



## COUNTY OF HUMBOLDT

AGENDA ITEM NO.

**C-8**

For the meeting of: October 21, 2014

Date: October 2, 2014

To: Board of Supervisors

From: Phillip R. Crandall, Director *W*  
Department of Health and Human Services – Public Health

Subject: State Agreement with The Governor's Office of Emergency Services for a 2015 Hazardous Materials Area Plan Exercise.

### RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve and Authorize the Public Health Director or their designee to sign the Assistance Agreement between the Governor's Office of Emergency Services (OES) and the Department of Health and Human Services (DHHS), Public Health, Division of Environmental Health (DEH) for \$18,392 for the period of October 15, 2014 through September 15, 2015.
2. Authorize the Public Health Director, or their designee to approve any subsequent amendments directly related to the Agreement.
3. Direct the Clerk of the Board to send a fully executed Agenda Item to DHHS, Contract Unit.

### SOURCE OF FUNDING:

Public Health Fund.

### DISCUSSION:

DHHS, DEH, Hazardous Materials Program updated the Humboldt County Hazardous Materials Area Plan (Area Plan) in September 2013. The Area Plan update was supported by funds from phase one of OES's Hazardous Materials Emergency Preparedness (HMEP) grants. The agreement before your Board today is for phase two of the project and will fund the design and development of a full-scale hazardous materials

Prepared by DJ Wieman, Administrative Analyst *W*

CAO Approval *Amey Olsen*

REVIEW:

Auditor *MSM*

County Counsel

Human Resources

Other

TYPE OF ITEM:

☒ X Consent  
☐ Departmental  
☐ Public Hearing  
☐ Other

PREVIOUS ACTION/REFERRAL:

Board Order No. \_\_\_\_\_

Meeting of: \_\_\_\_\_

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**

Upon motion of Supervisor *Sundberg* Seconded by Supervisor *Bass*

Ayes *Sundberg, Lovelace, Bohn, Fennell, Bass*  
Nays  
Abstain  
Absent

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *Oct. 21, 2014*

By: *Kathy Hayes*  
Kathy Hayes, Clerk of the Board

exercise that will test the updated 2013 Area Plan.

Large quantities of hydrogen peroxide, formaldehyde, chlorine, sulfur dioxide and flammable fuels are routinely transported to and through Humboldt County. Because most chemical incidents occur during transport, roadways, waterways and airways are most vulnerable to hazardous material spills. The exercise will involve agencies that have response capabilities for hazardous material incidents in Humboldt County. The exercise will serve to:

- 1.) Clarify agency roles and responsibilities;
- 2.) Identify planning strengths and weaknesses;
- 3.) Test the incident command system.

#### FINANCIAL IMPACT:

Approval of the agreement with OES will allow DEH to be reimbursed up to \$18,392 for the period of October 15, 2014 through September 15, 2015. The OES grant requires a funds match in the amount of \$4,629, or 20% of total grant related expenditures. The total anticipated cost of the hazardous materials exercise will be \$23,021. The term of the Agreement will span fiscal year 2014/15 and fiscal year 2015/16. The grant funds were included in the projected County Budget in Fund 1175, Budget Unit 411 Hazardous Materials Program for fiscal year 2014-15 in the amount of \$22,454. The funds for fiscal year 2015/16 will be included in the County Budget process for the remaining amount of grant funds. Approval of this agreement will have no impact on the Humboldt County General Fund.

The hazardous materials exercise supports the Board's Strategic Framework by creating opportunities for improved safety and health.

#### OTHER AGENCY INVOLVEMENT:

Governor's Office of Emergency Services

#### ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could choose not to accept this grant funding, however this is not recommended as this exercise helps to assure a high level of cooperation, coordination and readiness across multiple agencies that are first responders to hazardous materials incidents in Humboldt County.

#### ATTACHMENTS:

- 1.) Copy of Assistance Agreement with OES.

# **Attachment 1**

**Copy of Assistance Agreement with OES**

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Cal OES# \_\_\_\_\_ FIPS# \_\_\_\_\_ VS \_\_\_\_\_ CFDA# \_\_\_\_\_ Grant# \_\_\_\_\_

The California Governor's Office of Emergency Services hereafter designated Cal OES, hereby makes a Grant Award of funds to the following:

**1. Grant Recipient:** Humboldt County DHHS, Division of Environmental Health **1a. DUNS#** 793165098

In the amount and for the purpose and duration set forth in this Grant Award.

