

RESOLUTION NO. 024-20R

A RESOLUTION APPROVING THE CITY'S PARTICIPATION IN THE PUBLIC ASSISTANCE PROGRAM ADMINISTERED BY THE OHIO EMERGENCY MANAGEMENT AGENCY, DISASTER RECOVERY BRANCH, FOR THE CORONAVIRUS PANDEMIC; APPOINTING AN AUTHORIZED AGENT; AND AUTHORIZING THE EXECUTION OF THE STATE-LOCAL DISASTER ASSISTANCE AGREEMENT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, on March 31, 2020, the President declared that a major disaster existed in Ohio and ordered Federal assistance to supplement State and local recovery efforts in the areas affected by the Coronavirus Disease 2019 (COVID-19) pandemic beginning on January 20, 2020 and continuing; and

WHEREAS, the Ohio Emergency Management Agency (EMA), Disaster Recovery Branch, administers the Federal Emergency Management Agency (FEMA) Public Assistance (PA) Grant Program which provides reimbursement to State and Local Government and certain private non-profit (PNP) organizations to respond to and recover from the extraordinary cost burden of disaster related activities; and

WHEREAS, the Federal Emergency Management Agency (FEMA) provides the majority of funding for this program and the federal share is no less than 75% of the eligible cost for emergency measures and permanent restoration from major disasters or emergencies declared by the President; and

WHEREAS, prior to the release of any federal or state funds, the City must appoint as authorized agent, approve the execution the State-Local Disaster Assistance Agreement, and provide federal tax identification form W-9; and

WHEREAS, the designated authorized agent is the point of contact for Ohio EMA and is responsible for all grant administration including ensuring work completion, maintaining documentation and ensuring all reporting requirements are met; and

WHEREAS, the total amount of grant funds requested is not to exceed \$50,000.00 and the City's share of 25% will be paid with Community Development Block Grant - Coronavirus (CDBG-CV) funds; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately submit the application and, if awarded, utilize the reimbursed funds at the earliest opportunity consistent with the grant agreement; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the

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aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter; and NOW, THEREFORE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission approves the City's participation in the Public Assistance Program administered by the Ohio Emergency Management Agency, Disaster Recovery Branch.

Section 2. This City Commission appoints the Finance Director as the authorized agent and approves the execution of the State-Local Disaster Assistance Agreement by the authorized agent, substantially in the same form as attached to this Resolution, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the terms of this Ordinance.

Section 3. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



KELLY L. KRESSER
CLERK OF THE CITY COMMISSION



OHIO DEPARTMENT OF PUBLIC SAFETY
EMERGENCY MANAGEMENT AGENCY

2855 W. DUBLIN GRANVILLE ROAD
COLUMBUS, OHIO 43235
614-799-3665

STATE-LOCAL AGREEMENT

MAJOR DISASTER DESIGNATION: FEMA-DR- 4507 -OH

FEDERAL AWARING AGENCY: **DEPARTMENT OF HOMELAND SECURITY, FEMA**

PASS THRU ENTITY: **OHIO EMERGENCY MANAGEMENT AGENCY**

FEDERAL AWARD: **PUBLIC ASSISTANCE GRANT PROGRAM**

CATALOG OF FEDERAL DOMESTIC ASSISTANCE: **97.036**

DATE OF PRESIDENTIAL DECLARATION: 3/31/2020

PRINT OR TYPE

APPLICANT (SUBRECIPIENT) NAME	ADDRESS	
CITY	COUNTY	ZIP+4
PHONE () -	FAX () -	
DUNS NUMBER	FEDERAL TAX ID NUMBER	
E-MAIL		

As authorized representative for the above named applicant / subrecipient, I have read and understand the State-Local Agreement and agree to comply, as an applicant / subrecipient of these funds, with all requirements described therein during the administration of the grant program.

