



STATE OF VERMONT
JOINT FISCAL OFFICE

MEMORANDUM

To: Joint Fiscal Committee members
From: Daniel Dickerson, Fiscal Analyst *DWD*
Date: February 03, 2020
Subject: Grant Requests – JFO #2993-2996

Enclosed please find four (4) items, including one (1) limited-service position, which the Joint Fiscal Office has received from the Administration.

JFO #2993 – \$180,000 from U.S. Environmental Protection Agency (EPA) to the VT Dept. of Environmental Conservation (DEC). This funding will be used to perform lead testing on drinking water sources within all schools in the State of Vermont. This work will be performed by December 31, 2020. No State matching funds are required.
[JFO received 01/31/20]

JFO #2994 – \$72,623 from the National Young Farmers Coalition (NYFC) to the VT Dept. of Disabilities, Aging and Independent Living (DAIL). This funding is a sub-grant from a larger pot of money that was awarded to NYFC from the U.S. Dept. of Agriculture. DAIL will use the funds towards building a network with legal, financial and behavioral resources for farmers. Specific objectives include the development of a peer support model for farmers, a review and analysis of existing mental health resources, development of a comprehensive mental health resource guide for farmers, workshops on mental health, and development of a cohort of resource providers to engage and integrate with other agricultural departments. **DAIL has requested one (1) limited-service position in conjunction with this grant request.** This is a one-year grant with the potential for extension into subsequent years.
[JFO received 01/31/20]

JFO #2995 – \$10,000 from the U.S. Forest Service to the VT Dept. of Environmental Conservation. This funding has been awarded as part of the Good Neighbor Supplemental Project Agreement to aid in performing water quality monitoring activities on federal land. These activities will include the collection and analysis of samples to monitor forest, rangeland and watershed restoration efforts. This funding will be used in State FY2020. No State matching funds are required.
[JFO received 01/31/20]

JFO #2996 – \$749,519 from U.S. Dept. of Justice to the VT Dept. of State's Attorneys and Sheriffs. This funding will be used to support and enhance the State response to domestic violence in Windham and Bennington Counties. Specifically, the funds will be used to support

an existing position within SAS that was previously supported by a separate grant, which was redirected for a different use. The funds will also be used to hire consultants and to support partnerships with local jurisdictions to aid in the investigation and prosecution of domestic violence cases. The funds would be used over a three-year period and no State matching funds would be required.

[JFO received 01/31/20]

Please review the enclosed materials and notify the Joint Fiscal Office (Daniel Dickerson at (802) 828-2472; ddickerson@leg.state.vt.us) if you have questions or would like an item held for legislative review. Unless we hear from you to the contrary by February 14, 2020 we will assume that you agree to consider as final the Governor's acceptance of these requests.

JFO 2993

State of Vermont
 Department of Finance & Management
 109 State Street, Pavilion Building
 Montpelier, VT 05620-0401

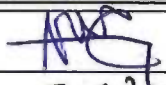
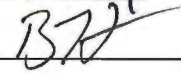
[phone] 802-828-2376
 [fax] 802-828-2428

RECEIVED
Agency of Administration

JAN 31 2020

JOINT FISCAL OFFICE

**STATE OF VERMONT
 FINANCE & MANAGEMENT GRANT REVIEW FORM**

Grant Summary:		EPA grant to support the directives of Act 66 of 2019 to assess lead in drinking water in all schools and childcare centers by December 31,2020.			
Date:		1/13/2020			
Department:		Environmental Conservation			
Legal Title of Grant:		Lead Testing in School and Child Care Program Drinking Water Grant			
Federal Catalog #:		66.444			
Grant/Donor Name and Address:		US Environmental Protection Agency, 4220 South Maryland Parkway, building C, Room 503, Las Vegas, NV 89119			
Grant Period:		From:	To:		
		5/1/2019	12/31/2020		
Grant/Donation		180,000			
	SFY 1	SFY 2	SFY 3	Total	Comments
Grant Amount:	\$180,000	\$	\$	\$180,000	All funding for this grant is expected to be used in FY2020, although the State has until the end of the calendar year 2020 to complete the testing, which would potentially push some of the funding need into FY2021.
Position Information:		# Positions	Explanation/Comments		
		0			
Additional Comments:					
Department of Finance & Management					(Initial)
Secretary of Administration					(Initial)
Sent To Joint Fiscal Office		1/31/20			Date



