

Memorandum



Date: July 21, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Agenda Item No. 14(A)(1)

Resolution No. R-757-20

Subject: Resolution Retroactively Authorizing the Submission of an EPA Grant Application for \$1,046,322.00 to Support the Air Pollution Control Program and Fine Particulate Matter Air Monitoring Network, and Retroactively Approving a Cooperative Agreement

Recommendation

It is recommended that the Board of County Commissioners (Board) retroactively authorize the submission of an application for, and the acceptance of, a Clean Air Act Section 105 Cooperative Agreement Grant with the United States Environmental Protection Agency (EPA) for \$1,046,322.00 to support the Air Pollution Control Program and Fine Particulate Matter Air Monitoring Network throughout Miami-Dade County. The application is attached as Exhibit A to the resolution and the Cooperative Agreement is attached as Exhibit B to the resolution.

Scope

The attached Cooperative Agreement and grant funds will encompass air pollution control activities such as ambient air monitoring, permitting, inspections, compliance and plan review activities throughout Miami-Dade County.

Fiscal Impact/Funding Source

This resolution retroactively authorizes the submission of an EPA grant application in August 2019 requesting \$1,046,322.00 in federal funds to support the Air Pollution Control Program and Fine Particulate Matter Air Monitoring Network throughout Miami-Dade County.

On December 10, 2019, the EPA awarded a Cooperative Agreement to Miami Dade County, granting an initial \$75,000.00 of the total approved assistance amount of \$1,046,322.00. The total project cost of \$1,835,652.00 will be cost-shared between the EPA at 57 percent, or \$1,046,322.00, and Miami-Dade County at 43 percent, or \$789,330.00. The local match will be met by providing in-kind professional services with existing staff of the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM) and funded through annual revenues from license tag fees (PE507999), with a balance of \$1,161,892.00 on March 31, 2020, and from air facilities permit fees (PEAIREXP), with a balance of \$642,666.00 on March 31, 2020. The required matching funds have been appropriated in the County's budget as determined by the Office of Management and Budget. DERM has a professional team of engineers, inspectors, administrative and support staff to perform the functions under the terms of this Cooperative Agreement. The Cooperative Agreement runs from October 1, 2019 to September 30, 2021 and the EPA will award up to the assistance amount of \$1,046,322.00 over this term.

On April 7, 2020, the EPA indicated in an email that additional federal funding for Federal Fiscal Year 2020 would be provided in May or June of 2020. The EPA also indicated that the programmatic terms and conditions are expected to remain the same as outlined in the Cooperative Agreement and Notice of Award dated December 10, 2019. On April 24, 2020, the EPA awarded the County an additional \$412,550.00 for a total to date of \$487,550.00 toward the \$1,046,322.00 to be awarded over the two-year term of the Cooperative Agreement, as shown in Exhibit C to the resolution.

Track Record/Monitor

The Assistant Director of RER-DERM, Lee N. Hefty, in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management, will monitor and implement the activities under this Cooperative Agreement.

Background

Section 105 of the Federal Clean Air Act mandates the appropriation and distribution of funds through grants to state and local air pollution agencies for the prevention and control of air pollution and the implementation of National Primary and Secondary Ambient Air Quality Standards. The attached Cooperative Agreement will support activities conducted by DERM in accordance with Section 105 of the Clean Air Act including, but not limited to, inspections of stationary sources, plan review, permitting, field compliance and enforcement activities, asbestos emissions control, pollution prevention initiatives, and the associated planning and administrative functions. Other specific tasks include the processing of ambient air quality monitoring data for the six nationally regulated pollutants, maintaining the air monitoring network, conducting daily air quality forecasting throughout Miami-Dade County, participating in joint evaluations with the EPA, and complying with reporting requirements.

Based on the federal guidelines, the Cooperative Agreement and the Administrative and Programmatic Conditions are typically valid for up to ten years, with two-year grant continuation applications that reflect updated budget costs, rules, and regulations. For more than 35 years, the County has received similar EPA air pollution grants and has successfully executed the required services.

