MILLAGE PEAKS

July 21, 2010

BOARD OF FIRE COMMISSIONERS FILE NO. <u>10-073</u>

TO:

Board of Fire Commissioners

FROM:

Millage Peaks, Fire Chief WUR.

SUBJECT:

2009 FEMA URBAN SEARCH AND RESCUE TASK FORCE

READINESS COOPERATIVE AGREEMENT GRANT EXTENSION

COUNCIL FILE 09-2732

FINAL ACTION: Approved Denied	Approved w/Corrections Received & Filed	Withdrawn Other
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Recommendations: That the Board:

It is respectfully recommended that the Board:

1. Instruct the Commission Executive Assistant II to forward this report to the Mayor and the City Clerk for committee and City Council consideration.

It is also respectfully recommended that the Board request that the Mayor and City Council:

- 2. Authorize the Controller to transfer \$344,944 from Department 38, Fund 100, Account 1012 (Salaries, Sworn) to Department 38, Fund 335, Account 009R, to support the necessary expense and purchase of equipment items that will be reimbursed by the Federal Emergency Management Agency (FEMA) grant.
- 3. Authorize the Fire Chief, or his designee, to deposit the FEMA grant funds received under this cooperative agreement into Fund 335 (Fire Department Grants), Department 38.
- Authorize the Controller to transfer FEMA grant funds, from Fund 335/38 to Fund 100/38, Accounts 1010 (General Salaries), 1012 (Sworn Salaries), and 1098 (Overtime Variable Staffing) based on the Los Angeles Fire Department

submissions to the Office of the City Administrative Officer (CAO) documenting actual costs incurred for this FEMA US&R no-match Cooperative Agreement Program through the end of the extended grant term of August 31, 2011.

5. Authorize the Controller to transfer the uncommitted balance of advanced funds as of June 1, 2011 from Department 38, Fund 335, Appropriation Account 009R to Department 38, Fund 100, Account 1012 (Sworn Salaries) to meet payroll needs.

Summary.

As authorized by the Mayor and City Council on April 4, 1993, the Los Angeles Fire Department (LAFD) entered into a Memorandum of Agreement (MOA) with the Governor's Office of Emergency Services (OES) and the Federal Emergency Management Agency (FEMA) to become a sponsoring agency for one of the Nation's 28 FEMA Urban Search and Rescue (US&R) Task Forces. Since 1993, the LAFD has been the sponsoring agency for California Task Force 1 (CA-TF1).

FEMA's on-going method of supporting US&R Task Forces throughout the country is by funding Cooperative Agreement Grants to sponsoring agencies for necessary equipment, training, supplies, and program administration costs. On December 15, 2009, the Council accepted a FEMA Cooperative Agreement Grant (2009-SR-CA-K018) in the amount of \$1,044,910 for the period of May 1, 2009 through August 31, 2010. (C.F. 09-2732). As of April 28, 2010 there was a balance of \$643,675.00, which remained unspent. Therefore the Department requested an extension on this grant from FEMA to complete the goals of the grant.

FEMA extended the performance period for the Cooperative Agreement 2009-SR-CA-K018 until August 31, 2011. This extension was granted to in order to resume activities in compliance with the 2009 Statement of Work, a component of the Cooperative Agreement (Attachment 1). This is a reimbursement grant. As such, the City advances funding for CA-TF1's operations from the LAFD's general fund budget. As costs are incurred, the Department's FEMA grant manager validates expenditures according to FEMA financial guidelines. Once expenditures are approved, funds are drawn down to reimburse the LAFD general fund accounts. All expenditures are reimbursed by the FEMA grant on an on-going basis, as expenditures are processed according to City procedures.

Fiscal Impact

The Department needs to transfer \$344,944 from Department 38, Fund 100, Account 1012 (Sworn Salaries) to Department 38, Fund 335, Account 009R to support the expense and equipment purchases necessary for the programs operations. The remaining grant funds are salary expenses for program administration and training

Board of Fire Commissioners Page 3

personnel costs, these costs will come directly from the salary accounts and be reimbursed back into the salary accounts.

Conclusion:

As a sponsor of one of the Nation's 28 FEMA US&R Task Forces, the LAFD receives financial assistance from FEMA to supplement ongoing costs to maintain Task Force readiness. The extension to Cooperative Agreement 2009-SR-CA-K018 provides LAFD more time to expend the remaining balance of the grant funds. However, the recommendations contained in this report are necessary to ensure the appropriate accounting and financial procedures are in place to allow the LAFD to expend the grant funds. This is a no-match reimbursement grant of \$1,044,910 of which \$344,944 remains to be spent for expense and equipment.

Board report prepared by Mary Reuschel, Management Analyst II, Emergency Services Bureau.

Attachment



FISCAL YEAR 2009

DISASTER OPERATIONS DIRECTORATE URBAN SEARCH & RESCUE PROGRAM

GUIDANCE AND APPLICATION KIT

FEBRUARY 2009



Title of Opportunity 97.025 National Urban Search And Rescue (US&R) Response System

Federal Agency Name: FEMA Grant Programs Directorate (GPD)

Announcement Type: Initial

Dates: Completed application must be submitted no later than 11:59 PM EST, March

20, 2009.

Additional overview information: N/A

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FUNDING OPPORTUNITY DESCRIPTION

The U. S. Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) maintain a high level of accountability and provides support and funding to maintain the readiness of the National Urban Search & Rescue Response System. The purpose of this funding opportunity is to establish yearly Cooperative Agreements with the 28 state and local emergency management Sponsoring Agencies currently designated by FEMA as members of the National Urban Search and Rescue (US&R) Response System.

The Cooperative Agreement funding will assist the US&R Response System resources to be prepared for mission response and provide qualified personnel in support of Emergency Support Function-9 (ESF-9) activities under the National Incident Management System (NIMS) and the National Response Framework (NRF). Specifically, these Cooperative Agreements will provide a mechanism for distribution of Cooperative Agreement funding to prepare the 28 designated Task Forces for US&R disaster response, including response to incidents involving weapons of mass destruction (WMD) that would require a limited hazmat capability for the core structural collapse mission, National Special Security Events (NSSE) or other designated disasters or emergencies. US&R Task Force Sponsoring Agencies are directed to use the funding to meet the following objectives: provide task force administration and management, training, equipment cache procurement, and maintenance and storage.

This program is authorized as follows: Homeland Security Act of 2002, as amended, 6 U.S.C. §§ 101 et seq.; Section 634 of the Post-Katrina Emergency Management Reform Act of 2006, 6 U.S.C. § 722; Sections 303, 306, 403 and 621 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. §§ 5144, 5149, 5170b, and 5197; and 44 CFR Part 208.

PART II. AWARD INFORMATION

Only the 28 State and local Sponsoring Agencies currently designated by FEMA as members of the National US&R Response System are eligible for applying for these operations and maintenance project Cooperative Agreements. Applications and budget plans will be reviewed by DHS US&R Program Office and Grant Programs Directorate. Any issues or concerns noted in the application will be negotiated with the successful applicant prior to the award being issued. The substantial involvement is provided under Part VIII Other Information, Article VII, DHS/FEMA/US&R Program Office Responsibility.

Award Period of Performance

The period of performance for the Cooperative Agreements is 16 months. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications why an extension is required. The period of performance is anticipated to be May 01, 2009 thru August 31, 2010.