**2. Implementing Agency:** Division of Environmental Health **2a. DUNS#** 793165098

3. Implementing Agency Address:	100 H Street, Ste. 100	Eureka	95501-0480
	Street	City	Zip+4

4. Location of Project:	Eureka City	+	Humboldt County	95501-0480 Zip+4
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**5. Disaster/Program Title:** HazMat Emergency Preparedness Planning Grant **6. Performance Period:** 10/15/14 to 09/15/15

Grant Year	Fund Source	A. State	B. Federal	C. Total	D. Cash Match	E. In-Kind Match	F. Total Match	G. Total Project Cost
2015	7. HMEP	\$18,392			\$4,629		\$4,629	\$23,021
Select	8. Select						\$0	\$0
Select	9. Select						\$0	\$0
Select	10. Select						\$0	\$0
Select	11. Select						\$0	\$0
	12. TOTALS	\$18,392	\$0	\$18,392	\$4,629	\$0	\$4,629	12G. Total Project Cost: \$23,021

13. This Grant Award consists of this title page, the application for the grant, which is attached and made a part hereof, and the Assurances/Certifications. I hereby certify I am vested with the authority to enter into this Grant Award Agreement, and have the approval of the City/County Financial Officer, City Manager, County Administrator, Governing Board Chair, or other Approving Body. The Grant Recipient certifies that all funds received pursuant to this agreement will be spent exclusively on the purposes specified in the Grant Award. The Grant Recipient accepts this Grant Award and agrees to administer the grant project in accordance with the Grant Award as well as all applicable state and federal laws, audit requirements, federal program guidelines, and Cal OES policy and program guidance. The Grant Recipient further agrees that the allocation of funds may be contingent on the enactment of the State Budget.

14. Official Authorized to Sign for Applicant/Grant Recipient: 15. Federal Employer ID Number: 94-6000513

Name: Susan Buckley Title: Public Health Director

Telephone: (707) 445-6200 FAX: (707) 445-6097 Email: sbuckley@co.humboldt.ca.us  
(area code) (area code)

Payment Mailing Address:	100 H Street, Ste. 100	City:	Eureka	Zip+4:	95501-0480
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**[FOR CaI OES USE ONLY]**

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purposes of this expenditure stated above.

Cal OES Fiscal Officer	Date	Cal OES Director (or designee)	Date
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# CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES (Cal OES)

## Hazardous Materials Emergency Preparedness (HMEP) Planning Sub-Grant Program

### GENERAL TERMS AND CONDITIONS

2014-15 Grant Cycle

#### **1. Effect of Award**

The Sub-grantee, which is the organization named in Block 1 of the Cal OES Grant Award Face Sheet (Cal OES 2-101), is legally responsible for and accountable to Cal OES for the funds provided. By accepting this award, which is accomplished by the signature of the Authorized Agent designated in Block 14 of the Grant Award Face Sheet, the Sub-grantee and the Implementing Agency, which is the organization named in Block 2 of the Cal OES Grant Award Face Sheet, if different from Block 1, agree to comply with the Terms and Conditions detailed or referenced below.

Hereafter, when the term Sub-grantee is used, it includes the Implementing Agency by association.

If the Sub-grantee/Implementing Agency materially fails to comply with the Terms and Conditions of this award, whether stated in the full text herein or incorporated by reference, Cal OES may suspend, terminate, or take other remedies as may be legally available and appropriate in the circumstances as provided in 49 CFR 18.43.

#### **2. Award information**

The total amount of HMEP funding is shown in Block 12. B. of the Grant Award Face Sheet. This represents 80 percent of the Total Project Cost, which is shown in Block 12. G. of the Grant Award Face Sheet. The Sub-grantee is responsible for a 20 percent Match contribution, which is shown in Block 12. F. Costs that the Sub-grantee will expend money for such as salaries, supplies, or travel is considered "Cash Match." Costs for which the Sub-grantee will not have actual cash outlay, such as volunteer hours, salaries donated by a partner agency, or value of a venue used for the grant activity, etc. is considered "In-Kind Match."

The Sub-grantee is responsible for any commitments or expenditures it incurs in excess of the funds provided by this award. Expenditures incurred prior to the effective date of this award are not eligible for reimbursement.

#### **3. Incorporation of approved application by reference**

The Sub-grantee's application, including the Project Narrative and Budget Sheet as approved by Cal OES prior to award, is incorporated by reference in this award. Changes to the approved application, which become the approved scope of work and budget, are governed by 49 CFR 18.30 and paragraph 15 of these Terms and Conditions.