In order to continue providing these services, Miami-Dade County submitted the attached application to the EPA in August 2019. The subsequently awarded Cooperative Agreement does not require the recipient's signature and is considered to be executed if the recipient does not submit a notice of disagreement within 21 days. Therefore, the attached resolution is submitted to the Board for retroactive authorization of the submission of an application for, and the retroactive approval of, a Section 105 Cooperative Agreement with the EPA.



Jack Osterholt
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: July 21, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 14(A)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(1)
7-21-20

RESOLUTION NO. R-757-20

RESOLUTION RETROACTIVELY AUTHORIZING THE
SUBMISSION OF A GRANT APPLICATION TO THE UNITED
STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) IN
THE AMOUNT OF \$1,046,322.00 WITH A REQUIRED COUNTY
MATCH OF \$789,330.00 TO SUPPORT THE AIR POLLUTION
CONTROL PROGRAM AND FINE PARTICULATE MATTER
AIR MONITORING NETWORK IN MIAMI-DADE COUNTY;
AUTHORIZING THE COUNTY MAYOR OR THE COUNTY
MAYOR’S DESIGNEE TO RECEIVE AND EXPEND GRANT
FUNDS; AND RETROACTIVELY APPROVING A
COOPERATIVE AGREEMENT WITH THE EPA

WHEREAS, this Board desires to accomplish the purposes outlines in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

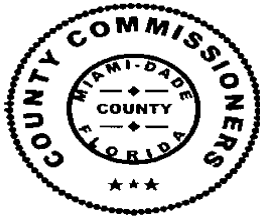
Section 1. This Board retroactively authorizes the submission by the County Mayor or the County Mayor’s designee of an application for a grant from the US Environmental Protection Agency (EPA), in substantially the form attached hereto and made part hereof as Exhibit A, in the amount of \$1,046,322.00 with a required County match of \$789,330.00 to support the Air Pollution Control Program and Fine Particulate Air Monitoring Network in Miami-Dade County, and retroactively authorizes the County Mayor or County Mayor’s designee to receive and expend such grant funds. In addition, the County Mayor or the County Mayor’s designee is authorized to receive and expend additional grant funds that may become available, where no County match is required.

Section 2. This Board retroactively approves the Cooperative Agreement in substantially the form attached hereto and made part hereof as Exhibit B, and authorizes the County Mayor or County Mayor’s designee to approve amendments to the Cooperative Agreement for extensions of time.

The foregoing resolution was offered by Commissioner **Sally A. Heyman** , who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye
Rebeca Sosa, Vice Chairwoman	absent
Esteban L. Bovo, Jr.	absent
Jose “Pepe” Diaz	aye
Eileen Higgins	aye
Joe A. Martinez	aye
Dennis C. Moss	aye
Xavier L. Suarez	absent
Daniella Levine Cava	aye
Sally A. Heyman	aye
Barbara J. Jordan	aye
Jean Monestime	aye
Sen. Javier D. Souto	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 21st day of July, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to read "ASR", is written over a horizontal line.

Abbie Schawderer-Raurell

EXHIBIT A

OMB Number: 4040-0004
Expiration Date: 12/31/2019

Application for Federal Assistance SF-424		
* 1. Type of Submission: ☐ Preapplication ☒ Application ☐ Changed/Corrected Application		
* 2. Type of Application: ☒ New ☐ Continuation ☐ Revision		
* If Revision, select appropriate letter(s): _____ * Other (Specify): _____		
* 3. Date Received: Completed by Grants.gov upon submission.		4. Applicant Identifier: _____
5a. Federal Entity Identifier: _____		5b. Federal Award Identifier: EPA-CEP-01
State Use Only:		
6. Date Received by State: _____		7. State Application Identifier: Florida
8. APPLICANT INFORMATION:		
* a. Legal Name: Miami-Dade County		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 59-6000573		* c. Organizational DUNS: 1697326460000
d. Address:		
* Street1: 701 NW 1st Court		
Street2: _____		
* City: Miami		
County/Parish: Florida		
* State: FL: Florida		
Province: _____		
* Country: USA: UNITED STATES		
* Zip / Postal Code: 33136-3912		
e. Organizational Unit:		
Department Name: Regulatory & Economic Resources		Division Name: Air Quality Management Div.
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: Mr.		* First Name: Mark
Middle Name: _____		
* Last Name: Roberts		
Suffix: _____		
Title: Special Projects Administrator 2		
Organizational Affiliation: Miami-Dade County - DERM		
* Telephone Number: 305-372-6650		Fax Number: 305-372-6954
* Email: roberma@miamidade.gov		

