



Nebraska Emergency Management Agency

2019 Sub-Recipient Agreement for *Lancaster County*

Date of Award

9/10/2019

1. Sub-Recipient Name and Address

Lancaster County
1200 Radcliff Rd., Suite 200
NE 68512

2. Prepared by: *Mayers, Julie***3. Award Number:** 19-SR 8732-01

4.

Federal Grant Information

Federal Grant Title:

Emergency Management Performance Grant

Federal Grant Award Number/CFDA Number: EMK-2019-EP-00004-S01 / 97.042

Federal Granting Agency:

Grant Programs Directorate
Federal Emergency Management Agency
U.S. Department of Homeland Security**5. Award Amount and Grant Breakdowns**

**Total Award
Amount**

\$143,365.00

2019 Emergency Management Performance Grant

Performance Period:

FROM Jul 1, 2019 – Jun 30, 2020

6. Statutory Authority for Grant: This project is supported under Public Law 108-334, the Department of Homeland Security Appropriations Act of 2019.**7. Method of Payment:** Primary method is reimbursement through the on-line Nebraska Grant Management System.**8. Debarment/Suspension Certification:** By signing in block 10 below, the sub-recipient official certifies that any contractors utilized are not listed on the excluded parties listed system at <http://www.sam.gov>.**9. Agency Approval****Approving NEMA Official:**

Bryan Tuma, Assistant Director

Signature of NEMA Official:**Date:****10. Sub-Recipient Acceptance**

I have read and understand the attached Terms and Conditions.

Print name and title of Authorized Sub-Recipient official:**Signature of Authorized Sub-Recipient Official:****11. Enter Employer Identification Number (EIN) / Federal Tax Identification Number:****12. Date Signed :****13. DUE DATE:** 9/20/2019

Signed award and Direct Deposit Form (if applicable) must be returned to NEMA on or before the above due date.

NEBRASKA EMERGENCY

MANAGEMENT AGENCY (NEMA)

EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM (EMPG)

AWARD NUMBER: EMK-2019-EP-00004-S01

CFDA: 97.042

SPECIAL CONDITIONS

[All information from the 2CFR 200 or SuperCircular herein can be accessed at: www.ecfr.gov]

1. This **Sub-Award** is subject to the FY2019 *Emergency Management Performance Grants Program* Guidelines and Application Kit. The Guidelines and Kit can be accessed at: www.fema.gov/grants . This Sub-Award is also subject to the current Nebraska Emergency Management Performance Grant Program Instructions, the Federal Grant Award, and to the Grant Guidance imposed on NEMA by the Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA). The Nebraska Grant Instructions are intended to complement rather than replace the Federal Program Guidelines published by the DHS/FEMA, and are incorporated by references into this Sub-Award together with the attached Special Conditions.
2. **Purpose:** Sub-Award funds, as appropriated by NEMA under the Fiscal Year (FY) 2019 EMPG Program, provides resources to assist State, Local, and Tribal Governments in preparing for all hazards, as authorized by the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (42 USC 5121 et seq.). www.fema.gov/pdf/about/stafford_act.pdf
3. **Overview:** Funds provided shall be used to sustain local jurisdictional Emergency Management organizations by first providing support for salaries and operational supplies for a full-time Emergency Manager and full or part time staff, and should funds permit – equipment, all needed to sustain an Emergency Management Program. All costs under these categories must be eligible under 2CFR, Part 225. www.whitehouse.gov/omb/grants_circulars
4. The **Notice to Sub-Recipient Award** is only an offer until the sub-recipient returns the signed copy of the *Notification of Sub-Recipient Award* and the last page of the Special Conditions document. Sub-Recipient agrees to make no requests for reimbursement prior to the return of these two (2) documents.
5. Sub-Recipient agrees to make no requests for reimbursement for goods or services procured by the sub-recipient prior to the performance period start date of this agreement.
6. Sub-Recipient shall comply with all applicable laws, regulations, and program guidance. Non-exclusive lists of regulations commonly applicable to DHS/FEMA grants are listed below, including the guidance:

A. Administrative Requirements

1. 2CFR, Part 200, Sub-Parts A-E – Reforms to Administrative Requirements
2. Federal Funding Accountability & Transparency Act (FFATA) [2CFR, Part 170]

