

COUNCIL COMMUNICATION

	Number:	22-041	Meeting:	February 7, 2022
	Agenda Item:	28	Roll Call:	22-177
	Submitted by:	Dana Wingert, Chief of Police		

AGENDA HEADING:

Request acceptance of the 2019 Reallocation Homeland Security grant award for the Explosive Ordnance Detection (EOD) Task Force.

SYNOPSIS:

The City of Des Moines Police Department has received Notification of Award, from the State of Iowa, for the 2019 Reallocation Homeland Security grants to support the EOD Task Force in the amount of \$206,888. These funds are to be utilized to purchase specialized equipment for the certified statewide teams. The grant does not require matching funds.

The City of Des Moines serves as the grant coordinator and financial manager at the request of the Iowa Homeland Security and Emergency Management Department as well as the statewide teams. The grant awards stipulate that each statewide team benefit from the grant funding.

FISCAL IMPACT:

Amount: \$206,888

Funding Source: Police Special Revenue section page 199 in the Adopted Operating Budget, Department Detail, for the fiscal year (FY) 2022.

ADDITIONAL INFORMATION:

- The City of Des Moines has been awarded Homeland Security grants in support of the Weapons of Mass Destruction (WMD)/SWAT and the EOD Bomb teams in previous years. The purchases made with this funding must support specific core capabilities related to terrorism preparedness. Each team must receive and maintain certification from the Department of Homeland Security. There are presently five (5) certified WMD/SWAT teams and seven (7) certified EOD bomb teams.
- The statewide teams meet monthly to discuss processes, equipment needs, and training requirements. The equipment is reviewed for functionality, dependability, and sustainability. Training is required to ensure all members are current and up to date with all Homeland Security mandates for the teams to remain certified. Any equipment or training needs are listed in order of priority by team members to ensure immediate needs are included in the application

for funding. The prioritized list is then reviewed by the State of Iowa Homeland Security Coordinator to ensure the items correspond with a very specific list of approved equipment and training provided by the Federal Homeland Security Bureau. Once the list receives approval, the items are presented to a governance committee for further review and approval. These processes are completed prior to applying for grant funding.

- The 2019 Reallocation Homeland Security grant will provide critical equipment for the statewide EOD teams so they may remain prepared to support federal initiatives and maintain statewide response to terrorism, explosive devices, and public safety. The purchased equipment will allow the EOD teams to maintain their efficient effectiveness while remaining compliant with national requirements for federal certification.

PREVIOUS COUNCIL ACTION(S):

Date: October 18, 2021

Roll Call Number: [21-1570](#)

Action: [Acceptance](#) of Homeland Security Weapons of Mass Destruction and Explosive Ordnance Detection 2021 Grant Awards. ([Council Communication No. 21-435](#)) Moved by Boesen to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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AWARD DOCUMENT			
Commitment to Award and Accept Funds			
Federal Program CFDA Name	Homeland Security Grant Program (HSGP)	Pass-Through Entity and State Administering Agency	Iowa Department of Homeland Security and Emergency Management
CFDA Number:	97.067	Subrecipient Project Identification Number	HSGP-19-20-07
Federal Grant Year:	2019	Subrecipient Organization Name and Address	City of Des Moines Police Department Municipal County Building 25 E. 1 st Des Moines, IA 50309
Total Federal Award	\$4,077,500.00	Subrecipient DUNS #	073 498 909
Federal Awarding Agency	U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA)	Subrecipient Prior Award Amount	\$0.00
Federal Award Identification Number	EMW-2019-SS-00032	Amount Awarded This Action + or (-)	\$206,888.00
Federal Award Date	08/05/2019	Total Funds Obligated	\$206,888.00
Indirect Cost Rate	From FEMA	Sub-Award Performance Period	Start Date: 01/27/2022 End Date: 06/30/2022
Cost Share Requirement	No Match Requirement	Federal Project Description for State Homeland Security Program (HSGP) To assist state, tribal, territorial, and local preparedness activities that address high-priority preparedness gaps across all core capabilities that support terrorism preparedness. All supported investments are based on capability targets and gaps identified during the Threat and Hazard Identification and Risk Assessment (THIRA) process, and assessed in the Stakeholder Preparedness Review (SPR).	
Research & Development (R&D)	Non-R&D		
Sub-Award Project Title	Bomb Response Truck		
Primary Sub-Award Contact	Russell Schafnitz	515-248-6064	rgschafnitz@dmgov.org
HSEMD Sub-Award Project Officer	Zachary Ellison	515-725-3237	zachary.ellison@iowa.gov
HSEMD HSGP Grant Manager	Tara Dowd	515-725-3220	tara.dowd@iowa.gov
State of Iowa Administering Agency Approval of Sub-Award			
Authorized Official:	Signature of Authorized Official:		
Julie Nishijima, Non-Disaster Grants and Admin Bureau Chief Iowa Department of Homeland Security and Emergency Management Work Phone: (515) 725-3293 Email: julie.nishijima@iowa.gov	Julie Nishijima Digitally signed by Julie Nishijima Date: 2022.01.27 13:37:13 -06'00'		
		Sub-Award Date: January 27, 2022	

