



**STATE OF VERMONT**  
JOINT FISCAL OFFICE

**MEMORANDUM**

To: Joint Fiscal Committee members  
From: Daniel Dickerson, Fiscal Analyst *DD*  
Date: October 19, 2018  
Subject: Position and Grant Requests – JFO #2932 - #2934

Enclosed please find three (3) items, including three (3) limited-service positions, which the Joint Fiscal Office has received from the Administration.

**JFO #2932** – \$947,877 from the Federal Emergency Management Agency to the VT Dept. of Public Safety. The funds are part of the federal FY17 pre-disaster mitigation grant program. Several sub-grants make up the total grant funding. Some of the funding will be utilized for land buyouts in Brandon and Wardsboro, some will be used for other mitigation projects, while the remainder will stay within Vermont Emergency Management to support local hazard mitigation plan development and review. The 25% local match requirement will be covered by municipalities with no State funding required. Of the total grant funding, \$473,938 would be allocated for use in State FY2019.  
*[JFO received 10/10/18]*

**JFO #2933** – \$7,583,030 from the Centers for Disease Control & Prevention to the VT Dept. of Health. The broad purpose for the grant funding is to improve prevention and management of diabetes and cardiovascular disease in rural high-risk populations throughout Vermont. **Two (2) limited-service positions are requested in association with this grant.** The positions are titled Public Health Specialist and Public Health Analyst respectively and would assist in administering the grant functions during the five-year funding period. Approximately half of the annual grant funding of \$1,516,606 would cover direct and indirect personal services and operating costs, while the remainder, \$846,000, would go out as sub-grants to participating health centers throughout the state.  
*[JFO received 10/17/18]*

**JFO #2934** – \$8,211,854 from the Substance Abuse and Mental Health Services Administration (SAMHSA) to the Vermont Agency of Education. The funds will be used to support Vermont Project AWARE (Advancing Wellness and Resilience Education). This will be a joint effort between AOE, the VT Dept. of Mental Health, and three community supervisory unions (SU): Orleans Southwest SU, Addison Rutland SU, and Greater Rutland County SU. The broad aims of the project will be to promote ongoing state and local collaboration regarding mental health best practices in schools, enhance wellness and resiliency skills for school-age youth, and support system improvements for school-based mental health services. **One (1) limited-service position is requested in association with this grant.** The position is titled Education Consultant II. This is a five-year grant program and \$942,945 of grant funding would be utilized in the remainder of State FY2019.  
*[JFO received 10/19/18]*

Please review the enclosed materials and notify the Joint Fiscal Office (Daniel Dickerson at (802) 828-2472; [ddickerson@leg.state.vt.us](mailto: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 November 2, 2018 we will assume that you agree to consider as final the Governor's acceptance of these requests.

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

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

Agency of Administration  
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 OCT 10 2018

**STATE OF VERMONT**      **JOINT FISCAL OFFICE**  
**FINANCE & MANAGEMENT GRANT REVIEW FORM**

<b>Grant Summary:</b>		Federal financial assistance under the FY2017 Pre-Disaster Mitigation Grant Program.			
<b>Date:</b>		9/26/2018			
<b>Department:</b>		Department of Public Safety			
<b>Legal Title of Grant:</b>		FY2017 Pre-Disaster Mitigation Grant Program			
<b>Federal Catalog #:</b>		97.047			
<b>Grant/Donor Name and Address:</b>		Federal Emergency Management Agency, Boston, Ma.			
<b>Grant Period:</b>		<b>From:</b> 1/30/2018		<b>To:</b> 1/30/2021	
<b>Grant/Donation</b>		\$947,877			
	<b>SFY 1</b>	<b>SFY 2</b>	<b>SFY 3</b>	<b>Total</b>	<b>Comments</b>
<b>Grant Amount:</b>	\$473,938	\$335,058	\$138,881	\$947,877	
<b>Position Information:</b>		<b># Positions</b>	<b>Explanation/Comments</b>		
		0			
<b>Additional Comments:</b>					
<b>Has Vantage budget detail been reviewed and reconciled?</b>		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	DB (Analyst Initial)	
<b>Department of Finance &amp; Management</b>		[Signature]		(Initial)	
<b>Secretary of Administration</b>		[Signature]		(Initial)	
<b>Sent To Joint Fiscal Office</b>		10/5/18		Date	



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OCT 10 2011  
JOINT LEGAL OFFICE



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**State of Vermont**  
**Department of Public Safety**  
45 State Drive  
Waterbury, Vermont 05671-1300  
(802) 241-5000  
TTY/TDD (888) 545-7598  
[www.dps.vermont.gov](http://www.dps.vermont.gov)

September 26, 2018

To: David Beatty, Finance & Management Budget Analyst

From: Melissa Austin, Financial Administrator

Re: Request for Grant Acceptance

Attached you will find a request for Grant Acceptance (Form AA-1) for the FEMA Pre-Disaster Mitigation Grant Program 2017.

If you have any questions please contact me at 802-241-5396 or at [Melissa.Austin@vermont.gov](mailto:Melissa.Austin@vermont.gov).