B. Cost Principles

1. 2CFR, Part 200, Sub-Part E – Reforms to Cost Principles

C. Audit Requirements

1. 2CFR, Part 200, Sub-Part F – Audit Requirements

7. The EMPG program has a fifty percent (50%) Federal and a fifty percent (50%) Non-Federal Cost Match requirement
8. The Sub-Recipient agrees to use the Nebraska Grant Management System (GMS) for all financial transactions and tracking for the EMPG grant from NEMA, www.nebraskagms.com.
9. Prior to disbursement of any FY2017 grant funds, the sub-recipient will have:
 - A. The current and approved County Local Emergency Operation Plan (LEOP)
 - B. NIMS report that has been completed and submitted to NEMA Training Section for 2018
10. County/Counties located within a Region will not be allowed to receive any FY2019 grant funds for projects located with the county/counties, if the county/counties is/are not current on prior and current year DHS/FEMA/NEMA program requirements. The sub-recipient is not allowed to receive or expend funds in support of non-compliant county/counties within the Region.
11. Notwithstanding any other agreement provisions, the parties hereto understand and agree that NEMA's obligations under this agreement are contingent upon the receipt of adequate funds to meet NEMA's liabilities herein. NEMA shall not be liable to the Sub-Recipient for costs under this agreement which exceed the amount specified in the *Notice of Sub-Recipient Award*.
12. **Micro-Purchase** (2CFR, Part 200.67) – means a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-Purchase procedures comprise a sub-set of a Non-Federal entity's small purchase procedures. The Non-Federal entity uses such procedures in order to expedite the completion of its lowest dollar small purchase transactions and minimize the associated administrative burden and cost. The micro-purchase threshold is set by the Federal Acquisition Regulation at 48CFR, Sub-Part 2.1 (Definitions). It is \$3,000, except as otherwise discussed in Sub-Part 2.1 of the regulation, but this threshold is periodically adjusted for inflation.
13. *All Purchase above the \$3,000 Micro-Purchase limit* – are procurement transactions that must be conducted in a manner providing for full and open competition, and quotations are obtained from an adequate number of sources.
14. Administration of the grant will be accomplished through the Nebraska GMS website:

15. 2CFR, Part 200.501: The Sub-Recipient must prepare and submit quarterly requests for reimbursement with their quarterly narrative report to NEMA for the duration of the grant performance period, on the dates set by NEMA, or until all grant activities are completed and the grant is formally closed. The Sub-Recipient may also be required to submit additional information and data requested by NEMA. Sub-Recipients must submit their documentation in a timely manner as outlined by grant guidance. Should your request come in later (an additional two quarters or more) than the quarterly due date, **you will forfeit reimbursement for those goods and services, since they are outside the quarter for their submission.**

16. The Sub-Recipient agrees to comply with all *Reporting Requirements* inclusive of submittal deadlines, and shall provide such information as required to NEMA for reporting as noted in the 2018 Federal Grant Guidelines. The jurisdiction is required to complete and submit the *Biannual Strategy Implementation Report (BSIR)* each July 15th and January 15th until the end of the grant. **The report will included a narrative summary on the projects in each program and program's progress.** A final BSIR is due 90 days after the end of the grant award period. The BSIR is accessed through the online *Grant Reporting Tool (GRT)* at: www.reporting.odp.dhs.gov. **Failure to complete the BISR and/or the EMPG Quarterly Reports is considered non-compliance with the grant guidance, and may result in grant funds being suspended or terminated.**

17. Per 2CFR, Chapter1, Part 170: NEMA will send the Sub-Recipient the *Federal Funding Accountability and Transparency Act (FFATA)* form that must be completed, signed, and returned to NEMA by the date specified in the cover letter to meet the FFATA reporting deadline for the 2018 EMPG grant.

18. NEMA may perform periodic reviews of Sub-Recipient performance of eligible activities and approved projects. These reviews may include, without limitation: performance of on-site visits or desk reviews, compliance and program monitoring – including inspection of all grant related records and items; comparing actual sub-recipient activities to those approved in the sub-award application and subsequent modifications if any; ensuring that advances have been disbursed in accordance with applicable guidelines; confirming compliance with grant assurances; information provided on performance reports and payment requests; needs and threat assessments and strategies.

19. Per 2CFR 200.338 – Remedies for Non-Compliance: If a non-Federal entity fails to comply with Federal statutes, regulations or the terms and conditions of a Federal award, the Federal awarding agency or pass-through entity may impose additional conditions, as described in §200.207 Specific conditions. If the Federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the Federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

(a) Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.

(b) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.

(c) Wholly or partly suspend or terminate the Federal award.

(d) Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency).

- (e) Withhold further Federal awards for the project or program.
- (f) Take other remedies that may be legally available.

20. Per 2CFR 200.213 – Suspension and Debarment: Non-Federal entities and contractors are subject to the non-procurement debarment and suspension regulation implementing Executive Order 12549 and 12689, 2CFR, Part 180. These regulations restrict awards, sub-awards, and contracts, with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities. The Sub-Recipient agrees to check the listing on www.sam.gov prior to doing business with a vendor or contractor, and to retain a screen-shot of the check in their records.

21. The Sub-Recipient agrees to retain all grant records for this, and any Federal grants, for three (3) years after they are notified by NEMA that the grant has been closed by DHS/FEMA.

22. The Sub-Recipient understands and agrees that it cannot use any Federal Funds, either directly or indirectly, to Lobby in support of the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government.

23. When implementing the DHS/FEMA funded activities, the sub-recipient must comply with all Federal Civil Rights Laws, to include – Title VI of the Civil Rights Act, as amended. The sub-recipient is required to take reasonable steps to ensure persons of limited English proficiency have meaningful access to language assistance services regarding the development of proposals and budgets and conducting *Grant Programs Directorate (GPD)* funded activities.

