

Appendix B

OUTLINE OF CAP PHASE DETAILS & MILESTONES

General. All submittals will go to or through the MSC CAP Manager. All submittals will include the hard copies and electronic copy as directed by your MSC. An electronic copy of the executed FCSA and PPA must be provided to the MSC and HQ RIT within 14 days of execution.

1. Project Requests:

- Need Sponsor's Letter of Request for Assistance.
- Perform site visit using Coordination funds to verify that site is potentially eligible and verify that sponsor is aware of their responsibilities and is willing/able.
- Create a project in P2 using the CAP template, once a program code is provided, add to the CAP DB.
- Enter capability for feasibility, enter remarks with date of LOR, Site visit, verification that site is potentially eligible, Sponsor is ready, as well as District and MSC priority rank.

Action: Work with MSC to request initial funding (up to \$50K).

- HQ must determine if new start is affordable.

Feasibility Phase (F)

2. Federal Interest Determination (FID): Planning Milestone (CW170).

HQ provides initial Feasibility work allowance for new starts.

Action: Determine early in the process (not to exceed 4 Months from receipt of funding).

Submission requirement (can be delegated to Planning Chief level):

- Cover memo, include a summary of relevant findings and a District recommendation.
- CAP Fact Sheet, identifying problems and opportunities, are expected relative costs vs. benefits reasonable, define the scope of the remaining efforts, and including a projection of whether a FCSA is expected to be required, go through DQC review.
- Letter of Request from Sponsor.
- After MSC approval, update the CAP Database with the Actual FID date.
- Request additional funding through MSC CAP Manager.
- For Section 107, Submit Sec 107 Fact Sheet to HQ RIT for review and CECW-Z concurrence, required before FCSA is executed or completing feasibility, if less than \$100k.

- If Feasibility can be completed for less than \$100k, continue feasibility and proceed to step (5).

3. Feasibility Cost Sharing Agreement (FCSA): Requirement for all CAP Feasibility studies over \$100K. The FCSA must be executed within the first \$100k, no additional funding provided.

Action: Check HQ current fiscal year list for “authority to sign” plus the following requirements must be completed before approval of all FCSAs:

- Financial Capability Self Certification (study).
- Certification Regarding Lobbying.
- Certification of Sponsor’s Legal Review.
- Disclosure of Lobbying Activities.
- Project Management Plan (required by some MSCs).
- Review Plan (usually model or programmatic).

Follow MSC guidance for using Model CAP FCSA.

FCSAs with minor deviations require MSC approval and substantive deviations require USACE approval, submit the materials above plus:

- Cover Memo.
- Updated Fact Sheet.
- Location map.
- FCSA - A marked up copy of approved model or latest draft model along with final draft FCSA listing any deviations.

4. FCSA Execution: Milestone (CW130).

Should occur within 6 Months of FID.

Action: Request for funding based on capability.

Submission requirements:

- Update the CAP Database with actual FCSA date.
- Request additional funding through MSC CAP Manager.
- Update P2 Milestone and the CAP Database with execution date.

5. MSC Decision Meeting (MDM): Planning Milestone (CW190).

Replaces Alternatives Formulation Briefing (AFB).

Action: MDM meeting, covering information needed for MSC to concur with tentatively selected plan – submit info to MSC based on your MSC requirements (MDM should occur within 12-18 Months of FCSA execution).

Submission requirements, pre-briefing.

- Summary read ahead info, including ATR comments and planned resolution.
- Any draft documents the team believes relevant to MDM discussion.

Submission requirements, post-briefing.

- Memorandum for the record, including topics discussed and any resolutions.
- Update P2 Milestone with actual date.
- With MSC approval of tentatively selected plan, NEPA documents can go through public review process.

6. Decision Document: Detailed Project Report, Feasibility Report.

Action: DE submits the Decision Document for Division review and approval (within 18-24 Months of FCSA execution).

Submission requirements:

*****Confirm all copies and scanned documents are signed versions.**

- Cover Memo with recommendation and request for approval.
- Final Feasibility Report.
- Decisions Document submittal package checklist.
- Final NEPA Documentation with unsigned FONSI or ROD. DE will sign FONSI after Division approval (or Division Commander will sign ROD if needed).
- Updated CAP Fact Sheet with Table 1.
- Certification of ATR and IEPR, if required.
- Certification of COE Legal Review.
- Non-Federal Sponsor's Real Estate Acquisition Capability.

