

A BILL FOR AN ORDINANCE DIRECTING AND  
AUTHORIZING THE MAYOR OF THE CITY OF  
LEBANON TO EXECUTE THE OFFER AND  
ACCEPTANCE OF FEDERAL GRANT FOR SEWAGE  
TREATMENT WORKS.

)  
ORDINANCE BILL NO. 15  
for 1957  
ORDINANCE NO. 982

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

Section 1. That the Mayor of the City of Lebanon be, and hereby  
is, authorized and instructed to execute the offer and acceptance  
of Federal grant for sewage treatment works which is in words and  
figures as follows:

Department of  
**HEALTH, EDUCATION, AND WELFARE**  
PUBLIC HEALTH SERVICE

PROJECT NO. **PC-18D-16**

**OFFER AND ACCEPTANCE OF FEDERAL GRANT FOR SEWAGE TREATMENT WORKS  
UNDER 33 U.S.C. 466 et seq.**

**PART A**

**SECTION I**

**OFFER**

A. LOCATION OF PROJECT (State, County, City)

**Oregon, Linn, Lebanon**

B. LEGAL NAME AND ADDRESS OF APPLYING AUTHORITY (herein called the "Applicant")

**City of Lebanon  
Lebanon, Oregon**

C. PROJECT FINANCING UNDER TERMS OF THIS OFFER

Federal grant offered . . . . .	\$	<b>15,322.28</b>
Funds to be furnished by Applicant . . . . .	\$	<b>35,752.00</b>
Total estimated reasonable cost of the project (Not including land). . . . .	\$	<b>51,074.28</b>

D. DESCRIPTION OF PROJECT

**The existing sewage treatment plant provides an inter-  
mediate level of treatment consisting of primary clarification, high rate  
trickling filtration and separate heated sludge digestion. The addition in-  
cludes a secondary clarifier, wash water pump and tool house. The project,  
when completed, will provide secondary treatment for a design population of  
7500.**

Consideration having been given by the Surgeon General of the Public Health Service to (a) the application submitted by the Applicant pursuant to Section 6 of the Federal Water Pollution Control Act (33 U.S.C. 466 et seq.), (b) the public benefits to be derived by the construction of this project, (c) the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and (d) the adequacy of the provisions made or proposed by the Applicant for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof, and it having been determined by the Surgeon general that such project (a) is in conformity with the approved State water pollution control plan submitted pursuant to Section 5 of the Act, (b) meets the criteria for Federal aid specified in Section 55.28 of the regulations, and (c) is included in a comprehensive program developed pursuant to the Act; and the Surgeon General having further determined that the State water pollution control agency has approved the project and certified that it is entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs;

The Surgeon General of the Public Health Service, acting in behalf of the United States of America, hereby offers: To make a Federal grant to the above-named Applicant, not to exceed the amount specified above and subject to the Assurances included in this document as Section II, in order to aid in financing the construction of the project pursuant to the Federal Water Pollution Control Act: Provided that, in the event the construction contract is awarded for an amount less than the amount estimated above for this purpose, the estimated reasonable cost of the project shall be adjusted to reflect this reduction and the Federal grant shall be reduced as necessary so it will not exceed 30 percent of the adjusted estimated reasonable cost of the project or \$250,000, whichever is less, and the Applicant shall be notified in writing of such reduction; Provided, further, that in the event the actual reasonable cost of the project as determined by the Surgeon General upon completion of construction is less than the estimated reasonable cost or the adjusted estimated reasonable cost of the project described above, such actual cost of the project shall be used in determining the amount of the Federal grant which shall be reduced as necessary so as not to exceed 30 percent of such actual cost or \$250,000, whichever is less.

In addition, this Offer is made subject to completion of Part B of this Offer and Acceptance and the following conditions:

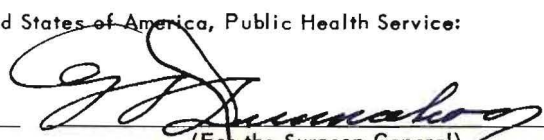
1. F. Y. 1957 Project for a community of less than 125,000 population.
2. Submission of approvable final plans and specifications.

