditable record of the project as bid for both the State and NGB.

7-9. Design-Build Projects

- a. This section applies only to those States that are authorized by State statute to do design-build contracts and to Federal contracts where design-build is an appropriate method for executing a military construction project.
- b. Actual design-build contracts may be let only when Congress has both authorized and appropriated the project. Prior to that point, States may only develop their Requests for Proposals for the design-build contracts.
- c. NGB-ARI conducts only two reviews of design-build projects once it approves the DD Forms 1390/1391.
 - (1) It reviews and approves the State's request for proposals from design-build firms.
 - (2) It reviews the final design submission and grants the State authority to direct its design-build contractor to proceed to construction.
- d. Request for Proposal Reviews
 - (1) NGB-ARI shall review the proposal for the following:
 - (a) That its procedures are in consonance with the MCCA and this regulation.
 - (b) That it appropriately sets the project limits according to the approved DD Forms 1390/1391 and NGB criteria as defined in this and other current NGB regulations, pamphlets, design guides, and policy letters.
 - (c) That it sufficiently and adequately defines the scope of the project and otherwise protects the interests of the State and the Federal government and is prepared in accordance with current, accepted practices for design-build requests for proposal.
 - (2) To receive approval to bid the request for proposal, the State must also have submitted and received approval for the following documents:
 - (a) A fully executed MCCA, including all appendices. Appendix SC, however, is not required if you are not contracting for any design services prior to awarding the design-build contract.
 - (b) All documents specified in paragraphs 7-1d, 7-1e, 7-6c, and 7-7c above.
- e. Final Design Document Reviews
 - (1) NGB-ARI shall review the submission to ensure that the design conforms to the functionality and specifications in the NGB-ARI approved Request for Proposals.
 - (2) The submission shall consist of plans, general specifications, technical specifications, and supporting design data as defined in paragraph 7-7 above.
 - (3) To receive approval to proceed to construction, the State must also have submitted and received approval for the documents listed in paragraph 7-8b above.

Chapter 8 Construction Contract Management

8-1. General

a. A State should not advertise a construction project and solicit bids without receiving written authority from NGB-ARI to do so. Failure to have this approval may subject the State to financial risk. Such authority is normally part of NGB-ARI's written approval of the final review documents. However, NGB-ARI can not provide that authority unless there are sufficient Federal funds on hand and unless the project (except for a UMI project) is both authorized and appropriated.

b. The CFMO shall ensure that the contracting officer does not award a project until NGB-ARI has accepted the CFMO's bid package and approved the amount of Federal support authorized for that package.

c. There is little difference in construction contract management between projects with a Federal construction agent and ones with a State construction agent except in the following areas:

(1) Federal projects follow the procedures of the FAR and FAR supplements, whereas State projects follow State contracting procedures.

(2) In Federal projects, the CFMO submits NGB Form 86/87-R twice, once for NGB-ARI to issue an advance to the USPFO so that the Federal construction agent may negotiate and the second time to adjust the construction costs based upon the actual proposed contract (or change order) award. In State contracts, the CFMO submits the forms only once, at the time of award.

8-2. Construction Contract Award

a. When the contracting officer has completed the bidding process and has selected a recommended contractor(s), the CFMO shall submit the following documents to NGB-ARI for review and approval of the appropriate level of Federal reimbursement:

(1) NGB Form 86-R (initial or adjustment, depending on whether the project has a State or a Federal construction agent) for each proposed contract.

(2) A copy of the bid abstract.

(3) A copy of the bid(s) of the successful low bidder(s).

b. If the recommended and approved package is within the project's Congressional appropriation, then NGB-ARI shall issue the USPFO funds in the approved amount to reimburse the State (for State construction agents) or pay the contractor(s) (for Federal construction agents).

c. If the recommended package exceeds the project's Congressional appropriation, then NGB-ARI and the State shall consider alternative courses of action to ensure that the MCNG appropriation remains in balance.

d. Before the USPFO obligates the initial construction funds from NGB-ARI, the CFMO shall provide him/her with a copy of the contract.

8-3. Construction Contract Modifications

a. The approved DD Forms 1390/1391 serve as the validated and approved scope and cost of the project. An appropriation above this amount is not itself justification for contract modifications.

b. NGB-ARI shall approve contract modifications for changes in construction contracts that execute modifications under the changes clause and increase or decrease the Federal cost of a project only if these modifications are in the best interest of the Federal government.

c. NGB-ARI shall not approve increases or decreases in the Federal cost of a project when they incorporate additional features, improvements, alternations, modifications, etc. unless these changes satisfy one of the following conditions.

(1) Are in conformance with NGR 415-10, NG Pam 415-12 or other NGB and DoD policies and directives.

