



DHSEM
New Mexico

**NEW MEXICO DEPARTMENT OF HOMELAND SECURITY
& EMERGENCY MANAGEMENT**

Obligating Award Document for

Federal Grant No. FEMA-4199-DR-NM CFDA No. 97.039

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|--|--|---|---------------------------|
| 1. Sub-Grant No. FEMA-4199-DR-NM-26 | 2. Project Name Canyon Road Stabilization Project – Phase I | 3. DUNS Number 069423424 | 4. Vendor Number 54457 |
| 5. Sub-Recipient Address Incorporated County of Los Alamos 1000 Central Ave. Suite 130 Los Alamos, NM 87544 | | 6. Issuing Office and Address New Mexico Department of Homeland Security & Emergency Management PO Box 27111 Santa Fe, NM 87502 | |
| 7. Effective Date of This Action April 19, 2017 | 8. DHSEM Grant Specialist: Catherine Watson | Phone: 505-476-9626 Fax: 505-476-9695 Email: Catherine.watson@state.nm.us | |
| 9. Termination Date: April 19, 2018 | | | |
| 10. Grant Award and Terms and Conditions: <i>(see attached Grant Terms and Conditions)</i> Total Awarded Amount: \$ 120,00.00 FEDERAL SHARE: \$ 90,000.00 LOCAL SHARE: \$ 30,000.00 <i>Project Budget Details are funding allocations, and are not to be construed as expenditure authorizations or approvals. Grant program guidelines and Federal, State, and local contracting and procurement compliance requirements apply.</i> | | | |
| 11. Grant Requirements, Assurances and Agreements: <i>(see Grant Requirements, Assurances and Agreements)</i> <i>The acceptance of a grant from the United States creates a legal duty on the part of the sub-recipient to use the funds or property made available in accordance with the conditions of the grant through the State.</i> | | | |
| 12. Special Conditions: All payments shall be made upon an actual cost reimbursement basis. <ul style="list-style-type: none"> All contracts must be pre-approved by DHSEM program and grant staff. The Sub-Recipient shall submit an Invoice along with all appropriate supporting financial and programmatic reporting documentation. Back-up for the associated 25% match is also required with each invoice submittal. RFA forms are not required. Reimbursements can be requested on a quarterly basis or as needed. Reimbursement requests will be held pending evaluation of performance and financial documentation. Final payment of 15% will not be made until all tasks are complete as approved by DHSEM. Quarterly Performance Reports and Quarterly Financial Reports are due on 10/15, 1/15, 4/15 and 7/15 for each year the sub-award is open. Request for reimbursement will not be processed if quarterly performance or financial reports are delinquent. | | | |
| 13. Recipient is required to sign and return two originals of this document, as well as the signed and accepted grant requirements, assurances and agreements to the Issuing Address in block 6. | | | |
| 14. Signature of Jurisdiction Grant Specialist | | Date: _____ | |
| Printed Name: | | Phone: _____ | |
| | | Fax: _____ | |
| | | Email: _____ | |
| 15. Signature of Jurisdiction Chief Financial Officer | | Date: _____ | |
| Printed Name: | | Phone: _____ | |
| | | Fax: _____ | |
| | | Email: _____ | |
| 16. Signature of Jurisdiction Signatory Official | | Date: _____ | |
| Printed Name and Title: | | Phone: _____ | |
| | | Fax: _____ | |
| | | Email: _____ | |
| 17. DHSEM Signatory Official (Name and Title) | | Date | |
| | | | |

Grant Terms and Conditions (continued from Section 10 of Award)

(A) Scope of Work: INCORPORATED COUNTY OF LOS ALAMOS has been awarded funding for pre-award costs and to complete an Environmental Assessment for Phase I. Funds shall be utilized as outlined in the approved budget as awarded by FEMA on April 19, 2017.

(B) Changes to Award: All change requests must be submitted in writing, or electronically to the DHSEM grant specialist, accompanied by a justification narrative and budget/spending plan, for review and approval. Changes must be consistent with the scope of the project and grant guidelines. Requests for changes will be considered only if the reporting requirements are current, and if terms and conditions have been met at the time the request. Changes in the programmatic activities, or purpose of the project, changes in key persons specified on the grant award, contractual services for activities central to the purposes of the award, requests for additional funding, change in project site, or release of special conditions will result in an amendment to this award.