Subrecipient Acceptance of Sub-Award	
<p>Deadline for Execution: Subrecipient recognizes that this document must be completed, signed, dated, scanned, and uploaded to the Project level in EMGrants no later than <u>Friday, February 11, 2022</u>. Failure to do so may result in termination of this commitment.</p>	
<p>I, acting as the authorized authority on behalf of the subrecipient, have read and understand the attached Grant Terms & Conditions. By signing below, the subrecipient agrees to: (1) accept the stated award; (2) comply with the Grant Terms & Conditions in its entirety for the administration, implementation, and closeout of all grant activities; and (3) expend funds only upon approved scope of work, within the approved timeline and budget, all of which are located in the approved application in EMGrants (HSEMD's online grant management system) and included herein by express reference.</p>	
EMGrants Project Federal Number (Proj F#):	192007
Authorized Subrecipient: T.M. Franklin Cownie, Mayor City of Des Moines, Iowa	Signature of Authorized Subrecipient Official: _____ Date:
Subrecipient Authorized Representative: Russell Schafnitz, Lieutenant City of Des Moines Police Department	Signature of Subrecipient's Authorized Representative: _____ Date:
REQUIRED: Enter Administering Agency's Unique Revenue Accounting Code for this project:	
REQUIRED: Enter Administering Agency's Unique Expense Accounting Code for this project:	

Federal Program:	Homeland Security Grant Program (HSGP)
Federal Awarding Agency:	U.S. Department of Homeland Security (DHS) & Federal Emergency Management Agency (FEMA)
Federal Fiscal Year (FFY):	2019
Pass-Through Entity and State Administering Agency:	Iowa Department of Homeland Security & Emergency Management (HSEMD)

GRANT TERMS & CONDITIONS

A. COMMITMENT TO AWARD AND ACCEPT FUNDS AND GRANT TERMS & CONDITIONS

The Commitment to Award and Accept Funds (CAAF) and the Grant Terms & Conditions are issued by the Iowa Department of Homeland Security Emergency Management (HSEMD) as the State's Administrative Agency (SAA) for federal preparedness grants. Together, these documents provide the terms and conditions associated with accepting, implementing and administering this subaward.

Before federal grant funds are awarded or costs incurred, acceptance of the subaward and Grant Terms & Conditions must be established. To establish acceptance, the CAAF must be signed and returned to HSEMD by the due date stated on the form.

In the event that a Grant Adjustment Notification (GAN) is issued, or a change to the grant terms and conditions is made, subrecipient acceptance of changes may not be indicated.

B. SCOPE OF WORK

Funding through this federal program plays an important role in the implementation of the National Preparedness Goal (NPG). Funding shall be used for costs related to planning, organization, equipment, training and/or exercise needs that prevent, protect against, or respond to, acts of terrorism and other catastrophic events. This subaward project provides an integrated mechanism that builds and sustains core capabilities to support the Nation's preparedness against terrorist attacks, major disasters and other emergencies.