(2) Are the most economical solution of the various alternatives that would satisfy the validated requirements.

d. Additionally, contract modifications must satisfy all of the following conditions.

(1) Sufficient Federal authorization and appropriation is available to satisfy the request.

(2) The proposed agreement does not exceed or substantially modify the scope of work as approved in the DD Forms 1390/1391 presented to Congress, unless 10 U.S.C. §18233a(a)(1) has been complied with.

(3) The proposed agreement is for facility components approved by NGB-ARI.

(4) The proposed agreement cannot be more advantageously accomplished by a separate, competitively bid contract.

(5) The proposed agreement is not beyond the scope of the change clause and overall scope of the construction contract.

(6) The cost of the proposed agreement is reasonable.

(7) The project's appropriation must not be expired. However, if the appropriation has expired but has not canceled, the contract modification may be approved if all of the following conditions are satisfied.

(a) It must be for an item within the scope of the original contract.

(b) The request form must so state this and include the certification of either the USPFO or the contracting officer (in the case of a Federal construction agent) and name, title, and telephone number of the legal counsel or contracting officer making this determination.

(c) There must be sufficient expired funds available at NGB-ARI that were not expired at the time the original contract was let.

(8) The proposed agreement must be for items not previously supported with other than MCNG funds.

e. Any item or functional space funded at less than 100% Federal reimbursement in the original construction contract shall use the same reimbursement rate in the contract modifications. As an exception, if the contract modification includes items not authorized Federal reimbursement or authorized less than full reimbursement, then the amount of Federal reimbursement shall be reduced accordingly.

f. NGB-ARI shall not approve construction contract modifications unless the State agrees to support all costs that are not eligible for Federal reimbursement. These consist of:

(1) Work previously supported 100 percent with other than Federal funds and not approved by NGB.

(2) Work already started or accomplished by the contractor without prior notice to and formal approval by NGB-ARI.

(3) Obligations incurred by the contracting officer not approved by NGB.

(4) Obligations incurred by the contracting officer through actions not in conformance with contract provisions.

(5) Modification or correction of construction required as a result of A-E error or omission, except for those costs that would have been incurred had the error or omission not taken place.

(6) Costs for additive changes considered by the approval authority to be unreasonable for the work to be accomplished or credit for deductive changes considered by the approval authority to be insufficient for the work to be deleted.

(7) Work exceeding the approved project scope.

(8) Work not in conformance with NGB and DoD criteria, standards, and policies, unless supported by an approved exception to criteria or a CFMO code certification waiver.

(9) Work or costs that exceed NGB approval authority.

(10) Changes that the approval authority judges to be not in the best interest of the Federal government.

g. USPFO approval limit

(1) The USPFO has the authority to approve individual contract modifications that do not exceed \$25,000 in Federal share. The aggregate of contract modifications that a USPFO may approve per project, net of deductive agreements, may not exceed 2.5 percent of the validated Federal share on the approved DD Forms 1390/1391. As an exception, for projects less than \$1 million in Federal share the USPFO may approve up to \$25,000 in supplemental agreements.

(2) In approving these contract modifications, the USPFO is acting for NGB in approving the agreements as to scope and cost and certifying that they are in the best interests of the Federal government under the terms of paragraphs 8-3b through 8-3f above.

(3) The USPFO may not delegate this authority to any other person.

(4) The State shall not increment or subdivide contract modifications to remain within the USPFO approval limit.

(5) Processing steps. Details of processing these agreements are in NG Pam 415-5.

h. Contract modifications beyond USPFO authority.

(1) NGB-ARI shall review and analyze the CFMO's request for a contract modifications via telephone or other electronic means and convey NGB's approval or disapproval for the contracting officer to start formal negotiations with the contractor

(2) Upon successful completion of negotiations, the contracting officer shall work with the CFMO to prepare the following documents for forwarding to NGB-ARI for review, approval, and funding.

(a) Checklist for Processing Contract Modifications. (See Appendix M of NG Pam 415-5.)

(b) NGB Form 87-R.

(c) Contracting officer's Description of Modification.

(d) Contracting officer's Justification Data.

(e) Contracting officer's Cost Estimate.

(f) Report(s) of Negotiations. (Not required for unilateral contract modifications.)

(g) Contractor's Proposal. (Not required for unilateral contract modifications.)

(h) Statement of Legal Sufficiency, provided by State National Guard Staff Judge Advocate, an attorney in the Attorney General's office, or by other competent legal authority authorized to review State contracts. (This does not apply when there is a Federal construction agent.)

i. Contract modifications not requiring Federal funds.

(1) The CFMO may approve and execute without NGB-ARI approval contract modifications that do not require Federal funding support or that delete items previously supported with Federal funds.