Respectfully,

Melissa

Cc: Rhonda Camley, Richard Deschamps, Financial Managers

Cc: Rick Hallenbeck, Assistant Director of Administration/Finance

SEP 26 2018

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

BASIC GRANT INFORMATION				
1. Agency:				
2. Department:		Public Safety		
3. Program:		Vermont Emergency Management		
4. Legal Title of Grant:		Pre-Disaster Mitigation Grant Program 2017		
5. Federal Catalog #:		97.047		
6. Grant/Donor Name and Address: Federal Emergency Mangement Agency				
7. Grant Period:		From: 1/30/2018	To: 1/30/2021	
8. Purpose of Grant: Pre-Disaster Mitigation is designed to assist States, territories, federally-recognized tribes, and local communities to implement a sustained pre-disaster natural hazard mitigation program to reduce overall risk to the population and structures from future hazard events, while also reducing reliance on Federal funding in future disasters.				
9. Impact on existing program if grant is not Accepted: The work outlined in the attached application cannot be completed without Federal assistance. By being pro-active and completing this work, these entities will be reducing the overall risk for damage in a future event.				
10. BUDGET INFORMATION				
	SFY 1	SFY 2	SFY 3	Comments
Expenditures:	FY 2019	FY 2020	FY 2021	
Personal Services	\$44,012	\$35,210	\$8,803	Management Cost (MC)
Operating Expenses	\$	\$	\$	
Grants	\$587,905	\$411,534	\$176,372	
<b>Total</b>	<b>\$631,917</b>	<b>\$446,744</b>	<b>\$185,175</b>	
Revenues:				
State Funds:	\$	\$	\$	
Cash	\$11,003	\$8,802	\$2,201	Match for MC \$22,006
In-Kind	\$	\$	\$	
Federal Funds:	\$	\$	\$	
(Direct Costs)	\$473,938	\$335,058	\$138,881	Subgrants \$47,877
(Statewide Indirect)	\$	\$	\$	
(Departmental Indirect)	\$	\$	\$	
Other Funds:	\$	\$	\$	
Grant (source Local Match)	\$146,976	\$102,884	\$44,093	Match from Locals \$293,953
<b>Total</b>	<b>\$631,917</b>	<b>\$446,744</b>	<b>\$185,175</b>	<b>\$1,263,836</b>
Appropriation No:	2140030000 Fund 22005	Amount:	\$473,938	
			\$	
			\$	
			\$	
			\$	
			\$	

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

		\$
	<b>Total</b>	\$473,938

**PERSONAL SERVICE INFORMATION**

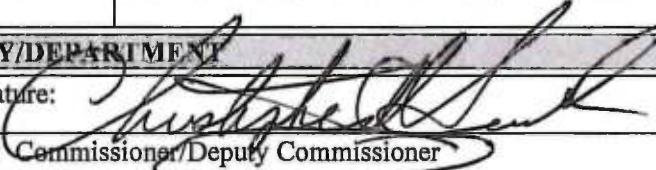
**11. Will monies from this grant be used to fund one or more Personal Service Contracts?**  Yes  No  
 If "Yes", appointing authority must initial here to indicate intent to follow current competitive bidding process/policy.  
 Appointing Authority Name: \_\_\_\_\_ Agreed by: \_\_\_\_\_ (initial)

12. Limited Service Position Information:	# Positions	Title
<b>Total Positions</b>		

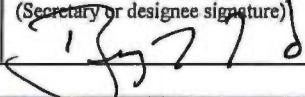
**12a. Equipment and space for these positions:**  Is presently available.  Can be obtained with available funds.

**13. AUTHORIZATION AGENCY/DEPARTMENT**

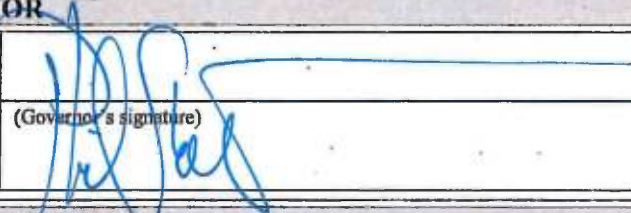
I/we certify that no funds beyond basic application preparation and filing costs have been expended or committed in anticipation of Joint Fiscal Committee approval of this grant, unless previous notification was made on Form AA-1PN (if applicable):

	Signature: 	Date: 9/18/18
	Title: Commissioner/Deputy Commissioner	
	Signature: _____	Date: _____
	Title: _____	

**14. SECRETARY OF ADMINISTRATION**

<input checked="" type="checkbox"/> Approved:	(Secretary or designee signature) 	Date: 9/28/18
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**15. ACTION BY GOVERNOR**

<input checked="" type="checkbox"/> Accepted	(Governor's signature) 	Date: 10/5/18
<input type="checkbox"/> Rejected		

**16. DOCUMENTATION REQUIRED**

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

**End 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).

SEP 26 2018

## Entire Application View

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### PDM Competitive Grant Application

**Application Title:** State of Vermont PDM 2017  
**Application Number:** PDMC-01-VT-2017  
**Application Year:** 2017  
**Grant Type:** PDM Competitive Grant Application  
**Address:** 45 State Drive, Waterbury, VT 05671-1300

#### Applicant Information

Name of Applicant	Vermont Emergency Management
State	VT
Congressional District	
Type of Applicant	State Government
Legal status, function, and facilities owned:	
State Tax Number:	
Federal Tax Number:	
Other type name:	
Federal Employer Identification Number(EIN). If Indian Tribe, this is Tribal Identification Number.	03-6000264
What is your DUNS Number?	809376692 -
Are you the application preparer?	No
Does your organization have a Smartlink account?	Yes
Is the application preparer the Point of Contact?	No
Is application subject to review by Executive Order 12372 Process?	No. Program is not covered by E.O. 12372
Is the applicant delinquent on any Federal debt?	No
Explanation:	



Contact

Authorized Subgrant Agent

Title	Mrs.
First Name	Erica
Middle Initial	
Last Name	Bornemann
Title	Director
Agency/Organization	Vermont Emergency Management
Address 1	45 State Drive
Address 2	
City	Waterbury
State	VT
ZIP	05671 - 1300
Phone	802-241-5363 Ext.
Fax	
Email	lauren.oates@vermont.gov

Point of Contact

Title	Ms.
First Name	Lauren
Middle Initial	
Last Name	Oates
Title	State Hazard Mitigation Officer
Agency/Organization	Vermont Emergency Management
Address 1	45 State Street
Address 2	
City	Waterbury
State	VT
ZIP	05671 - 1300
Phone	802-241-5363 Ext.
Fax	
Email	lauren.oates@vermont.gov

Rank	Application Number	Subgrant Applications		Non-Federal Share	Federal Share	Federal Share %
		Application Title	Name			
1	<u>PDMC-PJ-01-VT-2017-002</u>	Newton Road Flood Mitigation	Town of Brandon	\$125,553.75	\$376,661.25	75
2	G <u>PDMC-PL-01-VT-2017-003</u>	State of Vermont Local Hazard Mitigation Plan Development	Vermont Emergency Management	\$39,062.50	\$117,187.50	75
3	<u>PDMC-PJ-01-VT-2017-001</u>	Town of Wardsboro Buyout Mitigation Project	Windham Regional Commission	\$19,525.00	\$58,575.00	75
4	<u>PDMC-PJ-01-VT-2017-006</u>	Brownington Generator 2017	Town of Brownington	\$7,500.18	\$22,500.53	74.99999167
5	<u>PDMC-PJ-01-VT-2017-004</u>	Newton Road Acquisitions (2)	Town of Brandon	\$102,311.25	\$306,933.75	75
6	G <u>PDMC-MC-01-VT-2017-005</u>	State of Vermont 2017 PDM (MC)	Vermont Emergency Management	\$22,006.26	\$66,018.74	74.99998864
				<u>\$315,958.94</u>	<u>\$947,876.77</u>	<u>= 1,263,835.71</u>

