

Memorandum



Date: May 4, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

Agenda Item No. 8(L)(1)

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Resolution No. R-432-21

Subject: Resolution Retroactively Authorizing the Submission of an EPA Grant Application for \$180,000.00 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 approval of, a Clean Air Act Section 103 Cooperative Agreement Grant No. 01D06220 with the United States Environmental Protection Agency (EPA) for \$180,000.00 to support the Air Pollution Control Program and Fine Particulate Matter (PM 2.5) 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

Under the attached Cooperative Agreement, air monitoring activities will be conducted countywide.

Fiscal Impact/Funding Source

This resolution approves an EPA Clean Air Act Cooperative Agreement that will award up to \$180,000.00 to the County with no matching funds required during the term of April 1, 2020 through March 31, 2022. All County costs incurred by performing the air monitoring activities under the Cooperative Agreement are funded by this grant.

Track Record/Monitor

The Assistant Director of the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM), Lee Hefty, will monitor the Cooperative Agreement.

Background

Section 103 of the Federal Clean Air Act mandates the appropriation and distribution of funds through grants to state and local air pollution agencies for testing, measurement, monitoring, data quality assurance, and analysis of ambient air concentration of Fine Particulate Matter (PM 2.5). On January 24, 2020, on behalf of the County, RER-DERM applied for an EPA Clean Air Act Section 103 Cooperative Agreement Grant to support the Fine Particulate Matter (PM 2.5) Air Monitoring Network throughout Miami-Dade County. On March 18, 2020, the EPA awarded Cooperative Agreement Grant No. 01D06220 to the County, granting an initial \$90,000.00 of the \$180,000.00 total approved assistance amount, with no matching funds required. This grant will support activities conducted by RER-DERM in accordance with Section 103 of the Clean Air Act, and this particular Cooperative Agreement runs from April 1, 2020 to March 31, 2022. DERM has a professional team of environmental technicians, chemists, and administrative support staff to perform the functions under the terms of this Cooperative Agreement.

On August 4, 2020, the EPA indicated in an email that the additional funding of \$90,000.00 for Federal Fiscal Year 2022 will be provided to the County in April or May of 2021. The EPA also

indicated that the EPA would provide the County with another Cooperative Agreement for said funds, but the programmatic terms and conditions are expected to remain the same as outlined in the Cooperative Agreement attached as Exhibit B.

Based on the federal guidelines, the Cooperative Agreements and the Administrative and Programmatic Conditions are typically valid for up to 10 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 January 2020. The subsequently awarded Cooperative Agreement did not require the recipient’s signature and was considered to be executed because the County did 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, the Section 103 Cooperative Agreement Grant No. 01D06220 with the EPA.

Delegation of Authority

This resolution would also delegate to the County Mayor or County Mayor's designee the authority to, for a 10-year period following the effective date of this resolution, apply for additional grants from the EPA under Grant No. 01D06220 provided that no County match is required and approve additional cooperative agreements in substantially the form attached as Exhibit B to the resolution. This resolution further delegates authority to the County Mayor or County Mayor's designee to approve changes to the cooperative agreements, after approval by the County Attorney's Office for form and legal sufficiency, provided that such changes are limited to changes to the reporting requirements.

With respect to the cooperative agreements, this resolution would authorize the County Mayor or County Mayor's designee to approve extensions of time; approve modifications/amendments to accept additional funds from the EPA, provided that no County match is required; and exercise the termination and cancellation clauses, all after approval by the County Attorney's Office for form and legal sufficiency.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: May 4, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(L)(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. 8(L)(1)
5-4-21

RESOLUTION NO. R-432-21

RESOLUTION RETROACTIVELY AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) IN THE AMOUNT OF \$180,000.00 TO SUPPORT A FINE PARTICULATE MATTER AIR MONITORING NETWORK IN MIAMI-DADE COUNTY; RETROACTIVELY APPROVING A COOPERATIVE AGREEMENT WITH THE EPA; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECEIVE AND EXPEND SUCH GRANT FUNDS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR ADDITIONAL GRANTS FROM THE EPA UNDER GRANT NO. 01D06220, PROVIDED THAT NO COUNTY MATCH IS REQUIRED, AND APPROVE ADDITIONAL COOPERATIVE AGREEMENTS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPROVE CHANGES TO THE COOPERATIVE AGREEMENTS PROVIDED THAT SUCH CHANGES ARE LIMITED TO CHANGES TO THE REPORTING REQUIREMENTS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPROVE EXTENSIONS OF TIME, APPROVE MODIFICATIONS AND AMENDMENTS TO ACCEPT ADDITIONAL FUNDS FROM THE EPA, AND EXERCISE THE TERMINATION AND CANCELLATION CLAUSES, ALL AFTER APPROVAL BY THE COUNTY ATTORNEY'S OFFICE

WHEREAS, this Board desires to accomplish the purposes outlined 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 \$180,000.00 to support a Fine Particulate Matter (PM 2.5) Air Monitoring Network in Miami-Dade County.