In addition to signing below, execution of this agreement on behalf of the applicant / subrecipient requires the Authorized Agent's initial at the space provided on the remaining pages of this State / Local Agreement and completion the Ohio Risk Assessment.

APPLICANT'S AUTHORIZED AGENT	TITLE	
SIGNATURE X		DATE
ALTERNATE CONTACT (NAME, NUMBER, E-MAIL) – NOT REQUIRED		

SIGNED FOR THE STATE

GOVERNOR'S AUTHORIZED REPRESENTATIVE (GAR) Sima S. Merick	TITLE Governor's Authorized Representative	
SIGNATURE X		DATE

PROGRAM RISK MANAGEMENT

Title: Public Assistance Grants	CFDA Number 97.036
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APPLICANT ORGANIZATION INFORMATION

APPLICANT ORGANIZATION NAME AND COUNTY
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AUTHORITY

The purpose of this assessment is to evaluate the risk of the applicant organization. Limited program experience, results of previous audits, changes in personnel / systems and/or results of prior monitoring/site visits protocols may increase an applicant's degree of risk but will not preclude the applicant from becoming an applicant. The applicant's degree of risk may require additional monitoring during the grant period of performance, in accordance with 2 CFR, 200.331.
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QUESTIONS

<p>1. How many prior Public Assistance Program or similar federal grants has your organization managed during the past 10 years?</p> <p><input type="checkbox"/> Three (3) or more declaration grants</p> <p><input type="checkbox"/> Two (2) declaration grants</p> <p><input type="checkbox"/> One (1) declaration grant</p> <p><input type="checkbox"/> Zero (0) declaration grants</p> <p>2. What types of findings has your organization received in audits during the past 10 years?</p> <p><input type="checkbox"/> No significant findings</p> <p><input type="checkbox"/> Some minor findings</p> <p><input type="checkbox"/> Some moderate findings (corrective action must be made)</p> <p><input type="checkbox"/> Significant findings (funding must be returned)</p> <p>3. Have the personnel or systems your organization uses to manage grants changed during the past 10 years?</p> <p><input type="checkbox"/> No significant changes</p> <p><input type="checkbox"/> Some minor changes</p> <p><input type="checkbox"/> Some moderate changes (personnel or systems)</p> <p><input type="checkbox"/> Significant changes (personnel and systems)</p> <p>4. What types of findings has your organization received in monitoring or site visits during the past 10 years?</p> <p><input type="checkbox"/> No significant findings</p> <p><input type="checkbox"/> Some minor findings</p> <p><input type="checkbox"/> Some moderate findings (corrective action must be made)</p> <p><input type="checkbox"/> Significant findings (funding must be returned)</p>
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CERTIFICATION

I certify the information provided in this assessment is true and accurate, and that all occurrences of prior grant non-compliance have been disclosed.

AUTHORIZED REPRESENTATIVE SIGNATURE	DATE
X	
AUTHORIZED REPRESENTATIVE PRINTED	TITLE

STATE-LOCAL DISASTER ASSISTANCE AGREEMENT

PURPOSE

This agreement between the State of Ohio Emergency Management Agency (Ohio EMA), Governor's Authorized Representative (GAR) and _____,
(Name of Applicant)

shall be effective on the date signed by the Ohio EMA and the Applicant and shall apply to all assistance funds provided by or through the Ohio EMA to the Applicant during the administration of the Public Assistance (PA) Grant.