#### 4. Governing statutes and regulations

The administration of this award is based on the following federal statutory and regulatory requirements:

- the authorizing language of 49 U.S.C. 5151, et seq.
- program regulations located in 49 CFR 110, Hazardous Materials Public Sector Training and Planning Grants. 49 CFR 110 is available at [www.gpoaccess.gov/ecfr/](http://www.gpoaccess.gov/ecfr/).
- administrative regulations located in 49 CFR 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State, and Local, and Tribal Governments, or 49 CFR 19, Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Learning, Hospitals, and other Non-Profit Organizations, as appropriate. 49 CFR 18 and 49 CFR 19 are available at [www.gpoaccess.gov/ecfr/](http://www.gpoaccess.gov/ecfr/).
- the cost principles located in 2 CFR 225, Cost Principles for State, Local and Indian Tribal Governments (OMB Circular A-87), which are incorporated by reference in 49 CFR 18, or 2 CFR 220, Cost Principles for Educational Institutions (OMB Circular A-21), as appropriate. 2 CFR 225 and 2 CFR 220 are available at [www.gpoaccess.gov/ecfr/](http://www.gpoaccess.gov/ecfr/).
- Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, which is incorporated by reference in 49 CFR 18 and detailed further in Paragraph 19 of these Terms and Conditions.
- Any other applicable federal statutes and regulations, including, but not limited to the following:
  - The Sub-grantee must comply with 49 CFR 20, New Restrictions on Lobbying. 49 CFR 20 is incorporated by reference in this award, and is available at [www.gpoaccess.gov/ecfr/](http://www.gpoaccess.gov/ecfr/).
  - The Sub-grantee must comply with Title VI of the Civil Rights Act of 1964, which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, be subject to discrimination under any program or activity receiving Federal financial assistance.
  - The Sub-grantee must comply with 49 CFR 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964. 49 CFR 21 is incorporated by reference into this award, and is available at [www.gpoaccess.gov/ecfr/](http://www.gpoaccess.gov/ecfr/).
  - The Sub-grantee must comply with 49 CFR 32, Government-wide Requirements for Drug-Free Workplace (Financial Assistance), which implements the requirements of Public Law 100-690, Subtitle D, Drug-Free Workplace Act of 1988. 49 CFR 32 is incorporated by reference in this award, and is available at [www.gpoaccess.gov/ecfr/](http://www.gpoaccess.gov/ecfr/).

No Term or Condition of this award is intended to require the Sub-grantee to violate any applicable State, Local, or Territorial law.



The Sub-grantee must immediately notify the Cal OES HMEP Grant Program Manager of any change in local law, conditions, or any other event, including any litigation challenging the validity of, or seeking interpretation of, any federal law or regulation applicable to the federal HazMat program, which may significantly affect the Sub-grantee's ability to perform the approved grant activities in accordance with the Terms and Conditions of this award. The Sub-grantee must also immediately notify the Cal OES HMEP Grant Program Manager of any decision pertaining to the Sub-grantee's conduct of litigation that may affect U.S. Department of Transportation (US DOT) or Cal OES interests.

## **5. Order of precedence**

Any inconsistency or conflict in the Terms and Conditions specified in this award will be resolved according to the following order of precedence:

- The federal statute authorizing this award or any other federal statutes, laws, regulations or directives directly affecting the performance of this award.
- Any Special Terms and Conditions of this award.
- These General Terms and Conditions.

## **6. General Cal OES responsibilities**

*Cal OES Director (or designee)*

The individual who signed this award on behalf of Cal OES, as shown below Block 15. of the Grant Award Face Sheet, and is the only Cal OES official authorized to:

- obligate Cal OES to the expenditure of federal funds under this award
- approve amendments to the grant period, increases/decreases to the grant award amount or changes to the Sub-grantee name (see Paragraph 15 of these Terms and Conditions)

The Cal OES Director is:

Mark S. Ghilarducci  
Director  
California Governor's Office of Emergency Services  
3650 Schriever Avenue  
Mather, CA 95655  
Telephone: (916) 845-8506  
Fax: (916) 845-8511  
E-mail: Mark.Ghilarducci@caloes.ca.gov

*Cal OES Hazardous Materials Section Chief*

The individual who is the final administrative approving official for HMEP Planning Sub-grant application packages, once reviewed and approved by the LEPC Region Chair, Cal OES LEPC Support Staff, and Cal OES HMEP Grant Administrator. The HazMat Section Chief is authorized to approve modifications to the scope of work, project objectives, or budget changes that do not change the grant award amount (see Paragraph 15 of these Terms and Conditions)

The Cal OES HazMat Section Chief is:

Thomas Campbell  
Deputy Chief  
Hazardous Materials Section  
California Governor's Office of Emergency Services  
3650 Schriever Avenue  
Mather, CA 95655  
Telephone: (916) 845-8751  
Fax: (916) 845-8734  
E-mail: Thomas.E.Campbell@caloes.ca.gov

*Cal OES HMEP Grant Administrator*

The individual who is responsible for the administrative and programmatic management of this award. The HMEP Grant Administrator is the point of contact for Sub-grantees for submission of applications, required reports, requests for technical assistance with any aspect this award, and day-to-day communications regarding HMEP grant activities.