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

B: County Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Environmental Protection Agency

11. Catalog of Federal Domestic Assistance Number:

66.001

CFDA Title:

Air Pollution Control Program Support

*** 12. Funding Opportunity Number:**

EPA-CEP-01

* Title:

EPA Mandatory Grant Programs

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

AREAS AFFECTED BY PROJECT.docx

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

To continue our work enacted by the Clean Air Act in enforcing the regulations, inspections, monitoring air pollution as required by the NAAQS & supporting clean air incentives & emission reductions.

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:*** a. Applicant * b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:* a. Start Date: * b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="1,046,322.00"/>
* b. Applicant	<input type="text" value="789,330.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="1,835,652.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**☐ a. This application was made available to the State under the Executive Order 12372 Process for review on ☒ b. Program is subject to E.O. 12372 but has not been selected by the State for review.☐ c. Program is not covered by E.O. 12372.*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:
Middle Name:
* Last Name:
Suffix:

* Title: * Telephone Number: Fax Number: * Email: * Signature of Authorized Representative: * Date Signed:

EXHIBIT B

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	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement		GRANT NUMBER (FAIN): 00402420	DATE OF AWARD
			MODIFICATION NUMBER: 0	12/10/2019
			PROGRAM CODE: A	MAILING DATE
			TYPE OF ACTION	12/17/2019
			ACH#	
			40161	
RECIPIENT TYPE:			Send Payment Request to:	
County			Research Triangle Park Finance Center	
RECIPIENT:			PAYEE:	
Miami - Dade County dba DERM 701 NW 1st Court, Ste-400 Miami, FL 33136 EIN: 59-6000573			Miami - Dade County Steven P. Clark Center, 111 NW 1st Street, Suite 2910 Miami, FL 33128-2241	
PROJECT MANAGER		EPA PROJECT OFFICER	EPA GRANT SPECIALIST	
Lee Hefty 701 NW 1st Court, Ste-400 Miami, FL 33136 E-Mail: heftyl@miamidade.gov Phone: 305-372-6754		Angela Isom 61 Forsyth Street Atlanta, GA 30303-8960 E-Mail: isom.angela@epa.gov Phone: 404-562-9092	Sharonita Johnson Grants and Audit Management Section E-Mail: johnson.sharonita@epa.gov Phone: 404-562-8311	
PROJECT TITLE AND DESCRIPTION Air Pollution Control Program Support This action approves an award in the amount of \$75,000 to support Miami-Dade County in its efforts to implement air pollution control programs throughout Miami-Dade County, Florida including continuing development and implementation of stationary source regulations; continuing promulgation and update of enhanced mobile source regulations; improvement of emission inventories for modeling simulations; and to operate a monitoring network that collects air data. These activities are to improve and maintain the public's air quality.				
BUDGET PERIOD	PROJECT PERIOD	TOTAL BUDGET PERIOD COST	TOTAL PROJECT PERIOD COST	
10/01/2019 - 09/30/2021	10/01/2019 - 09/30/2021	\$1,835,652.00	\$1,835,652.00	
NOTICE OF AWARD Based on your Application dated 08/19/2019 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$75,000. EPA agrees to cost-share 57.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$75,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS		ORGANIZATION / ADDRESS		
61 Forsyth Street Atlanta, GA 30303-8960		U.S. EPA, Region 4 Air and Radiation Division 61 Forsyth Street Atlanta, GA 30303-8960		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official Keva R. Lloyd - Grants Management Officer				DATE
				12/10/2019

EPA Funding Information

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 75,000	\$ 75,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 789,330	\$ 789,330
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 864,330	\$ 864,330

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.001 - Air Pollution Control Program Support	Clean Air Act: Sec. 105	2 CFR 200 2 CFR 1500 40 CFR 33 and 40 CFR 35 Subpart A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2004VW0009	19	E1	04V2	000A04	4112			75,000
									75,000

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$1,227,104
2. Fringe Benefits	\$451,942
3. Travel	\$4,446
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$0
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$1,683,492
10. Indirect Costs: <u>12.40%</u> Base Cost Allocation Plan	\$152,160
11. Total (Share: Recipient <u>43.00 %</u> Federal <u>57.00 %</u> .)	\$1,835,652
12. Total Approved Assistance Amount	\$1,046,322
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$75,000
15. Total EPA Amount Awarded To Date	\$75,000

Administrative Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at:
<https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2019-or-later>
 These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at:
<https://www.epa.gov/grants/grant-terms-and-conditions>.