Available Funding

In FY 2009, the total amount of funds distributed under the Cooperative Agreements will be \$1,001,910. The amount of funding per award will range between \$1,001,910 and \$1,056,910. Cooperative Agreement Awards will be made "Subject to the Availability" of FY 2009 Funds.

PART III. ELIGIBILITY INFORMATION

A. Eligible Applicants

Only the 28 State and local Sponsoring Agencies currently designated by FEMA as members of the National US&R Response System are eligible for applying for funding for these operations and maintenance project Cooperative Agreements.

To be eligible to receive FY 2009 Cooperative Agreement funding, applicants must meet NIMS compliance requirements. See Part VIII, Other Information, Article VIII, A.13 for NIMS information. The NIMSCAST will be the required means to report FY 2009 NIMS compliance for FY 2009 award eligibility. Each Sponsoring Agency Task Force will deal with NIMSCAST thru their State requirements.

B. Cost Sharing

There is no required cost sharing, matching, or cost participation for the FY 2009 US&R Cooperative Agreements.

C. Restrictions

This Cooperative Agreement may not be used for funding new capital construction. However, costs associated with leasing, upgrading, minor renovations and modifications of existing warehouse facilities that do not change the footprint of the structure are permitted. Refer to Part VIII, Other Information for further guidance.

APPLICATION AND SUBMISSION INFORMATION

A. Eligible Applicants

Only the 28 National DHS/FEMA designated Task force Sponsoring Agencies are eligible to apply. The Request for Application will be emailed to the eligible applicants on February 13, 2009. Enter the CFDA and/or the funding opportunity number located on the cover of this announcement on the required documentation.

B. Content and Form of Application

- 1. Email/Original application. The application must be completed and submitted using the following required forms and submissions:
 - Standard Form 424, Application for Federal Assistance
 - Standard Form 424A, Budget Information
 - Standard Form 424B, Assurances
 - Standard Form LLL, Disclosure of Lobbying Activities if applicable.
 - Any additional Required Attachments as noted.

The program title listed in the Catalog of Federal Domestic Assistance (CFDA) is "National Urban Search and Rescue (US&R) Response System Cooperative Agreement Program". The CFDA number is **97.025**. When completing the application, applicants should identify their submissions as new, non-construction applications.

2. DUNS number. The applicant must provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number with their application. This number is a required field. Organizations should verify that they have a DUNS number, or take the steps necessary to obtain one, as soon as possible. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at (866) 705-5711.

C. Submission Dates and Times

The applications should be sent via email to the FEMA-USR-GRANTS mailbox (as described in Appendix E) and the documents that require signature should be sent via a priority mail carrier to the following address:

DHS/FEMA
Grant Programs Directorate
Attn: Arlene Ramsey
500 C Street, SW Room 9th Floor - Tech World
Washington, DC 20472

Completed applications must also be submitted electronically to the Grants Management System (GMS) no later than 11:59 PM EST, March 20, 2009. Additional information and instruction will be provided.

D. Intergovernmental Review

This program is exempt from Executive Order 12372.

E. Funding Restrictions

This Cooperative Agreement may not be used for funding new capital construction. However, costs associated with leasing, upgrading, minor renovations and modifications of existing warehouse facilities that do not change the footprint of the structure are permitted. Refer to Part VIII, Other Information for further guidance.

APPLICATION REVIEW INFORMATION

A. Review Criteria

The applications will be reviewed to ensure the items listed have costs that are reasonable, allowable, and allocable to the program. Any questions will be submitted to the applicants for discussion. This is not a competitive program.

B. Review and Selection Process

The applications will be reviewed by the US&R Program Office and the Grant Programs Directorate, and the award will be made by the Grant Programs Directorate Assistance Officers.

C. Anticipated Announcement and Award Dates

FEMA will evaluate the applications upon receipt and all the Cooperative Agreements will be awarded on or before May 01, 2009. Congressional Notification is required prior to FEMA issuing awards in excess of \$1M.

PART VI. AWARD ADMINISTRATION INFORMATION

A. Notice of Award

Upon approval of the applications, the Cooperative Agreements will be awarded to the 28 designated FEMA US&R Sponsoring Agency recipients. The date that the documents are signed is the "award date." Once an award has been approved, a notice is sent to the authorized grantee official. Follow the directions in the notification award letter. The authorized grantee official should carefully read the award and special condition documents. If you do not receive a notification, please contact your Program Analyst for your award number. Once you have the award number, contact the GMS to get the new award documents.

The period of performance is 16 months. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications why an extension is required. Any unobligated funds will be de-obligated at the end of the 90 day close-out period.

B. Administrative and National Policy Requirements

1. Standard Financial Requirements. The grantee shall comply with all applicable laws and regulations. A non-exclusive list of regulations commonly applicable to DHS grants are listed below:

1.1 -- Administrative Requirements.

- 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (FEMA's codified version of OMB Circular A-102)
- 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (OMB Circular A-110)

1.2 -- Cost Principles.

- 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)
- 2 CFR Part 220, Cost Principles for Educational Institutions (OMB Circular A-21)
- 2 CFR Part 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122)
- Federal Acquisition Regulations (FAR), Part 31.2 Contract Cost Principles and Procedures, Contracts with Commercial Organizations

1.3 -- Audit Requirements.

- OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations
- **1.4 -- Duplication of Benefits.** There may not be a duplication of any federal assistance, per A-87, Basic Guidelines Section C.3 (c), which states: Any cost allocable to a particular Federal award or cost objective under the principles provided for in this Circular may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons. However, this prohibition would not preclude governmental units from shifting costs that are allowable under two or more awards in accordance with existing program agreements.
- 2. Non-supplanting Requirement. Grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Applicants or grantees may be required to supply documentation certifying that a reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

3. Administrative Requirements.

- 3.1 -- Freedom of Information Act (FOIA). FEMA recognizes that much of the information submitted in the course of applying for funding under this program or provided in the course of its grant management activities may be considered law enforcement sensitive or otherwise important to national security interests. While this information under Federal control is subject to requests made pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the FEMA FOIA Office, and may likely fall within one or more of the available exemptions under the Act. The applicant is encouraged to consult its own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application, needs assessment and strategic planning process. The applicant may also consult FEMA regarding concerns or questions about the release of information under State and local laws. The grantee should be familiar with the regulations governing Sensitive Security Information (49 CFR Part 1520), as it may provide additional protection to certain classes of homeland security information.
- **3.2 -- Compliance with Federal civil rights laws and regulations.** The grantee is required to comply with Federal civil rights laws and regulations. Specifically, the grantee is required to provide assurances as a condition for receipt of Federal funds that its programs and activities comply with the following:
 - Title VI of the Civil Rights Act of 1964, as amended, 42. U.S.C. 2000 et. seq. – no person on the grounds of race, color, or national origin will be

- Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794

 no qualified individual with a disability in the United States, shall, by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity receiving Federal financial assistance.
- Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et. seq. – discrimination on the basis of sex is eliminated in any education program or activity receiving Federal financial assistance.
- The Age Discrimination Act of 1975, as amended, 20 U.S.C. 6101 et. seq.

 no person in the United States shall be, on the basis of age, excluded from participation in, denied the benefits of or subjected to discrimination under any program or activity receiving Federal financial assistance.

Grantees must comply with all regulations, guidelines, and standards adopted under the above statutes.