The Cal OES HMEP Grant Administrator is:

Neverley Shoemake  
Emergency Services Coordinator  
Hazardous Materials Section  
California Governor's Office of Emergency Services  
3650 Schriever Avenue  
Mather, CA 95655  
Telephone: (916) 845-8765  
Fax: (916) 845-8734  
E-mail: Neverley.Shoemake@caloes.ca.gov

**7. General sub-grantee responsibilities**

In accepting a Cal OES financial assistance award (grant or cooperative agreement), the sub-grantee assumes legal, financial, administrative, and programmatic responsibility for administering the award in accordance



with the laws, rules, and regulations governing grants and cooperative agreements, these Terms and Conditions, any Special Conditions included in this award, the Cal OES HMEP Grant Assurances, and the Cal OES Planning Grant Guide for Sub-grantees.

The sub-grantee is responsible for monitoring sub-award and contractual activities under this award to ensure compliance with federal and state requirements, and that performance objectives are being achieved.

The Sub-grantee is required to advise sub-grantees of requirements imposed on them by federal laws, regulations, and the Terms and Conditions of this award. These include grant administrative requirements, audit requirements under OMB Circular a-133, and the applicable federal Cost Principles according to sub-grantee type (see paragraph 11 of these Terms and Conditions for additional detail).

Failure to comply with these requirements may result in suspension or termination of the award and Cal OES recovery of funds.

#### *Sub-grantee Project Manager*

The Sub-grantee's Project Manager is the individual identified on the Cal OES HMEP Grant Application Form and Designation Statement as the Project Manager, and is responsible for the technical direction of the project activities. The Project Manager is considered a key person under this award and, pursuant to 49 CFR 18.30 (d)(3), cannot be replaced without prior written approval of the Cal OES HMEP Grant Administrator.

Under the Terms of this award, the sub-grantee, through the Project Manager, is responsible for:

- accomplishing the objectives and tasks specified in the approved application within the approved budget amounts (federal share plus match contribution) and timeframes;
- providing required reports and reimbursement requests that are complete, accurate, and timely; and
- providing supporting documentation at the conclusion of the approved grant activities that demonstrates that the approved project activities were completed.

#### *Sub-grantee Authorized Agent*

The Sub-grantee Authorized Agent is the individual who is vested with the legal authority to act on behalf of the Sub-grantee entity, and so certifies on the Cal OES HMEP Planning Sub-grant application package Designation Statement.

All Cal OES HMEP Grant forms, reports, and requests will be signed by the Sub-grantee Authorized Agent identified on the Designation Statement.

If the Authorized Agent changes during the performance period, a Designation Statement and Assurances must be signed by the new Authorized Agent. Documentation submitted with an Authorized Agent signature that is not on record will not be processed.

## **8. Central Contractor Registration and Universal Identifier Requirements (Appendix A to 2 CFR 25)**

### *Requirement for Central Contractor Registration (CCR)*

Unless you are exempted from this requirement under 2 CFR 25.110, you as the sub-grantee must maintain the currency of your information in the CCR database until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

Note that the CCR functions have been moved to the federal System for Award Management (SAM). The SAM is the Official U.S. Government system that consolidated the capabilities of CCR/FedReg, ORCA, and EPLS, and is located at <https://www.sam.gov/portal/public/SAM/>.

### *Requirement for Data Universal Number System (DUNS) Numbers*

If you are authorized to make sub-awards under this award, you:

- must notify potential sub-grantees that no entity (see definition below) may receive a sub-award from you unless the entity has provided its DUNS number to you.
- may not make a sub-award to an entity unless the entity has provided its DUNS number to you.

### *Definitions*

For the purpose of the award, the following terms apply:

*Central Contractor Registration (CCR)* means the federal repository into which an entity must provide information required for the conduct of business as a sub-grantee. Additional information about registration procedures may be found at <https://www.sam.gov/portal/public/SAM/>.

*System for Award Management (SAM)* is the official U.S. Government system that consolidates the capabilities of CCR/FedReg, ORCA, and EPLS. SAM is part of an overall Integrated Acquisition Environment that brings together different federal procurement data systems into a unified system, with the intention of reducing duplication and information technology costs, and to help create a more streamlined and integrated federal acquisition process. Additional information about registration procedures may be found online at <https://www.sam.gov/>.

