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Executive Order

EXECUTIVE ORDER DCT 80-17

This Executive Order is issued by virtue of authority vested in me by law, in accordance with the provisions of R.S. 39, Chapter 17:1551-1736, with reference to the subject matter covered herein. Effective as of the date of my signature below, this Order revokes and supersedes Executive Order 80-13 dated June 12, 1980.

R.S. 39:1596: Small Purchases

"Any procurement not exceeding the amount established by Executive Order of the Governor may be made in accordance with Small Purchase Procedures prescribed by such Executive Order, except that procurement requirements shall not be artificially divided so as to constitute a Small Purchase under this Section."

Therefore, pursuant to the above authority, in order to discharge my duty and responsibility as directed by the above-quoted Section of the State Statutes, it is hereby ordered that all state of Louisiana agencies shall observe and abide by the following rules and regulations, and provided further that all purchases shall be made through the State Purchasing Office in the Division of Administration except where specific authority to purchase any materials or supplies has been delegated in writing by the Commissioner of Administration.

Therefore, pursuant to the authority vested in me by R.S. 39:1596, all departments, institutions, boards, commissions, budget units, and any other agencies under the jurisdiction of the Executive Department of the state government shall be required to observe and be guided by the following specific directives.

Small Purchases: Any procurement not exceeding five thousand dollars may be made in accordance with the following small purchase procedures, except that procurement requirements shall not be artificially divided so as to constitute a small purchase.

1. All agencies shall requisition their requirements for all tagable equipment of any kind through the State Purchasing Office of the Division of Administration, with the provision that the only exceptions shall be by written permission of the Commissioner of Administration or those agencies exempted by R.S.:39:1572.

2. All agencies of the state government covered by R.S.:39: Chapter 17, wherever the cost is estimated to be above fifty dollars, regardless of whether purchases are made by the State Purchasing Office or agencies to whom purchasing has been delegated, shall observe the following rules and regulations on small purchases, but maximum competitive bidding shall be obtained in all cases in accordance with R.S.39:1655. *This Executive Order in no way affects or changes the purchasing authority which has been delegated to your agency.*

a. Purchases under fifty dollars. No competitive bidding is required.

b. Purchases over fifty dollars but under two hundred dollars shall be made by receiving price quotations wherever time permits, or if time does not permit, telephone and telegraph quotations may be obtained and purchases made on the basis of the lowest quotation received; however, it shall be determined in writing why time did not permit written quotations.

c. Purchases over two hundred dollars but under one thousand dollars shall be made by soliciting written quotations from at least five bona fide prospective bidders using DA 101 and FACS 101 forms.

d. Purchases over one thousand dollars but under five thousand dollars. No purchases where the estimated cost is over one thousand dollars but under five thousand dollars shall be made except by sending out written invitations for bids to at least eight bona fide, qualified bidders. In addition, the agency may advertise at their discretion. Written invitations for bids shall contain complete specifications, the quantity required, and shall stipulate that bids will be publicly opened and read at a specific date and time, as well as such other pertinent information such as the delivery point and other information sufficient for a supplier to make an acceptable bid. Agencies shall follow the requirements of the Purchasing Rules and Regulations established by the Commissioner of Administration in all other aspects of purchasing except as indicated above.

e. Purchases over five thousand dollars. No purchases where the estimated cost is over five thousand dollars shall be made except by advertising in accordance with R.S. 39:1594C and sending out written invitations for bids to at least eight bona fide, qualified bidders and where feasible, use should be made of State Purchasing's computerized vendor list. In addition, all purchases must be made in accordance with the Purchasing Rules and Regulations established by the Commissioner of Administration.

f. Automotive, Machinery and Equipment Parts and Repairs under five thousand dollars. Parts and Repairs for Automobiles and Machinery shall be obtained by either:

(1) The use of an "Authorized Dealer." (An "Authorized Dealer" is defined as a dealer certified by the manufacturer to perform maintenance on their equipment.)

(2) Obtaining competitive bids as indicated above.

g. Exceptions to minimum competitive requirements:

(1) Federal Government surplus property.

(2) Livestock for slaughter when purchased at public auction sale.