DEFINITIONS AND ASSIGNMENT OF RESPONSIBILITIES

1. Applicant – The sub-recipient.
2. Authorized Agent – The individual designated by the Applicant to oversee the FEMA PA Program.
3. Federal award – The Federal financial assistance that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity. **Public Assistance (PA) Grant.**
4. Federal awarding agency – The Federal agency that provides a Federal award directly to a non-Federal entity. **Department of Homeland Security-Federal Emergency Management Agency (FEMA).**
5. Governor's Authorized Representative (GAR) – The person designated by the Governor to act as the individual designated to administer the PA Grant on behalf of the pass-through entity. **Executive Director, Ohio EMA.**
6. Non-Federal entity – A state, local government, Indian tribe, institution of higher education, or non-profit organization that carries out a Federal award as a recipient or sub-recipient. **Ohio EMA and the Applicant.**
7. P.4. Project Completion and Certification Report (P.4.) – The P.4. reflects a summary of all eligible Project Worksheets under the Federal award. Signature by the Applicant and the Ohio EMA certifies completion of work as required under the Federal award.
8. Pass-Through entity – A non-Federal entity that provides a sub-award to a sub-recipient to carry out part of a Federal program. **Ohio EMA.**
9. Project Worksheets – Project Worksheets (PWs) document actual or estimated costs to complete the scope of work outlined in the PW. Each PW reflects all or a portion of the Federal award.
10. Recipient – A non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. **Ohio EMA.**
11. Sub-Award – An award provided by a pass-through entity to a sub-recipient for the sub-recipient to carry out part of a Federal award received by the pass-through entity. **The Applicant's PA Grant.**
12. Sub-Recipient – A non-Federal entity that receives a sub-award from a pass-through entity to carry out part of a Federal program. **The Applicant.**

The Authorized Agent of the Applicant certifies that:

1. The Applicant agrees that this State-Local Disaster Assistance Agreement will not be active nor program funds obligated until the Ohio EMA approves, through signature, the State-Local Disaster Assistance Agreement.
2. The Applicant's Authorized Agent has the legal authority to apply for assistance on behalf of the Applicant.
3. The Applicant shall use the PA Grant solely for the purposes for which these funds are provided and as approved by the Ohio EMA and / or FEMA.
4. The Applicant agrees to comply with the PA Grant requirements found in the most recent version of Title 44 Code of Federal Regulations (CFR), 2 CFR 200 and the Federal Acquisition Regulations (FAR) Part 31.2 as applicable and as amended, and other laws, regulations and policies governing the PA Grant Program.
5. The Applicant agrees to provide the necessary local match required under the PA Grant and that funding will be available within the specified period of time for completion of the project(s).

_____ Initials of Authorized Agent

6. Within 90 days completion of the last small project (those projects currently under \$125,500), the Applicant shall submit the P.4., certifying completion of the approved scope of work and reflecting actual costs to complete Project Worksheets (PWs).
7. Within 90 days completion of each large project (those currently over \$125,500), the Applicant shall submit all paperwork documenting completion of the approved scope of work and actual costs incurred.
8. The Applicant shall return to the Ohio EMA any funds that are not supported by audit or other federal or state programmatic requirements.
9. The Applicant shall comply with all applicable local, State and Federal ordinances, laws, regulations, building codes and standards as pertains to the PA Grant.
10. The Applicant shall comply with the Federal Financial Accountability and Transparency Act (FFATA) by registering their entity at www.sam.gov and thereafter, annually renewing the account to ensure the account remains active. Ohio EMA is required to report to www.usaspending.gov all PA grants in excess of \$25,000. In order to properly report that spending, the Applicants need to have active accounts registered at www.sam.gov. Additional information on FFATA can be found in the PA Applicant's Handbook.
11. The Applicant is required to follow applicable local, State and Federal procurement rules and regulations, whichever is most restrictive. Federal procurement rules are found at 2 CFR §200.317-326.
12. The Applicant must permit Ohio EMA and auditors to have access to the Applicant's records and financial statements as necessary for the Ohio EMA to meet the requirements of 2 CFR §200.331.
13. The Applicant shall comply with all time frames for completion of projects as they apply to the PA Grant, unless a time extension is granted by the Ohio EMA or by FEMA. Completion timeframes are outlined at 44 CFR §206.204.
14. As stated in 2 CFR §200.113, in a timely manner, the Applicant must disclose to Ohio EMA, all violations of Federal criminal law involving fraud, bribery or gratuity violations potentially affecting the PA Grant.
15. As stated in 2 CFR §200.205 and 2 CFR §200.331, the Federal Awarding Agency and Pass-Through Entity must evaluate risks posed by Applicants, to include consideration of financial stability, history of performance with prior Federal awards, reports and findings from audits performed under 2 CFR Subpart F, etc. As a result of this risk evaluation, additional specific award conditions may be placed on an Applicant by FEMA (2 CFR §200.207) or Ohio EMA (2 CFR §200.338). Applicants with additional award conditions will be notified in writing of those conditions.
16. As stated in 2 CFR §200.501, any local government, state agency / department, and private non-profit organization expending a total of \$750,000 or more in total federal financial assistance in any fiscal year are required to have a single audit performed.