(C) Reimbursements: Submit a *Request for Reimbursement* along with the *Financial Progress Report* form. Reimbursement shall be based upon authorized and allowable expenditures consistent with project narrative and grant guidelines, and submission of timely quarterly *Narrative* and *Financial Progress Reports*. Payments may be withheld pending correction of deficiencies. Reimbursement of expenditures may be requested at any time within the performance period so long as reports are current. Expenditures must be supported with source documentation (e.g. copies of invoices, receipts, timesheets with name/wage/hours, cost allocation, warrants, etc.).

- **Personnel Costs:** Payroll reports signed and certified by the chief financial officer that capture the employee name, position, coded allocation to the project, amount paid, are acceptable. Staff may not self-certify their own time and wages. **INCORPORATED COUNTY OF LOS ALAMOS** shall retain all supporting payroll records, including time and attendance records signed by the employee and supervisor and copies of warrants as per the recordkeeping requirements in Section 1.J.
- **Contracts:** All sole-source procurements, single vendor response to a competitive bid, and contracts require DHSEM pre-approval prior to implementation. Copies of all contracts required for submission to DHSEM with the request for reimbursement.
- **Local Match:** Local matching funds must clearly support the source, the amount, and the timing of all matching contributions.

(D) Non-reimbursable Expenses:

- Transfer of funds between any programs
- Contracts, single vendor response to a competitive bid, and procurements > \$100,000 not pre-approved by DHSEM
- Sole source contracts and procurements not pre-approved by DHSEM
- Training and related travel costs not pre-approved by DHSEM
- Construction and renovation
- Indirect costs (p. 5, Financial Progress Report)
- Supplanting (using federal funds to purchase items previously budgeted for with state or local funds)
- Maintenance and/or wear and tear costs of general use vehicles and emergency response apparatus.
- Equipment purchased for an exercise cannot be used for permanent installation and/or beyond the scope of an exercise.
- Hiring of sworn public safety officers to fill traditional public safety duties or to supplant traditional public safety positions and responsibilities
- Weapons and ammunition
- Entertainment and sporting events
- Personal items such as laundry, personal hygiene items, magazines, in-room movies, personal travel
- Travel insurance, visa, and passport charges
- Lodging costs in excess of Federal or State per diem, as appropriate
- Lunch when travel is wholly within a single day
- Stand-alone working meals
- Bar charges, alcoholic beverages
- Finance, late fees, or interest charges
- Lobbying, political contributions, legislative liaison activities
- Organized fund-raising, including salaries of persons while engaged in these activities
- Land acquisition – Special circumstances may exist with HMGP and PDM programs
- Expenditures not supported with appropriate documentation when submitted for reimbursement. Only properly documented expenditures will be processed for payment. Unsupported expenditures will be returned to the jurisdiction for resubmission.

(E) Procurement: Procurement shall comply with local procurement policies and procedures, and conform to applicable State and Federal law and the standards identified in the Procurement Standards Sections of *28 CFR Parts 66 and 70, and OMB Circular A-102 "Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments."* Contractors that develop or draft specifications, requirements, Statements of Work, and/or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Local bidder's preference is not allowed for federally funded procurements. Procurement transactions shall be conducted to provide maximum open and free competition. **Each sole-source procurement, single vendor response to a competitive bid, and all purchases require prior approval of DHSEM.** DHSEM has provided a summary of documentation required for levels of procurement and attached it to the instructions on the quarterly *Financial Progress Reports*.

(F) Contracts: Any contract entered into during this grant period shall comply with local, State and Federal government contracting regulations. Contracts for professional and consultant services must include local, State and Federal government required contract language, a project budget, and require pre-approval by DHSEM prior to implementation. Contract deliverables must meet the intent of the grant application and grant requirements. Justification is required for compensation for individual consultant services, which must be reasonable and consistent with the amount paid for similar services in the market place. Detailed invoices, and time and effort reports are required for consultants. A summary of documentation required for levels of contracting is attached to the instructions on the quarterly *Financial Progress Reports*.

(G) Publications: Publications created with funding under this grant shall prominently contain the following statement: *This Document was prepared under a sub-grant from the FEDERAL EMERGENCY MANAGEMENT AGENCY, and the NEW MEXICO DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the Federal Emergency Management Agency of New Mexico Department of Homeland Security and Emergency Management.*

(H) Audit Requirements: As the Federal grant recipient, the State of New Mexico requires a Sub-Recipient expending \$750,000 or more in total Federal funds in the organization's fiscal year to conduct an organization-wide audit in accordance with *OMB Circular A-133*. **INCORPORATED COUNTY OF LOS ALAMOS** will permit the State of New Mexico Grant and Program officials and auditors to have access to the sub-recipient's and third-party contractors' records and financial statements as necessary for the State of New Mexico to comply with *OMB Circular A-133*. Copies of audit findings must be submitted to DHSEM within 30 days after the County receives its audit report, or within a 9-month period of the grant closeout date, whichever is earlier, in accordance with *2 AAC 45.010*. Include the Federal agency name, program, grant number, and year; the CFDA title and number; and the name of the pass-through agency.