- 3.3 -- Compliance with the National Energy Conservation Policy and Energy Policy Acts. In accordance with the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329), grant funds must comply with the following two requirements:
 - None of the funds made available shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act (42 USC 8251 et. Seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).
 - None of the funds made available shall be used in contravention of section 303 of the Energy Policy Act of 1992 (42 USC13212).
- 3.4 -- Environmental and Historic Preservation Compliance. FEMA is required to consider the potential impacts to the human and natural environment of projects proposed for FEMA funding. FEMA, through its Environmental and Historic Preservation (EHP) Program, engages in a review process to ensure that FEMA-funded activities comply with various Federal laws including: National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains (11988), Wetlands (11990) and Environmental Justice (12898). The goal of these compliance requirements is to protect our nation's water, air, coastal, wildlife, agricultural, historical, and cultural resources, as well as to minimize potential adverse effects to children and low-income and minority populations.

The grantee shall provide any information requested by FEMA to ensure compliance with applicable Federal EHP requirements. Any project with the potential to impact EHP resources cannot be initiated until FEMA has completed its review. Grantees may be required to provide detailed information about the project, including the following: location (street address or map coordinates); description of the project including any associated ground disturbance work, extent of modification of existing structures, construction equipment to be used, staging areas, access roads, etc.; year the existing facility was built; natural, biological, and/or cultural resources present in the project vicinity; visual documentation such as site and facility photographs, project plans, maps, etc; and possible project alternatives.

For certain types of projects, FEMA must consult with other Federal and State agencies such as the U.S. Fish and Wildlife Service, State Historic Preservation Offices, and the U.S. Army Corps of Engineers, as well as other agencies and organizations responsible for protecting natural and cultural resources. For projects with the potential to have significant adverse effects on the environment and/or historic properties, FEMA's EHP review and consultation may result in a substantive agreement between the involved parties outlining how the grantee will avoid the effects, minimize the effects, or, if necessary, compensate for the effects.

Because of the potential for significant adverse effects to EHP resources or public controversy, some projects may require an additional assessment or report, such as an Environmental Assessment, Biological Assessment, archaeological survey, cultural resources report, wetlands delineation, or other document, as well as a public comment period. Grantees are responsible for the preparation of such documents, as well as for the implementation of any treatment or mitigation measures identified during the EHP review that are necessary to address potential adverse impacts. Grantees may use these funds toward the costs of preparing such documents and/or implementing treatment or mitigation measures. Failure of the grantee to meet Federal, State, and local EHP requirements, obtain applicable permits, and comply with any conditions that may be placed on the project as the result of FEMA's EHP review may jeopardize Federal funding.

Recipient shall not undertake any project having the potential to impact EHP resources without the prior approval of FEMA, including but not limited to communications towers, physical security enhancements, new construction, and **modifications to buildings, structures and objects** that are 50 years old or greater. Recipient 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 these EHP requirements. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify 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 eligible for FEMA funding.

For more information on FEMA's EHP requirements, SAAs should refer to FEMA's Information Bulletin #271, *Environmental Planning and Historic Preservation Requirements for Grants*, available at http://oip.usdoj.gov/odp/docs/info271.pdf. Additional information and resources can also be found at http://www.fema.gov/plan/ehp/ehp-applicant-help.shtm.

- **3.5 -- Royalty-free License.** Applicants are advised that FEMA reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: (a) the copyright in any work developed under an award or sub-award; and (b) any rights of copyright to which an award recipient or sub-recipient purchases ownership with Federal support. Award recipients must agree to consult with FEMA regarding the allocation of any patent rights that arise from, or are purchased with, this funding.
- 3.6 -- FEMA Publications Statement. Applicants are advised that all publications created with funding under any grant award shall prominently contain the following statement: "This document was prepared under a cooperative agreement from FEMA, U.S. Department of Homeland Security. 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 FEMA or the U.S. Department of Homeland Security."
- **3.7 -- Equipment Marking.** Applicants are advised that, when practicable, any equipment purchased with grant funding shall be prominently marked in accordance with 44 CFR Part 13 and included the following: "Purchased with funds provided by the Federal Emergency Management Agency (FEMA)."
- **3.8 -- Disadvantaged Business Requirement.** Applicants are advised that, to the extent that recipients of a grant use contractors or subcontractors, such recipients shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent practicable.
- **3.9 Assessment Evaluation/Data Collection Compliance.** The Government Performance and Results Act (Public Law 103-62) (GPRA) requires that the Department collect and report performance information on all programs. Award recipients must agree to cooperate with any assessments, national evaluation efforts, or 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 their grant agreement. This includes any assessments, audits, or investigations conducted by the Department of Homeland Security, Office of the Inspector General, or the Government Accountability Office.

C. Reporting Requirements

Reporting requirements must be met throughout the life of the grant (refer to the program guidance under Part VIII Other Information, Article IX Reporting and the special conditions found in the award package for a full explanation of these requirements.

Monitoring

Grant recipients will be monitored periodically by FEMA staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met. Programmatic monitoring may also include the Regional Federal Coordinators, when appropriate, to ensure consistency of project investments with Regional and National goals and policies, as well as to help synchronize similar investments ongoing at the Federal, State, and local levels.

Monitoring will be accomplished through a combination of office-based reviews and onsite monitoring visits. Monitoring will involve the review and analysis of the financial, programmatic, performance and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed.

The recipient is responsible for monitoring award activities, to include sub-awards, to provide reasonable assurance that the Federal award is administered in compliance with requirements. Responsibilities include the accounting of receipts and expenditures, cash management, maintaining adequate financial records, and refunding expenditures disallowed by audits.

PART VII. FEMA CONTACTS

1. Grant Programs Directorate (GPD). FEMA GPD will provide fiscal support, including pre- and post-award administration and technical assistance, to the grant programs included in this solicitation. Additional guidance and information can be obtained by contacting the Grants Office FEMA Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov.

The Points of Contact from the US&R Program Office for Program Questions are:

Catherine Deel: (202) 646-3796 Email: Catherine.deel@dhs.gov

Marilynn Grim: (202) 646-4251 Email: Marilynn.grim@dhs.gov

- 2. GSA's State and Local Purchasing Programs. The U.S. General Services Administration (GSA) offers two efficient and effective procurement programs for State and local governments to purchase products and services to fulfill homeland security and other technology needs. The GSA Schedules (also referred to as the Multiple Award Schedules and the Federal Supply Schedules) are long-term, indefinite delivery, indefinite quantity, government-wide contracts with commercial firms of all sizes.
 - Cooperative Purchasing Program
 Cooperative Purchasing, authorized by statute, allows State and local governments to purchase a variety of supplies (products) and services under specific GSA Schedule contracts to save time, money, and meet their everyday needs and missions.

The Cooperative Purchasing program allows State and local governments to purchase alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services off of Schedule 84 and Information Technology products and professional services off of Schedule 70 and the Consolidated Schedule (containing IT Special Item Numbers) only. Cooperative Purchasing for these categories is authorized under Federal law by the *Local Preparedness Acquisition Act* (Public Law

110-248) and Section 211 of the *E-Government Act of 2002* (Public Law 107-347).

Under this program, State and local governments have access to GSA Schedule contractors who have voluntarily modified their contracts to participate in the Cooperative Purchasing program. The U.S. General Services Administration provides a definition of State and local governments as well as other vital information under the frequently asked questions section on its website at http://www.gsa.gov/cooperativepurchasing.