7. Decision Document Approval: Milestone (CW170).

- Update P2 Milestone and CAP Database with actual date.

Action: Response to any Division comments.

Submission requirements:

- Any additional information requested by Division to clarify issues or comments raised.
- Spreadsheet indicating how comments were addressed.

Design and Implementation (DI)

8. Initiate DI Phase and Complete PPA Negotiations:

Action: Request Initial DI funds (\$100K maximum, and PPA needs to be scheduled within the FY).

Submission requirements:

- Update and maintain CAP Database with scheduled PPA date, current capabilities based on executing PPA, developing P&S, awarding construction contract(s), S&A, monitoring, adaptive management, closeout, etc.
- Request DI funds through MSC CAP Manager.

9. PPA execution: Milestone (CW130).

Action: Check HQ current fiscal year list for “authority to sign.”

Submission requirements: follow MSC guidance for using Model PPA (**except 111**). After PPA is signed (be sure all appropriate documents are scanned with original signature).

- Signed PPA.
- Counsels findings of no deviation and Certification of COE Legal Review.
- Self Certification of Financial Capability (agreements).
- Certification of sponsor’s legal review.
- Signed CAP PPA check list.
- Update P2 Milestone and CAP Database with execution date.

For **Section 111**, or deviations to Approved Model or Approved Draft Model (requiring Division and/or Headquarters Approval):

- Cover Memo with recommendation and request for approval and delegation signature authority to District Commander.
- Decision Document w/ draft or final EA or EIS.
- Negotiated draft PPA.
- Deviations noted in red on a copy of the negotiated draft agreement.
- CAP PPA Checklist, with signature.
- Certification of COE Legal Review.
- Explanation of the deviations.
- Self Certification of Financial Capability (agreements).
- Current letter of intent from the non-Federal sponsor, signed.
- The date that all environmental compliance was completed or will be complete.
- Actual date or estimated date of certified LERRDs.

- District (and Division) Counsel concurrence via email of the PPA prior to forwarding to HQUSACE.

10. Plans and Specifications (P&S) and Contract Documents:

Action: prepare P&S and contract documents for pre-award and construction activities.

Requirements:

- Prepare P&S and Contract documents.
- NEPA Documentation, including the Signed Finding of No Significance (FONSI) supporting project approval decision or ROD if an EIS has been filed by the District.
- Statement signed by the District Commander with appropriate justification that existing physical features or conditions at the site have not changed sufficiently to require additional NEPA or other regulatory compliance documentation, if more than 3 fiscal years have elapsed since the approval of the decision document.
- Certification of LERRDs before solicitation.
- Follow District/MSD procedure for P&S approval and solicitations.

11. Contract Award: Milestone (CC800).

- Update P2 Milestone with actual date.

12. Schedule and Cost Change Requests (SACCR): Possible MSD requirement.

Action: Based on established MSD procedure, requests for additional funding or schedule discrepancy may require a SACCR.

Submission requirements:

- Statement(s) explaining reason(s) for cost/schedule increases.

13. Physical Completion:

Action: The entire Project, or a functional portion of the Project, is substantially complete. The Contracting Officer has accepted the work. (Warranty work, turf establishment, etc., may remain ongoing).

- Prepare OMRR&R Manual.
- Written notification from District Commander, deeming project, or a functional portion of the Project is complete (CW450).
- Sponsor begins OMRR&R responsibilities.

14. Project Completion: Milestone (CW480).

Action: Submit completion report and follow close out process. Submission requirements:

- Update P2 Milestone with actual date and enter in CAP DB.
- Prepare Project Completion Report.
- AAR and Success Story, loaded onto district/MSC shared drive, successes will be shared with HQUSACE and loaded onto CAP Share Point site.

15. Monitoring and Adaptive Management:

Action: For Aquatic Ecosystem Restoration Projects, follow monitoring and adaptive management plan. Monitoring will be used for assessing project performance and determining whether ecological success has been achieved, DE memo required.

16. Fiscally Complete:

- All post construction requirements have been fulfilled.
- Project is fiscally closed in CEFMs .
- CAP Database: Cost and Allocation information is correct, Stage and Project Status are marked as “C” completed.