This offer must be accepted, if at all, on or before MAR 18 1957

For the United States of America, Public Health Service:

FEB 15 1957

(Date)

  
for Charles S. Blankenship M. D.  
(For the Surgeon General)

Regional Medical Director

(Title of Officer)

Page 2

## SECTION II

## ASSURANCES

The Applicant hereby gives assurance to the Surgeon General of the Public Health Service:

- A. That actual construction work will be performed by the lump sum (fixed price) or unit price contract method, that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid;
- B. That the project will not be advertised or placed on the market for bidding until the final plans and specifications have been approved by the Surgeon General and the appropriate State agency, and the Applicant has been so notified;
- C. That the construction contract will require the contractor to furnish performance and payment bonds, the amount of which shall each be in an amount not less than fifty percentum (50%) of the contract price, and to maintain during the life of the contract adequate fire, workmen's compensation, public liability and property damage insurance;
- D. That any change or changes in the contract which make any major alteration in the work required by the plans and specifications, or which raise the cost of the project above the latest estimate approved by the Surgeon General, will be submitted to the Surgeon General for prior approval;
- E. That the construction of the project, including the letting of contracts in connection therewith, shall conform to the applicable requirements of State, Territorial and local laws and ordinances;
- F. That the construction contract will provide that the representatives of the Public Health Service and the State will have access to the work wherever it is in preparation or progress and that the contractor will provide proper facilities for such access and inspection;
- G. That the Applicant will provide and maintain competent and adequate engineering supervision and inspection at the project to insure that the construction conforms with the approved plans and specifications;
- H. That adequate accounting and fiscal records shall be maintained to reflect the receipt and expenditure of funds for the purpose of this project and all funds, however provided for the payment of the cost of the project, shall be deposited, promptly upon receipt thereof, in a separate construction account or accounts and these funds shall be expended only for costs of the project;
- I. That the declarations, assurances, representations and statements made by the Applicant in the application, and all documents, amendments and communications filed with the Public Health Service by the Applicant in support of its request for a grant, will be fulfilled;
- J. That the Applicant will submit to the Surgeon General such documents and information as he may require;
- K. That the construction contract will require the contractor to comply with the regulations of the Secretary of Labor made pursuant to the Anti-Kickback Act of June 13, 1934, 40 U.S.C. 276 (c), and any amendments or modifications thereto, to cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and to be responsible for the submission of affidavits required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances and exemptions from the requirements thereof;
- L. That the Applicant will demonstrate to the satisfaction of the Surgeon General his ability to pay the remaining cost of the project;
- M. That the Applicant has or will have prior to awarding of the construction contract, a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, as the Surgeon General finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of construction and operation of the project; and
- N. The Applicant agrees to construct the project or cause it to be constructed to final completion in accordance with the application and plans and specifications approved by the Surgeon General.

Page 3

SECTION III

ACCEPTANCE

On behalf of City of Lebanon, Linn County, Oregon  
(Legal Name of Applicant)

I hereby accept this offer and make the Assurances contained therein and have been duly authorized to take this Offer as is evidenced by the attached certified copy of the authorization made by the Applicant's governing body.

March 6, 1957  
(Date)

*Ralph Scroggin*  
(Signature of Representative)

Ralph Scroggin, Mayor  
(Name and Title of Representative - Type or Print)

Section 2. That inasmuch as said offer and acceptance must be executed on or before March 18, 1957, in order to qualify the City of Lebanon for said Federal grant, and

WHEREAS, said funds are necessary for making said additions to the city's sewage disposal plant and that said additions are necessary for the public, peace, health and safety of the citizens of the City of Lebanon, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council and approved by the Mayor on this 5th day of March, 1957.

  
P. SCHOGIN

ATTEST:

  
City Recorder