Those local governments, state / agencies / departments, or private non-profit organizations expending less than \$750,000 in total federal financial assistance must supply the Ohio EMA Public Assistance Officer (PAO) with a certification from a clerk / treasurer, for each fiscal year PA funds are expended, certifying that a Single Audit is not required. Certifications should be submitted no later than 180 days following the end of the audit period.
17. As stated in 2 CFR §200.512, the Applicant must submit their Single Audit Reporting Package to the Federal Audit Clearinghouse (FAC) within the earlier of 30 days after receipt of the audit or nine months after the end of the audit period.
18. As stated in 2 CFR §200.511, the Applicant is responsible for follow-up and corrective action on all audit findings.
19. Findings for recovery, from the Ohio EMA or the federal entity, against the Applicant, will be deducted from the Applicant's remaining balance of eligible federal and / or state funds. If all funding has been disbursed, the Ohio EMA PAO will initiate collection proceedings.
20. Throughout the lifetime of the PA grant program, it is the responsibility of the Applicant to inform the State (or private) examiner of their participation in this Program at the time of their respective single audits.

_____ Initials of Authorized Agent

21. As stated in 2 CFR §200.302, the financial management system of each non-Federal entity must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations and the terms and conditions of the PA Grant.
22. As stated in 2 CFR §200.305 (8), the Applicant must return any interest earned from federal funds in excess of \$500 annually to the Department of Health and Human Services. See this § for additional parameters regarding interest bearing accounts.
23. As stated in 2 CFR §200.311, subject to the obligations and conditions set forth in this §, title to real property acquired or improved under a Federal award will vest upon acquisition in the non-Federal entity.
24. The Applicant shall comply with all State statutes, policies and regulations relating to equal employment opportunities, non-discrimination, prevailing wages, environmental and historic preservation and floodplain management. This includes the Department of Public Safety polices, DPS-501.39 and 501.40. These polices are included in the PA Applicant's Handbook that is provided at the PA Applicant's Briefing and at oh.emgrants.com.
25. The Applicant shall not enter into contracts for which payment is contingent upon receipt of state or federal funds.
26. The Applicant will provide to the Ohio EMA a Quarterly Progress Report (QPR) of all outstanding approved projects until said projects are complete. The first report will be due three (3) months from the date of the declaration unless waived by the Ohio EMA.
27. The Applicant is required to contact the Ohio EMA immediately regarding any changes to their PA Grant, to include:
 - a. Changes in the scope of work, which must be approved by the Ohio EMA / FEMA prior to work being completed;
 - b. Changes in method of repair, which must be approved by Ohio EMA / FEMA prior to work being completed;
 - c. Significant project cost overruns / underruns;
 - d. Non-accomplishment of approved project or intentional cancellation of the project;
 - e. Need for time extension to allow for completion of project within specified deadlines;
 - f. Actions required to rectify findings of a Single Audit concerning the PA Grant, and;
 - g. Any other changes regarding the Applicant's PA Grant (such as a change in the Authorized Agent).
28. The Applicant understands that failure to timely submit the required Quarterly Progress Reports (QPRs) or to forward a completed P.4 Project Completion and Certification Report may result in forfeiture of all or a portion of the State share.
29. The Applicant will maintain all PA Grant documentation for three (3) years upon Ohio EMA's closeout of the Applicant's PA Grant.

