

GA-12-16

GRANT BRIEFING DOCUMENT

rev. 2/13/13

From:

Name: David Mandell Dept: Fire/OEM Phone: 410-216-9167

This is a request to

- review, approve, and/or sign a grant agreement/award
- other

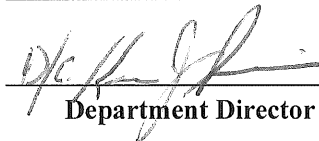
Grant title: 2015 Emergency Management Performance Grant


Grantor: U.S. Department of Homeland Security Amount: \$ 73,338.00

Attestation:

- Match is *not* required.
- Match is required. Match will be met in the form of <sup>1</sup> 100% Personnel Salary

I attest that this asset has been approved/appropriated in <sup>2</sup> \_\_\_\_\_

 OEM 7-28-15  
 Department Director signature Dept Date

Routing	Initials	Date		Comments
		In	Out	
<input checked="" type="checkbox"/> originating Dept Director	<u></u>	<u>7-28-15</u>	<u>7-28-15</u>	
<input checked="" type="checkbox"/> Grants Coordinator	<u>NCP</u>	<u>8/10</u>	<u>8/26</u>	<u>initials only</u>
<input checked="" type="checkbox"/> Finance Director	<u>BTM</u>	<u>8/25</u>	<u>8/25</u>	
<input checked="" type="checkbox"/> City Attorney				
<input checked="" type="checkbox"/> City Manager				
<input checked="" type="checkbox"/> Mayor				<u>Sign at tab</u>
<input checked="" type="checkbox"/> City Clerk				
<input checked="" type="checkbox"/> Finance Committee				<u>FOR 9/1 FIN COMM</u>
<input checked="" type="checkbox"/> Finance Dept				

Return to Originating Department



**GRANT BUDGET FORM**

Grant Title Emergency Management Performance Grant FY 2015

Grant Award (\$) 73,338.00

Originating Department(s): Fire/OEM

Dept Contact (Name/Phone): David Mandell (410-216-9167)

Expenditure Account	Revenue Source				Total per Expend. Type	Comments
	Federal	State	Local (Matching)	Other		
Salaries	73,338.00		73,338.00		146,676.00	25% of Dir. Salary; 50% Dep. Dir. Salary; 50% Office Associate Salary
Benefits					0.00	
Overtime					0.00	
Supplies					0.00	
Telephone					0.00	
Electricity					0.00	
Fuel and Oil					0.00	
Training & Education					0.00	
R & M - Equipment					0.00	
Special Programs					0.00	
Contract Services					0.00	
Capital Outlay					0.00	
other (fill-in)					0.00	
other (fill-in)					0.00	
other (fill-in)					0.00	
other (fill-in)					0.00	
other (fill-in)					0.00	
other (fill-in)					0.00	
<b>Total</b>	<b>73,338.00</b>	<b>0.00</b>	<b>73,338.00</b>	<b>0.00</b>	<b>146,676.00</b>	

TOTAL EXPENDITURES\*: **146,676.00**

\* May be different from Grant Award \$ if there is a match requirement.

Match is not required

DCM 8-12-15  
Department Director Signature/Date

EM  
Department

Match is required. Match will be met in the form of <sup>(1)</sup> Personnel Salary

I attest that this asset has been approved/appropriated in <sup>(2)</sup> \_\_\_\_\_

\_\_\_\_\_  
Department Director Signature/Date

Fire/OEM  
Department

**COMMENTS:**

This is the initial grant budgeting. The Emergency Management Performance Grants are issued to salary accounts initially. The match from the grant will be utilized to establish an Office of Emergency Management Operating budget.

<sup>(1)</sup> Examples (include dollar amounts if applicable): Cash match, equipment loan, staff salaries, volunteer time, contribution from non-City agency.

<sup>(2)</sup> Examples: FY \_\_ operating budget, a memorandum of understanding, City Council resolution/ordinance.

**GRANT Briefing Document, continued**

*Provide a short narrative. Include:*

-program description	- purpose of funds	- due dates
-grant period	-amount of request or award	
-special features, e.g., environmental impact implications, notarization required		

The FY 2015 Emergency Management Performance Grant (EMPG) is grant program offered by the Department of Homeland Security/Federal Emergency Management Agency to enhance and sustain emergency management capabilities at the local level. The EMPG program provides resources to local government emergency management agencies, an all-hazards approach to emergency response, including the development of a comprehensive program of planning, training, and exercises, as well as staffing/EOC upgrades. This program facilitates effective and consistent response to disasters and emergencies, regardless of the cause.