Disaster Recovery Purchasing Program

GSA plays a critical role in providing disaster recovery products and services to Federal agencies. Now State and Local Governments can also benefit from the speed and savings of the GSA Federal Supply Schedules. Section 833 of the *John Warner National Defense Authorization Act for Fiscal Year 2007* (Public Law 109-364) amends 40 U.S.C. §502 to authorize GSA to provide State and Local governments the use of ALL GSA Federal Supply Schedules for purchase of products and services to be used to *facilitate recovery from a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act or to facilitate recovery from terrorism or nuclear, biological, chemical, or radiological attack.*

GSA provides additional information on the Disaster Recovery Purchasing Program website at http://www.gsa.gov/disasterrecovery.

State and local governments can find a list of contractors on GSA's website, http://www.gsaelibrary.gsa.gov, denoted with a find of property symbol.

Assistance is available from GSA on the Cooperative Purchasing and Disaster Purchasing Program at the local and national levels. For assistance at the local level, visit http://www.gsa.gov/csd to find a local customer service director in your area. For assistance at the national level, contact Tricia Reed at http://www.gsa.gov/csd to find a local customer service director in your area. For assistance at the national level, contact Tricia Reed at http://www.gsa.gov/csd to find a local customer service director in your area. For assistance at the national level, contact Tricia Reed at http://www.gsa.gov/csd to find a local customer service director in your area. For assistance at the national level, contact Tricia Reed at http://www.gsa.gov/stateandlocal. State and local programs at: http://www.gsa.gov/stateandlocal.

Note: FEMA has spoken with GSA regarding the use of Disaster Recovery Purchasing by National Urban Search and Rescue System Task Forces to repair and replace items in the standard equipment cache. Since any anticipated response by a US&R Task Force would involve recovery from a Stafford Act event, terrorism, or nuclear, biological, chemical, or radiological attack, Task Forces are permitted to use Disaster Recovery Purchasing both before and after an event has occurred, even if there is no immediately anticipated event. Task Forces are not permitted to use Disaster Recovery Purchasing for items that are intended solely for use during training exercises, as such activities do not directly aid recovery efforts.



This section includes the full Urban Search & Rescue FY 2009 Guidance.

National Urban Search and Rescue Response System US&R Task Force FY 2009 Readiness Cooperative Agreement

I. PURPOSE

The purpose of this **Readiness Cooperative Agreement** is to continue the development and maintenance of National Urban Search and Rescue (US&R) Response System resources to be prepared for mission response and to provide qualified personnel in support of Emergency Support Function-9 (ESF-9) activities under the National Incident Management System (NIMS) and the National Response Framework (NRF).

Specifically, this agreement provides a mechanism for distribution of Cooperative Agreement funding for certain purposes in preparation for US&R disaster response; including response to incidents involving weapons of mass destruction (WMD) that would require a limited hazmat capability for the core structural collapse mission, National Special Security Events (NSSE) or other designated disasters or emergencies. Funds are made available to accomplish the accompanying objectives. This Cooperative Agreement allows each Sponsoring Agency of a US&R Task Force the opportunity to maintain a high standard and condition of operational readiness and includes guidance on key areas for Task Force management to focus on continued preparedness efforts.

The U. S. Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) maintains a high level of accountability and provides support and funding to maintain the readiness of the National US&R Response System. US&R Task Force Sponsoring Agency is directed to use the funding to meet the following objectives: provide administrative and program management, training, support, equipment cache procurement, maintenance and storage.

II. BACKGROUND

DHS/FEMA, in cooperation with other Federal, State and local agencies created the National US&R Response System to provide a national rescue capability that provides lifesaving resources to victims of structural collapse. When this system was developed in 1990, there was limited capability in only a few States to perform this mission and no resources were available for a coordinated national response.

In 1992, the Federal Response Plan (FRP) was published by FEMA and coordinated activities with 26 Federal agencies. The Federal government's response to disasters was classified into 12 Emergency Support Functions (ESF). ESF-9, Urban Search and Rescue, was established with FEMA as the Primary Agency. FEMA maintains a national consensus on standard operating procedures, organizational structure, equipment, training and exercise requirements. Currently, 28 state and local Sponsoring Agencies in 19 states participate in the National US&R Response System by making their Task Forces available for national disaster response.

DHS/FEMA had no organic heavy rescue capability of its own and realized the best sources for US&R knowledge and skills reside at the State and local level. The National US&R Response System was developed and continues as a Federal–State–local partnership, based on a Memorandum of Agreement (MOA) and individual Response and Readiness Cooperative Agreements. While the MOAs provide the basic operational "Agreement" between DHS/FEMA, the State and Sponsoring Agency, the individual Readiness Cooperative Agreement provides the mechanism for distributing Federal funds to the Sponsoring Agencies of the 28 US&R Task Forces for continued readiness efforts.

In December 2004, the National Response Plan (NRP) was published by DHS which integrates the Federal Response Plan into the NRF. NRP has since been updated in January 2008 and is now referred to as the National Response Framework (NRF). At this time, ESF-9 was expanded to include urban, water-borne, wide area, aerial, and land-based search and rescue.

III. DHS/FEMA OBJECTIVES

- Provide funding to US&R Sponsoring Agencies to manage and administer Task Force affairs and activities in accordance with accepted standard business practices.
- 2. Provide funding to train and exercise Task Force members and other National US&R Response System personnel to safely perform assigned US&R duties in accordance with established FEMA/US&R approved standards and guidance.
- 3. Provide funding to acquire and maintain the equipment in accordance with the US&R Equipment Cache List as approved by the FEMA US&R Program Office.

- 4. Provide funding for the lease of space to provide offices, training facilities and/or storage of vehicles and equipment, as needed.
- 5. Based on available funding, continue readiness and standby activities to respond to any mobilization request, for example: NSSE.
- 6. Host an annual Sponsoring Agency Chief/Head meeting to provide a forum for discussion on strategic issues with the DHS/FEMA Administrator.
- 7. Provide funding to maintain National US&R System to be prepared for mission response.

IV. APPROVALS

Advance approval must be obtained in writing from both the US&R Program Office and the FEMA Grants Assistance Officer for the following (in accordance with Grants Management Policy and 44 CFR Part 13 and 2 CFR Part 215):

- Approval for activities or expenditures not identified in the Task Force narrative and budget, but are allowable within the scope of work for this Cooperative Agreement (i.e., budget changes);
- Requests for extension of the period of performance for this Cooperative Agreement
- Requests for spending Cooperative Agreement funds prior to the beginning of this period of performance ("pre-award costs")

<u>Unauthorized expenditures may be denied and required to be reimbursed to DHS/FEMA.</u> Use of Cooperative Agreement funds provided through this agreement for any activity that occurs outside the United States and its territories, is prohibited unless authorized by the US&R Program Office, FEMA Grants Office and FEMA International Affairs prior to incurring costs for the activity.

V. APPLICABLE LAWS AND POLICIES/ORDER OF PRECEDENCE

This award is subject to the laws and regulations of the United States. This Cooperative Agreement incorporates the terms and requirements of any applicable Agency policies and all US&R Program Directives issued by the US&R Program Office, including those issued during the term of this Cooperative Agreement.