*Data Universal Numbering System (DUNS)* number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B or entity information can be updated by telephone (currently 888-727-9599) or online at <http://www.dnb.com/get-a-duns-number.html>.



*Entity*, as it is used in this award, means all of the following, as defined in 2 CFR 25, subpart C:

- A Governmental organization, which is a State, local government, or Indian Tribe;
- A foreign public entity;
- A domestic or foreign non-profit organization;
- A domestic or foreign for-profit organization; and
- A federal agency, but only as a sub-grantee under an award or sub-award to a non-federal entity.

*Sub-award*:

- a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you, as the recipient, award to an eligible sub-grantee.
- does not include your procurement of property or services needed to carry out the project or program (for further explanation, see Sec. \_210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- may be provided through any legal agreement, including an agreement that you consider a contract.

*Sub-grantee* means an entity that:

- receives a sub-award from you under this award; and
- is accountable to you for the use of the federal funds provided by the sub-award.

## **9. Government-wide Debarment and Suspension (Non-procurement)**

The sub-grantee must comply with 2 CFR 1200, "Non-procurement Suspension and Debarment," which generally prohibits entities that have been debarred, suspended, or voluntarily excluded from participating in federal non-procurement transactions either through primary or lower-tier covered transactions. 2 CFR 1200 is incorporated by reference in this award and is available at [www.gpoaccess.gov/ecfr/](http://www.gpoaccess.gov/ecfr/).

Before entering into a sub-award or contract under the grant, the Sub-grantee must verify that the entity/individual is not excluded or disqualified from participation in federal non-procurement or procurement programs. This can be done by:

- Checking the SAM at <https://www.sam.gov/portal/public/SAM/>, or
- Collecting a certification from that entity/individual, or
- Adding a clause or condition to the covered transaction with that entity/individual

The Sub-grantee must include a Term or Condition in lower-tier transaction requiring lower-tier participants to comply with sub-part C of the OMB guidelines in 2 CFR 180, as supplemented by 2 CFR 1200.

The Sub-grantee must inform the Cal OES HMEP Grant Administrator when they suspend or debar a contractor or sub-grantee.

## **10. Allowable costs**

The allowability of costs incurred by the Sub-grantee will be determined using the OMB Cost Principles in 2 CFR 225 (OMB Circular A-87) and HMEP-specific program requirements. If 2 CFR 225 specifies that a direct cost requires prior approval of the awarding agency and the cost was included in the approved budget, no additional Cal OES approval is required. Otherwise, prior approval is required as specified in Paragraph 15 of these Terms and Conditions.

## **11. Flow-Down of Requirements under Sub-awards**

The requirements of this award that apply to the Sub-grantee also apply to their Sub-grantees, i.e., entities that are carrying out part of the substantive programmatic activity, unless an exception is specified.

In making sub-awards under the award, the Sub-grantee must apply the federal Cost Principles applicable to the particular type of organization concerned. Therefore,

- if a sub-award is to a governmental unit (other than a college, university or hospital), 2 CFR 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87) will apply;
- if a sub-award is to a college or university, 2 CFR 220, Cost Principles for Educational Institutions (OMB Circular A-21) will apply;
- if a sub-award is to another type of non-profit organization, 2 CFR 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122) will apply.

The administrative requirements that must be flowed down to sub-grantees are those that apply to the type of organization concerned. Therefore,

- if a sub-award is to a governmental unit (other than a college, university or hospital), 49 CFR 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments will apply;
- if a sub-award is to a college or university, hospital, or a non-profit organization, 49 CFR 19, Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Learning, Hospitals, and Other Non-Profit Organizations will apply.



## **12. Matching requirement**

The Sub-grantee must provide 20 percent of the Total Project Cost, as shown in Block 12. F. of the Cal OES Grant Award Face Sheet, from non-federal sources. Sub-grantees may use cash (hard match), in-kind (soft-match) contributions, or a combination of both to meet this requirement. The types of contributions allowed are listed in 49 CFR 110.60. Matching costs and contributions also must meet the requirements of 49 CFR 18.24, including that the costs must meet the same requirements of allowability as apply to HMEP funds.

Federal funds may be expended before non-federal matching funds, provided that total project costs at completion of the program year reflect the 80 percent federal/20 percent non-federal allocation of costs. The matching requirement is in addition to the maintenance of effort required of Sub-grantees of HMEP awards under 49 U.S.C. 5116(a)(2)(A) and 49 CFR 110.30(b)(2).

## **13. Performance reporting requirements**

### *Quarterly Performance Report*

The HMEP grant is based on performance. Quarterly Performance Reports are used by Cal OES to ensure that the projects are kept on schedule and are within the parameters that Cal OES approved. Failure to submit quarterly reports by the due date could result in grant reduction, termination or suspension.