(2) The CFMO shall still submit a copy of the agreement and an NGB Form 87-R to NGB-ARI for recordkeeping purposes. No backup or justification material is required.

j. Unilateral contract modifications.

(1) The CFMO shall ensure that the contracting officer does not provide the contract modification to the contractor until after NGB-ARI has issued funding to the USPFO.

(2) If a dispute over the contract modification leads to a board of arbitration, court of law, or other legal mechanism awards the contractor a claim, the CFMO shall forward a copy of the documents resolving the claim and an NGB Form 87-R to NGB-ARI. NGB-ARI, in consultation with NGB-JA, shall make a final determination on the issuance of funds to the USPFO to support Federal responsibilities under the claim.

8-4. Supervision and Inspection

a. During the project concept phase, the CFMO shall request from NGB-ARI appropriate additional resources to support construction agent responsibilities. The CFMO shall justify in writing how, why, and to what degree the responsibilities exceed CFMO staff capabilities or reasonable provisions for Title II services in an A-E contract.

b. The CFMO shall include appropriate members of the Adjutant General's staff in construction progress inspections to ensure that the completed projects meet environmental, safety, occupational health, building code, and other statutory and regulatory requirements.

c. On Federal projects, the construction agent determines the CFMO's responsibilities. Because these are governed by the FAR and its supplements and any appointment as COR, they are beyond the scope of this regulation. Nonetheless, the construction agent at minimum shall conduct an interim and final inspection of the project and record these on the project's NGB Form 593-R. This normally is the contracting officer's Technical Representative, usually a member of the CFMO's staff.

d. On State projects, the Adjutant General is responsible for the inspection and supervision of MCNG projects.

(1) All such projects shall be inspected at least twice: first to ensure that the progress and quality of construction is in conformance with the terms of the contract; and second to verify that project is complete without any exceptions and is ready for acceptance by NGB and the State.

(2) All inspections shall include at least two parties: a representative of the Adjutant General who is not a Federal employee, and the USPFO or CFMO (if designated the Assistant USPFO for Real Property).

(3) The results of the midpoint and final inspections shall be recorded on the project's NGB Form 593-R.

8-5. System Commissioning

Individual operating systems testing to ensure that contractual requirements have been met is not always an adequate process to guarantee overall performance. For projects which include various large, complex, or interactive utility systems, where significant operational degradation may occur in critical facility processes or in life, health, or safety features of the project if systems do not function as required, it may be necessary to ensure that design intent has been accomplished through the use of the systems commissioning process. The CFMO shall identify and justify all such requirements and program all funds necessary to implement this process, including any required MCNG funds, in the project DD Forms 1390/1391.

8-6. Payments

a. The USPFO shall reimburse the State on projects with a State construction agent and pay the contractor progress payments on projects with a Federal construction agent, as based upon receipt of contractor's invoice and certification of work completed. The contracting officer shall provide this certification for Federal projects and the Adjutant General or other delegated official shall provide the certification for State projects.

b. The USPFO shall retain the appropriate funds (as determined by the FAR or the appropriate State contracting procedures) until the contract is complete and an NGB Form 593-R certifies such completion.

c. Final payment.

(1) The USPFO shall make final payment for Federal projects in conformance with the FAR and FAR supplements upon receipt of the completed NGB Form 593-R and the contracting officer's certification that all work required by the contract has been completed without exception.

(2) The USPFO shall make final payment for a State contract only upon receipt of the completed NGB Form 593-R and the USPFO's approval of the form. In the case of a project with multiple State contracts, the USPFO shall make final payment after the work of all contractors has passed inspection, or, upon request of the State, separately after each contractor's work has passed inspection. In the latter case, the State shall submit a separate NGB Form 593-R for each contract and consolidate the information on the final NGB Form 593-R.

8-7. Beneficial Occupancy

a. Beneficial occupancy, or substantial completion, is the stage of the project when the construction is sufficiently complete according to the contract documents that the contracting agent can allow the users to occupy the facilities for their intended use.

b. The contracting agent shall not allow occupancy until there is an approved Certificate of Substantial Completion (or memorandum of beneficial occupancy in the case of projects that use Federal contracting procedures) that establishes the responsibilities of the contracting agent and the contractor and fixes the time within which the contractor shall complete the remaining items in the project.

c. Upon an approved Certificate, which starts the 25 year clock (for projects with an MCCA/FSA), the CFMO may request via a completed and updated DD Form 1354 that the affected facilities be approved in the real property database for Federal support. The CFMO shall enter the date of beneficial occupancy in the real property database records of all facilities listed in the Certificate. However, submission of the DD Form 1354 does not absolve the CFMO of the responsibility of completing the NGB Form 593-R that indicates financial completion of the project. Nor does submission absolve the CFMO of the responsibility of submitting the final DD Form 1354 to reflect any changes in project costs and scope as a result of final construction work.

d. Upon receipt and approval of the DD Form 1354, NGB-ARI will authorize the appropriate ratio of Federal dollars to reimburse the State for the operation and maintenance of the newly constructed facilities when the State updates the real property database.