Any inconsistency or conflict in terms and conditions specified in the award will be resolved according to the following order of precedence: public laws, regulations (including the US&R Interim-Final Rule at 44 CFR Part 208), applicable notices published in the Federal Register, Executive Orders, OMB Circulars, agency award conditions, the terms and conditions of the Sponsoring Agency's Memorandum of Agreement with FEMA, applicable DHS and FEMA policies, and US&R Program Directives.

Some of the terms and conditions contained herein may contain, by reference or substance, a summary of the pertinent statutes, regulations, Executive Orders, or OMB Circulars. To the extent that it is a summary, such provision is not in derogation of, or an amendment to, any such statute, regulation, Executive Order, or OMB Circular.

VI. COOPERATIVE AGREEMENT FUNDING

The FY 2009 Cooperative Agreements basic total for each Task Force is \$1,001,910. The US&R Program Office recommended and/or required allocations are outlined in Appendix A of this document. Additional funds allocated to specific Task Forces are outlined in Appendix B and C of this document.

Each Task Force can apply for up to the amount allocated to their agency as shown in Appendix B. All Sponsoring Agencies must submit supporting documentation with each application.

The Period of Performance for the FY 2009 Readiness Cooperative Agreement funding is sixteen (16) months and is specifically identified in the Agreement Articles. Each Task Force should submit budget plans covering only 12 months for salary expenses, lease costs and scheduled training costs within the period of performance. However, the 16 month performance period is available for internal acceptance of funds and procurement of equipment and supplies.

VII. DHS/FEMA/US&R PROGRAM OFFICE RESPONSIBILITY

- 1. Review, approve, and adopt US&R-related products, including technical manuals, operational procedures, training curriculum and supporting manuals, meeting agendas and other requirements for the National US&R Response System.
- Coordinate and support meetings relating to the National US&R Response System activities, to develop and implement policies, procedures and US&R System documents.
- 3. Establish and disseminate policy and Program Directives for the National US&R Response System based on 44 CFR Part 208 and with substantial involvement and input from the Advisory Organization.
- 4. Determine annual funding levels for readiness activities.
- 5. Based on need and available funding, purchase equipment and deliver to US&R Task Forces.

- 6. Review and/or approve expenditure reports, performance reports, personnel records, training records, Task Force self-evaluation documents, equipment cache and excess property inventories and other deliverables required by the US&R Program Office.
- 7. Approve in writing, in conjunction with the Grants Assistance Officer, any cost deviations from those outlined in this agreement or from other DHS/FEMA established policies.
- 8. Approve and implement the policy, criteria and procedure for Task Force evaluations. The Program Office will distribute annual Task Force self-evaluation survey on or about March 1st, for completion by the Task Forces. Conduct a readiness evaluation process to include annual Task Force self-evaluations and periodic on-site peer Operational Readiness Evaluations (OREs).
- 9. Track, disseminate, and consistently update the status of Operations and Work Group recommendations to all System components.

VIII. SPONSORING AGENCY RESPONSIBILITY AND REQUIREMENTS

Under this Readiness Cooperative Agreement, the Sponsoring Agency may use funding to prepare the Task Forces under the following categories:

A. ADMINISTRATION AND MANAGEMENT

Provide sufficient staff for management and administration of the US&R Task Force day- to-day activities to accomplish required supervisory, administrative, training and logistical duties; specifically program management, grants management, financial management, administrative support, training coordination and instruction, logistics management and property accountability. This shall include, but is not limited to, funding salaries and expenses relating to Task Force development and management; record-keeping, inventory and maintenance of the US&R Equipment Caches; correspondence with Task Force members and parties who support Task Force activities; along with similar management and administrative tasks.

- 2. Purchase of office furniture and equipment specifically for administrative purposes are allowable under this Cooperative Agreement. This shall include, but is not limited to, laptop and desktop computers, cellular telephones/wireless PDAs, printers, scanners, copy machines, desks, book shelves, etc.
- 3. Recruit, train and maintain a roster of personnel to enable complete staffing of a Type I or Type III Task Force. These positions shall be staffed from within the respective Task Force organization (unless prior approval is given by the Program Office), The current staffing level shall be a maximum 210 rostered, to include a minimum of 140 deployable personnel, with up to 10% staffing maximum overage allowable to address individual Task Force needs (e.g.,

- attrition, IST members). The recommended standard level for a deployable Task Force is a minimum of two deep at each of the positions required for a Type I configuration.
- 4. Ensure each Task Force member meets the necessary license, certification or other professional qualification requirements of their assigned position. Further ensure that that the Task Force has the necessary documentation on file to verify this information.
- 5. Based on available funding, the US&R Program Office may activate Task Forces for activities associated with scheduled NSSEs. Task Forces activated under this section will be notified in advance, through written activation orders that will provide authorization for travel and to carryout activities of the required operations. Prior to any activities under this section, the US&R Program Office will request cost estimates from identified Task Forces. This item would be funded separately from annual Cooperative Agreement funding, but could be either an amendment to this Cooperative Agreement or the Response Cooperative Agreement.
- 6. Based on approval by the US&R Program Office and available funding, Task Forces can use funds to cover salary and travel for product research and development efforts, thereby keeping apprised of cutting edge technology for equipment used within the System.
- 7. Task Forces may use funds to cover salary and travel for the purpose of Task Force personnel to collaborate with a Federal, State US&R system asset(s) or other emergency responders to enhance the capabilities of the US&R system.
- 8. Ensure each Task Force is prepared for ongoing OREs and completes an internal self-evaluation operational readiness and preparedness survey in accordance with US&R specifications. The self-evaluation is an annual requirement. The requirement is for only one per calendar year. The Task Forces will complete a self-evaluation survey, provided by the US&R Program Office. The completed electronic copy of the self-evaluation shall be submitted to the US&R Branch Chief by June 1 (or when otherwise directed by the US&R Program Office).
- 9. By June 1st, submit to DHS/FEMA Program Office the following items on one compact disk (CD):
 - a. A current database of Task Force Personnel, in a format provided by the Program Office
 - b. A current US&R Task Force Equipment cache database in a Microsoft-compatible database format. This database shall include both caches.
 - c. A current Time-Phased Force Deployment Data (TPFDD) Form ("Aircraft Loading Data"), in a format provided by the Program Office.