A. Correspondence Condition

The terms and conditions of this agreement require the submittal of reports, specific requests for approval, or notifications to EPA. Unless otherwise noted, all such correspondence should be sent to the following email addresses:

- Federal Financial Reports (SF-425): rtpfc-grants@epa.gov
- MBE/WBE reports (EPA Form 5700-52A): R4epagrantsmbewbereporting@epa.gov
cc: johnson.sharonita@epa.gov
- All other forms/certifications/assurances, Indirect Cost Rate Agreements, Requests for Extensions of the Budget and Project Period, Amendment Requests, Requests for other Prior Approvals, updates to recipient information (including email addresses, changes in contact information or changes in authorized representatives) and other notifications:

 Sharonita Johnson / Grants Management Specialist
Johnson.Sharonita@epa.gov
 404-562-8311

 Angela Isom / Project Officer
Isom.angela@epa.gov
 404-562-9092
- Payment requests (if applicable):
 Angela Isom / Project Officer
Isom.angela@epa.gov
 404-562-9092
- Quality Assurance documents, workplan revisions, equipment lists, programmatic reports and deliverables:

 Angela Isom / Project Officer
Isom.angela@epa.gov
 404-562-9092

B. Extension of Project/Budget Period Expiration Date

EPA has not exercised the waiver option to allow automatic one-time extensions for non-research grants

under 2 CFR 200.308 (d)(2). Therefore, if a no-cost time extension is necessary to extend the period of availability of funds the recipient must submit a written request to the EPA prior to the budget/project period expiration dates. **The written request must include:** a justification describing the need for additional time, an estimated date of completion, and a revised schedule for project completion including updated milestone target dates for the approved workplan activities. In addition, if there are overdue reports required by the general, administrative, and/or programmatic terms and conditions of this assistance agreement, the recipient must ensure that they are submitted along with or prior to submitting the no-cost time extension request.

C. Disadvantaged Business Enterprise (DBEs)

GENERAL COMPLIANCE, 40 CFR, Part 33

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33 except as described below based upon the associated class deviation.

EPA MBE/WBE CERTIFICATION, 40 CFR, Part 33, Subpart B

A class exception to the following provisions of Subpart B of 40 CFR Part 33 has been issued suspending the EPA MBE/WBE certification program: §33.204(a)(3) providing that an entity may apply to EPA MBE or WBE certification after unsuccessfully attempting to obtain certification as otherwise described in §33.204; and §33.205 through and including §33.211. The class exception was authorized pursuant to the authority in 2 CFR 1500.3(b).

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- (e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302 (a)-(d) and (i).

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

A class exception to the entire Subpart D of 40 CFR Part 33 has been authorized pursuant to the authority in 2 CFR 1500.3(b). Notwithstanding Subpart D of 40 CFR Part 33, recipients are not required to negotiate or apply fair share objectives in procurements under assistance agreements.

MBE/WBE REPORTING- SPECIFIC CHANGES PURSUANT TO CLASS DEVIATION, 40 CFR, Part 33, Subpart E

When required, the recipient agrees to complete and submit a "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report (EPA Form 5700-52A) on an annual basis. The current EPA Form 5700-52A can be found at the EPA Grantee Forms Page at <https://www.epa.gov/grants/epa-grantee-forms>.

Reporting is required for assistance agreements where funds are budgeted for procuring construction, equipment, services and supplies (including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the "Other" category) with a cumulative total that exceed the threshold amount of \$250,000, including amendments and/or modifications. When reporting is required, all procurement actions are reportable, not just that portion which exceeds \$250,000.

MBE/WBE reports should be sent to:

To: R4epagrantsmbewbereporting@epa.gov

cc: johnson.sharonita@epa.gov

Annual reports are due by October 30th of each year. Final reports are due by October 30th or 90 days after the end of the project period, whichever comes first.