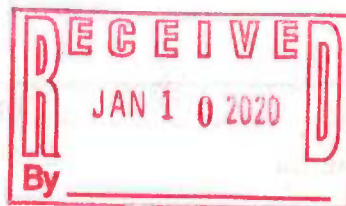
JOINT FISCAL OFFICE

JAN 31 2020

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STATE OF VERMONT REQUEST FOR GRANT (*) ACCEPTANCE (Form AA-1)

BASIC GRANT INFORMATION				
1. Agency:	Agency of Natural Resources			
2. Department:	Department of Environmental Conservation			
3. Program:	Drinking Water & Ground Water Protection Division			
4. Legal Title of Grant:	Lead Testing in School and Child Care Program Drinking Water Grant			
5. Federal Catalog #:	66.444			
6. Grant/Donor Name and Address:	US Environmental Protection Agency, 4220 South Maryland Parkway, Building C, Room 503, Las Vegas, NV 89119			
7. Grant Period:	From:	5/1/2019	To:	12/31/2020
8. Purpose of Grant:	The State of Vermont Department of Health, Agency of Education and Department of Environmental Conservation have partnered in a state-wide sampling program to assess lead in drinking water in all schools and childcare centers by December 31, 2020.			
9. Impact on existing program if grant is not Accepted:	With the funding appropriated under section 1464(d) of the Safe Drinking Water Act, amended by the Water Infrastructure Improvement Act (WIIN) section 2107, The State of Vermont plans to put into action the directives of Act 66. Sampling will occur at all schools and childcare centers in the State. Without this program and assistance from the EPA every outlet used for any consumptive purpose at a school or childcare facility will not be sampled for lead, and we will therefore be unable meet the rule that all outlets for consumption are sampled no later than December 31, 2020.			
10. BUDGET INFORMATION				
	SFY 1	SFY 2	SFY 3	Comments
Expenditures:	FY 20	FY	FY	
Personal Services	\$	\$	\$	
Operating Expenses	\$	\$	\$	
Grants	\$180,000	\$	\$	
Total	\$180,000	\$	\$	
Revenues:				
State Funds:	\$	\$	\$	
Cash	\$	\$	\$	
In-Kind	\$	\$	\$	
Federal Funds:	\$	\$	\$	
(Direct Costs)	\$180,000	\$	\$	
(Statewide Indirect)	\$	\$	\$	
(Departmental Indirect)	\$	\$	\$	
Other Funds:	\$	\$	\$	
Grant (source)	\$	\$	\$	
Total	\$180,000	\$	\$	
Appropriation No:	61400400000	Amount:	\$180,000	
			\$	



STATE OF VERMONT REQUEST FOR GRANT (*) ACCEPTANCE (Form AA-1)

			\$
			\$
			\$
			\$
			\$
		Total	\$180,000

PERSONAL SERVICE INFORMATION

11. Will monies from this grant be used to fund one or more Personal Service Contracts? Yes No
 If "Yes", appointing authority must initial here to indicate intent to follow current competitive bidding process/policy.

Appointing Authority Name: _____ Agreed by: _____ (initial)

12. Limited Service Position Information:	# Positions	Title
Total Positions		

12a. Equipment and space for these positions: Is presently available. Can be obtained with available funds.