This grant program requires a 100% local match. The match will be obtained through the Office of Emergency Management personnel salary. Currently, our match capability will exceed the amount required.

The EMPG Program supports the Office of Emergency Management's Operating Budget.

The performance period for this grant is from October 1, 2014- June 30, 2016.

The due date for this GAN is September 11, 2015.

Total Award Amount: \$73,338.00

Total Match Amount: \$73,338.00 (100% Personnel Salary)

Total Award/Match Amount: \$146,676.00

Total Amount Reimbursable: \$73,338.00

<sup>1</sup> Examples: cash match, equipment loan, staff salaries, volunteer time, contribution from non-City agency.

<sup>2</sup> Examples: FY\_\_ Operating Budget, a memorandum of understanding, City Council resolution/ordinance.



**2015 Sub-Recipient Agreement**  
for  
**Annapolis Office of Emergency Preparedness**

Date of Award

**7/28/2015**

<b>1. Sub-Recipient Name and Address</b>	<b>2. Prepared by:</b> <i>Cosden , Toni</i>	<b>3. MEMAGMS Award Number:</b> 15-SR 8844-01
--	---	--

Annapolis Office of Emergency Preparedness	<b>4. Federal Grant Information</b>	
	<b>Federal Grant Title:</b>	Emergency Management Performance Grant
	<b>Federal Grant Award Number/CFDA Number:</b>	EMW-2015-EP-00008-S01 / 97-042
	<b>Federal Granting Agency:</b>	U.S. Department of Homeland Security Federal Emergency Management Agency

**5. Award Amount and Grant Breakdowns**

<b>Total Award Amount</b>  \$73,338.00  <b>100% Match Required</b>	<b>2015 Emergency Management Performance Grant</b>  <b>Performance Period:</b> FROM Oct 1, 2014 – Jun 30, 2016
--	---

**6. Statutory Authority for Grant:**  
**Authorizing Authority for Program** National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.); Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.); Reorganization Plan No. 3 of 1978 (5 U.S.C. App.); and, Section 662 of the *Post-Katrina Emergency Management Reform Act of 2006* (PKEMRA), Public Law 109-295, as amended, (6 U.S.C. § 762). **Appropriation Authority for Program** *The Department of Homeland Security Appropriations Act, 2015*

**7. Method of Payment:** Primary method is reimbursement.

**8. Debarment/Suspension Certification:** The Sub-Recipient certifies that the subgrantee and its' contractors/vendors are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any federal department or agency and do not appear in the Excluded Parties List System at <http://www.epls.gov>.

**9. Agency Approval**

<b>Approving SAA Official:</b> Russell Strickland, Executive Director Maryland Emergency Management Agency	<b>Signature of SAA Official:</b>
	<b>Date:</b>

**10. Sub-Recipient Acceptance**

**I have read and understand the attached Special Terms and Conditions and Certifications and Assurances.**

<b>Type name and title of Authorized Sub-Recipient official:</b>  Michael Pantelides, Mayor City of Annapolis	<b>Signature of Sub-Recipient Official:</b>
--	---

<b>11. Enter Federal Employer Identification Number (FEIN) and DUNS number:</b> 52-6000764	<b>12. Date Signed :</b>
---	--------------------------

**13. DUE DATE:** **9/11/2015**  
Signed award must be returned to the SAA on or before the above due date.

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, to wit:

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_ 2015, before me, the subscriber a Notary Public in and for the State and County aforesaid, personally appeared Michael Pantelides, Mayor of the City of Annapolis, known to me or satisfactorily proven to me to be the persons whose signatures are written above, and he/she has signed in my presence and acknowledge that it is their free and voluntary act made for the purposes stated therein.

AS WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**AGREEMENT ARTICLES**  
**Emergency Management Performance Grant**

**GRANTOR:** Maryland Emergency Management Agency

**PROGRAM:** Emergency Management Performance Grant

**AWARD AGREEMENT NUMBER:** EMW-2015-EP-00008-S01

**TABLE OF CONTENTS**

Article I Assurances, Administrative Requirements and Cost Principles

Article II Acknowledgement of Federal Funding from DHS

Article III Activities Conducted Abroad

Article IV Age Discrimination Act of 1975

Article V American with Disabilities Act of 1990

Article VI Best Practices for Collection and Use of Personally Identifiable Information (PII)