The Governor's Authorized Representative as Ohio EMA certifies that:

1. The Ohio EMA shall deliver assistance as expeditiously as possible, consistent with 2 CFR 200 and will provide technical assistance to all Applicants.
2. The Ohio EMA shall inform all Applicants of the status of their application, approvals, and shall provide copies of Project Worksheets.
3. The Ohio EMA notifies the Applicant of its PA Grant and project descriptions through the P.4. Project Completion and Certification Report and Project Worksheets, respectively.

_____ Initials of Authorized Agent

4. Signature on the State / Local Agreement by the Applicant and the GAR will happen upon initiation of the PA Grant only, unless there is a change of the Applicant's Authorized Agent over the course of administering the PA Grant. Revisions to the PA Grant will be reflected in the P.4. Project Completion and Certification Report and in the Project Worksheets.
5. The Ohio EMA shall, on behalf of the Applicant, submit appeals to FEMA.
6. The Ohio EMA agrees to provide the necessary State match which will be available within the specified period of time for completion of projects. The State match for small projects (inclusive) will be based on the amount claimed by the Applicant up to the original (FEMA) approved amount.
7. The Ohio EMA will monitor the Applicants to facilitate their compliance with all laws, regulations, policies and executive orders pertaining to the PA Grant.
8. The Ohio EMA PA Program Staff will review each Single Audit Report to assure that:
 - a. If applicable, the grant(s) received that fiscal year are included on the Schedule for Federal Financial Assistance section of the Single Audit Report and that the report properly addresses the PA grant program, as required under 2 CFR §200, Subpart F, and appropriate OMB Guidance.
 - b. Any of the PA program activities, which may have been tested by the state or private examiners, are in compliance with all regulations pertaining to the PA grant program and Single Audit requirements.
 - c. Audit findings pertaining to the PA grant will be addressed through a Management Decision, per 2 CFR §200.521.
9. Upon receipt of an Applicant's P.4., Ohio EMA will provide to FEMA within 90 days, certification that an Applicant's small projects are closed.
10. Upon receipt of closeout documentation, Ohio EMA will provide to FEMA within 90 days, a final inspection report to closeout an Applicant's large project(s).
11. Ohio EMA will notify the Applicant in writing of the closeout date of their PA Grant.

_____ Initials of Authorized Agent

AUTHORITIES

1. 42 U.S.C. 5121-5206, Public Law 93-288, as amended (Public Laws 100-707 and 106-390) The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988
2. FEMA Regulation, 44 CFR 10 and 206 (includes subparts G, H, and I)
3. Public Assistance Program and Policy Guide and other PA related policies, fact sheets and SOPs
4. 2 CFR Part 200
5. National Environmental Policy Act (NEPA)
6. Title VI of the Civil Rights Act of 1964
7. 16 U.S.C. 1531, Endangered Species Act
8. 16 U.S.C. 470, National Historic Preservation Act
9. 16 U.S.C. 3501, Coastal Barrier Resources Act
10. Executive Order 11988, Floodplain Management
11. Executive Order 11990, Protection of Wetlands
12. Executive Order 12898, Environmental Justice
13. Executive Order 12612, Federalism
14. Executive Order 12699, Seismic Design
15. Clean Water Act (Section 404)
16. FEMA / State Agreement
17. Ohio Revised Code 5915, as amended

Below are the requirements as set forth by the Federal Emergency Management Agency (FEMA) under FEMA Form 20-16A, Assurances-Nonconstruction Programs, FEMA Form 20-16B, Assurances-Construction Programs and FEMA Form 20-16C, Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements. ***By signing the State-Local Disaster Assistance Agreement, the designated Authorized Agent for the Public Assistance Grant Program certifies that the applicant will comply with the terms of the State-Local Disaster Assistance Agreement and the identified FEMA Assurances and Certifications.***