13. AUTHORIZATION AGENCY/DEPARTMENT

I/we certify that no funds beyond basic application preparation and filing costs have been expended or committed in anticipation of Joint Fiscal Committee approval of this grant, unless previous notification was made on Form AA-1PN (if applicable):	Signature: <i>Emily Boudreau</i>	Date: 1/10/2020
	Title: DEC Commissioner	
	Signature:	Date:
	Title:	

14. SECRETARY OF ADMINISTRATION

Approved: _____ (Secretary or designee signature) *[Signature]* Date: *1/13/2020*

15. ACTION BY GOVERNOR

Check One Box:
 Accepted *[Signature]* (Governor's signature) Date: *1/30/20*
 Rejected

16. DOCUMENTATION REQUIRED

Required GRANT Documentation	
<input type="checkbox"/> Request Memo	<input type="checkbox"/> Notice of Donation (if any)
<input type="checkbox"/> Dept. project approval (if applicable)	<input type="checkbox"/> Grant (Project) Timeline (if applicable)
<input type="checkbox"/> Notice of Award	<input type="checkbox"/> Request for Extension (if applicable)
<input type="checkbox"/> Grant Agreement	<input type="checkbox"/> Form AA-1PN attached (if applicable)
<input type="checkbox"/> Grant Budget	

End Form AA-1

STATE OF VERMONT REQUEST FOR GRANT (*) ACCEPTANCE (Form AA-1)

(*) The term "grant" refers to any grant, gift, loan, or any sum of money or thing of value to be accepted by any agency, department, commission, board, or other part of state government (see 32 V.S.A. §5).

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement		GRANT NUMBER (FAIN): 00A00570	DATE OF AWARD
			MODIFICATION NUMBER: 0	11/05/2019
			PROGRAM CODE: M1	MAILING DATE
			TYPE OF ACTION New	11/12/2019
RECIPIENT TYPE: State		PAYMENT METHOD: ASAP		
RECIPIENT: Vermont D.E.C. 1 National Life Drive Main Building, 2nd Floor Montpelier, VT 05620 EIN: 03-6000274		Send Payment Request to: U.S. EPA Las Vegas Finance Center 4220 South Maryland Parkway, Building C, Room 503 Las Vegas, NV 89119 LVFC-grants@epa.gov		
PROJECT MANAGER Ben Montross 1 National Life Drive Main Building, 2nd Floor Montpelier, VT 05620 E-Mail: Ben.Montross@vermont.gov Phone: 802-498-8981		EPA PROJECT OFFICER Gevon Solomon 5 Post Office Square, Suite 100, 06-2 Boston, MA 02109-3912 E-Mail: Solomon.Gevon@epa.gov Phone: 617-918-1513		EPA GRANT SPECIALIST Julie Ross Grants Management Branch, 05-5 E-Mail: Ross.Julie@epa.gov Phone: 617-918-1317
PROJECT TITLE AND DESCRIPTION Vermont Lead Testing in School and Child Care Program Drinking Water Grant This agreement is to an eligible state agency to implement a program of voluntary testing for lead in drinking water at local schools and child care centers. With the funding appropriated under section 1464(d) of the Safe Drinking Water Act, amended by the Water Infrastructure Improvement Act (WIIN) section 2107, The State of Vermont plans to put into action the directives of the state lead testing legislation, Act 66. Sampling will occur at all schools and childcare centers in the State. Specifically, Vermont will use state-created documents and reliance on EPA's 3Ts guidance as a model to: (1) Communicate, throughout the implementation of the program, the results and important lead information to the public, parents, teachers, and larger community; (2) Train on the risks of lead in drinking water and testing for lead, as well as developing key partnerships to support the program; (3) Test using appropriate testing protocols and a certified laboratory; and (4) Take Action, including the development of a plan for responding to results of testing conducted and addressing elevated lead where identified.				
BUDGET PERIOD 05/01/2019 - 12/31/2020	PROJECT PERIOD 05/01/2019 - 12/31/2020	TOTAL BUDGET PERIOD COST \$180,000.00	TOTAL PROJECT PERIOD COST \$180,000.00	
NOTICE OF AWARD				
Based on your Application dated 09/05/2019 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$99,000. EPA agrees to cost-share <u>100.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$99,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS	
EPA New England 5 Post Office Square, Suite 100 Boston, MA 02109-3912			U.S. EPA, Region 1 5 Post Office Square, Suite 100 Boston, MA 02109-3912	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official Arthur Johnson - Director, Mission Support Division				DATE 11/05/2019