(3) Purchasing or selling transactions between State budget units.

(4) Textbooks, newspapers, subscriptions, or foreign publications.

h. *Telephone or telegraph quotations should be obtained for the following from at least three bona fide, qualified bidders wherever possible.*

(1) Farm products which include, but may not be limited to, fresh vegetables, milk, eggs, fish, or other perishable foods.

(2) Food, materials, and supplies needed for the operation of boats in isolated localities where only limited outlets of such supplies are available.

(3) Food purchased and used in Home Economics colleges courses where purchasing, preparing, and serving is part of the regularly prescribed course.

(4) Food purchases and other materials and supplies required by juvenile Detention homes where the number of the inmates is unstable and unpredictable.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 20th day of October, A.D., 1980.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Livestock Sanitary Board

Because of the existence of a two-fold emergency (i.e., (1) the widespread incidence of the animal disease of canine parvovirus, and (2) absence of any existing Rule to control and/or supervise the manufacture, distribution and/or sale of canine parvovirus vaccine), the Louisiana Livestock Sanitary Board, under the authorization of LSA 49:953 B and Attorney General's Opinion Number 80-1290, adopted the following Rule on an emergency basis at its meeting on October 14, 1980:

Proposed Rule

As an addition to Regulation 12 of the Rules and Regulations of the Livestock Sanitary Board, being a new Sub-part 6:

No person, firm, association, or corporation shall manufacture, distribute, or sell any animal vaccine other than those covered above within the State of Louisiana unless such person, firm, association or corporation can prove to the Board that he (it) is currently the holder of a valid Federal license to manufacture, distribute or sell such animal vaccine, provided that this Rule shall not apply to any person, firm, association, or corporation which is the holder of a special permit from the State Veterinarian at the effective date of this regulation.

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:2096, relative to the authority of the Louisiana Livestock Sanitary Board to regulate all matters pertinent to animal health, notice is hereby given that the Louisiana Department of Agriculture, Louisiana Livestock Sanitary Board, will conduct a public hearing to consider the permanent adoption of regulations relative to the manufacture, distribution, and sale of animal vaccines within the State of Louisiana at 9:30 a.m., Friday, December 12, 1980, in the Office of the Commissioner of Agriculture, 21st Floor, State Capitol, Baton Rouge, Louisiana.

Written comments will be accepted through December 10, 1980, by the following: C. T. Raby, DVM, Assistant Commissioner for Animal Health Services, Box 1951 at 12055 Airline Highway, Baton Rouge, Louisiana 70821, or may be presented in person at the public hearing.

All interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, orally or in writing, as provided by LSA 49:953.

Bob Odom

Commissioner of Agriculture

DECLARATION OF EMERGENCY

Office of the Governor

Division of Administration

The Office of the Governor, Division of Administration, does hereby exercise the emergency provisions of the Administrative Procedures Act (R.S. 49:953B and R.S. 49:954B(2)) to adopt effective December 20, 1980, the following rules and regulations pertaining to the Capital Outlay Budget Request procedure mandated by Act 14 of the Second Extraordinary Session of 1980.

Instructions For Preparation of 1981-82

Capital Outlay Budget Request Forms

Section I. General Instructions

Introduction

Act 14 of the Second Extraordinary Session of 1980 amends Section 61 of Title 39 relative to capital outlay budget procedures. In order to reflect and comply with these changes in the law, the capital outlay budget request forms have been revised.

R.S. 39:61-B(1) requires the head of each budget unit and spending agency of the state to submit "a list of all (proposed)

expenditures for capital projects falling within the definition contained in R.S. 39:2(8), except for construction of streets, roads, highways, and bridges governed by the budgetary requirements of Part XII of Chapter 1 of Title 48. Such annual requests shall include projects proposed to be funded within the next five years." This section further provides that "Any legislator desiring the expenditure of state funds for any capital projects falling within the definition contained in R. S. 39:2(8) or for any other capital project also shall comply with the provisions of this Subsection. All officials of political subdivisions shall submit their proposed capital projects through the senator and representative in whose district the proposed capital project will be located. Each legislator shall forward such request to the Facility Planning and Control Section of the Division of Administration with his recommendation for approval or disapproval or without recommendations."