The Quarterly Performance Report is required for each quarter, regardless of whether there were expenditures or not. Sub-grantees who do not have substantive expenditures toward project completion by the end of the 2<sup>nd</sup> Quarter risk de-obligation of the award. If there were expenditures for the quarter (HMEP Share, Match Share, or both), complete a Reimbursement Request Form and submit both documents at the same time (see *Reimbursement Request* in Paragraph 18 of these Terms and Conditions).

If there are changes to the Work Schedule, detail the circumstances in the Quarterly Performance Report and include an updated Work Schedule and Deliverables Form.

Sub-grantees must submit Quarterly Performance Reports to Cal OES until all grant activities are completed or for the duration of the grant performance period. The reports must include the status of all approved activities, and should align with the Work Schedule and Deliverables contained in the Grant Application package. The reports are due as follows:

- Start of sub-grantee Performance Period through December 31 – Report due January 7.
- January 1 through March 31 – Report due April 7.
- April 1 through June 30 – Report due July 7.

NOTE: Funds projected to remain unspent by the end of the performance period must be reported by this date.

- July 1 through September 15 (FINAL REPORT) – Report due October 7.

Reports and documentation must be submitted by e-mail to the Cal OES HMEP Grant Administrator at: [Neverley.Shoemake@caloes.ca.gov](mailto:Neverley.Shoemake@caloes.ca.gov). Retain the original documents according to the Records Retention schedule. Cal OES reserves the right to request documentation at any time.

#### *Final Report*

The Sub-grantee must notify Cal OES, in writing, when all approved grant activities have been completed and paid for, in the form of a Quarterly Performance Report. Documentation showing completion of approved project activities must be submitted with the Final Report in electronic format whenever possible – do not submit printed plans or other developed product.

All approved project activities must be completed and paid for by the last day of the Sub-grantee performance period (Project End Date), which will not be later than September 15 each year.

#### *Requests for extension and effect of late reporting*

A request for an extension of the due date for a Quarterly Performance Report must be made in writing by the Sub-grantee's Authorized Agent to the Cal OES HMEP Grant Administrator no later than 30 days before the end of the reporting quarter. The request must include the reason for the request and the requested due date. Approval is not automatic.

Failure to provide required reports by the due dates specified above or any extended due date approved by Cal OES may result in a delay in processing payment requests, delay in the award of new funding, or, as appropriate, an enforcement action.

### **14. Reporting Executive Compensation**

#### *Applicability and what to report*

Sub-grantees must report total compensation for each of the five most highly compensated executives for the preceding completed fiscal year, if:

- The total federal funding authorized to date under this award is \$25,000 or more;
- In the preceding fiscal year, you received-
  - 80 percent or more of your annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); ***and***
  - \$25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); ***and***



- The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m (a), 78o (d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>).

Total compensation means the cash and noncash dollar value earned by the executive during the sub-grantee's preceding fiscal year and includes the following (for more information see 17CFR 229.402(c)(2)):

- Salary and bonus.
- Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123(Revised 2004) (FAS 123R), Shared Based Payments.
- Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
- Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
- Above-market earnings on deferred compensation which is not tax-qualified.
- Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

#### *Where and when to report*

You must report executive total compensation described in the paragraph above:

- as part of your registration profile in the SAM at <https://www.sam.gov/portal/public/SAM/>, by the end of the month following the month in which this award is made, and annually thereafter; **and**
- to the Cal OES HMEP Grant Administrator.

### **15. Changes to the approved application**

As noted in Paragraph 3 of these Terms and Conditions, the Project Narrative and Budget Sheet submitted as part of the application package, upon the acceptance of this award, become the approved scope of work and budget.

The Sub-grantee must submit a written request and receive formal approval before making any of the changes for non-construction grants specified in 49 CFR 18.30, as applicable. The request must be signed by

the Sub-grantee's Authorized Agent and be submitted to the Cal OES HMEP Grant Administrator no later than 15 days prior to the requested effective date of the proposed change, except as noted below. Cal OES will not approve any change to the award during the last 30 days of the performance period.