A more detailed project scope of work, timeline, and budget has been submitted in HSEMD's on-line grants management system, EMGrants, and evaluated by team review, and approved. This application has been allocated funds by the SAA as a subaward. Only activities, goods and services that relate to the scope of work in the approved final application will be funded.

C. AWARD SUSPENSION OR TERMINATION

HSEMD, as administering agency, may suspend or terminate subaward funding, in whole or in part, or other measures may be imposed for any of the following reasons: failing to comply with the requirements or statutory objectives of federal law, failing to make satisfactory progress toward the goals or objectives set forth in the award scope of work, failing to follow the grant terms or conditions, failing to submit required reports, filing a false certification in the application or other report or document, and/or non-performance.

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Subrecipient may also terminate this Award. A 30-day written termination notification must be provided by HSEMD or subrecipient via registered or certified mail, return receipt requested. Any costs incurred earlier than the date of receipt of the notice or the date of termination set forth in the notice will be negotiated for final payment.

D. FEDERAL STATUTES, REGULATIONS AND GRANT PROGRAM GUIDANCE

The U. S. Department of Homeland Security (DHS) Standard Terms and Conditions below apply to all new federal financial assistance awards.

- 1) **Administrative Requirements and Cost Principles and Audit Requirements** – Subrecipients must follow the administrative, cost principles, and audit requirements in 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Link is provided below.

TITLE 2 CODE OF FEDERAL REGULATIONS PART 200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

- 2) **Acknowledgement of Federal Funding from DHS** – Subrecipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.
- 3) **Activities Conducted Abroad** – Subrecipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
- 4) **Age Discrimination Act of 1975** – Subrecipients must comply with the requirements of the *Age Discrimination Act of 1975* (Title 42 U.S. Code, § 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
- 5) **Americans with Disabilities Act of 1990** – Subrecipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits subrecipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101-12213).
- 6) **Applicability of DHS Standard Terms and Conditions in Tribes** – The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its applicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.
- 7) **Best Practices for Collection and Use of Personally Identifiable Information (PII)** – DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Subrecipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Recipients may

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also find the DHS Privacy Impact Assessments: [Privacy Guidance](#) and [Privacy template](#) as useful resources respectively.

- 8) **Civil Rights Act of 1964 Title VI and Civil Rights Act of 1968** – Subrecipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 ([42 U.S.C. § 2000d et seq.](#)), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at [6 C.F.R., Part 21](#) and [44 C.F.R. Part 7](#). Subrecipients must comply with [Title VIII of the Civil Rights Act of 1968](#), which prohibits subrecipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex ([42 U.S.C. § 3601 et seq.](#)), as implemented by the Department of Housing and Urban Development at [24 C.F.R. Part 100](#). The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features (see [24 C.F.R. § 100.201](#)).
- 9) **Copyright** – Subrecipients shall affix the applicable copyright notices of [17 U.S.C. § 401](#) or [402](#) and an acknowledgement of U.S. Government sponsorship (including award number) to any work first produced under federal financial assistance awards.
- 10) **Debarment and Suspension** – Subrecipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders [12549](#) and [12689](#), and [2 C.F.R. Part 180](#). These regulations restrict contracts, awards, and subawards with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.
- 11) **Drug-Free Workplace Regulations** – Subrecipients must comply with the *Drug-Free Workplace Act of 1988* ([41 U.S.C. § 701 et seq.](#)), which requires all organizations receiving grants from any federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at [2 C.F.R. 3001](#).
- 12) **Duplication of Benefits** – Any cost allocable to a particular federal award provided for in [2 C.F.R. Part 200, Subpart E](#) may not be charged to other federal awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal award terms and conditions, or for other reasons. However, these prohibitions would not preclude subrecipients from shifting costs that are allowable under two or more federal awards in accordance with existing federal statutes, regulations, or the federal award terms and conditions.
- 13) **Education Amendments of 1972 (*Equal Opportunity in Education Act*) – Title IX** – Subrecipients must comply with the requirements of Title IX of the Education Amendments of 1972 ([20 U.S.C. § 1681 et seq.](#)), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at [6 C.F.R. Part 17](#) and [44 C.F.R. Part 19](#).