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 99,000	\$ 99,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 99,000	\$ 99,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.444 - Lead Testing in School and Child Care Program Drinking Water Grant Program	Safe Drinking Water Act Section 1464(d)	2 CFR 200 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	20010CG002	19	E4	016	000BM1	4110			99,000
									99,000

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$0
2. Fringe Benefits	\$0
3. Travel	\$0
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$0
7. Construction	\$0
8. Other	\$180,000
9. Total Direct Charges	\$180,000
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient 0.00 % Federal 100.00 %.)	\$180,000
12. Total Approved Assistance Amount	\$180,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$99,000
15. Total EPA Amount Awarded To Date	\$99,000

Administrative Conditions

NATIONAL ADMINISTRATIVE TERMS AND CONDITIONS

General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at:

<https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2019-or-later>

These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at:

<https://www.epa.gov/grants/grant-terms-and-conditions>.

A. Correspondence Condition

The terms and conditions of this agreement require the submittal of reports, specific requests for approval, or notifications to EPA. Unless otherwise noted, all such correspondence should be sent to the following email addresses:

- Federal Financial Reports (SF-425): LVFC-grants@epa.gov
- MBE/WBE reports (EPA Form 5700-52A): **Grants Specialist on Page 1 of Award Document AND Larry Wells, Disadvantaged Business Utilization Program Manager: rl_mbewbereport@epa.gov**
- All other forms/certifications/assurances, Indirect Cost Rate Agreements, Requests for Extensions of the Budget and Project Period, Amendment Requests, Requests for other Prior Approvals, updates to recipient information (including email addresses, changes in contact information or changes in authorized representatives) and other notifications: **Grants Specialist and Project Officer on Page 1 of Award Document**
- Quality Assurance documents, workplan revisions, equipment lists, programmatic reports and deliverables: **Project Officer on Page 1 of Award Document**

B. Extension of Project/Budget Period Expiration Date

EPA has not exercised the waiver option to allow automatic one-time extensions for non-research grants under 2 CFR 200.308 (d)(2). Therefore, if a no-cost time extension is necessary to extend the period of availability of funds the recipient must submit a written request to the EPA prior to the budget/project period expiration dates. **The written request must include:** a justification describing the need for additional time, an estimated date of completion, and a revised schedule for project completion including updated milestone target dates for the approved workplan activities. In addition, if there are overdue reports required by the general, administrative, and/or programmatic terms and conditions of this assistance agreement, the recipient must ensure that they are submitted along with or prior to submitting the no-cost time extension request.

C. Disadvantaged Business Enterprise (DBEs)

UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES

GENERAL COMPLIANCE, 40 CFR, Part 33

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33 except as described below based upon the associated class deviation.

EPA MBE/WBE CERTIFICATION, 40 CFR, Part 33, Subpart B

A class exception to the following provisions of Subpart B of 40 CFR Part 33 has been issued suspending the EPA MBE/WBE certification program: §33.204(a)(3) providing that an entity may apply to EPA MBE or WBE certification after unsuccessfully attempting to obtain certification as otherwise described in §33.204; and §33.205

through and including §33.211. The class exception was authorized pursuant to the authority in 2 CFR 1500.3(b).

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- (e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- (f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302 (a)-(d) and (i).

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

A class exception to the entire Subpart D of 40 CFR Part 33 has been authorized pursuant to the authority in 2 CFR 1500.3(b). Notwithstanding Subpart D of 40 CFR Part 33, recipients are not required to negotiate or apply fair share objectives in procurements under assistance agreements.