8-8. Acceptance and Project Closeout

a. A completed and approved NGB Form 593-R certifies the following:

(1) That the total project is complete without exception according to the NGB approved plans, specifications, criteria, and standards and that the constructed facilities are ready for full user occupancy.

(2) All contracts executed both to design and construct the project have been fully completed and terminated.

(3) An accounting of the total Federal funds disbursed for each contract.

(4) The date of final completion and satisfaction of all outstanding contracts, including contract modifications.

b. The two signatories on the NGB Form 593-R must actually perform the inspection for the acceptance of the project jointly on behalf of the State and the Federal government.

c. After the USPFO verifies and approves the information on the NGB Form 593-R, the CFMO shall mail a copy to NGB-ARI, retain a copy, and provide the original to the USPFO.

d. At the time of project completion, the CFMO shall update the DD Form 1354 submitted with the bid final documents (or, if applicable, the DD Form 1354 submitted at time of substantial completion), to reflect quantities actually constructed and final costs, based on the as-built drawings.

(1) Upon update the CFMO shall forward the form to the USPFO, in the case of Federal property, or the accountable State officer, in the case of State property, for that official's verification, signature, and forwarding to NGB-ARI. In the case of Federal property, the USPFO shall retain a copy or (if appropriate) forward it to the real property accountable officer. This requirement applies both to the DD Form 1354 submitted at time of substantial completion and the one submitted with the NGB Form 593-R.

(2) Upon receipt and approval, NGB-ARI will authorize the appropriate ratio of Federal dollars to reimburse the State for the operation and maintenance of the newly constructed facilities when the State updates the real property database.

Appendix A References

Most of these references are available electronically as listed below:

1. United States Code:
www4.law.cornell.edu/uscode/ or
www.access.gpo.gov/congress/cong013.html or
<http://uscode.house.gov/usc.htm>.
2. Code of Federal Regulations: www.access.gpo.gov/nara/cfr/cfr-retrieve.html#page1.
3. Executive Orders: www.nara.gov/fedreg/eo.html. However, this reference, except for recent executive orders, only provides a summary and citations to the Federal Register. The address of the Federal Register is www.access.gpo.gov/nara/index.html.
4. Office of Management and Budget Circulars: www.whitehouse.gov/omb/circulars/.
5. Acquisition Regulations:
www.arnet.gov/far/ or
www.acq.osd.mil/dp/dars/dfars.html or
<http://acqnet.sarda.army.mil/library/zpafar.htm>.
6. Department of Defense Publications: www.dtic.mil/whs/directives/.
7. Department of Defense Financial Management Regulation: www.dtic.mil/comptroller/fmr/.
8. DFAS Publications:
www.asafm.army.mil/secretariat/document/dfas37-100/dfas37-100.asp and
<https://dfas4dod.dfas.mil/centers/dfasin/library/ar37-1/>.
9. Army Regulations and Pamphlets: www.army.mil/usapa.
10. Technical Manuals: www.usace.army.mil/inet/usace-docs/armytm/.
11. U.S. Army Technical Center for Explosive Safety; Site and General Construction Plan Developers Guide, www.dac.army.mil.
12. National Guard Regulations and Pamphlets: www.ngbpcdc.ngb.army.mil/.

Section I Required Publications

AR 1-1

Planning, Programming, Budgeting, And Execution System. (Cited in para 2-3.)

AR 200-1

Environmental Protection and Enhancement. (Cited in paras 1-5d, 4-1d, 4-3b, and 7-6c(4).)

AR 200-2

Environmental Effects of Army Actions. (Cited in paras 1-5d, 4-1e, 4-3b, and 7-6c(4).)

AR 200-3

Natural Resources - Land, Forest, and Wildlife Management. (Cited in paras 1-5d, 4-1f, 4-3b, and 7-6c(4).)

AR 200-4

Cultural Resources Management. (Cited in paras 1-5d, 4-3b, and 7-6c(4).)

AR 200-5

Pest Management. (Cited in 1-5d, 4-3b, and 7-6c(4).)

AR 385-63

Policies and Procedures for Firing Ammunition for Training, Target Practice, and Combat. (Cited in para 7-1e.)

AR 385-64

U.S. Army Explosives Safety Program. (Cited in paras 7-1d and 7-1f.)