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- 14) **Energy Policy and Conservation Act** – Subrecipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
- 15) **False Claims Act and Program Fraud Civil Remedies** – Subrecipients must comply with the requirements of 31 U.S.C. § 3729-3733 which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.)
- 16) **Federal Debt Status** – Subrecipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
- 17) **Federal Leadership on Reducing Text Messaging while Driving** – Subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official Government business or when performing any work for or on behalf of the federal government.
- 18) **Fly America Act of 1974** – Subrecipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.
- 19) **Homeland Security Grant Program Performance Goal** – In addition to the Biannual Strategy Implementation Report (BSIR) submission requirements outlined in the Preparedness Grants Manual, recipients must demonstrate how the grant-funded project addressed the core capability gap associated with this project and identified in the Threat and Hazard Identification and Risk Analysis (THIRA) or Stakeholder Preparedness Review (SPR) or sustains existing capabilities as applicable. The capability gap reduction must be addressed in the Project Description of the BSIR for each project.
- 20) **Hotel and Motel Fire Safety Act of 1990** – In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, subrecipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, 15 U.S.C. §2225.
- 21) **Limited English Proficiency (Civil Rights Act of 1964, Title VI)** – Subrecipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) prohibition against discrimination on the basis of national origin, which requires that subrecipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.
- 22) **Lobbying Prohibitions** – Subrecipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under an award may be expended by the subrecipient to pay any person

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to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with any federal action concerning the award or renewal.

- 23) **National Environmental Policy Act** – Subrecipients must comply with the requirements of the National Policy Act (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires subrecipients to use all practical means within their authority and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.
- 24) **Nondiscrimination in Matters Pertaining to Faith-Based Organizations** – It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Subrecipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.
- 25) **Non-supplanting Requirement** – Subrecipients who receive awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.
- 26) **Notice of Funding Opportunity (NOFO) Requirements** – All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in your subaward terms and conditions. All subrecipients must comply with any such requirements set forth in the program NOFO. Note: the NOFO is also referred to as the “grant program guidance.”
- 27) **Patents and Intellectual Property Rights** – Unless otherwise provided by law, subrecipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 *et seq.* All subrecipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are in 37 C.F.R. Part 401 and the standard patent rights clause in 37 C.F.R. § 401.14.
- 28) **Procurement of Recovered Materials** – Subrecipients must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
- 29) **Rehabilitation Act of 1973** – Subrecipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- 30) **Reporting of Matters Related to Subrecipient Integrity and Performance** –If the total value of your currently active grants, cooperative agreements, and procurement contracts from all federal assistance office exceeds \$10,000,000 for any period of time during the period of performance of

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this federal award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in your subaward terms and conditions.

- 31) **Reporting Subawards and Executive Compensation** – Subrecipients are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the terms and conditions of your subaward.
- 32) **SAFECOM** – Subrecipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.
- 33) **Terrorist Financing** – Subrecipients must comply with E.O. 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of subrecipients to ensure compliance with the Order and laws.
- 34) **Trafficking Victims Protection Act of 2000** – Subrecipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act of 2000*, (TVPA) as amended (22 U.S.C. § 7104). The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference in your subaward terms and conditions.
- 35) **Universal Identifier and System of Award Management (SAM)** – Subrecipients are required to comply with the requirements set forth in the government-wide award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference in your subaward terms and conditions.
- 36) **USA Patriot Act of 2001** – Subrecipients must comply with the requirements of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act* (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175e.
- 37) **Use of DHS Seal, Logo and Flags** – Subrecipients must obtain permission from the financial assistance office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
- 38) **Whistleblower Protection Act** – Subrecipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C. § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.
- 39) **Acceptance of Post Award Changes** – In the event FEMA or HSEMD determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, subrecipients will be notified of the changes in writing. Once notification has been made, any subsequent requests for funds will indicate subrecipient acceptance of the changes to the subaward.

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- 40) **Disposition of Equipment Acquired Under the Federal Award** – When original or replacement equipment acquired under this award by the subrecipient is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, the subrecipient must request instructions from HSEMD to make proper disposition of the equipment pursuant to 2 C.F.R. Section 200.313.