MBE/WBE REPORTING- SPECIFIC CHANGES PURSUANT TO CLASS DEVIATION, 40 CFR, Part 33, Subpart E

When required, the recipient agrees to complete and submit a "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report (EPA Form 5700-52A) on an annual basis. The current EPA Form 5700-52A can be found at the EPA Grantee Forms Page at <https://www.epa.gov/grants/epa-grantee-forms>.

Reporting is required for assistance agreements where funds are budgeted for procuring construction, equipment, services and supplies (including funds budgeted for direct procurement by the recipient or procurement under

subawards or loans in the "Other" category) with a cumulative total that exceed the threshold amount of \$250,000, including amendments and/or modifications. When reporting is required, all procurement actions are reportable, not just that portion which exceeds \$250,000.

Annual reports are due by October 30th of each year. Final reports are due by October 30th or 90 days after the end of the project period, whichever comes first.

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502.

D. Contingent Funding

EPA is funding this agreement incrementally. There is no guarantee of funding beyond the first year. The **Total Approved Assistance Amount** identified on Line 12 of the budget table of this award is contingent upon the availability of appropriated funds, EPA funding priorities, and satisfactory progress in carrying out the activities described in the scope of work. If EPA informs the recipient that the amount on Line 12 will be reduced, the recipient agrees to provide an updated workplan and budget information, as needed, to amend the agreement.

E. Pre-Award Costs

In accordance with 2 CFR 1500.8, the grantee may charge otherwise allowable pre-award costs (both Federal and non-Federal matching shares) incurred from **05/01/2019** to the actual award date provided that such costs were contained in the approved application and all costs are incurred within the approved budget period.

Programmatic Conditions

A. MAINTENANCE OF EFFORT REPORTING

SDWA § 1464(d)(7) requires: "If resources are available to a State or local educational agency from any other Federal agency, a State, or a private foundation for testing for lead contamination in drinking water, the State or local educational agency shall demonstrate that the funds provided under this subsection will not displace those resources."

Accordingly, recipients must disclose the current level of funding or other resources available for the purpose of lead testing and sampling activities within their jurisdiction, excluding those in this grant award. Within 90 days of receipt of this agreement, the recipient provide the following information to the EPA project officer identified on this award:

1. The sources and amounts of resources currently available from any other Federal agency, State, or private foundation for testing for lead contamination in drinking water; and
2. If different than a), the level of such resources projected through the end of the current year of the award.

The recipient must provide updated information for each year of the award for the duration of the grant agreement. These updates must be included in the annual progress report due each October 31.

B. ADMINISTRATIVE COST LIMITATION

Under the WIIN Act §2107, amending SDWA 1464(d), recipients may use up to 4% of the amount of federal funding for this grant agreement for administrative costs, including indirect costs under 2 CFR § 200.414. The limit on administrative costs for this agreement is **\$7200**. The total amount of indirect costs and any direct costs for the grant agreement administration by recipient paid for by EPA under the grant agreement may not exceed this amount. As required by 2 CFR § 200.403(d), the grant recipients must classify administrative costs as direct or indirect consistently and may not classify the same types of cost in both categories.

Eligible grant agreement administrative costs subject to the 4% limitation include direct costs for:

1. Costs incurred to comply with the following provisions of the Uniform Administrative Requirements for Cost Principles and Audit Requirements for Federal Awards at 2 CFR Parts 200 and 1500 other than those identified as programmatic.

- A. Record-keeping associated with equipment purchases required under 2 CFR § 200.313;
- B. Preparing revisions and changes in the budgets, scopes of work, program plans and other activities required under 2 CFR § 200.308;
- C. Maintaining and operating financial management systems required under 2 CFR § 200.302;
- D. Preparing payment requests and handling payments under 2 CFR § 200.305;
- E. Financial reporting under 2 CFR § 200.327.
- F. Non-federal audits required under 2 CFR Part 200, Subpart F; and
- G. Closeout under 2 CFR § 200.343 with the exception of preparing the recipient's final performance report. Costs for preparing this report are programmatic and are not subject to the 4% limitation on direct administrative costs.