The ARNG Real Estate Manual

(Cited in para 4-1h.)

36 CFR Part 800

Protection of Historic Properties. (Cited in paras 5-3j and 7-6c(4).)

DA Pam 200-1

Environmental Protection and Enhancement. (Cited in para 4-3b.)

DA Pam 415-3

Economic Analysis: Description and Methods. (Cited in para 2-14n.)

DA Pam 415-28

Real Property CategoryCodes. (Cited in para 5-3b.)

Deputy Secretary of Defense Memorandum 13 September 1990 (amended 1 December 1994)

Land Acquisition in the United States. (Cited in para 4-1c.)

Design Guide 415-1

Readiness Centers. (Cited in para 7-1f(2).)

DoDD 1225.7

Reserve Component Facilities Programs and Unit Stationing. (Cited in paras 1-4b, 2-4b, and 2-7c.)

DoDI 1225.8

Programs and Procedures for Reserve Component Facilities Programs and Unit Stationing. (Cited in paras 1-4c, 2-14d, and 5-3c.)

DoDD 4165.6

Real Property Acquisition, Management and Disposal. (Cited in para 4-1b.)

Engineer Technical Letter 1110-3-491

Sustainable Design for Military Facilities. (Cited in para 7-1a.)

Executive Order 13101

Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition. (Cited in para 7-1a.)

Executive Order 13123

Greening the Government Through Efficient Energy Management. (Cited in para 7-1a.)

Federal Acquisition Regulation (FAR)

(Cited in paras 2-13c, 6-4e, 6-4f, 8-1c(1), 8-4c, 8-5b, and 8-6c(1).)

Military Construction Cooperative Agreement

(Cited in paras 6-1b(3), 6-3c, 6-3d, 6-3h, 6-3j, 6-4b, 7-7c(1), 7-7c(2)(c), and 7-9d(1)(a).)

MIL-STD-3007

Standard Practice For Unified Facilities Criteria And Unified Facilities Guide Specifications. (Cited in paras 6-4d(1) and 6-4d(3).)

The National Guard Bureau Environmental Baseline Survey (EBS) SOP

(Cited in para 4-1i.)

NG Pam 415-5

Army National Guard Military Construction Program Execution. (Cited in paras 4-4c, 5-3a, 7-1f(2), 7-1f(3), 7-1f(4), 7-1j, 7-3f, 7-5a, 7-6b, 7-7b, 8-3g(5), and 8-3h(2)(a).)

NG Pam 415-12

Army National Guard Facilities Allowances. (Cited in paras 1-7b(4), 5-4a, 6-4d(1), 7-6f, 7-7a(3), and 8-3c(1).)

NGR 405-80

Army National Guard Real Estate Program. (Cited in para 4-1g.)

NGR 415-10

Army National Guard Facilities Construction Allowances. (Cited in paras 1-7b(3), 5-4a, 6-4d(1), and 8-3c(1).)

TM 5-853-1

Security Engineering: Project Development. (Cited in para 2-14k.)

USATCESP 385-02

Site and General Construction Plan Developers Guide. (Cited in para 7-1d(4).)

Uniform Building Code

(cited in paras 6-4e(2), and 6-4e(3).)

10 USC §2306(d)

Procurement Generally, Kinds of Contracts. (Cited in para 6-2b.)

10 U.S.C. §2803

Military Construction and Military Family Housing, Emergency Construction. (Cited in para 1-5b.)

10 U.S.C. §2854

Military Construction and Military Family Housing, Restoration or replacement of damaged or destroyed facilities. (Cited in para 1-5b.)

10 U.S.C. Chapter 1803

Facilities for Reserve Components. (Cited in paras 1-4a, and 2-7c.)

10 U.S.C. §18233a

Facilities for Reserve Components: Limitation on certain projects; authority to carry out small projects with operations and maintenance funds. (Cited in the Glossary, Section II, UMI.)

10 U.S.C. §18233a(a)(1)

Facilities for Reserve Components: Limitation on certain projects; authority to carry out small projects with operations and maintenance funds. (Cited in para 8-3d(2).)

10 U.S.C. §18234

Facilities for Reserve Components, Location and Use. (Cited in para 4-1a.)

10 U.S.C. §18237

Facilities for Reserve Components, Supervision of Construction: compliance with State law. (Cited in para 1-5e.)

16 U.S.C. §470 et. seq.

National Historic Preservation Act. Cited in paras 1-5d, para 4-3b, and 7-6c(4).)

18 U.S.C §1001

Fraud and False Statements. (Cited in para 5-3l.)

31 U.S.C. §§ 6301-6308

Using Procurement Contracts and Cooperative Agreements. (Cited in para 1-7b.)