"Capital outlays," according to R.S. 39:2(8), "means expenditures for acquiring lands, buildings, equipment or other properties, or for their preservation or development or permanent improvement."

Projects that qualify as capital budget items include acquisition of land; site development and improvement; construction of buildings and other structures; additions, major improvements, and alterations to an existing facility that will extend its life or increase its usefulness; installation, extension, or replacement of utility systems, fire protection, and other major facilities; and initial equipment and furnishings for new buildings.

Projects that do not qualify as capital budget items include minor alterations to an existing building such as painting, decorating, and repair or replacement of flooring, sanitary fixtures, windows, locks and similar items; equipment and furnishing for existing buildings; and supplies and materials. Projects that involve alterations and improvements but that primarily comprise maintenance work should not be submitted for approval; nor should such projects be lumped together to form an apparent sizable project.

Following is information regarding the new forms and the timetable for submission.

Budget Request Forms

The new budget request forms and preparation instructions are included in Section II of this manual. There are now five forms which are designated as follows:

Form A-1-New Project Request-Needs Assessment/Feasibility/Justification.

Form A-2-New Project Request-Construction Cost Data and Project Financing.

Form A-3-New Project Request-Estimated Annual Operation and Maintenance Costs.

Form B-Status Report of Projects in Process.

Form R-Recap of New Project Requests.

These forms, especially the Form A-1, require thorough, complete information in compliance with the preparation instructions. It is extremely important that working papers and sufficient backup information be retained by preparing agencies so reviewing offices will have access to supporting information. Project requests will be returned to the preparing agencies as incomplete for the following reasons:

(1) Lack of adequate needs assessment, feasibility documentation, or justification of need.

(2) Failure to fill out forms completely.

(3) Failure to specify project locations clearly.

(4) Lack of adequate project description.

(5) Lack of supporting data.

(6) Incorrect data.

Some portions of the instructions may not be clear or may not cover some of the situations confronted by your agency. In such cases, personnel from the Budget Office of the Division of

Administration will be available to help you. The telephone number of the Budget Office is 342-7006 or LINC 421-7006.

After the individual forms have been prepared, they should be assembled in the following order for each budget unit in the department.

1. Form R

2. Form A series in priority order (Form A-1, Form A-2, Form A-3 for priority 1 project, then Form A-1, Form A-2, Form A-3, for priority 2 project; etc. until all new project reports have been assembled from highest to lowest priority).

3. Form B

When the forms have been assembled, assign page numbers beginning with the first Form R, and continuing through the last Form B. This constitutes the original set of capital budget request forms. This original set and five duplicate sets constitute the budget request document. The department head is requested to prepare a transmittal letter to accompany the budget request document(s). In addition, one duplicate set is required to be submitted to the Legislative Fiscal Office.

Capital Budget Timetable

The budget request document, i.e., the original and five duplicate sets along with a transmittal letter, must be SUBMITTED NO LATER THAN December 15, 1980 to: Division of Administration, Facility Planning and Control Department, Box 44095, Baton Rouge, Louisiana 70804.

The submission date for 1981-82 requests is based on the following schedule to comply with statutory requirements:

1. Capital budget requests forms and instructions sent to agencies.

2. Development and preparation of capital budget request document by state agencies. This period includes internal departmental review and review by governing authorities.

3. *December 15, 1980*-Submission of capital budget request documents by department heads or governing authority. Individual agencies or budget units *must* submit their requests through their department head or governing authority. Documents not submitted properly will not be accepted by the Division of Administration.

4. Review of project requests by the Division of Administration. All requests will be evaluated by the State Planning Office as to the adequacy of service projections, environmental impact, spatial impact, and conformity with objectives of the Administration. The requests will also be evaluated by the Facility Planning and Control Department to determine whether the estimates are reasonable and the projects are technically feasible. The Facility Planning and Control Department will also evaluate requests from the standpoint of their architectural and engineering soundness and their compliance with State standards for design and construction. In addition, the requests will be evaluated by the Budget Office in terms of their impact on the operating budget. Throughout this evaluation process, formal conferences will be held between agency directors and the Division of Administration concerning the capital budget requests.