(I) Recordkeeping Requirements: Grant financial and administrative records shall be maintained for a period of three (3) years following the date of the closure of the grant award, or audit if required. Time and effort, personnel and payroll records for all individuals reimbursed under the award must be maintained. Property and equipment records shall be maintained for a period of three (3) years following the final disposition, replacement or transfer of the property and equipment.

(J) Performance Measures/Reporting: Quarterly Performance and Financial Reports shall demonstrate performance and progress relative to:

1. Acceptable performance on applicable critical tasks in Exercises using approved scenarios
2. Progress in achieving project timelines and milestones
3. Percent measurable progress toward completion of project
4. How funds have been expended during reporting period, and explains expenditures related to the project

Reports are due on 10/15, 1/15, 4/15, and 7/15 for each calendar year the award is open and submits to:
Catherine.watson@state.nm.us.

(K) Sub-Recipient Monitoring Policy: Periodic monitoring is required to ensure that program goals, objectives, timelines, budgets and other related program criteria are being met. DHSEM reserves the right to periodically monitor, review and conduct analysis of the financial, programmatic and administrative policies and procedures such as, accounting for receipts and expenditures, cash management, maintaining adequate financial records, means of allocating and tracking costs, contracting and procurement policies and records, payroll records and means of allocating staff costs, property/equipment management system(s), progress of project activities, etc. This may include desk and field audits. Technical assistance is available from DHSEM staff. The **Monitoring Policy is available at** <http://www.nmdhsem.org>.

(L) Penalty for Non-Compliance: For the reasons listed below, special conditions may be imposed, reimbursements may be partially or wholly withheld, the award may be wholly or partly suspended or terminated, or future awards, reimbursements and award modifications may be withheld. DHSEM may institute the following, but is not limited to, withholding authority to proceed to the next phase of a project, requiring additional or more detailed financial reports, additional project monitoring, and/or establish additional prior approvals. DHSEM shall notify the Sub-Recipient of its decision in writing stating the nature and the reason for imposing the conditions/restrictions, the corrective action required and timeline to remove them, and the method of requesting reconsideration of the imposed conditions/restrictions. The Sub-Recipient must respond within 5 days of receipt of notification.

- a. Unwillingness or inability to attain project goals
- b. Unwillingness or inability to adhere to Special Conditions listed in Block 12
- c. Failure or inability to adhere to grant guidelines and federal compliance requirements
- d. Improper procedures regarding contracts and procurements
- e. Inability to submit reliable and/or timely reports
- f. Management systems which do not meet federal required management standards

(M) Termination for Cause: If performance is not occurring as agreed, the award may be reduced or terminated without compensation for reduction or termination costs. DHSEM will provide 5 days' notice to **INCORPORATED COUNTY OF LOS ALAMOS** stating the reasons for the action, steps taken to correct the problems, and the commencement date of the reduction or termination. DHSEM will reimburse only for acceptable work or deliverables, necessary and allowable costs incurred through the date of reduction or termination. Final payment may be withheld at the discretion of DHSEM until completion of a final DHSEM review. Any equipment purchased under a terminated grant may revert to DHSEM at the option of DHSEM.

(N) Termination for Convenience: Any project may be terminated upon convenience, in whole or in part, for the convenience of the Government. The Federal Emergency Management Agency and the DHSEM, by written notice, may terminate this grant, in whole or in part, when it is in the Government's interest. Allowable costs obligated and/or incurred through the date of termination shall be reimbursed. Any equipment purchased under a terminated grant may revert to DHSEM at the option of DHSEM.

(O) Project Implementation: Project implementation shall begin within the first reporting quarter.

- a. If a project cannot be operational within the first reporting quarter of the approved award date, the Sub-Recipient must submit a written statement signed by the signatory officials to DHSEM, justifying the implementation delay, expected starting date, and a formal request to extend the project start date past the first reporting quarter.