- 41) **Environmental Planning and Historic Preservation** – Subrecipient activities that may require an EHP review are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires subrecipient to comply with all federal, state, and local laws. Failure to obtain all appropriate federal, state, and local environmental permits and clearances may jeopardize federal funding.

DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA's EHP screening form and instructions, go to the DHS/FEMA website at: <https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to HSEMD along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify HSEMD.

- 42) **DHS Specific Acknowledgements and Assurances** – Subrecipients must acknowledge and agree—and require any contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS and HSEMD access to records, accounts, documents, information, facilities, and staff.
- a. Subrecipients must cooperate with any compliance reviews or complaint investigations conducted by DHS and/or HSEMD.
 - b. Subrecipients must give DHS and HSEMD access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the subaward and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS or HSEMD and other applicable laws or program guidance.
 - c. Subrecipients must submit timely, complete, and accurate reports to the appropriate DHS and HSEMD officials and maintain appropriate backup documentation to support the reports.
 - d. Subrecipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance or as requested by HSEMD.
 - e. If, during the past three years, the subrecipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the subrecipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to

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HSEMD by mail to the Grant Manager's attention at 7900 Hickman Road, Suite 500, Windsor Heights, IA 50324 and the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties (CRCL) by email at crcl@hq.dhs.gov or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.

- f. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the subrecipient, or the subrecipient settles a case or matter alleging such discrimination, subrecipients must forward a copy of the complaint and findings to HSEMD and the DHS financial assistance office and the CRCL office by email or mail at the addresses listed above.

The State of Iowa and the United States have the right to seek judicial enforcement of these obligations.

E. STATE OF IOWA and IOWA DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT (HSEMD)

Subrecipient must comply with state laws and regulations and all requirements imposed by HSEMD as necessary to meet its own responsibilities to the federal awarding agency.

- 1) **Compensation** – To meet federal standards for documenting compensation of employees, HSEMD requires subrecipient to complete and retain personal activity reports (PARs). See Appendix 1 for details.
- 2) **Food/Meal Costs (non-travel)** – Costs must be pre-approved by HSEMD. See Appendix 2 for Pre-Approval Request for Food Form.
- 3) **Facilities and Administrative Costs** – HSEMD does not allow Facilities and Administrative costs under this grant.
- 4) **Unique Accounting Codes** – To meet federal standards for financial management, and to report all subaward expenses and revenues, HSEMD requires subrecipient to establish unique accounting revenue and expense codes for this award.
- 5) **Monitoring** – HSEMD shall monitor the programmatic and financial progress of subrecipient to assure compliance with local, state and federal requirements and that performance goals are being achieved.
 - a. Subrecipient understands that HSEMD may enforce any of the remedies for noncompliance allowed by state and federal regulations.
 - b. The closeout of a grant does not affect HSEMD's responsibility to monitor beyond the performance period end date.
- 6) **Governing Law, Venue and Severability** – The laws of Iowa shall govern the Terms and Conditions of this Grant. Any and all litigation in connection with this Grant shall be brought in Des Moines, Iowa, in the Polk County District Court for the State of Iowa, if jurisdiction is proper. If jurisdiction is not proper in the Iowa District Court for Polk County, but is proper only in a United States District Court, the matter shall be commenced in the United States District Court for the Southern District of Iowa, Central Division.