Section 2. This Board retroactively approves the Cooperative Agreement Grant No. 01D06220 with the EPA in substantially the form attached hereto and made part hereof as Exhibit B, and authorizes the County Mayor or County Mayor's designee to receive and expend such grant funds.

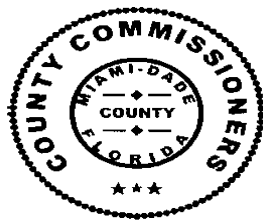
Section 3. This Board authorizes the County Mayor or County Mayor's designee to apply for additional grants from the EPA under Grant No. 01D06220 for a 10 year period following the effective date of this resolution, provided that no County match is required, and approve additional cooperative agreements in substantially the form attached as Exhibit B to this resolution; and authorizes the County Mayor or County Mayor's designee to approve changes to the cooperative agreements, after approval by the County Attorney's Office for form and legal sufficiency, provided that such changes are limited to changes to the reporting requirements.

Section 4. This Board authorizes the County Mayor or County Mayor's designee to approve extensions of time to the cooperative agreements; approve modifications and amendments to the cooperative agreements to accept additional funds from the EPA, provided that no County match is required; and exercise the termination and cancellation clauses in the cooperative agreements, all after approval by the County Attorney's Office for form and legal sufficiency.

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

	Jose “Pepe” Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon	absent
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of May, 2021. 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.

Abbie Schwaderer-Raurell

EXHIBIT A

OMB Number: 4040-0004
Expiration Date: 12/31/2022

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:

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:

Miami-Dade

* 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

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Mr.

* First Name:

Lee

Middle Name:

N

* Last Name:

Hefty

Suffix:

Title: Assistant Director

Organizational Affiliation:

* Telephone Number: 305-372-6754

Fax Number: 305-372-6759

* Email: heftyl@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:

66.034

CFDA Title:

Surveys, Studies, Research, Investigations, Demonstrations, and Special Purpose Activities
Relating to the Clean Air Act

* 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:

The primary objective of this project is to collect quality assured data on ambient air concentrations of fine particulate matter and its precursors.

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

18

* b. Program/Project

17, 18

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

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

04/01/2020

* b. End Date:

03/31/2022

18. Estimated Funding (\$):

* a. Federal

180,000.00

* b. Applicant

0.00

* c. State

0.00

* d. Local

0.00

* e. Other

0.00

* f. Program Income

0.00

* g. TOTAL

180,000.00

*** 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

01/16/2020

☐ 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

Add Attachment

Delete Attachment

View Attachment

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:

Mr.

* First Name:

Jack

Middle Name:

* Last Name:

Osterholt

Suffix:

* Title:

Deputy Mayor

* Telephone Number:

305-375-3076

Fax Number:

* Email:

jacko@miamidade.gov

* Signature of Authorized Representative:

Completed by Grants.gov upon submission.

* Date Signed:

Completed by Grants.gov upon submission.

EXHIBIT B

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement		GRANT NUMBER (FAIN): 01D06220 MODIFICATION NUMBER: 0 PROGRAM CODE: PM	DATE OF AWARD 03/18/2020	
			TYPE OF ACTION New		MAILING DATE 03/25/2020
			PAYMENT METHOD: ASAP		ACH# 40161
RECIPIENT TYPE: County			Send Payment Request to: Research Triangle Park Finance Center		
RECIPIENT: Miami - Dade County dba DERM 701 NW 1st Court, Ste-400 Miami, FL 33136 EIN: 59-6000573			PAYEE: Miami - Dade County dba DERM Steven P. Clark Center, 111 NW 1st Street, Suite 2910 Miami, FL 33128-2241		
PROJECT MANAGER Lee Hefty 701 NW 1st Court, Ste-400 Miami, FL 33136 E-Mail: Lee.Hefty@miamidade.gov Phone: 305-372-6954		EPA PROJECT OFFICER Kristine Johnson 61 Forsyth Street Atlanta, GA 30303-8960 E-Mail: johnson.kristine@epa.gov Phone: 404-562-9071		EPA GRANT SPECIALIST Michael Morrisette Grants & Audit Management Section E-Mail: morrisette.michael@epa.gov Phone: 404-562-9551	
PROJECT TITLE AND DESCRIPTION Particulate Matter (PM 2.5) Ambient Monitoring Network This action approves partial funding in the amount of \$90,000 to support Miami-Dade County ongoing collection of data on the ambient air concentrations of fine particulate matter and to support the county's efforts with staying in compliance with National Ambient Air Quality Standards.					
BUDGET PERIOD 04/01/2020 - 03/31/2022	PROJECT PERIOD 04/01/2020 - 03/31/2022	TOTAL BUDGET PERIOD COST \$180,000.00	TOTAL PROJECT PERIOD COST \$180,000.00		
NOTICE OF AWARD					
Based on your Application dated 01/24/2020 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$90,000. EPA agrees to cost-share <u>100.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$90,000. 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 61 Forsyth Street Atlanta, GA 30303-8960		ORGANIZATION / ADDRESS 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 03/18/2020	