Subgrant Applicant	Schedule Total Duration	Unit of Time
<u>Windham Regional Commission</u>	32	Week(s)
<u>Town of Brandon</u>	28	Week(s)
<u>Vermont Emergency Management</u>	16	Month(s)
<u>Town of Brandon</u>	28	Week(s)
<u>Vermont Emergency Management</u>	3	Year(s)
<u>Town of Brownington</u>	27	Day(s)

Title of your proposed activity

State of Vermont PDM 2017

Proposed Period of Performance

Overall duration of the grant

Unit of Time

3

YEARS

Budget

File Name	Date Attached
Subgrant Applicant	Requested Amount
Town of Brownington	\$30,000.71
Windham Regional Commission	\$78,100.00
Vermont Emergency Management	\$88,025.00
Vermont Emergency Management	\$156,250.00
Town of Brandon	\$409,245.00
Town of Brandon	<u>\$502,215.00</u>
Total	\$1,263,835.71

4

Properties

**Acquisition of Private Real Property (Structures and Land) - Riverine**

Property Owner's Name	Address	City	State	Zip Code	Repetitive Loss	Application Number
Kenneth Petrocca	<a href="#">743 Route 100 Rte</a>	Wardsboro	VT	05355		PDMC-PJ-01-VT-2017-001
Matthew Swan	<a href="#">37 &amp; 51 Newton Rd</a>	Brandon	VT	05733 - 8980		PDMC-PJ-01-VT-2017-002
Michael Harrison	<a href="#">419 Newton Rd</a>	Brandon	VT	05733 - 8980		PDMC-PJ-01-VT-2017-002
Michael Lee	<a href="#">449 Newton Rd</a>	Brandon	VT	05733 - 8980		PDMC-PJ-01-VT-2017-002
Michael Frankiewicz	<a href="#">250 Newton Rd</a>	Brandon	VT	05733 - 8593		PDMC-PJ-01-VT-2017-004
Oscar Gardner	<a href="#">477 Newton Rd</a>	Brandon	VT	05733 - 8980		PDMC-PJ-01-VT-2017-004

Comments and Attachments

Name of Section	Comment	Attachment	Date Attached
Assurances and Certifications		<a href="#">Certification Regarding Lobbying PDM 2017 signed.pdf</a>	11-13-2017
		<a href="#">Assurances - Non-Construction.pdf</a>	11-13-2017

**Grant Applicant Review Comments:** (These comments do not go to FEMA).

Name of Section	Comment	Last Comment Made By	Last Comment Updated Date	Phone	Action
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## Assurances and Certifications

Please click the link in the status column to view forms.

Forms

Status

Part I: Assurances **Non-Construction** Programs.

[Complete](#)

Part II: Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibilities Matters; and Drug-Free Workplace Requirements.

[Complete](#)

Part III: SF-LLL, Disclosure of Lobbying Activities (Complete only if applying for a grant of more than \$100,000 and have lobbying activities using Non-Federal funds. See the Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibilities Matters; and Drug-Free Workplace Requirements form for lobbying activities definition.)

Not Applicable

Attachments

[Assurances - Non-Construction.pdf](#)



Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements.

Attachments

[Certification Regarding Lobbying\\_PDM 2017\\_signed.pdf](#)

Section 17.630 of the regulations provide that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for FEMA funding. States and State agencies may elect to use a Statewide certification.

## ***FEMA Grants Application***

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### Attachments

[424 PDM 2017 signed.pdf](#)

Close Window

## ***Budget Information for Non-Construction Programs***

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### Attachments

[SF-424A Budget Information.pdf](#)

**APPLICATION FOR FEDERAL ASSISTANCE**

Version 7/03

<b>1. TYPE OF SUBMISSION:</b> Application		<b>2. DATE SUBMITTED</b>	Applicant Identifier
<input type="checkbox"/> Construction	Pre-application	<b>3. DATE RECEIVED BY STATE</b>	State Application Identifier
<input checked="" type="checkbox"/> Non-Construction	<input type="checkbox"/> Construction	<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>	Federal Identifier
<input type="checkbox"/> Non-Construction			
<b>5. APPLICANT INFORMATION</b>			
Legal Name: Vermont Division of Emergency Management (VEM)		<b>Organizational Unit:</b> Department: Dept. of Public Safety	
Organizational DUNS: 809376692		Division: Vermont Emergency Management	
<b>Address:</b> Street: 45 State Drive		<b>Name and telephone number of person to be contacted on matters involving this application (give area code)</b>	
City: Waterbury		Prefix:	First Name: Lauren
County: Washington		Middle Name	
State: Vermont		Last Name Oates	
Zip Code 05671	Suffix:		
Country: USA		Email: lauren.oates@vermont.gov	
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b> 03-6000264		Phone Number (give area code) 802-241-5363	Fax Number (give area code)
<b>8. TYPE OF APPLICATION:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) Other (specify)		<b>7. TYPE OF APPLICANT:</b> (See back of form for Application Types) A Other (specify)	
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b> 97-047		<b>9. NAME OF FEDERAL AGENCY:</b> FEMA	
TITLE (Name of Program): Pre-Disaster Mitigation		<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b> Pre-Disaster Mitigation 2017 Application for the State of Vermont.	
<b>12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):</b> Statewide			
<b>13. PROPOSED PROJECT</b> Start Date: Upon FEMA Award		<b>14. CONGRESSIONAL DISTRICTS OF:</b> a. Applicant 1	
Ending Date: 3 Years From Award Date		b. Project 1	
<b>15. ESTIMATED FUNDING:</b>		<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>	
a. Federal	\$ 947,877 <sup>00</sup>	a. Yes. <input type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON	
b. Applicant	\$ . <sup>00</sup>	DATE:	
c. State	\$ . <sup>00</sup>	b. No. <input checked="" type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372	
d. Local	\$ 315,959 <sup>00</sup>	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
e. Other	\$ . <sup>00</sup>	<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b>	
f. Program Income	\$ . <sup>00</sup>	<input type="checkbox"/> Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No	
g. TOTAL	\$ 1,263,836 <sup>00</sup>		
<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.</b>			
a. Authorized Representative			
Prefix	First Name Erica	Middle Name	
Last Name Bornemann			Suffix
b. Title Director	c. Telephone Number (give area code) 802-241-5487		
d. Signature of Authorized Representative	e. Date Signed 11/13/17		

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Standard Form 424 (Rev.9-2003)  
Prescribed by OMB Circular A-102

*(A) - Agreed to Subgrant Application - pb of this packet*

Sample: of application award for PDM  
for this FEMA application cycle.