42 U.S.C. §§4321-4370a

National Environmental Policy Act. (Cited in paras 1-5d, 4-3b, and 7-7c(4).)

42 U.S.C., Chapter 103

Comprehensive Environmental Response Compensation and Liability Act (CERCLA). (Cited in para 1-5d.)

Section II
Related Publications

AR 1-33
Memorial Programs

AR 11-2
Management Control

AR 55-80
Highways for National Defense

AR 190-13
The Army Physical Security Program

AR 190-51
Security Of Unclassified Army Property (Sensitive And Nonsensitive)

AR 385-10
The Army Safety Program

AR 385-16
System Safety Engineering and Management

AR 415-15
Army Military Construction Program Development and Execution

29 CFR Part 1900.2 – Part 1925.3
Occupational Safety and Health Administration, Department of Labor

32 CFR Part 33
Uniform Administrative Requirements For Grants And Cooperative Agreements To State And Local Governments

36 CFR Part 800
Protection of Historic Properties

DA Pam 385-64
Ammunition and Explosive Safety Standards

DFAS Manual 37-100-XX
The Army Management Structure

DoDD 4270.5
Military Construction Responsibilities

DoDD 6055.9
DoD Explosives Safety Board (DDESB) And DoD Component Explosives Safety Responsibilities

Executive Order 11988
Flood Plain Management

Executive Order 12088
Federal Compliance with Pollution Control Standards

Executive Order 12148
Superfund Implementation

Executive Order 12580

Federal Emergency Management

Executive Order 13148

Greening the Government Through Leadership in Environmental Management

NGR 130-6

United States Property and Fiscal Officer: Appointment, Duties and Responsibilities

TM 5-800-4

Programming Cost Estimates for Military Programs

10 U.S.C. Chapter 159

Real Property

Section III**Prescribed Forms****DD Form 1354**

Transfer and Acceptance of Military Real Property. (Cited in paras 2-13f, 7-8b(1), 8-7c, 8-8d, and 8-8d(1).)

DD Form 1390

FY__ Military Construction Program. (Cited in paras 1-5c, 5-1d, 5-2, 5-2c, 5-2d, 5-2e, 5-3b, 5-3c, 5-3d, 5-3e, 5-3f, 5-3g, 5-3h, 5-3i, 5-3j, 5-3k, 5-3l, 5-4, 5-4b, 5-4c, 6-1b(1), 7-1i, 7-3c, 7-4c, 7-5c, 7-6f(2), 7-6h, 7-9c, 7-9d(1)(b), 8-3a, 8-3d(2), and 8-3g(1).)

DD Form 1391

FY__ Military Construction Project Data. (Cited in paras 1-5c, 5-1d, 5-2, 5-2c, 5-2d, 5-2e, 5-3b, 5-3c, 5-3d, 5-3e, 5-3f, 5-3g, 5-3h, 5-3i, 5-3j, 5-3k, 5-3l, 5-4, 5-4b, 5-4c, 6-1b(1), 7-1i, 7-3c, 7-4c, 7-5c, 7-6f(2), 7-6h, 7-9c, 7-9d(1)(b), 8-3a, 8-3d(2), and 8-3g(1).)

NGB Form 86-R

Funding Data for MCNG Contract. (Cited in paras 5-4b(4), 6-3e, 6-3g, 6-4g(1), 6-4g(2), 6-4g(3), 8-1c(2), and 8-2a(1).)

NGB Form 87-R

Funding Data for Contract Modification. (Cited in paras 6-3f, 8-1c(2), 8-3g(5)(b), 8-3h(2)(b), 8-3i(2), and 8-3j(2).)

NGB Form 593-R

Project Inspection Report. (Cited in paras 8-4c, 8-4d(3), 8-5c(1), 8-5c(2), 8-7c, 8-8a, 8-8b, 8-8c, and 8-8d(1).)