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- 7) **Sovereign Immunity** – The State of Iowa and HSEMD do not waive sovereign immunity by entering into a Grant agreement and specifically retain the defense of sovereign immunity and all defenses available under federal and state laws, rules, and regulations for any claim arising out of or related to the Grant.
- 8) **Indemnification** - It is understood and agreed by subrecipient:
 - a. That these Grant Terms and Conditions are solely for the benefit of the parties to the grant award and gives no right to any other party. No joint venture or partnership may be formed as a result of these Grant Terms and Conditions.
 - b. The subrecipient, on behalf of itself and its successors and assigns, agree to protect, save and hold harmless HSEMD, the State of Iowa, and their authorized agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the negligent acts, errors, or omissions of the subrecipient. This likewise applies to the subrecipient's authorized representative(s), its contractors, subcontractors, agents, licensees, or other such person associated with the subrecipient in connection with the Terms and Conditions of this Grant.
 - c. The subrecipient agrees to defend HSEMD, the State of Iowa, and their authorized agents and employees against any claim or cause of action, or to pay reasonable attorney's fees incurred in the defense of any such claim or cause of action, as to which the subrecipient is required to protect, save or hold harmless.
- 9) **Hold Harmless Agreement** - Pursuant to sections 403 and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288), as amended, (42 U.S.C. §§ 5170 et seq. and 5173(b)), subrecipient agrees to indemnify, hold harmless, and defend the United States of America and the State of Iowa, as well as their agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of negligent acts, errors, or omissions of the applicant, their contractors, subcontractors, assigns, agents, licensees, arising out of or in connection with any acts or activities authorized by the project or program.

F. STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT MANAGEMENT REQUIREMENTS

- 1) **On-line Grants Management System** – Subrecipients must use EMGrants, HSEMD's on-line grants management system, for the management of awards. The approved project application is assigned a unique Project federal identification number, abbreviated as "Proj F#" in EMGrants. This is the "Subrecipient Project Identification Number" on the Commitment to Award and Accept Funds (CAAF) document.
- 2) **Project Management** – To manage subawards, subrecipients agree to follow procedures outlined in the *State Homeland Security Program (SHSP) Project Management* guidance document provided by HSEMD. Procedures include but are not limited to the following:
 - a. Maintaining current subrecipient contact information in the system;
 - b. Uploading signed CAAF documents;
 - c. Procurement and contracting;
 - d. Submitting claims and required supporting documentation;
 - e. Submitting change requests for work plan and/or budget revisions, time extensions, or award amount changes;
 - f. Meeting reporting requirements including quarterly and closeout reports;
 - g. Completing project closeout.

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- 3) **Prior Approval of Equipment Purchases** – Acquisition of equipment (as defined in Uniform Guidance) must be pre-approved by HSEMD. This may be as itemized in final approved Budget Worksheet or in writing via email from grant manager. Equipment clearly identified within the approved Budget Worksheet has received HSEMD's prior approval by HSEMD executing the subaward. For increases in quantity or type of equipment, subrecipients must seek and receive prior approval from HSEMD before encumbering equipment. **For all equipment requiring a DHS waiver, the subrecipient must be obtained the waiver from DHS through HSEMD before encumbering equipment.**
- 4) **Payment Requests** – Payment requests are also referred to as claims or request for reimbursement (RFR). Subrecipient agrees to comply with federal, state and local financial requirements and that all costs incurred shall support the approved project scope of work, be allowable, reasonable, and allocable as defined by *Uniform Guidance §200.404 Reasonable Costs and §200.405 Allocable Costs*. In addition, the subrecipient agrees to:
- a. Submit claims as Requests for Reimbursement of expenses. This means the subrecipient organization has paid the expense and payment verification is included with the claim.
 - i. A RFR may not contain more than 10 expenses.
 - ii. Like expenses must be grouped together under one RFR. Examples include, but are not limited to the following:
 1. One exercise or training event must have one RFR. That one RFR would contain all the expenses related to that one exercise or training event: i.e. travel, overtime/backfill, contractor costs, and supplies. Upload specific documentation to each expense, but the agenda, sign-in sheets, etc. (overarching documentation) could be uploaded at the RFR level. If there is a delay in getting one of the invoices, you may submit the RFR with what you have and communicate to HSEMD the specifics of what is remaining and when to expect it as a separate RFR.
 2. One month's or the quarter's purchases of supplies and equipment would have one RFR with up to 10 expense forms. If you have more than 10 expenditures, you would do a second RFR, or a third depending on how many you need to submit all expenditures at 10 per RFR.
 3. One month's or the quarter's reoccurring costs like cell phones, rent, internet, etc. would have one RFR with up to 10 expense forms.
 4. Personnel for one month or the quarter would have one RFR with up to 10 expense forms.
 5. For those months with fewer than 10 expenditures, you can do one RFR for one month's worth of expenditures.
 - b. Submit claims for procurements and work performed monthly or, at a minimum, quarterly. Claims for expenses incurred January through March must be submitted by the end of April; Expenses incurred April through June must be submitted by the end of July; expenses incurred August through October must be submitted by the end of November; expenses incurred October through December must be submitted by the end of January. The only exception is the Final Claim, item "f".