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502.

Programmatic Conditions

A. Joint Evaluation for FY 2020:

Participate with EPA in an end of year evaluation of performance to be completed by December 31,

2020. This evaluation will be based on jointly evaluating and reporting progress and accomplishments under the workplan

throughout the year. In accordance with 40 CFR 35.115 and the EPA Policy on Managing Unliquidated Obligations and Ensuring Progress under EPA Assistance Agreements, the joint evaluation process will include:

- a) discussions of accomplishments as measured against work plan commitments;
- a) discussions of the cumulative effectiveness of the work performed under all work plan components;
- b) discussions of existing and potential problem areas;
- c) suggestions for improvement, including, where feasible, schedules for making improvements; and
- d) discussions of how effectively grant funds were managed and utilized, taking into account any accumulation of unliquidated obligations.

B. Performance Reporting Requirement:

In accordance with 2 CFR 200.328, the recipient agrees to submit an annual Section 105 Grant Summary Report electronically to the EPA Administrative Project Officer within 90 days after the reporting period ends on September 30 each year. The report should include the following information: 1) a statement that all workplan commitments and outputs/outcomes under the EPA strategic plan goal(s) and objective(s) have been met; 2) or if commitments are not met, then explain the reasons why the established outputs/outcomes were not achieved; and 3) any additional pertinent information including, when appropriate, analysis and explanation of unliquidated obligations (e.g., unspent EPA funds), cost overruns or high-unit costs. Additionally, the report must prominently display the three Essential Elements for state and local agency workplans under the CAA Section 105 categorical grant program: 1) Strategic Plan Goal; 2) Strategic Plan Objective; and 3) Workplan Commitments plus time frame. (See

<https://www.epa.gov/grants/grants-policy-issuance-11-03-state-grant-workplans-and-progress-reports> for more information). EPA is not requiring a final report for CAA Section 105 grant program in accordance with 2 CFR 300.328(e).

Additionally, the recipient agrees to inform EPA as soon as problems, delays, or adverse conditions which will materially impair the ability to meet the outputs/outcomes specified in the grant workplan are known.

C. EPA Involvement in Cooperative Agreement:

EPA's role in this agreement will include the review and approval of state implementation plans (SIPs), statewide ambient air monitoring networks and projects, quality assurance procedures, performance audits, and data quality; review and comment to states on new source permits; and consultation on implementation and technical issues related to Clean Air Act requirements such as the maximum achievable control technology (MACT) program, new source performance standards (NSPS) program, emissions inventories development, and risk assessment issues, as needed.

D. Competency of Organizations Generating Environmental Measurement Data:

In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-funded Assistance Agreements, Recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, Recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for

the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at <https://www.epa.gov/sites/production/files/2015-03/documents/competency-policy-aaia-new.pdf> or a copy may also be requested by contacting the EPA project officer for this award.

E. Geospatial Data Standards:

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at www.fgdc.gov.

F. Minimum Matching Share Requirement:

This award and the resulting federal funding share of 57% as shown under "Notice of Award" above is based on estimated costs requested in the recipient's application dated July 18, 2019. While actual total costs may differ than those estimates, the recipient is required to provide no less than 40% of the final total allowable program/project costs (outlays). EPA's participation shall not exceed the total amount of federal funds awarded or the maximum federal share for this program of 60% of the final total allowable program/project costs.

G. Cybersecurity Grant Condition for Other Recipients:

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State or Tribal law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure. For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) no later than 90 days after the date of this award and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State or Tribal law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure. For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) no later than 90 days after the date of this award and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information

system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.331(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