The actions requiring prior approval include, but are not limited to the following:

- Any revision that would result in the need for additional funding
- Any transfers among budget categories, whenever the Sub-grant award amount is less than \$100,000
- Transfers among budget categories, which exceed or are expected to exceed ten percent of the current total approved budget, whenever the Sub-grant award amount exceeds \$100,000
- Changes in the scope or objectives in the approved application. If a Sub-grantee has a question about whether a change represents a change in scope, the Sub-grantee's Project Manager should contact the Cal OES HMEP Grant Administrator
- Change in the performance period, which must be requested no later than 90 calendar days prior to the end of the performance period
- Change in the amount of the award, which must be requested no later than 90 calendar days prior to the end of the performance period. The Sub-grantee must notify Cal OES no later than 90 calendar days prior to the end of the performance period if any portion of the award will not be expended.
- Change in the Sub-grantee Project Manager

The award may be amended by the Cal OES Director (or designee), either at Cal OES' initiation, with the Sub-grantee's acceptance, as appropriate, or upon the request of the Authorized Agent. Amendments include changes to the approved grant period, increases/decreases to the grant award amount or changes to the Sub-grantee name. Amendments must use the current Grant Award Amendment form (Cal OES 2-213) and must be signed by the Authorized Agent. Requests for Amendments must be received no later than 15 days prior to the requested effective date of the proposed change, except as noted above and unless the Amendment is initiated by Cal OES. If the proposed change affects the approved budget, the Sub-grantee must submit a revised Budget Sheet and Budget Narrative. If the proposed change affects the approved work schedule, the Sub-grantee must submit a revised Work Schedule and Deliverables Form.

The award may be modified by the Cal OES Hazardous Materials Section Chief, either at Cal OES' initiation, with the Sub-grantee's acceptance, as appropriate, or upon the request of the Authorized Agent. Modifications include changes to the scope of work, project objectives, or budget changes that do not change the grant award amount. Modifications must be requested and approved/denied in writing, and must be communicated by the Authorized Agent when the request is initiated by the Sub-grantee. Requests for Modifications must be received no later than 15 days prior to the requested effective date of the proposed change, unless the Amendment is initiated by Cal OES. If the proposed change affects the approved budget, the Sub-grantee must submit a revised Budget Sheet and Budget Narrative. If the proposed change affects the approved work schedule, the Sub-grantee must submit a revised Work Schedule and Deliverables Form.



## **16. Equipment**

Title to equipment purchased or fabricated under this award vests in the Sub-grantee upon acquisition, except that Cal OES reserves the right to require the Sub-grantee to transfer title to items of equipment to the federal government or a third party named by the federal agency when such a third party is otherwise eligible under existing statutes. Such transfers are subject to the standards contained in 49 CFR 18.32.

The use; management requirements, including property records, safeguarding, inventory, and maintenance; and disposition of equipment purchased or fabricated under this award are outlined in 49 CFR 18.32.

## **17. Copyrights**

US DOT Pipeline and Hazardous Materials Safety Administration (PHMSA) reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for federal government purposes:

- the copyright in any work developed under a grant, sub-award, or contract under a grant or sub-award; and
- any rights of copyright to which a Sub-grantee or a contractor purchases ownership with grant support.

## **18. Payment**

### *Reimbursement Request*

HMEP Grant Planning funds are made available to sub-grantees on a reimbursement basis using the Reimbursement Request Form. Reimbursement requests may be submitted monthly or quarterly, and must have supporting documentation that provides details for the Total Expenditures being claimed (Match Share and HMEP Share).

A Reimbursement Request and supporting documentation are required even if there were only Match Share expenditures for the quarter.

A Reimbursement Request will not be processed for payment if a Quarterly Performance Report has not been submitted detailing the activity that was accomplished with the funds being requested (see *Quarterly Performance Report* in Paragraph 13 of these Terms and Conditions).

All approved project activities must be completed and paid for by the last day of the Sub-grantee's performance period (Project End Date), which will not be later than September 15 each year. Grant expenditures that occur prior to receipt of formal notification that project activities can begin or outside of the Sub-grantee's performance period are not eligible for reimbursement.

Allowable costs that occurred in a previous quarter but were not claimed at that time can be included in a later Reimbursement Request, but must be identified as previously unclaimed.

Requests and documentation must be submitted by e-mail to the Cal OES HMEP Grant Administrator at: [Neverley.Shoemake@caloes.ca.gov](mailto:Neverley.Shoemake@caloes.ca.gov). Retain the original documents according to the Records Retention schedule. Cal OES reserves the right to request documentation at any time.

## **19. Audit requirements**

OMB Circular A-133, "Audits of States, Local Governments, and Nonprofit Organizations," includes specific guidance for conducting financial and compliance audits. The threshold for requiring an A-133 audit is \$500,000 in expenditures of federal funds in an entity's fiscal year. This amount is the aggregate of funds from all federal sources. OMB Circular A-133 is incorporated by reference into this award and is available at [http://www.whitehouse.gov/omb/circulars\\_default/](http://www.whitehouse.gov/omb/circulars_default/).