Article VII Title VI of the Civil Rights Act of 1964

Article VIII Civil Rights Act of 1968

Article IX Copyright

Article X Debarment and Suspension

Article XI Drug-Free Workplace Regulations

Article XII Duplication of Benefits

Article XIII Energy Policy and Conservation Act

Article XIV Intentionally Omitted

Article XV False Claims Act and Program Fraud Civil Remedies

Article XVI Federal Debt Status

Article XVII Fly America Act of 1974

Article XVIII Hotel and Motel Fire Safety Act of 1990

Article XIX Limited English Proficiency

Article XX Lobbying Prohibitions

Article XXI Non-supplanting Requirement

Article XXII Patents and Intellectual Property Rights

Article XXIII Procurement of Recovered Materials

Article XXIV Contract Provisions for Non-federal Entity Contracts under Federal Awards

Article XXV Safecom

Article XXVI Terrorist Financing E.O. 13224

Article XXVII Title IX of the Education Amendments of 1975

Article XXVIII Trafficking Victims Protection Act of 2000

Article XXIX Rehabilitation Act of 1973

Article XXX Intentionally Omitted

Article XXXI USA Patriot Act of 2001

Article XXXII Use of DHS Seal, Logo and Flags

Article XXXIII Whistleblower Protection Act

Article XXXIV DHS Specific Acknowledgements and Assurances

Article XXXV Compliance with Notice of Funding Opportunity and Agreement Articles

Article XXXVI Acceptance of Post Award Changes

### **I. Assurances, Administrative Requirements and Cost Principles**

Recipients of DHS federal financial assistance upon acceptance of award hereby assure and certify compliance with all Federal statutes, regulations, policies, guidelines and requirements. The administrative, cost principles, and audit requirements that apply to DHS award recipients originate from 2 C.F.R. Part 200, Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards, as adopted by DHS at 2 C.F.R. Part 3002.

### **II. Acknowledgement of Federal Funding from DHS**

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

### **III. Activities Conducted Abroad**

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

### **IV. Age Discrimination Act of 1975**

All recipients must comply with the requirements of the *Age Discrimination Act of 1975* (42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

### **V. Americans with Disabilities Act of 1990**

All recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101–12213).

### **VI. Best Practices for Collection and Use of Personally Identifiable Information (PII)**

All recipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate. Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template respectively.

### **VII. Title VI of the Civil Rights Act of 1964**

All recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

### **VIII. Civil Rights Act of 1968**

All recipients must comply with Title VIII of the Civil Rights Act of 1968, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and

individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see 24 C.F.R. § 100.201).

## **IX. Copyright**

All recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations).

## **X. Debarment and Suspension**

All recipients must comply with Executive Orders 12549 and 12689, which provide protection against waste, fraud and abuse by debarment or suspending those persons deemed irresponsible in their dealings with the Federal government.

## **XI. Drug-Free Workplace Regulations**

All recipients must comply with the *Drug-Free Workplace Act of 1988* (41 U.S.C. § 701 et seq.) which is adopted at 2 C.F.R. Part 3001, which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at 2 C.F.R. Part 3001.

## **XII. Duplication of Benefits**

Any cost allocable to a particular Federal award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

## **XIII. Energy Policy and Conservation Act**

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issues in compliance with this Act.

## **XV. False Claims Act and Program Fraud Civil Remedies**

All recipients must comply with the requirements of 31 U.S.C. § 3729 which set forth that no recipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

## **XVI. Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424B, item number 17 for additional information and guidance.

## **XVII. Fly America Act of 1974**

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

## **XVIII. Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. § 2225a, all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, 15 U.S.C. § 2225.

## **XIX. Limited English Proficiency (Civil Rights Act of 1964, Title VI)**



All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, *DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons.

For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-nce-published-he-lp-department-s-ported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

## **XX. Lobbying Prohibitions**

All recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

## **XXI. Non-supplanting Requirement**

All recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Where federal statutes for a particular program prohibits supplanting, applicants or recipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.

## **XXII. Patents and Intellectual Property Rights**

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are in 37 C.F.R. Part 401 and the standard patent rights clause in 37 C.F.R. § 401.14.

## **XXIII. Procurement of Recovered Materials**

All recipients must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

## **XXIV. Contract Provisions for Non-federal Entity Contracts under Federal Awards**

- a. Contracts for more than the simplified acquisition threshold set at \$150,000. All recipients who have contracts exceeding the acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council as authorized by 41 U.S.C. § 1908, must address administrative, contractual, or legal remedies in instance where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.
- b. Contracts in excess of \$10,000. All recipients that have contracts exceeding \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

## **XXV. SAFECOM**

All recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

## **XXVI.Terrorist Financing E.O. 13224**

All recipients must comply with U.S. Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the E.O. and laws.