Grant Requirements, Assurances and Agreements (continued from Section 11 of the Award)

(A) The performance period for this grant award is 04/19/2017 – 04/19/2018. Monies may not be obligated outside of this time period. An obligation occurs when funds are encumbered, as with a purchase order and/or commitment of salaries and benefits. All obligated and encumbered funds must be liquidated within 45 days of the end of the performance period when the Final Progress Reports are due.

(B) The signature of the signatory officials on this award certifies that all financial expenditures, including all supporting documentation submitted for reimbursement, have been incurred by the jurisdiction, and are eligible and allowable expenditures consistent with the grant guidelines for this project. **INCORPORATED COUNTY OF LOS ALAMOS** shall follow the financial management requirements imposed on them by DHSEM, which includes the requirements of federal Emergency Management Agency.

(C) **The signature of the signatory officials on this award attests to INCORPORATED COUNTY OF LOS ALAMOS understanding, acceptance, and compliance with Lobbying; Debarment, Suspension and other responsibility matters; Drug-free Workplace; Conflict of Interest, and Non-Supplanting certifications. Federal funds will not be used to supplant State or local funds. Federal funds must be used to supplement existing funds to augment program activities, and not replace those funds which have been appropriated in the budget for the same purpose.**
Potential supplanting may be the subject of application and pre-award, post-award monitoring, and audit.

(D) **INCORPORATED COUNTY OF LOS ALAMOS** shall ensure the accounting system used allows for separation of fund sources. These grant funds cannot be commingled with funds from other federal, state or local agencies, and each award is accounted for separately.

(E) **INCORPORATED COUNTY OF LOS ALAMOS** shall comply with Federal Civil Rights Laws and Regulations: *Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975, Americans with Disabilities Act of 1991.* **INCORPORATED COUNTY OF LOS ALAMOS** will take reasonable steps to ensure Limited English Proficient (LEP) persons have meaningful access to its programs and activities. *Executive Order 13347 Individuals with Disabilities in Emergency Preparedness* requires government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism.

(F) **INCORPORATED COUNTY OF LOS ALAMOS** certifies that it has an Affirmative Action Plan/Equal Employment Opportunity Plan (for USDHS/DOJ grants). An EEO is not required for recipients of less than \$25,000.00 or fewer than 50 employees.

(G) **INCORPORATED COUNTY OF LOS ALAMOS** certifies that its employees are eligible to work in the U.S. as verified by Form I-9, Immigration & Naturalization Service Employment Eligibility.

(H) It is the responsibility of **INCORPORATED COUNTY OF LOS ALAMOS** as the Sub-Recipient of these federal funds to fully understand and comply with the requirements of:

- a. Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. 5121-5207, and Related Authorities, http://www.fema.gov/pdf/about/stafford_act.pdf
- b. 44 CFR: Emergency Management and Assistance, http://www.access.gpo.gov/nara/cfr/waisidx_00/44cfrv1_00.html
- c. OMB Circular A-102, *Grants and Cooperative Agreements with State and Local Governments* at www.whitehouse.gov/omb/circulars/a102/a102.html.
- d. 2 CFR 225 *Cost Principles for State, Local and Indian Tribal Governments* at www.whitehouse.gov/omb/circulars/index.html.
- e. OMB Circular A-110 *Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations* at www.whitehouse.gov/omb/circulars/index.html
- f. OMB Circular A-21 *Cost Principles for Educational Institutions* at www.whitehouse.gov/omb/circulars/index.html
- g. OMB Circular A-122 *Cost Principles for Non-Profit Organizations* at www.whitehouse.gov/omb/circulars/index.html
- h. OMB Circular A-133 *Audits of States, Local Governments and Non-Profit Organizations* at www.whitehouse.gov/omb/circulars/index.html
- i. CFR Title 48 Federal Acquisition Regulations Systems Chapter 1 Part 31 *Contract Cost Principles and Procedures*
- j. OMB Common Rule: *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.* Incorporated into individual Federal agency's *Code of Federal Regulations.*
- k. OGO *Financial Guide* www.dhs.gov/dhspublic/interweb/assetlibrary/Grants_FinancialManagementGuide.pdf
- l. New Mexico State Procurement Code <http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0>
- m. New Mexico Administrative Code Title 2 – Public Finance <http://www.nmcpr.state.nm.us/NMAC/title02/title02.htm>

We certify we have read, understood, and accept the Grant Terms and Conditions, the Grant Requirements, and Assurances and Agreements, in accordance with this Award.

Jurisdiction Grant Specialist's Signature

Jurisdiction Chief Financial Officer's Signature

Jurisdiction Signatory Official's Signature