- 10. When authorized by the US&R Program Office, ensure funds are properly allocated, accounted for, and reported for those Task Force members who serve as the Operations Group Chair, Work Group Chairs, Sub-Group Chairs and Task Force Leader Representatives. These funds are intended to defray personnel salary, backfill, travel and other administrative costs associated with these positions for assigned Task Forces in accordance with **Appendices C and D**.
- 11. Ensure timely reporting of expenditures for readiness activities carried out under this agreement and timely delivery of Cooperative Agreement reporting. Refer to Section IX, Reporting.
- 12. As funding allows, ensure personnel salaries and expenses relating to Task Force administration, development and training preparedness activities are paid in accordance with established Sponsoring and Participating Agency policies/practices and in a timely manner, but no later than 120 days after completion of a training exercise. Appropriate personnel records are to be kept in accordance with 44 CFR Part 13 (FEMA's codified version of OMB Circular A-102), and 2 CFR Part 215 (OMB Circular A-110).
- 13. NIMS compliance as required by the Department of Homeland Security policy: Compliance with the NIMS is a condition for award of this Cooperative Agreement as outlined in Homeland Security Presidential Directive 5, Managing Domestic Incidents. Sponsoring Agencies must comply with the NIMS Implementation Activities established annually by FEMA. Sponsoring Agencies must report NIMS compliance activities in accordance with State and local NIMS guidance. Additionally, a certificate of completion for each required course must be located in each US&R task force member's personnel file for each required course. The following independent study courses are required for all task force members: IS-100, IS-200, IS-700 and IS-800. State offered NRF NIMS or equivalent certificates may be substituted for those courses offered on the FEMA NIMS website provided they meet Federal NIMS standards. For further information on compliance and guidance, refer to the following website: http://www.fema.gov/emergency/nims/index.shtm.
- 14. Attend DHS/FEMA-sponsored or DHS/FEMA-approved US&R meetings, conferences, and training sessions, to include Task Force Leader meetings, the 12 standing US&R Work Groups, Operations Group, Ad Hoc Work Groups and Sub-Groups, IST training/meetings, workshops, Sponsoring Agency Chief/Head Meetings or others as directed by the US&R Program Office as they relate to the National US&R Response System. Other activities include on-site peer ORE of other Task Forces, quality assurance oversight of FEMA-sanctioned training courses, training with other Task Forces, grants management training, SUSAR Alliance meetings and activities, and research and development for equipment, as directed by the US&R Program Office. The US&R Program Office is allocating certain funds as identified in Appendix A for travel. All travel funds should be accounted for under Management and Administration and/or Training at the Task Force level.

15. With the identified Medical Screening subcategory amount of \$50,000, provide complete medical evaluations and immunizations to as many Task Force members as possible (as defined by the US&R Medical Work Group). Medical screening should be conducted, at a minimum, on a triennial basis for each Task Force member. The medical evaluation shall become part of their personal medical record. Please refer to US&R Program Directive 2005-008, Task Force Medical Screening or a more current directive issued by the US&R Program Office.

B. TRAINING

 Provide US&R-related or US&R-required training for Task Force personnel, including the delivery of local US&R training courses or other courses specifically required by the US&R Position Descriptions or the US&R Program Office.
 Implementation of US&R Program Directive 2008-005 shall begin utilizing FY09 Cooperative Agreement funds, with the expectation of completion by the close of the FY10 Period of Performance.

As funding permits, conduct at least one Task Force mobilization or deployment exercise each Cooperative Agreement period of performance. Task Forces are encouraged to exercise as many Task Force members as possible each calendar year per cooperative agreement. A Federal Task Force deployment during the period of performance would satisfy this requirement, as long as the Activation Order is filed with the Cooperative Agreement. Non-Federal Task Force deployments could satisfy this requirement, but must be authorized by the Program Office in writing. If a Task Force is deployed, those funds originally set aside for a deployment exercise may then be used for other US&R approved items within the same budget category. This change must be addressed in their Semi-Annual Performance Report. A budget change is only required when funds are moved to another program budget category.

- 3. File an after-action report within 90 days of the completion of a mobilization or deployment exercise or a training activity with duration of more than 24 consecutive hours. Send the report to the attention of the US&R Branch Chief and written in a format where lessons learned may be shared with other task forces in the National US&R Response System.
- 4. Ensure training and exercise activities of the Task Force meet National US&R Response System standards, requirements and certifications. Ensure training records for all Task Force personnel are kept in a central, secure location.
- 5. Provide funding for expenses related to the acquisition, maintenance, training and certification of US&R Canine Search Teams. This statement is not related to the funding provided to host Canine Evaluations.
- 6. When authorized, ensure funds are distributed in support of Task Forces hosting a Canine Evaluation, as stated in accordance with Canine Evaluation schedules identified in **Appendix F**. When funding for the Canine evaluations exceeds

actual costs, the excess allocated funds may be redirected to other US&R Program activities that support the Task Force's Canine program under Item 5. If remaining funds are used to cover costs under Section VIII, A, Item 14, include items and their cost in their Semi-Annual Performance Report submission.

Provide third party Grants Management Training to assigned Task Force Grant Managers and Assistants who have not previously attended training. Grant Management Training is mandatory for all US&R Grants Managers and Assistants. Grant Management Training is optional, but highly recommended, for US&R Program Managers and other key personnel assigned to US&R administrative duties. Personnel should attend training from a facility that provides a "Grants Certificate Program". The Task Force shall submit information regarding the program or classes to the Grants Assistance Officer for written approval prior to registering or attending any classes. Personnel attending this training shall take a minimum of four (4) courses or they may complete the Certificate Program. The Grants Assistance Officer may be contacted for further information on classes offered. Examples of some Grants Management courses offered are as follows:

- a. Managing Federal Grants and Cooperative Agreements for Recipients,
- b. Uniform Administrative Requirements: OMB Circular A-102 and 2 CFR Part 215
- c. Cost Principles: 2 CFR Part 220 (A-21), 225 (A-87), 230 ((A-122), and FAR 31.2
- d. Applying for Federal Grants and Cooperative Agreements
- e. How to Prepare the Application Budget
- f. Business Management Systems for Recipients
- g. Audit of Federal Grants and Cooperative Agreements.
- 8. Provide Microsoft (MS) Access database and MS Excel training, as needed to US&R Logistics and Program Management personnel to maintain personnel, equipment, grant, financial and accountability records. Program Managers are authorized to use readiness funding to provide "beginner", "intermediate" and "advanced" MS Access Database and MS Excel training to Program Management personnel.

C. EQUIPMENT

The Sponsoring Agency is authorized to purchase equipment as listed in the most current approved DHS/FEMA Task Force Equipment Cache List. Task Force personnel are reminded and directed not to exceed quantity caps as listed on the cache list and the current manufacturer's suggested retail price (with documentation), unless prior approval is received by the US&R Program Office. Task Forces must follow Sponsoring Agency procurement regulations, which are in accordance with 44 CFR Part 13 or 2 CFR Part 215 to ensure reasonable prices are obtained. Special consideration is given to Task Forces to purchase other equipment items in support of training, administrative, and warehouse/maintenance needs. Any other equipment not specified above can only be purchased after receiving written approval from the Program Office.

2. When funding is provided, ensure that funds are made available to purchase and maintain medical response kits for the IST Medical Unit Leaders assigned to the Task Force. Specific Task Forces identified in **Appendix C**, are provided funds in the amount of \$800 for maintenance of assigned IST Medical Caches. The funding for the IST Medical Cache is to provide for replacement of equipment or pharmaceuticals as recommended by the IST Medical Unit Leader. Cooperative Agreement regulations apply to these funds and shall not be transferred to a Participating Agency.

All equipment must be tracked as to its origin. Equipment that is procured with this Cooperative Agreement funding shall be identified with the source, cache list number and Cooperative Agreement number, in accordance with 44CFR, Part 13 or 2 CFR Part 215. Additionally, Federal equipment shall be properly identified as to the ownership and funding source (including Agency name and Cooperative Agreement number or Disaster/contract number). The tracking can be accomplished through procurement documents, through fields in a database, or spreadsheet. It is the responsibility of each Task Force to develop a method of tracking in accordance with this section. However, it should be a system that will easily and quickly identify the information. Additionally, all procurement records and receipts should be cross-referenced and coded with the Cooperative Agreement number, cache list item number, Statement of Work section, or source of origin, or a system to easily and quickly identify the information.