2. Pre-award costs for preparation of the proposal and application for this grant agreement (including the final workplan) are not allowable as direct costs but may be included in the recipient's indirect cost pool to the extent authorized by 2 CFR § 200.460.

A. The EPA has determined that the administrative cost limitation does not apply to "programmatic" costs, (i.e. costs for activities that are integral to achieving the purpose of the grant.

The limitation does not apply to direct costs of training. For example, costs for instructor salaries, program management salaries, materials (e.g. textbooks, equipment, and supplies), necessary travel and transportation expenses are programmatic, not administrative, to the extent that such costs are included in the scope of work as defined under the EPA's 3T's guidance.

B. Costs for performance reporting required under 2 CFR Parts 200 and 1500 and the terms and conditions of this agreement may be eligible programmatic costs as long as these costs are not included in the recipients indirect cost pool.

C. PERFORMANCE REPORTING AND FINAL PERFORMANCE REPORT

1. Facility-Level Results Measures and Quarterly Reports

Grant recipients who provide testing and any technical assistance to facilities must report summaries of the results from each facility tested and the scope of the program coverage described below. The profile should include communications as well, including notification timing, audience notified, and type of results shared.

A. On a quarterly schedule, recipients will report the following information for each facility receiving testing or technical assistance:

- 1. The facility name, a contact name, the facility's city and state, the facility's National Center for Educational Statistics (NCES) ID number, or equivalent state issued ID (if applicable), as well as the public water system ID for the facility (if it is a public water system) or for the system that serves the facility (if the facility is not a public water system). If there are confidentiality concerns or legal constraints, provide the minimum of a generic identification (e.g., Facility A), the facility's city or county.
- 2. The sampling plan and summary of results, including
 - a. dates of sampling,
 - b. total number of outlets used for consumption in the facility,
 - c. total number of outlets used for consumption sampled,
 - d. total number of samples taken in the facility,
 - e. total number and percent of samples that triggered action(s) to reduce exposure, and whether or not the facility implemented that action.

B. Quarterly Facility Information Reporting Schedule

Quarterly progress reports detailing the information above must be submitted to the EPA project officer

no later than each **December 31, March 31, June 30 and September 30** for the duration of the agreement.

Recipient progress report submissions will be accepted via CSV, EXCEL, XML format. Procedures on how to comply with reporting elements on the WIIN grant webpage. For further details and instructions on the process for submitting progress reports, including the format in which the elements are organized, go to www.epa.gov/safewater/grants.

2. Notification of Results

As specified in the WIIN Act statute, recipients agree to make available a copy of the results of any testing for lead in drinking water carried out using grant funds, if applicable, in the school and child care program administration offices and, to the extent practicable, on the internet website of the local educational agency for inspection by the public; and notify parents, teachers, and employee organizations of the availability of the results. This notification will be made no more than 90 days from the completion of the initial lead testing conducted at each facility.

3. Annual Performance Reports

In addition to the quarterly facility reports, recipients must provide annual progress reports due to the EPA Project Officer each October 31. As noted above, these reports must include an update on the Maintenance of Effort. Further, in accordance with 2 CFR 200.328 and as specified in P.L.114-322, recipients agree to comply with the requests for data related to the use of the funds under Section 1464(d) of the Safe Drinking Water Act (SDWA). In addition, the States and the District of Columbia agree to provide in its report information regarding key project characteristics, milestones, and environmental/public health protection results in the following areas: 1) achievement of the outputs and outcomes established in the Implementation Workplan; 2) the reasons for delays if established outputs or outcomes were not met; 3) any additional pertinent information on environmental/public health results pertaining to test for lead in drinking water in schools or child care facilities. These activities include the development and provision of training courses, roundtables, webinars, tools, other products, and outreach materials. For each of these activities, recipients must report on their outputs and outcomes such as the types of actions taken to reduce lead in drinking water in the tested facilities; the number of communities with increased information about the health effects of lead, the number of facilities implementing drinking water routine maintenance programs, the number of school and child care personnel that received training on lead in drinking water, and other outcomes that support protecting children from exposure to lead in drinking water. For further details and instructions on the process for submitting annual reports, including the format in which the elements are organized, go to www.epa.gov/safewater/grants.