Glossary**Section I****Abbreviations****A-E**

Architect-Engineering

AR

Army Regulation

ARNG

Army National Guard

ASIP

Army Stationing and Installation Plan

CERCLA

Comprehensive Environmental Response Compensation and Liability Act

CFMO

Construction and Facilities Management Officer

CFR

Code of Federal Regulations

CSI

Construction Specifications Institute

DA

Department of the Army

DD

Department of Defense

DDESB

Department of Defense Explosives Safety Board

DoD

Department of Defense

DoDD

Department of Defense Directive

DoDI

Department of Defense Instruction

EBS

Environmental Baseline Survey

FAR

Federal Acquisition Regulation

FYDP

Future Years Defense Program

GSA

General Services Administration

IDIQ

Indefinite Delivery Indefinite Quantity

IRP

Infrastructure Requirements Plan

LRCP

Long Range Construction Plan

MCCA

Military Construction Cooperative Agreement

MCNG

Military Construction Army National Guard

NEPA

National Environmental Policy Act

NG

National Guard

NGB

National Guard Bureau

NGB-AQ

National Guard Bureau Acquisition

NGB-ARE

Army Environmental Programs Division

NGB-ARI

Army Installations Division

NGB-ARL

Army Logistics Division

NGB-ART

Army Training Division

NGB-AVS

Army Aviation and Safety Division

NGR

National Guard Regulation

OMB

Office of Management and Budget

OSD

Office of the Secretary of Defense

Pam

Pamphlet

P&D

Planning and Design

POM

Program Objective Memorandum

RPDP

Real Property Development Plan

RPLANS

Real Property Planning and Analysis System

SHPO

State Historic Preservation Office

SIOH

Supervision, Inspection, and Overhead

SOP

Standard Operating Procedures

TM

Technical Manual

UBC

Uniform Building Code

UMI

Unspecified Minor Construction

USATCES

U.S. Army Technical Center for Explosives Safety

USATCESP

U.S. Army Technical Center for Explosives Safety Publication

U.S.C.

United States Code

USPFO

United States Property and Fiscal Officer

UXO

Unexploded Ordnance

Section II

Terms

A-E Errors and Omissions

Errors, deficiencies, and inadequacies resulting from the A-E firm's failure to supply a professional quality, technically adequate, and fully coordinated set of design documents, whether in the designs, drawings, specifications, or other required services.

Addition/Alternation Project

A military construction project that either increases the overall size or capacity of an existing real property facility or adjusts interior arrangements or other physical characteristics of an existing facility.

Additive Bid Item

An item bid separately not required to complete a project within the validated scope as per the DD Forms 1390/1391. An independent element of the project that does not pre-condition the base project (i.e., it must be usable by itself) and clearly within the scope of the approved project. One of the two desired ways that the State bids items that are excess to authorization for Federal reimbursement or are not essential should the overall bid be in excess of Congressional authorization and appropriation. Also used when a State wants a separate price for an item.

Alternate Bid Item

An item bid separately as a substitute for an item required to complete a project within the validated scope as per the DD Forms 1390/1391. One of two desired ways that the State bids items that are excess to authorization for Federal reimbursement.

Canceled Funds

An appropriation, five years after the entire period of availability for its obligation has ended (i.e., five years after the appropriation has expired). In the case of almost all military construction appropriations this is at midnight on 30 September nine years after the fiscal year named on the appropriation. At this time the appropriation shall be closed and any remaining balance (whether obligated or unobligated) in the account shall be canceled and thereafter shall not be available for obligation or expenditure for any purpose. Once an appropriation has canceled, obligations and adjustments to obligations that would have been properly chargeable to that appropriation, both as to purpose

and amount, before closing may be charged to any current military construction appropriation. (See 31 U.S.C. § 1553(b).)

Construction

The erection, installation, or assembly of a new facility; the relocation of a facility; the complete replacement of an existing facility; or the addition, expansion, extension, alteration, or conversion (to a new type use) of an existing facility. This includes installed building equipment and related site preparation, excavation, filling and landscaping or other land improvements. It also includes increases in components of facilities for functional reasons when a facility is not being repaired and the components are not required to meet current standards, and it includes the extension of utilities to areas not previously served.

Construction Specifications Institute (CSI)

A non-profit organization dedicated to the advancement of construction technology through communication, education, research and service. CSI serves the interest of architects, engineers, contractors, product manufacturers and others in the construction industry.

Construction Specifications Institute Format

A master specification list of construction divisions and sections numbers and titles designated as Division 0 through Division 16 and accepted as a standard by the American Institute of Architects.

Contract Modification

A modification to an existing contract. This may occur when the contracting officer and the contractor mutually agree to the changes, in which case the modification may also be known as a supplemental agreement. Or this may occur when the contracting officer directs or orders the contractor to accomplish the work for a cost considered by the contracting officer to be fair and equitable compensation to the contractor, in which case the modification may also be known as a change order.

Contracting Agent

A person or department/agency authorized to enter into a contract for design and construction of a military construction project or to perform design or construction of a military construction project by the direct employment of labor.

Contractor's Option

An alternate or additive bid item that if a contractor elects to provide it the firm does so at no cost over the base bid

Deductive Bid Item

An item bid separately proposed to be deleted from the baseline project within the validated scope as per the DD Forms 1390/1391. Not one of the two desired ways that the State should bid items that are excess to authorization for Federal reimbursement.

Demolition

The complete dismantling, tearing down, razing, wrecking, or burning of a fixed building or facility, to include the removal of foundations, utilities, and all debris, the backfill of all areas excavated by the work to maintain site grades and contours, and the reseeded of the property.