U.S. Department of Homeland Security  
FEMA Region I  
99 High Street  
Boston, MA 02110



**FEMA**

July 31, 2018

Erica Bornemann  
Director  
Division of Emergency Management & Homeland Security  
Vermont Department of Public Safety  
45 State Drive  
Waterbury, VT 05671

*Re: FY 2017 Pre-Disaster Mitigation Grant Program  
Catalog of Federal Domestic Assistance No. 97.047  
Award No. EMB-2018-PC-0002*

Dear Ms. Bornemann:

The Federal Emergency Management Agency ("FEMA") has approved the Vermont Division of Emergency Management and Homeland Security's ("DEMHS") application for financial assistance under the FY2017 Pre-Disaster Mitigation Grant Program in the amount of \$117,187.50. As a condition of the federal award, DEMHS is required to contribute a nonfederal match in the amount of \$39,062.50, or 25% of the total approved project cost of \$156,250. This award, numbered EMB-2018-PC-0002, currently includes the following approved project as further detailed in the agreement articles:

Project Number: PDMC-PL-01-VT-2017-003

Description: Local Mitigation Plan Development

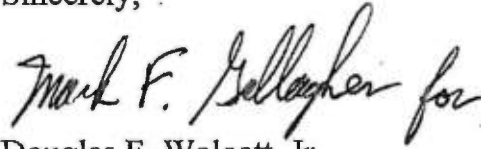
Project Cost: \$156,250 (federal award \$117,187.50; nonfederal match \$39,062.50)

By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of this award:

- Agreement articles (attached to this award letter)
- Obligating document, FEMA Form 76-10A (attached to this award letter)
- Record of Environmental Consideration
- FY 2017 Pre-Disaster Mitigation Grant Program Notice of Funding Opportunity

Please contact Tracy Narbeth, Grants Management Specialist, at (617) 956-7633, if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Mark F. Gallagher for". The signature is written in a cursive style.

Douglas F. Wolcott, Jr.

Acting Deputy Regional Administrator

cc: Lauren Oates, State Hazard Mitigation Officer, Vermont Division of Emergency Management and Homeland Security

Enclosures

U.S. Department of Homeland Security  
FEMA Region I  
99 High Street  
Boston, MA 02110



**FEMA**

## **GRANT AGREEMENT**

### **FY 2017 Pre-Disaster Mitigation Federal Award**

Recipient:	State of Vermont
Designated Administrative Agency:	Division of Emergency Management and Homeland Security, Department of Public Safety
Agreement Number:	EMB-2018-PC-0002
CFDA:	#97.047
Amendment:	0

Grant Agreement  
FY 2017 Pre-Disaster Mitigation Federal Award  
Vermont Division of Emergency Management and Homeland Security  
Agreement Number: EMB-2018-PC-0002

This Grant Agreement is made by and between the Federal Emergency Management Agency (“FEMA”) and the State of Vermont (“Recipient”) concerning the FY 2017 Pre-Disaster Mitigation (“PDM”) Federal Award No. EMB-2018-PC-0002. The Recipient agrees to comply with the terms and conditions in this Grant Agreement and the terms and conditions flow down to all subrecipients, unless a particular award term or condition specifically indicates otherwise. The PDM Grant Program is authorized by Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5133).

**ARTICLE I – SCOPE OF WORK**

The Recipient will conduct the PDM projects as briefly described below and as further detailed in the grant application and all subapplications, which are incorporated here by reference.

**1. Project # PDMC-PL-01-VT-2017-003**

**Mitigation Plans**

Total Project Cost – \$156,250 (federal award \$117,187.50, nonfederal match \$39,062.50)

Subapplicant – Vermont Division of Emergency Management and Homeland Security

Brief Description – The Towns of Berlin, Braintree, Grafton, Granville, Moretown, Rochester, Rupert, Ryegate, Sunderland, Wardsboro, Williamstown, Woodbury, and Woodford will develop mitigation plan updates for single jurisdictional plans. The Towns of Morristown and Morrisville will develop a multi-jurisdictional plan update. The Town of Morgan will develop a new, single jurisdictional plan.

The financial assistance provided for Project 1 is contingent/conditioned upon the delivery of mitigation plans for each community identified in the scope of work that FEMA approves before the end of the period of performance. If FEMA does not approve a plan for a community before the end of the period of performance, then FEMA may partially terminate the project, disallow costs associated with the mitigation plan for that community, and recover all payments made to the Recipient for that community.

**ARTICLE II – TOTAL PROJECT COST, FEDERAL AWARD, AND NONFEDERAL MATCHING REQUIREMENT**

1. The federal award is \$117,187.50, which is 75% of the total approved project cost of \$156,250.00. As a condition of the federal award, the Recipient is required to contribute a nonfederal match of \$39,062.50, which is 25% of the total approved project cost.
2. The Recipient will follow all nonfederal matching requirements set forth in applicable law, regulations, and FEMA guidance and in compliance with 2 C.F.R. § 200.306. The nonfederal match must be available at the time FEMA approves the federal award.
3. The approved budget for the total project costs is set forth in the cost review section of the grant application. The Recipient is responsible for the nonfederal share and any actual costs that exceed the total approved project costs.