24. All Recipients of financial assistance will comply with the requirements of:

- a. Drug Free Workplace Act of 1988 (41 USC 701 et seq.)
- b. Trafficking Victims Protection Act of 2000, as amended (22 USC 7104), located in 2CFR Part 175
- c. Title I, II, and III of the Americans with Disabilities Act of 1990
- d. Age Discrimination Act of 1973 (40 USC 6101 et seq.)
- e. Title IX of the Education Amendments of 1972 (44 CFR Part 19)
- f. Rehabilitation Act of 1973 (29 USC 794)
- g. Limited English Proficiency, Executive Order 13166
- h. Animal Welfare Act of 1966 (7 USC 2131 et seq.)
- i. Clean Air Act of 1970 and Clean Water Act of 1977 (42 USC 7401), and Executive Order 11738
- j. USA Patriot Act of 2001, which amends 18 USC 175-175C
- k. Civil Rights Act of 1964 – Title VI

If, during the past three years, the sub-recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or

familial status, the sub-recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to **NEMA** by mail to the **Grant Manager's attention at: 2433 NW 24th Street, Lincoln, NE 68524**. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the sub-recipient, or the sub-recipient settles a case or matter alleging such discrimination, sub-recipients must forward a copy of the complaint and findings to NEMA by mail at the address listed above.

25. Dues and Conference registration fees will only be paid for the following organizations:

- A. Nebraska Association of Emergency Managers
- B. Nebraska Infrastructure Protection Conference
- C. Nebraska EMT Association
- D. Nebraska Hazardous Materials Association
- E. Nebraska Fire School
- F. Nebraska Association of County Officials
- G. International Association of Emergency Manager
- H. Other Associations with **direct ties** to Emergency Management like the Nebraska Floodplain and Storm Water Association (tied to the Hazard Mitigation Program)

26. The Sub-Recipient will not be reimbursed by EMPG funds for meals or lodging when travelling to meetings, conferences, or trainings. Mileage will be paid if recorded as defined in the grant application and submitted with the quarterly reimbursement request.

27. Allowable equipment categories are listed in the Grant Guidance package as categories 4, 5, 6, 7, 10, 11, 12, 14, 19, and 21. Besides being allowable, equipment must also be necessary, reasonable, and applicable to the Emergency Management Program. 2CFR 200.33 defines equipment as “tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level establish by the non-Federal entity for financial statement purposes, or \$5,000.” In this case, the capitalization threshold for equipment would be the established State level of \$1,500.

28. The Sub-Recipients are required to provide the *Authorized Equipment List (AEL)* numbers for all equipment purchased with grant awarded funds. For any item requiring an *Environmental & Historic Preservation (EHP) review*, payment will not be made if the invoiced date is prior to the EHP approval, or if there is no EHP approval on file.

29. Repair and replacement parts may only be purchased for equipment that has been purchased using DHS/FEMA preparedness grant funding.

30. No communication equipment can be purchased until approved by NEMA Communications Specialist.

31. Title to equipment costing \$5,000 or more, and acquired by the sub-recipient with funds provided under this award shall vest in the sub-recipient. When the equipment is no longer needed by the sub-recipient, and the per unit fair market value is less than \$5,000, the sub-recipient may retain, sell, or dispose of the equipment with no further obligation to NEMA. If, on the other hand, the per- unit fair

market value is \$5,000 or more, then the sub-recipient must submit a written request to NEMA for disposition instructions.

32. The sub-recipient agrees to cooperate with an assessment, national evaluation efforts, information, or data collection requests, including but not limited to; the provision of any information required for the assessment or evaluation of any activities within this project.

33. To the extent that sub-recipients of a grant use contractors or sub-contractors, such recipients shall use small, minority, women owned, or disadvantaged business concerns and contractors or sub-contractors to the extent practicable.

34. Sub-Recipients must maintain an updated inventory of equipment purchased through this grant program. The approved *Inventory Record* template is available at: www.nebraskagms.com , or <https://nema.nebraska.gov/preparedness/grants> .

35. All Communications projects involving towers and tower buildings cannot be ordered until the EHP is approved by DHS/FEMA. NEMA will coordinate the approval process, and the sub-recipient agrees to provide all documents as required.

36. The Sub-Recipient shall not undertake any project having the potential to impact the EHP resources **without the prior approval of DHS/FEMA**, including, but not limited to: communications towers; physical security enhancements; new construction; and modifications to building, structures, and objects, that are fifty (50) years old or older, or as indicated by the AEL list. Sub-Recipients must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with the EHP requirements. If ground disturbing activities occur during project implementation, the sub-recipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the sub-recipient will immediately cease construction in that area and notify DHS/FEMA, and the appropriate State Historic Preservation Office. Any construction activities that have been initiated without the necessary EHP review and approval will result in a **non-compliance finding and will not be eligible for DHS/FEMA funding**.

I have read and understood the Special Conditions for the 2019 EMPG Grant.

Signature of Jurisdiction Official

Date signed