## **XXVII.Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)**

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. Implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

## **XXVIII.Trafficking Victims Protection Act of 2000**

All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act (TVPA) of 2000*, as amended (22 U.S.C. § 7104). This is implemented in accordance with OMB Interim Final Guidance, *Federal Register*, Volume 72, No. 218, November 13, 2007. Full text of the award term is located at 2 CFR § 175.15.

## **XXIX.Rehabilitation Act of 1973**

All recipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

## **XXXI.USA Patriot Act of 2001**

All recipients must comply with requirements of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act)*, which amends 18 U.S.C. §§ 175–175c. Among other things, the USA PATRIOT Act prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose.

## **XXXII.Use of DHS Seal, Logo and Flags**

All recipients must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

## **XXXIII.Whistleblower Protection Act**

All recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. 4712, and 10 U.S.C . § 2324, 41 U.S.C . §§ 4304 and 4310.

## **XXXIV.DHS Specific Acknowledgements and Assurances**

All recipients must acknowledge and agree—and require any sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
2. Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin

(including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.

6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.
7. The United States has the right to seek judicial enforcement of these obligations.

#### **Article XXV. Compliance with Notice of Funding Opportunity and Agreement Articles and other terms and conditions**

The recipient agrees that all allocations and use of funds under this grant will be in accordance with the Fiscal Year (FY) 2015 Emergency Management Performance Grant Program Notice of Funding Opportunity:

[http://www.fema.gov/media-library-data/1427284768817-b62b93d48b12617f423c0e8fbfde562b/FY2015EMPG\\_NOFO.pdf](http://www.fema.gov/media-library-data/1427284768817-b62b93d48b12617f423c0e8fbfde562b/FY2015EMPG_NOFO.pdf) and the applicable DHS Standard Administrative Terms and Conditions contained herein.

This guidance can also be found in pdf format posted within Maryland Emergency Management Agency Grants Management System (MEMAGMS) under the Forms Menu.

**Environmental/Historic Preservation Laws Compliance:** The Sub-grantee shall comply with all applicable federal, state, and local environmental and historic preservation (EHP) requirements and shall provide any information requested by the Federal Emergency Management Agency (FEMA) to ensure compliance with applicable laws including: National Environmental Policy Act (NEPA), National Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains (11988), Wetlands (11990), and Environmental Justice (12898). Failure of the Sub-grantee to meet federal, state, and local EHP requirements and obtain applicable permits will jeopardize federal funding. Sub-grantees may not undertake any project having the potential to impact EHP resources without the PRIOR approval of FEMA, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings that are 50 years old or greater. Sub-grantees must comply with all conditions placed on the project as the result of EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the Sub-grantee must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the Sub-grantee will cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Any construction activities that have been initiated prior to the full environmental and historic preservation review will result in a non-compliance finding. Additionally, all recipients are required to comply with FEMA EHP Policy Guidance. This EHP Policy Guidance can be found in FP 108-023-1, *Environmental Planning and Historic Preservation Policy Guidance*, and FP 108.24.4, *Environmental Planning and Historical Preservation Policy*.

**Equipment:** The Sub-grantee will ensure the following provisions are met:

- a. Recipient Use of Equipment--The Sub-grantee agrees to ensure that subordinate agencies/departments receiving equipment under this program will acquire and employ the equipment in accordance with the terms of this Agreement. Equipment may not be transferred from these departments/agencies to non-eligible organizations or entities. Sub-grantee will provide the equivalent insurance coverage for equipment acquired or improved with Federal funds as provided to property owned by the entity. Subgrantee must report to MEMA Program Manager any equipment dispositions occurring within five (5) years of acquisition date. This Agreement does not bar the use of this equipment when employed in accordance with existing mutual aid agreements.
- b. National Equipment Guidelines: Radiological detection equipment must be compliant with applicable national guidelines adopted by the U.S. Department of Homeland Security, including ANSI N323B-2003, ANSI N42.32-2003, and ANSI N42.25-2004. Sub-grantees purchasing Interoperable Communications Equipment (AEL Category 6) must consult SAFCOMs coordinated grant guidance for further equipment standards and information.
- c. Equipment Maintenance/Equipment-Specific Consumable Supplies-- The Sub-grantee agrees to ensure that subordinate agencies/departments receiving equipment under this program will maintain equipment to the manufacturer's specifications and standards and will retain replacement parts and consumable supplies required for equipment operation.
- d. Operator Training--Organizations receiving equipment under this program are responsible for ensuring equipment operators are trained to operate and maintain assigned equipment in accordance with manufacturer's specifications and standards.
- e. Accountability for Equipment—The Subgrantee agrees to ensure that procedures are established to assign, secure, track, and verify accountability for program equipment in accordance with Federal or Subgrantee Agency (if more stringent) requirements. Equipment accountability is required at a minimum of a \$5000.00 unit cost or at the Subgrantee Agency threshold if internal policy specifies a lower threshold than \$5000.00. Equipment must be physically inventoried no less frequently than every other year. Subgrantees are required to enter actual quantity, unit cost, serial number or asset number and actual physical location when entering invoiced equipment items into MEMAGMS for reimbursement. Equipment users will maintain the capability to respond to Federal and State equipment audit requests until 12/31/2019.