Grant Agreement  
FY 2017 Pre-Disaster Mitigation Federal Award  
Vermont Division of Emergency Management and Homeland Security  
Agreement Number: EMB-2018-PC-0002

**ARTICLE III – PERIOD OF PERFORMANCE**

1. The period of performance for this federal award is January 30, 2018 to January 30, 2021.
2. A non-Federal entity, as explained in 2 C.F.R. § 200.309, may charge to a federal award only allowable costs incurred during the period of performance (except as described in 2 C.F.R. § 200.461) and any costs incurred before FEMA made the federal award or the pass-through entity makes a subaward that were authorized by FEMA or the pass-through entity.
3. The Recipient must submit any request to extend the period of performance at least 60 days before the expiration of the period of performance. The request must be in writing and must contain the justification detailed in the *Hazard Mitigation Assistance Unified Guidance*, Part VI, ¶ D.4.1, which includes a written explanation of the reasons for the delay, an outline of remaining funds available to support the extended period of performance, and a description of performance measures necessary to complete the activity. FEMA will not process an extension request without justification and the decision to approve any extension request is committed entirely to FEMA's discretion. In order for FEMA to consider a request, the Recipient's performance and financial reports must be current.
4. FEMA will not approve extensions to the period of performance for delays caused by the lack of nonfederal match funding.

**ARTICLE IV – ACCEPTANCE OF POST-AWARD CHANGES**

In the event FEMA 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, the Recipient will be notified of the changes in writing. Once notification has been made, any subsequent request or drawdown for funds will indicate recipient acceptance of the changes to the federal award.

**ARTICLE V – PRIOR APPROVAL FOR MODIFICATION OF BUDGET OR SCOPE**

1. The Recipient will request prior written approval from FEMA where required by 2 C.F.R. § 200.308 before making any change to the approved budget for the federal award. In addition, the Recipient will inform FEMA, as early as possible, when it estimates that it will not utilize the entire amount of the federal award and have excess funds at the end of the period of performance.
2. The Recipient may request a change in the scope of work after FEMA approves the federal award so long as the new scope does not change the nature or total project cost of the activity, properties identified in any subapplication, the feasibility and effectiveness of the project, or the benefit cost ratio. Any requests for a change in the scope of work must be supported by adequate justification, to include a description of the proposed change, a written explanation of the reason or reasons for the change, an outline of



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remaining funds available to support the change, and a full description of the work necessary to complete activity.

3. The approval of any changes to scope or budget are entirely committed to FEMA's discretion.

**ARTICLE VI – DISPOSITION OF EQUIPMENT AND SUPPLIES UNDER THE FEDERAL AWARD**

The Recipient will comply with the regulations at 2 C.F.R. §§ 200.313 and 314 concerning the use, management, and disposition of equipment and supplies acquired under the federal award. This includes, among other things, the requirement for the Recipient to seek disposition instructions from FEMA concerning original and replacement equipment.

**ARTICLE VII – DUPLICATION OF BENEFITS AND PROGRAM**

1. Duplication of Benefits

- a. PDM funds cannot duplicate funds received by or available to a non-Federal entity from other sources for the same purpose. Examples of other sources include insurance claims, other assistance programs (including previous project or planning grants and subawards from a FEMA hazard mitigation assistance program), legal awards, or other benefits associated with properties or damage that are or could be the subject of litigation.
- b. Because the availability of other sources of mitigation grant or loan assistance is subject to available information and the means of each individual Applicant, FEMA does not require that property owners seek assistance from other sources (with the exception of insurance). However, it is the responsibility of the property owner to report other benefits received, any applications for other assistance, the availability of insurance proceeds, or the potential for other compensation, such as from pending legal claims for damage relating to the property.
- c. Where a property owner has an insurance policy covering any loss to the property that relates to a proposed PDM project, the means are available for receiving compensation for a loss or, in the case of increased cost of compliance, assistance toward a mitigation project. FEMA will generally require that the property owner file a claim prior to the receipt of PDM funds.
- d. The *Hazard Mitigation Assistance Unified Guidance*, Part III, § D.5 provides more detailed requirements concerning duplication of benefits.

2. Duplication of Programs

- a. FEMA will not provide financial assistance under a PDM federal award for activities for which it determines the more specific or primary authority lies with

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another federal agency, and FEMA may disallow or recover federal funding used to duplicate those other authorities.

- b. The *Hazard Mitigation Assistance Unified Guidance*, Part III, § D.4 provides more detailed requirements concerning duplication of programs.

**ARTICLE VIII – PDM NOTICE OF FUNDING OPPORTUNITY**

All of the instructions, guidance, limitations, and other conditions set forth in the FY 2017 Pre-disaster Mitigation Notice of Funding Opportunity (“NOFO”) are incorporated by reference in the federal award terms and conditions. All non-Federal entities will use federal funding and the nonfederal share in accordance with the NOFO.

**ARTICLE IX – HAZARD MITIGATION ASSISTANCE UNIFIED GUIDANCE**

All of the instructions, guidance, limitations, and other conditions set forth in the *Hazard Mitigation Assistance Unified Guidance (2015)* are incorporated by reference into this grant agreement. The Recipient will use federal funding and the nonfederal share in accordance with the *Hazard Mitigation Assistance Unified Guidance*.

**ARTICLE X – INFLUENCING ENACTMENT OF FEDERAL, STATE, AND LOCAL ACTIONS**

The Recipient understands and agrees that no federally appropriated funding made available under the federal award may be used, directly or indirectly, to support the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government, without the express prior approval of FEMA. See 18 U.S.C. § 1913.

**ARTICLE XI – PAYMENTS**

1. FEMA will make payments to the Recipient via the Payment and Reporting System (“PARS”). These payments and Recipient drawdowns are governed by the Treasury-State Cash Management Improvement Act agreements and/or default procedures codified at 31 C.F.R. Part 205 and TFM 4A-2000, *Overall Disbursing Rules for All Federal Agencies*.
2. The Recipient must follow the payment methods proscribed by 2 C.F.R. § 200.305(b) when making payments to subrecipients, except in cases where those payments directly conflict with state law or regulation. Where such a conflict with state law or regulation exists, the Recipient is required to comply with its own state laws and regulations governing payments to subrecipients as required by 2 C.F.R. § 200.302, as well as all remaining provisions of 2 C.F.R. § 200.305(b) where the Recipient can comply without creating a conflict with state laws and regulations.
3. For non-Federal entities other than states, payment methods must minimize the time elapsing between the transfer of funds from the pass-through entity and the disbursement

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by the non-Federal entity whether the payment is made by electronic funds transfer, or issuance or redemption of checks, warrants, or payment by other means and meet all other requirements of 2 C.F.R. § 200.305(b).