5. The Division of Administration prepares a capital outlay program for the next five fiscal years and submits it to the Governor. The program includes a list of projects recommended and the source of funds for each project for each of the five ensuing years.

6. The Governor shall submit to the presiding officer of each house of the legislature a preliminary capital outlay recommendation together with a summary thereof outlining the maximum amount of monies to be spent in each area and an appendix listing those projects which have been requested and evaluated but not included in the capital outlay program.

7. *By the seventh day of each regular session*-The Gov-

ernor submits to the Legislature his capital outlay program, a capital outlay budget message setting forth the reasons for the program, and a proposed capital outlay budget act implementing the first year of the five-year program. All capital outlay projects approved by the Legislature are then made part of the capital outlay budget.

Section II: Forms and Preparation Instructions

Preparation Instructions

Form A-1 Needs Assessment/Feasibility/Justification

Purpose

Act 14 of the Second Extraordinary Session of the 1980 Legislature amended R.S. 39:61 regarding new capital outlay requests by requiring a completed feasibility study for each new project requested. R.S. 39:61(3) (a) further provides that "the feasibility study shall include a needs assessment with corroborative data, when the project will be needed, its proposed location, . . . as well as an identification and description of other similar facilities and projects in the given area and evaluation of their capabilities. The list of new project requests shall indicate the order of priority." Section 61 (3)(c) states, "If a feasibility study is requested by a legislator, the Division of Administration shall comply with the request. If the study cannot be completed within sixty days by the Division of Administration they shall send the requesting legislator within fifteen days of receipt of his request, a notice stipulating the projected time period within which said study can be made. If the requesting legislator reasonably believes the Division of Administration's estimate is too lengthy, or reasonably believes the Division of Administration lacks the technical expertise necessary to conduct the study, he may request of the Legislative Fiscal Office that the study be performed under their supervision. Funds shall be appropriated by the legislature annually to the legislative fiscal office for such purpose." Also, Section 61 (3)(d) provides that "A legislator may submit a feasibility study with respect to a project of a local nature prepared by or for a local political subdivision which study shall be in compliance with the provisions of Paragraph 3(a) of Subsection B hereof, and subject to factual verification by the Division of Administration or the Legislative Fiscal Office within thirty days of submission thereof."

The purpose of Form A-1 is to provide a narrative documentation of the needs assessment/feasibility/justification for each new project request. In this context, "new project request" means any request for new or additional funding for a capital outlay project. All the following require new project forms:

- (1) Projects not previously requested.
- (2) Projects previously requested but not appropriated.
- (3) Projects previously requested and appropriated in a prior year, but for which bonds were not sold in that prior year.
- (4) Projects previously requested and included in a prior year Omnibus Bond Bill, but for which bonds were not sold in that prior year.
- (5) Projects previously requested and funded, but which now require additional new funds to supplement or complete the project.

Items of Information

Department; Office; Section/Facility — Indicate the proper department, office, and section or facility name. Abbreviations may be used. Example: Department: DI-HR, Office: Hospitals, Section/Facility: E.K. Long Hospital.

Contact Person; Phone — Indicate the name and phone number of the person to be contacted if there are any questions or if supplemental or clarifying information is necessary.

Agency Number — Indicate the six digit schedule number assigned to the budget unit.

New Project Priority Number — Assign a priority number to each new project request in keeping with the relative importance to

the achievement of overall department goals. For example, the priority number given to a project at a general hospital must reflect the overall DHHR priorities, not just the priorities at the hospital.

Classification Letter — Assign a letter classification to each project in terms of the Project Classification Criteria defined in Appendix A. The three classifications are: A - Emergency, B - Current Program Requirements, and C - Anticipated Program Needs.

Parish, City — Indicate the parish and city in which the project is or will be located.

New Project Title — Give the project a concise title that is sufficient to identify it clearly. This title should be the same as the title used for the project on the Recap of New Project Requests (Form - R). This title should be used for the project on all subsequent forms.

Louisiana Senatorial District Number — Indicate the State Senatorial District in which the project is or will be located.