NOTE:

Certain of these assurances may not be applicable to your project or program. If you have any questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

Items 1-28 below are the compilation of FEMA Form 20-16A and 20-16 B.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability *(including funds sufficient to pay the non-Federal share of project costs)* to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

_____ Initials of Authorized Agent

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Section 4727-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P. L. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. Sections 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. Sections 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Sections 523 and 527 of the Public Health Service Act of 1912, (42 U.S.C. 290-dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Acts of 1968 (42 U.S.C. Section 3601 et. seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provision in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Title II and III of the Uniformed Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or Federally assisted programs. These requirements apply to all interest in real property acquired for project purposes regardless of Federal participation in purchase.
8. Will comply with provisions of Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328) which limit the political activities of employees whose principle employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Sections 276a to 276a-7) the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Sections 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable with flood insurance purchase requirements of Section 102a of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. Sections 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176 (c) of the Clean Air Act of 1955, as amended (42 U.S.C. Section et seq.); (g) protection of underground sources of drinking water under Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. Sections 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers systems.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-et seq.).
14. Will comply with P.L 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 9-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

Initials of Authorized Agent

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Sections 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.
19. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.
20. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
21. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
22. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.
23. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Sections 4801-et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
24. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117-1961, as modified (41CFR 101-17.703). The applicant will be responsible for conducting inspections to ensure compliance with these specifications by the contractor.
25. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
26. In making subgrants with nonprofit institutions under this Comprehensive Cooperative Agreement, it agrees that such grants will be subject to OMB Circular A-122, "Cost Principles for Non-profit Organization" including but not limited to, the "Lobbying Revision" published in vol 49, Federal Register, pages 18260 through 18277 (April 27, 1984).
27. It will obtain approval by the appropriate Federal agencies of the final working drawings and specifications before the project is advertised or placed on the market for bidding; that it will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications; that it will submit to the appropriate Federal agency for prior approval changes that alter the cost of the project, use of space, or functional layout; that it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.
28. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State, and local agencies for the maintenance and operation of such facilities.

_____ Initials of Authorized Agent

Below is text of FEMA Form 20-16C

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on the State-Local Disaster Assistance Agreement provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying" and 28 CFR Part 17, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the transaction, grant, or cooperative agreement.

1. LOBBYING

As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperating agreement over \$ 100,000, as defined at 44 CFR Part 18, the applicant certifies that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting 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 the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.
- b. If any other funds than Federal appropriated funds have been paid or will be paid to any other person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or an employee of Congress, or employee of a member of Congress in connection with this Federal Grant or cooperative agreement, the undersigned shall complete and submit Stand Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- c. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

NOTE: By signing the State-Local Agreement, the applicant agrees that, should the proposed covered transaction (the primary covered transaction) be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by FEMA entering into this transaction.

The applicant further agrees by application to the Public Assistance Program that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the FEMA Regional Office entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (Refer to 28 CFR Part 17.)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 17, Section 17.510-A.

- A. The applicant certifies that it and its principals:
 - 1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
 - 2. Have not within a three-year period preceding this application been convicted of a or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public a public (Federal ,State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

_____ Initials of Authorized Agent

3. Are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
4. Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause of default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEE OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR Part 17.615 and 17.620.

A. The applicant certifies that it will continue to provide a drug-free workplace by;

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an on-going drug free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (1);
4. Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will:
 - a. Abide by the term of the statement; and
 - b. Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring on the workplace no later than five calendar days after such convictions;
5. Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (4) (b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position, title, to the applicable FEMA awarding office, i.e., regional office or FEMA office.
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (4) (b), with respect to any employee who is convicted-
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation act of 1973, as amended; or
 - b. Requiring such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

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