4. The Recipient will not make payment to any non-Federal entity other than those specified in the scope of work.

**ARTICLE XII – COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND WITH THE RECORD OF ENVIRONMENTAL CONSIDERATION**

1. The Recipient will comply with all applicable federal laws, executive orders, and regulations.
2. The Recipient will comply with all applicable federal, state, and local laws before the start of any construction activity.
3. The Recipient will obtain all necessary federal, state, and local permits and clearances for construction activities. The failure to obtain such permits and clearances may jeopardize federal funding.
4. The Recipient may not pursue any change in the scope of work until FEMA has re-evaluated the revised scope's compliance with the National Environmental Policy Act and all other environmental and historic preservation laws, executive orders, and regulations.
5. The Recipient must adhere to all conditions and instructions in the Record of Environmental Consideration and Environmental Assessment for the federal award.
6. If ground disturbing activities occur during construction, the Recipient will ensure monitoring of ground disturbance and, if any potential archaeological resources are discovered, cease construction activities in that area and notify FEMA.

**ARTICLE XIII – RECOVERY OF FUNDS**

1. The Recipient will recover federal funds expended in error, misrepresentation, or fraud, disallowed by FEMA, other spent inappropriately, or unused.
2. The Recipient will adjust its expenditures as it recovers funding and will report these adjustments quarterly on the Federal Financial Report, SF 425.
3. The Recipient will designate on its quarterly progress reports the non-Federal entities from which it has not processed recoveries but from which recoveries are due FEMA.
4. The Recipient will submit recovered funds as soon as they are collected, but no later than 90 days from the end of the period of performance.

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5. The Recipient will notify FEMA of any potential debt as a result of federal funds expended in error, misrepresentation, fraud, or for costs otherwise disallowed or unused.
6. The Recipient will report all cases of suspected fraud to the DHS Office of Inspector General and will cooperate with any investigation conducted by the DHS Office of Inspector General.
7. The Recipient will cooperate with FEMA regarding any lawsuit that may result from the Recipient or FEMA's attempt to recover funds or disallow costs.

**ARTICLE XIV – REFUNDS, REBATES, AND CREDITS**

1. The Recipient will pay FEMA the appropriate share, based on the federal share of the federal award, of any refund, rebate, credit, or other amounts arising from the performance of the scope of work for the federal award.
2. The Recipient will promptly collect all monies due FEMA from a non-Federal entity as a result of a refund, rebate, or credit and cooperate with FEMA in any claim or suit in connection with these amounts.

**ARTICLE XV – REPORTING**

The Recipient will comply with the following reporting requirements:

1. Financial Reports. The Recipient will submit the first Federal Financial Report (“FFR”) using the Standard Form 425 within 30 days of the end of the first federal quarter following the date of FEMA's approval of the federal award. Thereafter, the Recipient will submit quarterly FFRs on January 30, April 30, July 30, and October 30 until the period of performance ends. The final FFR is due within 90 days after the end of the period of performance.
2. Performance Reports. The Recipient shall submit the first Program Performance Report (“PPR”) using the Standard Form PPR within 30 days of the end of the first federal quarter following the date of FEMA's approval of the federal award. Thereafter, the Recipient shall submit quarterly PPRs on January 30, April 30, July 30, and October 30 until the period of performance ends. The final PPR is due within 90 days after the end of the period of performance. PPRs shall report the name, completion status, expenditure, and payment-to-date of each approved project under the scope of work.
3. FEMA may prohibit drawdowns for the federal award or not make future federal awards if the Recipient does not comply with the reporting requirements.

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**ARTICLE XVI – PROCUREMENT OF SERVICES AND PROPERTY**

The Recipient understands that, when procuring services and property under the federal award, all non-Federal entities must comply with the procurement standards set forth at 2 C.F.R. §§ 200.317-326. To ensure compliance, the Recipient will work with all non-Federal entities before making subawards to ensure their awareness of these procurement standards. If the Recipient or a subrecipient fails to comply with these standards, FEMA may take an enforcement action through any of the remedies set forth at 2 C.F.R. § 200.338.

**ARTICLE XVII – CLOSEOUT**

The Recipient will submit, no later than 90 calendar days after the end date of the period of performance, the following documentation pursuant to 2 C.F.R. § 200.343: (1) a final Federal Financial Report; (2) a final Program Performance Report; (3) an inventory of equipment acquired with federal funds or received from FEMA; (4) the documentation detailed in the *Hazard Mitigation Assistance Unified Guidance*, Part II, § N and Part VI, § F.2; and (5) other documents specified in regulation. The Recipient will retain all records for the periods specified in 2 C.F.R. § 200.333, which is generally three years from the date the Recipient submits the final Federal Financial Report to FEMA.

**ARTICLE XVIII – COPYRIGHT**

A non-Federal entity, as set forth in 2 C.F.R. § 200.315, may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under the federal award. FEMA reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes and to authorize others to do so.

**ARTICLE XIX – FLOOD INSURANCE**

The Recipient will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Pub. L. No. 93-234 (1973) (codified as amended at 42 U.S.C. § 4012a), which requires a non-Federal entity receiving federal financial assistance for acquisition and construction purposes for use in any special flood hazard area to obtain and maintain flood insurance for a structure equal to the lesser of the project cost or the maximum limit of coverage made available to the particular type of property under the National Flood Insurance Program.

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**DEPARTMENT OF HOMELAND SECURITY  
2018 STANDARD TERMS AND CONDITIONS**

**ARTICLE XX – ASSURANCES, ADMINISTRATIVE REQUIREMENTS, AND COST PRINCIPLES**

1. DHS financial assistance recipients must complete either the Office of Management and Budget (“OMB”) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (“DHS FAO”) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions.
2. DHS financial assistance recipients are required to follow the applicable provisions of the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* located at 2 C.F.R. Part 200 and adopted by DHS at 2 C.F.R. Part 3002.