- 4. No transportation equipment is authorized for purchase as part of this Cooperative Agreement unless authorized by the US&R Branch Chief and Grants Assistance Officer in writing.
- 5. Equipment and prime mover vehicles purchased with Federal funds or provided by DHS/FEMA shall be for the use of the US&R Program and however, this requirement does not preclude the Sponsoring Agency from using this equipment or vehicles on a local, regional or State disaster response or under other exceptional circumstance. The US&R Branch Chief shall be notified immediately in writing of any exceptional use of the two US&R Equipment Caches that diminish the response capability of the Task Force. The Sponsoring Agency is responsible for replacement, re-supply and or repair of equipment used or consumed during activities not associated with the National US&R Response System and return to an immediate state of readiness.
- 6. Task Forces are not authorized to purchase equipment with funds
 authorized through the DHS/FEMA Assistance to Firefighters Grant
 Program. However, this does not prevent the Sponsoring Agency from applying to the DHS/FEMA Assistance to Firefighters Grant Program for other costs or items not associated with the US&R Program.

- 7. Title for the original cache, vehicles, and all equipment purchased under the Cooperative Agreements reside with the Task Forces (44 CFR Part 13).
- 8. Title to the new DHS (i.e., "Second Cache") Equipment Cache purchased and distributed to the Task Forces by FEMA resides with DHS/FEMA.
- 9. Title for any equipment purchased under this Cooperative Agreement directly by a Task Force shall reside with the Task Force.
- 10. Should the Task Forces transfer, sell, or scrap any of the equipment and/or vehicles, they are required to first ask for prior written approval and disposition instructions from the US&R Program Office and Grants Assistance Officer according to current Federal regulations (in accordance with 44 CFR 13.32(e) and FEMA Manual 6150.1, dated July 1996, or current edition at time of disposition).
- 11. For the purpose of accountability and safety, US&R Task Forces are authorized to purchase an ID System, as long as they meet the requirements outlined in US&R Program Directive 2006-019 Accountability and Medical Information Cards.

D. MAINTENANCE AND STORAGE

- Maintain an accountability of property acquired under Cooperative Agreement funding, distributed Federal property and acquired Federal Excess Property. Provide an <u>annual</u> report to DHS/FEMA on the status of Federal property each year, as part of the database submittal to the US&R Program Office Branch Chief. Conduct an inventory of Federal property and property acquired under Cooperative Agreement funding, in accordance with 44 CFR Part 13 or 2 CFR Part 215.
- 2. Provide manufacturer's recommended maintenance and repair to US&R equipment acquired and specifically identified on the DHS/FEMA approved US&R Equipment Cache Lists. Also, provide maintenance and repair to any supplemental equipment as approved by DHS/FEMA, which was purchased with DHS/FEMA funding and delivered to the Task Forces, purchased during a US&R field response, or was acquired with DHS/FEMA approval through the Federal Excess Property Program. Ensure a minimum of 90% of the original US&R equipment cache and 100% of the new DHS/FEMA equipment cache is maintained. Task Forces are expected to perform routine maintenance of equipment to maintain a state of readiness. This agreement excludes Task Force repair of Communications equipment owned by the Federal Government.

As part of the operational readiness of each Task Force, all US&R equipment shall be maintained in an immediate state of readiness in a cache storage facility or facilities. This may include planning and engineering and other costs for development, maintenance, and/or lease of storage facilities and associated equipment for US&R equipment and supplies. Any costs for upgrades to existing warehouse facilities associated with this funding must be included in the budget narrative or submitted as a budget change and be approved by the Program Office and the Grants Assistance Officer prior to the start of any work. Task Force personnel are reminded, if they are relying totally on the Cooperative Agreement for funding leased warehouse space, they are not permitted to enter into agreements for longer than the Period of Performance of the Cooperative Agreement. However, contracts can be written with an available funds clause or "option" years for protection. This Cooperative Agreement may not be used for funding new capital construction. However costs associated with leasing, upgrading, minor renovations and modifications of existing warehouse facilities that do not change the footprint of the structure are permitted.

4. The repair, maintenance, storage and administrative costs for all equipment purchased or provided by DHS/FEMA will be accomplished via Cooperative Agreement funding provided and in accordance with the cost principles (2 CFR, Part 225). Refer to 2 CFR Part 225 or 2 CFR Part 230(Cost Principles) for specific guidance on purchasing insurance.

IX. REPORTING

The Sponsoring Agency shall use the following procedure for reporting. There are several types of reports required for this agreement. Refer to Appendix E for specific instructions and points of contact to submit all reports and deliverables.

A. REQUIREMENTS

- 1. **Task Force Self-Evaluation:** as identified in Section VIII, Subsections A.8 of this document is due by June 1st (or when otherwise directed by the US&R Program Office).
- 2. Personnel and Equipment Database CD submittal: as identified in Section VIII, Subsections A. 9 and D. 1. Provide DHS/FEMA with an updated database of the Task Force Personnel and the US&R Equipment Cache in a Microsoft Access database program. Also provide a current Task Force Phased Deployment Data (TFPDD) Form, in a format provided by the Program Office. Copy files onto one CD and forward the disk to the US&R Program Office by overnight carrier. This CD shall be submitted with a cover letter addressed to the US&R Program Office Branch Chief by June 1st.

- 3. The Department of Health and Human Services (HHS) requires a Quarterly Financial Report electronically, PSC 272, before issuance of any further funding through SmartLink will be allowed. This report must be completed on-line at the SmartLink website, http://www.dpm.psc.gov. After completing the report online, a copy of the PSC 272,PSC 272A, PSC 272B, PSC 272E and PSC 272G (listing financial details) must be printed, scanned, and emailed as a .PDF document to the US&R Program Office and DHS/FEMA Grant Programs Directorate. This report is required every quarter, thirty (30) days after the end of each quarter, whether funds are drawn or not from the Health and Human Services (HHS) Smartlink System. The quarters are separated as follows: October through December, January through March, April through June, and July through September.
- 4. The Semi-Annual Performance Report is due to the DHS/FEMA US&R Readiness Cooperative Agreements Project Officer for the duration of this agreement and is a written report listing total expenditures, as explained below.
 - a. The Sponsoring Agency shall electronically send the first report semiannually by January 30st (covering the time period of July 1st through December 31st) and the second by July 30st (covering the time period of January 1st through June 30th) of each year until the Cooperative Agreement is closed.
 - b. The Performance Report shall include Task Force accomplishments and the total budgeted, expenditures and balance for the Cooperative Agreement funding within the following areas: Administration/Management, Training, Equipment, and Maintenance/Storage.
 - **c.** A suggested reporting format has been distributed.
 - **d.** All changes, whether requiring prior approval or not, shall be noted in the Performance Reports and closeout documents.
 - e. The Final Performance Reports are to be emailed to the US&R Program Office and DHS/FEMA Grants Management Branch. Addresses listed in Appendix E.
 - 5. Financial and Compliance Audit Report. Recipients that expend \$500,000 or more of Federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with the U.S. General Accountability Office, Government Auditing Standards, located at http://www.gao.gov/govaud/ybk01.htm, and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, located at http://www.whitehouse.gov/omb/circulars/a133/a133.html. Audit reports are currently due to the Federal Audit Clearinghouse no later than nine months after the end of the recipient's fiscal year. In addition, the Secretary of Homeland Security and the Comptroller General of the United States shall have access to

any books, documents, and records of recipients of FY 2009 Cooperative Agreement assistance for audit and examination purposes, provided that, in the opinion of the Secretary or the Comptroller, these documents are related to the receipt or use of such assistance. The grantee will also give the sponsoring agency or the Comptroller, through any authorized representative, access to, and the right to examine all records, books, papers or documents related to the grant.