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- c. State agencies claims for the prior state fiscal year (SFY) are due no later than July 31 of the current state fiscal year (i.e. SFY 2022 claims are due by July 31, 2022).
 - d. Submit claims only for goods received or services performed within the subaward performance period. See [FEMA Policy \(FP\) 205-402-125-1](#) for only exception.
 - e. Submit all required documentation to support payment as outlined in the *SHSP Project Management* guidance document.
 - f. **Final Claim** - Within 45-days calendar days after the end date of the period of performance, subrecipient must submit final claim for all remaining expenses being charged to the grant.
 - g. Submit claims in advance of expenses paid only when the subrecipient is able to meet these requirements:
 - i. Pay out advanced funds received for the claimed purpose within 30 days of the date of receipt of a state warrant for the advance.
 - ii. Reconcile all advance payments received with actual expenses paid within 30 days of payout of the advance. This means to compare amounts requested as an advance with the amount actually paid out to determine if an overpayment by the State of Iowa occurred.
 - iii. Submit reconciliation and payment verification documentation via the on-line system within 30 days of the date of the state warrant for the advance.
 - iv. Make an administrative offset against other requests for reimbursement when an overpayment has occurred, (the actual expense is less than amount claimed).
 - v. **Prior Approval** - Claims submitted within 60 days of subaward performance period end date may not be submitted as an advance without prior written approval from grant manager.
- 5) **Prior Approval of Changes** - The approved project application consists of work plans and a budget. The budget summarizes the financial aspects of the project scope (work plans) as approved in the Budget Worksheet during the award process. It is related to performance for program evaluation purposes.
- a. Subrecipients are required to report deviations and request prior approvals from HSEMD in accordance with this policy.
 - b. Subrecipients must request prior approval for the following program and budget-related reasons:
 - i. Change in primary contact specified in the project application.
 - ii. The disengagement from the project for more than three months, or a 25 percent reduction in time devoted to the project by the primary contact.
 - iii. Change in the scope or any project objective (even if there is no associated budget revision requiring prior written approval).
 - iv. Extension of performance period start or end date.
 - v. Program income must be reported per *Uniform Guidance §200.307 Program Income*. Program income will be deducted from the award amount.
 - vi. Request to transfer any amount of funds out of Training.
 - vii. All cumulative transfers between Cost Categories and/or Solution Areas that are expected to exceed ten percent of the total project budget since the last approved by HSEMD. That means cumulative variances totaling less than ten percent do not need prior approval but

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when total cumulative variances are projected to exceed that amount, prior approval is needed to adjust the budget. Budget revisions must account for funds spent as well as funds to be spent.

Cost Categories are budget lines Personnel, Travel, Supplies, Contractual Services, and Equipment.

Solution Areas are Planning, Training, Exercise, Organization, and Equipment.

Management and Administration (M&A) may not exceed five percent of the award.