**ARTICLE XXI – DHS SPECIFIC ACKNOWLEDGEMENTS AND ASSURANCE**

1. All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.
2. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.
3. 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 federal financial assistance award 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.
4. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
5. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
6. Recipients of federal financial assistance from DHS must complete the *DHS Civil Rights Evaluation Tool* within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. Recipients are required to provide this information once every two (2) years, not every time an award is made.

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After the initial submission, recipients are only required to submit updates. Recipients should submit the completed tool, including supporting materials to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

7. The United States has the right to seek judicial enforcement of these obligations.

**ARTICLE XXII – ACKNOWLEDGEMENT OF FUNDING FROM DHS**

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

**ARTICLE XXIII – ACTIVITIES CONDUCTED ABROAD**

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.

**ARTICLE XXIV – AGE DISCRIMINATION ACT OF 1975**

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

**ARTICLE XXV – AMERICANS WITH DISABILITIES ACT OF 1990**

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. *See* 42 U.S.C. §§ 12101–12213.

**ARTICLE XXVI – BEST PRACTICES FOR COLLECTION AND USE OF PERSONALLY IDENTIFIABLE INFORMATION (PII)**

Recipients who collect personally identifiable information (“PII”) are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: [Privacy Guidance](#) and [Privacy template](#) as useful resources respectively.

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**ARTICLE XXVII – CIVIL RIGHTS ACT OF 1964 – TITLE VI**

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. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

**ARTICLE XXVIII – CIVIL RIGHTS ACT OF 1968**

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 (*see* 42 U.S.C. § 3601 *et seq.*), as implemented by the U.S. 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. Part 100, Subpart D.

**ARTICLE XXIX – COPYRIGHT**

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

**ARTICLE XXX – DEBARMENT AND SUSPENSION**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, and 2 C.F.R. Part 180. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities

**ARTICLE XXXI – DRUG-FREE WORKPLACE REGULATIONS**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sections 5152-5158 of the Drug-Free Workplace Act of 1988, Pub. L. No. 100-690, Title V, Subtitle D (codified as amended at 41 U.S.C. 8101 *et seq.*).



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**ARTICLE XXXII – DUPLICATION OF BENEFITS**

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

**ARTICLE XXXIII – EDUCATION AMENDMENTS OF 1972 (EQUAL OPPORTUNITY IN EDUCATION ACT) – TITLE IX**

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 *et seq.*), which provide 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. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

**ARTICLE XXXIV – ENERGY POLICY AND CONSERVATION ACT**

Recipients must comply with the requirements of the Energy Policy and Conservation Act (42 U.S.C. § 6201) which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act

**ARTICLE XXXV – FALSE CLAIMS ACT AND PROGRAM FRAUD CIVIL REMEDIES**

Recipients must comply with the requirements of the False Claims Act (31 U.S.C. §§ 3729-3733) which prohibits the submission of false or fraudulent claims for payment to the federal government. *See* 31 U.S.C. § 3801-3812, which detail the administrative remedies for false claims and statements made.

**ARTICLE XXXVI – 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.

**ARTICLE XXXVII – FEDERAL LEADERSHIP ON REDUCING TEXT MESSAGING WHILE DRIVING**

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in Executive Order 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

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**ARTICLE XXXVIII – FLY AMERICA ACT OF 1974**

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.

**ARTICLE XXXIX – 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, 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.

**ARTICLE XL – LIMITED ENGLISH PROFICIENCY (CIVIL RIGHTS ACT OF 1964, TITLE VI)**

Recipients must comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*) 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. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>

**ARTICLE XLI – LOBBYING PROHIBITIONS**

Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under an federal financial assistance 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 related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification

**ARTICLE XLII – NATIONAL ENVIRONMENTAL POLICY ACT**

Recipients must comply with the requirements of the National Environmental Policy Act, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 *et seq.*) (NEPA) (“NEPA”) and the Council on Environmental Quality (“CEQ”) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and

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maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

**ARTICLE XLIII – NONDISCRIMINATION IN MATTERS PERTAINING TO FAITH ORGANIZATIONS**

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs

**ARTICLE XLIV – NONSUPPLANTING REQUIREMENT**

Recipients receiving federal financial assistance 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.

**ARTICLE XLV – NOTICE OF FUNDING OPPORTUNITY**

All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (“NOFO”) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO

**ARTICLE XLVI – 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. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

**ARTICLE XLVII – PROCUREMENT OF RECOVERED MATERIALS**

Recipients must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962. 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.

**ARTICLE XLVIII – REHABILITATION ACT OF 1973**

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

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individuals 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.

**ARTICLE XLIX – REPORTING OF MATTERS RELATED TO RECIPIENT INTEGRITY AND PERFORMANCE**

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, the recipient must comply with the requirements set forth in the government-wide award term and condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, which states, if the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of the federal financial assistance award, then recipients during that period of time must maintain the currency of information reported to SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (“FAPIIS”)) about civil, criminal, or administrative proceedings described in paragraph 1 of this award term and condition. This is a statutory requirement under Pub. L. 110-417 § 872, as amended (41 U.S.C. § 2313). As required by Pub. L. 111-212, § 3010, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for federal procurement contracts, will be publicly available.

**1. Proceedings About Which the Recipient Must Report**

Recipients must submit the required information about each proceeding that is:

- a. In connection with the award or performance of a grant, cooperative agreement, or procurement contract from the federal government;
- b. Reached its final disposition during the most recent five year period; and
- c. One or more of the following:
  - 1) A criminal proceeding that resulted in a conviction;
  - 2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
  - 3) An administrative proceeding that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
  - 4) Any other criminal, civil, or administrative proceeding if:

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- a) It could have led to an outcome described in paragraph 1c.1), 2), or 3) of this award term and condition;
- b) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
- c) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

## 2. Reporting Procedures

Recipients must enter the information that SAM requires about each proceeding described above into the SAM Entity Management area. Recipients do not need to submit the information a second time under financial assistance awards that have been received if the information have already been entered into SAM based on federal procurement contracts requirements.

## 3. Reporting Frequency

During any period of time when recipients are subject to the main requirement of this award term and condition, recipients must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that recipients have not reported previously or affirm that there is no new information to report. Recipients that have federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose any information about the criminal, civil, and administrative proceedings semiannually.