## **20. Record retention and access to records**

Grant-related financial and programmatic records, supporting documents, statistical records, and other records of Sub-grantees must be maintained as provided in 49 CFR 18.42(a) through (d) (or 49 CFR 19.53, if applicable).

*Site visits, desk audits, or other reviews*

Cal OES, through its staff or authorized representatives, may make site visits to review project accomplishments, management control systems and provide guidance as may be requested or required. If a site visit is made on the premises of the Sub-grantee, the Sub-grantee must provide reasonable facilities and assistance to Cal OES representatives in the performance of their duties. All site visits and evaluations will be at reasonable times and performed in a manner to not unduly delay work activity under the award or other activities of the Sub-grantee.

Cal OES, through its authorized representatives, may request a desk audit to review project accomplishments, management control systems and provide guidance as may be requested or required. If a desk audit is conducted, the Sub-grantee is required to provide all records requested by Cal OES. All desk audits and reviews will be at reasonable times and performed in a manner to not unduly delay work activity under the award or other activities of the Sub-grantee.

If Cal OES requires access to the records of a Sub-grantee or contractor under the grant, whether as part of a site visit or for another type of review, Cal OES will coordinate the request with the Sub-grantee.

## **21. Contracting with Small and Minority Firms, Women's Business Enterprises, Veteran Owned, and Historically Underutilized Business Zones (HUBZone) Area Firms**

US DOT's policy is to award a fair share of contracts to small minority business, women-owned and



HUBZone firms. US DOT is strongly committed to the objectives of this policy and encourages all Recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness on the awarding of any contracts under US DOT grants or cooperative agreements. The Recipient and any sub-recipients are encouraged to take all necessary affirmative steps to assure that small, women-owned, minority disadvantaged businesses, veteran, and HUBZone business firms are used when possible.

The Sub-grantee shall include this award term in all sub-awards.

Affirmative steps include:

- Placing qualified small and minority-disadvantaged businesses, women-owned business enterprises, veteran-owned and HUBZone business firms on solicitation lists;
- Ensuring that small and minority businesses, women's business enterprises, veteran-owned and HUBZone business firms are solicited whenever they are potential sources;
- Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by small and minority businesses, women's business enterprises, veteran-owned, and HUBZone business firms;
- Establishing delivery schedules, when economically feasible, into small tasks or quantities to permit maximum participation by small and minority business, women's business enterprises, veteran-owned, and HUBZone business firms; and
- Using the services and assistance of the Small Business Administration and the US DOT Office of Small and Disadvantaged Business Utilization, as appropriate.

## **22. Seat Belt Use Policies and Programs**

In accordance with Executive Order 13043, the Sub-grantee is encouraged to adopt on-the-job seat belt use policies and programs for its employees when operating government-owned, company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this presidential initiative. For information on how to implement such a program or for statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle up America section on NHTSA's website at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov). Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in Washington, D.C. dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to help with technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 85 percent seat belt use. NETS can be contacted at 1-888-221-0045 or visit its website at [www.trafficsafety.org](http://www.trafficsafety.org).

## **23. Texting While Driving**

In accordance with Executive Order, 13513, Sub-grantees, and their sub-grantees or contractors are

encouraged to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or government-owned vehicles, or while driving personally-owned vehicles when on official Government business or when performing any work for or on behalf of the Government. These efforts may include conducting education, awareness, and other outreach for employees about the safety risks associated with texting while driving and should encourage voluntary compliance with the entity's text messaging policy while off duty.

## **24. Information Collection**

Under the Paperwork Reduction Act (PRA), if a Sub-grantee collects the same information from 10 or more respondents as part of carrying out this award, the Sub-grantee is prohibited from representing to its respondents that information is being collected for, or in association with, the federal government unless the Sub-grantee is conducting the collection of information at the specific request of the agency; or the terms and conditions of the grant require specific approval by the agency of the collection of information or collection procedures. In those cases, the OMB PRA clearance procedures contained in 5 CFR 1320 must be followed. However, nothing in this award requires Sub-grantees to collect information on PHMSA's behalf or to obtain Cal OES approval of any information collection a Sub-grantee might deem necessary under this award.

## **25. Fraud, Waste, or Abuse**

The US DOT Inspector General maintains a toll-free hotline for receiving information concerning fraud, waste, or abuse under grants and cooperative agreements. Such reports are kept confidential and reporters may decline to give their names if they choose to remain anonymous.

US DOT Inspector General  
1200 New Jersey Avenue, SE West Bldg. 7th Floor  
Washington, DC 20590  
Toll-free: (800) 424-9071  
E-mail: [hotline@oig.dot.gov](mailto:hotline@oig.dot.gov)  
Internet: <http://www.oig.dot.gov/Hotline>.