EPA Funding Information

PM - 01D06220 - 0 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 0	\$ 90,000	\$ 90,000
EPA In-Kind Amount	\$ 0	\$ 0	\$ 0
Unexpended Prior Year Balance	\$ 0	\$ 0	\$ 0
Other Federal Funds	\$ 0	\$ 0	\$ 0
Recipient Contribution	\$ 0	\$ 0	\$ 0
State Contribution	\$ 0	\$ 0	\$ 0
Local Contribution	\$ 0	\$ 0	\$ 0
Other Contribution	\$ 0	\$ 0	\$ 0
Allowable Project Cost	\$ 0	\$ 90,000	\$ 90,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.034 - Surveys-Studies-Investigations-Demonstrations and Special Purpose Activities relating to the Clean Air Act	Clean Air Act: Sec. 103	2 CFR 200 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2004VW0063	20	E1	04V2	000A04XPM	4112	-	-	90,000
									90,000

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$88,652
2. Fringe Benefits	\$32,651
3. Travel	\$0
4. Equipment	\$31,032
5. Supplies	\$16,663
6. Contractual	\$0
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$168,998
10. Indirect Costs: 12.41% Base Salary and Fringe	\$11,002
11. Total (Share: Recipient 0.00 % Federal 100.00 %.)	\$180,000
12. Total Approved Assistance Amount	\$180,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$90,000
15. Total EPA Amount Awarded To Date	\$90,000

Administrative Conditions

GENERAL TERMS AND 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>.

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

Kristine Johnson / Project Officer
johnson.kristine@epa.gov
404-562-9071

Payment requests (if applicable):
Kristine Johnson / Project Officer
johnson.kristine@epa.gov
404-562-9071

Quality Assurance documents, workplan revisions, equipment lists, programmatic reports and deliverables:
Kristine Johnson / Project Officer
johnson.kristine@epa.gov
404-562-9071

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

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: R4epagrantsmbewbereporting@epa.gov

and

Cc: morrissette.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.

Programmatic Conditions

GRANT-SPECIFIC PROGRAMMATIC TERMS AND CONDITIONS

A. Performance Reporting:

In accordance with 2 CFR §200.328 (b)(1-2)(i-iii), the recipient agrees to submit an annual performance report that includes brief information on each of the following areas: a) a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period.; b) the reasons for slippage if established outputs/outcomes were not met; and c) additional pertinent information, including when appropriate, analysis and information of cost overruns or high unit costs. The annual performance report will cover the time period beginning January 1 through December 31 of each year. The report is due annually by March 31.

B. Air Quality Index Forecasting:

As resources permit, the grantee agrees to participate in Air Quality Index forecasting for those areas with continuous PM2.5 monitoring and report all continuous PM2.5 data to AQS and to the PM2.5 mapping program.

C. EPA Involvement in Cooperative Agreement (Substantial Involvement)

EPA's role in the Agreement will include the review and approval of the grantee's PM 2.5 annual monitoring network plan.

D. Problems, Delays or Adverse Conditions

In accordance with 2 CFR §200.328(d)(1), the recipient agrees to inform EPA as soon as problems, delays or adverse conditions become known which materially impair the ability to meet the outputs/outcomes in the assistance agreement workplan.

E. Quality Assurance

The grantee agrees to review and update quality assurance project plans and standard operating procedures in accordance with 2 CFR §1500.11 and EPA Region 4 policies. No work involving direct measurements or data generation, environmental modeling, compilation of data from literature or electronic media, and data supporting the design, construction, and operation of environmental technology shall be initiated under this project until the EPA Project Officer, in concert with the EPA Quality Assurance Manager, has approved the quality assurance documentation. A quality assurance project plan (QAPP) must be developed by the grantee before environmental activities/monitoring begins. After a QAPP is approved it is verifiable throughout the life of the project. This policy is in accordance with the national guidelines for quality assurance from the Office of Environmental Information (OEI). For more information on quality assurance requirements, go to <http://www.epa.gov/quality/>.

F. 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 http://www.epa.gov/fem/lab_comp.htm or a copy may also be requested by contacting the EPA project officer for this award.

G. 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.

H. Cybersecurity Grant Condition for Other Recipients

Applicable to local governments and New Award actions only (unless the t/c was not included in a previous funding action). APOs should review prior funding actions and verify.

(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.