## **ARTICLE L – REPORTING SUBAWARDS AND EXECUTIVE COMPENSATION**

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A.

### 1. Reporting of First-tier Subawards

- a. Unless recipients are exempt as provided in paragraph 4 of this award term, recipients must report each action that obligates \$25,000 or more in federal funds that does not include recovery funds as defined in the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, § 1512(a)(2) for a subaward to an entity.
- b. *Where and when to report.*
  - 1) Recipients must report each obligating action described in paragraph 1.a of this award term to <http://www.fsrs.gov>.

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- 2) Subrecipients must report subaward information no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

c. *What to report.*

Recipients must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

**2. Reporting Total Compensation of Recipient Executives**

- a. *Applicability and what to report.* Recipients must report total compensation for each of the five most highly compensated executives for the preceding completed fiscal year, if—

- 1) The total federal funding authorized to date under this financial assistance award is \$25,000 or more;

- 2) In the preceding fiscal year, recipient's received—

- a) 80 percent or more of recipients annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.320 (and subawards); and

- b) \$25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.320 (and subawards); and

- 3) The public does not have access to information about the compensation of the executives through periodic reports filed under Section 13(a) or 15(d) of the *Securities Exchange Act of 1934*, 15 U.S.C. 78, as amended by Pub. L. 112-158 or Section 6104 of the Internal Revenue Code of 1986. (See the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execom.htm> to determine if the public has access to the compensation information.)

- b. *Where and when to report.* Recipients must report executive total compensation described in paragraph 2.a of this award term as part of the registration profile in the System for Award Management (SAM) at <https://www.sam.gov> by the end of the month following the month in which this award is closed out and annually thereafter.

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**3. Reporting of Total Compensation of Subrecipient Executives**

- a. *Applicability and what to report.* Unless recipients are exempt as provided in paragraph 4 of this award term, for each first-tier subrecipient under this award, recipients shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—
- 1) In the subrecipient's preceding fiscal year, the subrecipient received—
    - a) 80 percent or more of its annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.320 (and subawards); and
    - b) \$25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts), and federal financial assistance subject to the Transparency Act (and subawards); and
  - 2) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the *Securities Exchange Act of 1934*, 15 U.S.C. 78, as amended by Pub. L. 112-158 or Section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
- b. *Where and when to report.* Subrecipients must report subrecipient executive total compensation described in paragraph 3.a of this award term to the recipient by the end of the month following the month during which recipients make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), subrecipients must report any required compensation information of the subrecipient by November 30 of that year.

**4. Exemptions**

If, in the previous tax year, recipients had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- 1) Subawards; and
- 2) The total compensation of the five most highly compensated executives of any subrecipient.

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**ARTICLE LI – SAFECOM**

Recipients receiving federal financial assistance 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.

**ARTICLE LII – TERRORIST FINANCING**

Recipients must comply with Executive Order 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

**ARTICLE LIII – TRAFFICKING VICTIMS PROTECTION ACT OF 2000**

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the *Trafficking Victims Protection Act of 2000*, (TVPA) as amended (22 U.S.C. § 7104). The award term, located at 2 C.F.R. § 175.15, states:

1. A federal awarding agency (DHS) must include the award term in 2 C.F.R. § 175.15(b) of this section in—
  - a. A grant or cooperative agreement to a private entity, as defined in §175.25(d); and
  - b. A grant or cooperative agreement to a state, local government, Indian tribe or foreign public entity, if funding could be provided under the federal financial assistance award to a private entity as a subrecipient.
2. The award term that recipients must include, as described in 2 C.F.R. § 175.15(a) for trafficking in persons, is:
  - a. *Provisions applicable to a recipient that is a private entity.*
    - 1) Recipients, the employees, subrecipients under this award, and subrecipients' employees may not—
      - a) Engage in severe forms of trafficking in persons during the period of time the award is in effect;
      - b) Procure a commercial sex act during the period of time that the award is in effect; or
      - c) Use forced labor in the performance of the award or subawards under the award.



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- 2) DHS may unilaterally terminate this award, without penalty, if recipients or subrecipients that is a private entity —
  - a) Is determined to have violated a prohibition in paragraph 2.a.1) of this award term; or
  - b) Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph 2.a.1) of this award term through conduct that is either—
    - i. Associated with performance under this award; or
    - ii. Imputed to recipients or subrecipients using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, “OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 C.F.R. Part 3000.
- b. *Provision applicable to recipients other than a private entity.* DHS may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—
  - 1) Is determined to have violated an applicable prohibition in paragraph 2.a.1) of this award term; or
  - 2) Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph 2.a.1) of this award term through conduct that is either—
    - a) Associated with performance under this award; or
    - b) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement), as implemented by our agency at 2 C.F.R. Part 3000.
- c. *Provisions applicable to any recipient.*
  - 1) Recipients must inform DHS immediately of any information received from any source alleging a violation of a prohibition in paragraph 2.a.1) of this award term.
  - 2) It is DHS’s right to terminate unilaterally that is described in paragraph 2.a.2) or b of this section:
    - a) Implements Section 106(g) of the TVPA, as amended by 22 U.S.C. 7104(g)), and

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- b) Is in addition to all other remedies for noncompliance that are available to us under this award.
- 3) Recipients must include the requirements of paragraph 2.a.1) of this award term in any subaward you make to a private entity.

**ARTICLE LIV – UNIVERSAL IDENTIFIER AND SYSTEM OF AWARD MANAGEMENT**

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the Universal Identifier Requirements and SAM located at 2 C.F.R. Part 25, Appendix A, which states, unless recipients are exempted from this requirement under 2 C.F.R. § 25.110, recipients must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term. Requirement for unique entity identifier if recipients are authorized to make subawards under this award, recipients must:

- 1. Notify potential subrecipients that no entity may receive a subaward from you unless the entity has provided its unique entity identifier to recipients.
- 2. Not make a subaward to an entity unless the entity has provided its unique entity identifier to recipients.

**ARTICLE LV – USA PATRIOT ACT OF 2001**

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.

**ARTICLE LVI – USE OF DHS SEAL, LOGO, AND FLAGS**

Recipients must obtain permission from their DHS FAO before 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.

**ARTICLE LVII – WHISTLEBLOWER PROTECTION ACT**

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