Louisiana Representative District Number — Indicate the State House of Representatives District in which the project is or will be located.

Head of Budget Unit — Signature and typed name of the head of the budget unit or his designee.

Governing Authority Representative — Signature and typed name of the department head or his designee, or a representative of the appropriate management or governing board.

Needs Assessment/Feasibility/Justification — The following format must be followed whether the information is provided by in-house personnel or outside consultants. If this information is provided by outside consultants, identify the consultants and give the preparation date of their report.

Format for Feasibility Studies

I. Conformance with current State Policy Goals and Objectives

A. Cite either an executive order or any section of the Louisiana Revised Statutes of 1950 to indicate the legislative or executive mandate or authority under which the project is being proposed.

B. Describe in five sentences or less how the proposed project is related to the mandate or authority cited in I. A.

II. Description of Project

A. Using Table 1, identify which basic function the project fulfills.

B. Cite the location of the project.

C. Identify the services that fall under the function of the project (See Table 2 for a sample listing of services).

D. If the project is intended to service or regulate a particular segment of the population, identify the segment (i.e. handicapped, youth, poverty families, etc.).

E. Explain why the location of the project is most suitable for serving the target population (i.e. availability of resources, accessibility, etc.)

III. Coordination with other Entities

A. List any other government entities or programs that will have an important impact on the effectiveness of the project. Show how the impact has been anticipated and whether these entities or program managers have been contacted so that negative impacts can be minimized and positive impacts be maximized.

IV. Demonstration of Need

A. Document the current service capacity. (Exclude the capacity to be gained from the project.)

B. Document the growth in service requirements and in the target population.

C. Give a projection of service capacity following completion of the project.

D. If the project improves the nature of the quality of the service, specify how.

E. Identify any similar existing facilities in the vicinity of the

project that could be upgraded or expanded in such a manner that would meet the current service needs. Identify similar services rendered.

V. Other Impacts

A. Environmental-Identify the general impact the project may have on the environment.

B. Demographic-Describe the effect the project may have on the mobility of the population, or any other demographic factors.

C. Economic-Describe the economic impact of the project (i.e. increase of employment opportunities*, impact on the cost of doing business in the area where the project is located, impact on total income, etc.).

**Table 1
Function**

- (1) Public Safety
- (2) Transportation
- (3) Health Services
- (4) Human Resource Services (i.e. aid to poverty income families, services to handicapped)
- (5) Education
- (6) Economic Development (including tourism, agriculture, and unemployment insurance)
- (7) Environmental Protection and Resource Conservation
- (8) Management and financing of State Government programs
- (9) Judiciary and/or law enforcement
- (10) Legislature
- (11) Corrections
- (12) Regulation of local governments or other organizations

**Table 2
Examples of Activities or Services for each function**

- (1) -Driver licenses issued
-Automobiles registered
- (2) -Additional miles of road constructed
-Existing miles of road maintained
-Completed road repairs and an inventory of necessary repairs
-Mass transit ridership
- (3) -Average daily attendance
-Admission rates
- (4) -Number of applicants for aid to families with dependent children
-Number of social worker cases
- (5) -Enrollment in the specific institution
-Projected enrollment
-Projection of need for the various types of skills that are taught by the institution
- (6) -Number of tourists visiting the facility
-Projected number of people using the agricultural cooperative

*in the private sector as well as the public sector

CAPITAL OUTLAY BUDGET REQUEST FOR FY 19____ – 19____
NEW PROJECT REQUEST
FORM A-1 NEEDS ASSESSMENT/FEASIBILITY/JUSTIFICATION

Dept: _____ Office: _____ Section/Facility: _____ Contact Person: _____ Phone (____) _____
Agency No: _____ New Project Priority No: _____ Classification Letter: _____ Parish: _____ City: _____
New Project Title: _____ La. Senatorial District No. _____ La. Representative District No. _____
Head of Budget Unit: _____ Governing Authority Representative: _____

NEEDS ASSESSMENT/FEASIBILITY/JUSTIFICATION:

[Empty space for Needs Assessment/Feasibility/Justification]

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