EXHIBIT C

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	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		GRANT NUMBER (FAIN): 00402420		DATE OF AWARD 04/24/2020		
			MODIFICATION NUMBER: 1				
			PROGRAM CODE: A		TYPE OF ACTION Augmentation: Increase		MAILING DATE 05/01/2020
			PAYMENT METHOD: ASAP		ACH# 40161		
RECIPIENT TYPE: County			Send Payment Request to: Research Triangle Park Finance Center				
RECIPIENT:			PAYEE:				
Miami - Dade County dba DERM 701 NW 1st Court, Ste-400 Miami, FL 33136 EIN: 59-6000573			Miami - Dade County Steven P. Clark Center, 111 NW 1st Street, Suite 2910 Miami, FL 33128-2241				
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST			
Lee Hefty 701 NW 1st Court, Ste-400 Miami, FL 33136 E-Mail: heftyl@miamidade.gov Phone: 305-372-6754		Miya Smith 61 Forsyth Street Atlanta, GA 30303-8960 E-Mail: smith.miya@epa.gov Phone: 404-562-9091		Michael Morrisette Grants and Audit Management Section E-Mail: morrisette.michael@epa.gov Phone: 404-562-9551			
PROJECT TITLE AND EXPLANATION OF CHANGES Air Pollution Control Program Support This action approves an increase in the amount of \$412,550 to Miami-Dade County, Florida to support their ongoing Section 105 continuing environmental program.							
BUDGET PERIOD 10/01/2019 - 09/30/2021		PROJECT PERIOD 10/01/2019 - 09/30/2021		TOTAL BUDGET PERIOD COST \$1,835,652.00	TOTAL PROJECT PERIOD COST \$1,835,652.00		
NOTICE OF AWARD Based on your Application dated 08/19/2019 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$412,550. EPA agrees to cost-share 57.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$487,550. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.							
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE				
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS				
61 Forsyth Street Atlanta, GA 30303-8960			U.S. EPA, Region 4 Air and Radiation Division 61 Forsyth Street Atlanta, GA 30303-8960				
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY							
Digital signature applied by EPA Award Official Keva R. Lloyd - Grants Management Officer					DATE 04/24/2020		

EPA Funding Information

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 75,000	\$ 412,550	\$ 487,550
EPA In-Kind Amount	\$ 0	\$ 0	\$ 0
Unexpended Prior Year Balance	\$ 0	\$ 0	\$ 0
Other Federal Funds	\$ 0	\$ 0	\$ 0
Recipient Contribution	\$ 789,330	\$ 0	\$ 789,330
State Contribution	\$ 0	\$ 0	\$ 0
Local Contribution	\$ 0	\$ 0	\$ 0
Other Contribution	\$ 0	\$ 0	\$ 0
Allowable Project Cost	\$ 864,330	\$ 412,550	\$ 1,276,880

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.001 - Air Pollution Control Program Support	Clean Air Act: Sec. 105	2 CFR 200 2 CFR 1500 40 CFR 33 and 40 CFR 35 Subpart A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2004VW0109	20	E1	04V2	000A04	4112			412,550
									412,550

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$1,227,104
2. Fringe Benefits	\$451,942
3. Travel	\$4,446
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$0
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$1,683,492
10. Indirect Costs: <u>12.40%</u> Base <u>Cost Allocation Plan</u>	\$152,160
11. Total (Share: Recipient <u>43.00 %</u> Federal <u>57.00 %</u> .)	\$1,835,652
12. Total Approved Assistance Amount	\$1,046,322
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$412,550
15. Total EPA Amount Awarded To Date	\$487,550

Administrative Conditions

The following administrative terms and conditions are revised.

GRANT-SPECIFIC ADMINISTRATIVE CONDITIONS

A. Correspondence Condition

The terms and conditions of this agreement require the submittal of reports, specific requests for approval, or notifications to EPA. Unless otherwise noted, all such correspondence should be sent to the following email addresses:

- Federal Financial Reports (SF-425): rtpfc-grants@epa.gov
- MBE/WBE reports (EPA Form 5700-52A): R4epagrantsmbewbereporting@epa.gov
morrisette.michael@epa.gov
- All other forms/certifications/assurances, Indirect Cost Rate Agreements, Requests for Extensions of the Budget and Project Period, Amendment Requests, Requests for other Prior Approvals, updates to recipient information (including email addresses, changes in contact information or changes in authorized representatives) and other notifications:

Michael Morrisette / Grants Management Specialist
morrisette.michael@epa.gov
404-562-9551

Miya Smith / Project Officer
smith.miya@epa.gov
404-562-9091

Payment requests (if applicable):
Miya Smith / Project Officer
smith.miya@epa.gov
404-562-9091

Quality Assurance documents, workplan revisions, equipment lists, programmatic reports and deliverables:

Miya Smith / Project Officer
smith.miya@epa.gov
404-562-9091

C. Disadvantaged Business Enterprise

UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES

GENERAL COMPLIANCE, 40 CFR, Part 33

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33 except as described below based upon the associated class deviation.