Design-Bid-Build

The traditional method of executing military construction projects, where design and construction are sequential and contracted for separately with two contracts and two contractors.

Design-Build

An alternative method of executing military construction projects that combines design and construction in a single contract with one contractor.

Design Control Cost

The total cost of a project as validated on the NGB-ARI approved DD Forms 1390/1391.

Environmental Baseline Survey

A study of real property to identify and assess its environmental condition. It focuses on hazardous substances and other regulated hazards in order to assess the liability the Federal government may incur because of the State's acquisition of the property and the construction of certain types of facilities at a specific site on the property.

Expired Funds

An appropriation, when balances no longer are available for incurring new obligations, because the time available for making such obligations has expired. In the case of almost all military construction appropriations this is at midnight on 30 September four years after the fiscal year named on the appropriation. After this time the appropriation retains its accounting classification and is only available for adjustment and liquidating obligations properly chargeable to the account (i.e., making obligations within the scope of the contracts in force at the time the appropriation expired). If there are insufficient expired funds available, then military construction appropriation funds available at the time that the contract was issued shall be used, or, if these are not available, then current year funds shall be used. At midnight on 30 September of the fifth year after the period of availability of the appropriation ends, the account is closed and the funds shall not be available for any purpose. (See 31 U.S.C. § 1553(a).)

Facility

A separate and individual building, structure, utility system, or other real property improvement identifiable with a category code from DA Pam 415-28. Supporting elements for structures, such as sidewalks, fire hydrants, gasoline and diesel fuel dispensing systems, flammable materials buildings, roads, fencing, and hard stand, are all separate facilities.

Facilities Center

A customized version of a commercial off the shelf computer integrated facilities management system. It serves as the ARNG's information management system used by NGB and the CFMOs to manage real property assets from cradle to grave and to track and maintain all facilities related data, including project data.

Incremental Construction

The splitting of a project into separate parts where

- (a) It is done solely to reduce costs below an approval threshold or the unspecified minor construction ceiling, or
- (b) Each part is not in itself complete and usable, or
- (c) The total project is not complete until all parts are complete

Installed Building Equipment (IBE)

Installed building equipment (real property) are items that are affixed or built into the facility and become an integral part of the facility.

Location Map

Prepared related to the north point at a larger scale than the vicinity sketch, it provides information on existing conditions adjacent to the property on which an MCNG project is located. The map identifies all existing major structures in the neighborhood, including names of roads, streets, streams, etc.

Major Construction

A military construction project separately authorized and appropriated by Congress, normally in an amount in excess of the unspecified minor construction statutory limit.

Major Land Acquisition

The purchase, withdrawal from public domain, lease, permit from individuals or government entities, or any other type of use agreement involving more than 1,000 acres or an estimated purchase or annual lease cost of more than \$1 million.

Personal Property (Fixed)

Capital equipment and other equipment of a movable nature that has been fixed in place or attached to real property, but which may be severed or removed from buildings without destroying the usefulness of the facilities.

Personal Property (Moveable)

Equipment that is movable and not affixed as an integral part of the facility.

Planning and Design

Funding to prepare engineering plans, drawings, and specifications required to execute a military construction project.

Real Property Exchange

A program whereby existing ARNG operated property is exchanged for private sector property so that the ARNG receives property worth the total replacement cost of the existing property or fair market value, whichever is greater. The purpose of the program is to acquire more advantageous property thus reducing military construction requirements.

Site Preparation

Clearing; grubbing; demolishing existing structures; removing existing utilities, excavation, embankment earth work, drainage channels or systems, and retaining walls; grading/compaction of site soils to proposed subgrade elevations; and taking necessary environmental compliance actions.

Sustainable Design and Development

The systematic consideration of current and future impacts of an activity, product, or decision on the environment, energy use, natural resources, the economy, and quality of life. In terms of military construction, it is also the design, construction, operation, and reuse/removal of the built environment (infrastructure and buildings) in an environmentally and energy efficient manner.

Unspecified Minor Construction (UMI)

MCNG projects, within the statutory limits of 10 U.S.C. §18233a, that are unforeseen urgent requirements that cannot wait for the normal MCNG programming process. Examples include facility shortfalls resulting from changes in mission and equipment and damage caused by severe weather or other acts of nature.

Vicinity Sketch

A sketch related to the north point and to scale showing the location of an MCNG project in relation to adjacent towns, cities, environmentally sensitive areas, main thoroughfares, highways, and the public street network. If the site is subject to zoning regulations, then the map will specify the classifications for the site and adjacent areas.

Section III**Special Abbreviations and Terms**

This section contains no entries