**Targeted Training and Verifying Capability of Personnel.** The Sub-grantee will ensure the following provisions are met:

To ensure the development of a professional emergency management workforce all EMPG Program funded personnel shall complete the following FEMA Emergency Management Institute Independent Study training requirements and record proof of completion. NIMS Training: IS100; IS 200; IS 700; and IS 800; FEMA Professional Development Series (PDS): IS 120a; IS 230d; IS 235b; IS 240b; IS 241b; IS 242b; and IS 244b. Previous and newer versions of these PDS courses meet the training requirement. Grantees are required to supply via

email to the MEMA Program Manager a quarterly Targeted Training Report and associated copies of the proof of completion of the required training courses for each individual whose salary, overtime and/or backfill is either supported by EMPG funds or used as matching requirement. Failure of funded personnel to complete this program requirement within one year of being funded under the award will result in the funding supporting the individuals salary to be returned to MEMA, or if the salary is used for the matching requirement an alternate source of match will be required to be supplied.

**Matching Requirement.** There is a 50% Sub grantee Fund/50% Federal Fund project match requirement for this grant. Sub grantees should ensure they are thoroughly familiar with the governing provisions which impact matches under 2 CFR 200.306.

**Accounting for Funds.** The Sub-grantee agrees that adequate accounting systems and practices are in place and will be utilized to ensure fund accountability consistent with Federal and State requirements. All expenditure, revenue, asset, and liability transactions associated with the Agreement will be accounted for separately from other projects and programs.

**Reporting Requirements and Reimbursement of Funds.** The Agency will reimburse the Sub-grantee, not to exceed the award amount, for direct costs incurred for the purchase of equipment, supplies, or services authorized by this Agreement. Indirect costs are allowable under this program as described in 2 C.F.R. § 200.414. With the exception of recipients who have never received a negotiated indirect cost rate as described in 2 C.F.R. § 200.414(f), recipients must have an approved indirect cost rate agreement with their cognizant Federal agency to charge indirect costs to this award. A copy of the approved rate (a fully executed, agreement negotiated with the applicant's cognizant Federal agency) is required at the time of application, and must be provided to MEMA before indirect costs are charged to the award. Management and Administration Costs: Are limited to 5% of the awarded amount. The Agency will process reimbursement upon receipt of appropriate supporting documentation. Reimbursement requests are to be submitted via MEMAGMS no less frequently than quarterly during the performance period and should contain all costs, award and match, expended within the quarter. First request is due 30 days following the end of the calendar quarter following your award date. Filing of an SF 425, Federal Financial Report will be required to be submitted via email to the Program Manager when the Proof of Encumbrance (POE) or Reimbursement claims are not recorded or filed timely in MEMAGMS. First SF425 report is due 30 days following the end of the calendar quarter following your award date for every quarter your MEMAGMS reporting requirements are not met timely. Repeated delinquent MEMAGMS reporting or failure to file an SF425 if required will jeopardize your award funding.

#### **Central Contractor Registration & Universal Identifier Requirements**

a. Central Contractor Registration (CCR): Unless exempted under 2 CFR 25.110, sub-grantees must maintain currency of organizational information in the CCR until award close-out and receipt of final payment.

b. Data Universal Numbering System (DUNS): Grantee must document its DUNS number as part of the award process.

#### **Article XXVI. Acceptance of Post Award Changes**

In the event FEMA or MEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award

**Program Management and Financial Point of Contact** –The Emergency Management Performance Grant program manager is: Toni Cosden, Maryland Emergency Management Agency, at (410) 517-3621 desk, 443-204-6835 cell, or via email at [Toni.Cosden@Maryland.gov](mailto:Toni.Cosden@Maryland.gov)