- c. To request a change as described above, submit a Scope Change request in the on-line grant management system following guidance provided in the *SHSP Program Management* guidance document.
 - d. Notification of Decision: HSEMD shall review the request and shall document approve or disapprove within 30 days of the request. Any costs incurred prior to approval are subject to being disallowed for reimbursement.
- 6) **Reporting** - HSEMD has the responsibility to report financial and programmatic information to FEMA. Subrecipient has the responsibility to report data to HSEMD for inclusion into federal reports. Subrecipient agrees to comply with all reporting requirements.
- a. Quarterly Progress Reports.
 - i. Progress reports are to be submitted on-line in grant management system.
 - ii. Due on Jan. 15, April 15, July 15, and Oct. 15 following the end of each federal fiscal year quarter which is October – December, January – March, April – June, and July – September.
 - iii. Progress reports must demonstrate how the grant-funded project addressed the core capability gap associated the project.
 - b. Exercise Reporting. Following each exercise, the subrecipient must complete a Homeland Security Exercise and Evaluation Program (HSEEP) Exercise After-Action Report (AAR) to document exercise activities and outcomes. These reports must be maintained at the subrecipient level and may be requested at any time by HSEMD. In addition, the subrecipient must submit a completed one-page form to HSEMD. Completed forms can be submitted to SharePoint or exercise@iowa.gov within the Period of Performance. It is important to note the one-page form does not replace the traditional After Action Report.
 - c. Other Reports. Other reports or requests for information as may be determined to satisfy federal or state reporting requirements.
- 7) **Subaward Closeout** – To Closeout a subaward, subrecipient must submit, no later than 90 calendar days after the end date of the period of performance, all financial, performance, and other reports as required by Grant Terms and Conditions, including the following Closeout report.
- a. Reconcile grant account to include comparison of actual expenses paid and the actual amounts received from the State. Upon final reconciliation of the overall award, any over-payments by the State of Iowa to the subrecipient must be immediately returned. Make check payable to "Treasurer, State of Iowa" and mail with explanation to HSEMD's Financial Executive Officer, 7900 Hickman Road, Windsor Heights, Iowa 50324.
 - b. After the final payment warrant from the State of Iowa for grant expenses has been received, and after the grant accounts have been reconciled, complete and submit the New Project Closeout

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Report in HSEMD's on-line grants management system before the end of the 90-day closeout period. Follow the *SHSP Project Management* document for guidance.

G. REMEDIES FOR NONCOMPLIANCE

If a subrecipient fails to comply with federal statutes, regulations or the terms and conditions of this award, HSEMD may take one or more of the actions outlined in *Uniform Guidance §200.339 Remedies for Noncompliance*.

H. CERTIFICATION

Signature of the Commitment to Award and Accept Funds (CAAF) and submission of the final grant application certifies acceptance of the federal award through HSEMD and that all parties have read and understand the entirety of Grant Terms & Conditions including all Appendices for administering a federal grant through HSEMD.

GRANT TERMS AND CONDITIONS

APPENDIX 1: Personnel Activity Report

Using federal grant funds to pay for personal services and fringe benefits must satisfy the specific requirements found in 2 CFR Part 200 of the Uniform Guidance and have adequate documentation.

The Basic Considerations of costs to consider are outlined specifically in §200.402 - §200.411. The General Provisions compensation for personal services and fringe benefits specifically are found at §200.430 and §200.431. HSEMD requires subrecipients that use personal services and/or fringe benefits within their subaward to maintain supporting documentation as outlined below.

For all grant funded personnel who are expected to work solely on one activity or cost objective, a semi-annual certification of this fact must be prepared and filed with the official subaward file for monitoring and auditing purposes and be made available upon request from HSEMD. The certifications must be signed by the supervisory official having firsthand knowledge of the work performed by the employee.

For all grant funded personnel who work on multiple activities or cost objectives, a distribution of their salaries or wages must be supported by personnel activity reports (PAR).

A personal activity report (PAR) must meet the following standards.

1. The reports must reflect an after-the-fact determination of the actual activity of each employee. Budget estimates (i.e., estimates determined before the services are performed) do not qualify as support for charges to awards.
2. Ensure your PAR reflects only hours claimed in the performance period.
3. Each report must account for the total activity for which employees are compensated and which is required in fulfillment of their obligations to the agency.
4. The reports must be signed and dated by the individual employee, or by a responsible supervisory official having first-hand knowledge of the activities performed by the employee. The distribution of activity must represent a reasonable estimate of the actual work performed by the employee during the periods covered by the reports. It is encouraged to include a certification statement that indicates that the distribution of time is based on actual work performed for the performance period. It is not required that you have a second signature but it is encouraged. A second signature is a valuable "check and balance."
5. The reports must be prepared at least monthly and must coincide with one or more pay periods.

Subrecipients may request examples of a semi-annual certification letter and PARs from their HSEMD Grant Project Officer.