4. Final Report

The final project report will include all categories of information required for quarterly reporting, including a final, detailed program description of the testing conducted. The final project report will also include a narrative summary of the project or activity, project results (outputs and outcomes) including the successes and lessons learned for the entire project. The final report shall be submitted to the EPA Project Officer within 90 days after the project completion date or termination of the grant agreement. A format for the final report will be made available at www.epa.gov/safewater/grants

Subaward Performance Reporting

The recipient must report on its subaward monitoring activities under [2 CFR 200.331\(d\)](http://www.ecfr.gov/2003/2003_331/d). Examples of items that must be reported if the pass-through entity has the information available are:

1. Summaries of results of reviews of financial and programmatic reports.
2. Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
3. Environmental results the subrecipient achieved.
4. Summaries of audit findings and related pass-through entity management decisions.
5. Actions the pass-through entity has taken to correct deficiencies such as those specified at [2 CFR 200.331\(e\)](http://www.ecfr.gov/2003/2003_331/e), [2 CFR 200.207](http://www.ecfr.gov/2003/2003_207) and the [2 CFR Part 200.338](http://www.ecfr.gov/2003/2003_338) Remedies for Noncompliance.

D. CYBERSECURITY CONDITION

State Grant Cybersecurity

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure.

For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.331(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

E. PROJECT COMPLETION

Expected project completion is two years from the start date of the award, with an extension up to one year pending Project Officer approval.

F. QUALITY ASSURANCE

The recipient will develop Quality Assurance Project Plans (QAPP), or equivalent documents defined by the QMP, for all applicable projects and tasks involving environmental data in accordance with the most current National requirement documents <http://www.epa.gov/quality1/> and Regional requirement documents <https://www.epa.gov/quality/region-1-quality-systems-documents>. Other EPA guidance documents provided at these sites may be helpful in meeting the requirements. The term "environmental data" refers to any measurement or information that describe environmental processes, conditions, or location; ecological or health effects and consequences; or the performance of environmental technology. For EPA, environmental data include information collected directly from measurements, produced from models, and compiled from other sources such as data bases or the literature. The QAPP must be approved by EPA prior to any data gathering work or use, except under circumstances requiring immediate action to protect human health and the environment or operations conducted under police powers. Unless an alternate schedule was previously agreed upon, no later than 30 days prior to the scheduled commencement of data collection and/or data generation activities, the recipient will submit a QAPP to the following:

**EPA Project Officer (see page 1 of assistance agreement for name and address) and
Regional Quality Assurance Manager (EQA)
U.S. Environmental Protection Agency
11 Technology Drive
North Chelmsford, MA 01863**

For organizations having an EPA-approved Quality Management Plan (QMP), the recipient will submit an annual

update letter to EPA documenting progress over the year and any changes to the QMP. Annual update letters will be sent every year for four years until the expiration of the QMP (five years from initial EPA approval). Annual QA update letters will be sent to the EPA Project Officer and the RQAM on the anniversary of the approval of the QMP by the RQAM; or on another mutually agreeable schedule. In addition, for multi-year projects, the grantee shall confirm that the QAPP is current and accurate.

G. LABORATORY RESULTS

All lead testing and sampling activities will be conducted through an accredited EPA or State recognized lead laboratory.