EPA MBE/WBE CERTIFICATION, 40 CFR, Part 33, Subpart B

A class exception to the following provisions of Subpart B of 40 CFR Part 33 has been issued suspending the EPA MBE/WBE certification program: §33.204(a)(3) providing that an entity may apply to EPA MBE or WBE certification after unsuccessfully attempting to obtain certification as otherwise described in §33.204; and §33.205 through and including §33.211. The class exception was authorized pursuant to the authority in 2 CFR 1500.3(b).

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- (e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- (f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302 (a)-(d) and (i).

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

A class exception to the entire Subpart D of 40 CFR Part 33 has been authorized pursuant to the authority in 2 CFR 1500.3(b). Notwithstanding Subpart D of 40 CFR Part 33, recipients are not required to negotiate or apply fair share objectives in procurements under assistance agreements.

MBE/WBE REPORTING- SPECIFIC CHANGES PURSUANT TO CLASS DEVIATION, 40 CFR, Part 33, Subpart E

When required, the recipient agrees to complete and submit a "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report (EPA Form 5700-52A) on an annual basis. The current EPA

Form 5700-52A can be found at the EPA Grantee Forms Page at <https://www.epa.gov/grants/epa-grantee-forms>.

Reporting is required for assistance agreements where funds are budgeted for procuring construction, equipment, services and supplies (including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the "Other" category) with a cumulative total that exceed the threshold amount of \$250,000, including amendments and/or modifications. When reporting is required, all procurement actions are reportable, not just that portion which exceeds \$250,000.

MBE/WBE reports should be sent to:

To: R4epagrantsmbewberegarding@epa.gov

and

Cc: morrisette.michael@epa.gov

Annual reports are due by October 30th of each year. Final reports are due by October 30th or 90 days after the end of the project period, whichever comes first. This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502.

All other administrative terms and conditions remain the same.

Programmatic Conditions

The following terms and conditions have been added.

GRANT-SPECIFIC PROGRAMMATIC TERMS AND CONDITIONS

H. Verification of Annual Recurring Maintenance of Effort:

In accordance with Section 105 of the Clean Air Act, a Recipient's MOE must meet or exceed its prior year's MOE level. As required by General Term and Condition 14, the Recipient shall submit an annual (interim) Federal Financial Report (FFR), Standard Form 425 (SF-425), to EPA no later than 90 calendar days after the end of each budget period year. The form is available on the internet at <https://www.epa.gov/financial/forms>. All FFRs must be submitted to the EPA Finance Center via email it to rtpfc-grants@epa.gov or mail it to:

US Environmental Protection Agency RTP-Finance Center (Mail Code AA216-01) 4930 Page Rd.
Durham, NC 27711

An electronic copy should also be sent to the EPA Project Officer. Included with the annual FFR must be an analysis of the recipient's recurrent and non-recurrent expenditures. If such analysis is unavailable for the current period, as authorized by the statutory authority, the recipient may provide such totals for the prior year.

I. Quality Management Plan (QMP) Term and Condition

In accordance with 2 CFR 1500.11, the recipient shall continue to implement and adhere to the Quality Management Plan (QMP) submitted to EPA. The QMP should be updated every 5 years or as necessary based on the EPA QA/R-2: EPA Requirements for Quality Management Plans. This quality assurance

requirement applies to all grants, cooperative agreements, contracts and interagency agreements that involve the use of environmental data.

If not included under the approved QMP, a stand-alone Quality Assurance Project Plan (QAPP) is required for those projects/activities that result in the collection, production and/or use of environmental information, metrics or data. The recipient agrees to ensure that an approved site specific QAPP is completed for each project. No environmental data collection, production, or use may occur until the QAPP is reviewed and approved by the EPA Technical Project Officer and Quality Assurance Regional Manager or through an authorized delegation under an EPA approved recipient QMP based on procedures documented in the QMP. A copy of the approved QAPPs must be retained with the recipient's official records for this agreement.

All other programmatic terms and conditions remain the same.