B. CLOSEOUT REPORTS

The scope of work approved for the Cooperative Agreement must be completed within the Period of Performance. The task force will have 90 days after the Period of Performance to complete the final payments, and prepare the closeout documents. If unable to complete the closeout process by the due date, the task force must contact the Grant Program Directorate and Program Office to request an extension of the closeout period. At a minimum the following closeout documents must be submitted:

- 1. Cover Letter Should address the closeout of the Cooperative Agreement and the number. Please note any items that are not applicable. If the equipment and/or supplies are maintained by the Task Force then they will need to include a statement that the equipment/supplies will be used for their intended purpose of the Cooperative Agreement, over the life cycle of the equipment/supplies.
- 2. **Final Performance Report** should include a summary of qualitative accomplishments that the Cooperative Agreement has made for the duration of the grant period. Quantitative data may be used to support any impact statements. The report should be broken out into the four (4) program categories: Administrative/Management, Training, Equipment, and Storage/Maintenance.
- 3. **Final Financial Status Report**: A new Federal Financial Report is provided as an attachment along with the instructions. A standard government-wide Federal Financial Report Form is now required, in lieu of the FF20-10 or SF 269A (Short Form).
- 4. **Equipment Inventory:** This form is required if items purchased with Federal grant funds has a current fair market value of \$5,000 or higher, per single item must be reported (copy of form attached). If the Task Force does not have any items to report that meet the threshold, provide a copy of the form noting such or provide a statement in the Performance Report or Cover Letter to indicate the same information. Provide a statement expressing the intent to continue use of Federally- Furnished Property for the Federal US&R Program, as noted in the most recent equipment CD submission.
- 5. **Inventory of Unused or Residual Supplies** purchased with Federal grant funds, which in the aggregate exceed \$5,000 must be reported (copy of form attached). If the task force does not have any residual supplies in the aggregate

that exceeds \$5,000, provide a copy of the form noting such or provide a statement in the Performance Report or Cover Letter to indicate the same information.

- 6. **Patent/Invention Disclosure**, if applicable (Form Attached). Provide a copy of the completed form if applicable. If the Task Force does not have any patents or inventions provide a copy of the form noting such or provide a statement in the Performance Report or Cover Letter to indicate such.
- 7. Audit Requirements: There are requirements and rights for audits pursuant to the Cooperative Agreement terms and conditions. All grantees must follow the audit requirements of OMB circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. The OMB Circular states that grantees who expend \$500,000 or more in Federal funds (from all Federal sources within their fiscal year) must have a single audit performed yearly in accordance with the circular. If the Task Force falls under this category they must submit a copy of their Single Audit Report along with their Closeout Documentation. In addition it is a requirement to send a copy of the Audit to the Single Audit Clearinghouse. The Single Audit Report is required to be reviewed during the closeout process. FEMA retains the right to negotiate any shortages or findings found in the audit reports, disallow costs and recover funds on the basis of an A-133 single audit, other audit or other review.
- 8. **Refund Checks:** If appropriate, a check should be made payable to FEMA to return any Federal funds drawn under the Cooperative Agreement but not expended. This may also include interest earned in excess of the allowable \$100 for State, Local, and Indian Tribal Governments, or \$250 for all others that are allowable for administrative expenses, or any other appropriate financial adjustment due FEMA, including Audit adjustments.
- 9. **Record Keeping/Retention**: Retain records pursuant to the grant conditions. Grant records should include a copy of the award document, grant agreement articles, ledgers, documentation of expenditures, documentation-copies of cancelled checks, paid invoices, payrolls, T&A records, contract records, etc. As a reminder all Single Audits must be completed covering the period of performance for the grant and all Single Audit Findings must be resolved prior to the final closeout of the Cooperative Agreement. Upon completion of all required actions, the submission of all required items, and any appropriate financial adjustments and payments. FEMA will advise the Task Force in writing when the award can be considered closed out. This information must be kept for three years after the date of submission of the final closeout documents or later date if the sponsoring agency requires a longer record retention period. See 44 CFR 13 and 2 CFR 215 for further information about the items in this paragraph. It is generally three years from the submittal of the final closeout documents, but may be longer if there are audit findings or the audit covering the period of performance for the Cooperative Agreement has not been completed.

C. TIMELINES

- 1. Task Force Self-Evaluation: on or about June 1st, or as directed by the Program Office
- 2. **Personnel and Equipment Database CD:** due June 1st to US&R Program Office *only*.
- 3. Quarterly Financial Report (HHS PSC report): delivered quarterly, within 30 days after the quarter ends. (Due by January 30, April 30, July 30 and October 30)
- 4. The **Semi-Annual Performance Report:** due by January 30 and July 30 each year during the Period of Performance.
- 5. **Final Performance Report**: due to DHS/FEMA within 90 days after the Period of Performance expires.
- 6. The **Final Financial Status Report**, **FEMA Form 20-10**, due within 90 days after the Period of Performance expires.
- 7. **Equipment Inventory and Inventory of Unused or Residual Supplies** due within 90 days after the Period of Performance expires.
- 8. **Final Payment/Unexpended Funds:** due within 90 days after the Period of Performance expires.

Task Forces must be current with all reports at the time of award of this Cooperative Agreement.

X. TIME IS OF THE ESSENCE

DHS/FEMA is providing an annual **Readiness Cooperative Agreement** and it is strongly recommended that the Sponsoring Agency seek expedited approval for the acceptance and management of the Cooperative Agreement. The US&R Program and Grants Offices acknowledge the time-sensitive nature of processing and awarding the Cooperative Agreement and will make every effort to expedite the process. The time frame provided by DHS/FEMA must be strictly adhered to. The U.S. Congress is closely scrutinizing the timely spending of Readiness Cooperative Agreement funds and failure to meet necessary requirements and time frames may result in the loss of funding for this and future Cooperative Agreement periods.

XI. PROCEDURE TO COMPLETE APPROVAL OF COOPERATIVE AGREEMENT

1. The US&R Program Office and Grant Programs Directorate will review the Task Force's Cooperative Agreement application. Once approved, the Grants Assistance Officer will send four copies of the obligating document, FEMA Form

40-21s, to the Task Force Sponsoring Agency for signature. (Four originals). If the cooperative agreement is processed through the web-based Grant Management System (GMS), the documents will be available online.

- 2. The Task Force Sponsoring Agency is required to obtain the proper original signature on each document and return three signed FF 40-21 documents to the Grants Management Branch as instructed. Keep one signed original for Task Force records. Include a cover letter in an acceptable format when returning the FF 40-21.
- 3. The Task Force Sponsoring Agency is responsible for ensuring the original application package and subsequent FF 40-21 are signed and received by the Grants Management Branch deadlines. Please use the tracking number provided by overnight carrier to ensure timely delivery.

Appendices:A Cooperative Agreement Funding – Recommended Allocations

B Task Force Allocations and Budget Totals document

C Administration Budget

D List of Work Group Chairs

E Summarized Spreadsheet of Deliverables

F US&R Annual Activity Calendar 2009